



## AEQUITAS NEWSLETTER Nr 19

September 27, 2025

### STATEMENT OF THE FIRST PRESIDENT OF THE SUPREME COURT IN CONNECTION WITH THE POSITION OF THE ASSOCIATION OF POLISH JUDGES "IUSTITIA"

In September 2025, the President of the Association of Polish Judges **"Iustitia" sent a letter to certain Supreme Court judges, along with a statement from the Association's board. The letter requested "the immediate cessation of judicial activity."**

**The First President indicated that the above action is precedent-setting, as it undermines the principle of judicial independence,** and the Association has consistently declared its commitment to the rule of law and the protection of the independence of the Polish judiciary. The statement also suggests a "biased interpretation of the judgment of the Court of Justice of 4 September 2025 (C-225/22)"—an interpretation that is not only one-sided but also illegitimate, disregarding the overall case law of the Court of Justice and the European Court of Human Rights in cases concerning the judiciary in Poland in recent years. **Demands on judges to cease adjudicating appear to be an arrogant attempt at external interference in the sphere of judicial independence, an example of pressure intended to directly influence the actions taken by judges and their decisions.**

Finally, the First President of the Supreme Court pointed out that imposing an erroneous interpretation of a CJEU judgment and expecting specific judicial decisions desired by the Association blatantly interferes with judicial independence and undermines the foundations of the functioning of the judiciary. In itself, it may expose citizens to legal chaos and the need for repeated court proceedings.

<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1127-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia>

### DECISION OF THE NATIONAL ELECTORAL COMMISSION REGARDING THE REQUEST TO DISMISS 43 ELECTORAL COMMISSIONERS

**The National Electoral Commission (PKW) has considered a motion from the Minister of Internal Affairs and Administration to dismiss 43 election commissioners.** The motion was a result of a request from the Minister of Justice. The justification for the motion was that judges serving as election commissioners participated in the nomination process under the regulations in force after 2017 or supported candidates for the National Council of the Judiciary.

**The motion was dismissed because the Electoral Code does not provide for such a procedure for dismissing an election commissioner.** In particular, it is impossible to dismiss a commissioner without a clear and specific reason. **This decision, it should be emphasized, was made by a majority vote, regardless of the political affiliation of the Commission members,** which raises hopes that at least matters concerning the conduct and oversight of election procedures remain outside the current political dispute.

We leave to readers the question of why both ministers submitted a motion without legal basis and publicized their initiative in the media.

<https://www.money.pl/gospodarka/zurek-i-kierwinski-kontra-pkw-zaden-minister-nie-ma-takich-uprawnien-7202954195077728a.html>

<https://niezalezna.pl/polska/pkw-miazdzy-narracje-rzadu-ws-komisarzy-nie-ma-przeslanek-ustawowych/552565?s=09>

## **SELECTION OF SPEAKERS TO PRESENT AT THE POLISH-GERMAN SEMINAR ON THE STATE OF THE RULE OF LAW IN POLAND IN THE YEARS 2018-2023**

**A Polish-German seminar on the rule of law in light of the needs and expectations of the justice system and law enforcement agencies, organized by the National School of Judiciary and Public Prosecution in cooperation with the German Academy of Judges, is scheduled to take place in Wustrau, Germany, on September 29, 2025.** The Polish-German discussion will focus on the rule of law in Poland. The list of speakers includes representatives of the judges' association "Iustitia" and Deputy Minister of Justice Dariusz Mazur.

The Deputy Minister will present a paper on "The Rule of Law in Poland after the 2023 Elections," while Bartłomiej Przymusiński from "Iustitia" – along with a German judge – will present a paper on "Judicial Independence in the Light of the Recent Case Law of the European Court of Human Rights in Strasbourg – Implementation in Germany and Poland."

The deadline for submitting candidates to participate in the conference was the second half of August. Dr. Monika Smusz-Kulesza, a member of the board of the National Association of Judges "Aequitas," also submitted a proposal to speak. **On September 1st of this year, Judge Monika Smusz-Kulesza was entrusted with preparing a paper on the topic "Election of Supreme Court Judges in Poland."** The paper was prepared, and Judge Smusz-Kulesza informed the Polish organizers of the training. However, in recent days, the judge received information that due to "program changes," she would no longer deliver the prepared paper, and that the paper on this topic would be presented by Bohdan Bieniek, the Supreme Court Judge. Unfortunately, **it is likely that the organizers concluded that the judge's narrative would not mesh well with the presentations of other speakers, especially since the assigned topic was not completely removed from the program but assigned to another person.**

<https://niezalezna.pl/polska/sedziowie-z-polski-jada-do-niemiec-mowic-o-praworzadnosci-nagle-odkryli-ze-ktos-moze-popsuc-ich-narracje/552908>



## PRIME MINISTER IGNORES CONSTITUTIONAL COURT JUDGMENT – COMPANY SUES GOVERNMENT

A Sanok-based company has decided to sue the Prime Minister of Poland for failing to publish the Constitutional Tribunal's judgment of August 7, 2025. The judgment declares the regulations that forced the company to pay a license fee despite the company having ceased operations unconstitutional.

Citing controversy surrounding the composition of the court (the presence of a so-called "dubler judge"), the Prime Minister is refusing to publish this judgment, among other things, which prevents the company from resuming court proceedings that ended unfavorably for it.

The company's legal counsel emphasizes that the lawsuit is an expression of frustration with the impasse between state authorities, which is actually harming businesses. The company is demanding not only justice for itself but also the restoration of the principle of legality in government action.

This case demonstrates the importance of transparency and timely publication of Constitutional Tribunal rulings for protecting the interests of citizens and businesses. The failure to publish the judgment in the Journal of Laws is not only a violation of the constitutional obligation but also a real impediment for citizens and businesses seeking to assert their rights. This is not the first case where the executive power has ignored the judgments of the Constitutional Tribunal, undermining the foundations of the rule of law.

<https://serwisy.gazetaprawna.pl/orzeczenia/artykuly/9893904,sad-nakaze-premierowi-publikacje-wyroku-tk-domaga-sie-tego-jedna-z-firm.html>  
[share.google/NG6jqEpsOf05gFQMo](https://share.google/NG6jqEpsOf05gFQMo)

## JUDGMENT OF THE CONSTITUTIONAL TRIBUNAL CONCERNING THE REFUSAL TO PUBLISH THE JUDGMENTS OF THE CONSTITUTIONAL TRIBUNAL

In its judgment of September 23, 2025, file reference P 3/25, the Constitutional Tribunal ruled that the provision of Article 21, paragraph 1, point 1, in conjunction with Article 9, paragraph 1, point 6, of the Act of July 20, 2000, on the Promulgation of Normative Acts and Certain Other Legal Acts (Journal of Laws of 2019, item 1461), understood to mean that the effects of a judgment of the Constitutional Tribunal and the obligation to apply it by all public authorities become effective only upon the technical act of publishing that judgment in the Journal of Laws of the Republic of Poland, is inconsistent with Article 2, in conjunction with Article 10, in conjunction with Article 173, in conjunction with Article 45, paragraph 1, of the Constitution of the Republic of Poland. In other words, the lack of publication of a judgment of the Constitutional Tribunal is not a necessary condition for its application by all public authorities..

<https://trybunal.gov.pl/postepowanie-i-orzeczenia/wyroki/art/wylaczna-kompetencja-prezesa-rady-ministrow-do-wydawania-dziennika-ustaw-i-monitora-polskiego-3>

## RESOLUTION OF THE LABOR CHAMBER OF THE SUPREME COURT OF SEPTEMBER 24, 2025, III PZP 1/25

In a resolution by a seven-judge panel, the Supreme Court's Labor Chamber deemed null and void (non-existent) judgments of the Supreme Court – Chamber of Extraordinary Control and Public Affairs, issued by a panel including at least one judge appointed at the request of the National Council of the Judiciary, formed pursuant to the provisions amended by the Act of December 8, 2017, as issued by a court that does not meet the requirements of a court. The resolution ruled that, in a situation similar to the one being considered, the common court has the right to hear the extraordinary appeal itself.

In response to the resolution, a statement questioning its validity appeared on the Supreme Court's website.

The resolution by the seven-judge panel of the Supreme Court's Labor Chamber exceeded the bounds of a legal question and effectively transferred the authority to hear extraordinary appeals to common courts, thereby violating the provisions of the Supreme Court Act. It also violated the constitutional principle of the separation of powers, exceeding the powers of the judiciary and encroaching on the powers of the legislature. Moreover, the commonly accepted interpretation of Article 19(1) of the Treaty on European Union was violated, as a collective assessment of the panels of judges was conducted instead of the required individual assessment related to the specific case.

It is also worth noting that the factual circumstances of the case on which the resolution was based did not contain any element covered by European law, which excluded the application of Article 19(1) TEU

<https://www.sn.pl/wyszukiwanie/SitePages/e-sprawa.aspx?ItemSID=862-d5a651f6-e153-4a09-8a22-4ec1a0a3bf90&ListName=esprawa2025&Search=III%20PZP%201/25>

<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1131-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia>

<https://wpolityce.pl/polityka/741415-skandal-kasta-podwazyła-wyrok-iknisp-sn>

## INTERVIEW WITH JUDGE DOROTA ZNYK ON THE CURRENT SITUATION IN THE COURTS

On September 23, 2025, Judge Dorota Znyk of the Court of Appeal in Łódź, a member of the board of the National Association of Judges Aequitas, was a guest on the program PRZEpytanie (Question), hosted by editor Bartłomiej Graczak.

Judge Dorota Znyk explained that there are no new judges, discussed how politics entered the courts and what this means for citizens and judges themselves, pointed to the unclear sources of funding for the largest association of judges SSP Iustitia, demonstrated how the rule of law is currently being distorted and destroyed and explained how the Polish judiciary can be healed.

[youtu.be/-R9VfGxJ8VA?si=IZBzS\\_BNFWD75\\_DI](youtu.be/-R9VfGxJ8VA?si=IZBzS_BNFWD75_DI)



## INTERVIEW WITH JUDGE KINGA ŚLIWIŃSKA-BUŚKIEWICZ ON THE SIGNIFICANCE OF THE RESOLUTION OF THE LABOR CHAMBER OF THE SUPREME COURT

On September 27, 2025, Judge Kinga Śliwińska-Buśkiewicz of the Court of Appeal in Poznań, a member of the Aequitas National Association of Judges, participated in the program "Ostra szpila" (At the Edge) broadcast by wpolsce24.

Judge Kinga Śliwińska-Buśkiewicz spoke about the resolution of the Supreme Court's Labor Chamber of September 24, 2025, III PZP 1/25, and its significance for citizens, as well as the current situation of the Polish justice system.

<https://www.youtube.com/watch?v=fkjfG-z7QQ>