



## AEQUITAS NEWSLETTER Nr 26

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### THE PRESIDENT REFUSED TO NOMINATE 46 JUDGES

On November 12, 2025, President Karol Nawrocki announced his refusal to nominate 46 judges recommended by the National Council of the Judiciary. He cited Article 179 of the Polish Constitution (the president's exclusive prerogative) and a 2012 Constitutional Tribunal judgment, which confirmed the head of state's ability to veto the matter.

The president explained that the refusal applies to judges who "question the constitutional and legal order of the Republic of Poland," listen to the "evil whispers" of Minister of Justice Waldemar Żurek, and have engaged in the "neo- vs. paleo-judges" dispute. He also pointed to cases exposing the consequences of such conflict, including overturned convictions in murder and pedophilia cases.

### CONSTITUTIONAL TRIBUNAL JUDGMENT ON THE REGULATION OF THE MINISTER OF JUDGMENT CONCERNING THE ASSIGNMENT OF CASES TO JUDGES

**On November 12, 2025, the Constitutional Tribunal unanimously found that the regulation of the Minister of Justice of September 29, 2025, amending the rules for case assignment in common courts, was inconsistent with the Constitution and the Act on the System of Common Courts.**

In the justification of the judgment, the Tribunal pointed out, among other things, that the National Council of the Judiciary issued an opinion on a different version of the draft than the one published; the regulation allows division heads to appoint judges, which violates the principle of random case assignment and the immutability of adjudicating panels; and, additionally, that the Minister of Justice disregarded previous rulings concerning similar regulations.

The Tribunal's ruling confirmed that changes to the rules of court operation must be consistent with the Act and the Constitution, and that regulations cannot modify procedures contrary to statutory provisions..