

GRECO: Judicial Reforms in Poland Trigger First Ever *ad hoc* Assessment



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European Law Forum: Prevention • Investigation • Prosecution

News

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On 29 March 2018, GRECO published the first ever *ad hoc* report on one of its Member States. This preliminary report was triggered by exceptional circumstances in Poland, concerning certain aspects of two recent laws, which have led to serious violations of CoE anti-corruption standards. The amendments, which entered into force this year, resulted in excessive influence of the Polish parliament in appointing judges. Additionally, the tenure of Supreme Court judges became a *de facto* re-appointment system given the combination of a lower retirement age and the power of the Polish President to prolong their mandates. **GRECO recommends** not applying the new retirement age to currently sitting judges. The report also recommends amending disciplinary procedures against Supreme Court judges in order to exclude potential undue influence from the legislative and executive powers. GRECO further criticizes the excessive discretionary powers of the Minister of Justice vis-à-vis the judiciary with regard to case assignment and the method for random case allocation. Ultimately, GRECO is concerned about the fact that the powers of the Public Prosecutor General/Minister of Justice vis-à-vis the prosecution services have increased since the Office of the Public Prosecutor General was merged into the Ministry of Justice in 2016.

Altogether, the report stresses that, through these amendments, basic principles of the judicial system have been affected in such a critical way and to such an extent that the previous assessment of the judiciary by GRECO (see euclid 1/2013, p. 13.) is no longer valid in crucial parts. The Polish judiciary will be re-assessed by GRECO in 2018.

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