

# Poland: Rule-of-Law Developments in the Second Half of 2024

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## News

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After the previous PiS government had been replaced by the new Polish government under the leadership of Donald Tusk at the end of 2023, the reappraisal and reversal of judicial reforms in Poland that jeopardised the rule of law has started (→previous overview in [eucrim 1/2024, 3-5](#)). At the end of May 2024, the Commission also offered its support in further reinstating the rule of law in Poland when the Commission decided to [close the Article 7 procedure](#) against the country (→[eucrim 1/2024, 5](#)).

Above all, the new government needs to establish a legislative framework for addressing the status of “neo-judges” who were appointed by the former PiS government through contested procedures and revert specific mechanism introduced against rule-of-law defenders. The latter mainly includes the Extraordinary Complaint Mechanism, which allowed the Prosecutor General (who is at the same time the Minister of Justice) to lodge an appeal in order to reverse final judgments, and the Disciplinary Chamber and the Chamber of Professional Responsibility of the Supreme Court. Both mechanisms were declared unlawful by the European Courts, thus reforms are also needed to implement CJEU and ECtHR judgements. The latest developments in rolling back the reforms of the justice system by the former PiS government include:

- In mid-November 2024, the Codification Committee of Civil Law published a [special resolution](#) in which it called for changes in the Polish Supreme Court. The Committee has been particularly concerned about the leadership of neo-judges in the Supreme Court presiding over most chambers and now constituting a majority within the Court. One possible outcome would be the abolition of the Supreme Court chambers whose illegality has been confirmed by both the CJEU and the ECtHR. According to the Committee, the extraordinary complaint mechanism should also be abolished, because it was misused as a political tool by the former PiS government and constitutes an unjustified exception to the concept of the finality of judgments. Lastly, the Committee advocated the abolition of the Chamber of Professional Responsibility of the Supreme Court – the successor of the former Disciplinary Chamber – since it lacks justification.
- On 21 November 2024, Polish Minister of Justice, *Adam Bodnar*, tabled “10 pillars” for judicial reforms. These reforms are intended to be carried out without legislative amendments and are designed to make the work of the Polish courts more efficient and effective within the next two years. Reforms that require legislative amendments, such as those concerning the National Council of the Judiciary (KRS), the Supreme Court, and the status of neo-judges, are to be postponed until the election of a new Polish president in 2025. In anticipation of a change in the presidency, the “10-pillar plan” is intended to make progress without the expected oppositional stance of the incumbent President *Andrzej Duda*.

- At the end of November 2024, it was announced that a Polish parliamentary committee of enquiry now intends to take **tougher action against former Justice Minister Zbigniew Ziobro**, who was in office under the PiS government. He has been refusing to testify in the Pegasus case. The inquiry into this case deals with the purchase and use of the Pegasus surveillance software by the PiS government, which allegedly spied on members of the opposition at the time.
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