



Strasbourg, 14 January 2020

CDL-REF(2020)002

Opinion No. 977/2020

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

POLAND

AMENDMENTS (*)

**TO THE ACT ON THE SYSTEM OF COMMON COURTS,
THE ACT ON THE SUPREME COURT,
THE ACT ON THE NATIONAL COUNCIL OF THE JUDICIARY
AND CERTAIN OTHER ACTS**

of 20 December 2019

() Unofficial translation*

Text of the bill sent to the Senate according to Art 52 of the Rules of the Sejm

ACT OF LAW
of 20 December 2019
on amending the Act - Law
on the system of common courts, the Act on the Supreme Court
and certain other acts¹

With the sense of responsibility for the system of justice in the Republic of Poland, stressing the importance of the fact that the Republic of Poland is a common good of all citizens and that it is the People who have supreme authority;

Recognizing the need to respect the division of power and the system of checks and balances as is provided in Article 10 of the Polish Constitution;

With respect for the values of a democratic rule of law and the independence and impartiality of the courts;

In exercising the right of citizens to a fair and public hearing without undue delay by a competent, independent, impartial and impartial court;

Respecting the need for the Republic of Poland to guarantee the freedoms and human and civil rights guaranteed by the Constitution and other normative acts, and the importance of the prohibition, arising directly from the Constitution, of judges conducting public activities incompatible with the principles of judicial independence and the independence of judges;

Recognizing the importance of the principle of legal security for citizens, in particular the principle of citizens' confidence in the State and in the law it enacts, and the need to ensure certainty in the appointment by the President of the Republic of Poland of judges who adjudicate in their cases;

Respecting the desire to ensure the uniformity of jurisprudence in Poland and to raise the standards of both established and applied law;

Stressing the systemic role of the Constitutional Tribunal as the body established to rule on the constitutionality of laws and international agreements;

Recognizing that every judge appointed by the President of the Republic of Poland should be provided with the conditions for exercising the profession of judge with dignity and, in particular, with effective procedures which do not allow the status of judge to be unduly undermined by any executive, legislative or judicial body, or by any person, institution, including other judges, and thus striving to provide citizens with a sense of security and stability in the judgments handed down by the courts;

¹ This Act amends the following acts: the Act of 21 August 1997. - Law on the organisation of military courts, Act of 25 July 2002. - The Law on the Administration of the Court System, the Act of 12 May 2011 on the National Council of the Judiciary, and the Act of 28 January 2016. - Law on the Public Prosecutor's Office

This law is hereby adopted.

Article 1. In the Law of 27 July 2001. - The Law on the System of Common Courts (Journal of Laws of 2019, items 52, 55, 60, 125, 1465 and 1495) shall be amended as follows:

1) in Article 3, § 2, points 1-3 shall be replaced by the following:

- "1) the general assembly of judges of the Court of Appeal;
- 2) the general assembly of judges of the regional court;
- 3) the general assembly of judges of the district court;

2) Article 9a, § 2 shall be replaced by the following:

"External administrative supervision over the activity of courts referred to in Article 8(2) shall be exercised by the Minister of Justice through a supervisory service consisting of judges delegated to the Ministry of Justice pursuant to Article 77 and, with regard to supervision over the maintenance of land and mortgage registers, pledge register and the National Court Register, court referendaries delegated to the Ministry of Justice pursuant to Article 151a(5);

3) the following Articles 9c and 9d shall be added after Article 9b:

"Article 9c. Whenever a provision of the Act provides for consultation with a college or a general assembly without specifying a time limit, if the opinion is not expressed on the day on which the meeting was convened for the purpose of issuing it, the opinion shall be deemed to be positive.

Article 9d. The subject of the deliberations of the college and judicial self-government may not be political matters, in particular, it is prohibited to adopt resolutions undermining the principles of functioning of the authorities of the Republic of Poland and its constitutional bodies;

4) in Article 22a, § 1, the introduction to the enumeration shall be replaced by the following:

"The President of the Court of Appeal in the Court of Appeal after consultation with the college of the Court of Appeal, the President of the District Court in the District Court after consultation with the college of the District Court and the President of the District Court in the District Court after consultation with the college of the competent District Court shall determine the division of activities which shall be defined by:";

5) in Article 23, § 1, the words 'the general assembly of judges of appeals' shall be replaced by the words 'the general assembly of judges of the court of appeal';

6) In Article 24(1), the words 'the general assembly of regional judges' shall be replaced by 'the general assembly of regional court judges';

7) in Article 25(1), the words 'the meeting of judges of a given court' shall be replaced by the words 'the assembly of judges';

8) Article 28 shall be replaced by the following:

"Art. 28 § 1. The College of Court of Appeal shall consist of

- 1) the President of the Court of Appeal;
- 2) presidents of regional courts within the jurisdiction of the appellate court;

§ 2. A member of the college may authorise a judge of the court of which he is the President to participate in a meeting of the college.

§ 3. The president of the college of the court of appeal shall be the chairman of the board of the court of appeal, and in his absence - the oldest member of the board.

§ 4. Resolutions shall be adopted by a majority of votes. The presence of at least half of all members of the college of the court of appeal is required for the adoption of a resolution. The president of the court shall not participate in the adoption of resolutions if the college expresses opinions on matters in which the decisions fall within its competence. In the event of an equal number of votes, the chairperson shall have the casting vote, and if the president of the appellate court does not participate in the vote, the oldest member of the college shall have the casting vote in the service of the oldest member of the college.

§ 5. Voting shall be secret if requested by at least one of the present members of the college of the court of appeal.

§ 6. In justified cases, the chairman of the college may order that voting be conducted by circulation. Voting is then open. A vote by circulation shall be valid if at least half of the members of the college cast their votes within the time limit set for the adoption of a position.

§ 7. Delegates from the general meeting of judges of the court of appeal may participate in meetings of the college convened to give opinions on candidates for the positions of judges of the court of appeal, with the right to participate in voting only in these matters.

§ 8. The college of the court of appeal shall meet as needed, but not less frequently than once a quarter. Meetings of the college shall be convened by the president of the appellate court on his own initiative or at the request of one third of the number of the members of the college.

§ 9. The meeting of the college of the court of appeal, at which the opinion on the draft financial plan referred to in Article 178(1) is to be expressed, shall be attended by the director of the court of appeal";

9) in Article 29, § 1, the following point 1a shall be added after point 1:

"1a) provides opinions on candidates for the positions of judges of the Court of Appeal;"

10) Article 30 shall be replaced by the following:

"Art. 30 § 1. The college of a regional court shall consist of

1) the President of the regional court;

2) presidents of district courts within the area of jurisdiction of the regional court

§ 2. The provisions of Article 28, §§ 2-6, 8 and 9 shall apply accordingly to the college of a regional court.

§3. The meetings of the college convened in order to give opinions on candidates for the positions of judges of the regional court may be attended, with the right to vote exclusively in these cases, by the delegates to the general assembly of the regional court,

§4. The meetings of the College convened for the opinion of candidates for the positions of judges of the district court may be attended, with the right to participate in voting only on these matters, by delegates of the general assembly of judges of the district court.

11) in Article 31:

a) in § 1, after point 1, point 1a shall be added, reading as follows

"1a) gives an opinion on candidates for the positions of District Court and District Court judges;"

(b) in § 2, the words 'the meeting of judges' shall be replaced by 'the general assembly of judges of that court';

12) in Article 31a(3), the words 'the General Assembly of the Judges of the Court of Appeal' shall be replaced by the words 'the General Assembly of the Judges of the Court of Appeal';

13) Article 33 shall be replaced by the following

"Article 33 § 1. The general assembly of judges of the court of appeal shall consist of judges of that court. It may be attended by judges delegated to perform the duties of a judge in that court, without the right to vote.

§ 2. The President of the General Assembly of the Court of Appeal judges is the President of the Court of Appeal. In the absence of the president of the court, the duties of the president are performed by the oldest vice-president of the court of appeal.

§ 3. Participation in the meeting of the General Assembly of Judges of the Court of Appeal is obligatory, provided that the President of the Court of Appeal so orders.

§ 4. Judges who are not members of the General Assembly of Judges of the Court of Appeal may participate in the meetings of the general assembly without the right to vote.

§ 5. Resolutions of the General Assembly of Judges of the Court of Appeal are adopted by a simple majority of votes of the present members of the assembly. Voting is by roll call. The list of votes cast is open and constitutes an appendix to the resolution.

§ 6. The General Assembly of Judges of the Court of Appeal meets at least once a year; the meetings of the Assembly are convened by the president of the court of appeal on his own initiative or at the request of the college of the court of appeal, the college of the regional court, one-fifth of the number of members of the Assembly or at the request of the Minister of Justice. The President of the Court of Appeal shall give at least two weeks' notice of the date of the meeting of the Court of Appeal, presenting the planned agenda of the meeting;

14) Article 34 shall be replaced by the following:

"Art. 34 § 1 General Assembly of Judges of the Court of Appeal shall perform the tasks specified in the Acts, in particular:

1) hear the information of the President of the Court of Appeal on the situation in the court;

2) possibly select delegates to participate in meetings of the court college convened to give opinions on candidates for the positions of judges of the court of appeal;

3) possibly express an opinion on the annual report referred to in Article 31a § 2.

§ 2. The delegates referred to in § 1(2) equal to the number of members of the board of the court of appeal shall be elected by secret ballot. A vote shall be cast by indicating one candidate on the list of all candidates submitted. Candidates who received the largest number of votes in turn shall become delegates. If two or more candidates have obtained an equal number

of votes, as a result of which it is not possible to elect candidates equal in number to the number of members of the college of the Court of Appeal, a new vote shall be held with the participation of only those candidates.

§ 3. The election of delegates shall take place for a period of one year.

§ 4. In the event of expiration of a delegate's term of office as a result of resignation, termination or expiration of his or her official relationship, transfer or resignation, transfer to another official position or appointment to another position, the delegate shall be the judge who received the highest number of votes referred to in § 2 in turn;

15) Articles 35-36a shall be replaced by the following:

"Article 35. § 1. The general assembly of judges of a regional court consists of all judges of that court. It may be attended by judges delegated to perform the duties of a judge in that court, without the right to participate in a vote.

§ 2. The president of the general assembly of regional court judges is the president of the District Court. In the absence of the president, the duties of the president are performed by the oldest vice-president of the circuit court.

§ 3. The participation in the meeting of the general assembly of judges of the regional court is obligatory, provided that the president of the regional court so orders.

§ 4. Judges who are not members of the general assembly of regional court judges may participate in the meetings of the general assembly of regional court judges without the right to vote.

§ 5. Resolutions of the general assembly of judges of the regional court are adopted by a simple majority of votes of the present members of the assembly. Voting is by roll call. The list of votes cast is open and constitutes an appendix to the resolution.

§ 6. The general assembly of judges of the regional court meets at least once a year; the meetings of the assembly are convened by the president of the regional court on his own initiative or at the request of the president of the court of appeal, the college of the regional court, one-fifth of the number of members of the assembly or at the request of the Minister of Justice. The date of the meeting is announced at least two weeks in advance by the president of the regional court, who presents the planned agenda.

Article 36. § 1. The General Assembly of District Court judges performs the tasks specified in the Acts, in particular:

- 1) hears information of the president of the regional court about the situation in the court;
- 2) possibly selects delegates to take part in the meetings of the court's college convened to provide an opinion on candidates for the positions of circuit court judges and district court judges.

§ 2. The election of the delegates referred to in § 1(2), in a number equal to the number of members of the regional court college, shall be made in a secret ballot. The vote shall be cast by selecting one candidate on the list of all the candidates. Delegates are the candidates who received the highest number of votes in turn. If two or more have obtained an equal number of votes, as a result of which it is not possible to elect a number of candidates equal to the number

of members of the college of the court of appeal, a new vote shall be held with the participation of those candidates only.

§ 3. Delegates shall be elected for a period of one year.

§ 4. In case of expiration of the term of office of a delegate as a result of resignation, dissolution or expiration of his official relationship, retirement or transfer to another official place or appointment to another post, the delegate becomes the judge who received the highest number of votes referred to in § 2.

Article 36a. § 1 The General Assembly of District Court judges consists of all judges of that court. It may be attended by judges delegated to perform the duties of a judge in that court and court assessors of that court, without the right to participate in voting.

2.§. The General Assembly of District Court Judges is chaired by the President of the District Court. If the president is absent, the oldest vice-president of the court performs the duties of the president, and if the vice-president has not been appointed to the court, the oldest department president in that court performs the duties of the president.

§ 3. Participation in the assembly of judges of a district court is obligatory, if the president of the court orders so.

§ 4. The resolutions of the General Assembly of District Court Judges are adopted by a simple majority of votes of the members present. Voting is secret only with respect to the election of the delegate referred to in § 6 point 2.

§ 5. The General Assembly of District Court Judges is convened by the president of the court on his own initiative or at the request of one fifth of the number of judges of that court.

§ 6. The General Assembly of District Court Judges:

- 1) hears the information of the President of the court about the activities of the court and may express an opinion in this respect;
- 2) may elect a delegate to participate in meetings of the regional court college convened to give an opinion on candidates for the positions of judges of the district court.

§ 7. The delegate referred to in § 6(2) shall be elected in a secret ballot. A vote shall be cast by indicating one candidate on the list of all the candidates submitted. The candidate who received the highest number of votes shall become a delegate. If two or more candidates have obtained an equal number of votes, as a result of which it is not possible to elect one delegate, a new vote shall be held with the participation of only those candidates.

§ 8. A delegate shall be elected for a period of one year.

§ 9. If the term of office of a delegate expires as a result of resignation, dissolution or expiration of his or her official relationship, retirement or transfer to another official position or appointment to another position, the delegate shall be the judge who received the highest number of votes referred to in § 7 in turn;

16) in Article 37e:

a) § 2 shall be replaced by the following:

"The President of the Court of Appeal, in the event of any irregularities or irrationality in the division of activities determined by the president of the regional court, shall issue a recommendation to change the division of activities. If the president of the regional court does not change the division of activities in accordance with the recommendation, the president of the appellate court may request the National Council of the Judiciary, whose resolution is final,

(b) § 3 shall be replaced by the following:

""The powers referred to in § 1 and 2 shall also be vested in the president of the regional court against the president or vice-president of the district court operating in the court district;

17) Article 37h is replaced by the following:

"Article 37h. § 1. The President of the Court of Appeal shall prepare annual information on the activity of courts operating in the area of appeal, within the scope of the tasks entrusted to him, which shall be submitted to the Minister of Justice no later than by the end of April each year.

§ 2. The Minister of Justice evaluates the annual information and accepts this information or refuses to accept it. A refusal to accept annual information shall require justification.

§ 3. Failure to comply with the obligation referred to in § 1 within the time limit shall be tantamount to a refusal to accept information by the Minister of Justice.

§ 4. The President of the Court of Appeal, who has been refused the annual information, may, within fourteen days from the date of its notification, submit a written objection to the Minister of Justice.

§ 5. If an objection is made, the Minister of Justice shall, within one month from the date of making the objection, accept the annual information or refer the case for consideration to the National Council of the Judiciary, notifying the president of the court of the manner of consideration of the objection. If the National Council of the Judiciary accepts the objection in its entirety, the Minister of Justice shall accept the annual information.

§ 6. The refusal of the Minister of Justice to accept the annual information shall mean that the President of the Court of Appeal has failed to perform his official duties within the meaning of Article 27(1)(1);

18) in Article 41, § 1a, the words 'the general assembly of judges of an appeal, the general assembly of judges of a regional or the meeting of judges of a district court' shall be replaced by 'the general assembly of judges of an appeal court, the general assembly of judges of a regional court or the general meeting of judges of a district court';

19) the following Article 42a shall be added after Article 42

"Article 42a. § 1. Within the framework of the activity of courts or organs of courts, it is unacceptable to question the powers of courts and tribunals, constitutional state bodies and law enforcement and control bodies.

§ 2. It is unacceptable for a common court or any other authority to determine or assess the compliance with the right to appoint a judge or the resulting entitlement to perform tasks in the field of justice;

20) Article 55(1)

a) shall receive the following wording:

"§ 1. A judge of a common court is a person appointed to this position by the President of the Republic of Poland who has taken an oath before the President of the Republic of Poland;

b) shall have the following wording added in §4:

"§ 4. A judge may rule on all cases in his/her place of professional activity, and in other courts in cases specified by law (jurisdiction of the judge). The provisions on the allocation of cases and the designation and change of court composition do not limit the jurisdiction of a judge and cannot be the basis for a finding that the composition of the court is contrary to the provisions of the law, that the court has been improperly appointed or that a person is not authorised or incapable of adjudicating in the judgment";21) in Article 57aa, §3, the first sentence shall be replaced by the following:

"The President of the competent court to which a candidate for a vacant judicial post has been nominated shall, within 3 working days, place in the ICT system electronic copies of documents, other than those placed by the candidate, in original paper form, required for the proceedings, with an electronic signature assigned by that system;

22) Article 57ab § 1 shall be replaced by the following:

" § 1. The candidacy for the vacant position of judge of the district court and for the vacant position of judge of the regional court shall be submitted to the president of the competent regional court, and the candidacy for the vacant position of judge of the court of appeal to the president of the court of appeal;

23) Article 57ae § 2 shall be replaced by the following:

"§ 2 The president of the district court has access to the documents collected in the information and communication system concerning all proceedings for appointment to office as a judge in the district court and in the district courts of the district. The president of the court of appeal shall have access to the documents collected in the information and communication system concerning all proceedings for appointment to hold office as a judge in the court of appeal;

24) in Article 57ah, § 5 shall be replaced by the following:

"§ 5. the President of the Court of Appeal shall present the candidate for the vacant post of a judge of the Court of Appeal, together with an assessment of his qualifications and any comments he may have made to the college of the court of appeal. The president of the regional court shall present the candidate for the vacant position of the judge of the regional court and the judge of the district court, together with an assessment of his qualifications and possible comments of the candidate for the opinion of the college of the regional court; "

25) in Article 58:

(a) in § 1, the word 'assembly' shall be replaced by 'college',

(b) § 2 shall be deleted,

(c) in § 2a, the words 'by a college or general assembly' and 'or general assembly' are deleted,

(d) § 4 shall be replaced by the following

"§ 4. The President of the competent court shall publish in the ICT system within 3 working days the assessment of qualifications, the opinion of the competent court college, information obtained from the Voivodship Police Commander or the Capital City Police Commander referred to in § 3, as well as other documents concerning a given procedure for appointment to the post of a judge";

26) in Article 66, the current wording shall be numbered as § 1, and § 2 shall be added in the following wording:

"§ 2. A refusal to take the oath shall be tantamount to a resignation from the position of judge;

27) in Article 77:

a) in § 9, the words "the total period of secondment may not exceed 14 days per year" shall be replaced by the words "the allocation of cases to the delegated judge, as Judge-Rapporteur, may not exceed 30 cases per year",

b) the following § 9a shall be added after § 9

"§ 9a. The President of a regional court may delegate a judge of a district court, with his consent, to perform duties in another district court simultaneously with performing duties in his official place. A judge may withdraw consent with three months' notice";

28) in Article 87, the words 'the general assembly of judges of appeals' shall be replaced by 'the general assembly of judges of the court of appeal';

29) the following Articles 88a and 88b are inserted after Article 88:

"Article 88a. § 1. A judge shall be obliged to submit a written statement on the following matters

1) membership in an association, including a society - with the indication of the name and seat of the association, the functions performed and the period of membership;

2) the function performed in the governing body of a foundation not conducting business activity - with the indication of the name and seat of the foundation and the period of performing the function;

3) membership in a political party before appointment to the position of judge, as well as during the term of office before 29 December 1989 - with the indication of the name of the party, the functions performed and the period of membership;

§ 2. The statements referred to in § 1 shall be submitted by the judges to the president of the relevant appellate court and by the presidents of appellate courts to the Minister of Justice.

§ 3. The statements referred to in § 1 shall be submitted within 30 days from the date of taking up the office of a judge, and also within 30 days from the creation or cessation of the circumstances referred to in § 1.

§ 4. The information contained in the statements referred to in § 1 shall be public and shall be made available in the Public Information Bulletin referred to in the Act of 6 September 2001 on Access to Public Information, not later than 30 days after the date of submitting the statement to an authorised entity.

Art. 88b. § 1. The competent president of the court publishes information in the Public Information Bulletin about the first and subsequent appointments of judges of the court he or she heads.

§ 2. The announcement referred to in § 1 shall contain information on the following

- 1) the appointing authority and the applicant for appointment;
- 2) the date of appointment;
- 3) the official place (seat) of the judge;

30) in Article 106x(5), the words 'the general assembly of regional judges' shall be replaced by the words 'the general assembly of regional court judges

31) Article 106zg shall be replaced by the following

"Article 106zg. § The provisions of Article 67, Article 75b, Article 82, Article 83a, Articles 85 to 90, Article 95 and Article 97 shall apply mutatis mutandis to assessors.

§ 2. Whenever other acts provide for a judge to undertake official actions, a judge should also be understood as a court assessor;

32) Article 107(1) shall be replaced by the following

" 1. A judge is disciplinarily responsible for official (disciplinary) misconduct for:

- 1) an obvious and gross offence against the provisions of the law;
- 2) acts or omissions which may prevent or significantly impede the functioning of an organ of the judiciary;
- 3) actions questioning the existence of the official relationship of a judge, the effectiveness of the appointment of a judge, or the constitutional mandate of an organ of the Republic of Poland;
- 4) public activities that are incompatible with the principles of judicial independence and the impartiality of judges;

5) an infringement of the dignity of the office;

33) Article 107 a shall receive the following wording:

"Article 107a. A court assessor [assistant judge – from the translator] shall be liable to disciplinary action for official (disciplinary) misconduct and for his conduct before taking up his post if he is found unworthy of the office of court assessor, just like a judge. Articles 108 to 133a shall apply mutatis mutandis;

34) in Article 109:

a) in § 1, after point 2a, the following point 2b shall be added:

"2b) a penalty payment in the amount of one month's basic salary to be paid for the month preceding the date of the final conviction, plus the long-service allowance, function allowance and special allowance to which the judge is entitled;".

b) the following § 1a is inserted after § 1:

"§ 1a. For the disciplinary offence defined in Article 107 § 1 items 2-4, the penalty referred to in § 1 item 4 or 5 shall be imposed, and in the event of a lesser seriousness - the penalty referred to in § 1 item 2a, 2b or 3.";

35) in Article 110

a) in § 1(1)(b), the words "and in the cases referred to in Article 107 § 1(3)" shall be added after the words "together with the point of making a finding";

b) § 2 and 2a are replaced by the following:

"§ 2 Disciplinary courts are also competent to adjudicate in the cases referred to in Article 37 § 5, Article 75 § 2 item 3, Article 80 and Article 106zd.

§ 2a. The competent court for the examination of cases referred to in Article 37 § 5 and Article 75 § 2 Item 3 is the disciplinary court with jurisdiction in the district of service of the judge concerned. The cases referred to in Articles 80 and 106zd shall be decided by the Supreme Court composed of one judge of the Disciplinary Chamber in the first instance, and the Supreme Court composed of three judges of the Disciplinary Chamber in the second instance."

c) the following § 2b is inserted after § 2a:

"§ 2b. In cases where the Supreme Court has jurisdiction, the actions of the president of the disciplinary court shall be performed by the president of the Supreme Court who manages the work of the Disciplinary Chamber.";

36) in Article 112:

a) after § 2, § 2a shall be added in the following wording:

„§ 2a. The Disciplinary Prosecutor [commissioner – *rzecznik dyscyplinarny* – from the translator] for Judges of Common Courts and the Deputy Disciplinary Prosecutor for Judges of Common Courts may undertake and conduct activities in any case concerning a judge,

(b) Paragraphs 6 to 9 shall be replaced by the following:

" § 6. The deputy disciplinary prosecutor attached to an appellate court shall be appointed for a four-year term of office by the Disciplinary Prosecutor for Judges of Common Courts from among the judges of that court or district courts within the area of jurisdiction of the appellate court.

§ 7. The deputy disciplinary prosecutor acting at a regional court shall be appointed for a four-year term by the Disciplinary Prosecutor for Judges of Common Courts from among the judges of that court or district courts within the area of jurisdiction of the regional court.

§ 8. The term of office of the deputy disciplinary prosecutor at an appellate court or at a regional court shall expire before its expiry in the case of:

1) the termination or expiration of the official tenure of a judge;

2) the judge's retirement or being made retired;

3) transfer a judge to another judicial position outside the area of jurisdiction of an appellate or regional court, as appropriate, or his/her secondment outside this area pursuant to Article 77;

4) the acceptance by the Disciplinary Prosecutor for Judges of the Common Courts the resignation from the function of deputy disciplinary prosecutor submitted by a judge.

§ 9. The deputy ombudsman shall perform his duties after the expiry of his term of office until the deputy ombudsman is appointed for the next term,

c) § 10-13 is repealed;

37) the following Article 114a shall be inserted after Article 114:

"Article 114a. § 1. A witness who, without due justification, did not appear on the disciplinary prosecutor's summons or who, without his consent, expelled himself from the place of the activity before the end of the activity, may be subject to a fine of up to PLN 3 000. The imposition of a financial penalty shall not exclude disciplinary liability.

§ 2. The imposition of a financial penalty referred to in § 1 shall be decided on the request of the disciplinary prosecutor by the disciplinary court at the court of appeal in whose jurisdiction the activities are conducted.

§ 3. A decision of the disciplinary court imposing a financial penalty may be appealed against before the Supreme Court in the composition of one judge of the Disciplinary Chamber;

38) Article 128 shall be replaced by the following

"In matters not regulated in this Chapter, the provisions of the general part of the Penal Code and the provisions of the Code of Penal Procedure, except for Articles 344a and 396a, shall apply accordingly, taking into account the differences resulting from the nature of disciplinary proceedings.

Article 2. The Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2019, item 825) shall be amended as follows:

1) Article 13 shall be replaced by the following:

"§ . Each judge of the Supreme Court has the right to propose one candidate for the position of First President of the Supreme Court.

§ 2. The candidate shall be proposed to the President of the General Assembly of Judges of the Supreme Court making the election referred to in Article 12 § 2 immediately after its commencement.

§ 3. The General Assembly of Supreme Court Judges making the choice referred to in Article 12 § 2 shall be chaired by the First President of the Supreme Court or, where this is not possible or his candidacy is put forward, – by a judge of the Supreme Court whose candidacy was not proposed, and who has been appointed by the President of the Republic of Poland.

§ 4. The presence of at least 84 members of the General Assembly of Supreme Court Judges is required to select candidates for the position of First President of the Supreme Court. If the election is not made due to lack of the required quorum, at least 75 members of the General Assembly of Supreme Court Judges are required to attend the next meeting. If also at this meeting, the election is not carried out because the quorum is not met, the election may be carried out at the next meeting if at least 32 members of the General Assembly of Judges of the Supreme Court are present. The meetings referred to in the second and third sentences shall be convened on a date falling no later than 5 days after the previous meeting.

§ 5. Each judge participating in the vote can only cast one vote. The vote shall be secret.

§ 6. The candidates for the position of First President of the Supreme Court elected by the General Assembly of Supreme Court Judges are the candidates who received the highest

number of votes. If two or more candidates for the position of First President of the Supreme Court have received an equal number of votes, as a result of which it is not possible to elect five candidates, a vote is held again with the participation of those candidates only. The provision of § 5 shall apply.

§ 7. Immediately after the election of the candidates for the post of First President of the Supreme Court, the President of the General Assembly of Supreme Court Judges or another person indicated by the General Assembly of Supreme Court Judges shall forward to the President of the Republic of Poland a list of candidates for the post of First President of the Supreme Court elected by the General Assembly of Supreme Court Judges, together with the minutes of the vote.

§ 8. After the President of the Republic of Poland has received the list of candidates for the post of the First President of the Supreme Court elected by the General Assembly of Supreme Court Judges, together with the minutes of the vote, it is not permissible to convene the General Assembly of Supreme Court Judges to elect candidates for the post of the First President of the Supreme Court;

2) the following Article 13a is inserted after Article 13:

"Article 13a. § 1 If the candidates for the position of the First President of the Supreme Court are not elected in accordance with the rules set forth in the Act, the President of the Republic of Poland immediately entrusts the performance of the duties of the First President of the Supreme Court to a judge of the Supreme Court designated by him.

§ 2. Within a week from the date on which the performance of the duties of the First President of the Supreme Court is entrusted, the judge to whom these duties are entrusted shall convene the General Assembly of Supreme Court Judges, which he chairs, to select candidates for the position of the First President of the Supreme Court.

§ 3. The presence of at least 32 members of the General Assembly of Supreme Court Judges is required to select candidates for the position of First President of the Supreme Court by the General Assembly of Supreme Court Judges. The provisions of Article 13 § 1, 2 and 5-7 shall apply;

3) in Article 17:

a) in § 2, the words "Article 13 § 1 i" shall be replaced by the words "Article 13 § 3, Article 13a § 2 and",

b) the following § 2a shall be added after § 2:

"§ 2a. The First President of the Supreme Court shall notify the judges of the Supreme Court of the date and agenda of the General Assembly of Judges of the Supreme Court no later than 7 days before the date of the meeting, taking into account the fourth sentence of Article 13 § 4 and Article 13a § 2;

4) in Article 26, the current wording shall be numbered as § 1 and § 2 – 6 shall be added in the following wording:

"§ 2. The competence of the Extraordinary Chamber of Control and Public Affairs includes consideration of motions or statements concerning the exclusion of a judge or the designation of the court before which proceedings are to be conducted, including the allegation of lack of independence of the court or lack of impartiality of the judge. The court examining the case shall immediately forward the motion to the President of the Chamber of Extraordinary Control and Public Affairs in order to give it further course of action under the rules specified in separate regulations. The submission of the motion to the President of the Chamber of Extraordinary Control and Public Affairs does not stop the ongoing proceedings.

§ 3. The motion referred to in § 2 shall be left unprocessed if it involves determining and assessing the legality of the appointment of a judge or his authority to perform judicial tasks;

§ 4. The competence of the Chamber of Extraordinary Control and Public Affairs includes examining complaints about the illegality of a final decision of the Supreme Court, common courts, military courts and administrative courts, including the Supreme Administrative Court, if the illegality consists in undermining the status of a person appointed to hold office as a judge who issued a decision in a case.

§ 5. The proceedings in the cases referred to in § 4 shall be governed by the relevant provisions on the declaration of illegality of final decisions, and in criminal cases by the provisions on the resumption of court proceedings which have been concluded by a final decision. It is not necessary to substantiate or cause damage resulting from the issuance of the decision to which the complaint relates.

§ 6. An action for declaring the final decision referred to in § 4 illegal may be brought to the Supreme Court - Chamber of Extraordinary Control and Public Affairs, without the court which issued the contested decision, and also in the event of a party's failure to exercise its legal remedies, including an extraordinary appeal to the Supreme Court."

5) in Article 27:

a) in § 1 following item 1, the following item 1a I added:

"for permission to hold judges, trainee judges, prosecutors and trainee prosecutors criminally responsible or to detain them;"

b) § 3 item 2 receives the following wording:

"2) Judges, court assessors, prosecutors and prosecutors' assessors concerning:

(a) disciplinary offences, to be decided at first instance by the Supreme Court,

(b) authorisation for criminal prosecution or provisional detention.',

c) in § 4, point 1, the words "judges and prosecutors" shall be replaced by "judges, trainee judges, prosecutors and trainee prosecutors";

6) Article 29 receives the following wording::

"§ 1. A judge of the Supreme Court is a person appointed by the President of the Republic of Poland, who has taken an oath to the President of the Republic of Poland.

§ 2. As part of the activities of the Supreme Court or its organs, it is unacceptable to question the authority of courts and tribunals, constitutional state bodies and law enforcement and control bodies.

§ 3. It is unacceptable for the Supreme Court or any other authority to determine or assess the compliance of the appointment of a judge or the authority to perform tasks in the field of justice resulting from this appointment;

7) the following § 3 shall be added to Article 45:

8) Article 72, § 1 shall be replaced by the following:

"§ 1. A judge of the Supreme Court shall be liable to disciplinary action for official (disciplinary) misconduct, including for:

1) an obvious and gross contempt for provisions of law ;

2) acts or omissions that may prevent or significantly hinder the functioning of an organ of the justice system;

3) acts that question the existence of the official tenure of a judge or the effectiveness of his or her appointment, or the constitutional mandate of an organ of the Republic of Poland

4) public activity which is irreconcilable with the principles of the independence of courts and the impartiality of judges;

5) violation of the dignity of the office.";

9) in Article 75:

a) in § 1, after point 3, the following point 3a shall be added

"3a) a financial penalty in the amount of one month's basic salary plus the judge's allowance for long-term work, functional allowance and the allowance referred to in Article 48 § 7 to be paid for the month preceding the issue of a final conviction;";

b) after § 1 the following § 1a shall be added

"§ 1a. For the disciplinary offence defined in Art. 72 § 1 items 2-4, the penalty referred to in § 1 item 5 shall be imposed, and in the event of a lesser seriousness - the penalty referred to in § 1 item 3, 3a or 4";

10) in Article 82, the existing content shall be marked as § 1 and the following § 2-4 shall be added:

"§ 2. The Supreme Court, when recognizing a case in which there is a legal issue concerning the impartiality of a judge or the independence of the court, postpones its consideration and presents this issue for decision to the panel of the entire Supreme Court Chamber of Extraordinary Control and Public Affairs.

§ 3. If the Supreme Court, when examining the motion referred to in Article 26 § 2, raises serious doubts as to the interpretation of the provisions of law to be the basis for the ruling, it may postpone examination of the motion and present the legal issue for decision to the panel of the entire Chamber of Extraordinary Control and Public Affairs of the Supreme Court.

§ 4. When adopting a resolution referred to in § 2 or 3, the Extraordinary Chamber of Control and Public Affairs is not bound by a resolution of another Supreme Court, even if it becomes a legal rule.

§ 5. A resolution of the entire Chamber of Extraordinary Control and Public Affairs of the Supreme Court adopted under § 2 or 3 shall be binding on all members of the Supreme Court. A resolution that has the force of a legal principle must be reopened by a resolution of the entire Supreme Court, which requires the presence of at least 2/3 of the number of judges in each chamber. The provision of Article 88 shall not apply.

Article 3. In the Act of 21 August 1997. - The Law on the Organisation of Military Courts (Journal of Laws of 2019, item 2216) shall be amended as follows:

1) in Art 23, § 1 receives the following wording:

"1. A judge of a military court is a person appointed to this position by the President of the Republic of Poland who has taken an oath before the President of the Republic of Poland.

2) the following Art 23a is added after Art 23:

"Article 23a § 1. As part of the activities of the military court or its organs, it is unacceptable to question the authority of courts and tribunals, constitutional state bodies and law enforcement and control bodies.

§ 2. It is unacceptable for a military court or any other authority to determine or assess the compliance of the appointment of a judge or the authority to perform tasks in the field of justice resulting from this appointment;

3) Article 37 § 2 shall be replaced by the following:

" § 2. A disciplinary offence within the meaning of this Act shall be a violation of the duties of a judge, including the following

1) an obvious and gross contempt for provisions of law;

2) an act or omission which may make it impossible or significantly impede the functioning of an organ of the judiciary;

3) an act that questions the existence of the official tenure of a judge, the effectiveness of his or her appointment, or the constitutional mandate of an organ of the Republic of Poland;

4) a public activity which is irreconcilable with the principles of the independence of courts and the impartiality of judges:

5) violation of the dignity of the office;

6) violation of military discipline and the principles of honour and dignity of soldiers;"

4) in Article 39:

a) in § 1, the following point 2b shall be added after point 2a:

"2b) a penalty payment in the amount of one month's basic salary to be paid for the month preceding the final conviction, increased by the judge's long-service allowance, function allowance and special allowance;'

b) the following § 1a shall be added after § 1:

"The penalty referred to in § 1(4) or (5) shall be imposed for a disciplinary offence referred to in Article 37, § 2(2)(2) to (4), and in the event of a minor seriousness - the penalty referred to in § 1(2a), (2b) or (3);

5) In Article 39a:

a) in § 1 in point 1 in letter b, after the words "together with the point of default" the words "and in cases referred to in Article 37 § 2 point 3" shall be added,

b) the following § 2a and 2b are inserted after § 2:

"§ 2a. In cases referred to in Article 30, the Supreme Court shall adjudicate at first instance by a single judge of the Disciplinary Chamber, and in the second instance, the Supreme Court, composed of three judges of the Disciplinary Chamber.

§ 2b. In cases where the Supreme Court has jurisdiction, the actions of the president of the disciplinary court are performed by the president of the Supreme Court managing the work of the Disciplinary Chamber; "

6) in Article 70, in § 1 in the introduction to the listing:

a) the words "Art 9c., Art 9d" are added after "Art 8".

b) the words "Article 89, Article 90" shall be replaced by the words "Articles 88a – 90".

Article 4. The Act of 25 July 2002 - The Law on the organisation of administrative courts (Journal of Laws of 2019, item 2167) shall be amended as follows:

1) in Article 5:

a) § 1 shall be replaced by the following:

"A judge of an administrative court shall be a person appointed to that position by the President of the Republic of Poland who has taken an oath before the President of the Republic of Poland.

b) after § 1, § 1a and 1b shall be added in the following wording:

"§ 1a. As part of the activity of the administrative court or its organs, it is unacceptable to question the authority of courts and tribunals, constitutional state bodies and control and law protection bodies.

§ 1b. It is unacceptable for an administrative court or other authority to determine or assess the compliance with the right to appoint a judge or the resulting entitlement to perform tasks in the field of justice;

2) in Article 8, the current wording shall be numbered as § 1 and § 2 shall be added in the following wording:

" § 2. statement referred to in Article 88a of the Act of 27 July 2001 - The law on the common courts system, the judges of the voivodship administrative court submit to the competent President of the voivodship administrative court, and the President of the voivodship administrative court and the judges of the Supreme Administrative Court submit to the President of the Supreme Administrative Court, and the President of the Supreme Administrative Court submits to the National Council of the Judiciary;

3) in Article 24, § 4, item 2 shall be repealed;

4) in Article 25, § 1, item 2 shall be repealed;

5) in Article 29, § 1, sub§ 4, the dot shall be replaced by a semicolon and the following sub§ shall be added

"5) to submit candidates for the vacant position of judge provided for in the voivodeship administrative court, Article 31 of the Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2019, item 825) shall apply accordingly, with the reservation that the President of the Supreme Administrative Court shall announce the vacant judicial positions in the Official Journal of the Republic of Poland, "Monitor Polski";

6) Article 33 shall be repealed;

7) Article 43 shall be replaced by the following:

"Article 43. The President of the Republic of Poland, after consulting the College of the Supreme Administrative Court, shall define, by way of a regulation, the rules of the Supreme Administrative Court, in which he/she shall determine the number of judicial posts in the Supreme Administrative Court of at least 120, including the number of vice-presidents of the Court and the number of judges in individual chambers, the internal organisation of the Supreme Administrative Court and the rules of internal procedure, taking into account the need to ensure efficient functioning of the Supreme Administrative Court, its chambers and bodies, the specific nature of proceedings before the Supreme Administrative Court and the number and type of cases to be heard.";

8) in Article 46, § 2, item 2 shall be repealed;

9) in Article 47, § 1, item 2 shall be repealed;

10) In Article 48, § 5 shall be added in the following wording:

"§ 5. the President of the Republic of Poland may choose from among the judges of administrative courts a judge of an administrative court or a court assessor and appoint him/her as Extraordinary Disciplinary Prosecutor to conduct a specific disciplinary case. The appointment of an Extraordinary Disciplinary Prosecutor shall be tantamount to the request to launch investigative proceedings. The Extraordinary Disciplinary Prosecutor may initiate disciplinary proceedings or join ongoing proceedings. The appointment of an Extraordinary Disciplinary Prosecutor shall exclude the Disciplinary Prosecutor of the Supreme Administrative Court or his/her deputy from acting in the case. In justified cases, in particular death or prolonged impediment to the performance of the function of the Extraordinary Disciplinary Prosecutor, the President of the Republic of Poland shall appoint another judge of the administrative court in place of that person. The regulations concerning activities undertaken by the Extraordinary Disciplinary Prosecutor shall apply accordingly to the activities undertaken by the Disciplinary Prosecutor of the Supreme Administrative Court or his/her deputy. The function of the Extraordinary Disciplinary Prosecutor shall expire when a ruling refusing to initiate disciplinary proceedings, discontinuing disciplinary proceedings, or when a ruling terminating disciplinary proceedings becomes final.";

11) Article 49 shall be replaced by the following:

"Article 49. § 1. In matters not regulated by the Act, the provisions on the Supreme Court shall apply to the Supreme Administrative Court and to judges, officials and employees of that Court, and in the scope not regulated by them – by the Act of 27 July 2001 – Law on the Common Court System. The powers of the First President of the Supreme Court specified in these provisions are vested in the President of the Supreme Administrative Court.

§ 2. Article 31 of the Supreme Court Act of 8 December 2017 on the Supreme Court shall apply accordingly to nominating candidates for a vacant judge's post to be filled in the Supreme Administrative Court. "

Article 5. in the Act of 12 May 2011 on the National Council of the Judiciary (Journal of Laws of 2019, item 84, 609, 730 and 914) the following amendments are introduced:

1) in Article 44:

(a) after section 2 the following section 2a is added:

"2a. All appeals lodged by participants in the same proceedings shall be examined jointly and resolved in the course of one single proceeding before the Supreme Court,

(b) the following paragraph 3a is inserted after paragraph 3:

"3a. In cases concerning resolutions on appointment to the office of a judge of a common court, the Supreme Court makes the deliveries through the Council, which then makes the delivery in the manner specified in Article 32(1a).;

2. The following Articles 45a to 45c are inserted after Article 45:

"Article 45a. Re-examination of a case concerning a resolution containing a motion to the President of the Republic of Poland to appoint a judge to hold office or a motion for appointment to the position of an assessor judge in a common court is unacceptable if one of the persons indicated in the resolution is appointed in the scope of the appointment to this position. The motion for reconsideration of the case referred to in Article 45, in so far as it concerns the appointment to the position, shall be left unprocessed.

Article 45b. If the President of the Republic of Poland appoints one to hold the office of a judge, proceedings in the case of an appeal against a resolution of the National Council of the Judiciary concerning an individual appointment to hold the office in this position, in the scope of a resolution containing a motion for appointment to this position, shall be discontinued by operation of law. Otherwise, if the court accepts the appeal of a person who was a participant in a case concerning candidates for office as a judge, that person may apply for office in the next proceedings for office as a judge in the same or an equivalent court, and the Council shall be obliged to take into account the circumstances set forth in the court's decision in that proceedings.

Article 45c. Resumption of proceedings before the National Council of the Judiciary or moving a resolution containing a motion to appoint a judge to the office shall not be admissible if the person presented to the President of the Republic of Poland fulfils, on the date of the adoption

of the resolution by the National Council of the Judiciary, the formal conditions required for the performance of the office, as specified in the Constitution of the Republic of Poland.

Article 6. The Act of 28 January 2016. - The Law on the Public Prosecutor's Office (Journal of Laws of 2019, item 740) is amended as follows:

1) the following Article 103a shall be added after Article 103

"Article 103a. § 1. The Public Prosecutor shall be obliged to submit a written statement on the following

1) membership in the association, including the association - with the indication of the name and seat of the association, the functions performed and the period of membership;

2) the function performed in the governing body of a foundation not conducting business activity - with the indication of the name and seat of the foundation and the period of performing the function;

3) membership in a political party before being appointed to the position of prosecutor, as well as during the term of office before 29 December 1989. - with the indication of the name of the party, the functions performed and the period of membership;

§ 2. The statements referred to in § 1 shall be submitted by the prosecutors to the competent regional prosecutor, the district prosecutor, the head of the branch commission or the head of the branch vetting office, respectively.

§ 3. Prosecutors of the National Public Prosecutor's Office, prosecutors of the Main Commission, prosecutors of the Vetting Office, regional prosecutors, prosecutors of the Local Departments of the Department for Organised Crime and Corruption of the National Public Prosecutor's Office, district prosecutors and heads of branch commissions and heads of branch vetting offices shall submit the declarations referred to in § 1 to the National Prosecutor and the Deputy General Prosecutor shall submit them to the General Prosecutor.

§ 4. The statements referred to in § 1 shall be submitted within 30 days from the date of taking up the office of the public prosecutor, as well as within 30 days from the emergence or cessation of the circumstances referred to in § 1.

§ 5. The information contained in the statements referred to in § 1 are public and shall be made available in the Public Information Bulletin, referred to in the Act of 6 September 2001 on the access to public information, not later than 30 days from the date of submitting the statement to an authorised entity;

2) in Article 127, the following § 1a shall be inserted after § 1:

"§ 1a. A prosecutor shall be retired due to illness or loss of strength as of the date on which the certificate issued by the medical examiner or the medical committee of the Social Insurance Institution stating permanent incapacity to perform the duties of a prosecutor becomes final;

3) Art. 137 § 1 shall be replaced by the following:

"§ 1. The Public Prosecutor shall be liable to disciplinary action for official (disciplinary) misconduct for:

1) obvious and gross contempt for provisions of law;

2) acts or omissions that may prevent or significantly hinder the functioning of an organ of the judiciary or prosecutor's office;

3) acts that question the existence of the official tenure of a prosecutor or a judge or the effectiveness of the appointment of a prosecutor or a judge, or the constitutional mandate of an organ of the Republic of Poland;

4) public activity which is irreconcilable with the principles of the independence of a prosecutor;

5) violation of the dignity of the office;

4) in Article 142:

a) in § 1, after point 2, points 2a and 2b shall be added in the following:

"2a) reduction of the basic salary by 5% - 50% for the period from six months to two years;

2b) a penalty payment in the amount of one month's basic salary to be paid for the month preceding the issuance of a final and binding conviction, increased by the prosecutor's long-term work allowance, function allowance and special allowance;"

(b) the following § 1a is inserted after § 1:

"§ 1a. For the disciplinary offence defined in Art. 137 § 1 items 2-4, the penalty referred to in § 1 item 4 or 5 shall be imposed, and in the event of a lesser gravity - the penalty referred to in § 1 item 2a, 2b or 3. The provision of § 5 shall not apply.";

5) in Article 145

a) in § 1 point 1 in letter b after the words "the application was filed by the Supreme Court" the words "and in cases referred to in Art. 137 § 1 point 3" are added;

b) the following § 1a and 1b shall be inserted after § 1:

"§ 1a. In cases referred to in Article 135, the Supreme Court shall decide at first instance by a single judge of the Disciplinary Chamber, and in the second instance, the Supreme Court, composed of three judges of the Disciplinary Chamber.

§ 1b. In cases in which the Supreme Court has jurisdiction, the actions of the President of the Supreme Court shall be performed by the President of the Supreme Court directing the work of the Disciplinary Chamber;

6) the following § 3 shall be added to Article 147:

"§ 3. in the absence of the Chairman or Deputy Chairman of the Disciplinary Court attached to the Prosecutor General, his/her duties shall be performed by the oldest judge of that court";

7) in Article 155:

a) the following § 2a shall be inserted after § 2:

"§ 2a. The disciplinary court shall call upon the charged person to present, within 14 days of the date of service of the call, explanations in writing and to indicate

a defence counsel, if any. Failure to submit explanations within this time limit does not suspend further proceedings.",

b) the following § 4 is added:

§ 4. "The disciplinary court shall conduct proceedings despite the justified absence of the charged person or his/her defence counsel, unless the good of the conducted disciplinary proceedings precludes it".

8) the following Article 157a is inserted after Article 157:

"Article 157a. In matters governed by this Chapter, the provision of Article 117 § 2 of the Act of 6 June 1997 - The Code of Penal Procedure shall not apply, unless the act orders to notify a participant of the date of the procedural action, and there is no evidence that he or she was notified about it.";

9) in Article 171, subsection 1 shall be replaced by the following:

"1) the provisions of the general part of the Act of 6 June 1997 - The Penal Code and the provisions of the Act of 6 June 1997 - The Code of Penal Procedure shall apply accordingly except for Art. 344a and Art. 396a of the latter, taking into consideration the differences resulting from the nature of disciplinary proceedings;".

Article 7. A judge of the Supreme Court, common court, administrative court and military court, including a retired judge, is also a person appointed to hold office on the post of a judge by a body authorized to appoint on the basis of the regulations in force on the date of appointment, whose service relationship on that post has not expired or has not been terminated by the date of entry into force of this Act.

Article 8. The provision of Article 55 § 4 of the Act as amended in Article 1 shall also apply to cases commenced or concluded before the date of entry into force of this Act.

Article 9. 1. The statement referred to in Art. 88a of the Act as amended by Art. 1 and Art. 103a § 1 of the Act as amended by Art. 6, shall be submitted for the first time by a judge of the Supreme Court, an administrative court, a common court or a military court or a prosecutor within 30 days of the entry into force of this Act. 2. The competent authority publishes in the Public Information Bulletin the information referred to in Art. 88b of the Act amended in Art. 1, within thirty days of the date of entry into force of the Act.

Article 10. 1. The provisions of the Act amended in Art. 2, as amended by this Act, shall also apply to cases which are subject to examination by the Chamber of Extraordinary Control and Public Affairs of the Supreme Court, initiated and not concluded with a final judgment, including in a resolution, before the date of entry into force of this Act.

2. The court considering the case referred to in section 1 shall immediately, however, no later than within 7 days of the date of entry into force of this Act, transfer the case to the Supreme Court Chamber of Extraordinary Control and Public Affairs, which may repeal the previous actions if they prevent further examination of the case in accordance with the Act.

3. The judicial activities and actions of the parties or participants to proceedings in the cases referred to in section 1, undertaken after the date of entry into force of this Act in breach of the provision of section 2, shall not produce procedural effects.

Article 11. 1. Proceedings concerning opinions on candidates for the positions of judges of voivodship administrative courts and the Supreme Administrative Court and presentation of candidates to the National Council of the Judiciary before voivodship administrative courts and the Supreme Administrative Court initiated before the entry into force of the Act referred to in Art. 4 shall be discontinued by virtue of law.

2. The documents concerning the candidates referred to in Section 1, including personal files, are transferred by the competent President of the Voivodeship Administrative Court or the President of the Supreme Administrative Court immediately, but not later than within 14 days from the date of entry into force of the Act, to the National Council of the Judiciary in order to continue the case and examine by the Council the submitted candidates on the principles set out in Article 31 of the Act of 8 December 2017 on the Supreme Court and in Chapter 3 of the Act of 12 May 2011 on the National Council of the Judiciary.

Article 12. 1. The provision of Article 45c of the Act amended in Article 5 shall also apply to proceedings and resolutions adopted by the National Council of the Judiciary before the date of entry into force of this Act.

2. The decision to apply for a contact order issued before the date of entry into force of the Act in proceedings on appeal against the resolution of the National Council of the Judiciary concerning the appointment to perform the office of a judge does not produce any legal effects and does not affect the effectiveness of the appointment by the President of the Republic of Poland to perform the office of a judge, even if the appointment took place before the date of entry into force of the Act.

3. The appeal proceedings against the resolution of the National Council of the Judiciary in an individual case concerning the appointment to hold office as a judge of the Supreme Court, conducted in violation of Article 3 of the Act of 26 April 2019 amending the Act on the National Council of the Judiciary and the Act - Law on the system of administrative courts (Journal of Laws, item 914), are invalid.

4. Judicial actions taken before the date of entry into force of the Act without the participation of the person concerned in connection with the examination of an appeal against the resolution of the National Council of the Judiciary in an individual case concerning the appointment to hold office as a judge shall not produce legal effects. This also applies to judicial actions taken after the discontinuance of proceedings under Article 3 of the Act referred to in Section 1.

Article 13. As of the date of entry into force of the Act, the provisions of the Rules of Procedure for the office of the Supreme Administrative Court in so far as they concern the election of candidates for the position of a judge of that court shall cease to have effect. In the remaining

scope, until such time as new regulations are established, the regulations established on the basis of the existing provisions shall remain in force.

Article 14. The provisions on disciplinary liability in the current wording shall apply to acts committed before the date of entry into force of this Act.

Article 15. On the date of entry into force of this Act, the terms of office of the existing colleges of common courts and military colleges of district courts shall be terminated.

Article 16. Deputy disciplinary prosecutors at courts of appeal and deputy disciplinary prosecutors operating at regional courts appointed on the basis of the Act amended by Article 1 in its current wording shall remain in office until the end of the term of office for which they were appointed.

Article 17. The Act shall enter into force 7 days after its announcement, however, the provisions of Art. 4 points 6 and 7 shall enter into force 3 months after its announcement.

SPEAKER OF THE SEJM

Elżbieta Witek