



**Jean-Claude JUNCKER**  
President of the European Commission

Rue de la Loi, 200  
B-1049 Brussels  
Tel. +32 2 295 50 33  
jean-claude.juncker@ec.europa.eu

Brussels, 24 AUGUST 2017  
Ares (2017) 3605010

*Dear Mr Igreja Matos,*

*Let me thank you for your letter of 14 July 2017 as regards the rule of law in Poland, in particular as regards the law on the Supreme Court. I have also learned that you personally have written to President Duda in the same regard.*

*I fully share your concerns. I acknowledge and welcome that President Duda has referred two of the four laws back to the Polish Parliament. However, the fact that two of the four laws have been published and that work will continue on the matters addressed in the other two, means it remains important that we are clear about our concerns. Therefore, the European Commission set out on 26 July 2017 its grave concerns on the planned reform of the judiciary in Poland in an additional Rule of Law Recommendation addressed to the Polish authorities. In the Commission's assessment, the four new legislative acts mentioned also in your letter amplify the systemic threat to the rule of law in Poland already identified in the rule of law procedure started by the Commission in January 2016. In particular, the Commission's Recommendation asks the Polish authorities not to take any measure to dismiss or force the retirement of Supreme Court judges.*

*The Commission recommends that the Polish authorities resolve all problems identified, within one month.*

*Following the publication in the Polish Official Journal of the Law on the Ordinary Courts Organisation on Friday 28 July, the Commission has also launched an infringement procedure against Poland for breaches of Article 157 of the Treaty on the Functioning of the European Union (TFEU) and Directive 2006/54 on gender equality in employment contained in the Law on the Ordinary Courts Organisation.*

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*Mr José IGREJA MATOS*  
*President*  
*European Association of Judges*

*E-mail: [secretariat@iaj-uim.org](mailto:secretariat@iaj-uim.org)*

*In the Letter of Formal Notice, the Commission has also raised concerns that by giving the Minister of Justice the discretionary power to prolong the mandate of judges who have reached retirement age, as well as to dismiss and appoint Court Presidents, the independence of Polish courts will be undermined (see Article 19(1) of the Treaty on the European Union (TEU) in combination with Article 47 of the EU Charter of Fundamental Rights).*

*The European Commission is determined to defend the rule of law in all our Member States as a fundamental principle on which our European Union is built. An independent judiciary is an essential precondition for membership of our Union. The EU can therefore not accept a system which allows dismissing judges at will. Independent courts are the basis of mutual trust between our Member States and our judicial systems. If the Polish government goes ahead with undermining the independence of the judiciary and the rule of law in Poland in particular should any measures be taken to dismiss or force the retirement of Supreme Court judges, the Commission stands ready to immediately activate Article 7(1) TEU.*

*Nevertheless, the Commission continues to believe that dialogue can redress the situation. For the Commission, First Vice-President Timmermans has consistently stressed to the Polish authorities that the Commission stands ready to pursue a constructive dialogue at their earliest convenience. In the meanwhile, we will watch developments vigilantly and act accordingly.*

*I would like to thank you for defending the rule of law in Europe.*

*Yours sincerely,*

A handwritten signature in blue ink, consisting of a horizontal line with a small vertical stroke at the left end, resembling a stylized 'L' or a simple signature.