



MEDEL STATEMENT ON THE EUROPEAN COURT OF JUSTICE DECISION AND OPINION ABOUT THE INDEPENDENCE OF THE JUDICIARY

MEDEL welcomes the ECJ verdict delivered on 24 June 2019 (C-619/18) – the first in a series of “rule of law” rulings regarding Poland. The Court stressed, that *although the organisation of justice in the Member States falls within the competence of the latter, the fact remains that, when exercising that competence, the Member States are required to comply with their obligations under EU law. It follows that the Member States must put in place remedies sufficient to ensure effective legal protection, within the meaning of the Charter of Fundamental Rights of the European Union, in the fields covered by EU law* Thus every Member State must, under the second subparagraph of Article 19(1) TEU, ensure that the bodies which, as ‘courts or tribunals’ within the meaning of EU law, come within its judicial system in those fields meet the requirements of that protection. To ensure that a body such as the Supreme Court is in a position to offer such protection, ***maintaining its independence is essential***. The above ruling is important not only for protecting rule of law in Poland, but in the whole European Union and should be a guidance for states applying to join EU. It reminds again, that UE is mainly the Union of values, referred to in Article 2 TUE, with the rule of law as one of preconditions of functioning of the EU, as MEDEL has been constantly stating, namely since its contribution to the *Assises de la Justice*, organised by the European Commission in November 2013.

MEDEL is looking forward to another ruling regarding Poland - namely the Disciplinary Chamber of The Polish Supreme Court and National Judicial Council (joined cases C-585/18, C-624/18 and C-625/18) and appreciates the Advocate General Tanchev’s opinion released on Tuesday, June 27th, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-06/cp190083en.pdf>. The Advocate General strongly emphasises, that ***measures relating to the appointment of judges and the disciplinary regime governing judges are important aspects of the guarantees of judicial independence under EU law, and the existence of an independent body in the context of the disciplinary regime is part of those guarantees***.

The ECJ verdict of 24 June 2019 and the above mentioned opinion are a warning for all governments who recently have taken actions to undermine judicial independence (especially in Hungary, Poland, Romania, Bulgaria and Italy). All governments must be aware that provisions violating judicial independence will be considered as a threat to European integrity and European law, and are subject to the scrutiny of the ECJ.

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