



REGULATION No. 55/2020

OF THE FIRST PRESIDENT OF THE SUPREME COURT

of 5 May 2020

concerning enforcement of the decision of the Court of Justice of the European Union of 8 April 2020 granting interim measures in case C-791/19 and revoking the Regulation of 20 April 2020

Pursuant to Article 14(1) in conjunction with Article 111(4) and Article 111a in conjunction with Article 13a of the Act on the Supreme Court of 8 December 2017 (i.e., Journal of Laws of 2019, item 825, as amended), after asking the opinion of the President of the Supreme Court heading the Disciplinary Chamber, I hereby order as follows:

§ 1

Subject to § 2 and § 3, I order the competent organisational units which are subject to the orders or prohibitions referred to in Regulation No. 48/2020 of the First President of the Supreme Court of 20 April 2020 concerning temporary organisational solutions for the enforcement of the decision of the Court of Justice of the European Union of 8 April 2020 granting interim measures in case C-791/19 ("Regulation No. 48/2020"), to immediately restore the situation prevailing before the effective date of the Regulation, including immediate general measures falling within the scope of the Regulation, in particular the registration, reassignment and referral of letters and documents, the drafting, referral and archiving of files and substitute files. The foregoing shall also apply to cases where measures were taken under Regulation No. 48/2020 prior to the effective date of this present Regulation.

§ 2

Acting to the extent that the obligation to enforce the decision of the Court of Justice of the European Union of 8 April 2020 granting interim measures in case C-791/19 is addressed to

the First President of the Supreme Court within his scope of responsibilities, I hereby suspend the referral of cases concerning disciplinary proceedings of judges within the jurisdiction of the Supreme Court – the Disciplinary Chamber which were not registered or referred for examination before the effective date of the Regulation referred to in § 1 according to jurisdiction to the Supreme Court – the Disciplinary Chamber until such time that the aforementioned decision of the Court of Justice of the European Union expires or the Constitutional Tribunal issues a judgment in case P 7/20.

§ 3

1. According to the principles of legality (Article 7 of the Constitution of the Republic of Poland), independence of courts and judges (Article 173(1) and Article 10(2), Article 178(1) and Article 183(2) of the Constitution of the Republic of Poland), I hereby declare that the obligation to enforce point 1 of the aforementioned decision of the Court of Justice of the European Union to the extent of cases pending before the Supreme Court – the Disciplinary Chamber is addressed to the Supreme Court – the Disciplinary Chamber in individual cases, including disciplinary cases of judges, in which a formation has been appointed – to the Supreme Court examining the case.
2. Cases referred to in § 2 and disciplinary cases of judges, lodged with the Supreme Court as of the effective date of this present Regulation, shall be referred to the Secretariat of the First President of the Supreme Court and put on file there until the Court of Justice of the European Union issues a judgment in case C-791/19 or the Constitutional Tribunal issues a judgment in case P 7/20.
3. Disciplinary cases of judges, lodged with the Disciplinary Chamber of the Supreme Court where no formation of judges is appointed, shall be referred to the Secretariat of the President of the Supreme Court heading the Disciplinary Chamber and put on file there on general conditions.

§ 4

I hereby revoke Regulation No. 48/2020 of the First President of the Supreme Court of 20 April 2020 concerning temporary organisational solutions for the enforcement of the decision of the Court of Justice of the European Union of 8 April 2020 granting interim measures in case C-791/19 considering that it operates beyond the extent to which the decision obligates the First President of the Supreme Court to enforce it and due to the fact that the Supreme Court – the Disciplinary Chamber referred on 10 April 2020 a legal question to the Constitutional Tribunal: “Is the second sentence of Article 4(3) of the Treaty on European Union (Journal of Laws of 2004, No. 90, item 864/30, as amended; consolidated text: EU Official Journal 2016 C 202, p. 15) in conjunction with Article 279 of the Treaty on the Functioning of the European Union (Journal of Laws of 2004, No. 90, item 864/2, as amended; consolidated text: EU Official Journal 2016 C 202, p. 47), to the extent that it results in an obligation of a European Union Member State to enforce interim measures concerning the

system and functioning of constitutional judicial bodies of such Member State, compatible with Article 2, Article 7, Article 8(1) and Article 90(1) in conjunction with Article 4(1) of the Constitution of the Republic of Poland?" registered by the Constitutional Tribunal as P 7/20.

§ 5

This Regulation shall come into force on the date of its signing.

dr hab. Kamil ZARADKIEWICZ

Judge of the Supreme Court

acting First President of the Supreme Court