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The functioning of democratic institutions in Poland

Amendment¹ No. 23

In the draft resolution, at the end of paragraph 8, insert the following sentences:

"However, this judgement is non-binding, according to Polish rules, in contrary to the judgement of Supreme Court - Chamber of Extraordinary Control and Public Affairs, stating that:

- the act of judge's nomination cannot be put in question;
- the EUCJ judgement of November 19th 2019 does not qualify National Judiciary Council as not independent because of its composition (members elected by the Parliament). So, the independency of National Judiciary Council can be put in question only with relations to particular circumstances existing in the particular proceedings.

This last judgement has been given after EUCJ judgement of 19th November 2019 – and, according, to the Supreme Court – is in line with the aforementioned judgement. It's binding for all panels of Supreme Court - Chamber of Extraordinary Control and Public Affairs."

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