



Doc. 15025
27 January 2020

The functioning of democratic institutions in Poland

Amendment¹ No. 40

In the draft resolution, replace paragraph 8 with the following paragraph:

"The Assembly takes note of the recent ruling by the Polish Supreme Court of 5 December 2019, issued on the basis of the guidelines contained in the judgement of the CJEU of 19 November 2019, that the National Council of the Judiciary cannot be considered an impartial and independent body, and that the new disciplinary chamber of the Supreme Court cannot be considered a court within the meaning of European and Polish law. The Assembly also takes note of the Supreme Court's resolution of 23 January 2020, stating that any judges appointed by the National Council of the Judiciary are not authorised to adjudicate. The Assembly is deeply concerned by the Polish Government's reaction to the resolution, which considers it to be unlawful. It calls upon the Polish authorities to fully abide by the judgment and resolution and to address without further delay these fundamental shortcomings in the Polish legal system."

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