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25 January 2021

## Judges in Poland and in the Republic of Moldova must remain independent

### Amendment<sup>1</sup> No. 14

*In the draft resolution, after paragraph 12, insert the following paragraph:*

"The Assembly notes that the independence of the National Council of the Judiciary (NCJ) from legislative or executive power should be understood in terms of the Polish Constitution. According to its art. 187, NCJ is not a part of judicial self-government but a platform for cooperation between all three branches of the state in providing for proper functioning of the judiciary. The Assembly recognises that the current model of appointing NCJ members was held conforming to art. 187 of the Constitution by the Constitutional Tribunal in its judgment K 12/18 of 25 March 2019."

#### *Explanatory note*

New paragraph sets out the necessary constitutional context for considering systemic position of the NCJ and its constitutionally-granted independence.

#### *Tabled by:*

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