1. **Please provide detailed information, including disaggregated data, on the number of judges that have been subject to disciplinary proceedings in the last ten years. How many of them were found guilty of a disciplinary misconduct? How many of them were removed from office?**
2. During the period **between 2013 and mid-2016**, around 270 final disciplinary proceedings were held, in which judges were charged with 289 counts. Most of the allegations concerned excessive length of time in preparing justifications or delay in taking up action due to work overload. In 5 cases, judges were charged with minor offences. **Only in 17 cases were the judges charged with committing a crime, including:**

**- corruption offences -1,**

**- crimes against road safety – 3,**

**- offences against the functioning of state institutions – 2,**

**- crimes of document falsification – 1;**

1. In case of 188 allegations, various disciplinary sanctions were imposed on the judges. In 24 cases, the matter was considered on the merits, but identified as minor and the penalties were waived. In 21 cases, a disciplinary offence was fund to have been committed, but due to the period of limitation, the proceedings in the scope of punishment were discontinued. In Only 8 cases, the proceedings were not considered on the merits and were discontinued. In 48 cases, the judges were acquitted.
2. The data presented above indicate that cases of disciplinary offenses committed by the judges were rare, given that circa 10.000 judges adjudicate in Poland. **In the audited period, there were only 17 cases in which a judge was accused of committing a crime. This stands for an average of about 5 cases per year.**
3. Nevertheless, the legislation that governs the judiciary has been gradually amended between 2015 and 2018. Change has accumulated and the single themes are now coming together to unveil a completely new perspective on the reform. Without changing the Constitution, the judiciary system and the status of courts within the three branches of government have been changed and exposed to political control. The judiciary is no longer a partner in the checks and balances mechanism.
4. The amendments to the legislation that governs the judiciary, **introduced after the parliamentary elections of the autumn 2015**, indicate that changes are not aimed at increasing the effectiveness of disciplinary proceedings, but exacerbating system repressiveness. They make the procedural situation of a charged judge less favorable than that of a defendant in criminal proceedings. The changes significantly increase the powers of the Minister of Justice, who became the *de facto* an organ conducting disciplinary proceedings. This inadvertently upsets the balance between the executive and the judiciary, especially since both the prosecutor in disciplinary proceedings and members of disciplinary courts are dependent on the executive power's representative.
5. **Number of judges that have been subject to disciplinary proceedings since mid-2016** – 34 judges [**disaggregated data:** “Justice under pressure – repressions as a means of attempting to take control over the judiciary and the prosecution in Poland” – prepared by „Iustitia” Polish Judges Association, **attached to this report**].

**Found guilty** – so far only the judge of the District Court in Gorzów Wielkopolski Alina Czubieniak, who was sentenced to disciplinary sanction by the judges of the new Disciplinary Chamber of the Supreme Court for issuing a correct, fair and constitutionally compliant decision. On 21.11.2019, the Supreme Court Disciplinary Chamber found Judge Alina Czubieniakguilty of a disciplinary offence and waived punishment.

**Removed from office** – none of the judges so far.

1. **Has any judge belonging to your association been subjected to any form of sanctions that were not previously established by law or that were imposed through a procedure that did not meet the procedural requirements established by the law? If yes, please provide information on the case(s).**

So far none of judges form IUSTITIA Polish Judges Association have been subjected to any form of sanctions that are not established by law. However, there have been instances of applying existing law (including disciplinary proceedings) in a manner which is perceived as aiming at pressuring the judiciary and interfering in courts’ proceedings. **Two of the most profound examples are the cases of judges Paweł Juszczyszyn and Alina Czubieniak.**

1. Justice Paweł Juszczyszyn is a judge of the District Court in Olsztyn, who by virtue of the decision of the Minister of Justice was delegated to adjudicate in the Regional Court in Olsztyn. There, among many tasks, he heard appeals against rulings passed by district courts. During the examination of one of the appeals (case IX Ca 1302/19), Justice Paweł Juszczyszyn intended to examine the legal status of the judge who issued the ruling in the first instance, as the motion for his appointment was presented to the President by the National Council of the Judiciary (NCJ).

The current status of NCJ is challenged as unconstitutional, due to the changes of the way in which judge members of the NCJ are elected.

To this end, justice Pawel Juszczyszyn asked the Head of the Chancellery of the lower house of the parliament – Sejm to present the applications submitted to the Chancellery of the Sejm (...) and lists of citizens and judges endorsing the judge candidates to the NCJ, subsequently elected by the resolution of the Sejm of 6 March 2018.

In addition, Justice Paweł Juszczyszyn asked the Head of the Chancellery of the Sejm to present the statements of citizens or judges informing the Sejm of their withdrawal of their support for any of these candidates, should they exist.

**Justice Paweł Juszczyszyn was to assess, among other issues, the legal status of the NCJ in terms of meeting the criteria indicated in the judgment of the CJEU of 19 November 2019 in the joint A.K. cases: (C-585/18), CP (C-624/18) and DO (C-625/18).** Thus, by demanding the above-mentioned documents from the Chancellery of the Sejm**, Justice Paweł Juszczyszyn acted within the scope of his judicial powers, applying the CJEU judgment of 19 November 2019, which he was obliged to do.**

Immediately after the order was made public, the Secretary of State at the Ministry of Justice, Michał Wójcik, threatened Justice Paweł Juszczyszyn on TV with disciplinary proceedings. Later, **the Minister of Justice dismissed Justice Paweł Juszczyszyn from his delegation to the Regional Court without notice and without giving grounds for such dismissa**l. Although such dismissal was in compliance with the law, in reality it was a demotion.

On 28 of November 2019 the deputy disciplinary prosecutor for judges of common courts, Michał Lasota, initiated disciplinary proceedings against Justice Paweł Juszczyszyn, charging him with abuse of power. In the opinion of the deputy disciplinary prosecutor, by demanding documents from the Chancellery of the Sejm with the aim of assessing the status of the new National Council of the Judiciary, Justice Paweł Juszczyszyn, acted outside the scope of his powers by claiming the right to assess the validity, including legality, of the election of members of the National Council of the Judiciary and, consequently, claiming the right to assess the validity of the decision of the President of Poland to appoint a judge.

**It must be noted, that only following these events, on 20 December 2019 the Law on the Common Courts System was amended as to state that it is a disciplinary offence for a judge to question the existence of the tenure of a judge, the validity of a judge’s appointment to office or the legality/validity of an constitutional body of the Republic of Poland**.

In addition, the disciplinary commissioner for common courts’ judges accused Justice Paweł Juszczyszyn of an offence consisting of presenting to the media his views on his delegation and subsequent recall from that delegation to the Regional Court in Olsztyn. Finally, the deputy disciplinary commissioner accused Justice Paweł Juszczyszyn of providing false circumstances in his requests to be recused from presiding over two criminal cases. In addition, Maciej Nawacki the President of the District Court in Olsztyn and a member of the new NCJ, i.e. one of the members of the NCJ whose status was to be examined by Justice Paweł Juszczyszyn, ordered an immediate suspension of Justice Paweł Juszczyszyn in his official activities. At the same time, the government controlled media and other pro-governmental media started a campaign against Justice Paweł Juszczyszyn.

**As is clear from the CJEU judgment of 19 November 2019** concerning the criteria for assessing the status of the Disciplinary Chamber and the National Council of the Judiciary issued in the joint A.K. cases: (C-585/18), CP (C-624/18) and DO (C-625/18), that **Justice Paweł Juszczyszyn not only had the right, but also the obligation to examine the legal status of the judge who passed the appealed judgment and who was appointed to his office on the motion of the new National Council of the Judiciary.**

On February 4, 2020 a panel of three judges of the Disciplinary Chamber of the Supreme Court, following the appeal of the disciplinary prosecutor, overruled the previous decision of this Chamber and **suspended Justice Paweł Juszczyszyn in his official duties and redacted his remuneration by 40% for the duration of the suspension.**

The following day Justice Maciej Nawacki, declared that he would carry out the aforementioned decision of the Disciplinary Chamber, ignoring several court rulings (including the Resolution of the formation of the joint Civil Chamber, Criminal Chamber, and Labour Law and Social Security Chamber of the Supreme Court of 23 January 2020 case BSA I-4110-1/20), declaring that the judges of the Disciplinary Chamber were unduly/unlawfully appointed and thus do not have the right to pass judgments.

On February 5, 2020 Maciej Nawacki, in the presence of television reporters from the TVN 24 channel, signed an order withholding the assignment of cases to Justice Paweł Juszczyszyn for the duration of his suspension. Furthermore, Maciej Nawacki blocked Paweł Juszczyszyn’s access to the court’s information systems and deprived him of the access to court premises other than his chambers. He also denied him the right to enter the court premises outside of office hours. In addition, the cases previously assigned to Paweł Juszczyszyn were reassigned to other judges.

(Source:Communiqué of the Disciplinary prosecutor of common court judges Piotr Schab on initiating disciplinary proceedings against Justice Paweł Juszczyszyn; judgment of the Supreme Court of 5.12.2019 issued in case III PO 7/18; judgment of the CJEU of 19.11.2019 in joined cases A.K: (C-585/18), CP (C-624/18) and DO (C-625/18); resolutions number 1, 2, 3 of the General Assembly of Olsztyn District Judges of 2.12.2019; direct interview with Justice Paweł Juszczyszyn).

1. **The judge of the Regional Court in Gorzów Wielkopolski Alina Czubieniak** was sentenced in the disciplinary proceedings by judges of the new Disciplinary Chamber of the Supreme Court for issuing a correct, fair and constitutionally compliant decision. With this verdict, the Disciplinary Chamber of the Supreme Court grossly violated the rule of law by interfering in the judiciary domain, which is in principle is excluded from the assessment in the disciplinary proceedings.

The case concerned a 19-year-old man arrested on charges of sexual harassment of a minor. The suspect was intellectually disabled and illiterate. During the interrogation in the prosecutor’s office which followed his arrest, the suspect did not have legal representation. Before the interview he was given a file of documents written in legal terms and was informed about his rights and obligations, the law enforcement authorities considered that the illiterate man had thus been properly instructed.

The district court placed the 19-year-old under pre-trial arrest. During the hearing the suspect was not represented by a lawyer. It was only after this precautionary measure was taken that the suspect was appointed a public defender, who immediately challenged the decision on provisional detainment.

The case was then transferred to the Regional Court in Gorzów Wielkopolski and was assigned to Justice Alina Czubieniak. **She overturned the decision on pre-trial arrrest on the grounds that both the Constitution of the Republic of Poland and the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantee everyone the right of defence**. Justice Alina Czubieniak ruled that the suspect’s rights of defence have been grossly violated and the pre-trial detention hearing should be repeated and that during such hearing the suspect should be guaranteed proper defence, in line with the constitutional and conventional standards. When the case was reconsidered, the suspect was represented by a defence counsel and a preventive measure in the form of pre-trial detention was applied one more time. The proceedings against the suspect were discontinued at a later stage as he was declared mentally disabled. The suspect was ordered to undergo treatment and was placed under electronic supervision.

**The deputy disciplinary commissioner for the Court of Appeal in Szczecin, Piotr Brodniak, initiated disciplinary proceedings against Justice Alina Czubieniak and charged her with a disciplinary offence of revoking the decision on temporary detention of the suspect**. In his opinion, the judge’s decision was erroneous and resulted in the release of the suspect, who remained out of custody for 15 days. **Moreover, the disciplinary commissioner accused Justice Alina Czubieniak of ruling erroneously that a lawyer should have been present during the first interview of the suspect by the prosecutor.**

The Court of Appeal – Disciplinary Court in Wroclaw in a judgment of 23 January 2018 acquitted Justice Alina Czubieniak of the above-mentioned disciplinary charges. The motifs of the acquittal indicated that the charges of the disciplinary prosecutor were completely unfounded and that the judge’s decision to revoke the provisional detention of the suspect was correct and just. The Disciplinary Court confirmed the ruling of Justice Alina Czubieniak that the suspect’s rights of defence were breached due to the fact that he did not have legal representation during the court’s hearing deciding on his provisional detention.

The Minister of Justice Zbigniew Ziobro took interest in this ruling and consequently, together with the central judge’s disciplinary commissioner, appealed the ruling of the Wroclaw Court of Appeal. The appeal was submitted to the new Disciplinary Chamber of the Supreme Court. **In March 2019 the Disciplinary Chamber of the Supreme Court**, composed of three members (previously a notary, an attorney at law - legal adviser and a lay juror) **overturned the ruling of the Court of Appeal in Wroclaw** acquitting Justice Czubieniak, **found her guilty of the offences and sentenced her to a warning.** The deliberation on the verdict lasted just 15 minutes. The judge appealed the ruling and announced that she is considering filing a claim to the European Court of Human Rights.

**On November 21, 2019 a different panel of three judges of the Supreme Court’s Disciplinary Chamber upheld the ruling finding Justice Alina Czubieniak guilty of a disciplinary offence, however waived the punishment.**

(Source: Judgment of the Court of Appeal **–** Disciplinary Court in Wrocław of 23.1.2018acquitting Justice Alina Czubieniak; statement of the judges of the CST “Iustitia” of 28.3.2019 on the communication of the disciplinary prosecutor of Judge Piotr Schab of 27.3.2019; https://oko.press/izba-dyscyplinarna-nie-odpuscila-sedzi-czubieniak; judgment of the Supreme Court of the Chamber of Labour and Social Insurance of 5.12.2019 issued in case III PO 7/18.)

1. **Apart from disciplinary proceedings, are there any other measures that may be used to interfere with the capacity of a judge to adjudicate cases before him or her in full independence? Are you aware of any case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways in order to abandon a case pending before him or her? If yes, please provide information on the case(s).**
2. There are numerous actions that constitute soft repressions [other than disciplinary actions] targeted at the independence of judges. Those actions are undertaken by the representatives of the executive, law enforcement agencies (including the Prosecutor’s Office), the body acting as the National Council of the Judiciary, court presidents nominated by the Minister of Justice:
* the vilification of a judge in the media by representatives of the legislative and executive authorities;
* requesting the initiation of disciplinary proceedings against a judge in connection

with his judicial activity;

* initiation of criminal proceedings by the prosecutor’s office in connection with the judge’s judicial activity;
* unjustified transfer without the consent of the judge to another department in the court and dismissal from the post of deputy head of the department;
* unjustified transfer to another department, harassment through administrative

supervision, deterioration of working conditions;

* closure of the department and transfer to another department with repressive features; this repression concerns the judge who is a spokesman for the “Iustitia” Polish Judges Association. He was at the same time the president of the commercial department in the Poznań-Stare Miasto District Court in Poznań. The Minister of Justice, without rational justification decided to liquidate one of the commercial departments, whose chairman was the spokesperson of “Iustitia”, acting to the detriment of citizens, employees and organization of the above mentioned court;
* examination of judge’s decisions by the prosecutor’s office;
* dismissal from the office of the president of the court having features of repression;
* transfer of a judge to another department without his consent, with features

of chicanery;

**[disaggregated data:** “Justice under pressure – repressions as a means of attempting to take control over the judiciary and the prosecution in Poland” – prepared by „Iustitia” Polish Judges Association, **attached to this report**].

1. So far there has been no case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways **in order to abandon a case pending before him or her.**
2. **What measures have been put in place in your country to enable judges to decide matters before them impartially and without any pressure or interference?**
3. According to Article 10 of the Constitution of the Republic of Poland, the system of government is based on the separation of and balance of the legislative, executive and judicial powers. According to Article 174 of the Constitution, courts and tribunals constitute the judicial power and are independent of the executive and the legislature. This judicial independence is to be assured by the measures stipulated in Articles 178 - 181 of the Constitution i.e.:
* within the exercise of their office, judges areindependent and subject only to the Constitution and statutes; a judge cannot be a member of a political party or trade union and neither can he/she engage in public activities irreconcilable with the principles of judicial independence;
* Judges are appointed for an indefinite term by the President of the Republic on the motion of the National Council of the Judiciary; judges cannot be removed from office (a judged may by recalled or suspended from office or transferred to another bench or position without his/her consent only based on a court ruling and only when such recall, suspension or transfer is stipulated by statute law;
* should illness or infirmity prevent a judge form executing his/her duties, he/she may be retired, following a procedure stipulated by statute law; the procedure must include the right to appeal the decision issued with respect to such retiring;
* the age upon which judge shall retire form his/her office is to be determined by statute law;
* should the court system be reorganised or the boundaries of court districts changed, a judge may be either allocated to a different court or retired, in either case without any reduction in remuneration;
* without prior consent granted by a court specified by statute law, a judge cannot be held criminally responsible nor deprived of liberty. A judge can be neither detained nor arrested, unless he/she has been apprehended in the act of committing a crime and provided that his/her detention is necessary to guarantee due course of justice. The president of the court in which’s district the apprehension took place, shall be forthwith notified of any such detention and may order the immediate release of the detainee.
1. Furthermore, the National Council of the Judiciary (NCJ) is a constitutional body, which objective is to safeguard the independence of courts and judges (Article 186 of the Constitution). Its powers, apart from putting forward the candidates to be appointed as judges, include the right to file motions to the Constitutional Tribunal to review the constitutionality of normative acts in the scope in which they relate to judicial independence. According to the Constitution, the NCJ is composed of the First President of the Supreme Court, the Minister of Justice, the President of the Supreme Administrative Court, a representative appointed by the President of the Republic; **15 judges chosen from amongst the judges of the Supreme Court, common courts, administrative courts and martial courts**; 4 MP’s chosen by the Sejm from amongst its members and 2 senators chosen by the Senate from amongst its members. **The term of office of the elected members of the NCJ is 4 years.** The Constitution also provides that the organisation, scope of activity etc. of the NCJ, as well as the rules regarding the appointment of its elected members shall be specified by statute law;
2. Although as shown above, in respect of assuring judicial independence, the Polish Constitution complies with European standards, in recent years, the governing political party introduced, by way of ordinary bills, many measures that pose a threat to this independence, as the legislature and executive authorities have gained a huge influence over the functioning of the judicial system, while the judiciary has lost most of its safeguard instruments.
3. First of all, as of January 2018, according to the Act on the National Council of the Judiciary as amended by the by the act of 8 December 2017 the judiciary has been deprived of the right to elect the judge members of NCJ. Up until 2018 the judges - members of NCJ had been chosen by general assembly’s of judges. **Currently the judges - members of NCJ are elected by the lower house of parliament – the Sejm**, out of the candidates put forth by at least 25 other judges or by 2.000 citizens. Therefore, the majority of NCJ members, including judges, is currently elected by politicians (the Sejm, Senate and the President).
4. It must by noted, that the judges - members of NCJ elected by Sejm in 2018 are directly or indirectly associated with the Ministry of Justice (as judges delegated to the ministry or promoted by the minister to the positions of court presidents etc.). What is more, the procedure of putting forward those candidates was not transparent. The Sejm refused to publish the endorsement lists, even when it was ordered to do so by the ruling of the Supreme Administrative Court (ruling of 28 May 2019 case I OSK 4282/18). Once the endorsement lists were made public, it become clear that the majority of the judges - members of NCJ met the support quota by bare minimum and several judges associated with the Ministry of Justice endorsed more the one candidate. **Furthermore, by way of the same legislation and in breach of the Constitution the term of office of the elected members of the former NCJ was shortened.**
5. The fact, that the majority of NCJ members are currently elected by politicians poses a threat to judicial independence. The NCJ plays a crucial role in judicial appointments (also with respect to appointments to higher courts of practicing judges), as only a candidate put forward by the NCJ may be appointed to the office. Furthermore, it decides on a range of issues concerning the position of individual judges. The NCJ decides whether to retire a judge due to illness or infirmity; grants the consent for a judge to continue his/her service upon reaching the retirement age; hears appeals of judges against the decisions of the presidents of the courts changing their job descriptions (and those changes may include a transfer to a different division of the court the judge is appointed to).
6. Furthermore, since 2017 there have been several amendments in the Law on the Common Courts System regarding judges’ retirement age and the procedures enabling them to continue their service past that age. Currently (according to the Article 69 Paragraph 1 of the Law on the Common Courts System, adopted on 12 April 2018) the retirement age of both male and female judges is 65 and should a judge wish to continue their service, they must be granted the consent by the NCJ. The decision of NCJ is final. This measure influence the judicial independence, as once a judge is retired all cases pending in front of them are transferred to other judges.
7. Since 2017 there is also an on-going process of restricting the powers of the judicial self-government. Also the administrative supervision of the Minister of Justice over the common courts has been strengthened considerably. All decisions of importance to the functioning of the common courts are made by entities which are hierarchically subordinated to the Minister of Justice. An amendment of the Act on the System of Common Courts gave the Minister of Justice the right to dismiss - within 6 months - any president of a court before of the end of his term, without giving any grounds to the Minister’s decision. Any firm of self-government is no longer presented, the candidate for the president of a court and does not have the right to voice its opinion on any such candidate. Thus the Minister of Justice has the discretionary power to appoint whomever he/she choose, without having to consult anyone. The Minister of Justice gained the power to remove the president of every court. The NCJ can block Minister’s decision by a two-thirds majority, but due to the discussed above composition of this body, in practice the NCJ is not likely to do so.
8. Having an influence on who is a court president, the Minister of Justice gained an indirect influence over the judges, as the court president has the means to apply indirect pressure on judges. A president of the court may not extend the deadline for drawing the written motifs of a verdict and subsequently initiate disciplinary action against such judge due to the failure to meet the deadline. He may refuse to grant consent for the assignment of cases to a given judge to be suspended for a period of time, even though a judge has been assigned other cases requiring extraordinary input. He may also refuse to grant a judge a leave on demand or may decide to take virtually all cases assigned to a given judge under personal supervision and once a case is under the supervision of the president of the court, the judge is obligated to present written reports on the case’s progress, which is time-consuming and hence burdensome.
9. The Colleges of Regional Courts and of Courts of Appeal which approval/opinion is required in a vast number of decisions made by presidents of the courts of all levels regarding their functioning, which until 14 of February 2020 were in majority composed of representatives chosen by the general assembly’s of judges, are currently composed solely of the presidents of courts, who are appointed by the Minister of Justice.
10. The disempowerment of the judicial self-government and the established control system subordinated to the Minister of Justice limits the autonomy of the judiciary and may lead to judges being dependent in their adjudicating capacity on factors other than the law.
* It must be noted that the amendment of the Law on the System of the Common Courts of 20 December 2019 added two articles which limit directly the scope of judicial discretionary powers and the right of the judicial self-government to voice its opinions on issues regarding the judicial system.
1. According to Article 9a of the amended Law on the Common Courts System, the agenda of the courts’ colleges and self-government body sessions may not include political issues, in particular it is prohibited to adopt resolution questioning the functioning of the State’s authorities and of the constitutional bodies of the Republic of Poland. Pursuant to Article 42a of the aforementioned law, it is inadmissible for the courts and their bodies while acting in their official capacity to question the empowerment of other courts, tribunals, constitutional bodies, control authorities or law enforcement authorities. Furthermore, it is inadmissible for a common court or other state authority to examine whether a judged was appointed in compliance with the law or whether a judge has the capacity to lawfully perform their duties due to the manner in which they were appointed.
2. These provisions – clearly aiming at limiting judicial independence - are the reaction to the fact that the status of the judges appointed on the motion of the new EJC, as well as their right to pass judgments was challenged on numerous occasions by both resolutions of the judicial self-governments and courts’ rulings.
3. Significant changes have also been made to the disciplinary proceedings. Under the Act of 8 December 2017 on the Supreme Court**,** a new Disciplinary Chamber, which serves as both the court of appeal and cassation court in the disciplinary proceedings, has been crated at the Supreme Court. The judges to the Chamber (most of them from outside the judiciary) were appointed on the motion of the new NCJ. The manner of appointment of the Disciplinary Chamber’s judges led to several court rulings (the most important being the Resolution of the formation of the combined Civil Chamber, Criminal Chamber, and Labour Law and Social Security Chamber of the Supreme Court of 23 January 2020 case BSA I-4110-1/20) declaring that the they were unduly/unlawfully appointment and therefore do not have the right to pass judgments. **Furthermore, on 8 April 2020 the Court Of Justice of the European Union issued an interim measure ordering Poland to immediately suspend the application of the national provisions on the powers of the Disciplinary Chamber of the Supreme Court with regard to disciplinary cases concerning judges (Order of the Court in Case C- 791/19R Commission v Poland).** However both the Disciplinary Chamber and the government ignore these rulings.
4. The Minister of Justice–Prosecutor General gained the powers to appoint the judges of the disciplinary courts at the courts of appeal (which serve as court of first instance in disciplinary proceedings), the disciplinary prosecutors, the Disciplinary Prosecutor for General Court Judges and two Deputy Disciplinary Prosecutors for General Court Judges. He also has the right to appeal disciplinary courts’ rulings and to object against the decision of the disciplinary prosecutor not to institute disciplinary proceedings, as well as his decisions to discontinue such proceedings.
5. Furthermore, procedural changes introduced to the disciplinary proceedings make the status of a charged judge less favourable than that of a defendant in criminal proceedings and the statutory limitation of disciplinary offences was extended. Pursuant to Article 107 of the Law on the Common Courts System as amended on 20 December 2019 disciplinary offences include not only (as previously) the obvious and blatant breach of law and acts contrary to the dignity of office, but also:

- acts and omissions that may obstruct or significantly impede the functioning of a judiciary body,

- questioning the existence of the tenure of a judge,

- questioning the validity of judge’s appointment to office;

- questioning the legality/validity of a constitutional body of the Republic of Poland;

- public activity irreconcilable with the judicial independence.

A judged can also be held disciplinary responsible for his actions prior to his appointment, if he/she had acted against the dignity of the office he/she was holding at the time or proved to be unworthy of the judicial office.