



Association of European Administrative Judges/Vereinigung Europäischer Verwaltungsrichter /
Fédération Européenne des Juges Administratifs
Associazione dei Magistrati Amministrativi Europei /
Based at: Europäische Rechtsakademie D-54295 Trier, Metzger Allee 4

President of the Association: Dr. Edith Zeller
Judge at the Administrative Court of Vienna
Tel: 0043 1 -4000-38614, e-mail: info@aeaj.org

29th of March 2019

Concerning: situation of judiciary in Poland, letter of IUSTITIA of 13th February 2019,
disciplinary proceedings against Polish judges

Mr. Frans Timmermans
First Vice - President of the European Commission

Honourable Mr Timmermans,

AEAJ fully supports the concerns expressed to you by MEDEL and European Association of Judges (EAJ) last month to inform you on the current situation of judges in Poland, especially the initiation of specific disciplinary proceedings.

There is no doubt about the generally very alarming situation for the Polish judiciary.

The recent developments concerning the initiation of disciplinary proceedings against judges on the basis of obviously undue reasons – as indicated in the letter of the Polish Association

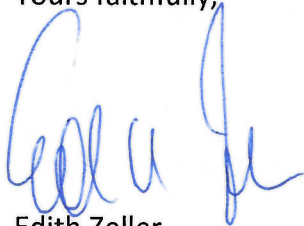
IUSTITIA to your Excellency of 13th February 2019 – show another dimension of an unacceptable pressure:

firstly, even if the judge will be acquitted finally, the burden for the respective judge from the initiation of investigations and start of disciplinary charges cannot not be ignored; secondly the wilful initiation of disciplinary proceedings has a chilling effect on all other national judges.

The Court of Justice of the European Union has repeatedly stressed the relevance of disciplinary regimes in the context of standards of independence. Among others, it is relevant to stress that by European standards any accountability by way of disciplinary liability of judges can only be justified when the misconduct is serious and flagrant.

In line with the letters of MEDEL and AEJ we want to stress the importance to stop such wilfully initiated disciplinary proceedings, because of the importance of an independent judiciary for the fulfilment of rule of law.

Yours faithfully,



Edith Zeller

President of the Association of European Administrative Judges (AEAJ)