



Joint press release of IAJ-EAJ, Medel, AEAJ and Judges for Judges on the court order of the General Court of 4 June 2024

The four European associations and organisations of judges are disappointed by the order of 4 June 2024 of the Grand Chamber dismissing, as inadmissible, the actions brought by them against the Council decision approving the Recovery and Resilience plan for Poland.

On 17 June 2022, the Council of the European Union approved the assessment of the plan presented by Poland with regard to the Recovery and Resilience Facility. The Council decision established certain milestones that Poland had to achieve in order to be granted funds. One of the milestones required Poland to establish a review procedure against decisions of the Disciplinary Chamber of the Supreme Court concerning judges suspended or otherwise disciplined on grounds contrary to European Union law.

EAJ, Medel, AEAJ and Judges for Judges, also representing suspended Polish judges, argued that this milestone was incompatible with European Union law, as the Court of Justice already decided that suspended judges had to be immediately restored in their functions, without any type of review, let alone with a review of uncertain outcome.

For this reason, we jointly initiated a lawsuit against the decision of the Council of 17 June 2022 before the General Court (cases T-530/22 to T-533/22).

A panel of three judges of the General Court initially decided to examine jointly the admissibility (the standing/legal interest of the four organisations) and the

merits of the cases, and required the European Council to present a defence on the merits.

After a letter of 5 December 2022, the General Court adopted an expedited procedure. At a later stage, the case was referred to the Grand Chamber of the General Court. By order of 4 June 2024, the Grand Chamber declared the cases inadmissible for absence of the required legal interest/standing, even when representing the suspended Polish judges.

We are disappointed by the order of the General Court and continue to be convinced by the merits of our common position.

At this moment, our organisations only want to underline that the order of the General Court conceives judicial independence and the Rule of law as a matter exclusively reserved to European institutions, especially the European Commission. Such a conception, which precludes national judges and the European civil society, is not without risks for the Union as a whole.

We will study the order in detail, and will deliberate within the boards of our respective organisations on the opportunity of an appeal. This will take some time. The press will be informed in due time if such an appeal will be lodged.

Background

The four main European organisations of judges are the Association of European Administrative Judges (AEAJ), the European Association of Judges (EAJ, a regional branch of the International Association of Judges – IAJ), Reichters voor Reichters (Judges for Judges), and Magistrats Européens pour la Démocratie et les Libertés (MEDEL). They are represented by Carsten Zatschler SC and Emily Egan McGrath BL, Barristers, assisted by Anne Bateman and Maeve Delargy, Solicitors of Philip Lee LLP, Dublin. The support provided by The Good Lobby Profs is gratefully acknowledged.