

Question for written answer E-004050/2025
to the Commission
Rule 144
Mariusz Kamiński (ECR)

Subject: Illegal actions by Minister Żurek following his meeting with Commissioner McGrath and tacit acceptance by the Commission of breaches of the rule of law in Poland

On 29 September, Commissioner McGrath visited Poland. The Commissioner said the visit began with a ‘valuable discussion’ with Minister Żurek on justice reform and EU cooperation¹.

Three days after the meeting, Minister Żurek decided, in breach of the Constitution and the law, to restore the manual assignment of cases, departing from the statutory principle of panels of judges being drawn by lots². He also published a draft bill on ‘infected’ courts, using totalitarian vocabulary and seeking to introduce segregation and verification – as was done in communist times. This is a clear example of an ostentatious return to manual control of the courts. These issues, together with the attempt to abolish the Central Anti-Corruption Bureau and the scandals over the dismissal of corruption cases involving very close colleagues of Tusk,³ have provoked outrage in Poland.

In connection with this flagrant attack on the independence of the judiciary, the National Judicial Council has accused Minister Żurek of breaching the Constitution⁴. The President⁵ and a range of legal authorities take a similar view⁶. The Commissioner for Human Rights has said that any changes to the way judges are assigned should be made by law⁷. Meanwhile, Commissioner McGrath, hiding behind the façade of phrases and successful dialogue, is taking part in the destruction of the rule of law under Tusk’s authority.

1. Was Commissioner McGrath consulted during his meeting with Minister Żurek on the draft regulation on de facto abolishing the process of drawing lots for judges and the restoration of manual control of courts, the abolition of the Central Anti-Corruption Bureau and the segregation of judges?
2. Is the Commission aware that in recent months there has been a drastic fall in trust in the courts⁸, and that Minister Żurek, as a symbol of the deterioration of the justice system, is further exacerbating this crisis?

Submitted: 15.10.2025

¹ <https://x.com/EUCssrMcGrath/status/1972639463546536403>

² <https://www.rp.pl/sady-i-trybunaly/art43125371-odstepstwo-od-losowego-przydzialu-spraw-moze-byc-pretekstem-do-kwestionowania-wyrokow>

³ <https://www.rp.pl/przestepczosc/art43080601-co-nie-gra-w-umorzeniu-sprawy-slawomira-nowaka>

⁴ <https://serwisy.gazetaprawna.pl/orzeczenia/artykuly/10490054,krs-zarzuca-waldemarowi-zurkowi-zlamanie-konstytucji.html>

⁵ <https://www.prezydent.pl/aktualnosci/wydarzenia/oswiadczenie-prezydent-rp,108271>;

⁶ <https://www.rp.pl/sady-i-trybunaly/art43146021-konstytucjonalista-minister-waldemar-zurek-ostentacyjnie-lamie-prawo>

⁷ <https://www.rp.pl/sady-i-trybunaly/art43139341-rpo-o-rozporzadzeniu-zurka-zmiany-w-losowaniu-sedziow-powinny-byc-zamieszczone-w-ustawie>

⁸ <https://www.rp.pl/sady-i-trybunaly/art43033791-czerwona-kartka-dla-sadow-nie-ufa-im-ponad-57-proc-polakow>