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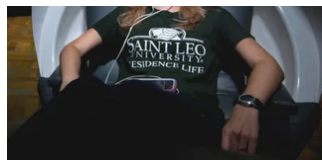
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EC: Judgments of the CJEU cannot be challenged on the basis of the constitution

14.04.2020, 14:20; Update: 14.04.2020, 14:20

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11:00 Szklane with wa

8:47 Local g to man





"The order of the Court of Justice of the EU is binding - it becomes immediate and must be enforced by the Member State concerned. The binding nature of judgments of the Court of Justice of the EU cannot be questioned on the basis of national constitutions, national law or judgments of national courts," replied spokesman Jahnz.

source: Shutterstock

The binding nature of judgments of the Court of Justice of the EU cannot be questioned on the basis of the constitution, national law or judgments of national courts - said EC spokesman Adalbert Jahnz when asked about the implementation of the Tribunal's decision in the case of the Disciplinary Chamber of the Supreme Court.

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On Tuesday, at a video conference of the European Commission, one of the journalists raised the issue of the [CJEU's](#) decision regarding the suspension of the provisions on the Disciplinary Chamber of the Supreme Court in disciplinary matters of judges in Poland.

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To judge, t muzzle law



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"The order of the Court of Justice of the EU is binding - it becomes immediate and must be enforced by [the](#) Member State concerned. The binding nature of judgments of the Court of Justice of the EU cannot be questioned on the basis of national constitutions, national [law](#) or judgments of national courts," replied spokesman Jahnz.

See also:

- The Disciplinary Chamber of the Supreme Court sends a question to the Constitutional Tribunal after the CJEU ruling »

The Court of Justice of the European Union ruled at the beginning of April that Poland was to immediately suspend the provisions regarding [the Disciplinary Chamber of the Supreme Court](#) in disciplinary matters of judges. A request for temporary suspension pending the final judgment has been submitted by the European Commission. The Polish government argued that it is unjustified.



CJEU will present the opinion, and then the judges of the Tribunal will issue a final judgment.

The CJEU ruled that although the decision is not yet final, the arguments raised by the EC in its complaint regarding the lack of guarantees of independence and impartiality of the Disciplinary Board "seem prima facie (at first glance) without a serious ground".

Prime Minister Mateusz Morawiecki, after a decision about this decision, said that the government would undertake appropriate analyzes and provide an answer in due time in accordance with the procedures. He announced that he would ask the Constitutional Tribunal to what extent the CJEU could issue such safeguards.

"We will definitely refer to the Constitutional Tribunal, which is the highest instance of appeal, a question in this matter - to what extent an institution such as the CJEU can issue safeguards, such as the one which has reached us today" - said Morawiecki.

See also:

- The CJEU froze the Disciplinary Chamber »

A day later, the first president of this court, Małgorzata Gersdorf, summoned the Supreme Court Disciplinary Board to immediately refrain from examining all cases.

On 10 April, [the Disciplinary Chamber of the Supreme Court](#) directed a legal question to the Constitutional Tribunal regarding the possibility for the EU tribunal to apply interim measures regarding the functioning of the judiciary in EU Member States

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Source: PAP

Tags: CJEU , Constitutional Tribunal , preliminary question , court , Disciplinary Chamber of the Supreme Court , ruling of the CJEU

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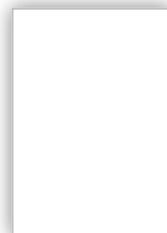
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