

## **An important Poland's victory before the Court of Justice of the EU**

There are no grounds for raising the thesis that there are systemic or general irregularities in the issue of the independence of Polish courts - stated the Court of Justice of the European Union in today's judgment (17 December this year). Pursuant to the CJEU's judgment, the reforms of the judiciary carried out in Poland cannot be a reason for refusing to execute the European Arrest Warrants (EAW). Poland's position before the tribunal was presented by Deputy Minister of Justice Dr. Anna Dalkowska.

From the moment the Dutch court initiated proceedings in this case, the Republic of Poland has consistently emphasized that there are no grounds for stating that Polish courts did not meet the requirement of independence. However, the court from Amsterdam, based on a false thesis, questioned the execution of two EAWs issued against persons suspected of crimes and hiding from the Polish justice system.

The representative of the Government of the Republic of Poland - Deputy Minister of Justice Dr. Anna Dalkowska - already during the hearing on October 12, 2020, indicated that there can be no automatism in the cases of European Arrest Warrants. If we accept the arguments of the Dutch court that referred the question to the CJEU for a preliminary ruling, it would be possible to exclude the administration of justice from one Member State by another.

This standpoint was also represented by the European Commission, as well as by Ireland and Belgium. The Advocate General of the CJEU also clearly stated that the Dutch court does not find any real grounds based on the applicable provisions of law to refuse to surrender persons covered by the EAW to Poland.

Due to the incorrect position of the Dutch court and the artificial legal problem created in this way, the CJEU's judgment had to be consistent with the position of Poland.

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