



***POLISH PROCEDURES IN RELATION TO
FOLLOW UP AND IMPLEMENTATION OF THE
CASE LAW OF THE COURT OF JUSTICE OF THE
EU***

Helsinki, 19.01.2018



THE INSTITUTIONS AND THE ROLE

Ministry of Foreign Affairs – coordination of the process, verify the progress in implementation of the EUCJ rulings, given the recommendation on the proceedings, represents Poland at the Court.

Committee of the European Affairs – consists of the representative ministries at the level of secretary or undersecretary of State. Is responsible for verifying the progress of work on the implementation of the judgments of the Tribunal and accepts the Polish positions presented before the Tribunal.

The Ministries and central authorities - responsible for preparing of the Polish positions in court proceedings and preparation of legislative initiatives related to the implementation of the Court's jurisprudence



POLISH PROCEDURE

The Court proceedings:

- - **In references for preliminary rulings**
- - **In direct actions and appeals**

Recommendation to join the case in the written procedure or in oral hearing.

Sending the recommendation to the coordinators in the ministries – starting the process



POLISH PROCEDURE

Decision on joining the proceedings - responsibility of the relevant Ministry,

The exceptions and recommendation to join the proceeding:

- **proceedings important due to the Polish interest in the EU**
- **proceedings regarding Polish citizens/Polish institutions,**
- **proceedings regarding the incompatibility of the Polish law with the European law**
- **any others cases, which can have direct effect on Polish law**



POLISH PROCEDURE

- 4 weeks - preparation of the Polish position to be present in the Court
- verification of the Polish position and reconciliation with other ministries / authorities
- acceptance of the position at the level of the Committee for European Affairs
- sending of the position of Poland to the Court



POLISH PROCEDURE

- position preparation - the leading role of the responsible ministry with the participation and support of Foreign Affairs Ministry,
- analysis and verification of the positions of other Member States and the Commission,
- decision to join the oral phase of the proceeding,
- if necessary, the participation of an expert from the responsible ministry in the oral hearing – especially in social security proceedings.



POLISH PROCEDURE

After the judgment

- assessment of the impact of the rulings on Polish legislation
- verification of the need to change the legislation
- in the event of a change in legislation - setting a deadline for changing it or adapting it to ruling



POLISH PROCEDURE

After the judgment

- beginning of the legislative process
- entering in the register regarding adaptation to EU law and judgments of the Court of Justice of the EU
- monitoring of the legislative process
- verification of the amended provisions for adaptation to the Court's decision



POLISH PROCEDURE

After the judgment

- **preparation of legal changes**
- **assessment of compliance of the prepared project with EU law and the case law of the Court**
- **acceptance by the Committee for European Affairs**



After the judgment

- **acceptance by the Council of Ministers**
- **forwarding the draft of the Act for consideration by Parliament as adapting the EU law**
- **further work in the Parliament - including the European Affairs Committee**



Thank You. Questions?

Michał Drozdowicz

Ministry of Family, Labour and Social Policy
Coordination of the Social Security Systems
Department