



## Grand Chamber hearing in case of Grzęda v. Poland

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 19 May 2021 at 10 a.m.** by video conference in the case of **Grzęda v. Poland** (application no. 43572/18).

The case concerns a reform of the judiciary in Poland as a result of which the applicant's position as a judicial member of the National Council of the Judiciary was terminated before the end of his four-year term.

*Due to the Covid-19 outbreak and until further notice, the hearings are not currently open to the public. However, all hearings are filmed in full and a video-recording will be available on the Court's website from 2.30 p.m. on the day of each hearing. After each hearing the Court will begin its deliberations, which will be held in private. Its rulings in the cases will be made at a later stage.*

The applicant, Jan Grzęda, is a Polish national who was born in 1956 and lives in Piła (Poland).

He is a judge of the Supreme Administrative Court, and in January 2016 was elected for a four-year term as a member of the National Council of the Judiciary (NCJ), a constitutional organ which safeguards the independence of courts and judges.

However, his term of office as a member of the NCJ was ended prematurely in 2018, following the entry into force of new legislation in the context of wide-scale judicial reform. In particular, the Act Amending the Act on the NCJ of 2017 ("the 2017 Amending Act") provided that judicial members of the NCJ would no longer be elected by judges but by the *Sejm* (the lower house of Parliament), and that the newly elected members would immediately replace those elected under the previous legislation. Thus when the *Sejm* elected 15 judges as new members of the NCJ on 6 March 2018, the applicant's term of office as a judicial member of the NCJ was terminated. He did not receive any official prior notice.

### Procedure

The application was lodged with the European Court of Human Rights on 4 September 2018.

Relying on Article 6 § 1 (right of access to a court) of the European Convention on Human Rights, Mr Grzęda alleges that he was denied access to a court in order to contest the premature termination of his office. He also complains under Article 13 (right to an effective remedy) of the Convention that there was no procedure, judicial or otherwise, for him to contest the premature termination.

On 9 July 2019, the Polish Government was given [notice](#)<sup>2</sup> of the application, with questions from the Court.

<sup>1</sup> Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects."

<sup>2</sup> In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.

On 10 November 2020 the Chamber constituted to consider the case decided to give notice to the parties of its intention to relinquish jurisdiction in favour of the Grand Chamber in accordance with Article 30 of the Convention. On 9 December 2020 the Polish Government filed an objection to the Chamber's proposal to relinquish its jurisdiction in favour of the Grand Chamber (Article 30 of the Convention and Rule 72 § 4 of the Rules of Court).

On 9 February 2021 the Chamber decided that it was unable to accept the Polish Government's objection since it could not be considered valid under the terms of Article 30 of the Convention taken in conjunction with Rule 72 §§ 1 and 4 of the Rules of Court. It accordingly relinquished jurisdiction in favour of the Grand Chamber.

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The following organisations, Amnesty International jointly with International Commission of Jurists, European Network of Councils for the Judiciary, Helsinki Foundation for Human Rights, Iustitia Polish Judges' Association, the Commissioner for Human Rights of the Republic of Poland, Stichting Rechters voor Rechten jointly with Professor L. Pech, and the United Nations Special Rapporteur for the Independence of Judges and Lawyers were granted leave to intervene in the written proceedings as third parties. The Governments of the Netherlands and Denmark were also given leave to intervene as third parties.

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Robert **Spano** (Iceland), *President*,  
 Jon Fridrik **Kjølbro** (Denmark),  
 Ksenija **Turković** (Croatia),  
 Paul **Lemmens** (Belgium),  
 Síofra **O'Leary** (Ireland),  
 Yonko **Grozev** (Bulgaria),  
 Krzysztof **Wojtyczek** (Poland)  
 Valeriu **Grițco** (the Republic of Moldova),  
 Egidijus **Kūris** (Lithuania),  
 Alena **Poláčková** (Slovakia),  
 Georgios A. **Serghides** (Cyprus),  
 Lətif **Hüseynov** (Azerbaijan),  
 Gilberto **Felici** (San Marino),  
 Darian **Pavli** (Albania),  
 Erik **Wennerström** (Sweden),  
 Raffaele **Sabato** (Italy),  
 Saadet **Yüksel** (Turkey), *judges*,  
 Carlo **Ranzoni** (Liechtenstein),  
 Jovan **Ilievski** (North Macedonia),  
 Ana Maria **Guerra Martins** (Portugal), *substitute judges*,

and also Abel **Campos**, *Deputy Registrar*.

## Representatives of the parties

### Government

Jan **Sobczak**, *Agent*,  
 Agata **Rogalska-Piechota**, *Co-agent*;

### Applicant

Mikołaj Pietrzak and Małgorzata Mączka-Pacholak, *Counsel*,  
Adam Płoszka, *Adviser*.

### Third parties

#### For the Commissioner for Human Rights of the Republic of Poland

Maciej Taborowski, Deputy Commissioner; Mirosław Wróblewski, and Paweł Filipek, *Advisers*;

The applicant, Mr Jan Grzęda, will also attend the hearing.

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### Press contacts

During the current public health-crisis, journalists can continue to contact the press unit via [echrpess@echr.coe.int](mailto:echrpess@echr.coe.int)

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.