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| From:            | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director                                                                                                                                                                                                                                                                                          |
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| To:              | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union                                                                                                                                                                                                                                                                                                  |
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Delegations will find attached document SWD(2026) 921 final.

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**COMMISSION STAFF WORKING DOCUMENT**

**2026 Rule of Law Report**  
**Country Chapter on the rule of law situation in Poland**

### Accompanying the document

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions**

# 2026 Rule of Law Report

## The rule of law situation in the European Union

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## **ABSTRACT**

In Poland, some further steps have been taken to advance on the implementation of the Action Plan on the Rule of Law, while legislation aimed at strengthening the independence of the National Council for the Judiciary was vetoed by the President of the Republic. Meanwhile, attempts are being made to strengthen the role of judges in the election of the Council's judges-members, under the existing rules. A revised draft of the law on addressing the situation of judges appointed at the request of the National Council for the Judiciary in its post-2017 composition is under discussion in Parliament. Judges continue to be protected from unjustified disciplinary proceedings and rules on case allocation have been adjusted. Plans for amending the structure of the Supreme Court to further strengthen its independence remain to be finalised, while the appointment of a new First President is being contested. The serious concerns related to the Constitutional Tribunal and its case law have been confirmed by the EU Court of Justice. Limited further steps have been taken to separate the office of the Minister of Justice from that of the Prosecutor General and to ensure functional independence of the prosecution service from the Government. The Government continues its efforts to improve the digitalisation of ordinary courts. The overall performance of ordinary and administrative courts is showing a slight decrease.

Work on a strategy to combat foreign bribery is ongoing. The Government is strengthening the legislative framework against corruption to increase the independence and coordination of anti-corruption entities. Further efforts have been made to ensure independent and effective investigation of high-level corruption cases. There have been no further steps to address the broad immunities of top executives and impunity clauses or to introduce lobbying rules. Limited steps have been taken towards establishing an electronic asset declaration and verification system. Some challenges exist in practice for the effective disclosures and protection of whistleblowers and in the area of political party financing. Public procurement remains an area vulnerable to corruption with efforts ongoing to mitigate the risks.

Legislative reforms are underway to address ongoing concerns over the impartiality and independence of the media regulator. Some further steps have been taken to ensure adherence to fair, transparent, and non-discriminatory procedures in the granting of operating licences to media, as well as to ensure an effective legislative framework for the independent governance and editorial independence of public service media. Concerns have emerged regarding the ongoing liquidation proceedings of major public service media. In parallel, the Government is reforming their funding framework. Certain challenges persist in safeguarding media pluralism, especially at the local press level. The legal framework for access to public information remains stable, though stakeholders report certain challenges with its implementation. While the legislation aimed to transpose the Anti-SLAPP Directive is under discussion in Parliament, certain challenges related to the safety of journalists persist.

The new rules governing consultations to improve the quality of legislation started to produce effects. The Ombudsperson continues to fulfil a key role in the system of checks and balances. Some further steps have been taken to improve the framework in which civil society operates. National authorities have engaged in initiatives to foster a rule of law culture.

## RECOMMENDATIONS

Overall, based on the recommendations in the 2025 Rule of Law Report, considering other developments that took place in the period of reference and in addition to recalling the obligation to comply with the rule of law-related rulings of the Court of Justice of the EU and the rule of law related infringement procedure referred to in the country chapter as well as recalling the relevant commitments made under the Recovery and Resilience Plan, the Commission concludes the following:

- Some further progress has been made on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary and the Constitutional Tribunal, as the Government continued its work on draft laws aimed at strengthening judicial independence, and as judges-members of the National Council for the Judiciary have been appointed, including in majority from among judges pre-selected by their peers. Therefore, it is recommended to Poland to *continue the process of the Action Plan's implementation*.
- Limited further progress has been made on the recommendation to take forward the reform to separate the office of the Minister of Justice from that of the Prosecutor General and to ensure functional independence of the prosecution service from the Government as further progress now depends on legislative work that is ongoing as regards sub-statutory provisions that would adjust the functioning of prosecutorial units within the envisaged new system. Therefore, it is recommended to Poland to *take forward the reform to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the Government*.
- No progress has been made to introduce rules on lobbying, and limited progress has been made on a standardised online system for asset declarations of public officials and members of Parliament, as the government has announced its intention to reform the system. Therefore, it is recommended to Poland to *introduce rules on lobbying and a standardised online system for asset declarations of public officials and members of Parliament while ensuring effective verification*.
- Some further progress has been made in ensuring independent and effective corruption investigations and prosecutions, while no progress has been made on addressing the broad scope of immunities for top executives and remove impunity clauses. Therefore, it is recommended to Poland to *continue efforts to ensure independent and effective corruption investigations and prosecutions, address the broad scope of immunities for top executives and remove impunity clauses to enable a robust track record of high-level corruption cases*.
- Some further progress has been made to ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets, as a draft bill has been presented and undergone the public consultation. Therefore, it is recommended to Poland to *continue progress on these legislative efforts to finalise reforms to ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets*.

As regards the other 2025 recommendations, the Commission concludes that:

- Some further progress has been made on taking forward reforms to ensure an effective legislative framework for the independent governance and editorial independence of public service media, as a draft bill has been presented and undergone the public consultation. Given that the topics of this recommendation are covered by provisions of the European Media Freedom Act (EMFA), while the Rule of Law Report will continue to monitor significant developments and report on their impact, further follow-up will be ensured as part of the Commission's support to Member States and enforcement of the EMFA.
- Some further progress has been made to improve the framework in which civil society operates, taking into account European standards on civil society organisations, as legislative work is ongoing to amend the law governing public benefit activities and volunteering. Monitoring of further developments in this area will continue in the Rule of Law Report.

## I. JUSTICE SYSTEM<sup>1</sup>

### Independence

**The level of perceived judicial independence in Poland is now average among both the general public and companies.** Overall, 42% of the general population and 44% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2026<sup>2</sup>. The perceived judicial independence among the general public has significantly increased in comparison with 2025 (24%), as well as in comparison with 2022 (24%). The perceived judicial independence among companies has significantly increased in comparison with 2025 (24%), as well as in comparison with 2022 (19%).

**Some further progress has been made on the recommendation to continue to advance on the implementation of the Action Plan on the Rule of Law, while legislation aimed at strengthening the independence of the National Council for the Judiciary was vetoed by the President of the Republic**<sup>3</sup>. Following the appointment of a new Minister of Justice<sup>4</sup>, the Government continued its work on draft laws aimed at strengthening judicial independence<sup>5</sup>, notably on the prolongation of the active service of ordinary court judges<sup>6</sup>, on the Supreme Court<sup>7</sup>, on the status of judges<sup>8</sup> and on the implementation of judgments of the European Court of Human Rights<sup>9</sup>. In January 2026, Parliament approved a revised law on the National Council for the Judiciary<sup>10</sup> that restored the system of appointment of judicial members by their peers, taking into account European standards<sup>11</sup>. It provided for an indiscriminate possibility for judges to take part in the election of candidates to the Council, regardless of the procedure in which they were appointed, and envisaged clear criteria conditioning the right of judges to stand as candidates<sup>12</sup>. In February 2026, the President of the Republic vetoed the law considering it to be unconstitutional<sup>13</sup> and proposed a draft law on the restoration of the right to a court<sup>14</sup>. The Government considered the latter to be in breach of the Polish constitution and of EU law<sup>15</sup>, and it was sent by the Marshall of the Sejm to the

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<sup>1</sup> An overview of the institutional framework for all four pillars can be found [here](#).

<sup>2</sup> Figures 48 and 50, 2026 EU Justice Scoreboard and Figures 51 and 53, 2024 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>3</sup> The 2025 Rule of Law Report recommended to Poland to ‘Continue to advance on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary and the Constitutional Tribunal’.

<sup>4</sup> Ministry of Justice (2025).

<sup>5</sup> 2025 Rule of Law Report, Poland, p. 3. See also Polish Government (2026), written input, pp. 2-5.

<sup>6</sup> Draft law Nr UPRO1 inscribed in the legislative works of the Government.

<sup>7</sup> Draft law prepared by the Codification Committee for the System of Courts and Prosecution.

<sup>8</sup> Draft law on the restoration of the right to an independent and impartial court established by law and on addressing effects of resolutions of the National Council for the Judiciary adopted in 2018-2025 The draft law is pending before Parliament after first reading.

<sup>9</sup> The draft law is pending before Parliament where it was subject to first reading on 17 April 2026.

<sup>10</sup> Law of 23 January 2026 amending the law on the National Council for the Judiciary and Electoral Code.

<sup>11</sup> Recommendation CM/Rec(2010)12 of the Council of Europe - Committee of Ministers to member states on judges: independence, efficiency and responsibilities. para 27.

<sup>12</sup> Persons who (i) have been judges for at least 10 years and (ii) have spent at least 5 years in the court in which they currently adjudicate would be able to stand as candidates in elections.

<sup>13</sup> President of the Republic (2026). The President of the Republic considers the law unconstitutional where it provides for a model whereby judges-members of the Council are appointed by their peers.

<sup>14</sup> Presidential draft law on the restoration of the right to a court and to have one’s case examined without undue delay, of 19 February 2026.

<sup>15</sup> Notably with the judgment of the Court of Justice of 5 June 2023 in case C-204/21, *Commission v Poland*.

Venice Commission for an opinion<sup>16</sup>, which recommended that, in light of the fundamental shortcomings identified in the draft law, the Polish authorities should not pursue it<sup>17</sup>. As legislative work has been carried out to advance on the implementation of the Action plan on the Rule of Law, there has been some further progress to implement the recommendation.

**Given the difficulty in achieving a comprehensive reform, attempts are being made to strengthen the role of judges in the election of judges-members of the National Council for the Judiciary under the current rules.** Pending a comprehensive reform on the appointment of members of the National Council of the Judiciary, Parliament adopted a resolution whereby it pledged to appoint, based on the current rules governing the nomination of judges-members of the National Council for the Judiciary<sup>18</sup>, only judges who have been endorsed by their peers in organised pre-elections<sup>19</sup>. The main opposition party and the National Council for the Judiciary requested the Constitutional Tribunal to declare the current provisions of the Law on the National Council for the Judiciary unconstitutional, to the extent that they would allow the Parliament to appoint judges-members pre-selected by their peers. They also requested interim measures which the Constitutional Tribunal granted on 12 May, obliging the *Sejm* to abstain from appointing by absolute majority of votes the 15 judges-members until its judgment<sup>20</sup>. On 15 May 2026, the *Sejm* appointed, under the current law<sup>21</sup> by means of qualified majority of votes, the 15 judges-members of the National Council for the Judiciary, of which 13 are judges pre-selected by judges in active service in a procedure that took place in April 2026, and two are judges selected by the opposition parliamentary groups<sup>22</sup>. The Venice Commission had already considered that such a *de facto* election of judicial members by their peers could be a step in the right direction<sup>23</sup>. The new Council was convened for its first session by the First President of the Supreme Court on 11 June 2026. On the same day, the Council elected its President (a Supreme Court judge). On 18 June 2026 the Minister of Justice published 25 vacancies in ordinary courts<sup>24</sup>. The budget allocated to the National Council for the Judiciary in 2026 was increased<sup>25</sup>.

**A revised draft of the law addressing the situation of judges appointed at the request of the National Council for the Judiciary in its post-2017 composition is being discussed in**

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<sup>16</sup> Sejm (2026).

<sup>17</sup> Venice Commission opinion of 16 June 2026 on the draft law “on Reinstating the Right to a Fair Trial and Hearing the Case Without Undue Delay”, proposed by the President of the Republic (2026b).

<sup>18</sup> Law of 12 May 2011 on the National Council for the Judiciary.

<sup>19</sup> Resolution of the Sejm of 27 February 2026 on the restoration of constitutional standards governing the appointment of judges-members of the National Council for the Judiciary.

<sup>20</sup> Case K 7/26; the decision obliged the Sejm to abstain from appointing judges-members of the Council pursuant to Article 11d(6) of the Law on the NCJ, which allows the Sejm to make the appointment by an absolute majority of votes in the presence of at least half of the statutory number of Deputies, if the qualified 3/5 majority of votes is not attained in first attempt (governed by Article 11d(5) of the Law). It is noted that the decision was issued by a panel of five judges, including a judge appointed in 2017 to the already occupied post and whose participation in the panel raises issues as to its compliance with Article 6 ECHR requirements, in light of the ECtHR judgment of 14 December 2023 in *M.L. v Poland* (application No. 40119/21), paras. 169-174.

<sup>21</sup> Law of 12 May 2011 on the National Council for the Judiciary.

<sup>22</sup> Resolution of 15 May 2026 of the Sejm on the appointment of members of the National Council for the Judiciary.

<sup>23</sup> Venice Commission’s opinion of 12 March 2026 (2026) para 62; and of 16 June 2026 (2026a), para. 10.

<sup>24</sup> Official Journal ‘Monitor Polski’ (item 626).

<sup>25</sup> Country visit Poland, National Council for the Judiciary.

**Parliament.** In December 2025, the Government adopted a revised version<sup>26</sup> of the draft law addressing the situation of judges appointed at the request of the National Council for the Judiciary in its post-2017 composition and submitted it to Parliament for consideration. In its urgent opinion of 27 February 2026<sup>27</sup>, the Venice Commission welcomed that the new draft addressed some of its earlier recommendations<sup>28</sup>, but underlined that adjustments were still needed, in particular to comply with the principle of irremovability of judges. In March 2026, the EU Court of Justice further clarified its case law regarding judicial appointments and held<sup>29</sup> that an irregularity in the appointment of an ordinary court judge is not, in itself, sufficient to find that the judge is not independent, since an overall assessment of all the circumstances surrounding that appointment is necessary. The Court of Justice held in particular that the participation of the National Council for the Judiciary in its composition pursuant to the Law of 8 December 2017 in the judicial appointment procedure or the lack of an effective judicial remedy for the unsuccessful candidates<sup>30</sup>, taken in isolation or together, are not sufficient to rule that the judge so appointed does not satisfy the EU requirements of independent, impartial court previously established by law<sup>31</sup>. The Court of Justice further indicated that it is for Poland to put in place a legislative framework that enables, in view of the nature and gravity of the irregularities committed during the judicial appointment procedure, an assessment of the possibilities for persons irregularly appointed to judicial posts to continue to perform their duties. The judgment provides important guidance for the Polish authorities on how to address in a systemic manner the status of ordinary court judges appointed at the request of the National Council for the Judiciary in its post-2017 composition.

**Whilst a number of new judicial appointments were rejected, ordinary court judges continue to be protected from unjustified disciplinary proceedings and rules on case allocation have been adjusted.** As announced in the Action Plan on the Rule of Law, the Minister of Justice continues to appoint *ad hoc* disciplinary officers to terminate undue disciplinary proceedings against judges and launch new disciplinary proceedings. All disciplinary proceedings initiated against judges for the content of their judicial decisions have been terminated<sup>32</sup>. The President of the Republic refused to promote by a new appointment 46 ordinary court judges in view of decisions they had taken in the past, considering that they had questioned the legal and constitutional order of Poland<sup>33</sup>. According to the Polish Government, the conduct of judges contested by the President of the Republic appears to have consisted primarily in signing statements, including a letter addressed to

<sup>26</sup> 2025 Rule of Law Report, Poland, pp. 3-4. The new version of the draft law also provides for changes in the structure of the Supreme Court (dismantling the Chamber of Extraordinary Control and Public Affairs) and changes in the system of appointment of judges adjudicating in the Chamber of Professional Liability.

<sup>27</sup> The opinion was issued at the request of the Parliamentary Committee of the Council of Europe; Venice Commission (2026).

<sup>28</sup> In particular, the draft Law: (i) abandons the approach of *ex tunc* invalidation of judicial appointments; (ii) includes arrangements to ensure a proportionate approach in addressing different categories of judges; (iii) endorses the appointments of entry-level judges who had no other options of entering the judiciary but through the NCJ as recomposed; (iv) provides a certain, albeit limited, form of judicial review; and (v) establishes a procedure for reopening cases under certain conditions.

<sup>29</sup> Court of Justice, judgment of 24 March 2026 in case C-521/21, *Rzecznik Praw Obywatelskich*.

<sup>30</sup> The appeals against a decision not to recommend a candidate for judicial appointment are heard by the Chamber of Extraordinary Control and Public Affairs of the Supreme Court.

<sup>31</sup> See also Venice Commission (2026a), para 31, where the Venice Commission takes the view that the *mere fact* that a judge had been appointed by the deficient NCJ *does not in and of itself suffice* to establish that the judge at issue is not an independent and impartial tribunal established by law.

<sup>32</sup> Polish Government (2026), written input, p. 6.

<sup>33</sup> President of the Republic (2025).

OSCE/ODIHR, about legal risks related to the planned postal voting arrangements in 2020 and a call on the Polish authorities in 2021 to implement judgments of the Court of Justice in cases C-204/21 and C-791/19 concerning the Disciplinary Chamber of the Supreme Court<sup>34</sup>. The Minister of Justice amended the rules governing the random allocation of cases to judges, allowing for exceptions in specific cases<sup>35</sup>. While this change was considered by the Constitutional Tribunal as unconstitutional, the amended rules are still applied in practice<sup>36</sup>.

**Plans for amending the structure of the Supreme Court to further strengthen its independence remain to be finalised, while the appointment of a new First President is being contested.** A revised draft law on the Supreme Court, prepared by the Codification Committee for the System of Courts and Prosecution and presented to the Minister of Justice in February 2026, is awaiting adoption by the Government ahead of its submission to Parliament. It aims to recompose the Supreme Court into three Chambers, remove the extraordinary appeal procedure, and eliminate influence of the executive on the adoption of the Supreme Court's internal rules and on the selection procedure of candidates to the post of First President of the Supreme Court and Presidents of Chambers. In February 2026, following one unsuccessful attempt due to a lack of quorum, the General Assembly of Supreme Court judges elected five candidates for the post of First President of the Supreme Court<sup>37</sup>, one of which was appointed by the President of the Republic on 26 May 2026<sup>38</sup>. Judges appointed to the Supreme Court prior to 2018 boycotted the election. First, they considered that the General Assembly was convened by a person appointed to the office of the First President of the Supreme Court in violation of the law. Second, they deemed that, as the Assembly comprises judges appointed under irregular procedures, it could not be recognised as a lawful body to organise the election<sup>39</sup>. In a preliminary ruling case submitted by an ordinary court<sup>40</sup>, the EU Court of Justice held that a national court must consider the judgment of a higher court that does not constitute an independent and impartial tribunal previously established by law to be null and void, where such a consequence is essential in view of the procedural situation at issue in order to ensure the primacy of EU law<sup>41</sup>. While the budget of the Supreme Court has been increased, the First President of the Supreme Court considers it may prove insufficient to pay the salaries of all its judges and court staff<sup>42</sup>.

**The serious concerns related to the Constitutional Tribunal and its case law of 2021 have been confirmed by the EU Court of Justice.** In December 2025, the EU Court of

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<sup>34</sup> Polish Government (2026a), additional written input, p. 2.

<sup>35</sup> Regulation of the Minister of Justice of 29 September 2025 amending the regulation – Internal Rules of Procedure of Ordinary Courts (Official Journal item 1325). By judgment of 12 November 2025 the Constitutional Tribunal declared that Regulation unconstitutional (case U 4/25). The ruling was not published.

<sup>36</sup> Polish Government (2026), written input.

<sup>37</sup> All elected candidates are judges appointed to the Supreme Court as of 2018, including judges appointed to the Supreme Court in an irregular procedure.

<sup>38</sup> President of the Republic (2026d).

<sup>39</sup> Konstytucyjny.pl (2026). Also, on 26 May 2026 the Council of Lay Judges of the Supreme Court adopted a resolution (No. 9/2026) whereby it considers that the new First President is an unlawfully appointed judge and, consequently, that his appointment to that office was not lawful, also in view of the procedure of selecting candidates to the office; see: Prawo.pl.

<sup>40</sup> The referring court made the referral in a case where it had to reconsider a judgment following a ruling of the Chamber of Extraordinary Control and Public Affairs of the Supreme Court in an extraordinary appeal procedure.

<sup>41</sup> Court of Justice judgment of 4 September 2025 in case C-225/22, *AW "T"*.

<sup>42</sup> Declaration of the First President of the Supreme Court of 10 December 2025; Supreme Court (2026) written input, p. 10 and 12.

Justice held<sup>43</sup> that Poland had failed to fulfil its obligations under EU law because the Polish Constitutional Tribunal had infringed the principle of effective judicial protection and disregarded the primacy, autonomy, effectiveness and uniform application of EU law, as well as the binding effect of the Court's two judgments. The Court, in light of serious irregularities vitiating the appointment of three judges of the Polish Constitutional Court in December 2015 and of its President in December 2016, called into question the status of the Constitutional Tribunal as an independent and impartial tribunal established by law within the meaning of EU law. The Constitutional Tribunal stated that the EU Court of Justice has no jurisdiction to rule on matters related to the Constitutional Tribunal and that its ruling has no effect on the Tribunal's functioning<sup>44</sup>. The Constitutional Tribunal declared that the independence test as regards administrative court judges is unconstitutional<sup>45</sup>. Judgments of the Constitutional Tribunal are not published in the Official Journal. In March 2026, Parliament adopted a resolution whereby it recalled the need to restore the independence of the Constitutional Tribunal<sup>46</sup> and elected, on 13 March and 11 June 2026, seven judges to vacant posts in the Tribunal<sup>47</sup>. On 5 May 2026, the European Court of Human Rights issued interim measures obliging the competent Polish authorities to refrain from hindering the taking up and exercise of judicial duties by four of these judges<sup>48</sup>. The budget of the Constitutional Tribunal was increased for 2026 in comparison to the previous year<sup>49</sup>.

**Limited further progress has been made on the recommendation to take forward the reform to separate the office of the Minister of Justice from that of the Prosecutor General and to ensure functional independence of the prosecution service from the Government**<sup>50</sup>. Following the adoption of a draft law by the Permanent Committee of the Council of Ministers<sup>51</sup>, the core part of the reform has been prepared and is ready for transmission to Parliament. At the same time, further progress on the reform now depends on legislative work that is ongoing as regards sub-statutory provisions that would adjust the functioning of prosecutorial units within the new system envisaged by the draft law<sup>52</sup>. The status of the National Prosecutor was contested in certain instances<sup>53</sup>, while according to the

<sup>43</sup> Court of Justice, judgment of 18 December 2025 in case C-448/23, *Commission v. Poland*.

<sup>44</sup> Statements published on the website of the Constitutional Tribunal on 18 December 2025 and 13 March 2026.

<sup>45</sup> This concerns Article 5a of the Law on the Administrative Courts Organisation. See the ruling of 25 February 2026 in case SK 68/25. The ruling was not published by the Government.

<sup>46</sup> Resolution of the Sejm of 13 March 2026 on the necessary action to be taken in order to ensure that the Constitutional Tribunal complies with requirements of an independent and impartial court established by law.

<sup>47</sup> The President of the Republic has so far taken the oath from two of the 6 judges elected by the Sejm on 1 April 2026. The remaining four judges delivered their oath on 9 April 2026 in the *Sejm*, and lodged notarised copies of the oaths, addressed to the President of the Republic, with the Chancellery of the President of the Republic on the same day. As regards the judge appointed on 11 June 2026, the President of the Republic has so far not allowed the judge to deliver the oath of office.

<sup>48</sup> Decision of 5 May 2026 in case *Dziurda and Others v. Poland* (no. 17392/26).

<sup>49</sup> The Law of 20 January 2026 on the Budget for 2026.

<sup>50</sup> The 2025 Rule of Law Report recommended to Poland to 'Take forward the reform to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the Government'. Significant progress was assessed on this recommendation in 2025 and some progress in 2024.

<sup>51</sup> 2025 Rule of Law Report, Poland, pp. 7-8.

<sup>52</sup> Polish Government (2026), p. 5. So far, this regulation has not been disclosed to the public, including as regards its broad outline.

<sup>53</sup> By certain single-judge benches of the Supreme Court and by the President of the Republic.

National Prosecutor's Office, this did not affect its overall functioning<sup>54</sup>. As so far no further steps were taken to transmit the draft law to Parliament, there has only been limited further progress on the recommendation to separate the office of the Minister of Justice from that of the Prosecutor General and to ensure functional independence of the prosecution service.

## Quality

**The Government continues its efforts to improve the digitalisation of ordinary courts.** In the context of the 'Digital Court' initiative<sup>55</sup>, the Government has initiated works to develop and integrate different IT tools used at courts and to facilitate digital communication with citizens. Courts are more advanced as regards the use of digital technology compared to the prosecution system<sup>56</sup>. A special Committee for the Codification of Civil Law was created at the Ministry of Justice, and it is finalising works on introducing fully digital casefiles in the context of civil procedures, including by introducing an automatisisation of certain civil law actions<sup>57</sup>.

**New rules on legal aid entered into force, and guidelines were adopted on the use of artificial intelligence by lawyers.** As of January 2026, a reform facilitating access to free legal aid entered into force, addressing the needs of citizens who cannot afford paid legal counsel<sup>58</sup>. Poland also increased the amount of legal fees for *ex officio* representation of parties to proceedings, while the increase is not deemed sufficient by lawyers<sup>59</sup>. In order to further improve the quality of their work, the Bar Association and the Council of Attorneys at Law adopted guidelines<sup>60</sup> on the use of artificial intelligence solutions, including recommendations on when artificial intelligence tools can be used.

## Efficiency

**The overall performance of ordinary and administrative courts is showing a slight decrease.** The estimated time needed to resolve civil, commercial, administrative, and other cases slightly increased (from 92 days in 2023 to 104 days in 2024), and the same trend exists as regards litigious civil and commercial cases in first instance ordinary courts (a slight increase from 357 in 2023 to 360 in 2024). The rate of solving civil, commercial, administrative, and other cases also slightly deteriorated (from 102% in 2023 to 98% in 2024). As regards administrative courts, the rate of resolving administrative cases in first instance deteriorated, despite the improving trend in previous years (from 110% in 2023 to 102% in 2024) yet the number of pending administrative cases in first instance is decreasing<sup>61</sup>.

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<sup>54</sup> Country visit Poland, National Prosecutor's Office. National Prosecutor (Prawo.pl 2026). 7 NGOs (2026), written input, p. 8.

<sup>55</sup> 2025 Rule of Law Report, Poland, p. 8.

<sup>56</sup> Figure 41, 2026 EU Justice Scoreboard.

<sup>57</sup> The works of the Committee are focused on mid-term and long-term plans, with the full digitalisation being introduced by 2036. See Prawo.pl (2026).

<sup>58</sup> The reform allows such persons to obtain legal counsel, in person or remotely, as regards any type of issue concerning civic counselling, legal aid and mediation, with additional modalities provided for persons with disabilities. Ministry of Justice (2025b).

<sup>59</sup> The National Bar Council and the National Councils of Attorneys at Law, country visit; Ministry of Justice (2025c).

<sup>60</sup> National Council of Attorneys at Law (2025); see also Prawo.pl (2025).

<sup>61</sup> Figures 4, 5, 9, 11 and 14, 2026 EU Justice Scoreboard.

## II. ANTI-CORRUPTION FRAMEWORK

**The perception among citizens, experts and business executives is that the level of corruption in the public sector remains relatively high.** In the 2025 Corruption Perceptions Index by Transparency International, Poland scores 53/100 and ranks 19<sup>th</sup> in the European Union and 52<sup>nd</sup> globally<sup>62</sup>. This perception has been relatively stable over the past five years<sup>63</sup>. The 2026 Special Eurobarometer on Corruption shows that 54% of respondents consider corruption widespread in their country (EU average 71) and 46% of respondents feel personally affected by corruption in their daily lives (EU average 30). As regards businesses, 47% of companies consider that corruption is widespread (EU average 65) and 18% consider that corruption is a problem when doing business (EU average 37). Furthermore, 52% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 38), while 21% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31)<sup>64</sup>.

**There is no comprehensive anti-corruption strategy in place, yet current efforts focus on a more dedicated approach against foreign bribery.** The Government is working on a national strategy against foreign bribery, following the recommendation of the OECD Working Group on Foreign Bribery<sup>65</sup>, focusing on prevention and education. However, there has so far been no follow-up to the Supreme Audit Office recommendation on the adoption of a new comprehensive and holistic anti-corruption strategy<sup>66</sup>.

**The Government is strengthening the legislative framework against corruption, including plans for institutional changes at the level of the police, prosecution and courts.** The envisaged institutional changes aim to increase the independence of anti-corruption institutions to address previously identified risks of politicisation<sup>67</sup>. On 11 May 2026, the President of the Republic vetoed the already revised Government draft law on the coordination of anti-corruption activities adopted by Parliament on 13 March 2026<sup>68</sup>, due to concerns regarding the division of competences among several entities<sup>69</sup> and a possible loss of operational specialisation resulting from the dissolution of the Central Anti-Corruption Bureau<sup>70</sup>. The draft law was sent back to the *Sejm*, yet a required majority to override the

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<sup>62</sup> The level of perceived corruption is categorised as follows: low (above 79); relatively low (between 79-60), relatively high (between 59-50), high (below 50).

<sup>63</sup> In 2021, the score was 56, while, in 2025, the score is 53. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (between 4-5 points) and is relatively stable (from 1-3 points) in the last five years.

<sup>64</sup> Data from Special Eurobarometer 573 (2026) and Flash Eurobarometer 582 (2026).

<sup>65</sup> Polish Government, written input, p. 12. OECD (2024), recommendation 1(a), p. 13. The OECD Working Group on Bribery discussed the recommendation at the plenary meeting on 23 June 2026 (report still to be published).

<sup>66</sup> Supreme Audit Office (2022b) and (2022a). See 2025 Rule of Law Report, Poland, p. 11.

<sup>67</sup> Polish Government (2026). 2025 Rule of Law Report, Poland, p. 9 and earlier reports.

<sup>68</sup> Law on the coordination of anti-corruption activities and on liquidation of the Central Anti-Corruption Bureau, No. 1884. The draft aimed at dissolving the Central Anti-Corruption Bureau by end September 2026 and transferring resources and competences to detect, analyse, prevent and investigate corruption to the police, the Internal Security Agency (ABW) and the National Revenue Administration (KAS) by 1 October. Country visit Poland, Ministry of Interior. On the budgetary transfers, see 2025 Rule of Law Report, p. 10.

<sup>69</sup> The draft law provided for coordination procedures amongst relevant entities, rendering existing ministerial guidelines on coordination, of 20 March 2024, binding, which stakeholders had supported. See 2025 Rule of Law Report, Poland, p. 9.

<sup>70</sup> See Press Statement of the President of the Republic (2026c). As previously reported, the Central Anti-Corruption Bureau (CBA) had been subject to concerns regarding its independence from the executive.

presidential veto is lacking. The Government is working on a new draft law that would preserve reforms aimed at keeping the Central Anti-Corruption Bureau free from political interference<sup>71</sup>. The draft reform aiming to establish a new independent Public Prosecutor's Office and to abolish the National Prosecutor's Office remains under preparation<sup>72</sup>. Amendments to the Criminal Procedure Code aiming to transfer the jurisdiction for corruption cases from local courts to regional courts, proposed by the Council of Ministers, were adopted by Parliament and signed into law by the President of the Republic on 11 May 2026<sup>73</sup>.

**There has been some further progress to ensure independent and effective investigations and prosecutions for a more robust track record of high-level corruption cases<sup>74</sup>.** The National Prosecutor's Office published its second review report of cases of public interest concluded by the prosecution service between 2016 and 2023<sup>75</sup>, including recommendations to address the identified irregularities<sup>76</sup>. Large-scale corruption cases are being investigated irrespective of political affiliation, and several indictments have been issued in prominent cases involving public officials and politicians<sup>77</sup>. The autonomy and cooperation of the relevant anti-corruption entities, as well as their access to relevant registries, continue to be considered sufficient to effectively carry out corruption investigations and prosecutions. Parliament has appointed the new leadership of the Supreme Audit Office, which was reorganised in six thematic departments with new auditing priorities<sup>78</sup>. The enforcement against foreign bribery in practice, while still limited, continues to improve<sup>79</sup>. The Ministry of Justice continues analytical work on an amendment of the Act on the liability of collective entities for criminal offences, with a view to allowing such liability to be established independently of a prior criminal conviction of a natural person for

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Stakeholders have however recently welcomed the CBA's proactive corruption investigations involving public officials and politicians. Country visit Poland, Batory Foundation/ Helsinki Foundation.

<sup>71</sup> Country visit Poland, Batory Foundation and Helsinki Foundation (both suggesting in that respect a more holistic, strategic anti-corruption policy approach).

<sup>72</sup> Draft Act on the Public Prosecutor's Office (UD95), aiming also at the separation of the position of the Prosecutor General and Minister of Justice. See pillar I above. With several implementing acts for the effective implementation being prepared, the draft will require re-submission to the Council of Ministers. Country visit, Poland, Ministry of Justice.

<sup>73</sup> Law of 27 March 2026 amending the Code of Criminal Procedure, originally prompted by an OECD recommendation exclusively for foreign bribery, but broadened to all cases of Arts. 228-229 Penal Code for consistency and taxonomy reasons.

<sup>74</sup> The 2025 Rule of Law report recommended to Poland "to continue efforts to ensure independent and effective corruption investigations and prosecutions [...] to enable a robust track record of high-level corruption cases". Some further progress was previously assessed on the 2025 recommendation.

<sup>75</sup> 2025 Rule of Law Report, p. 10: the aim is to address risks of selective application of the law and disparity in the treatment of corruption cases for political purposes.

<sup>76</sup> National Prosecutor's Office (2025), review of a total of 400 cases in both reports, selected by regional prosecutors and reported by the public, finding significant irregularities in 233 cases. Recommendations include to commence or reopen discontinued proceedings, and to implement disciplinary or criminal liability against prosecutors.

<sup>77</sup> See Central Anti-Corruption Bureau (2026) and National Prosecutor's Office (2026a). On indictments in the visa scandal, see National Prosecutor's Office (2025a) and (2025b); on the university diplomas bribery scheme, National Prosecutor's Office (2025c). The Public Prosecutor's Office for Organised Crime and Corruption reports a slight decrease of newly opened cases (1083 in 2024, 989 in 2025) however with an increased number of suspects; an increase of indictments (633 in 2024, 739 in 2025); and stable figures on concluded first instance convictions (1590 in 2024, 1615 in 2025).

<sup>78</sup> Supreme Audit Office (2025a), (2025b), (2025c). The special department for ad-hoc inspections, dealing with high-profile cases, no longer exists, but its findings will be published in the September annual report.

<sup>79</sup> Polish Government (2026), written input, p. 9, reporting four ongoing investigations and one pending case. OECD (2024), para. 65, see also above on foreign bribery strategy.

foreign bribery<sup>80</sup>. Since becoming operational in Poland in January 2025, the EPPO has investigated several cases of expenditure fraud and corruption, with one open case relating to corruption in 2025<sup>81</sup>. Against this background, there has been some further progress on the recommendation.

**There has been no progress on the recommendation to address the broad immunities of top executives and to remove impunity clauses in legislation<sup>82</sup>.** Immunities cause concern as they act as an obstacle to criminal accountability for corruption committed by top executives outside their official capacity<sup>83</sup>. Impunity clauses dating back to the period before 2022<sup>84</sup>, exempting criminal responsibility also for corruption and abuse of political or administrative power in a series of specific circumstances, are still in force and applied. In 2025, they were applied in 18 proceedings (compared to 9 in 2024)<sup>85</sup>. Overall, there has been no progress on the recommendation, neither on immunities nor on impunity clauses.

**There has been no progress on the recommendation to strengthen the integrity framework on lobbying<sup>86</sup>.** The 2005 lobbying law defines lobbying and provides for sanctions<sup>87</sup>, yet no steps have been taken to oblige persons in top executive functions to fully disclose their contacts with interest representatives in a meaningful and timely manner<sup>88</sup>. Preparatory work in this regard had already been conducted in previous years by the Ministry of Interior<sup>89</sup>. Challenges also persist as to the effectiveness of the three existing lobbying registers, with continuing low registration rates, de-registrations and insufficient oversight and enforcement in practice<sup>90</sup>. In the *Sejm*, only three out of the 17 registered lobbyists have reported lobbying the Parliament in 2025<sup>91</sup>. There have also been no steps taken to broaden the scope of post-employment restrictions to effectively deal with conflicting activities and to

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<sup>80</sup> 2024 and 2025 Rule of Law Report, p. 17 (for 2024) and p. 10 (for 2025). OECD (2024), p. 11.

<sup>81</sup> EPPO (2026), Annual Report 2025, p. 44. A dedicated team has been formed at the Police Headquarters to ensure the effective cooperation with the EPPO, Polish Government (2026), written input, p. 9.

<sup>82</sup> The 2025 Rule of Law Report recommended to Poland to “[a]ddress the broad scope of immunities for top executives and remove previously introduced impunity clauses in legislation in order to enable a robust track record of high-level corruption cases”. Some progress was previously assessed on the 2025 recommendation.

<sup>83</sup> 2025 Rule of Law Report, Poland, p. 10. GRECO (2023), paras. 54-63; (2019) paras. 82-91, reiterating its recommendation for an in-depth reform of top executives’ immunities, including by introducing objective criteria for transparent lifting procedures.

<sup>84</sup> Exemptions from criminal responsibility (‘impunity clauses’) exist in Art. 305(6) Criminal Code; Law of December 2022 on the abandonment of prosecution relating to the organisation of the presidential elections; April 2022 amendments to Art. 483(1) of the Commercial Company Code Act, abolishing liability of management and supervisory boards for actions to the detriment of the company. Art. 76 of the Law on special support instruments in connection with the spread of SARS-COV-2 virus, adopted in April 2020.

<sup>85</sup> Country visit, Poland, National Prosecutor’s Office: one third originated from a single proceeding. The impunity clauses only apply to active bribery, thus the public official receiving the bribe could still be prosecuted.

<sup>86</sup> The 2025 Rule of Law Report recommended to Poland to “introduce rules on lobbying”. No progress was previously assessed on the recommendation in 2025.

<sup>87</sup> Act of 7 July 2005 on lobbying activities in the law-making process.

<sup>88</sup> Internal guidelines exist only for some ministries since 2006. See GRECO (2025a), recommendation (i) for members of parliament, pp. 3-4; GRECO (2025b), recommendation (vi) for the central government, pp. 6-8.

<sup>89</sup> 2018-2020 Anti-Corruption Programme foresaw a revision of the lobbying law, Council of Ministers Resolution No. 207, 19 December 2017 (M.P. z 2018 r. item 12). Country visit to Poland, Ministry of Interior intends to await the proposed Directive on transparency of interest representation on behalf of third countries.

<sup>90</sup> In 2025, 595 entries in the Government register, with an even lower scale of lobbying in the Parliament: 17 entries in the *Sejm*, and one in the Senate. See also GRECO (2025), paras. 34-36: the scope and enforcement of the rules appearing to apply to top executive functions remain unclear in practice.

<sup>91</sup> Office of the Sejm (2025). Country visit Poland, Senate Ethics Committee.

prevent revolving doors' moves to the private sector that could create a conflict of interest<sup>92</sup>. Therefore, there has been no progress on the recommendation.

**There has been limited progress on the recommendation regarding a standardised online system for asset declarations<sup>93</sup>.** The legislative proposal introduced in November 2023 to broaden asset declaration rules to cover high-level officials and spouses' properties was abandoned<sup>94</sup>. Instead, the Government is prioritising a more comprehensive reform of the asset declarations system<sup>95</sup>. As most declarations of Government public officials are still filled out and in a variety of formats, stakeholders had called for a more holistic reform<sup>96</sup>. The reform will aim at consolidating in one single, unified legal act rules governing the submission and verification of asset declarations. It will introduce a single electronic asset declaration form for all professional groups, a central register and criminal and financial sanctions. The Minister Coordinator of Special Services is leading on the reform, which will be subject to the President's signature<sup>97</sup>. Until the entry into force of the digital tool, currently set for 1 January 2027, the system remains decentralised with manual submissions. Asset declarations of members of the Senate also remain mostly non-digitised<sup>98</sup>. There has thus been limited progress to introduce a standardised online system for asset declarations of public officials and Members of Parliament.

**Whistleblower disclosures are still rare due to a lack of trust in effective protection.** Police headquarters have introduced whistleblower reporting procedures, which, although not fully anonymous as the whistleblower's identity is known to the police, allow for internal and external disclosures. The Ombudsperson Office as the main reporting channel competent also for corruption reports if they are linked to breaches of fundamental freedoms has noted low reporting levels, having received few external reports in 2025<sup>99</sup>. Stakeholders call for more public awareness-raising so that both potential whistleblowers and employers get a better understanding of the scope of the law<sup>100</sup>. A year and a half after the reporting channel's establishment, the Office has identified a lack of confidence in the reporting procedure and of trust in the level of effective protection<sup>101</sup>, flagging risks about chilling effects following the widely publicised breach of confidentiality in a public institution<sup>102</sup>. An assessment of the effectiveness of the 2024 whistleblower protection law is envisaged for 2027<sup>103</sup>. The Office will review the external whistleblower reporting procedures in place every three years. Whistleblowers in Poland are also entitled to free legal aid.

<sup>92</sup> GRECO (2025b), recommendation vii, p. 8.

<sup>93</sup> The 2025 Rule of Law Report recommended to Poland to "introduce [...] a standardised online system for asset declarations of public officials and members of Parliament while ensuring effective verification". Limited progress was previously assessed on the recommendation in 2025.

<sup>94</sup> The Bill amending the Act on Restrictions on the Conduct of Business by Persons Performing Public Functions would extend the scope to cover high-level officials and spouses' property. Country visit, Poland, Ministry of Justice. GRECO (2025b), recommendation ix.

<sup>95</sup> Minister of Supervision of the Implementation of Government Policy (2025), Priority 24.

<sup>96</sup> At least 16 different forms are in use; provisions are scattered among several legislative acts. GRECO (2025b), recommendation ix. Country visit to Poland, Batory Foundation/ Helsinki Foundation.

<sup>97</sup> Country visit, Poland, Ministry of Interior: some solutions of the previous draft of the Central Anti-Corruption Bureau will inform but not be entirely taken over by the new legislative draft.

<sup>98</sup> Country visit, Poland, Senate Ethics Committee. Senators' declarations are verified by the tax authority. The *Sejm* adjustments are considered for the declaration of the market value of real estates.

<sup>99</sup> Of the 561 reports submitted to the Ombudsperson (i.e. Office of the Commissioner for Human Rights), only 173 met statutory requirements.

<sup>100</sup> Transparency International (2026).

<sup>101</sup> Country visit Poland, Ombudsperson Office.

<sup>102</sup> Ombudsperson Office (2025).

<sup>103</sup> Polish Government (2026), written input, p. 10.

**Weaknesses remain in political party financing.** Challenges persist in the practical application of the 2022 legislation on financing of political parties, particularly regarding the transparency<sup>104</sup>. Publication levels of party finances are not standardised and still vary significantly. Some good practices exist, where filter functionalities are embedded on parties' websites, facilitating the search for specific party finance data<sup>105</sup>. In September 2025, the National Election Commission found some irregularities in the financial information provided by political parties and rejected in the second consecutive year one annual report for breaches of the Electoral Code on grounds of acceptance of unlawful financial benefits<sup>106</sup>. In 2025, the OSCE/ODIHR raised concerns in the context of the Presidential elections regarding non-transparent online third-party campaigning and campaign financing conducted by formally independent entities<sup>107</sup>. The parliamentary bill of 29 February 2024, which aimed to address previously identified systemic transparency challenges relating to clientelist networks around state-owned enterprises, has not advanced beyond the first reading in the *Sejm* and the leading Subcommittee's report of 20 November 2024 and now appears to be discontinued<sup>108</sup>. Stakeholders highlight vulnerabilities and the need to strengthen real-time disclosure requirements and enhancements of oversight mechanisms<sup>109</sup>.

**Public procurement remains an area vulnerable to corruption, with the Government considering innovative solutions to enhance detection.** Businesses' attitudes towards corruption in the EU show that 21% of companies in Poland (EU average 30%) think that corruption has prevented them from winning a public tender in practice in the last three years<sup>110</sup>. The Single Market and Competitiveness Scoreboard on access to public procurement in Poland reports a high 53% of single bids for 2025 (EU average 27%). However, 47% of companies perceive the level of independence of the public procurement review body (National Board of Appeal) as very or fairly good, which has significantly decreased in comparison to 2025 (58%)<sup>111</sup>. Legislative amendments to the Act on Public Finances aim to make information about contracts of public finance sector entities publicly available in an electronic central register, which will become functional as of 1 July 2026<sup>112</sup>. To protect the State's economic interests and to increase competitiveness and transparency in public procurement, the Central Anti-Corruption Bureau (CBA) carried out 38 controls in 2025<sup>113</sup>. The CBA's continued investigations into suspected irregularities relating to EU structural funds and corruption at the National Centre for Research and Development (NCBR) led to further detentions in early 2026, including of a mayor and several public officials<sup>114</sup>. Investigations into alleged bid-rigging and embezzlements pertaining to the Justice Fund, which provides post-penitentiary assistance and support to crime victims, have

<sup>104</sup> Batory Foundation et al. (2026), 2025 Rule of Law Report, p. 12. Arts. 25 and 27 of the Act require parties to publish up-to-date information in the donations and the contract registers. Stakeholders stress the need to test data reliability.

<sup>105</sup> See 2024 Rule of Law Report, Poland, p. 17. Parties' data is published in pdf format or as embedded tables.

<sup>106</sup> National Electoral Committee (2025), due to breaches of Arts. 144(1)(3)(e), 132(5) Electoral Code.

<sup>107</sup> OSCE/ODIHR (2025), pp. 4-5, 18, 20.

<sup>108</sup> *Sejm* Deputies; bill on corporate governance in companies with State Treasury shareholdings, Paper no. 261. 2025 Rule of Law Report, p. 13. Yet, the Ministry of State Assets introduced a Code of Good Practices for Ownership Supervision.

<sup>109</sup> Country visit, Poland, Batory Foundation, Helsinki Foundation.

<sup>110</sup> Flash Eurobarometer 582 (2026). This is 9 percentage points below the EU average.

<sup>111</sup> Figure 59, 2026 EU Justice Scoreboard.

<sup>112</sup> Act Amending the Criminal Code and Certain Other Acts (Paper no. 1863).

<sup>113</sup> Polish Government (2026), written input, p. 10: as a specialised entity, the CBA has the power to review business decisions and to prevent and combat EU budget fraud.

<sup>114</sup> Central Anti-Corruption Bureau (2026a) and (2026b). 2025 Rule of Law Report, p. 13.

led to several convictions for money laundering and misappropriation<sup>115</sup>. In the related high-level corruption cases based on allegations of misuse of public funds, an independent court, upon a motion by the National Prosecutor's Office, issued an arrest warrant for a high-level official<sup>116</sup>. The Government and stakeholders still consider public procurement as the main corruption risk sector, with potential impacts on investments and business activities<sup>117</sup>. To address such concerns, the Government considers the development of data analytical tools supported by artificial intelligence as a strategic priority to facilitate the detection of fraud and corruption patterns and anomalies in public procurement<sup>118</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

**The Government continues to work on legislative changes aiming to address persisting concerns regarding the impartiality and independence of the media regulator.** In December 2025, the Government presented a draft media law introducing several amendments to the National Broadcasting Act, which has already undergone public consultation. Based on the draft law as presented to public consultation, the aim of the reform is, among others, to enhance the media regulator's (National Broadcasting Council - KRRiT) inclusiveness, effectiveness, and independence for instance by introducing structured rotation, clearer merit-based eligibility criteria, and stakeholder-backed nomination requirements to reduce political influence and enhance accountability<sup>119</sup>. At the same time, some stakeholders advocate for a more comprehensive reform of the appointment process, including more robust safeguards<sup>120</sup>. As part of the ongoing media law reform, the Government has proposed to abolish the current mechanism linking the rejection of the annual report submitted to Parliament to the potential dismissal of all members of the KRRiT<sup>121</sup>, and to clarify further the possibility of removing individual members, on explicitly specified grounds. The aim of this legislative amendment is to increase the media regulator's independence and to limit political interference<sup>122</sup>. In July 2025, the *Sejm* adopted a resolution to bring charges against the Chair of the KRRiT before the State Tribunal<sup>123</sup>. In addition, the media regulator has expressed concerns that its current human and financial resources might not be sufficient for it to carry out the new functions envisaged in the reform<sup>124</sup>. In parallel, the draft Budget Act for 2026 proposed a slight increase in the KRRiT's budget<sup>125</sup>.

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<sup>115</sup> National Prosecutor's Office (2025d).

<sup>116</sup> National Prosecutor's Office (2025e).

<sup>117</sup> Polish Government (2026), written input, p. 10; Country visit, Poland, Central Anti-Corruption Bureau/ National Prosecution Office/ Supreme Audit Office/ Batory Foundation.

<sup>118</sup> *Ibid.*

<sup>119</sup> Polish Government (2026), written input, p. 12. The draft law foresees, among others, restoring a rotational mechanism for the composition of the KRRiT, the introduction of more detailed regulations concerning the qualifications of candidates for membership in the KRRiT, related to education, professional experience, independence, and political neutrality, the introduction of a requirement for candidates to submit documents confirming that their candidacies are supported by non-governmental organizations of creators, journalists, and other entities whose activities cover the media sector.

<sup>120</sup> 7 NGOs (2026) written input, p. 40. The proposed safeguards include for instance introducing qualified-majority voting for appointments of members of KRRiT by the Parliament or broader nomination rights.

<sup>121</sup> National Broadcasting Act, Article 12, para. 3-5.

<sup>122</sup> Polish Government (2026), written input, p. 12.

<sup>123</sup> Sejm (2025), Resolution to bring charges. The KRRiT considered that the decision could be seen as politically motivated, see Country visit Poland, KRRiT

<sup>124</sup> Country visit Poland, KRRiT.

<sup>125</sup> 7 NGOs (2026), written input, p. 40.

**The reform of public service media’s governance, independence safeguards and funding continues**<sup>126</sup>. The Media Pluralism Monitor (MPM) 2026 indicator on independence of public service media continues to detect a high risk with the same value as in the last year<sup>127</sup>. The MPM 2026 in particular flagged that the governance of public service media structures continues to reflect political choices<sup>128</sup>. The draft media law published by the Government in December 2025 with a view to aligning with the European Media Freedom Act (EMFA), aims to enhance safeguards to protect the independence of public service media and set out provisions governing the appointment of public broadcasting bodies to enhance both their editorial and operational independence. Legislative work also continues to strengthen the competences of the programme councils of public service media, to ensure the separation of editorial and management departments, and to dissolve the National Media Council. The media regulator would be re-entrusted with the function of appointing public broadcasters’ management board members to ensure more coherence in the procedure of appointments of key leadership positions in public service media. Pending the ongoing media law reform, the National Media Council’s effectiveness is contested<sup>129</sup>. With a legislative draft published by the Government that has undergone public consultation, some further progress has been made on the recommendation made in the 2025 Rule of Law Report.

**Pending new rules to strengthen the independence of public broadcasters’ governance, some concerns have been raised about the ongoing state of liquidation of major public service media.** The liquidation of public service media, namely Polish Television, Polish Radio and Polish Press Agency, initiated in 2023, is ongoing, with liquidators being appointed directly by the Minister of Culture. Some stakeholders also report that the ongoing liquidation restricts the ability of public service media operators, in particular regional TV and radio broadcasters, to participate in certain EU grant proposals<sup>130</sup>. In order to ensure the operational and financial stability of public service media, the media regulator unblocked the payments of collected licence fees, suspended in 2024. The initial suspension followed a decision to place the funds in court deposits, pending the outcomes of a legal dispute arising from the liquidation of public service media<sup>131</sup>. While there has been a decrease in polarising and biased content in public service media in the past two years, the MPM 2026 highlighted increased polarised media coverage of political issues in news outputs<sup>132</sup>, especially in the context of electoral campaigns<sup>133</sup>.

**The Government is working on the reform of funding for public service media.** As part of the media law reform, the Government had proposed abolishing the licence fee model as the primary source of funding for public service media, replacing it with financing from the state budget. This funding reform is considered by the Government as a response to long-standing challenges concerning the effectiveness of licence fee collection. While stakeholders generally support moving from license fees to the state budget funding model, some have

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<sup>126</sup> The 2025 Rule of Law Report recommended to Poland to “[t]ake forward reforms to ensure an effective legislative framework for the independent governance and editorial independence of public service media, taking into account European standards on public service media.” Some further progress was previously assessed on the 2025 recommendation.

<sup>127</sup> The Media Pluralism Monitor (2026), p. 32.

<sup>128</sup> The Media Pluralism Monitor (2026), p. 32.

<sup>129</sup> Reporters Without Borders (2026), written input, p. 15.

<sup>130</sup> Country visit Poland, Ministry of Culture.

<sup>131</sup> Some courts later ruled that withholding the funds was a serious violation of the law and ordered their release, which gradually led to payments being resumed.

<sup>132</sup> The Media Pluralism Monitor (2026), p. 28.

<sup>133</sup> Country visit Poland, KRRiT; The Media Pluralism Monitor (2026), p. 30.

expressed concerns that the wording used in the draft law to describe the allocation of budgetary resources may limit the flexibility of the mechanism, potentially requiring amendments to the media law each time budgetary adjustments are needed<sup>134</sup>.

**The reforms to ensure fair, transparent and non-discriminatory procedures when granting operating licences to media outlets are ongoing, with a public consultation completed on a legislative draft published by the Government**<sup>135</sup>. As part of the ongoing reform of the media law with a view to aligning with EMFA, the Government proposed legislative amendments that underwent public consultation. These envisaged amendments aim to introduce a revamped licensing system that would streamline the process and ensure timely decision-making. The draft law foresees that if KRRiT fails to adopt a resolution on the renewal of a licence at least 6 months before its expiry, the licence is automatically extended by operation of law for a further period of 10 years<sup>136</sup>. In light of the ongoing legislative work, there has been some further progress on the implementation of the recommendation made in the 2025 Rule of Law Report.

**Certain challenges persist in safeguarding media pluralism, especially at the local press level.** The MPM (2026) assessed the market plurality as scoring medium-high risk, with the very high risk scores for plurality of media providers and high risk for editorial independence from commercial and owner influence<sup>137</sup>. Local government bodies continue to publish their own press outlets, which generated some concerns about media pluralism, fair competition and political control over local press outlets<sup>138</sup>. As such outlets are often edited by employees of local municipalities, some stakeholders have raised concerns that such local government-funded media may undermine independence through financial and editorial dependence, while also unfairly competing with private outlets using public resources<sup>139</sup>. Furthermore, major commercial broadcasters, namely TVN and Polsat, remain classified as “strategic companies” following a government decision, requiring state approval for any ownership changes. Moreover, a company majority-owned by the Polish State Treasury continues to hold Polska Press, one of Poland’s largest regional media publishers, raising additional concerns among stakeholders regarding the potential impact on media pluralism<sup>140</sup>. Under the draft media law, which is still under legislative review, the regulator would gain expanded powers to monitor and report on media pluralism.

**There have been no substantive developments with regard to access to official information as the challenges identified in previous reporting periods persist.** The procedure under the Act on Access to Public Information is generally perceived as accessible and with minimal formalities<sup>141</sup>. The indicator of the MPM 2026 on protection of right to information scored a lower risk than in the last year, but in the same - medium-low risk - band<sup>142</sup>. However, some stakeholders report instances of unjustified refusals or delays in

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<sup>134</sup> EBU (2026).

<sup>135</sup> The 2025 Rule of Law Report recommended to Poland to “[t]ake forward reforms to ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.” Some further progress was previously assessed on the 2025 recommendation.

<sup>136</sup> Polish Government (2026a), additional written input, p. 9.

<sup>137</sup> The Media Pluralism Monitor (2026), pp. 19-20.

<sup>138</sup> Ombudsperson (2026), Opinion on limiting the ability of local government entities to publish newspapers.

<sup>139</sup> Country visit Poland, Ombudsperson; the Media Pluralism Monitor (2026), p. 37.

<sup>140</sup> International Press Institute (2026), written input, p. 15. In September 2025, the Minister of State Assets stated that the company Orlen intends to proceed with the sale of Polska Press after the completion of the publisher’s restructuring process, see Wirtualne Media (2025).

<sup>141</sup> 7 NGOs (2026), written input, p. 43; similarly, the Media Pluralism Monitor (2026), p. 14.

<sup>142</sup> The Media Pluralism Monitor (2026), p. 14.

processing requests for access to information<sup>143</sup> as well as incidents in which journalists were denied access to public proceedings of state institutions without sufficient grounds<sup>144</sup>. At the same time, in 2025 some legislative changes strengthened selected aspects of access to information, in particular through the creation of the Central Register of Public Finance Sector Contracts and the partial implementation of EU pay transparency rules<sup>145</sup>.

**While an Anti-SLAPP law is under discussion in Parliament, certain challenges related to the safety of journalists remain.** A law on the protection of persons participating in public debate against manifestly unfounded claims or abusive court proceedings, aimed to transpose the Anti-SLAPP Directive, was adopted by Parliament on 29 May and signed by the President of the Republic on 19 June 2026. While stakeholders have flagged the delay in the legislative works<sup>146</sup>, they have welcomed that the draft law will cover also domestic cases, in line with the Anti-SLAPP Recommendation<sup>147</sup>. Overall, according to data available, since 2024 the number of SLAPP cases, particularly those initiated by public entities, have generally declined<sup>148</sup>. At the same time, some civil society organisations have indicated that there is little data available on how many SLAPPs are brought against journalists at the local media level<sup>149</sup>. While in 2025 no imprisonment sentences were handed down in SLAPP cases, civil society organisations have highlighted that criminal convictions and ongoing lawsuits continue to pose concerns<sup>150</sup>. Moreover, some stakeholders note that defamation remains criminalised and used as the primary legal ground for SLAPP cases against journalists, which may limit the effectiveness of Anti-SLAPP protections if the criminalisation of defamation is not removed<sup>151</sup>. The Safety of Journalists Platform reports a systemic issue with journalists lacking adequate protection under the current defamation and insult laws via the ongoing systemic alert opened since 2024<sup>152</sup>. Since the 2025 Rule of Law Report, the Council of Europe Platform to promote the protection of journalism and safety of journalists has recorded four new alerts concerning Poland. Two of the alerts concern harassment and intimidation of journalists, while the others concern the confiscation of equipment, and a court order blocking an environmental CSO's website and social media profile for the duration of the trial<sup>153</sup>. Moreover, the Mapping Media Freedom platform has

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<sup>143</sup> 7 NGOs (2026), written input, p. 39, 43.

<sup>144</sup> Reporters Without Borders (2026), written input, p. 22; Stefan Batory Foundation 2026, p. 43. Stakeholders refer to incidents of journalists being denied access to public meetings of state institutions, press conferences, and state events: for instance, two Polish media outlets, Gazeta Wyborcza and OKO.press, have filed a notice to the National Prosecutor's Office regarding an attempt to remove journalists from a session of the State Tribunal on 3 September 2025.

<sup>145</sup> Watchdog Poland (2026), Raport o stanie jawności w Polsce 2025.

<sup>146</sup> 7 NGOs (2026), written input, p. 39.

<sup>147</sup> Reporters Without Borders (2026), written input, p. 23.

<sup>148</sup> As compared to the 2025 Rule of Law Report; see 7 NGOs (2026), written input, p. 39. The CASE coalition recorded 140 cases identified as SLAPPs in Poland in 2024, see CASE (2026), p. 16. See also Polish Government (2026), written input, p. 14.

<sup>149</sup> Reporters Without Borders (2026), written input, p. 23.

<sup>150</sup> 7 NGOs (2026), written input, p. 44.

<sup>151</sup> 7 NGOs (2026), written input, p. 44; Reporters Without Borders (2026), written input, p. 23. Defamation, insult and offence are criminal acts in Poland punishable by imprisonment.

<sup>152</sup> Council of Europe Platform to promote the protection of journalism and safety of journalists (2026).

<sup>153</sup> Council of Europe Platform to promote the protection of journalism and safety of journalists (2026). The Polish Government replied to two of the alerts explaining that, in the case of threats against the journalists, the source was non-state and that the applicable criminal and investigative proceedings were undertaken. As regards the confiscation of equipment of two journalists covering a protest, the Government explained that the Code of Criminal Procedure was applied accordingly. Replies to the other two alerts are still pending, as the deadline for submission has not yet passed.

noted 23 new alerts. Ten of the alerts concern legal actions against journalists, while seven concern harassment or discrediting<sup>154</sup>.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

**The new rules governing consultations to improve the quality of legislation started to produce effects.** Poland strengthened the rules governing consultations to improve the quality of legislation, in line with its commitments under the Recovery and Resilience Plan<sup>155</sup>. According to CSOs<sup>156</sup>, this reduced the production of legislation and improved consultations and engagement with relevant stakeholders in the legislative process. The practice of bypassing the regular legislative procedure by having governmental draft laws proposed by individual Members of Parliament decreased, thus further increasing public consultations on draft laws<sup>157</sup>. The Ombudsperson nevertheless considers that public consultations on draft laws could be more inclusive<sup>158</sup>.

**Less than one third of companies surveyed in Poland express confidence in the effectiveness of investment protection.** 32% of companies are very or fairly confident that investments are protected by law and courts, a figure which has significantly decreased in comparison with 2025 (39%)<sup>159</sup>. The main reasons for companies' lack of confidence are the frequent changes in legislation or concerns about quality of the law-making process (57%)<sup>160</sup>. As regards authorities relevant for economic operators, 65% perceive the level of independence of the national competition authority (Office of Competition and Consumer Protection) as very or fairly good, a figure which has significantly decreased in comparison with 2025 (73%)<sup>161</sup>. The Supreme Administrative Court has jurisdiction in some business-related cases, including in cases related to public concessions and economic regulation. A number of judicial mechanisms to improve efficiency are available in these cases, including the possibility to apply interim measures, joint examination of similar cases and the consolidation of multiple appeals<sup>162</sup>.

**The Ombudsperson continues to fulfil a key role in the system of checks and balances.** The Ombudsperson continues to enjoy an 'A' status by the UN Global Alliance of National

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<sup>154</sup> European Centre for Press and Media Freedom (2026).

<sup>155</sup> The new rules of procedures of the *Sejm* entered into force on 1 November 2024, and those of the Council of Ministers on 20 August 2024; Polish Government (2025), written input, p. 23.

<sup>156</sup> The XVI Report of the Civic Legislation Forum of 15 December 2025. The Civic Legislation Forum is composed of representatives of multiple CSOs and operating at the Batory Foundation, see Fundacja Batorego (2025).

<sup>157</sup> See also NaszRzecznik.pl (2026). See also 7 NGOs (2026), written input, p. 45, where it is noted that in the first year of the legislature, 81 laws were adopted, of which 74 entered into force, representing the lowest annual figure in nearly two decades. In the second year, legislative activity increased: 223 laws were passed, with 206 entering into force. A significant portion of this increase reflected 51 deregulatory laws adopted late 2025, suggesting a rapid legislative pace with potential implications for quality scrutiny.

<sup>158</sup> Country visit Poland, Ombudsperson's Office. See also ENNHRI (2026) written contribution, where it is argued that due to the short time since the introduction of new participation tools, their practical application requires periodic evaluation and adjustments to ensure the highest standards of citizen participation in the legislative process.

<sup>159</sup> Figure 52, 2026 EU Justice Scoreboard.

<sup>160</sup> Figure 53, 2026 EU Justice Scoreboard. 49% of the surveyed investors perceive concerns about quality, efficiency or independence of justice as the reason for the lack of confidence in investment protection.

<sup>161</sup> Figure 60, 2026 EU Justice Scoreboard.

<sup>162</sup> Figures 66 and 67, 2026 EU Justice Scoreboard. The data presented reflects exclusively the mechanisms in place at the level of the highest administrative jurisdictions; the same or other mechanisms may be in place at lower instance administrative courts.

Human Rights Institutions (GANHRI)<sup>163</sup>. The overall budget of the Ombudsperson was increased for 2026<sup>164</sup>. Nonetheless, the financial resources allocated to the Ombudsperson remain limited, considering the range of tasks linked to its mandate<sup>165</sup>.

**On 1 January 2026, Poland had 57 leading judgments of the European Court of Human Rights pending implementation, an increase of 5 compared to the previous year<sup>166</sup>.** At that time, Poland's rate of leading judgments from the past 10 years that had been implemented was at 45% (compared to 49% in 2025; 55% remained pending), and the average time that the judgments had been pending implementation was 5 years and 9 months (compared to 5 years and 5 months in 2025)<sup>167</sup>. The oldest leading judgment, pending implementation for 20 years, concerns excessive length of proceedings before administrative bodies and courts and absence of an effective remedy<sup>168</sup>. As regards the respect of payment deadlines, on 31 December 2025 there were 27 cases in total awaiting confirmation of payments (compared to 26 in 2024)<sup>169</sup>. By 17 June 2026, the number of leading judgments pending implementation had remained at 57<sup>170</sup>.

**Some further progress has been made on the recommendation to improve the framework in which civil society operates<sup>171</sup>.** Civic space in Poland continues to be rated as 'narrowed' by Civicus<sup>172</sup>. Cooperation between the Government and civil society remains positive<sup>173</sup>. While CSOs underline that there is still scope for improving the framework in which civil society operates, notably as regards the further simplification of procedures for the financing of CSOs<sup>174</sup>, legislative work is ongoing to amend the law governing public benefit activities and volunteering. The proposed changes aim to reduce administrative burdens, expand simplified funding mechanisms, adjust reporting requirements for smaller organisations and improve the framework for cooperation between public authorities and CSO. Civil society representatives have generally welcomed these proposals as a positive step<sup>175</sup>. In March 2026, the Commission for the examination of mechanisms of repression against civil society organisations, created at the Ministry of Justice, presented a second 'Report on Repressions against Civil Society in the years 2015-2023'<sup>176</sup>. According to the report, during the reference period, i.e. between 2015 and 2023, a significant number of abusive court proceedings and administrative procedures had been initiated against media

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<sup>163</sup> Global Alliance of National Human Rights Institutions (2023); see also 2025 Rule of Law Report, Poland, p. 20.

<sup>164</sup> Country visit Poland, Ombudsperson's Office.

<sup>165</sup> ENNHRI (2026) written contribution.

<sup>166</sup> For an explanation of the supervision process, see the website of the Council of Europe.

<sup>167</sup> All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2026. EIN (2026), written input, p. 8.

<sup>168</sup> Judgment of the ECtHR, 51837/99, *Beller v. Poland*, pending implementation since 2005.

<sup>169</sup> Council of Europe (2026), p.163

<sup>170</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>171</sup> The 2025 Rule of Law Report recommended to Poland to 'Continue ongoing efforts to improve the framework in which civil society operates, taking into account European standards on civil society organisations'. Some further progress was assessed on this recommendation in 2025 and significant progress in 2024.

<sup>172</sup> Poland's score is 69/100. Ratings by Civicus are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>173</sup> Country visit Poland, Batory Foundation, Helsinki Foundation of Human Rights, Amnesty International.

<sup>174</sup> 7 NGOs (2026), written contribution, p. 52. Cf. 2025 Rule of Law Report, Poland, p. 21.

<sup>175</sup> Polish Government (2026), written input, p. 17 and (2026a) additional written input, p. 10.

<sup>176</sup> Cf. 2025 Rule of Law Report, Poland, p. 21.

organisations and NGOs<sup>177</sup>. In view of the foregoing, overall, some further progress has been made to improve the framework in which civil society operates.

**National authorities engaged in initiatives to foster a rule of law culture.** As of September 2025, public secondary schools teach “Civic education” as a subject, available voluntarily to interested pupils, with the aim of fostering civic self-awareness and knowledge about the functioning of a democratic state governed by the rule of law. Furthermore, the Government, together with legal professions and associations of judges organised the 10<sup>th</sup> edition<sup>178</sup> of the “Day of Legal Education” with lawyers presenting legal issues in classes organised at schools and where pupils are invited to courthouses to learn about law and court procedures<sup>179</sup>. In May 2026, the Ministry of Justice also endorsed the “Open Courts night” initiative under which participating courts opened their buildings to the general public, organising activities such as court visits, mock hearings and workshops, with a view to improving public understanding of the judiciary<sup>180</sup>.

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<sup>177</sup> Ministry of Justice (2026b).

<sup>178</sup> The Government did not participate in the project before 2023.

<sup>179</sup> See <https://dzienedukacjiprawnej.ms.gov.pl/>.

<sup>180</sup> Polish Government (2026a) additional written input, p. 10.

## Annex I: List of sources in alphabetical order\*

\* The list of contributions received in the context of the consultation for the 2026 Rule of Law Report can be found at: [https://commission.europa.eu/publications/2026-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2026-rule-law-report-targeted-stakeholder-consultation_en)

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## **Annex II: Country visit to Poland**

The Commission services held virtual meetings in February and March 2026 with:

- Amnesty International Poland
- Association of Judges ‘Iustitia’ (Stowarzyszenie Sędziów Polskich Iustitia)
- Association of Journalists (Stowarzyszenie Dziennikarzy)
- Association of Polish Journalists (Stowarzyszenie Dziennikarzy Polskich)
- Association of Prosecutors ‘Lex Super Omnia’ (Stowarzyszenie Prokuratorów Lex Super Omnia)
- Batory Foundation (Fundacja Batorego)
- Central Anti-Corruption Bureau (Centralne Biuro Antykorupcyjne)
- Chamber of Press Publishers (Izba Wydawców Pracy)
- Helsinki Foundation for Human Rights (Helsinska Fundacja Praw Człowieka)
- Ministry of Culture and National Heritage (Ministerstwo Kultury i Dziedzictwa Narodowego)
- Ministry of Justice (Ministerstwo Sprawiedliwości)
- National Bar Council (Naczelna Rada Adwokacka)
- National Chamber of Attorneys at Law (Krajowa Izba Radców Prawnych)
- National Council for the Judiciary (Krajowa Rada Sądownictwa)
- National Media Council (Rada Mediów Narodowych)
- National Television and Radio Broadcasting Council (Krajowa Rada Radiofonii i Telewizji)
- Ombudsperson’s Office (Biuro Rzecznika Praw Obywatelskich)
- National Prosecutor’s Office (Prokuratura Krajowa)
- Senate of the Republic of Poland (Senat Rzeczypospolitej Polskiej)
- Supreme Administrative Court (Naczelny Sąd Administracyjny)
- Supreme Audit Office (Najwyższa Izba Kontroli)
- Supreme Court (Sąd Najwyższy)

\* The Commission also met the following organisations in a number of horizontal meetings:

- Civil Liberties Union for Europe
- Civil Society Europe
- End FGM EU
- European Civic Forum
- European Partnership for Democracy
- Human Rights Watch
- ILGA-Europe
- International Federation for Human Rights
- Philea - Philanthropy Europe Association
- Transparency International EU