



# Ministerstwo Spraw Zagranicznych

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Plenipotentiary of the Minister of Foreign Affairs  
for cases and procedures before  
the European Court of Human Rights  
Agent for the Polish Government  
Agnieszka Kozińska-Makowska

DPT.432.287.2022 / 16  
Warsaw, 6 September 2024 r.

Ms Ilse Freiwirth  
Registrar of the First Section  
European Court of Human Rights

**BY E-TRANSMISSION ONLY**

**Application no. 2415/21**  
**Sarata v. Poland**

Dear Madam,

1. With regard to the above application, the Government wish to express their positive attitude towards reaching a friendly settlement in the present case.

2. The Government note the Court's case-law concerning the Chamber of Extraordinary Review and Public Affairs of the Supreme Court (see, in particular, *Dolińska-Ficek and Ozimek v. Poland*, nos. 49868/19 and 57511/19, 8 November 2021, and *Wałęsa v. Poland*, no. 50849/21, 23 November 2023).

3. In order to secure friendly settlement in the present case, the Government, basing on the already existing case-law of the Court, propose to pay the applicant the amount of **EUR 10,000** to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.

4. In this regard, I should like to kindly bring the Court's attention to the Action Plan of 19 February 2024, in which the Polish Government acknowledged systemic problems with the rule of law in Poland and considered the necessity to restore it, in accordance with Article 7(1) of the Treaty of European Union and judgments of the Court of Justice of the European Union and the European Court of Human Rights. Moreover, the Ministry of Justice is currently working to fully implement the conclusions enshrined in the pilot judgment in the case of *Wałęsa v. Poland* (no. 50849/21 of 23 November 2023). It should be emphasized that the European Commission decided on 29 May 2024 to end the proceedings under Article 7 of the EU Treaty conducted in respect of Poland.

5. I should also like to point out that in order to implement conclusions of the judgments of the Court, legislative activities are being carried out as regards, among others, the reform of the National Council of the Judiciary; the reform of the Supreme Court (proposals for elimination from the legal order of the provisions relating to the organization of the Supreme

Court that raise fundamental legal doubts, *i.e.*, issues related to the functioning of the Supreme Court's Chamber of Extraordinary Review and Public Affairs and the Chamber of Professional Responsibility); the creation of an appropriate institutional system for the execution of judgments of the Court (*i.e.* establishment of the rules for implementing the Court's judgments in order to ensure an efficient and transparent procedure and clearly define the obligations of public authorities in that regard).

6. Having regard to the above, I would be grateful if you could, in your capacity as the Court's Registrar, take over further negotiations with the applicant.

*Yours faithfully,*

A handwritten signature in blue ink, reading "Agnieszka Kozińska-Makowska". The signature is written in a cursive, flowing style.

Agnieszka Kozińska-Makowska  
Government Agent