



Association of European Administrative Judges/Vereinigung Europäischer Verwaltungsrichter /
Fédération Européenne des Juges Administratifs
Associazione dei Magistrati Amministrativi Europei /
Based at: Europäische Rechtsakademie D-54295 Trier, Metzger Allee 4

Concerns: judgement of the Polish Constitutional Court on 7 October 2021, K 3/21

DECLARATION OF THE GENERAL ASSEMBLY of AEAJ

The delegates of the General Assembly of AEAJ want to express that the judgement, which denies the fundamental principle of primacy of EU law over national law, is clearly against basic principles of primary EU law, e.g. the primacy of EU law, to which Poland has agreed on by its accession to the EU.

The delegates of the General Assembly of AEAJ are well aware of the fact that certain national approaches of few EU Constitutional Courts leave some room of interpretation. However, so far none denies the fundamental principle of primacy and direct effect of the EU law as such. By assigning the general competence to all national courts to assess and set aside EU law against the national constitution, the Polish Constitutional Court acts *ultra vires* by itself.

The delegates of the General Assembly of AEAJ want to stress that judgements of the Court of Justice of the EU are binding for every Member State of the EU.

The delegates of the General Assembly of AEAJ want to highlight that every national judge within the EU acts as European judge. One of the fundamental principles for judges is to abide by the law, including the fundamental principle of primacy of EU law.

The delegates of the General Assembly of AEAJ want to express their solidarity with Polish colleagues who uphold the rule of law acting as European judges.

Lyon, 15th October 2021