

Poland's Constitutional Tribunal crisis in 2 minutes

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Since 2015 Polish institutions have disputed who sits on the Constitutional Tribunal and whether its rulings bind. Since 30 October 2026 Anna Korwin-Piotrowska claims to lead it, substituting for its President; no court has ruled.

In brief. Poland's Constitutional Tribunal (Trybunał Konstytucyjny, TK) checks whether statutes comply with the Constitution. It has 15 judges elected by the Sejm, the lower house of parliament. Under the 2016 Act on the Status of Tribunal Judges, each person elected takes an oath "before the President" of the Republic. The service relationship arises on taking it, and the Tribunal's President then assigns cases. In 2026 the dispute mainly has two sides. On one are the Sejm and the government; on the other, President of the Republic Karol Nawrocki (in office since August 2025) and the Tribunal's President, Bogdan Świączkowski, formerly National Prosecutor.

The 15 seats today



Who claims what

Question	Who says "yes", and why	Who says "no", and why	What courts / the Venice Commission said
Must the President of the Republic receive the oath of everyone the Sejm elects?	The Chancellery of the Sejm: the choice belongs to the Sejm alone and the President has no power to review it. The Commissioner for Human Rights, Marcin Wiącek (3 April 2026): the Constitution gives the choice to the Sejm alone, and all those elected should take the oath. Those elected wrote to the President, but he set them no date.	The President's Chancellery: it received two oaths for the vacancies that arose during Karol Nawrocki's term, because 11 judges suffice for a full bench. For the others it alleges a missed nomination deadline, a 7-day period shortened without a vote and one candidate not presented to MPs. The President says he has refused no one and that the matter is for the Tribunal (Kpt 1/26).	The Tribunal in 2015 (K 34/15, on Art. 21(1) of the 2015 Tribunal Act): the provision is constitutional only if read as obliging the President to receive the oath without delay. The Tribunal in 2026 (K 3/26, on Art. 4(1) of the 2016 Status Act; five judges presided over by Świączkowski, including Piskorski and Wyrembak, elected to seats to which the Sejm had already elected judges in 2015; two dissents; not recognised by the government): the provision, read as imposing that duty, is unconstitutional. The Venice Commission (non-binding opinion, content as reported): the President should receive the oath without delay and may not review the election.
Is an oath taken in the Sejm valid?	Those who took it, the Marshal of the Sejm and the government: yes, because it was taken in the form "before the President", with the written oath delivered to his Chancellery, when the President set no date. So does a statement of about 19 October that, according to Prawo.pl, eight Tribunal judges signed.	The President's Chancellery and the President of the Tribunal: no, because the statute requires an oath "before the President", in his presence; without such an oath no service relationship arises.	The Tribunal (K 3/26; bench including Piskorski and Wyrembak, not recognised by the government): according to reports of the reasoning, "before the President" means in his physical presence, and no judge can begin service without the oath; it did not rule on the effect of the 9 April oaths (Kpt 1/26 pending). ECtHR: interim measure — the authorities should not obstruct the four from taking up their duties; the Tribunal's spokesperson disputes the ECtHR's jurisdiction. The Venice Commission (non-binding opinion, content as reported): where the President refuses or delays, the oath should be possible without his physical presence.
Who has led the Tribunal since 30 October 2026?	Anna Korwin-Piotrowska; backed by, among others, Sławomir Patyra and Magdalena Bentkowska (both sworn in by the President of the Republic), Maciej Taborowski, Maciej Berek, Prime Minister Donald Tusk, Prosecutor General Waldemar Żurek, Justitia president Bartłomiej Przymusiński and former Tribunal President Jerzy Stępień. According to her orders she leads the Tribunal as the person with the longest aggregate service (Art. 12(4) read with Art. 11(2) of the Organisation Act), and the break rests on Art. 130(1) of the Law on the System of Common Courts, applied through cross-references in the Status Act and the Supreme Court Act.	Bogdan Świączkowski and Bartłomiej Sochański; backed by, among others, the President of the Republic, the First President of the Supreme Court Zbigniew Kapiński and PiS politicians. In their view Świączkowski, appointed in December 2024 for a six-year term, remains President of the Tribunal; no provision lets a judge order a break in the Tribunal President's duties (under Art. 130(2) PUSP only the Minister of Justice may order such a break for a court president), and Korwin-Piotrowska did not take the oath before the President of the Republic.	No court has ruled on this.
Does the Tribunal meet the standard of an independent tribunal established by law?	The Tribunal and its President: yes; the ECtHR and the CJEU have no power to assess the Tribunal's structure.	The Sejm and the government: no. The Sejm resolution of 6 March 2024 states that Piskorski and Wyrembak, among others, elected to seats to which the Sejm had already elected judges in 2015, are not Tribunal judges. The resolution of 13 March 2026, citing Supreme Court, NSA, ECtHR and CJEU case law, states that the Tribunal has ceased to be an impartial and independent body. The government does not publish Tribunal judgments (Council of Ministers resolution no. 162).	ECtHR (Xero Flor, 2021): a Tribunal bench including a person elected to such a seat in December 2015 was not a "tribunal established by law". CJEU (C-448/23, 2025; in connection with 2021 Tribunal rulings): the Tribunal does not meet the requirements of an independent and impartial tribunal established by law. In K 6/21 (2021) the Tribunal held Art. 6(1) of the Convention unconstitutional insofar as it lets the ECtHR assess the election of Tribunal judges, and in U 5/24 (2024) it held the Sejm resolution of 6 March 2024 unconstitutional.

What's next

- 3 November 2026** A meeting called by Anna Korwin-Piotrowska as a General Assembly of the Tribunal's judges; the only item is the Tribunal's draft budget for 2027, which her notice calls a key matter. Bogdan Świączkowski's side does not recognise her orders; under the statute the President of the Tribunal convenes the Assembly and must be present for resolutions (Arts. 7 and 8(2) of the Organisation Act). According to Telewizja Republika and WP, Świączkowski declared 3–6 November days off for Tribunal staff.
- About 4 November 2026 (the site's calculation).** End of the three working days within which, according to the 30 October orders, the "competent disciplinary court" is to be notified; the orders do not say which court.

The Prosecutor General's motions of 30 October (by his account, four seeking consent to prosecute Święczkowski, one concerning Bartłomiej Sochański's immunity): Korwin-Piotrowska's notice confirms receipt. The Tribunal's General Assembly, which decides on consent (Art. 23(1) of the Status Act), has not adopted a resolution, and no court has ruled on the allegations.

18 and 25 November 2026 Hearings in P 5/25 and P 1/25 on the trybunal.gov.pl cause list; the benches list President of the Tribunal Bogdan Święczkowski and, in P 5/25, Vice-President Bartłomiej Sochański.

- **About 30 November 2026 (the site's calculation).** One month from 30 October. The orders say the “break in official duties” lasts that long, though its effect is disputed. The General Assembly has the same period to resolve on the motions (Art. 23(1) of the Status Act), if they were validly lodged on 30 October. That is disputed, because Art. 22(1) requires filing with the President of the Tribunal.
- **Kpt 1/26.** The President of the Republic's competence dispute with the Sejm over the 9 April oaths is pending; no hearing date has been given.
- **Autumn 2027** The next elections to the Sejm.