**The Conference**

**“75th anniversary of the ECHR and administrative court judges”**

**Warsaw, 1-2 October 2025**

**Questionnaire**

Please answer the questions from the perspective of the judge of the Council of State or Supreme Administrative Court (SAC).

1. **What is the legal status of the ECHR in the legal order of your country and its position in the hierarchy of the sources of law?**

Please explain.

1. **Is it possible for a national judge to apply the ECHR directly?**
   1. yes
   2. no

Please explain, if necessary

1. If national legislation is contrary to the Convention, may a national court base its ruling on the Convention ?
2. yes
3. no

If yes, please explain and provide examples.

1. Do you have any examples of national judgments of the SAC that comply with national legislation but do not comply with the well-established case law of the ECtHR?
   1. yes
   2. no

If yes, please explain and give examples.

1. **Have you ever used the advisory opinion given by the ECtHR given under the Protocol No. 16 to the ECHR in deciding a case before your Court?**
   1. yes
   2. no

If yes, please indicate the types of cases in which it was relevant.

1. **Is it possible to reopen a case** **decided by the SAC in which violation of the ECHR was confirmed by the ECtHR judgment delivered in relation to this judgement?**
   1. yes
   2. no

Please explain

1. **Is it possible to reopen a case decided by the SAC in which a violation of the ECHR is justified under the subsequent ECtHR judgment concerning other case or another State Party ?**
2. yes
3. no

Please explain

1. **When it comes to interpretation of the Convention, do you consider the ECtHR judgments concerning other States to be binding in the same way as those concerning your State?**
   1. yes
   2. no

Please explain.

1. **If the standard of the protection of human rights in the EU Law itself or derived from the case law of the CJEU is lower than the standard set by the ECHR or by the case law of the ECtHR, which one would you follow in the case at hand?**

Please explain.