



C/2025/3261

24.6.2025

**Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Poland) lodged on
26 February 2025 – B.Ż, V. sp. z o.o. v T. SA, Ł.W.**

(Case C-159/25, Rowicz) ⁽¹⁾

(C/2025/3261)

Language of the case: Polish

Referring court

Sąd Okręgowy w Warszawie

Parties to the main proceedings

Applicant: B.Ż, V. sp. z o.o.

Defendant: T. SA, Ł.W.

Questions referred

In the light of Article 2 and the second subparagraph of Article 19(1) of the Treaty on European Union, read in conjunction with Articles 20 and 47 of the Charter of Fundamental Rights of the European Union and recital 61 of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), ⁽²⁾ does an ordinary court of last instance of a Member State whose composition includes a judge of that court designated by a random number generator to hear the case on the basis of the draw report and a prior decision of the college of the court constitute an independent and impartial tribunal previously established by law that ensures cases are heard without undue delay in a non-discriminatory manner and guarantees effective judicial protection in circumstances where:

1. a court administrative body such as the Kolegium Sądu Okręgowego (college of the regional court) arbitrarily released the previously assigned judge from the obligation to hear the cases already assigned to her, contrary to the provisions of national law on the assignment of cases, despite the fact that the national statutory criteria for releasing her from that obligation were not met, and did so in breach of the principle that a change in the composition of the court may only occur where it is impossible for the court to hear the case in its existing composition or where there is a lasting obstacle to it hearing the case in its existing composition;
2. a new judge was assigned using the SLPS random case allocation generator developed by a member of the executive branch of government, namely the Minister Sprawiedliwości (Minister for Justice), under the rules for the randomised assignment of cases in courts established by way of a regulation issued by that Minister (paragraphs 43–76 of the Rozporządzenie Ministra Sprawiedliwości z 18.6.2019 r. – Regulamin urzędowania sądów powszechnych [Regulation of the Minister for Justice of 18 June 2019 laying down rules on the operation of the ordinary courts]) and in a manner that infringes the right to an independent and impartial tribunal and the right to a tribunal established by law;
3. a new judge was assigned using the SLPS random case allocation generator without knowledge of the source code or the ability to verify the operation of the SLPS algorithm for random case allocation to judges, where information on that system was published only on the Biuletyn Informacji Publicznej [Public Information Bulletin] website, or the ability to ascertain the vulnerability of the random case allocation tool to errors and manipulation, in a manner that infringes the parties' right to a fair trial;
4. a new judge was assigned using the SLPS random case allocation generator developed by a member of the executive branch of government, namely the Minister Sprawiedliwości (Minister for Justice), under the rules for the randomised assignment of cases in courts established by way of a regulation issued by that Minister (paragraphs 43–76 of the Rozporządzenie Ministra Sprawiedliwości z 18.6.2019 r. – Regulamin urzędowania sądów powszechnych [Regulation of the Minister of Justice of 18 June 2019 laying down rules on the operation of the ordinary courts]) and in a manner that infringes the parties' right to have their cases heard without undue delay through a failure to guarantee an even workload for judges as a result of the operation of the SLPS, in a manner that discriminates against the parties and infringes the principle of equality before the law;

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ OJ 2024 L 2024/1689, p. 1.

5. this results in the judge hearing the case in proceedings that are invalid on account of the composition of the court being contrary to the provisions of law and the parties not being afforded effective judicial protection;
 6. there is no effective remedy in national law available to the judge against a written decision of the court administrative body regarding the allocation of the case, the assignment of judges and the composition of the court, as there is no judicial remedy enabling the judge to challenge such a written decision before an impartial and independent tribunal in proceedings that meet the requirements arising from Articles 47 of the Charter of Fundamental Rights?
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