



Judgment of the Court (Fourth Chamber) of 14 November 2024 (request for a preliminary ruling from the Sąd Apelacyjny w Warszawie – Poland) – S. S.A. v C. sp. z o.o.

(Case C-197/23, ⁽¹⁾ S. (Modification of the formation of a court))

(Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – Remedies – Effective judicial protection – Independent and impartial tribunal established by law – National rules governing the random allocation of cases to the judges of a court and the modification of the formations of the court – Provision precluding reliance on the infringements of those rules in appeal proceedings)

(C/2025/131)

Language of the case: Polish

Referring court

Sąd Apelacyjny w Warszawie

Parties to the main proceedings

Applicant: S. S.A.

Defendant: C. sp. z o.o.

Intervening party: Prokurator Prokuratury Regionalnej w Warszawie

Operative part of the judgment

The second subparagraph of Article 19(1) TEU, read in the light of Article 2 TEU and of Article 47 of the Charter of Fundamental Rights of the European Union,

must be interpreted as precluding a national provision which in all circumstances prevents the appellate court from reviewing whether the reallocation of a case to the formation of the court which ruled on it at first instance was made in breach of the national rules on the reallocation of cases within the courts.

⁽¹⁾ OJ C 252, 17.7.2023.