



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

**EUROPEAN COMMISSION**  
**FOR THE EFFICIENCY OF JUSTICE**  
**(CEPEJ)**

**PILOT-SCHEME**  
**FOR**  
**EVALUATING JUDICIAL SYSTEMS**



## SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: **The Republic of Poland**

Contact: Name and e-mail: **Dr. Beata Gruszczyńska**  
**Cezary Dziurkowski, Judge**

### I. General information

1. Number of inhabitants

Number: **38 230 000**

Year of reference: **2002**

Source: **Concise Statistical Yearbook of Poland (Issue 2003)**

2. Total annual State/regional public budget

Budget: **143 520 000 000 zlotys ( 37 181 347 150 EUR<sup>1</sup>)** Year of reference: **2002**

Source: **Concise Statistical Yearbook of Poland (Issue 2003)**

3. Average gross annual salary

Salary: **25 596 zlotys (6631 EUR)**

Year of reference: **2002**

Source : **Concise Statistical Yearbook of Poland (Issue 2003)**

### II. Access to Justice and to all courts

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<sup>1</sup> 1 EUR = 3,86 zlotys

## II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: **62 835 000 zlotys (16 278 497 EUR)** Year : **2002**

Source : **Ministry of Justice**

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases:
- the annual public budget spent on legal aid in other court cases:

Annual budget: **Data not available** Year :

Source :

**Comment:**

**The statistics is based on budgetary bulk expenditure only. It does not take into account the specific categories or number of cases being subject of the legal aid spending.**

6. Total number of legal aid cases (in a year)

Number of cases: **Data not available** Year :

Source :

**Comment:**

**The statistics is based on budgetary bulk expenditure only. It does not take into account the specific categories or number of cases being subject of the legal aid spending.**

7. If possible, specify

- the total number of legal aid cases in criminal matters (in a year):

Number of cases: **Data not available** Year :

Source :

- the total number of legal aid cases in other court cases (in a year):

Number of cases: **Data not available** Year :

Source :

**Comment:**

**The statistics is based on budgetary bulk expenditure only. It does not take into account the specific categories or number of cases being subject of the legal aid spending.**

8. Does your country have an income and asset test for granting legal aid?

**Yes**

**Comment:**

**The court should assess the applicant's financial situation taking all the information available into account. The accused is granted this kind of aid *ex officio*, if he/she is e.g. minor, deaf, mute or blind, or if there is a reasonable doubt as to his/her accountability.**

9. If yes, what is the maximum income level for granting legal aid?

Income level: **Non-fixed maximum**

Year :

**Comment:**

**There is no such income level for granting legal aid. Each application is assessed individually.**

10. Is it possible to refuse legal aid for lack of the merit of the case?  
(e.g. for frivolous or vexatious actions, or cases without merit)

**Yes**

If yes, is the decision taken by :

- **the court**

- a body external to the court

(please indicate the right answer) - a mixed decision-making body (court and external)

- other:

What factors are taken into account ?

**Factors are set forth by law:**

**Article 78. § 1 of the Polish Code of Criminal Procedure: An accused who has not retained defence counsel, may demand that defence counsel be appointed to him *ex officio*, if he can duly prove that he is unable to pay the defence costs without prejudice to his and his family's necessary support and maintenance.**

**Article 113. § 1. of the Polish Code of Civil Procedure: - The exemption from court costs may be requested by a natural person who provides a statement that he is not able to bear these costs without prejudice to the maintenance necessary for himself and his family. The statement should include detailed data on the family status, property and income. It is left to the discretion of the court to accept this statement as sufficient to grant the exemption from the court costs.**

**§ 2. An legal person as well as an organisation not having legal personality, may also be granted an exemption from the court costs if it has demonstrated that it has no adequate means to cover these costs.**

**Article 117. § 1. of the Polish Code of Civil Procedure: - The party exempted by the court from court costs, in full or in part, shall have the right to request the appointment of a barrister or a legal counsel for it. The provisions of Articles 114 and 115 shall be applied accordingly. The court shall grant this request if it deems necessary the participation of a barrister or a legal counsel in the**

case. For this appointment, the court shall request a relevant Bar Council or a District Chamber of Legal Counsels. If a barrister or a legal counsel so appointed is to undertake actions outside the seat of the court deciding the case, the relevant Bar Council or a District Chamber of Legal Counsels shall, upon a request from the appointed barrister or legal counsel, appoint, when needed, a barrister or a legal counsel from another locality.

§ 2. The provision of the preceding subparagraph shall be also applied to a party enjoying a statutory exemption from court costs, which by a statement provided for in Article 113 § 1 has demonstrated that it is unable to bear the expense for the fee of a barrister or a legal counsel without prejudice to his and his family's necessary support and maintenance. The court shall refuse to appoint a barrister or a legal counsel for a party in the event of an obvious lack of grounds for its lawsuit or defence.

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

**Yes**

If yes, is this true for :           - criminal cases? **Yes**  
  - other than criminal cases? **Yes - in private indictment cases**

12. Does your country have a private system of legal expenses insurance for individuals?

**No**

**Comment:**

**There is no such system, however it is possible to have an individual insurance.**

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

**Yes**

If yes, is this true for :           - criminal cases ? **Yes**  
  - other than criminal cases? **Yes**

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users ? **No**  
- the State ? **No**

If yes, please indicate the references of these studies published in the year 2002 or 2003:  
(Author / instance) (Title) (Type of courts or costs reported on):

## **II. B. Users of the courts and victims**

15. Are there official internet sites/portals (e.g. Ministry of justice, etc.) through which the general public may have free access to:

- legal texts (e.g. codes, laws, regulations, etc.) ? **Yes**  
internet address: [www.sejm.gov.pl](http://www.sejm.gov.pl)

- to the case-law of the higher court/s? **No**  
internet address: -

- to other documents (for examples legal forms) ? **Yes**  
internet address: [www.ms.gov.pl](http://www.ms.gov.pl)

If yes, please give the internet address - **as above**

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? **No**

### **Comment:**

**The victim must be instructed of his/her rights in criminal proceedings by prosecutor and/or court.**

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? **No**

18. Does your country have a public compensation fund to compensate financially victims of crimes? **No**

### **Comment:**

**Such system is developed at present. The Ministry of Justice is drafting a new law on public compensation fund.**

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? **No**

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? **Yes**

Please specify:

- at court level/internal procedure **Yes - The President of Court**
- at court level/external procedure **No**
- at national level/internal procedure **Yes - The Minister of Justice**
- at national level/external procedure **Yes - Ombudsman**

**Comment:**

**At the national level/internal procedure: complaints are examined by the Bureau of Complaints and Petitions acting by the Minister of Justice, by Presidents and Heads of Divisions in Courts, and moreover, at the national level/external procedure - complaints may be sent by the Ombudsman.**

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: **Yes (up to 30 days as a general rule)**
- time limit for dealing with the complaint: **No**

<b>III. Functioning of courts and efficiency of justice</b>
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<b>III. A. Functioning</b>
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22. Total number of courts

Number of courts: **347 (District, Circuit and Appellate)** Year: **2002**

23. Number of general jurisdiction first instance courts

Number of courts: **337 : - District Courts : 296** Year: **2002**  
**- Circuit Courts : 41**



24. Number of specialised first instance courts  
*Please specify the different areas of specialisation*

(area of specialisation) (number of courts)

**Other than common courts;**

**Antitrust Court: 1**

**High Administrative Court: 1**

**Subordinate Branches of High Administrative Court: 11**

**Military Court: - Military Circuit Courts: 2**

**- Military Garrison Courts: 10**

25. Number of professional judges sitting in courts  
*(present the information in full time equivalent and for permanent posts)*

Number of judges: 7771 Year : 2002

- **District Courts Judges: 5 114**

- **Circuit Courts Judges: 2 283**

- **Appellate Courts Judges: 374**

Source : **Ministry of Justice**

**Comment:**

**The above numbers are the full time judges sitting in courts**

26. Number of non-professional judges sitting in courts  
*(present the information in full time equivalent and for permanent posts)*

Number of judges: **44 372 (Lay Judges in Common Courts)** Year : **2002**

Source : **Ministry of Justice**

Please give details: -

**Comment:**

**The above figures show the total number of the Lay Judges' posts.**

**Designation as 'full time equivalent' is not adequate in this matter. Court designates lay judges to participate in hearings and pay them sum of money according to the law (Act on the State Courts) as a kind of compensation for the time spent in a court while performing their acts. Lay Judges cannot be persons who are employed in state courts and other courts, as well as in prosecutor's offices or police offices (they are usually employed somewhere else or they are retired).**

27. Number of non-judge administrative staff who are working in courts  
*(present the information in full time equivalent and for permanent posts)*

Number of staff: **22 655** Year: **2002**

**In Borough Courts ('Wydziały Grodzkie') - 1 874**

**In District and Circuit Courts - 20. 186**

**In Appellate Courts - 595**

Source : **Ministry of Justice**

**Comment:**

**The above numbers are the full time non-judge administrative staff.**

28. Annual budget allocated to all courts

Annual budget:           **2 557 961 000 zlotys (662 684 196 EUR)           Year : 2002**

Source : **Ministry of Justice**

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget:           **76 721 000 zlotys 19 875 907 EUR)           Year : 2002**

Source : **Ministry of Justice**

30. Has the budget for justice increased during the last 5 years?   **Yes**

What are the figures?

**Budget of courts increased by 106,5% in the years: 1997-2002 (from 1. 238.662.000 zlotys up to 2. 557.961.000 zlotys in the years: 1997 - 2002)**

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the Ministry of Justice (or equivalent)   **Yes - the Minister of Justice**
- the Government           **No**
- the Parliament           **No**
- the Judicial Council   **Yes**
- the Courts               **Yes**
- Other                      **No**

**Comment:**

- **Until 2002, the Minister of Justice and the Government, and to some extent also the courts, were responsible for allocating the budget.**
- **In 2003 there was a change in the system of financing of the judiciary introduced. Since then, the institutions, which are responsible for allocating of the courts' budgets are: the directors of appellate courts, the National Council for the Judiciary (it gives its opinion on the preliminary budgets of district, circuit and appellate courts addresses the request to the Minister of Justice for drafting a preliminary of incomes and expenditures of state courts). Having drafted the preliminary, the Minister of Justice further submits it to the Minister of Finance for the purpose of its inclusion in the draft budget act.**
- **The Parliament adopts the final version of the budget act, which includes the expenditures of the judiciary.**

32. Who manages the budget of the courts?

- the President of the Court **Yes**
- the person administratively responsible for the court **Yes**

**Comment:**

- **Until 2002 Presidents of Courts were responsible for the management of the budget of the courts,**
- **Since 2003 the budgets of the Appellate and Circuit Courts are managed by Directors of these Courts,**
- **In the District Courts - Presidents of Courts; If there is a Financial Manager appointed in the court, he is responsible for the court's budget**

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: **the court**
- in other than criminal cases **the court**

**III. B. Efficiency**

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: **1 644 763** Year : **2002**

Source: **Ministry of Justice**

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: **968 924 (Cases discontinued)** Year : **2002**

Source : **Ministry of Justice**

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: **681 937** Year : **2002**

Source : **Ministry of Justice**

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

**Sanctions negotiated - motions for a voluntary acceptance of punishment** Year :  
**2002**

Number of cases: **9 160** initiated by a prosecutor  
**36 256** initiated by an accused

**Comment:**

**Sanctions imposed - public prosecutors are not competent. At present only courts are competent to discontinue the proceedings conditionally.**

Source: **Ministry of Justice**

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: **391 487** Year : **2002**

Source : **Ministry of Justice**

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: **Data not available** Year :  
Source :

**Comment:**

**The statistics is not based on specific types of crime incoming to the courts. It contains the whole number of incoming criminal cases including robbery.**

**In 2002 there was 489 507 new criminal cases to be heard during the trial proceeding by courts of first instance.**

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: **10 248** Year : **2002**

**Comment:**

**This number includes only valid and final sentences passed by the state courts against adult convicts being subject to public prosecution for robbery.**

Source : **Ministry of Justice**

*Please indicate, if possible:*

Number of convicted persons: **-Not available** % of convicted persons: **- Not available**

Number of acquitted persons: **-Not available** % of acquitted persons: **- Not available**

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: **Data not available** Year :

Source :

**Comment:**

**The statistics does not operate on the ground of the particular type of crime being subject to an appeal to the higher court. It contains generally the percentage of judgements subject to an appeal for all criminal cases. The rate of initiated appeal proceedings in 2002 was for:**

- **district courts as I instance - 15, 6%**
- **circuit courts as I instance - 62, 7%**

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: **Not available**

Year : **2002**

Source :

**The comment from the question 38 is adequate as well to this question**

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions:

**572**

Year : **2002**

**Comment:**

**This number includes only valid and final sentences passed by the state courts against adult convicts being subject to public prosecution for intentional homicide**

Source : **Ministry of Justice**

*Please indicate also if possible:*

Number of convicted persons: - **Not available**      % of convicted persons: - **Not available**

Number of acquitted persons: - **Not available**      % of acquitted persons: - **Not available**

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: **Data not available**

Year :

Source :

**Comment:**

**The statistics does not operate on the ground of the particular type of crime being subject to an appeal to the higher court. It contains generally the percentage of judgements subject to an appeal for all criminal cases. The rate of initiated appeal proceedings in 2002 was for:**

- **circuit courts as I instance - 62, 7%**

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: **5 284 266**

Year : **2002**

- **District Courts: 4 942 177 civil cases (including: 2 619 632 Land and Mortgage Register Cases)**
- **Circuit Courts: 342 089 civil cases**

**Comment:**

**Number of incoming civil and administrative cases to the Courts of first instance**

Source : **Ministry of Justice**

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: **4 219 719** Year : **2002**

This number include:

- **District Courts: 3 972 253 civil cases (including: 2 166 783 Land and Mortgage Register Cases)**
- **Circuit Courts: 247 466 civil cases**

**Comment:**

**Number of judicial decisions in civil and administrative matters by the Courts of first instance**

Source : **Ministry of Justice**

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: Year : **2002**

- **District Courts: 4,5 %**
- **Circuit Courts: 14,4 %**

Source : **Ministry of Justice**

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: **83 115** Year : **2002**

Source : **Ministry of Justice**

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: **50 424** Year : **2002**

Include:

- **granted: 49 695**
- **dismissed: 729**

Source : **Ministry of Justice**

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: **Data not available** Year :

Source :

**Comment:**

**The statistics does not operate on the ground of the particular type of matter being subject to an appeal to the higher court. It contains generally the percentage of judgements subject to an appeal for all civil cases (including divorce cases). The rate of initiated appeal proceedings in 2002 was for:**

- **circuit courts as I instance - 14, 4 %**

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: **Data not available** Year :

Source :

**Comment:**

**The statistics concerns all employment cases incoming to the courts in a year. In 2002 the number of these case was 273 300.**

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: **Data not available** Year :

Source :

**Comment:**

**It concerns all judicial decisions in employment cases. In 2002 the number of decisions was 267 932.**

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: **Data not available** Year :

Source :

**Comment:**

**It concerns all judicial decisions in employment cases. In 2002 the percentage of the decision being subject of an appeal was 6, 5%**

**IV. Use of Information Technology in the court**

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget:

- **expenditure: 13 850 000 zlotys (3 588 083 EUR) Year : 2002**

Source : **Ministry of Justice**

54. In general, do the courts in your country have computer facilities?

- for judges **Yes**

- for non-judges court staff **Yes**

**Comment:**

**There are computers in all the courts but their number is insufficient.**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? **Yes**

If yes, please specify the name and the address of this institution

- **The Ministry of Justice; Al. Ujazdowskie 11, 00-950 Warsaw**

- **Główny Urząd Statystyczny (Head Office for Statistics); Al. Niepodległości 208, 00-925 Warsaw**

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56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone **Yes**

- Mail **Yes**

- Fax **Yes**

- E-mail **No**

- Internet **No**

**Comment:**

**The standard means of communication is phone, mail and fax. Legal actions can be filed in a written (by mail) or oral form only.**

57. Is there an electronic form to carry out certain procedural steps? **No**

## **V. Fair trial**

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: **95 %**

Year : **2002**

**(The remaining 5% includes judgements delivered in an absence of the convict - judgements by default)**



Source : **Ministry of Justice**

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? **Yes**

60. Is there an effective remedy to a superior jurisdiction for all cases? **Yes**

61. Are reasons given for all prison sentences? **Yes**

**Comment:**

**Reasons for the sentences delivered in the first instance are always given orally, whereas upon the motion from the party they are given in a written form. In the second instance, reasons in a written form are given *ex officio* for all kinds of cases.**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgement

Average length: **Data not available** Days **n. a.** Year :  
Source :

**Comment:**

**The statistics does not distinguish the length of proceeding of the specific type of crime. In 2002 in criminal cases (including robbery) the average length of proceeding was for:**

- **district court as I instance: 6 months**
- **circuit court as I instance: 5, 8 months**

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgement

Average length: **Data not available** days **n. a.** Year :  
Source:

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgement

Average length: **Data not available** days **n.a.** Year :  
Source :

**Comment:**

**The statistics does not distinguish the length of proceeding of the specific type of civil cases. In 2002 the average length of proceeding was for:**

- **circuit court as I instance: 9 months**

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgement

Average length: **Data not available** days **n. a.** Year :  
Source :

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgement

Average length: **Data not available** days **n. a.** Year :  
Source:

**Comment:**

**Average length of proceeding in all employment cases in 2002 was for: district court as I instance: 3, 8 months**

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgement

Average length: **Data not available** days **n. a.** Year :  
Source :

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

**Yes**

**Comment:**

**In some categories of cases (labour courts and civil cases) the additional measurement is applied (the period between filing the case and the first court hearing).**

69. Do you have a way of analysing queuing time during court procedures?

**No**

If yes, please specify:

<b>VI. Judges</b>
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70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary: **48 493, 20 zlotys (12 562, 95 EUR)** Year : **2002**  
Associate judge: **31 286, 40 zlotys (8 105, 18 EUR)**  
Source : **Law on the system of state courts**

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : **89 164, 80 zlotys (23 099, 69 EUR)** Year : **2002**

Source : **Act on Supreme Court**

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? **Yes**

If yes, please specify:

**In general judges cannot combine their work with other professions. However, the only profession that judges could be allowed to perform (by the permission from the President of the Court) is the profession of an academic professor.**

73. Are judges recruited and nominated by an independent institution? **Yes**

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above **Yes**

**Comment:**

**The composition of the institution (the National Council for the Judiciary) is determined by the provisions of the Constitution of the Republic of Poland.**

Is the process of selection and nomination of judges carried out according to pre-established procedures ? **Yes**

74. Is there a system of induction and continuation training for judges?

**Yes, induction - compulsory**

**Yes, continuation but not compulsory**

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: **55 %**

Year : **2003**

Source : **Ministry of Justice, Training Centres of Courts of Appeal**

**Comment:**

**This category of data has been started to collect by the regular bases from 2003, however the average percentage for 2002 is comparable.**

75. Is there a system of supervision and control on the courts - other than through appeal ? **Yes**

If yes, please specify:

**Comment:**

**Supervision and control are exercised by a President of Court and Head of Division and apply to non-judicial decisions. The evaluation of the work of judges other than through appeal is provided by a system of inspection.**

76. Is there in your country a system of temporary judges? **No**

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:

77. Annual number of disciplinary proceedings against judges

Number of proceedings: **182** (Pending proceedings against judges) Year :  
**2002**

Source : **Ministry of Justice**

78. Annual number of sanctions against judges

Number of sanctions: **54 - number of cases concluded with a valid and final conviction**  
**6 - number of disciplinary cases concluded with a valid and final sentence of** acquittal or discontinuation

Year : **2002**

Source : **Ministry of Justice**

## **VII. Public prosecutors**

79. Annual budget for the public prosecution

Annual budget: **838 853 000 zlotys (217 303 886 EUR)** Year :  
**2002**

Source : **Ministry of Justice**

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: **5 545** Year : **2002**  
**3764 - Prosecutors from District Prosecutor's Offices and Associate Prosecutors**  
**1425 - Prosecutors from Circuit Prosecutor's Offices**  
**310 - Prosecutors from Appellate Prosecutor's Offices**  
**46 - Prosecutors of the Supreme Court or of the highest appellate court**

Source : **Ministry of Justice**

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : **48 493, 20 zlotys (12 563, 00 EUR)** Year : **2002**

Associate prosecutor: **31 286, 40 zlotys (8 105, 29 EUR)**

Source : **Act on the Prosecution Service**

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : **89 164, 80 zlotys (23 099, 69 EUR)** Year : **2002**

Source : **Act on the Prosecution Service**

83. Can public prosecutors combine their work with other professions? **Yes**

If yes, please specify:

**The same rules are applicable as in the case of judges - prosecutors cannot combine their work with other professions. However, the only profession that they could be allowed to perform (by the permission from the superior) is the profession of an academic professor.**

84. Are public prosecutors recruited and nominated by an independent institution? **No**

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No

- other stakeholders outside? Yes / No

- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? **Yes**

85. Is there a system of induction and continuation training for public prosecutors?

**Yes, induction - compulsory**

**Yes, continuation - but not compulsory**

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: **39 %**

Year : **2003**

**(comment: as question 74)**

Source : **Ministry of Justice**

86. Is there a system of supervision and control on public prosecutors? **Yes**

If yes, please specify:

**Comment:**

**Since Public Prosecutor's Office is organised pursuant to the subordination principle, therefore supervision and control is exercised directly by the Superior Prosecutor.**

**Superior Prosecutor has a wider range of control than that existing in courts, however the means of system of inspection and/or evaluation is used as well.**

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: **74 (cases examined in the first instance, including new cases incoming in 2002 and pending cases from previous periods)**

Year : **2002**

Source : **Ministry of Justice**

88. Annual number of sanctions against public prosecutors

Number of sanctions: **27 (disciplinary cases concluded in a valid and final judgements)**

**Including 11 cases concluded in valid and final convictions**

Year : **2002**

Source : **Ministry of Justice**

<b>VIII. Lawyers</b>
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89. Number of lawyers practising in your country

**Comment:**

**Legal services to the public in Poland are provided by two categories of practising lawyers: advocates and legal advisors.**

Number of lawyers:

**a) advocates 5 415** Year: **2002**

**b) legal advisors 20 988** Year: **2002**

Source: **a) National Bar Association**

**b) National Council of Legal Advisors**

90. Is there a national bar association? **Yes**

- **National Bar Association - for advocates**
- **National Council of Legal Advisors - for legal advisors**

91. Have quality standards been formulated for lawyers? **Yes**

If yes, who is responsible for formulating these quality standards?

- the bar association **Yes**
- the legislature **Yes**
- other **No**

92. Can disciplinary proceedings be instituted against lawyers? **Yes**

**There is a Disciplinary Chamber by the National Bar Association and the National Council of Legal Advisors.**

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings:

- a) against advocates: 592** Year: **2002**
- b) against legal advisors: 435** Year : **1999 - 2003 (the only available data is based on statistics prepared by National Council of Legal Advisors for whole 4-years official term of the Council - the Council advised that figures for particular years can be proportionally treated)**

Source : **a) National Bar Association**  
**b) National Council of Legal Advisors**

94. Annual number of sanctions against lawyers

Number of sanctions:

- a) against advocates - 76** Year: **2002**
- b) against legal advisors - 81** Year : **1999 - 2003 (comment as above)**

Source :

**a) National Bar Association**  
**b) National Council of Legal Advisors**

95. Is it possible to complain about the performance of lawyers?  
**Yes**

If yes, please specify:

**Lawyers are disciplinarily responsible for: the conduct contrary to the law, the infringement of the principles of professional ethics or the violation of professional duties.**

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: **360,00 zlotys (93,26 EUR)** Year : **2002**

**This amount is set as a minimal remuneration in divorce matters and may be increased by following:**

- **each additional day of hearing - 20%**
- **complaint proceeding during first instance trial - 50%**

Source : **Regulation of Minister of Justice on setting the standard remuneration in legal aid cases**

## IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators: **Data not available** Year : -  
Source : -

98. How much public budget is devoted to mediation?

Amount: **Data not available** Year : -  
Source : -

99. Number of incoming mediation cases (in a year)

Number of cases: **1 021 (only criminal cases)** Year : **2002**  
**42 (family cases, however the mediation proceedings are performed by various institutions and the only data available are those referring to mediation performed by one institution)**  
Source : **Ministry of Justice**

100. Number of cases solved through mediation (in a year)

Number of cases: **597 (settlement)**  
**375 (no settlement concluded)**  
**59 (other)** Year : **2002**

Source : **Ministry of Justice**

*If possible, please specify:*

- number of criminal cases solved through mediation: - **not available**
- number of cases other than criminal solved through mediation: - **not available**

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? **Yes**
- in other than criminal cases? **Yes - juvenile cases**

Year : **2002** Source : **Ministry of Justice**



## X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

**Professional Probation and Supervision Officers 3623 Year: 2002 Ministry of Justice**

**Social Probation and Supervision Officers 24938 2002 Ministry of Justice**

- in other than criminal cases:

**Court Enforcement Officers 586 Year: 2002 Ministry of Justice**

103. Is there an institution to supervise or control the activities of enforcement agents?

**Yes**

If yes, please specify:

**Judicial supervision of the enforcement decisions Court Enforcement Officers is exercised by the competent court.**

**Administrative supervision is exercised by:**

- **President of the District Court where the Court Enforcement Officers operates**
- **Minister of Justice through the Presidents of Appellate Courts and Visiting Judge**
- **National Council of Court Enforcement Officers through Visiting Court Enforcement Officers**

**Probation and Supervision Officers - by Ministry of Justice**

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: Year : **2002**

**a) against Court Enforcement Officers - 16**

**b) against Probation and Supervision Officers: professional - 1**

Source: **a) National Council of Court Enforcement Officers**

**b) Ministry of Justice**

105. Annual number of sanctioned Enforcement agents

Number of agents:

Year : **2002**

**a) Court Enforcement Officers: - 13**

**b) Probation and Supervision Officers (professional and social ones) - 4**

Source :

**a) National Council of Court Enforcement Officers**

**b) Ministry of Justice**

106. Is it possible to file a complaint against an enforcement agent?

**Yes**

*If yes, please specify:*

**Court Enforcement Officers:**

- **Under the regulation of the Code of Civil Procedure the complaint against Court Enforcement Officer can be filed to the District Court - judicial supervision of the enforcement decisions.**
- **Complaint can be also filed under the administrative supervision to the authorities exercising this supervision.**

**Probation and Supervision Officers:**

- **Complaint against Probation and Supervision Officer can be filed to the President of the Court**

107. Does the court play a role in the execution of court decisions? **Yes**

*If yes, please specify:*

**Criminal cases - Penitentiary Courts**

**Civil cases - The court declares a decision enforceable supervises the activity of Court Enforcement Officers, examines complaints on Court Enforcement Officers' acts.**

108. Are the courts competent to decide against public authorities? **Yes**

Are the courts involved in executing decisions against public authorities? **Yes**