



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Poland

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

38136000

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	66066309500
Regional / entity level	

3) Per capita GDP (in €)

7910

4) Average gross annual salary (in €)

8375

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Figures above are from Statistical Yearbook of 2009.

Answer in Q2 represents real national spendings instead what was planned in national budget.

Exchange rate is from National Bank of Poland database :-1 €=4,2181 PLN

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

1226605000

7) Please specify

this amount reflects the budget allocated at "courts" chapter in state's budget for 2008

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	624811000
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	15163000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	145365000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	86661000
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	69107000
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	4050000
Other (please specify):	<input checked="" type="checkbox"/> Yes	307671000

Comment :

other: expenses connected with pension plan for judges, current spendings compensations paid by state's treasure, remuneration paid to an experts of Family and Child Advisory Centers (expert services in family matters).

The total amount does not cover spendings for training of judges and prosecutors. These expenses are reflected in separate chapter of the state's budget - in 2008- 4050000 Eur.

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years):

increase up to the budget of the following year

2002 = 100%

2003 = 128,05% to 2002 budget

2004 = 112,16% to 2003 budget

2005 = 109,11% to 2004 budget

2006 = 109,01% to 2005 budget

2007 = 108,18% to 2006 budget

2008 = 105,1% to 2007 budget

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions? Please specify:

for criminal cases initial fee is required in private indictment cases only

for other cases - as to the rule litigant must pay initial fee with some exceptions that concern employment and child support cases.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

373370000

12) Total annual approved budget allocated to the whole justice system (in €)

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 2428891000

Comment :

Budget of the whole justice system covers the main segments such as: budget of the courts, budget of the prosecution system, budget of the penitentiary system, budget of juvenile detention and correctional institution system, budget of the Ministry of Justice, budget of the scientific institutions affiliated and financed by the Minister of Justice.

13) Total annual approved public budget allocated to legal aid (in €)

Please provide comments to explain the figure provided under question 13:

. Amount 22403000

Comment :

Amount indicated above as a budget of legal aid encompasses spending for remuneration for lawyers providing legal assistance before the court proceedings or preparatory proceedings. However this number does not cover amount of money that represent exemptions of court fees and expenditures ensuring during the court proceedings. Legal aid in the form of free of charge legal advice at the pre-judicial stage of proceedings does not apply.

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NAP	NAP

Comment :

The system does not allow to separate legal aid spendings for criminal or civil cases.

15) Is the public budget allocated to legal aid included in the court budget ?

- Yes
 No

16) Total annual approved public budget allocated to the public prosecution system (in €)

Please provide comments to explain the figure provided under question 16:

. Amount 333489000

Comment :

budget of public prosecution is separated from the court's budget

17) Is the budget allocated to the public prosecution included in the court budget? Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
Judicial Council	Yes	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Ministry of Finance

National Supervisory Board

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

As a general rule, the all courts' budget are prepared, allocated and managed separately, however within budgeted of the State.

Budgetary proposals are produced by each Court of Appeal (its Administrative Director and President) which includes all spending for all courts located in its jurisdiction. Such proposals are sent to the national Council of Judiciary for acceptance and opinion. After verification and giving positive opinion the Council send the tangible budgetary proposal to the Minister of Justice who includes it to a proposal for the State budget covering spending in a whole "justice" sector then send it to Ministry of Finance for final preparation. Draft budget is first approved by the Council of Ministers and then adopted by the Parliament.

Q - 9 the ratio departs from 2002 as 100%, this is the reason that percentage for the following years does not coincide exactly with increase ratios for the same years in 2006 report, where a strating ratio (100%) was 2001.

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

Department for Budget and Investments of the Ministry of Justice

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	No	No
Other	Yes	Yes

21) If other, please specify (in regards to question 20):

Legal aid as well encompasses exemption of the court fees and/or court expenditures such as, costs of necessary expert's opinions, interpretations or press announcements the party would be obliged to pay. However such exemptions are not separated and displayed within the budget of justice system.

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

court fees can be exonerated by courts' decisions always in a cases that require courts' action within execution or enforcement proceedings.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	NA
Other than criminal cases	NA

Comment :

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No**26) Does your country have an income and asset test for granting legal aid:**

	Yes	Amount in €
for criminal cases	yes	not fixed
for other than criminal cases?	yes	not fixed

Comment :

There in no fixed income or property limits applicable as asset test. Each case is assessed individually with taking account all financial, family, professional and other useful and relevant circumstances to evaluate ability to pay the fees.

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)? Yes No

Please provide comments to explain the answer under question 27:

Claimant is obliged to file legal aid motion together with initial claim. Court examines property and income situation with having full information what is the substance of a claim when the court finds it frivolous or obviously unreasoned refuses legal aid motion.

28) If yes, is the decision for granting or refusing legal aid taken by: the court? an authority external to the court? a mixed decision-making authority (court and external)?**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?** Yes No

Please specify:

No changes since last edition -the Insurance Companies do not offer any such standard insurance for the customers, however due to freedom of contracting individual contract can be negotiated.

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes

other than criminal cases?	Yes
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You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Proposal for a bill on free of charge legal aid has been prepared in the Ministry of justice. The draft provides a basic aid (legal advice at preparatory stage and assistance with craatin particular motion) or an expanded aid (full representation of lawyer during all stages of proceedings). Costs will be covered by state's funds. Granting legal aid will be institutionalized (special legal aid units within scial administration) and separated from court system.

Please indicate the sources for answering the questions 24 and 26

Ministry of justice

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | | |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.sejm.gov.pl |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.sn.pl |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.ms.gov.pl |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
 No

If yes, please specify:

Information and assistance is provided by the Network of Assistance Centers for a crime Victims. Possible assistance combines various forms of aid (financial, legal, psychological, medical, etc.). Main information on the Network is to be found at the special website (www.pokrzywdzeni.pl) administered by the Ministry of Justice.

Victim can apply to District Court for granting a compensation that may assist financially in case of lost of earnings, medical treatment and medical material expenses or funeral spendings. Compensation is paid from public funds. Its amount is limited up to 3093 Euro.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	Yes	Yes	Yes	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No	No
Ethnic minorities	No	No	No	No
Disabled persons	Yes	Yes	No	No
Juvenile offenders	No	No	Yes	No
Other	No	No	No	No

Comment :

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 a private fund?

If yes, which kind of cases does this procedure concern?

Intentionally committed violent crimes effected in bodily injury or death.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

In 2008 144 claims for victim's compensation have been filed in all courts. The number of compensation claims decreases since 26 (322) through 2007 (300) claims. In 2008 31% of claims were accepted and compensation paid to the victim. The average amount of compensation increases and in 2008 was about 1500Eur.

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

Yes

No

If yes, please specify:

Public prosecutor is obliged variety of assistance measures to the victim (combines information, procedural modalities and other). Those measures are listed in special communication of Prosecutor General addressed to subordinated prosecutors and the have to obey it as a recommended standard of proceeding.

Victim as well has the possibility to file civil action on compensation against perpetrator directly within criminal proceeding together with criminal charges. Prosecutor can support civil action on behalf of the victim together with prosecution.

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

Yes

No

If yes, please specify:

Each prosecutors' decision on discontinuation of the criminal proceeding can be challenged before court by the victim who has always enjoy a status of a party to the criminal proceedings.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

If yes, please specify (fund, daily tariff):

Excessive length of proceedings (at pre-trial proceedings, at the court or/and enforcement stage) – under the party's motion a pecuniary satisfaction can be granted by the higher court in amount from 2000 zł. (about 500Eur) as a minimum up to 20 000 PLN (about 5000 Eur.)

Wrongful arrest/condemnation – Trying such case the court is free to grant the compensation and pecuniary satisfaction in any amount justified in individual circumstances. Especially, there is no fund or up or down limitation in such claims. Each case is assessed individually under the court's discretion with taking account all relevant factor e.g. property and income loss, personal hardship, etc.

41) Does your country have surveys aimed at users or legal professionals (judges,

lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	Yes	Yes
Surveys at court level	No	No

43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	Yes
Higher court	No	Yes
Ministry of Justice	Yes	No
High Council of the Judiciary	No	Yes
Other external organisations (e.g. Ombudsman)	Yes	Yes

Comment :

Described above procedure is limited to complaints concerning the administrative performances of the courts only: e.g. failure in case management, lack of an action, etc.

That is a subject to the administrative supervision and controlling competences due to hierarchic structure of the justice system. This competences generally belong to President of the court as well as Minister of Justice. The role of Ombudsman derives from his broader function of caring of the citizens rights in relation with public offices. Such system allows to react and upgrade performances in individual cases, however can not be seen as fully effective treatment for general disadvantages of justice as a whole.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	364
Specialised first instance Courts (legal entities)	30
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	376

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

First instance - represents combined number of District and Provincial Courts (in some cases first instance is dealt by provincial Courts - higher in hierarchy of courts than District. -

47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

There is no plans to change the number of geographical location of the courts. However there is a plan to change the structure of some District Courts. At now, in the structure of most of the District Courts there is a special, separated division for petit claims/offences. In the nearest future these courts are to be liquidated and their function taken by other (civil and criminal divisions) within a structure of the same District Court.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	319
a dismissal	224
a robbery	360

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

Small civil claims

– property claims based on contracts and breach of contracts relations, with total value not exceeding 10. 000 PLN

- rent payment disputes in a housing matters
- court's deposits

Please indicate the sources for answering the questions 45 and 48:

Department of Organisation, Ministry of Justice

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 9890

Comment :

The number represents judges of the courts of general jurisdiction only. It does not include number of judges sitting in specialized and supreme courts (e.g. Provincial Administrative Courts - 365 judges, Superior Administrative Court - 84 judges, Supreme Court - 86 judges).

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	na
if possible, in full time equivalent	na

51) Please provide comments to explain the answer under question 50:

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	yes	43613

Comment :

Lay judges represent society within service of justice. They are non-professional members of the court panel and assist professional judge during the proceeding. Lay judges are elected in local election. The number above represents whole group of lay judges elected in last election. Lay judge if they drawn, must serve in court up to 12 day a year. They are not remunerated. They also do not have any power to decide the case independently.

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

0

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 34610

Comment :

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | | |
|---|------------------------------|-------|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | <input type="checkbox"/> Yes | 1765 |
| - non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars | <input type="checkbox"/> Yes | 19778 |
| - staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | <input type="checkbox"/> Yes | 6919 |
| - technical staff | <input type="checkbox"/> Yes | 3576 |

Comment :

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

represents -quasi judicial functions at the court. He o or she has a right to decide in a specific issues concerning handling court registers: land registry, company registry etc.
From their decisions a party can appeal to a judge.

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts).

If there is no data available please indicate it (NA).

Number . 6281

Comment :

The number includes prosecutors who are during preparatory period befo final nomination (902).

59) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

Prosecution is provided generally by Public Prosecutors. Other public functionaries in limited scope may have similar duties but only under the individual permission of law and strictly limited to enumerated types of crimes. According to law such functions may have for example functionaries of Coast Guard, Police, Customs, Revenue Service, Forest and Wildlife Guard, Military Gendarmerie.

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number . 6900

Comment :

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	No	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

The court is headed by the President. President takes responsibility for the performance of the court judicial, as well administrative. the President is assisted by the Administrative Director, whose task is to manage non-judicial operation of the court.

In a budget process Director does all preparatory works, daily byget mamgement and mintoring of budgetary spending.

63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	No	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	No	Yes	No	No
Financial information system	Yes	No	No	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	Yes	No	No
Special Website	No	No	Yes	No
Other electronic communication facilities	No	No	Yes	No

66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

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

Division of Statistics, Department of Organisation, Ministry of Justice.
 al. Ujazdowskie 11, 00-950 Warszawa

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 - the characteristics of your judicial system and the main reforms that has been implemented over the last two years

- e- courts in a civil claim, simplified proceeding have been prepared in 2008 and run operated in the end of 2009.

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

- Yes
 No

68) Do you have a regular monitoring system of court activities concerning the

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

Please specify:

"stability" of judgements – ratio of court decisions being annulled or reversed within appeal procedure,
- court decisions being challenged within procedure of appeal,
- "workload handling" - ratio of incoming cases to courts' closing decisions.

69) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

System is based on statistical evaluation of number of performance indicators and supervisory tasks of Presidents of the Court and Minister of justice who monitor performance on courts and individual judges.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
 No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are treated by a single sitting judge
 enforcement of penal decisions
 satisfaction of employees of the courts
 satisfaction of clients (regarding the services delivered by the courts)

- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

Waiting time between the day the case comes to the court and the first day of trial in this case.

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- Yes
- No

73) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

For certain cases the law imposes timeframe for performing specific action or handling specific matters.

President of the court sets the performance target with using statistically calculated indicators of average performance that court and individual judge is expected to achieve.

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
- No

75) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

For certain cases the law imposes timeframe for performing specific action or handling specific matters.

President of the court sets the performance target with using statistically calculated indicators of average performance that court and individual judge is expected to achieve.

76) Please specify the main targets applied

- keeping with the timeframes for specific actions imposed by law,
- productivity of court and judges – number of decided cases to number of incoming cases, backlogs generating,
- number of decisions reversed or annulled within procedure of appeal.

77) Which authority is responsible for the evaluation of the performances of the courts:

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

President of the Court and President of higher Court in respect to lower courts in its jurisdiction using the statistical indicators and / or visitations performed by visiting judges.

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

The most important indicator comes from evaluation of judgements through second instance procedure. In this purpose "judgement stability" ratio are in use as a ratio of judgements reversed or annulled in procedure of appeal.

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
- No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

- Yes
- No

If yes, please specify:

- time between the day case comes to court and first day of trial in this case,
- time between the day of lodging the motion of appeal and first day of trial in second instance court,
- real time for distributing to the parties of the written copy of court order with written reasoning of judgement.

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

The evaluation of performance is an ongoing task of President of the court and Judges – chiefs of divisions in that court, They are obliged to identify the cases that are handle for a time longer than statistically required and provide administrative supervision in courtactions in these cases.

Visitations are performed due to plan of visitation prepared by higher court or ad hoc.

Visitation in-depth that examine evaluation of efficiency and quality performances is obligatory in initiating the promotion procedure in respect to individual judge.

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

Similarly to the evaluation system of the courts, the prosecution office's performance are

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 the characteristics of your court monitoring and evaluation system

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

961

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	na	21	1	1
Civil proceedings - Article 6§1 (non-execution)	na	15	1	2
Criminal proceedings - Article 6§1 (duration)	na	na	na	na

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

Please specify:

Civil procedure includes rules of interim proceedings and temporary court's decision - generally for situations when a risk, that a claim could not be enforceable or the need for interim solution exist. However in criminal and administrative proceedings there are no - what any can call - procedure, there is number of provisions for dealing with emergency situations like for example; emergency witness hearing in criminal matters or ex officio emergency orders in minor custody cases.

88) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

Simplified procedures are still in use for small civil claims cases (up to amount of 1000 PLN) and petty offences.

In criminal cases became fully operational so called "24- hours court". This is simplified and speedy procedure in certain criminal offences committed in flagrante.

89) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

Final decision is taken by the court. Case management and administration belong exclusively up to the court, so there is no space for formal agreements in case processing. However court's decision are non-negotiable, practically courts always take an account the other participant's suggestions.

4. 2. 2. Penal, civil and administrative law cases

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	1277039	8419031	8374441	1321712
1 Civil (and commercial) litigious cases*	299199	746926	719296	326809
2 Civil (and commercial) non-litigious cases*	177506	1961280	1923632	215320
3 Enforcement cases	87940	623440	620158	91221
4 Land registry cases**	577897	3562039	3575219	564717
5 Business register cases**	24653	539518	542901	21270
6 Administrative law cases	19360	58129	59380	18109
7 Other	90484	927699	933855	84266
Total criminal cases (8+9)	240490	961869	958407	243952
8 Criminal cases (severe criminal offences)	169259	496855	499014	167100
9 Misdemeanour and / or minor offences cases	71231	465014	459393	76852

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases -

definition of misdemeanour cases, minor offences and severe criminal cases):

"Due to explanation of the Division of Statistics the number in the horizontal lines can sometime not to sum up because of possible omissions or mistakes at a source of a statistical information generated by courts as well as structural changes within court system.

Misdemeanor cases (minor offences) – the offences that the law restrict maximum penalty up to 1 month of detention or fine or both of them. This category covers all cases that the motion for penalty for committing misdemeanor have been filed to the court.

All other criminal cases constitutes severe cases. The category of severe offences represents:

- the cases that the indictment (or other motion substituting the indictment) have been filed at a court,
- cases in the matter to issue the conjunctive rulings
- prosecutor's motions for discontinuation of the case because of insanity, and
- prosecutor's motions for conditional discontinuation of the proceeding.

Civil (and commercial) litigious cases category includes as well litigious family and labour (employment) cases. This category includes also some types of cases decided under the chapter II of the Civil Proceedings Code that concerns to non-litigious cases (such as distribution of inherited assets, separation of common property, demarcation of the real estate) which nature in fact is litigious because of the opposite interests of the parties and contradictory ways of presenting their arguments.

The category of civil (and commercial) non-litigious cases (including non-litigious family cases) covers all the rest of cases decided under the chapter II of the Civil Proceedings Code that concerns to non-litigious cases (such as ascertainment of the acquisition of an inheritance, cases connected with birth, marriage and death records, declaration a person dead, adoption as well as summary and injunction proceedings in money payment cases).

Enforcement of the court decisions belongs first of all to the enforcement agents. In 2008 as much as 1912792 cases were filed at the enforcement agents dockets. However a large number of enforcement cases are dealt by the courts. Some of these cases are the consequence of the proceedings executed by the agents, e.g. complaints on enforcement actions, supervision on the execution of a real estate. Some other enforcement cases can be dealt by the courts only, e.g. to force a debtor to abandon specific actions or granting an enforcement clause to the banking enforcement writ.

The category of "other" cases includes first off all social security cases and cases connected with an application of the correctional and educational measures as required in the juvenile cases and execution of guardianship or tutoring.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	28757	158843	161052	23449
1 Civil (and commercial) litigious cases*	14187	98609	98981	10707
2 Civil (and commercial) non-	1331	17011	16844	1507

litigious cases*				
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	26	337	333	30
6 Administrative law cases	NA	NA	NA	NA
7 Other	13213	42886	44894	11205
Total criminal cases (8+9)	19800	119263	120491	18572
8 Criminal cases (Severe criminal offences)	19022	111121	112413	17730
9 Misdemeanour and/or minor offences cases	778	8142	8078	842

Comment :

Due to explanation of the Division of Statistics the number in the horizontal lines can sometime not to sum up because of possible omissions or mistakes at source statistical information generated by courts as well as structural changes within court system.

The category of severe criminal offences dealt by the courts of the second instance represents cases where an appeal have been lodged against the judgement of the first instance court, complaints lodged against courts decisions on discontinuation of the case and complaints against discontinuation of proceeding or refusal to initiate criminal proceeding issued by the prosecutor (or other authorized body).

The category of minor offences represents District Court's decisions in misdemeanor cases being appealed and complaints against decisions of the District Courts that close the legal way to issue a judgement.

Enforcement cases and land registry cases filed in the courts of the second instance are not demonstrated separately at the statistical data collected by the Division of Statistics. The number of enforcement cases are included at the "other" cases category and land registry cases constitute a part of the number of "civil litigious" cases and both of them can not be presented in a separate manner. However it can be assessed that they do not constitute any significant number.

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	10346	20705	20323	10728
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry				

cases**				
5 Business register cases**				
6 Administrative law cases	8470	14642	14085	9027
7 Other	1876	6063	6238	1701
Total criminal cases (8+9)	756	2827	2795	788
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

Comment :

Statistics of the Supreme Court are held in separate manner than the statistics of the lower courts. The number are calculated with taking account kind of action (cassation, appeal etc.) but not the specific kind of case.

Administrative law cases are decided by the Superior Administrative Court the rest of the cases as shown are held by the Supreme Court. Both of the Courts are acting as a courts of cassation. In case of administrative law cases the cassation complaint can be lodged against the judgment issued by the Provincial Administrative Courts. That is the reason why the administrative cases have been passed over in a table as reply to Q 92 (second instance courts) and displayed in this table (Q 93).

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	48030	105024	105165	47890
Employment dismissal cases*	6331	16972	16562	6741
Robbery cases	na	na	na	na
Intentional homicide	na	na	na	na

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the tale. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	3,19	0,92	5,47	1,68	na
Employment dismissal cases*	14,23	3,06	4,77	2,08	na
Robbery cases	na	na	11,1	10,8	na
Intentional homicide	na	na	4,7	1,5	na

Comment :

average length in months. The length of proceeding is calculated approximately (in months) with a use of statistical indicator of outstanding cases - which is the ratio of cases not completed in a specific period (month) to the average number of incoming cases in that period.

Average length of proceedings in robbery and homicide cases is calculated more precisely due to the

new statistical methodology. Because of that there is significant difference in that two positions taking account the figures given in last evaluation report. In last report data on average length were calculated for group of all criminal cases including robbery and homicide but not separated to these two type of crimes.

In criminal cases - the statistics is based on the number on sentenced persons but not the number of cases. Sentenced in 2008:

homicide - 496 persons

robbery- 7585 persons

Total procedure cannot be calculated statistically.

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

The termination of marriage can be decided as a divorce or separation. The regulation of separation shows some similarities to that of divorce. Separation is decided by the court when there is a complete (but not irretrievable) disintegration of matrimonial life. The judicial decree of separation in principle has the same effect as a divorce. The most significant difference is that separated spouses are not allowed to remarry. Other grounds for marriage dissolution and its effects are in common for both separation and divorce as well as the same procedural condition are applied.

Dissolution cases are examined in a litigation in the first instance by Circuit Court, which constitute the second level in the structure of court system (between District Court and Court of Appeal). The competence *ratione loci* is determined by: - 1st - the last common place of residence or - 2nd - the defendant place of residence or - 3rd - the applicants place of residence. Dissolution proceedings is initiated by lodging a petition for divorce or separation by one of the spouses. The petition can include request for additional decisions like for example property partition, custody of minor children, child support or alimony. A statement for counterclaim is inadmissible although the defendant may, as a result, also request a divorce or separation. Lodging the petition the petitioner is obliged to pay an interim court fee in the amount described by the court - unless the petitioner is granted a legal aid. The final determination of court fee goes with court's judgment in the case.

Since the service of lawyer is not obligatory in dissolution proceedings, each party may personally go to the competent court, undertake actions in connection with the legal proceedings, lodge motions, appoint an attorney or request the court to appoint an attorney (legal aid motion). Marriage will be dissolved at the moment when the judgment becomes final - when the judgment cannot be appealed because of the expiry of time-limit for filing an appeal or, of the exhaustion of the appeal process. The court establishes the disintegration of matrimonial life according to the general rules of the hearing of evidences. The decision may not be exclusively based on the admission of the claim or of certain facts by the defendant. Hearing the testimonies of both parties are obligatory. If there is prospectus for repairing the marriage, the court may order a mediation proceeding having first consent of both parties.

Judgment is pronounced orally. Since this moment the party may request for written copy of judgment and its reasoning in 7 days time-limit. The appeal can be filed in due term of 14 days after receiving copy of judgment and reasoning. The appeal is to be filed in court that issued a judgment. The appeal will be decided by Court of Appeal. The cassation from the judgment issued in appeal proceeding is inadmissible.

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

The length of proceeding is calculated approximately (in months) with a use of statistical indicator of outstanding cases - which is the ratio of cases not completed in a specific period (month) to the average number of incoming cases in that period.

The system is designed first of all to identify category of pending cases due to a specific periods of pending proceedings. Statistical table groups the cases in categories that were pending for 3 months period, 6 months, 1 year, 2 years, 5 years and over this period.

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

The constitutional role of the Public Prosecutors Office is to protect the rule of law in the State. In this respect, the most significant function is to investigate crimes and support the charges before the criminal court.

Prosecutor can not impose penalty by own decision but can negotiate a penalty wit the defendant who plead guilty. Court may accept negotiated penalty and issue a judgement without formal proceeding on evidences.

99) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

Please specify:

However the most significant function is to investigate crimes and support the charges before the criminal court, is not limited to that. In principle, the Prosecutor has the right to initiate any civil or administrative proceeding or join to any pending proceeding when the protection of the rule of law requires (exceptions are set out by law – for example; divorce or separation proceedings).

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	1124783	167216	154523	na	202161	369813

Comment :

Prosecutor cannot discontinue the case for a reason of opportunity.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Enhanced supervision of timeframes is in use in criminal cases with using detention on remand.

Please indicate the sources for answering the questions 90 to 95 and 100:

Division of Statistics, Department of Organization, Ministry of Justice

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) Which procedures and criteria are used for promoting judges? Please specify.

Criteria:

- At least 4 years practice as District Court judge in case of promotion to Circuit Court.
- At least 6 years practice as Circuit Court judge in case of promotion to Court of Appeal.
- Perfect outcome of performance evaluation.

105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated

by:

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?
- An authority composed of prosecutors and non-prosecutors?

107) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

Prosecutors are promoted to higher level by the appointment of Minister of Justice – Prosecutor General.

To be promoted prosecutors must have an working experience as a lower level prosecutor for a defined period of time and enjoy positive opinion of his/her professional performance.

109) Is the mandate given for an undetermined period for judges?

- Yes
- No

Are there exceptions? Please specify:

The only exception constitutes Constitutional Court. Judges to this court are appointed for the 9 years term.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges		

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

there is no exceptions

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	yes	3

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

for judges? Yes

for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?

- Initial training
 General in-service training
 In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
 In-service training for management functions of the court (e.g. court president)
 In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	No	Yes
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
 General in-service training
 Specialised in-service training (specialised public prosecutor)
 In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
 In-service training for the use of computer facilities in the public prosecution service)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	No	Yes
Specialised in-service training (specialised public prosecutor)	No	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	Yes
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

3 years initial training for judges and prosecutors is mandatory. Exemptions can be applied for practitioners in other legal professions and candidates with academic degree in law. In service training for judges and prosecutors is generally non-mandatory and organised occasionally, however some trainings for selected group of participants are compulsory (e.g. use of electronic registration system by the judges working with land registry).

Ministry of Justice offers to all judges and prosecutors special editions and informational materials. For example, edited and freely distributed "Bulletin for European Law" includes information on recent judgements of European Court of Human Rights and works of the Council of Europe in the legal field.

5. 2. Practice of the profession**5. 2. 1. Salaries**

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	15189	11818
Judge of the Supreme Court or the Highest Appellate Court	43826	29269
Public prosecutor at the beginning of his/her career	15189	11818
Public prosecutor of the Supreme Court or the Highest Appellate Instance	43826	29269

Comment :

“ The numbers in the table represent the salary of judges and prosecutors whose simple and exclusive task is to decide the cases in the court (judges) or hold preparatory proceedings and represent prosecution before the court (prosecutors). Such judges and prosecutors are majority. But some judges and prosecutors (never at the beginning of their professional career) additionally execute specific administrative and management functions (presidents of the courts, chiefs of divisions). These persons receive some additional remuneration (extra bonuses) and in 2008 the amount of these bonuses varied from 1381 Euro (deputy chief of the division in the District Court) to 10 126 (First President of the Supreme Court)”.

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	No	No

120) If other financial benefit, please specify:**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	Yes	No
Other function	No	No	No

122) If other function, please specify:**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	Yes	No
Other function	No	No	No

124) If other function, please specify:

125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for answering the question 118

Ministry of Justice,
Superior Court

5. 2. 2. Disciplinary procedures

126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

Investigation and supporting charges against judges provides Disciplinary Speaker (Rzecznik Dyscyplinarny) and his/ her Deputies. Speaker is a member of the judiciary nominated by the National Council of Judiciary. The Deputies are acting within Court of Appeal and are selected and nominated by judges of this court.

Speaker can initiate proceeding on his/her own power or on the request of the Minister of Justice or President of the Court.

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

Judges are responsible for disciplinary violation. The cases are decided by disciplinary courts set up within judiciary – Court of Appeal as a first instance, Superior Court as second.

The disciplinary courts for prosecutors in two instances are set up at Minister of Justice – General Prosecutor.

The disciplinary proceeding are litigious. The list of sanctions are laid down by law.

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	Prosecutors
Total number (1+2+3+4)	57	29
1. Breach of professional ethics	25	8
2. Professional inadequacy	32	13
3. Criminal offence		5
4. Other		3

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)	38	28
1. Reprimand	23	21
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		6
6. Degradation of post		
7. Transfer to another geographical (court) location	1	
8. Dismissal	3	1
9. Other	11	

Comment :

other: held disciplinary rules violation without sanction (minor violations)

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years**

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

27310

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
- No
- Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

not aplicable

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- Civil cases*?
- Criminal cases - Defendant*?
- Criminal cases - Victim*?
- Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

There is a monopoly of representation only before the Supreme Court.

Reagrding civil cases it is allowed to be represented not only by a lawyer but also by a family member, a joint participant , by an association or by a trade union

Regarding criminal cases defendant or victim can be represented only by a lawyer (an advocate but or in some cases also by a legal adviser)

Regarding admnistrative cases it is allowed to be represented not only by a lawyer (advocate, legal adviser) also by any individual who has an active capacity

The profession of lawyer is organised as advocates or legal advisors. This two-fold organisation comes with historical distinction on corporate lawyers (legal advisors) and advocates. Both have raight to represent clintes before courts, howeveer their finctions slightly differ (legal advisors can represent clients in criminal matters in ilimited cases and can not in.

134) Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Please specify:

At national level: Superior Advocate's Council (for advocates), National Chamber of Legal Advisors (for legal advisors).

At regional level: 24 Provincial Advocates' Council (for advocates) and 19 Provincial Chambers of Legal Advisors (for legal advisors).

Please indicate the source for answering the questions 130 and 132:

National Bars of advocates and legal advisors

6. 1. 2. Training

135) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

Yes

No

137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

Yes

No

If yes, please specify:

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?

Yes

No

Please provide comments to explain the answer under question 138

Fees are freely negotiated so there is no other way but cut a deal with a lawyer. The regulation of fees concerns only remuneration to be paid by state in case of free of charges legal aid granted by the court.

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

look at comment to Q138

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

141) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the legislature?
 other?

Please specify (including a description of the quality criteria used):

Code of Ethics: .eg.:

- obligation to protect clients interest
- honesty, scrupolousness in contact with clients,
- keeping with proffesional efficiency,
- no combination with other proffesins, that cuold be in collision with lawyers independency,
- no false or untrue statements to the court,
- keeping proffesional confidentiality,
- keeping client informed about his/her case,
- avoiding confilcting interests situations,
- no public advertisement,
- obligation tto offer less expesive options to clients, and many others.

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

Complaints about performance and brach the Code of Ethics can bie filed Regional Bar Councils.

Complaint about amount of fee is possible but because, as to the general rule, fee is subject of an free agreement, is hardly possible in practice.

143) Which authority is responsible for disciplinary procedures

- the judge?
 the Ministry of justice?
 a professional authority or other?

Please specify:

Disciplinary courts composed of practising lawyers, members of Bar.

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	827	na	na	na

Comment :

This figure represents all initiated proceedings. Specific charges are not listed. Due to information from Bar most of those charges is based on breach of ethics.

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	120	19	2	36	

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

Polish Bar Council, Regional Bar Council (24 Chambers), Polish Council of Legal Advisers, Regional Councils of Legal Advisers (19 Chambers)

The profession of lawyer is self - governing. The basic unit organising corporation of the lawyers is the Regional Chamber of Advocates or /and Regional Chamber of Legal advisor (look comment to 87). Chamber consist of all lawyers practising in geographically defined region. The chamber elects its authority which is Council headed by Dean of the Council. At a National Level representatives of local Councils create National Council (National Bar Association).

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

- Yes
 No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. Divorce)	No	Yes	No	No	No
Administrative cases	No	Yes	No	No	No
Employment dismissals	No	Yes	No	No	No
Criminal cases	No	Yes	No	No	No

148) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

na

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	<input checked="" type="checkbox"/> Yes	1455
family cases?	<input checked="" type="checkbox"/> Yes	473
administrative cases?	<input checked="" type="checkbox"/> Yes	36
employment dismissals?	<input type="checkbox"/> Yes	109
criminal cases?	<input type="checkbox"/> Yes	3190

Please indicate the source for answering the question 150:

Division of Statistics, Deptment of Organisation, Ministry of Justice

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

As a general rule mediation is an extrajudicial proceeding. The same concerns other forms of ADR like arbitration, which are affiliated at Chambers of Commerce. Only judicial (initiated by courts) mediations are reflected in a courts' activity reports and statistics. If parties are successful within mediation the court case may be closed in a number of manners depending on type of case and parties request (discontinuation, repeating in a court settlement, reflecting negotiated conditions in final judgement).

Because mediation is extremely decentralized process and there is no statistical instrument for listing all (judicial and extrajudicial) mediations no accurate numbers can be obtain. An examination performed in this matter by Council of ADR (consultative community body affiliated at the Ministry of Justice).

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

663

154) Are enforcement agents (multiple options are possible):

- judges?
 bailiff practising as private profession ruled by public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Enforcement agent is a public functionary acting within the Jurisdiction of the District Court.

Performing its duties enforcement agent is bound by law and court's orders but is not subordinated to any specific authority. Control, supervision and monitoring of his/her performance as an agent belong to President of the Court, Ministry of Justice and Corporate self-governing bodies. The complaints on agent's acts (legal remedies within enforcement proceeding) are examined by the District Court. The remuneration of the enforcement agent goes directly from the enforcement fees paid by the parties.

155) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

National Council of Enforcement Agents, Law on Enforcement Agents

8. 1. 2. Supervision

159) Is there a body entrusted with the supervision and the control of the enforcement agents?

- Yes
 No
 Not applicable

160) Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
 the judge?
 the Ministry of justice?
 the prosecutor?
 other?

Please specify:

-judge - president of the district court or a judge designated by the president of the court

- professional body – Corporation of law enforcement agents National Council of Law Enforcement Agents

General supervision is provided by the Ministry of Justice and presidents of courts.. The claims regarding agent's actions during enforcement procedure are decided by district courts. Agents are organised in corporate organisation at national and provincial level.

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality

criteria used?

- Procedural standards of quality (timeframe, time limits, etc) are stipulated by law
- Ethical standards (i.g. professionalism, proficiency, secrecy, etc) are established by corporation which takes care of setting up the dignity and ethical standards and provides supervision and control of it abeyance

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions

164) What are the main complaints of users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

The largest group of complaints concern the failure and/or excessive length of enforcement in child support cases.

165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

Works on changes in enforcement system are still pending. However some reforming measurues have been adopted. Legislative amendents introduce more competitive mechanism between agents (creditor will have te right to chose prticular agent freely no matter of specific territorial jurisdiction of particular agent. As well agents will share with the cresitor the risk and costs of enforcement proceedings that fail.

166) Is there a system measuring the timeframes of the enforcement of decisions :

- for civil cases?
 for administrative cases?

167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input checked="" type="checkbox"/> number:	35
for breach of professional ethics	<input type="checkbox"/> number:	
for professional inadequacy	<input type="checkbox"/> yes, number:	
for criminal offence	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input checked="" type="checkbox"/> number:	18
Reprimand	<input type="checkbox"/> number:	16
Suspension	<input type="checkbox"/> number:	
Dismissal	<input type="checkbox"/> number:	1
Fine	<input type="checkbox"/> number:	1
Other	<input type="checkbox"/> number:	

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Q 166 -However specific system of measuring timeframes does not exist, the regulations require

to keep by agents with number of defined timeframes to undertake expected actions. These time requirement is under supervision by the parties who can complain timeframe failure to the court or is monitored ex officio by courts in supervision procedures.

Please indicate the source for answering the questions 167, 168 and 169:

National Council of Enforcement Agents, Law on Enforcement agents.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

Under the law, this is the judge who is acting as a penitentiary court, responsible for examine, control and deciding in several most important issues concerned to the enforcement of criminal sanctions. The court take care on the condition the penalty of deprivation of liberty is executed. This is up to the penitentiary court do decide on the measures to be granted as probation condition, conditionally release, short term licensed releases, breaks in the penalty execution, etc. The court is also responsible for enforcement of fines imposed

171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

The studies are held by Ministry of justice - Department of Enforcement and probation. Basic information show that recovery rate of fines imposed was 80% in 2008 and increased 4,1% comparing with 2007. Taking account total amount of recovered fines 60,9 % were paid voluntarily in total, 12,5 were collected through enforcement proceedings. The rest is executed through partition agreement with sentenced (monthly installment).

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input type="checkbox"/> number	
other?	<input checked="" type="checkbox"/> number	1871

Comment :

Notary is a person of public trust when performing his/her function enjoys the protection as a public functionary. Notary operates as self employed in a private office. Notary is paid by the client. Fee limits

(maximal) are set by law.

174) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

In principle the notary have a duties listed in the Law on Notary as well as other specific regulations which require that the form of documents must be notarial – prepared and produced by notary. It includes, preparing the notarial deeds, contracts and agreements, notarial wills, prepares minutes of meetings, accepts sworn statements, produces excerpts of documents, certifies copies, etc. Documnet produced by notaries have stauts of public and official document.

Please indicate the source for answering the question 173

National Notary Council

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes

No

176) Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

Supervision is provided by the Minister of Justice through Presidents of Courts as well as Corporate self-governing bodies organised at local and national level.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

Interpretation in a court proceedings can be performed by the sworn interpreters listed and affiliated by Provincial Court. Candidate for interpreter must comply with a number of condition set by law but the most important is positively passing an exam on interpretation before central commission run by the Ministry of Justice. Commission confirms qualifications allowing President of the Provincial Court to enlist interpreter at the list of sworn interpreters.

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

Candidates for court interpreters that fulfill all criteria set by law apply for admission to the list directly to the President of Provincial Court. There is no central list of court interpreters.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

Reorganisation of Public prosecution system is prepared. It is based on idea of separation of Minister of Justice and Prosecutor General. Due to that in new system Public Prosecutors Office will gain independent position from governmental administration and from the judiciary. First Prosecutor General is to be chosen by National Council of Judiciary and National Council of Public Prosecutors and appointed by President for non-renewable term.

Unification of training for legal professions. National School for Judges and prosecutors wil start their functions.

E-court. Filly digitalized and paperless civil court for small claims that includes electronic records, electronic filing, communication between parties and delivery of decisions waits to became operational in 2009

Major procedural and organisational amendements:

- resignation from nomination for preparatory and definite period of time Judges who starts their proffessional crear (Judge Assesor).
 - improvemnt of efficiency of the speedy court in criminal, petty offences an in flagrante matters (so called - 24-hours court).
- introduction to the catallogue of penalties new one - deprivation of liberty executed by electronic monitoring means .