



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Poland**National correspondent**

First Name - Last Name: **MICHALSKI Jakub**
Job title: **Undersecretarys' of State Advisor, Ministry of Justice**
Organisation: **Ministry of Justice**
E-mail: **michalski@ms.gov.pl**
Phone Number : **+48 22 5212 746**

First Name - Last Name: **GRUSZCZYNSKA Beata**
Job title:
Organisation: **Ministry of Justice**
E-mail: **b.gruszczynska@uw.edu.pl**
Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

38 200 000

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	74 462 509 910
Regional / federal entity level (total for all regions / federal entities)	23 623 715 375

3) Per capita GDP (in €)

9 359

4) Average gross annual salary (in €)

9 769

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

3,9603zł = 1€

A.1

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

2011 Statistical Yearbook of the Republic of Poland

In previous exercises public expenditure was given only on the state level. However we believe that it is necessary to change the methodology. State public expenditure is composed of State budget bill level and regional budgets. In order to ensure the integrity of given data the general subsidy from the state budget to local self-government budgets as well as the appropriated allocations were subtracted from the given State budget.

1. 2. Budgetary data concerning judicial system

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

6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	1 365 085 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	894 463 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	10 512 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	148 297 000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	68 961 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	42 381 000

6. Annual public budget allocated to training and education Yes 2 329 000
7. Other (please specify): Yes 198 142 000

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

Expenditure on personal services, purchase of goods and services, expenditure on investments (building, purchase), loans on residential needs of judges, rehabilitation fund payments, business trips, other taxes

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

General rule states that litigant must pay initial fee. There are two kinds of exceptions. First is connected with the case category -in some of them (mainly employment and child support) there is no initial fee. Second category is connected with granting the court fees exception (party must file a motion).

9) Annual income of court taxes or fees received by the State (in €)

530 161 000

10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA 2 821 561 570

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	NAP
Other	Yes

Comment :

Damages paid by the State, other forms of education, social security benefits, National School for Judges and Prosecutors

Q10 : Public Prosecution Service budget for 2010 is separated from Justice budgetary part. Provided sum is an outcome of budgetary transfers caused by the separation of Public Prosecution Service from Ministry of Justice.

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Amount (in €)	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
	23244000	NA	NA

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

Amount

312 514 570

Comment :

Public Prosecution Service budget for 2010 is separated from Justice budgetary part. Provided sum is an outcome of budgetary transfers caused by the separation of Public Prosecution Service from Ministry of Justice.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	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

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Minister of Finance
National Supervisory Board

A.2

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

General comment on budgetary data. Before drafting an answer to the stated questions I have consulted the Budget Department in the Ministry of Justice. It appears that all the budgetary data is effected by two important factors. The change of exchange rate polish zloty-Euro (approx raise 7%) and the EU financed programs which covered many of the nation expenditures.

Q6 : The increase of the budget dedicated to salaries is connected with the major change in legal rules: judges and prosecutors' salaries are now based on the average gross salary from the second quarter of the previous year. The computerization budget decreased because of the ongoing programs financial rates deadlines – payments for the further steps of the reform will be reflected in the next evaluation. The decrease in training and education budget is connected top the fact that since 2009 the Polish National School for Judiciary and Prosecution has been fully operational; this transferred the budgetary stress from the training performed in regional and district courts (as well as prosecution service) to the centralized training. Since judicial training is financed by the National School, the courts expenditures have decreased subsequently. Moreover since 2008 many EU financed training programs have been implemented, which has also decreased the level of training and education expenditures.

Q9 : Since there has not been any major change in the legislation on court cost the increase is connected with the increasing overall number of cases in which parties are obligated to pay costs.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Department of Budget, Ministry of Justice

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

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

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

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

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

Q18 the cost are connected to the enforcement agent fees and actions

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

Expert fees and travel cost reimbursement.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

--	--

Accused individuals	Yes
Victims	No

Comment :

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

The evaluation system exist but does not indicate exact figures in test.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

If yes, please explain the exact criteria for denying legal aid:

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.

25) Is the decision to grant or refuse legal aid taken by :

the court?

an authority external to the court?

a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Individual insurances system is yat developing in Poland. However there is a significant increase in offered insurances. Some of the lawyers legal boards cooperate with insurance companies and offer the joint insurance product.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

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

The Legal Aid bill which was prepared during the last year and submitted to the Council of Ministers of the Republic of Poland. It contained the complex system of legal aid which also included the legal advice on pre-trial period. However the bill was turned down due to the Minister of Finance objection. He justified his objection with the economic cost of financial crisis and the need to reduce the state functioning costs.

Please indicate the sources for answering the questions 20 and 23

NA - there is no data in q20

2. 2. Users of the courts and victims**2. 2. 1. Rights of the users and victims****28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.sejm.gov.pl
- case-law of the higher court/s? Internet address(es): Yes www.sn.pl
- other documents (e.g. downloadable forms, online registration)? Yes www.ms.gov.pl

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

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

- 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.gov.pl) administered by the Ministry of Justice.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	Yes
Victims of terrorism	No	No	No

Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	No	No	No
Disabled persons	Yes	Yes	No
Juvenile offenders	No	No	Yes
Other (e.g. victims of human trafficking)	No	No	No

Comment :

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences
All types of crimes.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

Studies outcome for 2010 is not yet know. However Department of Judgment Execution and Probation is carrying the studies regularly.

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

Public prosecutor is obliged to ensure the variety of assistance measures to the victim (information, procedural modalities and other). 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 for compensation against perpetrator directly within criminal proceeding together with criminal charges. Prosecutor can support civil action on behalf of the victim together with prosecution.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, 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

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

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Excessive length of proceedings (at pre-trial proceedings, at the court or/and enforcement stage) – under the party’s motion the 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.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Surveys covering court staff were conducted as a part of justice system evaluation studies financed by the EU - the result are communicated to the Ministry of Justice and are the subject of analysis.

Survey aimed to the lawyers and court users are conducted both due to the Ministry of justice commission and independent Think Tanks efforts.

39) If possible, please specify:

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

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

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

--	--	--	--

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	No	Yes	No
Ministry of Justice	Yes	No	No
High Council of the Judiciary	No	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

The above described 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 of the administrative supervision and controlling competences due to hierarchic structure of the justice system. These competences generally belong to President of the court as well as Minister of Justice.

The role of Ombudsman derives from his broader function of ensuring the citizens rights in relation with public offices. Such system allows to react and upgrade performances in individual cases, however cannot 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

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	365
42.2 First instance specialised Courts (legal entities)	28
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	705

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	28
Commercial courts	NA
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	16
Insurance and / or social welfare courts	
Military courts	12
Other specialised 1st instance courts	

Comment :

44) Is there a foreseen change in the structure of courts [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:

Structural changes will include reduction of the number of courts treated as legal entities without changing the number of courts geographic locations.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	320
a dismissal	213
a robbery	365

Please give the definition for small claims and indicate the monetary value of a small claim:

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 questions 42, 43 and 45:

Department of Organisation, Ministry of Justice

Q42#1#3 : The data given in 2008 was not correct. The mistake was identified in the process on consultation of the explanatory note to the 2010 questionnaire. Polish National Expert was informed that one should understand "the location" as the "separate building". It is quite common in Poland that one court has several location understood as several building in one city. Our intention during the consultation process was to count only the court locations situated in other than court main location cities - which would indicate the real number of locations. Unfortunately we was informed that the correct method of counting court locations contains the rule "one building=one location" having this taken into consideration we had to correct the data with the major increase of court location number. We believe that information about the number of court location should be commented in the final report. Possible comment: Poland: the number of locations reflects the number of court buildings. It is common that one court in Poland has several, sometimes situated next to each other, buildings.

Provide a comment under the 5.1 table:

Poland: major change in court geographic locations number is a result of a methodological mistake in 2006 data questionnaire for Poland. The number of court buildings remains relatively stable.

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	10625	3899	6726
1. Number of first instance professional judges	7234	2523	4711
2. Number of second instance (court of appeal) professional judges	3213	1261	1952
3. Number of supreme court professional judges	178	115	63

Comment :

Polish court system contains district courts (which are I instance courts), regional courts (which are I and II instance courts) and appellate courts (which are II instance courts). Because of this the certain number of second instance courts judges sits also in first instance cases. It is imposible to provide exact figures because of the fact that some judges sit in I and II instance cases in regional courts. Provided figures are constructed exactly as in previous evaluations.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	392	218	174
1. Number of first	334	178	156

instance court presidents			
2. Number of second instance (court of appeal) court presidents	56	38	18
3. Number of supreme court presidents	2	2	0

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP
If possible, in full-time equivalent NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure Yes 22 076

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

- Yes
 No

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

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	35946
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	1865
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	20283
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	7058
4. Technical staff	<input checked="" type="checkbox"/> Yes	3536
5. Other non-judge staff	<input checked="" type="checkbox"/> Yes	3204

Comment :

Other non-judge staff contains only the category: assistants of judges - their role is strictly connected with judge judicial function (ex. preparation of judgment and justification drafts) - they do not perform any administrative tasks.

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

"Referendarz" represents -quasi judicial functions in the court. He/she has a right to decide in a specific issues

concerning handling court registers: land registry, company registry etc.

There is a possibility of appealing their decisions to a judge.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

Most common service delegation concern cleaning and security. Courts also outsource the IT services and training of staff (non judicial - ex. psychology)

C.1

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 have been implemented over the last two years

Q49 : There has been no legislation change the law on common courts concerning the non-professional judges. We assume that the decrease is connected to the unnatural number of non-professional judges in year 2008 which was the result of the media campaign aimed to the increasing the number of non-professional judges.

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Office for Analysis and Judicial Etatization, Ministry of Justice

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	5 668	2 641	3 027
1. Number of prosecutors at first instance level	3 581	1 466	2 115
2. Number of prosecutors at second instance (court of appeal) level	2 038	1 140	898
3. Number of prosecutors at supreme court level	49	35	14

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	414	248	166
1. Number of heads of prosecution offices at first instance level	357	205	152
2. Number of heads of prosecution offices at second instance (court of appeal) level	56	42	14
3. Number of heads of prosecution offices at supreme court level	1	1	0

Comment :

57) Do other persons have similar duties to public prosecutors?

- Yes
- No

Number (full-time equivalent)
NA

58) If yes, please specify their title and function:

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

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
- No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number Yes 7 408

C.2

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 have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60

Public Prosecution Service

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	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

Comment :

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	-10% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	100% of courts
Videoconferencing	-50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	+50% of courts
Website	100% of courts
Follow-up of cases online	-10% of courts
Electronic registers	100% of courts
Electronic processing of small claims	-10% of courts
Electronic processing of undisputed debt recovery	-10% of courts
Electronic submission of claims	-10% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	-50% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

Comment :

C.3

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

3. 2. Performance and evaluation**3. 2. 1. Performance and evaluation****66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

Yes

No

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

Office for Analysis and Etatisation of Justice; Department of Organisation; Ministry of Justice

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes No**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81). number of incoming cases? number of decisions delivered? number of postponed cases? length of proceedings (timeframes)? other?

If other, please specify:

number of "old cases", type of cases, number of court sessions, written justification time

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82). 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 and quality indicators (if no, please skip to question 72) Yes No**71) Please select the 4 main performance and quality indicators that have been defined:** incoming cases length of proceedings (timeframes) closed cases pending cases and backlogs productivity of judges and court staff percentage of cases that are processed by a single sitting judge enforcement of penal decisions satisfaction of court staff satisfaction of users (regarding the services delivered by the courts) judicial quality and organisational quality of the courts costs of the judicial procedures other:

If 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 quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

Yes

No

73) Who is responsible for setting the targets for each judge?

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 court (if no please skip to question 77)?

Yes

No

75) Who is responsible for setting the targets for the courts?:

executive power (for example the ministry of Justice)?

legislative power

judicial power (for example a High Judicial Council, 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 to the courts:

- 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) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

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 quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

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 that is entrusted with these quality standards?

Yes

No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

in civil law cases

in criminal law cases

in administrative law cases

81) Do you monitor 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 overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

Yes

No

Please specify 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 performance of the public prosecution service?

Yes

No

If yes, please give further details:

General Prosecutor provides the year raport to the Prime Minister; prosecutors are the subject of the superior prosecutors supervision

C.4

You can indicate below:

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

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

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):

1 098

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate 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	0	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	0	2	NA
Criminal proceedings - Article 6§1 (duration)	NA	0	NA	NA

Please indicate the sources:

ECHR Official Statistics, Department of Organisation, Ministry of Justice

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

Q86: Total number of cases establishing violation: 37; Judgments establishing a non violation: 15

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?

there is no specific procedure

If yes, 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 disputes)?

criminal cases (small offences)?

administrative cases?

there is no simplified procedure

If yes, please specify:

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

In criminal cases "24- hours court" is still operational (simplified procedure in certain criminal offences committed in flagrante).

89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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:

4. 2. 2. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	1 228 163	9 320 293	9 311 414	1 238 599
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	344 160	819 861	778 641	385 035
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	189 050	3 004 287	2 926 076	267 610
3. Enforcement cases	123 709	1 422 749	1 383 667	162 791
4. Land registry cases**	449 546	3 135 852	3 299 519	287 462
5. Business register cases**	24 557	564 172	567 840	20 889
6. Administrative law cases (litigious and non-litigious)	17 588	67 830	64 121	21 267
7. Other cases (e.g. insolvency registry cases)	79 553	305 542	291 550	93 545

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories

included:

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 assummary and injunction proceedings in money payment cases).

93) If "other cases", please indicate the case categories included:

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.

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	164 080	1 111 772	1 009 599	266 253
8. Criminal cases (severe criminal offences)	127 832	529 814	485 526	172 120
9. Misdemeanour and / or minor offences cases	36 248	581 958	524 073	94 133

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

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.

Statistics contain also the so called "organisation cases" which do not deal directly with crimes. For the Criminal cases category: incoming:50915 resolved:5462; for the misdemeaneaour cases: incoming:54959, resolved:3999. It is important to underline that previous schemes were filled with the same methodology. Therefore the data is fully comparable.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

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.

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.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	32 876	185 567	180 626	37 817
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	12 588	110 195	109 231	13 552
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	1 738	19 399	19 248	1 889
3. Enforcement cases	0	0	0	0
4. Land registry cases	0	0	0	0
5. Business register cases	46	297	299	44
6. Administrative law cases (litigious and non-litigious)	10 427	15 642	11 747	14 322
7. Other cases (e.g. insolvency registry cases)	8 077	40 034	40 101	8 010

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	16 501	121 814	119 408	18 907
8. Criminal cases (Severe criminal offences)	15 635	112 874	110 511	17 998
9. Misdemeanour and/or minor offences cases	866	8 940	8 897	909

Comment :

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.

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	12 400	22 883	18 622	16 661
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA

4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	10 427	15 642	11 747	14 322
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	746	2 493	2 570	669
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

Supreme Court does not divide its statistics into categories. In Q99 the data was acquired from Supreme Administrative court and Supreme Court - it is the reason why data other than administrative is not divided.

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	49 855	112 152	112 135	49 872
Employment dismissal cases	9 140	20 578	20 051	9 667
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	3,27	0,39	NA	NA	NA	NA
Employment dismissal cases	14,97	1,30	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

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 irrevocable) 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 an 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.

104) 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.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

The constitutional role of the Public Prosecution 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.

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

- Yes
- No

If yes, 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).

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If

data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	1 161 457	1 170 068	NAP	375 839

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	1 170 068
1. Discontinued by the public prosecutor because the offender could not be identified	181 625
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	247 112
3. Discontinued by the public prosecutor for reasons of opportunity	741 331

109) Do the figures include traffic offence cases?

- Yes
 No

D.2

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

Second instance administrative cases number is the same as highest administrative court cases. The reason for providing the same data is that Supreme Administrative Court is also the court of second instance and it is impossible for the Statistics Division to divide its cases statistics.

Q94#1#1 : Since the year 2008 there has been number of modernizations introduced to the criminal law and the procedure. We believed that the decrease of the number of pending cases is the result of these actions. The statistical data has been double checked and are gathered with the same methodology.

Q97#4#1 and Q99#4#1 : Poland judiciary system is struggling with the delays especially in the other than criminal cases. There is an ongoing research in the Ministry of Justice concerning the structure of pending cases - the analysis of the gathered data has, by now, indicated that the major drawback is connected to the simple civil cases. The increase in the area of pending cases is connected also to the overall increase of incoming cases number.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Department of Organisation, Statistics Division; Office for Analysis and Judicial Etatization, Ministry of Justice; Supreme Court; Supreme Administrative Court

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

National Judiciary Council

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

- Yes
- No

If no, which authority is competent for the promotion of judges ?

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

- 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.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

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

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

National Prosecution Council

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

- Yes
- No

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

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

Prosecutors are promoted to higher level by the appointment of the 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.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
- No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:
The only exception constitutes Constitutional Court. Judges to this court are appointed for the 9 years term.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:
The prosecutor before being appointed "for life" serve within the formula of "asesura" which is the in-between step from the training to the appointment for the prosecutor office.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NAP

E.1

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. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

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

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP
One single institution for both judges and prosecutors	No	No	Yes

Comment :

E.2

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

5. 3. Practice of the profession**5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	20 736	16 711
Judge of the Supreme Court or the Highest Appellate Court (please indicate the	57 650	41 061

average salary of a judge at this level, and not the salary of the Court President)		
Public prosecutor at the beginning of his/her career	20 736	16 492
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	44 454	33 675

Comment :

Q132#1#1 (increase of 36.52% of the Gross annual salary of the First instance professional judge at the beginning of his/her career between 2008 and 2010), Q132#1#2 (increase of 31.54% of the Gross annual salary of the Judge of the Supreme Court or the Highest Appellate Court between 2008 and 2010) and Q132#1#3 (increase of 36.52% of the Gross annual salary of the Public prosecutor at the beginning of his/her career between 2008 and 2010) :

The increase is undoubtedly connected with the major change in rules concerning the judges and prosecutors salaries. Since the last edition of judicial systems evaluation the judges and prosecutors salaries has been connected (by law – amendment on the law of common courts from 2008) with the average gross salary from the second quarter of the previous year. The change resulted in a major increase in the area of salaries.

133) Do judges and public prosecutors have the following additional benefits?

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

134) If other financial benefit, please specify:**135) Can judges combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**137) Can public prosecutors combine their work with any of the following other functions ?**

Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes

Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
 Higher Court / Supreme Court
 Judicial Council

- Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	47	54
1. Breach of professional ethics	13	27
2. Professional inadequacy	29	25
3. Criminal offence	5	2
4. Other	NAP	NAP

Comment :

Q144#2#1 (increase of 86.21% of the number of disciplinary proceedings initiated against public prosecutors between 2008 and 2010) : We believe that partially the change is connected with the amendment of law on complaint on the court failure to act which broaden the scope of the law on the pre-trial proceedings which are conducted by the prosecutors.

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	38	19
1. Reprimand	33	15
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade		

	1	NA
7. Transfer to another geographical (court) location	4	1
8. Resignation	NA	1
9. Other	NA	2

Comment :

Q145#2#1 (decrease of 32.14% of the total number of sanctions pronounced against public prosecutors between 2008 and 2010) : see above mentioned comments to the Q144 . These two questions are connected. We believe that partially the change is connected with the amendment of law on complaint on the court failure to act which broaden the scope of the law on the pre-trial proceedings which are conducted by the prosecutors.

E.3

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

Please indicate the sources for answering questions 144 and 145

Ministry of Justice

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

29 469

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes

No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

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

Regarding 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 administrative 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 right to represent clients before courts, however their functions slightly differ (legal advisors can represent clients in criminal matters in limited cases and can not in.

150) Is the lawyer profession organised through? (multiple options possible)

a national bar?

a regional bar?

a local bar?

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

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

Department of Organisation, Ministry of Justice

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- Yes
 No

155) Are lawyers' fees freely negotiated?

- Yes
 No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes laws provide rules
 Yes standards of the bar association provide rules
 No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

- Yes
 No

If yes, what are the quality criteria used?

Code of Professional Ethics

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

- the bar association?
 the Parliament?
 other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

Complaints about performance and breach the Code of Ethics can be 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.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	911	NA	NA	NA	NA

Comment :

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	220	120	26	11	54	9

Comment :

Other: Temporary suspension of right to practice a profession

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
 No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public 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

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

- Yes
 No

If yes, please specify:

166) Number of accredited or registered mediators who practice judicial mediation:

2 470

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	<input checked="" type="checkbox"/> Yes	14 782
1. civil cases	<input checked="" type="checkbox"/> Yes	5 426
2. family cases	<input checked="" type="checkbox"/> Yes	1 704
3. administrative cases	<input checked="" type="checkbox"/> Yes	11
4. employment dismissals cases	<input checked="" type="checkbox"/> Yes	447
5. criminal cases	<input checked="" type="checkbox"/> Yes	7 194

Comment :

Human Rights Department, Ministry of Justice

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than	Yes
----------------------	-----

judicial mediation?	
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

G.1

- 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

Please indicate the source for answering question 166:

Human Rights Department, Ministry of Justice

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

845

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

- judges?
 bailiffs practising as private professionals under the authority (control) of 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.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

National Council of Judicial Officers of Poland

Q170 (increase of 27.45% of the total number of enforcement agents practicing in your country between 2008 and 2010) :

Poland is struggling with the time of enforcement procedures conducted by the bailiffs. This data is not disclosed in the CEPEJ Evaluation reports because the enforcement cases statistics include only the court cases. Hence the struggle with the time of bailiffs actions Ministry of Justice conducted the research which proved that the number of bailiffs should increase – that is why MoJ took actions aimed to increase the number of bailiffs. The increase rate is high because of the low initial number of bailiffs.

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

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

If other, please specify:

There are 3 authorities: judge, Ministry of Justice, profesional body

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, 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

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

- 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

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

Courts and judicial supervision mechanism executed by the Ministry of Justice

**183) What are the main complaints made by 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?

If other, please specify:

184) 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:

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
 for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

NAP

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input type="checkbox"/> number:	30
1. for breach of professional ethics		NA
2. for professional inadequacy		NA
3. for criminal offence		NA
4. Other		NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> number:	20
1. Reprimand	<input type="checkbox"/> number:	17
2. Suspension	<input type="checkbox"/> number:	0
3. Dismissal	<input type="checkbox"/> number:	0
4. Fine	<input type="checkbox"/> number:	3
5. Other	<input type="checkbox"/> number:	0

Comment :

H.1

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

Please indicate the source for answering the questions 186, 187 and 188:

Judicial Officers National Council

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

Department of Judicial Enforcement and Probation, Ministry of Justice

H.2

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. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?	NAP
private professionals under the authority (control) of public authorities?	NAP
public agents?	NAP
other? <input checked="" type="checkbox"/> number	2 188

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.

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "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.

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

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

If other, please specify:

I.1

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. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

9 943

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

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.

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No

Comment :

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Department of Organisation, Ministry of Justice

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

3. There is a foreseen change in structure of courts in Poland. Plans provide the reduction in number of courts (as legal entities). Number of geographic locations will remain stable. The draft resolution on this matter is already prepared.