



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Poland**National correspondent**

First Name - Last Name: **MICHALSKI Jakub**
Job title: **Head of Strategic Analysis Division**
Organisation: **Dept of Strategy and Deregulation - Ministry of Justice**
E-mail: **michalski@ms.gov.pl**
Phone Number : **+48 22 5212 768**

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 2013)

38 533 000

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 or federal level	77 785 333 399
Regional / federal entity level (total for all regions / federal entities)	31 005 087 814

3) Per capita GDP (in €)

10 126

4) Average gross annual salary (in €)

10 338

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

4,0882 zł = 1€

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

CONCISE Statistical Yearbook of the Republic of Poland 2013
National Bank of Poland

1. 1. 2. Budgetary data concerning judicial system

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	1 379 338 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	897 425 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	56 686 000
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	158 928 000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	92 443 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	38 237 000
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	2 822 000
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	132 797 000

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)

8.1) Please briefly present the methodology of calculation of courts fees?

Court fees are calculated due to special bill of law on cost of judicial proceedings. There are two kinds of fees. 1.Fixed in certain types of cases 2.Dependent on the case value

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

150€ (5% of case value)

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

408 787 000

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. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	24107000
12.1 Annual public budget allocated to legal aid for cases brought to court	24107000
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

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 424 128 567

Comment :

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

	total court budget	court budget	allocation of the budget among the courts	the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	No	No	Yes	Yes
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No

High Judicial Council	Yes	No	No	No
Courts	Yes	No	Yes	Yes
Inspection body	No	No	No	Yes
Other	No	No	No	Yes

14.1) 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

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

Department of Budget, MoJ

[1. 1. 3. Budgetary data concerning the whole justice system](#)

15) The following data would be useful for information

15.1) (Former question 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

2472780000

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	No
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Constitutional court	No
Judicial management body	Yes
State advocacy	No
Enforcement services	Yes
Notariat	No
Forensic services	No
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

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

2. Access to justice

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:

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 for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[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 :

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NAP

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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	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) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- the court?
 an authority external to the court?
 a mixed 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

Please indicate the sources for answering questions 20 and 23:

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):	<input checked="" type="checkbox"/> Yes	www.sejm.gov.pl
case-law of the higher court/s? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.sn.gov.pl
other documents (e.g. downloadable forms, online registration)? Internet address(es):	<input checked="" type="checkbox"/> Yes	ww.ms.gov.pl

Comment :

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

- Yes
- No
- Yes only in some specific situations

If yes only in some specific situations, 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 sexual violence/rape	Yes	Yes	Yes
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	No	No	No
Disabled persons	Yes	Yes	Yes
Juvenile offenders	No	No	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

In criminal cases minors at 15 years of age can be accused and judged like adults in certain types of cases. They have all the party rights.

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 illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

Studies outcome for 2012 is not yet known. 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 they 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 decision by a judge".

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

If necessary, please specify:

Each prosecutor's 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.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	Yes	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 handling 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
Court concerned	Yes	Yes
Higher court	No	Yes
Ministry of Justice	Yes	No
High Council of the Judiciary	No	Yes
Other external bodies (e.g. Ombudsman)	Yes	Yes

Comment :

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

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)	287
42.2 First instance specialised Courts (legal entities)	26
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)	827

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

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

	Number
Total (must be the same as the data given under question 42.2)	26
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	17
Insurance and / or social welfare courts	NAP
Military courts	9
Other specialised 1st instance courts	NAP

Comment :

mail CN 9/1/14: Q 42: there was a structural change concerning the District Courts – some of the were transformed into divisions of other courts .

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:

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
a debt collection for small claims	245
a dismissal	245
a robbery	287

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 Courts, Organisation and Court Analysis

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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	NAP
Total number of professional judges (1 + 2 + 3)	10114	3701	6413	
1. Number of first instance professional judges	9441	3371	6070	
2. Number of second instance (court of appeal) professional judges	497	221	276	
3. Number of supreme court professional judges	176	109	67	

Comment :

mail CN 9/1/14: Polish court structure contains three level of courts but only two instances. Therefore some judges are working both in first and second instance. The difference is a result of aggregating district and regional courts judges in one group and appellate courts judges in the other.

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	NAP
Total number of court presidents (1 + 2 + 3)	299	157	142	
1. Number of first instance court presidents	282	142	140	
2. Number of second instance (court of appeal) court presidents	11	9	2	
3. Number of supreme court presidents	6	6	0	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure NA

Comment :

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 2012) (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) Yes (among which women) 4 0 844

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes (among which women) 1 810

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 Yes (among which women) 2 3 110

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) Yes (among which women) 7 239

4. Technical staff Yes (among which women) 3 487

5. Other non-judge staff Yes (among which women) 5 198

Comment :

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)

C1 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

Department of Courts, Organisation and Court Analysis

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

Department of Courts, Organisation and Court Analysis

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	6 059	2 880	3 179	
1. Number of prosecutors at first instance level	3 991	1 709	2 282	
2. Number of prosecutors at second instance (court of appeal) level	1 981	1 107	874	
3. Number of prosecutors at supreme court level	87	64	23	

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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	933	514	419	
1. Number of heads of prosecution offices at first instance level	787	405	382	
2. Number of heads of prosecution offices at second instance (court of appeal) level	140	104	36	
3. Number of heads of prosecution offices at supreme court level	6	5	1	

Comment :

Including deputy-heads of prosecution offices [Mail from the NC sent on 16/04/2014: Data provided by the Prosecutor General Office include deputy heads of offices. There was no change in the structure of the prosecution services.]

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

- Yes
 No
 NA

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

59.1) Do all prosecution offices have specially trained prosecutors in

domestic violence and sexual violence etc.? Yes**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number NA 7337
 Among which women NA 6277

C2 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.

Prosecutor General Office

3. 1. 4. Management of the court budget**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	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

Comment :

3. 1. 5. Use of Technologies in courts**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 caselaw	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 ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

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

Comment :

65) The use of videoconferencing in the courts (details on question 63).

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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

C3 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

3. 2. Monitoring 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:

Department of Strategy and Deregulation, Ministry of Justice

66.1) Does this institution publish statistics on the functioning of each court on the internet:

Yes

No, only in an intranet website

No

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, only in an intranet website

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

If yes, 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, Higher Court)
 President of the 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)
 President of the court
 other

If other, please specify:

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

Ministry of Justice sets the statistical targets for the court system.

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 principles

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 lawyer)?

NA

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

- Yes
 No

Number of successful challenges (in a year):

1873

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)	1	9	3	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	5	24	1	0

Please indicate the sources:

Ministry of Foreign Affairs, Ministry of Justice

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

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 one 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 10000 PLN) and petty offences.

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

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
 No

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. Case flow 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 and criminal law cases.

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	1431356	10045154	10100564	1375396
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	382664	1066935	944559	505040
2. General 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)*	577465	3899687	4054364	422221
3. Non litigious enforcement cases	140844	900397	890032	151229
4. Non litigious land registry cases**	204376	3194947	3240327	158992
5. Non litigious business registry cases**	20595	610397	603887	27106
6. Administrative law cases	21837	72160	71865	22132
7. Other cases (e.g. insolvency registry cases)	83575	300631	295530	88676

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) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	254569	1001718	1011714	244663
8. Severe criminal cases	170654	479774	495489	154939
9. Misdemeanour and / or minor criminal cases	84005	521944	516225	89724

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

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.

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, 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.

[Q94&98 Mail from the NC sent on 16/04/2014: As to the increase of the total of criminal cases and the number of severe criminal cases at first and second instances, in respect of the category "pending cases on 1 January 2012, since 2010 there was a significant increase of the inflow of cases.]

97) Second instance courts: total number of cases**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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	43 509	215 523	200 797	58 235
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	16 468	128 986	121 722	23 732
2. General 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)*	3 538	21 232	19 889	4 935
3. Non litigious enforcement cases				

	0	0	0	0
4. Non litigious land registry cases	0	0	0	0
5. Non litigious business registry cases	114	492	479	127
6. Administrative law cases	13 596	19 892	17 195	16 293
7. Other cases (e.g. insolvency registry cases)	9 793	44 921	41 512	13 202

98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	19453	160036	158459	21030
8. Severe criminal cases	19451	152513	151724	20240
9. Misdemeanour and/or minor criminal cases	2	7523	6735	790

Comment :

[Q94&98 Mail from the NC sent on 16/04/2014: As to the increase of the total of criminal cases and the number of severe criminal cases at first and second instances, in respect of the category "pending cases on 1 January 2012, since 2010 there was a significant increase of the inflow of cases.]

[Mail from the NC sent on 16/04/2014: As to the minor cases there was a change in the statistical system which resulted in aggregating some categories of cases considered as minor with other criminal second instance cases – it made it impossible to include them in the numbers provided.]

99) Highest instance courts: total number of cases

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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	22872	21550	25013	19409
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General 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. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	13596	19892	17195	16293
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

NA

100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	808	2557	2463	902
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	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.

[Mail from the NC sent on 16/04/2014: The total of criminal cases pending on 31 December 2012 at third instance has increased because of the significant increase in the inflow of cases.]

101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	42786	90933	89217	44750
Employment dismissal cases	11102	22070	20924	12249
Insolvency	794	4589	4390	993
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.]

	% 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	NA	0,62	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	9,58	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 a mediation proceeding having first consent of both parties. Judgment is pronounced orally. Since this moment the party may request for written copy of judgment and its reasoning in 7 days time-limit. The appeal can be filed in due term of 14 days after receiving copy of judgment and reasoning. The appeal is to be filed in court that issued a judgment. The appeal will be decided by Court of Appeal. The cassation from the judgment issued in appeal proceeding is inadmissible.

104) How is the length of proceedings calculated for the five 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 request 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 the enforcement procedure
- to discontinue a case without needing a decision by a judge (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:

[Mail Mail from the NC sent on 16/04/2014: 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 cannot impose penalty by own decision but can negotiate a penalty with the defendant who plead guilty. Court may accept negotiated penalty and issue a judgment 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).

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
- No

If yes, please specify:

Prosecutor may initiate the insolvency procedure or plea to be the part of ongoing procedure

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	1150499	658124	NAP	377839

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	195326	NAP

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)	658 124
1. Discontinued by the public prosecutor because the offender could not be identified	159 730
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	498 394
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

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

mail CN 9/1/14: Q 99: réponse aux différences entre exercice précédent et celui la: Supreme Court provided MoJ with data set that allowed to sum up non-criminal cases with the administrative cases from the Supreme Administrative Court. Therefore it was possible to include both data-sets -

Q 101: litigious divorce cases: incoming cases: 90933 (112152 for the previous exercise); resolved cases: 89217 (112135 in the previous exercise)

Since 2010 there was a major increase in incoming cases in Poland. It influences most of the case categories.

Q 102: NA. Unfortunately MoJ does not have sufficient data in this area.

[Q108 - Mail from the NC sent on 16/04/2014: Please, see the comment provided below question 105. As to the category "cases discontinued by the public prosecutor for reasons of opportunity", Prosecutor General Office decided to transpose the figures of this category within categories 1 and 2 because the Polish Criminal Procedure Code does not state the opportunity rule as such. That is why the answer in this respect is NAP.]

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

Prosecutor General Office

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment 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:

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", 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 ?

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

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

If yes, please indicate the frequency
 Mandatory every 4 years

115) Is the status of prosecution services:

- Independent?
 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

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
 No

If "yes", please specify:

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.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

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)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	67
No	

Comment :

If there are no health exceptions a judge can file a motion to perform his duties up to 70 year old

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

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 the probation period (in years)
Yes	NAP
No	NAP
NAP	NAP

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

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	67
No	

Comment :

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

	Duration of the probation period (in years)
Yes	NAP
No	NAP
NAP	NAP

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

NAP

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

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 public 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 / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
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 / Regular (e.g. every 3 months)

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 the budget of such institution(s) in the "comment" box below.

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

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	NAP	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP	NAP
One single institution for both judges and prosecutors	No	No	Yes	Yes

Comment :

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

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 public prosecutors and the main reforms that have 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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	21942	17489
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	60998	43445
Public prosecutor at the beginning of his/her career	21942	17489
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)	60998	43445

Comment :

133) Do judges and public prosecutors have additional benefits?

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

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 ?

	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

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 has been 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)	50	40
1. Breach of professional ethics	12	NA
2. Professional inadequacy	38	NA
3. Criminal offence	0	NA
4. Other	0	NA

Comment :

145) Number of sanctions pronounced in 2012 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)	25	20
1. Reprimand	20	15
2. Suspension	0	0
3. Removal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	0	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	3	0
8. Resignation	2	5
9. Other	0	0

Comment :

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 public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

Prosecutor General Office

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.

44082

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:

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:

Please indicate the sources for answering questions 146 and 148:

Bar Association, Legal Advisors Association

F1 Comments for interpreting the data mentioned in this chapter:

mail CN 9/1/14: Q 146: Since 2010 the part-deregulation (made in 2007/2008) of lawyer profession has been implemented and came into force- it resulted in major change in the number of lawyers.

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

F2 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.]

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

Comment :

Up to validation date the data wasn't delivered. In case of submitting it will be filled.

162) Sanctions pronounced against lawyers.

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.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	177
1. Reprimand	103
2. Suspension	17
3. Removal	10
4. Fine	39
5. Other (e.g. disbarment)	8

Comment :

Up to validation date the data wasn't delivered. In case of submitting it will be filled.

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial 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

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

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 judicial mediation procedures?

- Yes
- No

If yes, please specify:

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

NA

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	9 544
1. civil cases	<input checked="" type="checkbox"/> Yes	5 199
2. family cases	<input checked="" type="checkbox"/> Yes	1 756
3. administrative cases	<input checked="" type="checkbox"/> Yes	25
4. employment dismissals cases	<input checked="" type="checkbox"/> Yes	284
5. criminal cases	<input checked="" type="checkbox"/> Yes	2 280

Comment :

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

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

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

G.1 You can indicate below:

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

Please indicate the source for answering question 166:

Department of International Cooperation and Human Rights

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

1066

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:

comments Q 170: mail CN 9/1/14: MoJ is making constant efforts to increase the number of enforcement agent since this was diagnosed as one of the weaknesses if the Polish law system. The increase is a result if this efforts.

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:

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 how the enforcement procedure is conducted by the enforcement agent?

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 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 length of 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 initiated disciplinary proceedings (1+2+3+4)	NA
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 initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA
2. Suspension	NA
3. Dismissal	NA
4. Fine	NA
5. Other	NA

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 have been implemented over the last two years**

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

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

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%
 cannot be estimated

Please indicate the source for answering this question:
 Ministry of Justice, Statistical Division

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. Statute

9. 1. 1. Functioning

192) Do you have notaries in your country? If no please skip 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)? | <input type="checkbox"/> number | |
| private professionals under the authority (control) of public authorities? | <input type="checkbox"/> number | |
| public agents? | <input type="checkbox"/> number | |
| other? | <input checked="" type="checkbox"/> number | 2 348 |

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.

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring 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**

Please indicate the sources for answering question 193:

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

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:

NA

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:

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 specify in the "comments" 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 :

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. Foreseen 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 at this stage. 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)

3.1 Access to justice and legal aid

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

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

There is a forthcoming reform in the area of criminal law and Prosecution Service which implements the contradictory elements to the criminal procedure.

In the area of civil law the new insolvency law is being prepared. It is based on second-chance principle in insolvency procedures.

There are also many IT projects aimed at proving online services for trial parties and citizens (e.x electronic protocol, land register features, online payments, courts internet central gate)

There is also a pending discussion about the court structure aimed at solving the problem of unequal workload distribution between courts.