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Communication from Poland concerning the group of cases BELLER v. Poland (Application No. 51837/99)

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Réunion : 1514e réunion (décembre 2024) (DH)

Référence du point : Plan d'action mis à jour (15/10/2024)

Communication de la Pologne concernant le groupe d'affaires BELLER c. Pologne (requête n° 51837/99)
(anglais uniquement)

UPDATED ACTION PLAN[1]

Information on the measures aiming to comply with the judgments in the *Beller* group of cases concerning excessive length of proceedings related to civil rights and obligations before administrative authorities and courts

I. Cases description

This group of cases concern excessive length of proceedings concerning civil rights and obligations before administrative authorities and courts (violation of Article 6 § 1 of the Convention).

II. Introduction

At the outset, it should be clarified that in the judgments given in this group of cases the European Court treated the administrative proceedings as a whole, whereas in fact they are composed of two phases: proceedings before administrative bodies and proceedings before administrative courts. Both phases could be interlinked, as decisions of the administrative bodies can be appealed against before the administrative courts.

It should be underlined here that the main reason for the excessive length of administrative proceedings in this group of cases was the fact that decisions of administrative bodies were quashed by administrative courts and/or the Supreme Administrative Court, and subsequently cases were remitted to the administrative bodies for a fresh examination, sometimes several times within the framework of the same proceedings. This phenomenon was related, among others, to the fact that at the relevant time, administrative courts were not allowed to give judgments on substance while examining the challenged proceedings and had no legal instruments to effectively require from the administrative organs compliance with their judgments given in particular cases.

1. Proceedings before administrative bodies

As for the proceedings before administrative bodies, it is generally governed by the Code of Administrative Proceedings (*Kodeks postępowania administracyjnego*, hereinafter referred to as CAP). Proceedings are dispersed and can be conducted by central and local administrative authorities, including self-governing bodies. Not all of the administrative proceedings concern civil rights and obligations, falling under Article 6 of the Convention.

Administrative bodies have a legal obligation to act in a prompt manner, using the most straightforward measures leading to closing the case (Article 12 § 1 of the CAP). Article 35 of the CAP further provides that the public administration should take action without undue delay. This means that the case should be closed in a shortest possible period of time, no longer than 1 month when considering cases which require explanatory proceedings, or no longer than 2 months when considering more complicated cases. In a situation in which the above-specified time-limits cannot be kept, the administrative body is obliged to inform the parties about the above and provide reasons for the delay and indicate a new deadline to close the case (Article 36 of the CAP).

If a case is not handled within the abovementioned time-frame, the inactivity of a particular administrative body or the excessive length of the proceedings can be complained against to a higher level authority or to an administrative court (the information about available remedies are described below in "General measures").

2. Proceedings before administrative courts

In general, final decisions given by administrative authorities are subjected to appeals to administrative courts.

[1] Information presented by the Polish authorities on 15 October 2024.

The organisation and functioning of administrative courts, as well as the scope of their competences are regulated by the Act on the regime of the administrative courts (*Prawo o ustroju sądów administracyjnych*) and the Act on the procedure before administrative courts (*Prawo o postępowaniu przed sądami administracyjnymi*) from 2002, which entered into force on 1 January 2004. The above acts introduced a two-instance system of administrative judiciary, consisting of 16 regional administrative courts, acting as first-instance courts, and of the Supreme Administrative Court, which exercises control over the activity of the regional administrative courts by hearing cassation and other types of appeals filed against their rulings.

III. Measures implemented by the authorities

1. Individual measures

Information on the state of the domestic proceedings in the individual cases belonging to the *Beller* group of cases (in total 15 cases) is provided in the attachment.

2. General measures

In order to tackle the problem of excessive length of the administrative proceedings, Polish Government has undertaken numerous activities, which were presented in detail in previously submitted action plans: DH-DD(2011)1073, DH-DD(2014)102, DH-DD(2015)493, DH-DD(2016)1160, DH-DD(2018)1045 and, most recently, DH-DD(2020)495. Information provided therein will not be reproduced below.

Therefore, detailed information on certain general measures, such as the 2015 amendment of the Act on the procedure before administrative courts, which introduced important measures aiming at speeding up the proceedings, in particular by broadening the administrative courts' competence to issue judgments on merits (Articles 145a and 149 of the afore-mentioned Act) and the competence of the Supreme Administrative Court to issue rulings on merits (Article 188), can be found in the action plan of 20 October 2016 (DH-DD(2016)1160). The subsequent action plans of 23 October 2018 (DH-DD(2018)1045) and 8 June 2020 (DH-DD(2020)495) contain information on the functioning in practice of the above-indicated changes.

Detailed information on the major amendments of the Code of Administrative Proceedings, including on the most relevant and comprehensive amendment of 7 April 2017, which reshaped several elements of the administrative proceedings, introduced general principles of the administrative proceedings and several new institutions and measures (*eg.* a new remedy called "request for acceleration" - *ponaglenie*) and introduced legal definitions of inactivity (*bezczynność*) and excessive length (*przewlekłość*) of the administrative proceedings, can be found in the action plan of 23 October 2018 (DH-DD(2018)1045). In turn, the initial assessment of the functioning of the 2017 legislative amendments aimed at simplifying and accelerating proceedings before administrative bodies, was presented in detail in the action plan of 8 June 2020 (DH-DD(2020)495).

The current action plan provides updated statistical data and information and presents further functioning of the above-indicated major legislative amendments, including the assessment *ex post* of the 2017 reform of the administrative proceedings.

2.1. Administrative proceedings

2.1.1. *Ex Post* Assessment of the legislative amendments of 2017 aimed at simplifying and accelerating the proceedings before administrative bodies

The Government undertook activities aimed at assessing the functioning of the solutions introduced by the 2017 amendment to the CAP. To this end, *the Ex Post Regulatory Impact Assessment of the Act of 7 April 2017 amending the Code of Administrative Procedure and certain other acts* ("the *Ex Post* Assessment") was prepared in 2022 on the basis of a thorough analysis of the information collected through a special survey send out to various administrative organs (49 local self-government appeal boards (*samorządowe kolegium*

odwoławcze), 16 voivodship offices (*urząd wojewódzki*), 16 regional construction supervision inspectorates (*wojewódzki inspektorat nadzoru budowlanego*), 4 central organs and all the ministries), and on the basis of the annual reports of the Supreme Administrative Court.

The *Ex Post* Assessment in question was adopted by the Council of Ministers on 13 September 2022, after extensive public consultations. Documentation concerning the work on this project can be accessed at the Government Legislative Process website at: https://legislacja.gov.pl/projekt/12362152.

The *Ex Post* Assessment has shown that the changes introduced by the 2017 amendments to the Code of Administrative Procedure and other acts generally contributed to streamlining the handling of cases before the administrative bodies.

(i) In the practice of applying the new regulations, the **obligation of the administrative body to send information about failure to meet all the necessary conditions for issuing a decision in accordance with the party's request** has proven to be a very practical solution. This institution increases the likelihood that the case will be resolved at the level of the first instance. The introduction of the provision of Article 79a of the CAP, despite - at the first sight - prolonging the proceedings due to the need to produce additional document in the case, overall contributed to streamlining the length of administrative proceedings, since all easily removable shortcomings could be dealt with at the stage of first-instance, limiting the need for initiating the appeal proceedings.

(ii) The 2017 amendments of the CAP aimed also at **limiting the number of remittals for reconsideration by the organ of first-instance** (cassation decisions (*decyzje kasatoryjne*)) – the solutions in this respect are generally assessed positively, according to the *Ex Post* Assessment. Over the period covered by the above-mentioned survey, i.e. from 2017 to 2020, although there is no significant decrease in the number of cassation decisions issued, however, the average percentage of cassation decisions in relation to the total number of decisions issued points to a slight downward trend. For example, in 2016, i.e. before the CAP amendment was introduced, there was 24.9 % of such decisions issued, whereas in 2020 - 23.2 %.

(iii) Furthermore, also the provisions on the possibility of **waiving an appeal** and the possibility of submitting a complaint to the administrative court without prior request for reconsideration of the case, have proven to be effective in faster and more efficient handling of administrative cases.

The **optional request for reconsideration of the case** (in respect of decisions issued by ministers or local self-government appeal boards) contributed to the streamlining and accelerating of the administrative proceedings since the parties largely opt for filing an appeal against the decision of the first-instance administrative body straight to the administrative court. That allows the parties to the proceedings to obtain the verification of the administrative decisions by the administrative courts more quickly.

Moreover, due to the fact that at the moment of resigning from requesting the reconsideration of the case or submitting a declaration of waiving the right to appeal, the decision of the first-instance body becomes final and legally binding, the party to the proceedings may obtain, for example, faster payment of receivables on the basis of such a final decision.

(iv) In the area of inaction of the administrative authorities, it should be noted that the new institution of **request for acceleration** (*ponaglenie*) has gained a wide approval and parties to the proceedings are increasingly using the new means of appealing against both, the inactivity of administrative bodies, and the excessive length of proceedings before administrative bodies. This seems to prove that this tool is easily and readily accessible to the parties, which was the purpose of the amendment in this respect.

The popularity of the request for acceleration translated, on the other hand, into the increase of the instances where the inactivity of administrative bodies or excessive length of administrative proceedings were established. However, the dissemination of knowledge about new regulations has a positive impact on the increase of the awareness of both, the parties and the administrative bodies, and thus contributes to a better functioning of public administration. It is expected that in the longer run the number of cases of identified inactivity of administrative organs and excessive length of administrative proceedings will decrease as the case law and practice of administrative authorities is developed.

(v) The *Ex Post* Assessment has also shown that the provisions on the **silent settlement of a case and the simplified procedure** are considered useful. These institutions are however of a framework nature and their application in a specific case need to be provided for by a substantive legal provision in a separate act. In this respect the *Ex Post* Assessment notes that these institutions are transferred into the substantive law in an insufficient degree, which results in the fact that only in limited categories of cases the proceedings can be conducted in a simplified manner or the provisions on silent settlement of a case can be applied.

The Supreme Administrative Court indicates that since 2017 there has been a significant increase in the number of cases examined within the framework of simplified procedure. This number has significantly increased during the COVID-19 epidemic. According to the data provided by the Supreme Administrative Court, in 2020, the regional administrative courts examined 17,244 cases by a means of simplified proceedings, of which 7,953 were allowed. In 2021, there was an increase in the number of cases settled within simplified procedure by over 44% compared to 2020, and the complaints allowed increased by almost 65%.

It should be underlined that in the opinion of the authorities that took part in the above-mentioned survey, the silent settlement of a case positively contributed to the satisfaction of the parties to the administrative proceedings. It was therefore indicated that it would be reasonable to apply this solution to a larger number of cases, so that it could have a real impact on further acceleration of the administrative proceedings. Therefore, the *Ex Post* Assessment contains a recommendation in this respect, to extend the scope of application of the simplified and silent procedures – to a relatively simple proceedings in the first place, in which there is usually only one party to the proceedings, the evidentiary proceedings are not complicated and decisions are often issued on the basis of documents submitted by the party to the motion or on the basis of information from public registers.

(vi) As regards the **review of the two-instance system of the administrative proceedings**, it was established that the introduction of a single-instance proceedings in selected administrative proceedings may shorten the time a party has to wait for a final decision in the administrative proceedings, and will also save the time and costs of administrative authorities. On the other hand, the broad application of a single-instance proceedings may limit the parties' right to defend their interests within the administrative proceedings. Taking the above into account, the *Ex Post* Assessment recommends to carefully introduce single-instance proceedings in certain types of proceedings, after a thorough analysis (detailed information in this regard could be found in in the action plan of 8 June 2020 and the further considerations on this issue are outlined in section 2.1.2 below).

(vii) The *Ex Post* Assessment shows, in respect of the institution of **mediation**, introduced by the 2017 amendment to the CAP, that is has not gained sufficient importance, probably due to the problems with sufficiently grasping the different character of the administrative mediation, as opposed to the one used, for example, within the civil law. The biggest difference from the traditional understanding of the concept of "mediation" is that settling a case does not, as a rule, consist in making mutual concessions, but in finding a legally permissible solution that is mutually agreeable to both, the administrative authority and the parties to the proceedings.

The institution of administrative mediation is used relatively rarely and its application varies considerably between administrative organs. Also in the context of the proceedings before the administrative courts the institution of mediation has not found wider application. As indicated in the annual report of the Supreme Administrative Court for 2021, in the period 2017-2020 mediation proceedings were initiated in 19 cases, and only 5 of them were resolved in this mode.

Although there is a general increase in the amount of information about the possibility of using the administrative mediation, it seems that the parties to the proceedings believe that there is a real dispute between them and the first-instance administrative bodies, which could only be resolved by an authoritative decision of a higher-instance body. This belief causes, among other things, the parties' lack of interest in the alternative methods of resolving administrative matters.

It is therefore recommended to undertake information and awareness-rising activities aimed at standardizing the practice of the use of mediation, as well as to develop a catalogue of cases

whose nature allows for resolving the matter *via* administrative mediation, or to oblige the authorities in such cases to send invitations to administrative mediation to the parties.

As an outcome, the authorities should see mediation not only as a way to deepen citizens' trust in public administration, but also as a way to resolve the matter faster and more cost-effectively.

(viii) Introduction of the general principles. The *Ex Post* Assessment points out that the new general principles of administrative proceedings were very well received and are often used in practice. These include: the principle of resolving legal and factual doubts in favor of the party (Article 7a of the CAP), the principle of proportionality (Article 7b of the CAP), the principle of legal certainty (Article 8 § 2 of the CAP), the principle of impartiality and equal treatment (Article 8 § 1 of the CAP). These principles are also eagerly applied by the administrative courts. Detailed information of their application in the case-law of the administrative bodies and the administrative courts is presented in the attachment no. 2 of the action plan of 8 June 2020.

2.1.2. Further legislative work based on the assessment *ex post* of the legislative amendments of 2017

Following the above-mentioned *Ex Post* Regulatory Impact Assessment of the Act of 7 April 2017 amending the Code of Administrative Procedure and certain other acts, and in connection with its results, the Government, under the lead of the Ministry of Economic Development and Technology, undertook further work on legislative changes. In this regard, a draft *Act amending certain acts in order to deregulate economic and administrative law and improve the principles of developing economic law* has been prepared (draft law no. UA8). The aim of the solutions proposed therein is to reduce the number of unnecessary and excessive regulatory requirements, which in result should contribute to the acceleration of the administrative proceedings and improve effectiveness of administrative procedures.

In this respect, the draft provides for:

- Introduction of the possibility for the authorities to issue so-called hybrid decisions.

  In the event that an administrative decision issued in paper form is to contain considerable number of attachments, then, with the consent of the party, the latter could be provided on a durable medium of information.

- Resignation from the principle of the two-instance proceedings in favour of a single-instance proceedings in several additional administrative proceedings, conducted pursuant to the provisions of, among others:

  - Article 82 of the Act on Pensions and Annuities from the Social Insurance Fund,
  - Article 31, Article 33, Article 38, Article 58, Article 109, Article 110 and Article 117 of the Act on Vehicle Drivers,
  - Article 186b, Article 186c, Article 186d, Article 186e of the Aviation Law,
  - Article 9a of the Act on the Production of Spirits,
  - Article 7c of the Act on the Production of Ethyl Alcohol and the Manufacturing of Tobacco Products,
  - Article 16o of the Act on the Professions of Physician and Dentist,
  - Article 2 of the Act on making entries in land and mortgage registers for the benefit of the State Treasury based on international agreements on the settlement of financial claims.

  It should be recalled in this respect that reviewing the necessity of maintaining a two-instance system of administrative proceedings was part of the 2017 reform of the CAP and aimed at acceleration, simplification and deformalization of proceedings where the one-instance proceedings were warranted as sufficient.

- Introduction to the Act on the procedure before administrative courts of a regulation allowing for submission of a complaint to the Regional Administrative Court without prior filing of a motion for reconsideration of the case also in respect of the decisions (*postanowienia*).

- Introduction of a provision specifying the deadline after which the proceedings suspended *ex officio* based on the grounds listed in Article 97 § 1 of the CAP could be discontinued,

in a situation where the obstacles to continuing the proceedings are not removed within this deadline and all parties are not interested in conducting the proceedings.

- Introduction of an instrument aimed at emphasizing the firm obligation of the first-instance body to comply with the content of the decision of the appeal body.
- Extension from 7 to 14 days of the deadline for issuing a decision in the self-control mode by the administrative body of first-instance after an appeal brought by a party to the proceedings (the wording of the provision provides that the first-instance body should transfer the case files immediately, but no later than within 14 days).

  The currently provided 7 days for self-control of an appealed decision by the administrative body of first-instance is too short to analyze the case on appeal in this mode. This can cause a situation where the first-instance administrative body, for a fear of exceeding the 7 day deadline, would chose to transmit the case to the body of second-instance without a detailed review of the appeal in the self-control mode. The intention of the proposed change is therefore to shorten the overall length of administrative proceedings by extending the time for a self-control review by the administrative body of first-instance in order to enhance its chances to review its decision upon party's appeal and conclude the proceedings at the level of first instance.
- Unification of some solutions regarding the service of official documents between CAP and the Tax Ordinance (fiction of service to legal persons and organizational units without legal personality).
- Introducing the possibility of writing off receivables from administrative penalties and overdue administrative penalties *ex officio*.

  The proposed solution will enable the elimination of administrative fines, including those in relation to which there is a reasonable assumption that administrative enforcement will be ineffective due to the lack of assets or a source of income of the debtor.
- Implementation on a wider scale of the so-called soft summonses (modelled on Article 49a of the Act on Competition and Consumer Protection).
- Taking further steps to deregulate the use of stamps/seals by clarifying the Entrepreneurs' Law.

  The change provides for adding a provision indicating that the lack of a stamp does not constitute a formal deficiency of a document or a motion, nor is it a reason to state that they are incomplete. At the same time, an exception to this rule is proposed if separate provisions require the use of a stamp. This means that an administrative body cannot require and demand that an entrepreneur use a stamp, unless there is a specific provision of generally applicable law that introduces such a requirement in a specific case.

The above mentioned draft law was subjected to extensive consultations, both within the Government and with representatives of the society, including entrepreneurs. Consequently, on 20 September 2024 it was referred to the Standing Committee of the Council of Ministers for consideration, however it was later returned for additional inter-ministerial consultations in order to address the outstanding issues presented in the protocol of divergences attached to the draft.

The entirety of documentation regarding the legislative process on the draft in question, including detailed reasons for the proposed changes and all the comments introduced during the process, is publically available on the Government's Legislative Process website at: https://legislacja.gov.pl/projekt/12383815.

2.1.3. Analysis of the functioning and statistical data concerning the complaints against inactivity and excessive length of proceedings before administrative bodies, filled before administrative courts.

It should be noted that the excessive length of the proceedings before administrative bodies can be examined by the administrative organs of a higher instance on the basis of the Code of Administrative Proceedings (Articles 35-37 in connection with Article 12) and by the administrative courts on the basis of the Act on the procedure before administrative courts (Articles 149 and 154). The analysis and statistical data presented below pertains only to the review of the lengthiness of administrative proceedings performed by the administrative courts, as due to the dispersed character of the proceedings

before administrative bodies no aggregated statistics is gathered covering all types of the proceedings.

As regards the functioning in practice of Article 149 (concerning the complaint against the inactivity of administrative bodies or excessive length of proceedings before administrative bodies) and Article 154 (concerning the complaint on the non-execution of a judgment allowing complaint against the inactivity or the excessive length) of the Act on the procedure before administrative courts, it should be noted that these measures aim at tackling the problem of lengthy proceedings before administrative bodies and providing for a possibility of monetary compensation. The provisions at hand give the administrative courts the competence to:

- fine the administrative organ or award from the organ to a party to the proceedings a sum of money as compensation - *ex officio* or upon request of a party to the administrative proceedings (on the basis of Article 149 § 2 of the Act),
- fine the administrative organ who did not implement the judgment allowing the complaint on the basis of Article 149 of the Act or award from the organ to a party to the proceedings a sum of money as compensation - upon request of a party to the administrative proceedings (on the basis of Article 154 § 6 and 7 of the Act).

The amount of sums of money that can be imposed is defined as up to ten times the average salary (for a fine) or up to half of the above-stipulated sum (for a sum of money awarded to a party).

- **Complaints against the inactivity of administrative bodies or excessive length of proceedings before administrative bodies (Article 149 of the Act on the procedure before administrative courts)**

In the years 2020-2024 (January through June) there were 52,153 complaints against the inactivity of administrative bodies or excessive length of proceedings before administrative bodies filed before the regional administrative courts.

Table 1. Complaints against inactivity and excessive length of proceedings before administrative bodies, submitted to administrative courts

	2024 (I-VI)	2023	2022	2021	2020
Complaints against inactivity	detailed data not available	6,311	9,956	12,880	7,666
Complaints against the excessive length	detailed data not available	1,686	2,211	4,547	2,396
Total	**4.500**	**7,997**	**12,167**	**17,427**	**10,062**

Table 2. The manner in which complaints against inactivity and excessive length of proceedings before administrative bodies were examined by administrative courts

Year	Complaints examined								
	Total	Complaints allowed		Complaints dismissed		Complaints rejected		Conmplaints concluded in another manner	
		No.	% of complaints examined	No.	% of complaints examined	No.	% of complaints examined	No.	% of complaints examined
2020	8,759	3,847	43.92%	1,171	13.37%	2,787	31.82%	954	10.89%
2021	15,354	6,626	43.15%	1,219	7.94%	4,190	27.29%	3,319	21.62%
2022	14,613	6,230	42.63%	1,176	8.05%	5,633	38.55%	1,574	10.77%

2023	8,550	3,350	39.18%	1,341	15.68%	3,244	37.94%	615	7.19%
2024 (I-VI)	4,391	1,671	38.06%	937	21.34%	1,635	37.24%	148	3.37%

Table 3. Requests for award of sum of money for inactivity of administrative bodies or excessive length of the proceedings before administrative bodies

	2024 (I-VI)	2023	2022	2021	2020
Number of requests	3,285	4,299	6,253	11,884	6,986
Requests allowed	458	1,182	3,689	3,749	1,579
Sum of money awarded to a party to the proceedings (in PLN)	760,343	1,708,180	5,580,700	5,369,450	2,255,562

- **Complaint on the non-execution of a judgment allowing complaint against inactivity or excessive length (Article 154 of the Act on the procedure before administrative courts)**

Table 4. Complaints on non-execution of a judgment allowing complaint against inactivity and excessive length of proceedings before administrative bodies, submitted to administrative courts

	2024 (I-VI)	2023	2022	2021	2020
Number of complaints	111	261	407	449	367

Table 5. Awards of a fine for non-execution of the judgment allowing complaint against inactivity and excessive length of proceedings before administrative bodies

	2024 (I-VI)	2023	2022	2021	2020
Number of requests for a fine	111	261	407	449	367
Fines issued	44	175	218	233	177
Percentage of allowed requests	39.64%	67.05%	53.56%	51.89%	48.23%

Table 6. Awards of a sum of money for non-execution of the judgment allowing complaint against inactivity and excessive length of proceedings before administrative bodies

	2024 (I-VI)	2023	2022	2021	2020
Number of requests	80	145	271	283	282
Requests allowed	19	83	127	120	83
Sum of money awarded to a party to the proceedings (in PLN)	88,600	526,700	617,300	707,500	415,980

2.2. Proceedings before administrative courts

2.2.1. Functioning of the amendments introduced to the Act on the procedure before administrative courts in 2015

New solutions introduced in 2015 to the Act on the procedure before administrative courts have proved to have considerable influence on tackling the problem of excessive length of the proceedings before administrative courts. The detailed information on the functioning of the concrete measures aimed at enhancing the effectiveness and accelerating the proceedings before administrative courts, together with the statistical data, can be found in the action plan of 8 June 2020 (DH-DD(2020)495).

2.2.2. Complaints against excessive length of proceedings before administrative courts and the Supreme Administrative Court

With regard to the proceedings before the regional administrative courts (RAC) and the Supreme Administrative Court (SAC), a party to the proceedings before these courts can question the excessive length of such proceedings on the basis of the Act of 17 June 2004 concerning complaint on infringement of a party's right to have a case examined in preparatory proceedings conducted or overseen by a public prosecutor and in court proceedings without undue delay ("the 2004 Act"). The general functioning of this remedy is examined in the framework of the *Bąk*, *Majewski* and *Rutkowski* group of cases. Below, the statistical data pertaining to the length of proceedings complaint in the context of judicial administrative proceedings before the administrative courts, is presented.

Table 7. Complaints against excessive length of proceedings before administrative courts and the Supreme Administrative Court in years 2020-2024 (January through June)

Year	Type of the court	Left over from the previous period	Complaints filed	Complaints examined					Left over for the next period
				total number from columns no. 6, 8 and 9	Complaints allowed		Complaints dismissed	concluded in another manner	
					in total	sum of money awarded (in PLN)			
1	2	3	4	5	6	7	8	9	10
2020	SAC	16	**35**	37	0	0	12	25	14
	RAC	18	**142**	133	2	2,250	62	69	27
2021	SAC	14	**57**	68	0	0	28	40	3
	RAC	27	**92**	104	0	0	39	65	15
2022	SAC	3	**50**	46	0	0	38	8	7
	RAC	15	**154**	153	2	4,000	55	96	16
2023	SAC	7	**39**	43	0	0	18	25	3
	RAC	16	**87**	89	4	9,000	24	61	14
2024 (I-VI)	SAC	3	**33**	26	0	0	13	13	10
	RAC	14	**70**	72	1	3,000	12	59	12

SAC – the Supreme Administrative Court
RAC – regional administrative courts

- **Calculation of the overall length of proceedings**

With regard to point 5 of the decision of the Committee of Ministers of 3 September 2020 in the *Beller v. Poland* group of cases, in which, in the light of information that existing remedies do not provide for the possibility to take into account the length of the proceedings before administrative bodies for the assessment of the overall length of the administrative proceedings, Polish authorities were invited to reflect on how to align the domestic practice with the requirements of the European Court's case-law on this subject, the Government wish to reiterate that the model for assessing the length of administrative proceedings and judicial administrative proceedings in Poland is based on separate regulations – in case of administrative proceedings on the basis of Article 149 of the Act on the procedure before administrative courts, and in case of judicial administrative proceedings, on the basis of the 20024 Act.

It is linked to the fact that the administrative proceedings before administrative bodies and judicial administrative proceedings before the administrative courts are *per se* separate set of proceedings. Administrative bodies are examining individual cases within their area of competence, whereas administrative courts are exercising the control over the activities of the public administration.

In the current legal system the administrative courts do not have at their disposal means allowing them to assess the administrative and judicial administrative proceedings as a whole, *i.e.* from the moment of lodging a case before administrative organ until the final judgment of administrative court. However, it should be underlined that the Supreme Administrative Court examines the length of administrative court proceedings in accordance with the standards set out in the European Convention on Human Rights, which are referred to in Article 1 par. 3 of the 20024 Act.

2.2.3. Budget and employment in administrative courts

Table 8. Data on staff employed at administrative courts

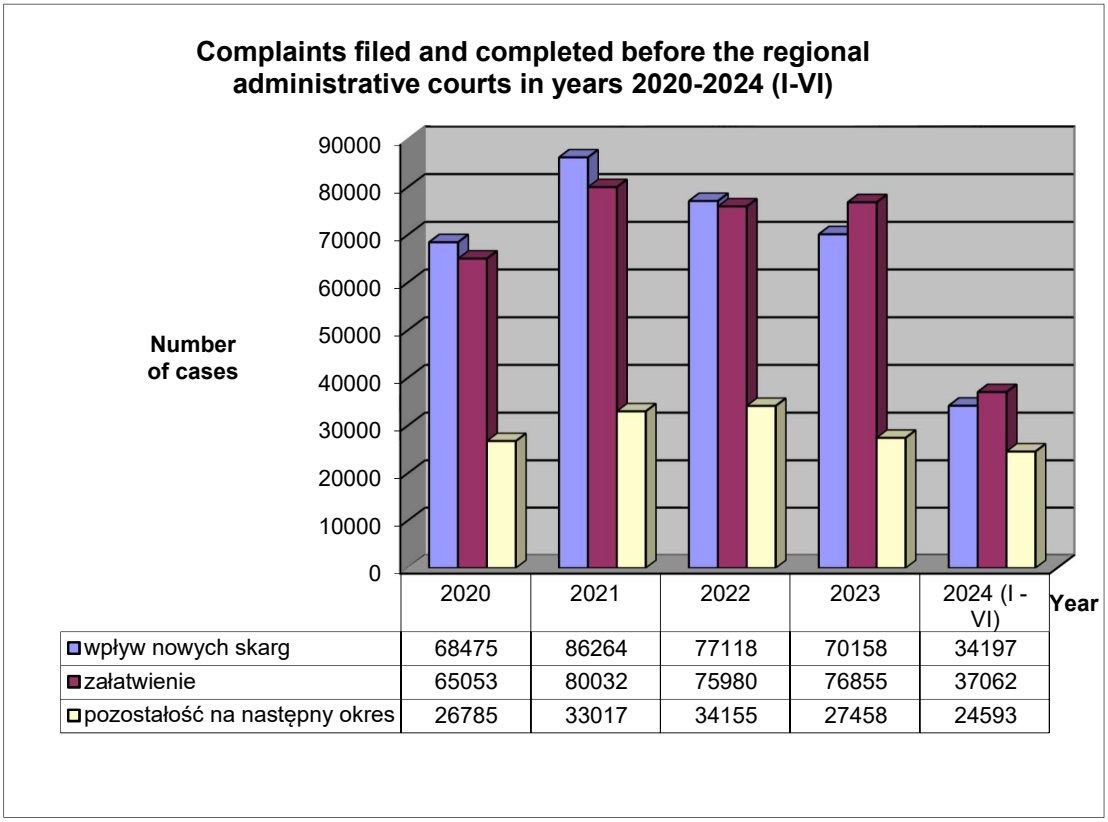
	Judges		Trainee judges (*asesorzy*)	Courts' referendaries (*referendarze sądowi*)	Non-judicial staff
	Supreme Administrative Court	Regional administrative courts			
2020 (as of 31 December)	100	430	31	75	1,685
2021 (as of 31 December)	102	431	43	76	1,678
2022 (as of 31 December)	107	424	67	77	1,714
2023 (as of 31 December)	108	422	95	75	1,714
2024 (judicial staff: as of 1 October 2024; non-judicial staff: as of 7 October 2024)	110	401	90	75	1,733

Table 9. Budget of administrative courts

Year	2024	2023	2022	2021	2020
Budget (in thousands PLN)	876,120	708,781	633,529	598,102	565,783

2.2.4. Statistical data on the workload of administrative courts

- **Complaints filed and completed before the regional administrative courts in years 2020-2024 (January through June)**



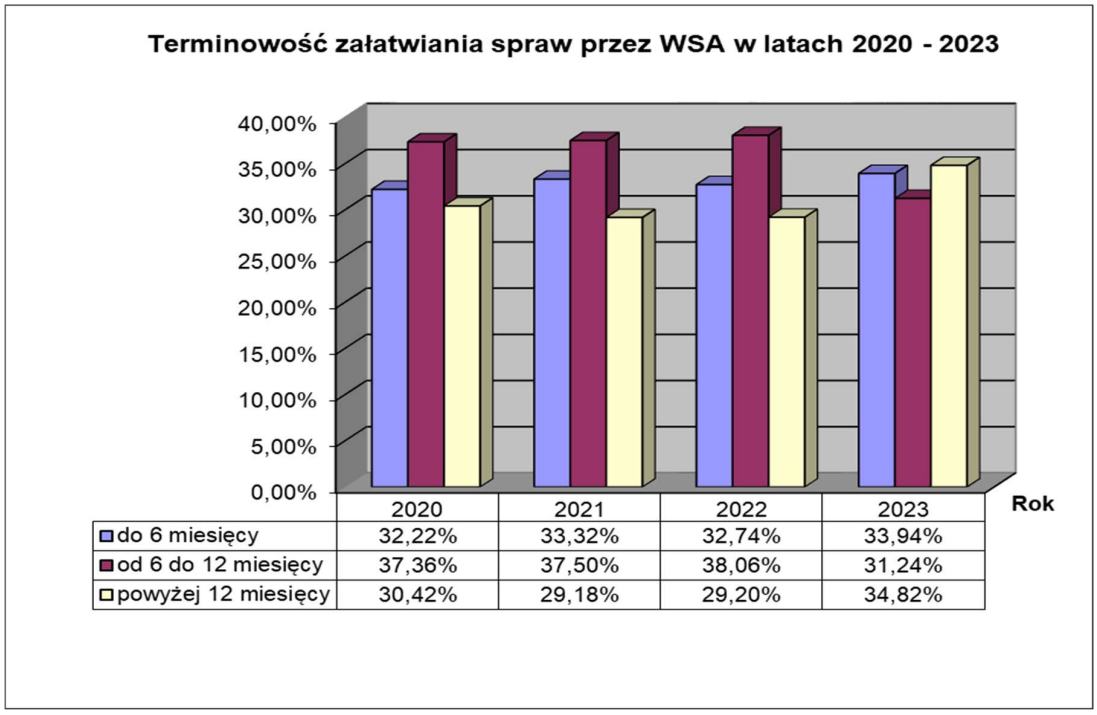
	2020	2021	2022	2023	2024 (I - VI)
wpływ nowych skarg	68475	86264	77118	70158	34197
załatwienie	65053	80032	75980	76855	37062
pozostałość na następny okres	26785	33017	34155	27458	24593

[*Blue:* new cases; *Purple*: cases concluded; *Yellow:* left over for the next period]

The data presented above indicates maintaining a good ratio between new and completed cases. Since 2023 the trend of concluding more cases than those newly filed remains stable.

- **Promptness of examination of cases by the regional administrative courts in years 2020-2023**

[*In Polish below:* **Promptness of examination of cases by the regional administrative courts in years 2020-2023**]

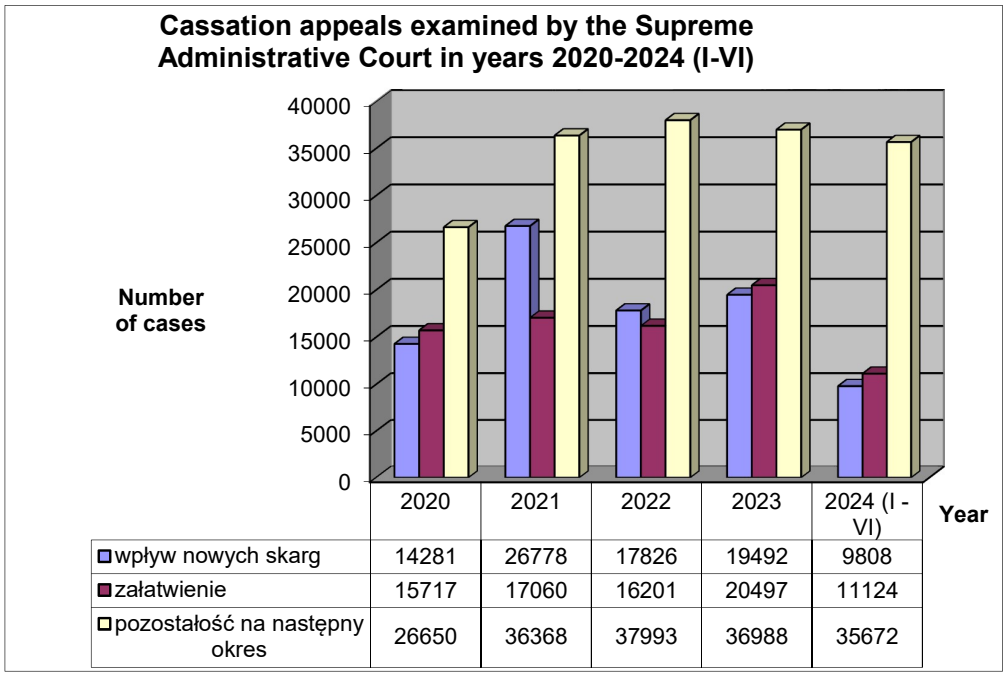


	2020	2021	2022	2023
do 6 miesięcy	32,22%	33,32%	32,74%	33,94%
od 6 do 12 miesięcy	37,36%	37,50%	38,06%	31,24%
powyżej 12 miesięcy	30,42%	29,18%	29,20%	34,82%

[*Blue:* under 6 months; *Purple:* between 6 and 12 months; *Yellow:* over 12 months]

The data presented in the chart above shows that the majority of cases are disposed of by the regional administrative courts within one year (69.58 % in 2020, 70.82 % in 2021, 70.80 % in 2022 and 65.18 % in 2023), which indicates that the workload before the regional administrative courts is managed efficiently.

- **Cassation appeals filed and completed before the Supreme Administrative Court in years 2020-2024 (January through June)**

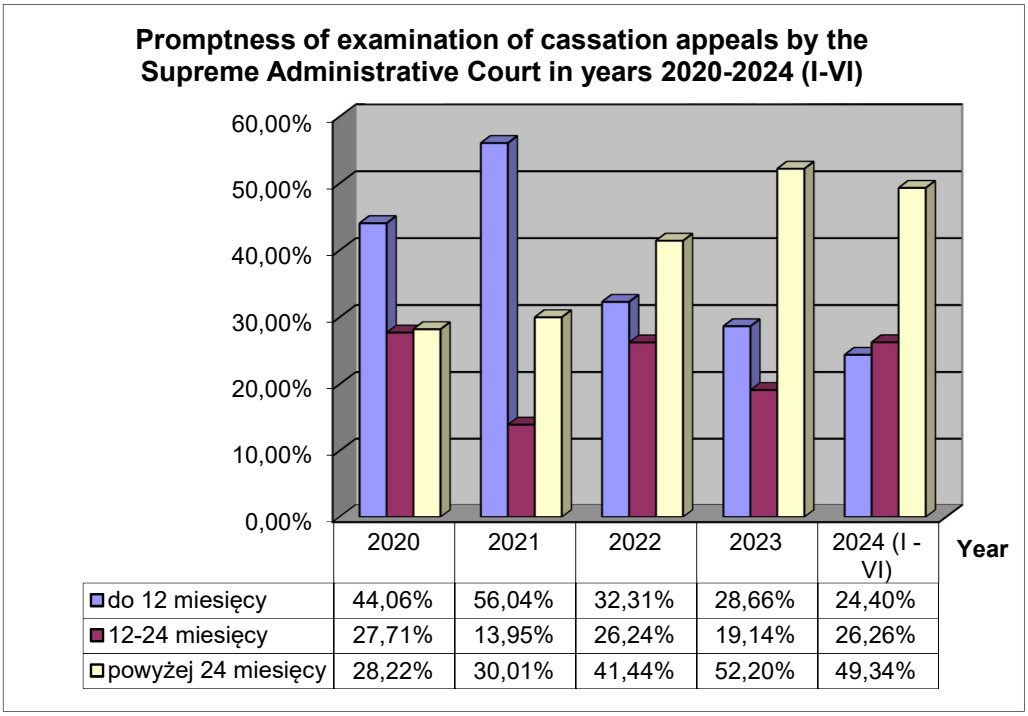


	2020	2021	2022	2023	2024 (I - VI)
wpływ nowych skarg	14281	26778	17826	19492	9808
załatwienie	15717	17060	16201	20497	11124
pozostałość na następny okres	26650	36368	37993	36988	35672

[*Blue:* new cases; *Purple:* cases concluded; *Yellow:* left over for the next period]

The data presented for 2020-2024 show continued good (except for 2021) ratio of the new cassation complaints filed in relation to cases concluded in a given year. Since 2023 the trend of concluding more cases than those newly filed remains stable.

- **Promptness of examination of cases by the Supreme Administrative Court in years 2020-2024 (January through June)**



	2020	2021	2022	2023	2024 (I - VI)
do 12 miesięcy	44,06%	56,04%	32,31%	28,66%	24,40%
12-24 miesięcy	27,71%	13,95%	26,24%	19,14%	26,26%
powyżej 24 miesięcy	28,22%	30,01%	41,44%	52,20%	49,34%

[*Blue:* under 12 months; *Purple:* between 12 and 24 months; *Yellow:* over 24 months]

The data presented above indicates that in the examined period from 2020 to 2024 the rate of handling cassation complaints by the Supreme Administrative Court fluctuated as regards the conclusion of cases within 12 months, as well as extending beyond 24 months, with a relatively constant indicator for disposal of cases between 12 and 24 months. From 2022 onward, a slight decline in the cases concluded within 12 months can be seen. However, the data shows that on average, cassation complaints in half of the cases are settled within 24 months.

The above can be explained, in particular, by the complexity of the cases examined by the Supreme Administrative Court on the basis of cassation complaints, and other factors affecting the length of proceedings for various reasons, such as the use by the parties to the proceedings of the procedural tools available to them, as well as lingering results of the COVID-19 pandemic.

2.2.5. Trainings and awareness-rising activities

Upon the initiative of the President of the Supreme Administrative Court, the administrative courts are systematically organizing trainings, seminars and conferences for judicial staff, with the aim of facilitating timely and professional processing of cases by administrative courts.

As a means of example, a conference of judges of the Supreme Administrative Court, held on 19-20 June 2023, should be mentioned. During the event the limits of the administrative courts' jurisdiction were discussed, taking into account both the need to ensure individuals' right to access the court and have one's case examined within a reasonable time, as well as the question of length of judicial proceedings. The latter

topic is, in addition, regularly addressed at the meetings of each of the SAC's three chambers (financial, economic and general administrative). Judges of the Supreme Administrative Court regularly participate in conferences and seminars addressed to the judges of regional administrative courts, where the issue of procedural mechanisms aimed at increasing the efficiency of the court proceedings constitutes one of the basic components of each seminar.

Length and efficiency of the court proceedings is the subject of constant analyses conducted within each regional administrative courts, as well as by the Supreme Administrative Court. It is also regularly addressed at the meetings between the President of the SAC and the presidents of regional administrative courts. What is more, the workload of individual courts and of the judges at each court constitutes the basis for managing human resources – assistants to judges, secretariat's staff and supporting staff – by the President of the SAC.

The subject of length of administrative and administrative court proceedings is addressed in the "Scientific Journal of Administrative Courts" (*Zeszyty Naukowe Sądownictwa Administracyjnego*), edited by the SAC, which is a forum for the exchange of views on current issues in administrative law and procedure. Some of the papers refer directly to the issue of length of judicial and administrative proceedings (e.g., W. Piątek, M. Szudrowicz, *(In)open hearing of a case - towards streamlining proceedings by an administrative court?*, ZNSA 2024, z. 3, pp. 67-84).

In 2017 the Supreme Administrative Court (European Law Division within the Court's Case-law Bureau) has prepared an information note on the "European standards on the right to a court", where the framework conditions for proceedings before administrative courts, including on the length of the proceedings, deriving from Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union, as well as the case-law of the European Court of Human Rights and the Court of Justice of the EU were presented. This publication was distributed among the judges of the Supreme Administrative Court and the regional administrative courts.

IV. Conclusions of the respondent state

The Polish Government believes that the above-mentioned actions indicate its determination and permanent efforts aiming to shorten and simplify the domestic proceedings. The Government commits itself to continue taking all the necessary actions in this respect, and will update the Committee of Ministers about possible new initiatives and results of the measures taken.