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CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 19 (2016):

“The role of court presidents”

Please in your answers do not send extracts of your legislation but describe the situation in brief and concise manner.

Comments on what is also happening in practice, and not only on point of law, will be much appreciated.

Introduction

The first three sections deal with presidents of first instance courts and presidents of courts of appeal. Please for each question, if and when applicable, make a distinction between the two positions.

The last section specifically deals with the president of the Supreme Court (e.g. Court of Cassation, Courts of last resort, but not with the Constitutional Courts or bodies with similar authority).

The Bureau and the Secretariat of the CCJE thank you very much for your cooperation and contributions.

1. Selection, removal, term of office, decision making process

1.1 How many presidents of first instance courts and how many presidents of the court of appeal there are in your country?

Currently, there are 376 presidents of common courts in Poland:

- 11 presidents of courts of appeal (which are courts only of second instance)
- 45 presidents of regional courts (which are both courts of first and second instance)

and

-321 presidents of district courts (which are courts only of first instance).

1.2 Who appoints (e.g. Judicial Council, Ministry of Justice, Higher court, Parliament, Agency etc.) the presidents of the courts? (Please remember, if applicable, to make a distinction between the presidents of the courts of first instance and of the courts of appeal. Is it possible that presidents of the courts are appointed from other legal professionals than those who are already judges?)

In Poland appointment of the presidents of the courts is - as a principle - an authority of the Minister of Justice. Only presidents of district courts are appointed by the president of the court of appeal.

A. Courts of appeal.

- a. The Minister of Justice appoints the president of the court of appeal from among appeal court judges, having consulted the general assembly of all appeal judges.
- b. The Minister of Justice presents the candidate for the president to the general assembly for an opinion. If the general assembly fails to express the opinion within two months from the date of presenting the candidate, the Minister of Justice may appoint the president of the court of appeal without such an opinion. If the general assembly issues a negative opinion about the candidate, the Minister of Justice may appoint such a candidate following a favourable opinion of the National Council for the Judiciary. A negative opinion of the National Council for the Judiciary is binding for the Minister of Justice. If the National Council for the Judiciary, within thirty days from the day the Minister of Justice announced its intention to appoint the president, despite the negative opinion of the general assembly, fails to issue an opinion, the opinion is deemed to be favourable.
- c. The Minister of Justice appoints also the vice-president of the court of appeal from among judges of the given court of appeal, at the request of the president of the court of appeal and after consulting the board (judicial body) of such a court.

B. Regional courts.

- a. The Minister of Justice appoints the president of the regional court from among regional court judges or appeal court judges, having consulted the general assembly of regional judges and the president of the superior court of appeal.
- b. see point A.b. above
- c. The Minister of Justice appoints the vice-president of the regional court from among judges of such a regional court, at the request of the president of the court, after consulting the board (judicial body) of such a court and the president of the superior court of appeal.

C. District courts.

a. The president of the court of appeal appoints the president of the district court from among district court judges or regional court judges, after seeking the opinion of the meeting of judges of a given district court and of the president of the superior regional court.

b. see point A.b. above

c. The president of the court of appeal appoints the vice-president of the district court from among judges of such a district court, at the request of the president of such a court, after consulting the board (judicial body) and the president of the superior regional court.

1.3 Do the presidents get a “confidence vote” (after or before their appointment) from the other judges of the court?

Please see answer to question 1.2.

The candidacy of the president of the court is consulted with general assembly of all judges of that court.

1.4 Please describe briefly the selection procedure for presidents of the courts.

Please see answer to question 1.2.

1.5 What kinds of qualifications (e.g. specific training, previous specific judicial position, seniority, managerial experience etc.) are required to become president? (Please explain, for example, if training is mandatory or on a voluntary basis, is there training at all, and how much it affects the choice of the president).

The president of the court has to be a judge.

Specific training, previous specific judicial position (e.g. post of the chairman of the division of the court, the vice-president of the court, the president of the lower court etc.), seniority, managerial experience etc. are expected and desirable, but are not required (mandatory). The training is not mandatory, but many presidents of the courts participated in the past in different kind of trainings on the topics concerning management of the courts.

1.6 Are presidents selected among the judges of the same court, or they may or must have served in a different court before taking the position as court president.

Please see answer to question 1.2.

The president is selected among the judges of the same court or of the higher court (e.g. the president of the district court can be selected among the judges of this district court or the judges of the regional court, the president of the regional court can be selected among the judges of this regional court or the judges of the court of appeal).

The candidate to the position of the president of the higher court (court of appeal, regional court) may have (but must not have) served before as the president of the lower court (regional court or district court). Such kind of managerial experience is optional, not mandatory.

1.7 Can the candidates, who applied for the position but did not get it, challenge the decision before a court/tribunal?

No, they cannot.

The appointment procedure is not a competition. There are not candidates, who applied for the position but did not get it. There is only one candidate presented by the Minister of Justice. There is not such a “claim” against the decision of the Minister of Justice who is presented as a candidate.

1.8 How often does it happen? (Please give a percentage based on data available or on your personal knowledge).

Not applicable.

1.9 Is additional training in management, or in other subjects, required after the judge has been selected as court president?

No, there is not such a requirement. But many presidents of the courts decide to participate in different kind of trainings in management of the courts

1.10 What is term of office for the president of court (please explain if there are limitations)?

Court of appeal and regional court.

The president of the court of appeal and the president of the regional court are appointed for a term of **six years** and cannot be reappointed to the office of the president or vice-president in the same court before the lapse of six years from the expiry of the term of office.

The vice-president of the court of appeal and the vice-president of the regional court are appointed for a term of six years and cannot be reappointed for the same office in the same court before the lapse of six years from the expiry of the term of office.

District court.

The president of the district court is appointed for the term of **four years**, at most for two consecutive terms, and cannot be reappointed to the office of the president or vice-president of a district court before the lapse of four years from the expiry of the term of office.

The vice-president of the district court is appointed for the term of four years, at most for two consecutive terms of office.

In the case of a division or merger of courts, the term of office of the president and vice-president taking up the office in the court established as a result of the division or merger includes the term of the same office held in the court subjected to the division or merger.

1.11 How many times the same position of court president can be hold by the same person?

Please see the answer to the question 1.10.

1.12 Which is the process to confirm presidents in their position (e.g. assessment of the first term served and then renewal)?

Please see the answers to the questions above.

1.13 Under which circumstances can presidents be removed from their office before the expiration of their term?

The Minister of Justice may dismiss the president and the vice-president of the court of appeal and the president and vice-president of the regional court during the term of office:

- 1) in the event of gross failure to perform professional duties;
- 2) if continuing the office is, for other reasons, irreconcilable with the interest of justice.

Prior to the dismissal of the president or the vice-president of the court of appeal or the president or vice-president of the regional court, the opinion of the National Council for the Judiciary is sought. The Minister of Justice announces the intention to dismiss the president or the vice-president and presents a written statement of grounds thereof to the National

Council for the Judiciary, with a view to obtaining an opinion. A negative opinion of the National Council for the Judiciary is binding on the Minister of Justice.

If the National Council for the Judiciary, within thirty days from the day the Minister of Justice announced its intention to dismiss the president or the vice-president of the court of appeal or the president or the vice-president of the regional court, fails to issue an opinion, the opinion is deemed to be favourable.

If the president or the vice-president of the court of appeal or the president or the vice-president of the regional court resigns from the office during the term, the Minister of Justice dismisses the president or the vice-president without seeking the further opinion.

This apply also to the procedure of dismissing the president or the vice-president of the district court, whereas the rights and acts of the Minister of Justice provided for therein are exercised and performed by the president of the court of appeal.

1.14 Who is in charge of the removal procedure, and how it works?

Please see the answer to question 1.13.

1.15 Can the president removed challenge the decision before a tribunal/court?

No, there is not such aa appeal procedure.

1.16 Are the decisions by the presidents shared/negotiated with the other judges or "boards" within the courts?

Yes, some of them are.

The board of the court of appeal is composed of five members, appointed (elected) by the assembly (meeting) of appeal court judges from among judges of this court, and of the president of the court of appeal.

The board of the regional court is composed of eight members, appointed (elected) by the general assembly of the judges of this court circuit (region), including four regional court judges and four district court judges, acting in the same court circuit, and of the president of the regional court.

1.17 Do the local lawyers association or any other authority play a role in the decision making process carried out by the court's president?

No. The local lawyers association not at all.

What concerns the role played by the National Council for the Judiciary - see answers to the question 1.2 and 1.13.

1.18 Are the organizational decisions taken by the presidents supervised by any other authority (e.g. Ministry of Justice, Judicial Council, Supreme Court, other)?

The Minister of Justice carries out so called "external administrative supervision" over the administrative activity of courts.

External administrative supervision over the administrative activity of courts consists of the analysis and evaluation of the regularity and efficiency of internal administrative supervision exercised by the presidents of courts.

External administrative supervision over the administrative activity of courts moreover consists of taking actions required due to deficiencies in the administrative activity of courts, as well as actions necessary for carrying out the tasks related to the representation of the Republic of Poland before the European Court of Human Rights in cases concerning the activity of courts.

As part of external administrative supervision the Minister of Justice:

- 1) analyses annual information about the activity of courts,
- 2) specifies general guidelines on the internal administrative supervision to be followed by the presidents of courts of appeal;
- 3) controls the performance of supervisory duties by the presidents of courts of appeal and issues relevant orders.

If material deficiencies in the administrative activity of courts are found or if the president of the court of appeal fails to carry out orders, the Minister of Justice may order:

- 1) vetting procedure with respect to the court or court division;
- 2) vetting procedure with respect to the supervisory activity of the president of the court.

When ordering the performance of activities referred above, the Minister of Justice determines, for the president of the court of appeal, the scope of the activities and time limit for their performance. In justified cases, the Minister of Justice may order that such activities be performed by inspecting judges from a different appeal court area.

A judge delegated to perform administrative activities in the Ministry of Justice may participate in these activities as a representative of the Minister of Justice.

The president of the court of appeal prepares annual information about the activity of courts acting in the appeal court area, within the scope of tasks entrusted thereto, which, after an opinion thereon has been delivered by the general assembly of appeal judges, the president submits to the Minister of Justice not later than by the end of April each year. Failure to fulfil these obligation in time is considered as being equivalent to the refusal to accept the information.

The Minister of Justice's two-time refusal to accept the information means a gross failure of the president to perform professional duties.

The Minister of Justice, having consulted the National Council for the Judiciary, specifies, by regulation, a detailed procedure for exercising administrative supervision over the activity of courts and a procedure for documenting supervisory activities and preparing annual information about the activity of courts, with a view to ensuring efficiency and effectiveness of the supervision and proper performance of supervisory activities.

1.19 Is there any extra remuneration for presidents, and how much is it in percentage of the regular judge's salary in the same court?

Yes, there is extra remuneration for the function of the president of the court. It is from 20 % to 30 % of regular judge's salary in the same court.

1.20 Please add any critical issue or further information that you consider relevant for this section.

No comments.

2. Tasks, functions, relations

2.1 Are the presidents of the courts adjudicating cases as the other judges or they have a reduction of their caseload fixed by the law or by practice?

The presidents of the courts are adjudicating cases, but they have a reduction of their caseload fixed mostly by practice (in the nearest future also by the law – Rules on organization of common courts, the order issued by the Ministry of Justice).

2.2 Are the presidents involved in the selection and recruitment of the judges? (Please make a distinction, if applicable, between full-time/permanent judges, temporary judges, lay judges if it applies in your respective jurisdiction).

Yes, the president of the court is involved in the selection and recruitment procedure as a chairperson of the general assembly of judges and as a chairperson of the judicial board of the court.

The general assembly of appeal judges is composed of appeal court judges, representatives of regional court judges acting in the appeal court area, in number equal to the number of appeal court judges, and representatives of district court judges acting in the appeal court area, in the same number. The president of the court of appeal is the chairperson of the general assembly of appeal judges.

The general assembly of regional judges is composed of regional court judges and representatives of district court judges acting in the court circuit (region), in number equal to the number of regional court judges. The president of the regional court is the chairperson of the general assembly of circuit judges.

The general assembly of judges gives an opinion on candidates to the position of the judge.

A vote of the president of the court – as a chairperson of the general assembly – has the same power as a vote of any other judge.

The judicial body of the court evaluates candidate to the position of the judge

A vote of the president of the court – as a chairperson of the judicial body – has the same power as a vote of any other judge.

2.3 Are the presidents involved in the selection and recruitment of the court staff?

Yes, they are, but only in the case of recruitment of the assistants of judges and high clerks (court referendaries, in German - *Rechtspflegers*, in French - *graffiers*)

No, they are not in the case of other court staff, it is due to the court manager.

2.4 Do the presidents assess the work of the judges of the court? (If this is the case, please describe how often does it happen, what kind of procedure is followed, what are the consequences of this assessment, and if the assessment can be challenged by the judges before a tribunal/court).

The president of the court can assess the work of the judges of this court, but never the merit of court judgments, only the efficiency of the procedure – it is done inside so called “internal administrative supervision”.

The president of the court of appeal exercises internal administrative supervision over the administrative activity of the court of appeal as well as of regional and district courts acting in the appeal court area.

The president of the regional court exercises internal administrative supervision over the administrative activity of the regional court and of district courts acting in the court circuit (region).

The president of the district court exercises internal administrative supervision over the administrative activity of the district court.

As part of internal administrative supervision the president of the court, in particular:

- 1) verifies the efficiency of proceedings in individual cases;
- 2) controls the activity of the secretariat of the division;
- 3) verifies the correctness of allocating cases to judges, assistant judges and court referendaries and ensures even spread of the workload.

Moreover, the duties of the president of the court of appeal and of the president of the regional court in the field of internal administrative supervision comprise:

- 1) inspection, covering complete administrative activity of a court or court division;
- 2) vetting, covering a range of selected issues from the administrative activity of a court or court division.

As part of internal administrative supervision the president of the court of appeal:

- 1) specifies the guidelines on internal administrative supervision to be followed by the presidents of courts acting in the appeal court area;
- 2) coordinates actions within the scope of internal administrative supervision exercised by the presidents of courts acting in the appeal court area;
- 3) controls the performance of supervisory duties by the presidents of courts acting in the appeal court area and issues relevant orders.

Judge's work and performance is evaluated every four years by the judge-inspector (visiting judge). This is not a task of the president of the court to assess an individual judge.

- 2.5 Are the presidents in charge of starting a disciplinary procedure against a judge? (If this is the case, please describe briefly the procedure and who is going to make the final decision about the charge).

Yes, the president of the court is entitled to make a motion to the disciplinary commissioner to start the disciplinary proceedings against a judge. The final decision about a charge is made only by the disciplinary commissioner who must be (and always is) a judge.

- 2.6 Can, and under which circumstances, the presidents fire a judge or a court employee?

The president of the court cannot fire a judge.

- 2.7 Which is the procedure of assigning cases to judges? Is there place for discretion of president of the court in this procedure? If yes, is it regulated by law or other kind of regulation?

The procedure of assigning cases is regulated by the act *Law on common courts organisation*.

The president of the court of appeal in the court of appeal, and the president of the regional court in the regional court and in district courts acting in the court circuit (region), after consulting the judicial board of the competent court, decides, by the end of November each year at the latest, about the distribution of work, including:

- 1) decisions on assignment of judges and court referendaries to court divisions and their responsibilities,
- 2) the determination of rules governing the assignment of cases to particular judges and court referendaries, unless such rules are determined by separate provisions of law,
- 3) the determination of rules governing the replacements of judges and court referendaries – taking into consideration the specialisation of judges in hearing specific types of cases, the need for an adequate distribution of judges and court referendaries in court divisions and balanced distribution of duties as well as the need to guarantee efficient court proceedings.

The president of the court may at any time determine a new distribution of work, in full or in part, if it is supported by particular reasons.

If the change in work distribution modifies the scope of duties of a judge, in particular results in the transfer thereof to another division of the court, the judge may lodge a complaint with

the board of the court of appeal within seven days from the date of the receipt of the new scope of duties.

The judicial board of the court shall immediately adopt a resolution accepting or rejecting the complaint of the judge, bearing in mind the considerations referred to in Before adopting the resolution, the board of the court hears the judge if the complaint provides for such a request and the judge may attend the meeting of the board. Until the resolution is adopted, the judge continues to perform the duties hitherto performed.

The president of the court does not assign an individual case to an individual judge.

This is not a role of the president of the court.

The rules of allocation of cases are regulated by law.

The chairperson of the court division exercises the duties concerning this matter.

There is not any place for discretion of the president of the court in this procedure.

2.8 Can presidents set priorities in the handling of the cases (e.g. family cases must be dealt with before contracts)?

The priorities are regulated by law.

The president of the courts does not decide about this kind of matter. Rather chairperson of the court division can consider an individual request.

Please see the answer to the question 2.7.

2.9 Which are the circumstances that may allow presidents to retrieve cases from judges and re-assign them?

Please see the answer to the question 2.7.

2.10 Do presidents decide over the composition of court's sections/division and over the composition of judges' panel?

Please see the answer to the question 2.7.

The composition of court's section/division is the result of the decision of the president of the court.

The composition of judges' panel is regulated by law (civil and criminal procedure) and in individual case the panel is composed by the chairperson of the court division.

2.11 Do presidents select and appoint judges who may coordinate/head a section/division of the court?

Yes, they do so.

Courts are composed of divisions.

A division is managed by the head (chairperson) of the division, that is the president or vice-president of the court or another judge.

The head of the division in a court of appeal or a regional court is appointed by the president of the given court, and in a district court, at a request of the president of the court, by the president of the superior regional court. Prior to the appointment of the head of the division, the president consults the competent judicial board of the court. A negative opinion of the board is binding on the president of the court.

The head of the division is appointed for a fixed term of office of not more than three years. The head of the division may be dismissed before the end of that term of office after consulting the judicial board of the competent court. Before the consultation, the president of the court notifies about the possibility of submitting comments in writing within seven days from the receipt of such notification. The meeting of the board is held not earlier than after

the receipt of comments or after the time limit for submitting the said comments expires to no effect.

If the president or vice-president of the court is appointed as the head of the division, the term of office of the head of the division equals the term of office of the president or vice-president of the court.

If it is required by the volume or scope of tasks performed in the division, the president of the court may appoint a judge as a deputy head of the division.

2.12 Can presidents delegate their functions to other judges?

The president of the court is replaced by the vice-president; and should the vice-president be absent, by a designated judge.

If the president of the court was not appointed, the function of the president of the court is performed by the vice-president of the court for a period not longer than six months. In a court where more than one vice-president is appointed, the function of the president of the court is performed by the longest-serving vice-president of the court. If no vice-president was appointed in a court, the function of the president of the court is performed by the longest-serving judge holding the function of the head of the division in such a court for a period not longer than six months.

The president of the court can delegate his/her functions to other judges, particularly chairpersons of the courts' divisions or judges-inspectors.

2.13 Are presidents supported in their tasks and by whom?

By the judicial board of court, by the heads of the court divisions, by the judges-inspectors.

2.14 Have presidents any supervision on the judgments delivered by other judges of the court?

No, not at all. Only higher court (court of appeal or the Supreme Court) can exercise so called judicial supervision on the merit of judgements delivered by the judges.

2.15 Are presidents in charge of the uniform application of the law within the court, and in which way they carry out this function?

The only court which have obligation to uniform application of the law is the Supreme Court. Should there be discrepancies between the decisions of common courts, the First President of the Supreme Court may request their adjudication by a Supreme Court bench of seven Justices or by another bench of that Court.

The president of the common court is entitled to make a motion to the First President of the Supreme Court with request to initiate such a procedure.

2.16 Do presidents set productivity and/or timeframes targets for their court?

Please see the answer to the question 2.7.

2.17 Do presidents set productivity or timeframes targets for each judge or court staff?

Please see the answer to the question 2.7.

2.18 Do presidents monitor the length of judicial proceedings and what kind of actions they can undertake to improve the pace of litigation?

Please see the answer to the question 2.7.

2.19 What are the functions of presidents as far as the management of judges and court staff is concerned (i.e. setting working hours, authorising holidays, moving staff from one function to another, allowing extra-judicial activities etc.)?

The president of the court acts as the court manager's superior and conducts activities with respect to the court manager in the field of labour law, with the exception of activities reserved for the Minister of Justice, and specifies, at least once a year, the needs of the court as regards ensuring orderly operation and efficient performance by the court of tasks and taking into consideration the anticipated scope thereof; whereas the president of the court shall not fulfil the tasks of the court manager who: manages the administrative activity of the court, performs tasks assigned to the manager of a unit under separate provisions in the fields of finance, economy, financial control, management of the State Treasury assets and internal audit within these areas, acts as a superior to court employees and performs activities in the field of labour law and represents the court in this respect before court employees, with the exclusion of judges, court referendaries, court probation officers, assistants to judges and trainee judges, determines, after consulting the president of the court, the distribution and the number of particular posts in court divisions, filled in by court employees, with the exclusion of judges, court referendaries, court probation officers, assistants to judges and trainee judges.

2.20 Have presidents any discretion in setting the remuneration (i.e. financial incentives) or other fringe benefits (please explain which one) of judges or court staff?

No, they have not.

The remuneration of judges and court referendaries is strictly regulated by law.

The remuneration of court staff is decided by the court manager, not by the president of the court.

2.21 Which tasks presidents have in the appropriation of the court budget among the different courts?

Incomes and expenses of common courts constitute a separate part within the state budget. The Minister of Justice is the administrator of the part of the budget allocated to common courts.

The manager of the court of appeal performs tasks and exercises competences concerning the management of the budget of the courts within the appeal court area, as well as exercises control over the financial management, and the management of the State Treasury assets by such courts. The manager of the court of appeal reports directly to the Minister of Justice, while the managers of regional and district courts – to the manager of the superior court of appeal.

Draft financial plans and financial plans for courts in an appeal court area are drafted by managers of the courts of appeal on the basis of draft plans prepared by the managers of regional and district courts, in line with the principles set forth in the provisions concerning public finances, taking into account the scope of tasks performed by the courts.

Managers of courts of appeal submit the draft plans to the National Council for the Judiciary and to the Minister of Justice.

Within a month from the date of receipt of the draft plan, the National Council for the Judiciary lodges a motion with the Minister of Justice for drafting a plan of incomes and expenses of common courts, along with its comments and reservations.

Within the scope of budget implementation in the part allocated to common courts, the Minister of Justice is vested with the rights of the minister competent for public finances.

2.22 Which tasks and how much discretion presidents have in the management of the court budget within the court?

Please see the answer to the question 2.21.

2.23 Do presidents manage the court premises and layout?

The body responsible for the financial management of a court is the court manager.

The investment activity of a court is carried out:

- 1) in the case of the court of appeal and district courts acting in the appeal court area in which a court manager was appointed – by the manager of the court of appeal;
- 2) in the case of the regional court and district courts acting in the court circuit (region) in which a court manager was not appointed – by the manager of the regional court.

The manager of the court of appeal may entrust the manager of one regional court with the performance of investment tasks of another regional court or of district courts.

The Minister of Justice in consultation with the minister competent for public finances, specifies, by regulation, detailed principles concerning the carrying out of financial management and investment activity of courts, including:

- 1) the principles of the management of funds from the budget of the judiciary, appointment of administrators of funds and specification of their tasks and competences,
- 2) the principles of and procedure for drawing up of financial plans of courts,
- 3) the principles of and procedure for introducing changes in financial plans of courts,
- 4) release of funds from the budget,
- 5) the bank accounts of courts,
- 6) settlements in the interim period after the end of the budget year,
- 7) the procedure for collection of income and bearing expenses of courts,
- 8) budgetary and financial reporting,
- 9) conducting investment activity of courts

– taking into consideration the need to manage public funds properly, as well as the requirements set forth in the provisions on public finances.

2.24 Do presidents manage information and communication technology implemented in the court?

Please see the answer to the question 2.23.

2.25 Do presidents have some autonomy about what kind of information and communication technology tools/application should be implemented in their court?

Please see the answer to the question 2.23.

2.26 Are presidents really the managers of the court or they are supported in their functions by a board (please describe the composition) or by a court manager/administrative director?

The true administrative manager of the court on the field of the budget, investments, supplying of technology tools etc. is the administrative director of the court (the court manager), not the president.

The president is supported in his/her function by the judicial board of this court and by the court manager.

The court bodies are:

- 1) in a district court – the president of the court and the court manager,
- 2) in a regional court – the president of the court, the judicial board of the court and the court manager;
- 3) in a court of appeal – the president of the court, the judicial board of the court and the court manager.

A court manager is appointed in a district court in which there are at least ten posts of judges. In district courts where no court manager is appointed, the tasks of the court manager are performed by the manager of the superior regional court.

The board of the court of appeal is composed of five members, appointed by the meeting of appeal court judges from among judges of such a court, and of the president of the court of appeal.

The board of the regional court is composed of eight members, appointed by the general assembly of the judges of the circuit (region), including four regional court judges and four district court judges, acting in the same court circuit (region), and of the president of the regional court.

2.27 If applicable, please briefly describe the functions and the background of the court manager in comparison to the president of the court.

The court manager:

- 1) manages the administrative activity of the court;
- 2) performs tasks assigned to the manager of a unit under separate provisions in the fields of finance, economy, financial control, management of the State Treasury assets and internal audit within these areas;
- 3) acts as a superior to court employees and performs activities in the field of labour law and represents the court in this respect before court employees, with the exclusion of judges, court referendaries, court probation officers, assistants to judges and trainee judges;
- 4) determines, after consulting the president of the court, the distribution and the number of particular posts in court divisions, filled in by court employees, with the exclusion of judges, court referendaries, court probation officers, assistants to judges and trainee judges;
- 5) represents the State Treasury within the scope of entrusted assets and court tasks;
- 6) administers the deposit accounts of the Minister of Finance

The manager of the court of appeal draws up annual reports on the operation of courts acting in the appeal court area, within the confines of the tasks entrusted thereto, based on reports on the operation of regional or district courts prepared by managers of such courts, within the confines of the tasks entrusted thereto.

By the end of April each year, the manager of the court of appeal, through the president of the court of appeal, after consulting the general assembly of appeal judges, submits the reports for the previous year to the Minister of Justice.

The court manager is employed by appointment. The court manager is appointed by the Minister of Justice at the request of the president of a given court.

A person who meets the following requirements may be appointed the court manager or the deputy court manager:

- 1) enjoys full civil and full public rights;
- 2) holds a master's degree or an equivalent degree,
- 3) has expertise in the field of managing public institutions, public finances, carrying out investments and managing the State Treasury assets;
- 4) has worked for at least five years, including at least two years at a managerial post;

- 5) has not been convicted by a final judgment of an offence prosecuted by public indictment or a fiscal offence;
- 6) has not been punished with a ban to exercise functions related to managing public funds,
- 7) no proceedings related to an offence prosecuted by public indictment or a fiscal offence are pending against such a person.

2.28 Please describe briefly the court manager selection process, if they serve for a limited term, and if the president can remove the court manager.

In order to select candidates for posts, the president of a given court of appeal, regional court or district court orders and carries out a recruitment competition.

The president of a given court publishes a notice of competition for the post of the court manager or deputy court manager in a national daily newspaper and in the Public Information Bulletin. The notice should indicate the post, required qualifications, the list of necessary documents, place and date for submitting applications, the scope of the competition and assessment criteria.

Information about candidates who entered the competition constitutes public information within the scope of requirements specified in the notice.

Following the end of the period for the submission of documents, set out in the notice of competition, the president of a given court immediately publishes on the website of the given court and places on the notice board in the seat of the given court a list of candidates who comply with the formal requirements laid down in the notice. The list includes the name and surname of a candidate as well as their place of residence within the meaning of the provisions of the Civil Code.

The competition is conducted by a selection board established by the president of a given court. Only a person who warrants impartial performance of such a function in the interest of the court may be a member of the selection board. The selection board is chaired by the president of a given court.

A person who is a candidate for the post covered by the competition or a person who stays in the following relationships with a candidate cannot be appointed to the selection board:

- 1) marriage or cohabitation;
- 2) consanguinity or affinity up to the third degree;
- 3) adoption, custody or guardianship;
- 4) hierarchical dependency;
- 5) personal relationship of such a type that could cast doubt on the impartiality of the person.

The reasons for exclusion from the appointment to the selection board persist despite the termination of marriage, adoption, custody or guardianship.

In the course of the competition, the following are verified: qualifications, knowledge, capabilities and abilities necessary for the performance of tasks at the post of a court manager or a deputy court manager.

The members of the selection board shall be bound to secrecy in respect of information concerning candidates obtained during the competition.

After the completion of the competition, the selection board:

- 1) determines the result of the competition, indicating the rank-order of candidates or providing the reasons for the failure to conclude the competition;
- 2) provides the president of a given court with competition documentation.

The president of the court publishes information about the outcome of the competition in the Public Information Bulletin. The information includes names and surnames of candidates participating in the competition as well as the findings of the board.

If the competition is inconclusive, the president of the court orders another recruitment competition, notifying the Minister of Justice.

The Minister of Justice lays down, by regulation:

- 1) the organisation of the competition and competition method and procedure,
- 2) the composition of the selection board,
- 3) criteria for evaluating qualifications, knowledge, capabilities and abilities of candidates for the post of a court manager or a deputy court manager,
- 4) the scope of information made available to candidates and the manner in which it is made available

– taking into account the need to ensure the objectivity of selection, smooth course of the competition, comprehensive evaluation of candidates' qualifications, universal access to the competition and transparency of the works of the selection board.

The Minister of Justice may dismiss the court manager if the general assembly of appeal judges issues a negative opinion on the reports, in the part referring to the activity of the given court. The general assembly adopts a resolution after hearing the manager concerned. The president of the court of appeal presents the resolution of the general assembly of appeal judges together with its position on the dismissal of the court manager to the Minister of Justice.

The Minister of Justice may dismiss the court manager also at the request of the president of the court or on its own initiative where an infringement of the duties by the court manager is discovered.

The Minister of Justice dismisses a deputy court manager at the request of a competent court manager.

2.29 Are presidents the "interface" with the media, and are they trained to do it?

Rather not, because every court has its spokesperson.

The spokesperson of the court is a judge.

This is the person who has the close relations to journalists, media, who presents the official statements of the court and the president of the court in media.

The spokespersons are trained how to fulfil such duties.

2.30 Would you please briefly describe what kind of relations there are between presidents of the courts (first instance and appeal) and the president of the Supreme Court (court of last resort)?

There are not such relations regulated by law.

2.31 Are there other tasks of presidents of the courts in your country, which were not mentioned before?

No comments.

2.32 Please add any critical issue or further information that you consider relevant for this section.

No comments.

3. Accountability and discipline

3.1 What kind of accountability mechanisms (e.g. reporting, auditing, etc.) are in place for the presidents, and before which authority (e.g. Judicial Council, Ministry of Justice, Supreme Court, internal board etc.)?

The Minister of Justice may dismiss the president and the vice-president of the court of appeal and the president and vice-president of the regional court during the term of office:

- 1) in the event of gross failure to perform professional duties;
- 2) if continuing the office is, for other reasons, irreconcilable with the interest of justice.

Prior to the dismissal of the president or the vice-president of the court of appeal or the president or vice-president of the regional court, the opinion of the National Council of the Judiciary is sought. The Minister of Justice announces the intention to dismiss the president or the vice-president and presents a written statement of grounds thereof to the National Council of the Judiciary, with a view to obtaining an opinion. A negative opinion of the National Council of the Judiciary is binding on the Minister of Justice.

If the National Council of the Judiciary, within thirty days from the day the Minister of Justice announced its intention to dismiss the president or the vice president of the court of appeal or the president or the vice president of the circuit court, fails to issue an opinion, the opinion is deemed to be favourable.

If the president or the vice-president of the court of appeal or the president or the vice-president of the regional court resigns from the office during the term, the Minister of Justice dismisses the president or the vice-president without seeking the opinion.

3.2 Do presidents have a different disciplinary responsibility in comparison to the judges?

No.

3.3 Is there any special immunity for presidents?

No, the president of the court has a judicial immunity like every other judge.

3.4 Which criteria are used for the evaluation of presidents, how often, and by whom?

Internal administrative supervision over the operation of courts is exercised by the presidents of courts.

External administrative supervision over the operation of courts is exercised by the Minister of Justice through a supervision service composed of judges delegated to the Ministry of Justice.

The Minister of Justice evaluates the presidents of the courts every year.

3.5 Which are the consequences of such evaluation (e.g. ranking, promotion, admonition, removal, salary increase, any other consequence, etc.)?

Only eventual removal from the position of the president of the court.

3.6 Please add any critical issue or further information that you consider relevant for this section.

No comments.

4. Appointment, tasks, functions, relations of the president of the Supreme Court (Chief Justice of the court of last resort e.g. court of cassation; please note that you do not have to describe the position of president of the Constitutional Court / here and after referred as president of the Supreme Court).

4.1 Who appoints (e.g. Judicial Council, Ministry of Justice, Parliament, etc.) the president of the Supreme Court?

There are five Presidents of the Supreme Court:
the First President of the Supreme Court (Chief Justice)
and four Presidents of four Chambers of the Supreme Court who shall act as a deputy of the First President of the Supreme Court.

The First President of the Supreme Court is appointed by the President of the Republic of Poland from among active Justices of the Supreme Court for a six-year term of office.

A President of the Supreme Court (the President of the Chamber of the Supreme Court) is appointed from among active Justices of the Supreme Court by the President of the Republic of Poland, who acts upon a motion lodged by the First President of the Supreme Court.

4.2 Please describe briefly the selection procedure.

The General Assembly of the Justices of the Supreme Court selects two candidates for the First President of the Supreme Court and puts them forward the President of the Republic of Poland, who appoints one of them.

4.3 What kind of qualifications (e.g. specific training in management, previous specific judicial position, seniority, etc.) are required to become president of the Supreme Court? (Please also explain if training is mandatory or on a voluntary basis, if any training is necessary at all, and how much it affects the choice of the president).

Each Justice of the Supreme Court can be selected by the General Assembly of the Supreme Court as a candidate and then appointed by the President of the Republic of Poland as the First President of the Supreme Court.

No special qualifications are required. No special requirements are desirable.
No special training is needed.

The function of a Justice of the Supreme Court may be performed by a person who is (*inter alia*): distinguished by a high level of juridical knowledge, has served, for at least ten years, as a judge, public prosecutor, or has worked for such period in Poland as an advocate, legal adviser or notary public or has been employed by Polish higher education institution (university), the Polish Academy of Sciences, scientific research institutes as a professor of doctor habilitated of law.

4.4 Does the president get a “confidence vote” (after or before their appointment) from other judges of the Supreme Court?

Yes, before appointment.

The General Assembly of the Supreme Court, which consists only of active Justices of the Supreme Court, selects two candidates for the First President of the Supreme

Court (in confidence voting) and presents them to the President of the Republic of Poland.

- 4.5 How long is term of office of the president of the Supreme Court (please explain if there are limitations)?

The First President of the Supreme Court is appointed for a six-year term of office. The six-year term can be repeated once.

- 4.6 Can their mandate be renewed, and what is the process (e.g. evaluation of the first term served and then renewal)?

The mandate can be renewed (only once). The process is the same like during the first election. There is no formal evaluation.

- 4.7 What are the tasks and functions of the president of the Supreme Court in comparison to the other courts' presidents? (in particular, please explain the role of the president, if any, in relation to: Judicial Council, Ministry of Justice, legislative power, budget of the judiciary).

The First President of the Supreme Court is the Supreme Court manager and representative; he/she performs the duties specified by the Act on the Supreme Court, the Rules and other normative acts.

The First President of the Supreme Court is *ex officio* a member of the National Council for the Judiciary.

There is no formal relationship of the First President of the Supreme Court with the presidents of the common courts.

There are no tasks or functions of the First President of the Supreme Court concerning budget of the judiciary.

There is no external administrative supervision of the Minister of Justice over the Supreme Court.

- 4.8 Please add any critical issue or further information that you consider relevant for this section.

No comments.