



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[38 412 000]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	90 803 336 511 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	53 527 056 744 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

003. Per capita GDP (in €) in current prices for the reference year

[12 960]

Comments

004. Average gross annual salary (in €) for the reference year

[]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[4.3]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: National Bank of Poland, Statistics Poland

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

Approved budget (in €)	Implemented budget (in €)
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TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	1 607 275 000 [] NA [] NAP	1 567 592 000 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	1 145 217 000 [] NA [] NAP	1 110 525 000 [] NA [] NAP
2. Annual public budget allocated to computerisation	52 215 000 [] NA [] NAP	79 156 000 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	177 240 000 [] NA [] NAP	133 710 000 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	113 478 000 [] NA [] NAP	110 876 000 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	42 006 000 [] NA [] NAP	19 766 000 [] NA [] NAP
6. Annual public budget allocated to training	5 544 000 [] NA [] NAP	4 198 000 [] NA [] NAP
7. Other (please specify)	71 575 000 [] NA [] NAP	109 361 000 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Implemented budget allocated to computerisation was higher due to numerous projects and investments made in IT. Expenditures concerned mainly modernisation of national register systems and equipment for courts.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts and legal aid together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	(X) Yes () No
for other than criminal cases	(X) Yes () No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions? The fee of PLN 300 is paid by the party initiating the case with the guilt of private prosecution (of the prosecuted cases in the Penal Code) and the subsidiary subsidy (all prosecutions for public prosecution, in cases when, after fulfilling the criminal proceedings specified in the Code of Criminal Procedure) premises, the prosecutor did not decide to accuse); the fee is paid by the aggrieved party.

In civil proceedings, numerous exceptions are regulated in Title IV of the Act of 28 July 2005 on court costs in civil matters regarding exemptions from court costs. A party may be exempted from court costs if he or she makes a declaration from which it appears that it is unable to bear them without compromising the maintenance necessary for himself and his family.

008-1. Please briefly present the methodology of calculation of these court fees:

- According to the Act of 28 July 2005 on court costs in civil cases, there are three types of court fees: a relative fee, a fixed fee and a basic fee. The relative fee applies to property rights cases and amounts to 5% of the value of the subject of the dispute, however not less than PLN 30 and not more than PLN 100,000. On the other hand, fixed fees are, in principle, applicable to non-proprietary rights and certain property law issues specified in the Act. The fixed fee is the same regardless of the value of the subject of the dispute or the value of the subject of the appeal, but it can not be lower than PLN 30 and higher than PLN 5,000. The basic fee, which is PLN 30, is collected in cases in which the provisions do not provide for a fixed, relative or temporary fee. Other court fees in civil proceedings are so-called office fees related to court technical activities, such as issuing excerpts, extracts, statements, (PLN 6 for each page of the issued document issued) and copies of documents (PLN 1 for each page of the issued document) .

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[150]

[] NA

[] NAP

Comments The fee for the claim in which the value of the dispute is EUR 3,000 will be about PLN 645 (150€), and in the simplified proceedings, the fee for such a claim is PLN 300 (70€).

009. Annual income of court fees received by the State (in €):

[426 883 000]

[] NA

[] NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

TOTAL	Criminal cases	Other than criminal cases
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TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.1 for cases brought to court (court fees and/or legal representation)	28 848 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 906 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 942 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	27 928 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 063 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 865 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	566 825 248 <input type="checkbox"/> NA <input type="checkbox"/> NAP	563 400 019 <input type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	684 790 <input type="checkbox"/> NA <input type="checkbox"/> NAP	683 618 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP

Other ministry	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Parliament	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Supreme Court	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
High Judicial Council	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Courts	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Inspection body	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Other	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP

If any other Ministry and/or inspection body and/or other, please specify:

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

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

Comments - If "other", please specify: Director of the court, is responsible for the court budget. It is not administrative director.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Ministry of Justice, Public Prosecutor Office

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	2 893 643 000 [] NA [] NAP	2 884 275 000 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	(X)	()	()
Legal aid (see question 12 or 7)	(X)	()	()
Public prosecution services (see question 13 or 7)	(X)	()	()

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	(X)	()	()
Probation services	(X)	()	()
High Judicial Council	()	(X)	()
Constitutional court	()	(X)	()
Judicial management body	()	(X)	()
State advocacy	(X)	()	()
Enforcement services	(X)	()	()
Notariat	()	(X)	()
Forensic services	()	(X)	()
Judicial protection of juveniles	(X)	()	()

Functioning of the Ministry of Justice	(X)	()	()
Refugees and asylum seekers services	()	(X)	()
Immigration Service	()	(X)	()
Some police services (e.g. : transfer, investigation, prisoners' security)	(X)	()	()
Other	(X)	()	()

If "other", please specify: Expenditure on payments of compensations from National Budget.

Expenditure related to the functioning of research institutes of the Ministry of Justice and National School of Judiciary and Public Prosecution.

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Ministry of Justice

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice, ADR and other legal services	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- The organization of the legal aid system in Poland before the commencement of legal proceedings is regulated by the Act of 5 August 2015 on Free Legal Aid, Free Counseling for Citizens and Legal Education defines the principles of providing free legal assistance, free civic counseling and the principles of implementation of education tasks legal. According to this Act, free legal assistance includes informing a natural person, hereinafter referred to as an "eligible person", about the applicable legal status and his or her respective responsibilities or obligations, including in connection with pending preparatory, administrative, court or court-administrative proceedings or indication authorized person to solve his / her legal problem, or prepare a draft letter in matters referred to in points 1 and 2, excluding procedural documents in pending preparatory or court proceedings and letters in pending court-

administrative proceedings, or free mediation, or preparation of a draft letters on exemption from court costs or the appointment of an attorney ex officio in court proceedings or the appointment of a lawyer, legal advisor, tax advisor or patent agent in court-administrative proceedings and information on costs of proceedings and financial risks associated with referring a case to court. Unpaid legal aid is available to an authorized person who is unable to pay the cost of legal assistance. During legal proceedings, legal aid may consist in exemption from court costs in whole or in part and in the establishment of a legal counsel or attorney - an attorney or legal advisor from office. Anyone who is unable to incur legal costs or the costs of defense or remuneration of a lawyer or legal adviser without prejudice to the maintenance necessary for himself and his family is entitled to exemption from such costs or the establishment of a lawyer or attorney. The application must be substantiated and substantiated by appropriate documents.

017. Does legal aid include the coverage of or the exemption from court fees?

- Yes
- No
- NAP

If yes, please specify:

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

- Yes
- No
- NAP

If yes, please specify: The exemption from court costs granted to the party by the court in the exploratory proceeding or from which the party uses the power of the act extends also to enforcement proceedings (Article 771 of the Code of Civil Procedure). In addition, applications: for exemption from court costs and for the appointment of an attorney - an attorney or legal counsel ex officio may also be submitted during enforcement proceedings.

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

Total	Cases brought to court	Cases not brought to court

TOTAL	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: The accused, who does not have a defender of his choice, may demand that he be appointed as a public defender, if he shows in a proper manner that he is unable to bear the costs of defense without detriment to the necessary maintenance of himself and his family. The basis for refusal to appoint a legal counsel from the office can not be the accused's use of free legal assistance or free civic counseling, referred to in the Act of 5 August 2015 on Free Legal Aid, Free Counseling for Citizens and Legal Education. This provision applies accordingly if the accused requests to appoint a legal counsel to perform a specific procedural act. The court may withdraw the appointment of the defense counsel if it turns out that there are no circumstances on the basis of which it was designated. The order to withdraw the designation of a lawyer may be appealed against to another equivalent composition of this court (Article 78 of the Code of Criminal Procedure). A party other than the accused may in this procedure apply for the appointment of a legal representative (Article 88 of the Code of Criminal Procedure).

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

- Yes
 No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The main criterion is the inability to bear the costs of defense without prejudice to the necessary maintenance of the incumbent and his family.

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: In civil proceedings, the court refuses to release the court costs of the party in the event of obvious unfounded claim or defense of rights (Article 109 § 2 of the Act on court costs in civil cases).

025. Is the decision to grant or refuse legal aid taken by:

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

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

Yes

No

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

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

in other than criminal cases

Yes

No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Ministry of Justice

2.2. Court users and victims

2.2.1. Rights of the users and victims

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

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/> http://isap.sejm.gov.pl/
case-law of the higher court/s	<input type="checkbox"/>	<input checked="" type="checkbox"/> https://orzeczenia.ms.gov.pl/
other documents (e.g. downloadable forms, online registration)	<input type="checkbox"/>	<input checked="" type="checkbox"/> https://www.e-sad.gov.pl/

Please specify what documents and information are included in "other documents": www.e-sad.gov.pl - The Court, known as the electronic court (the e-court), considers cases under electronic writ of payment proceedings (electronic order for payment proceedings) introduced to The Civil Procedure Code in the Act of 9th January 2009 on the Amendment to the Civil Procedure Code and other Acts. The jurisdiction of the e-court covers the whole territory of Poland regardless of the defendant's domicile or seat. It is competent to examine civil pecuniary claims. The cases are considered under electronic writ of payment proceedings irrespective of the total amount of the dispute, which means that some of them would otherwise fall within the competence of District Courts. The Court lacks competence over non-pecuniary claims and family law claims. It needs to be stressed that bringing a case before the e-court is just an alternative to the traditional proceedings.

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

Yes, always

No

Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

Yes

No

Comments - If yes, please specify: This is provided by the institution of free legal aid, procedural bodies that are obliged to provide appropriate remedies and many social organizations that deal with the victim's help.

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of terrorism	(X) Yes () No	() Yes (X) No	() Yes (X) No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	() Yes (X) No	(X) Yes () No
Ethnic minorities	(X) Yes () No	() Yes (X) No	() Yes (X) No
Disabled persons	(X) Yes () No	() Yes (X) No	() Yes (X) No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: As a rule, in the situations described above, the victims are interviewed only once, in special conditions, without the participation of the suspect.

031-1. Is it possible for minors to be a party to a judicial proceeding:

- (X) Yes
() No

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

032. Does your country allocate compensation for victims of offences?

- (X) Yes, please specify for which kind of offences:
() No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

- (X) Yes
() No

Comments

033. If yes, does this compensation come from:

- [X] a public fund

damages and interests to be paid by the person responsible

a private fund

Comments The Victims and Post-release Assistance Fund, referred to here as the Justice Fund, is a special purpose fund aimed at helping victims and witnesses, preventing crime and post-release assistance. The Minister of Justice acts as the administrator of the Justice Fund. The Justice Fund was established pursuant to Art. 43 of the Executive Penal Code Act of 6 June 1997 (OJ 2018, item 652, as amended). Detailed rules for granting aid and subsidies under the Fund were set out in the Regulation of the Minister of Justice of 13 September 2017 on the Victims and Post-release Assistance Fund - the Justice Fund (OJ 2017, item 1760). The regulation defines the rules and modes for granting subsidies to public sector bodies, as well non-governmental organisations. The Fund's resources are allocated for: assisting victims of crime and their relatives and partners, especially providing medical and psychological help, rehabilitation, legal and material aid, post-release assistance to those released from prisons and remand centres as well as their relatives and partners, provided by professional probation officers and the Prison Service.

The Fund's revenues among others are benefits from cash benefits and fines pronounced by courts.

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

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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

Yes

No

Comments - If yes, please specify: The prosecutor is a party and assisting authority related to the proceedings conducted pursuant to the Act of 7th July 2005 on state compensation for victims of certain crimes (published in the Journal of Laws 2016, item 325). The prosecutor is also an authority entitled to perform European Protection Order pursuant to the Chapter 66k of the Polish Code of Criminal Procedure, as well as an authority (next to the court) entitled to submit request regarding performance of the European Protection Order, pursuant to the Chapter 66j of the Polish Code of Criminal Procedure.

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: The decision on refusal to initiate an investigation may be appealed to the aggrieved party. The decision to discontinue the investigation may be appealed to the parties (including the aggrieved party) -art. 306 of the Code of Criminal Procedure. Complaint about the decision to discontinue the investigation and enter the case in the crime register is filed with the prosecutor competent to supervise the investigation. If the prosecutor does not comply with the complaint, he / she will refer them to the court (Article 325e § 4 of the Code of Criminal Procedure).

However the prosecutor has the right to conclude proceedings without court's decision, if - after annulment of the first court's decision closing proceedings as a result of court's acceptance of victim's complaint - they once again conclude the same proceedings with the same decision. Then, the victim has no right to submit a complaint related to the aforementioned subsequent decision, but still they can submit subsidiary indictment.

037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above:

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

High Judicial Council	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	363 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	401 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments .

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other specialised 1st instance courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify:

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

Yes

No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	318 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an employment dismissal	129 <input type="checkbox"/> NA <input type="checkbox"/> NAP
a robbery	318 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an insolvency case	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

045-1. Is your definition for small claims the same as the one in the Explanatory note?

(X) Yes

() No

Comments - If not, please give your definition for small claims:

045-2. Please indicate the value in € of a small claim:

[4 651]

Comments In polish legal system exists two ways of solving cases which concern debt collection for small claims. The first on basis REGULATION (EC) No 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 July 2007 establishing a European Small Claims Procedure. Mentioned regulation shall be applied, in cross-border cases, to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed EUR 5000. The Second way, implemented by Code of Civil Procedure specifies value of a small claim on twenty thousand zlotys (4651 EUR). This value raised in 2017 from 2380 Euro.

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Ministry of Justice

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	9 776 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of first instance professional judges	9 240 [] NA [] NAP	3 411 [] NA [] NAP	5 829 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	426 [] NA [] NAP	196 [] NA [] NAP	230 [] NA [] NAP
3. Number of Supreme Court professional judges	110 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges).

Total	Males	Females
-------	-------	---------

Total number of court presidents (1 + 2 + 3)	375 <input type="checkbox"/> NA <input type="checkbox"/> NAP	203 <input type="checkbox"/> NA <input type="checkbox"/> NAP	172 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of first instance court presidents	363 <input type="checkbox"/> NA <input type="checkbox"/> NAP	195 <input type="checkbox"/> NA <input type="checkbox"/> NAP	168 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of second instance (court of appeal) court presidents	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of Supreme Court presidents	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Proceedings before Polish courts take place in two instances. Common courts are divided into:

- regional courts • district courts • appeal courts In Poland there are the following types of common courts of law: • Regional courts - they are courts of the first instance and they handle most cases, except cases reserved for other courts; their jurisdiction usually covers an area of several Communes.
- District courts - they function as both first and second instance courts, handling serious cases and appeals; their jurisdiction covers an area of several district courts. The decision whether a case should be handled by a district or a regional court of first instance depends on the type of the case.
- Appeal (Appellate) courts - they are the second instance courts and their jurisdiction covers a territory of at least two regional courts.

Common courts:

The number of presidents of regional courts : 316 (156 women, 160 men)

The number of presidents of district courts: 45 (9 women, 36 men)

The number of presidents of the appeal courts: 8 (2 woman, 6 men)

Military courts:

The presidents of district military courts: 2 (2 men)

The presidents of garrison courts: 7 (1 woman, 6 men).

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full-time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- (X) No
- NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or

“judges consulaires”, but not arbitrators or persons sitting in a jury):

	Figure
Gross figure	12 977 [] NA [] NAP
In full time equivalent	[] NA [X] NAP

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
criminal cases (severe)	()	()	(X)
criminal cases (misdemeanour and/or minor)	()	(X)	()
family law cases	()	()	(X)
labour law cases	()	()	(X)
social law cases	()	(X)	()
commercial law cases	()	(X)	()
insolvency cases	()	(X)	()
other civil cases	()	(X)	()

[] NAP

Comments - If “other”, please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. If yes, for which type of case(s)?

[] Criminal cases

[] Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	40 662 [] NA [] NAP	6 424 [] NA [] NAP	34 238 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	2 201 [] NA [] NAP	651 [] NA [] NAP	1 550 [] NA [] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	22 398 [] NA [] NAP	1 866 [] NA [] NAP	20 532 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	7 663 [] NA [] NAP	1 825 [] NA [] NAP	5 838 [] NA [] NAP
4. Technical staff	2 739 [] NA [] NAP	891 [] NA [] NAP	1 848 [] NA [] NAP
5. Other non-judge staff	5 661 [] NA [] NAP	1 191 [] NA [] NAP	4 470 [] NA [] NAP

Comments - If "other non-judge staff", please specify: Other non-judge staff:

- professional probation officers
- employed in Consultative Team of Judicial Specialists

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	40 662 [] NA [] NAP	6 424 [] NA [] NAP	34 338 [] NA [] NAP

1. Total non-judge staff working in courts at first instance level	38 682 [] NA [] NAP	5 941 [] NA [] NAP	32 741 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	1 709 [] NA [] NAP	392 [] NA [] NAP	1 317 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	271 [] NA [] NAP	91 [] NA [] NAP	180 [] NA [] NAP

Comments

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties: In the courts for exercising activities specified by law in courts for legal protection other than the judicial system, court referendaries and senior court referendaries are employed (Article 147§1 of the Law of the Referee appoints and terminates the employment relationship with the president of the court of appeal (art. 150§3 of the Act of 27 July 2001. The law on the system of common courts.) In the scope of duties, the legal secretary is independent as to the content of issued decisions and orders specified in statutes

(Article 151§1 of the Act of 27 July 2001 Law For the breach of his duties, including the obvious and blatant offense of the law and the failure of the position, the legal secretary bears disciplinary liability (Article 152§1 of the Act of 27 July 2001 on the Law on the System of Common Courts).

In civil proceedings, a court clerk may perform acts in civil proceedings in cases specified in the Act. As far as the activities entrusted to him are concerned, the court clerk has the jurisdiction of the court, unless the Act provides otherwise (Article 471 of the Code of Civil Procedure).

The tasks of court referendaries in the criminal department in criminal proceedings are regulated in general in art. 93a of the Code of Criminal Procedure. This provision in § 1 stipulates that in cases specified in the Act, a court clerk may issue orders or orders, and in accordance with § 2 of the order which the court issues in accordance with the law, may also issue a judicial clerk.

Court referendary performs among others following activities:

- adjudication about establishment or refuse to appoint a lawyer in legal aid cases;
- issuing payment orders in writ of proceedings;
- taking activities in proceedings pertaining to district courts conducting court registers, excluding the conducting of the hearings;
- issuing resolutions on the enforceability of a European order for payment;
- taking activities reserved to judge in scope of conducting land registers; - taking activities in the field of inheritance law - excluding the conducting of the hearings;
- issuing certificates related to adjudications, settlements, and other enforcement titles in civil and commerce cases;
- taking activities related to determination of amounts due to witnesses, experts, translators and parties;
- postpone or spreading out into instalments court payments.

054. Have the courts outsourced certain services under their responsibilities to external providers?

(X) Yes

() No

Comments

054-1. If yes, please specify which services have been outsourced:

IT services

Training of staff

Security

Archives

Cleaning

Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Ministry of Justice

3.3. Public prosecution

3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	5 702 [] NA [] NAP	2 680 [] NA [] NAP	3 022 [] NA [] NAP
1. Number of prosecutors at first instance level	3 702 [] NA [] NAP	1 558 [] NA [] NAP	2 144 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	1 562 [] NA [] NAP	852 [] NA [] NAP	710 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	71 [] NA [] NAP	46 [] NA [] NAP	25 [] NA [] NAP

Please indicate any useful comment for interpreting the data above: Within the organizational structure of general organizational units of the prosecution office, there are Appellate Public Prosecutor’s Offices, which function as a third rank and employ altogether 367 prosecutors (149 women and 224 men). Additionally, 65 prosecutors of military affairs (including 16 women and 49 men) are employed at the level related to the Regional Public Prosecutor’s Office; 30 prosecutors of military affairs (including 6 women and 24 men) - at the level related to the District Public Prosecutor’s Office, and 5 prosecutors of military affairs (5 men) - in the National Public Prosecutor’s

Office.

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	413 [] NA [] NAP	232 [] NA [] NAP	181 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	356 [] NA [] NAP	190 [] NA [] NAP	166 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	56 [] NA [] NAP	41 [] NA [] NAP	15 [] NA [] NAP
3. Number of heads of prosecution offices at Supreme Court level	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Please provide any useful comment for interpreting the data above: Universal prosecutorial bodies are: the National Public Prosecutor's Office, appellate public prosecutor's offices, regional public prosecutor's offices and district public prosecutor's offices. Numerical data determined in the table does not include the number of deputy chief prosecutors related to the prosecution offices at the aforementioned levels.

057. Do other persons have similar duties to those of public prosecutors?

Yes

No

Comments - If yes, please specify their title and functions: Pursuant to art. 173 § 1 of the Law on Prosecution Act of 28th January 2016 (published in the Journal of Laws 2017, item 1767 and later amendments), Public Prosecutor General can entrust prosecution's assessor (for a specified period of time, not exceeding 3 years) with performance of prosecutor's activities, without the right to:

1) participation in the appeal proceedings, as well as participation in proceedings before the District Court - except for proceedings of a first instance, in cases related to preparatory proceedings conducted by this court;

2) act before the Supreme Court, as well as prepare appeals and motions to the Supreme Court.

057-1. Please specify their number (in full-time equivalent):

[]

[] NA

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

Yes

No

[] NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

Yes

(X) No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	8 171 [] NA	1 661 [] NA	6 510 [] NA

Comments In the table, were presented total numbers of employees. Personnel’s Office does not have detailed data connected with differentiation the number of workers per part time or full-time basis. The Personnel’s Office also does not have detailed data connected with the number of workers employed in general organizational units of the prosecution office, for an unspecified or specified period of time.

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: - data from the Personnel’s Office of the National Public Prosecutor’s Office;
- data from the IT system of the National Public Prosecutor’s Office;
- data submitted by organizational units of the prosecution office and accumulated in the Personnel’s Office within quarterly reports related to limits and productivity of employment and filling among office workers, prosecutor’s assistants, criminal analysts and other workers of the Appellate Public Prosecutor’s Offices and subordinated units.

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

	Yes	No
judges	(X)	()
prosecutors	(X)	()
non-judge staff	()	(X)
lawyers	(X)	()
notaries	(X)	()
enforcement agents	(X)	()

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? In regard to judges, prosecutors and advocates data about distribution males/females are published in Statistical Yearbook of the Republic of Poland. There is not any formal report about distribution males/females within non-judge staff. Relevant national associations (legal advisors, notaries and enforcement agents) can collect data about about distribution males/females but they are not published.

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

() Yes

(X) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	()	(X)
the promotion of judges	()	(X)
the recruitment of prosecutors	()	(X)
the promotion of prosecutors	()	(X)
the recruitment of non-judge staff	()	(X)
the promotion of non-judge staff	()	(X)

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text)

[X] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

[X] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal)

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	(X)	()
Working hours	(X)	()
Modalities of teleworking and presence in the work space	()	(X)
Replacement of absent persons	(X)	()
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments. An employee who is breastfeeding is entitled to two half-hour breaks from work included in her working time. An employee who is breastfeeding more than one child is entitled to two breaks of 45 minutes each. Breaks for breastfeeding may be combined at the employee's request.

Pregnant and breastfeeding women cannot perform arduous, hazardous, or detrimental-to-health works that may have an adverse impact on their health, the pregnancy, or breastfeeding.

If justified by the nature, organisation or place of work, a task-based working time system may be adopted. The time necessary to perform the assigned tasks is determined by the employer, upon consultation with the employee and on the basis of the working time standards. The working time pattern may specify different hours for the commencement of work on days designated as the employee's working days according to that working time pattern. The working time pattern may specify the time during which an employee may decide when to commence work on a given day designated as the employee's working day according to that working time pattern.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

Yes, please specify

No

judges and court staff are more chosen among males or females according to the type of cases	()	(X)
the composition of hearings with several judges is always mixed	()	(X)
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	()	(X)

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
 mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
 other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

Implementing new projects	Management of applications
---------------------------	----------------------------

Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	(X) Yes () No	(X) Yes () Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	(X) Yes () No	(X) Yes () Non
Other alternatives (external service provider only – specify in a comment)	(X) Yes () No	(X) Yes () Non

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

() Yes

(X) No

Comments (please specify projects that have experienced national developments)

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

() Yes

(X) No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- [] Business processes
- [] Workload
- [] Human resources
- [] Costs
- [] Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

() Yes

(X) No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

(X) Yes

() No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments The national database of court decisions has been made available at the end of 2015.

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criminal	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Administrative	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments

062-6-1. If yes, please specify the following information:

Linkage with other European records of the same nature

Content directly available through computerised means for judges and/or prosecutors

Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access According to art. 2 of the Act of 24 May 2000 on the National Criminal Register, the register is maintained by the Minister of Justice. To the extent specified in this Act, the Office of Information of the

National Criminal Register, which is part of the Ministry of Justice, performs the tasks related to running the Register. The information office is the central body of the Republic of Poland within the meaning of art. 1a para. 1 point 1.

The service, available from 1st of July, 2014 at <https://ekrk.ms.gov.pl>, provides the registered users with the possibility of raising queries and obtaining responses to them from the National Criminal Register without the necessity of visiting its Information Office in person.

3.5.4 Writing assistance tools

**062-7. Are there writing assistance tools for which the content is coordinated at national level?
(models or templates, paragraphs already pre-written, etc.)**

Yes

No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature

Civil and/or commercial	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Business registry	<input checked="" type="checkbox"/> 100%	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> 10-49%			
	<input type="checkbox"/> 1-9%			
	<input type="checkbox"/> 0% (NAP)			
	<input type="checkbox"/> NA			

Comment – if it exists in other matters please specify

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments There is a special system called ZSRK.

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS

For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Administrative	<input checked="" type="checkbox"/> 100%	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input checked="" type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> 10-49%	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> 1-9%	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP
	<input type="checkbox"/> 0% (NAP)			
	<input type="checkbox"/> NA			

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[]	[]	[]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[X]
Criminal	[X]	[]	[]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[X]
Administrative	[X]	[]	[X]	[] SMS [X] E-mail [X] Specific computer application [] Other	[X]

Comments The court may summon parties, witnesses, experts or other persons in the manner which it considers most expedient, bypassing the means of service provided for in Chapter 2 if it deems it necessary to expedite the examination of the case. A request made in this way has the effects provided for in this Code, if it is clearly known that the addressee received information on the relevant dates (Article 1491 of the Code of Civil Procedure). In urgent cases, you can call or notify people by phone or otherwise according to the circumstances, leaving a copy of the message with the signature of the sending person on the file (Article 137 of the Code of Criminal Procedure).

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

(X) Yes

() No

Comments

064-6-1. If yes, please specify the following information:

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework

Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists. Electronic writ-of-payment proceedings. The plaintiff submits letters only via the ICT system. If the defendant makes a choice to file pleadings via the ICT system, further letters in the case shall be submitted only through this system. The court issues a payment order. In the case of a proper submission of an objection, the order for payment is forfeited in full, and the court transfers the case to the court according to general jurisdiction. Electronic writ-of-payment proceedings were implemented to Polish legal system on 1 January 2010.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments If the nature of the evidence does not contradict it, the adjudicating court may decide that it will be carried out with the use of technical devices enabling this action at a distance (Article 235 § 2 of the Code of Civil Procedure).

A witness may be heard using technical devices that enable carrying out this activity at a distance, with simultaneous direct transmission of the image and sound. In proceedings before a court, a court clerk, assistant judge or official employed in a court in whose district a witness resides (Article 177 § 1a of the Code of Criminal Procedure).

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments In civil proceedings, the recorder prepares a report from the course of a public session. The report shall be prepared, recording the course of the meeting by means of a device recording the sound or picture and sound, and in writing, under the direction of the chairman (Article 157§1 of the Code of Civil Procedure).

In proceedings regarding misdemeanors, pursuant to art. 37§1 of the Code of Conduct for Misdemeanor Cases, a report shall be prepared to record the course of the hearing by means of a sound recording device, or picture and sound as well as a written record.

From interviewing the victim in the mode of art. 185a and art. 185c of the Code of Criminal Procedure, a recording of the image and sound of the interrogation and the interrogation record shall be prepared.

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

within the public prosecution services

() Yes

(X) No

Comments

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases

- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

- Yes
- No

Comments

073-0. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

- Yes
- No

Comments

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

- Yes

() No

Comments

073-4. If yes, please specify the frequency:

() Annual

() Less frequent

(X) More frequent

Comments - If "less frequent" or "more frequent", please specify: Once a month a head of the organisational unit of the public prosecution service presents to their superior public prosecutor a report which contains a number of incoming cases and number of resolved cases.

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

(X) Yes

() No

Comments

073-6. If yes, which courses of action are taken?

[X] Identifying to the causes of improved or deteriorated performance

[X] Reallocating resources (human/financial resources based on performance (treatment))

[X] Reengineering of internal procedures to increase efficiency (treatment)

[] Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

[] High Judicial Council

[X] Ministry of Justice

[] Inspection authority

[] Supreme Court

[] External audit body

[] Other (please specify):

Comments In addition, the Minister of Justice has a competence in the scope of external administrative supervision over the activities of courts. The supervision can not enter the field in which judges and assessors are independent.

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

[] Public prosecutorial Council

[] Ministry of Justice

[X] Head of the organisational unit or hierarchical superior public prosecutor

[X] Prosecutor General /State public prosecutor

[] External audit body

Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	<input checked="" type="checkbox"/> Please check comments	<input type="checkbox"/>
within the public prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments In the mode of external and internal administrative supervision over the administrative activity of courts by analyzing the results of the courts or departments and monitoring the efficiency of individual cases in the case of detected lengthiness.

3.6.4. Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

- Yes (please indicate the name and the address of this institution):Ministry of Justice, Department of Strategy and European Funds
- No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):National Public Prosecutor's Office; Rakowiecka 26/30 Street, Warsaw

- No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

- Yes, on internet
- No, only internally (in an intranet website)

No

Comments

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

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments The president of the court of appeal draws up an annual report on the activities of the courts operating in the area of appeal in the scope of tasks entrusted to him, which, after giving the general assembly of appellate judges, submits to the Minister of Justice, no later than the end of April each year. The president of the regional court draws up annual information on the activities of the courts operating in the area of the district, within the scope of tasks entrusted to him, which, after being approved by the general assembly of district judges, submits to the president of the court of appeal, no later than by the end of February each year. The president of the district court prepares annual information on the court's activities in the scope of tasks entrusted to him, which, after consulting the judges of this court, submits to the chairman of the district court no later than the end of January each year (Article 37h of the Law on the system of common courts).

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments PK-P1K report on criminal cases; PK-P1CA – report on civil and administrative cases; PK -P1N – report on official supervision of the criminal, civil and administrative cases. The

081-5. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

- Yes
- No

Comments - If yes, please specify: Prosecutors have the opportunity to apply to the court regarding the organization, planning and number of hearings on the principles generally provided for in the Code of Civil Procedure. They can contact the court in urgent matters by phone.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

- Yes
- No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

- Yes
- No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify):

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

() Yes

(X) No

Comments

114-1. If yes, please specify the frequency of this assessment:

() Annual

() Less frequent

() More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

() Yes

(X) No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

[] Executive power (for example the Ministry of Justice)

[] Prosecutor General /State public prosecutor

[] Public prosecutorial Council

[X] Head of the organisational unit or hierarchical superior public prosecutor

[] Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

() Yes

(X) No

Comments

120-1. If yes, please specify the frequency of this assessment:

() Annual

() Less frequent

() More frequent

Comments

C4. Please indicate the sources for answering the questions in this chapter:

Sources: Ministry of Justice

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial

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

[]

NA

NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]

NA

Comments

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): Supervisory letters are sent to the presidents of court of appeals for the purpose of taking actions within the framework of internal administrative supervision aimed at improving the efficiency of court proceedings. Simultaneously it is monitored the course of proceedings arising from external administrative supervision.

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

Yes

No

NAP

Comments

D1. Please indicate the sources for answering questions in this chapter.

Sources: Code of Civil Procedure, Code of Criminal Procedure

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

Comments - If yes, please specify: Court cases should be recognized in the order in which they are received, unless specific provisions set a deadline for recognizing them or there is another legitimate reason for changing the order resulting from the organization of court work. In other cases only urgent steps are taken. In addition to the order specified in paragraph 1, urgent matters should be addressed for the dates of hearings or meetings (§56 of the Rules of Procedure of ordinary courts).

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: Simplified proceedings in disputes with the subject of small value. In addition to the European Small Claims Procedure, this is a procedure regulated in art. 505(1) et seq. Code of Civil Procedure, i.e. covering matters for claims resulting from contracts, if the value of the subject of the dispute does not exceed twenty thousand zlotys, and in cases for claims arising from the warranty, quality guarantee or from the non-conformity of the item sold to the consumer with the contract, if the value of the contract does not exceed this amount and the payment of the rent of dwellings and charges charging the tenant and fees for using the housing unit in the housing co-operative regardless of the value of the dispute.

In accelerated proceedings, cases in which an investigation is conducted can be recognized if the perpetrator was caught in the act of committing a crime or immediately afterwards detained and within 48 hours brought by the police and handed over to the court with an application for recognition of a case in accelerated proceedings, hereinafter referred to as the "application for recognition of the case" (517b § 1 of the Code of Criminal Procedure).

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: In civil cases, one can mention the possibility included in art. 328 § 1(1) of the Code of Civil Procedure which states that if the course of a hearing is recorded with the use of an audio or audio/video recorder, the statement of reasons may be provided after the operative part of the judgment is announced, and recorded with the use of the recorder, whereof the presiding

judge shall warn before providing the statement. If a statement of reasons is provided during a hearing, no separate essential reasons for the adjudication shall be provided.

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

() Yes

(X) No

Comments - If yes, please specify: Lawyers have the option of submitting requests for access to files and for setting deadlines for filing applications and dates of meetings on the terms generally provided for in the Code of Civil Procedure.



4.2.2. Case flow management – first instance

091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	2 324 337 [] NA [] NAP	10 983 338 [] NA [] NAP	10 873 270 [] NA [] NAP	2 434 405 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	807 970 [] NA [] NAP	1 324 787 [] NA [] NAP	1 220 249 [] NA [] NAP	912 508 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	1 404 323 [] NA [] NAP	9 272 680 [] NA [] NAP	9 305 584 [] NA [] NAP	1 371 419 [] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	780 007 [] NA [] NAP	4 621 436 [] NA [] NAP	4 743 532 [] NA [] NAP	657 911 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	624 316 [] NA [] NAP	4 651 244 [] NA [] NAP	4 562 052 [] NA [] NAP	713 508 [] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	470 502 [] NA [] NAP	3 691 685 [] NA [] NAP	3 572 462 [] NA [] NAP	589 725 [] NA [] NAP	[X] NA [] NAP

2.2.2 Non-litigious business registry cases	153 814 <input type="checkbox"/> NA <input type="checkbox"/> NAP	959 559 <input type="checkbox"/> NA <input type="checkbox"/> NAP	989 590 <input type="checkbox"/> NA <input type="checkbox"/> NAP	123 783 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	25 726 <input type="checkbox"/> NA <input type="checkbox"/> NAP	65 963 <input type="checkbox"/> NA <input type="checkbox"/> NAP	69 315 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 374 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	86 318 <input type="checkbox"/> NA <input type="checkbox"/> NAP	319 908 <input type="checkbox"/> NA <input type="checkbox"/> NAP	278 122 <input type="checkbox"/> NA <input type="checkbox"/> NAP	128 104 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The discrepancy between 2016 and 2018 was realised in 2017 due to the increasing number of mostly non-litigious cases. More details in 2017 data.

Number of pending cases in the category 2.1. General civil (and commercial) non-litigious cases has dropped slightly. That situation is caused by high effectiveness of courts. Number of resolved cases is higher than number of incoming cases. That situation has maintained since 2017.

Higher number of pending cases in Non-litigious business registry cases is temporary and it is a result of higher number of initiated compulsory proceedings. If it is ascertained that the application for entry in the Register or compulsory documents have not been submitted despite expiry of the deadline, the registry court shall call on the obliged parties to submit them.

We observed that the effectiveness of courts has increased and therefore number of pending cases in mentioned category has dropped at the end of the year.

In regard to non litigious land registry cases we observe in Divisions of Land and Mortgage higher staff turnover. It contributes to problems with solving cases, therefore number of pending cases has increased.

In regard to "other" cases we have observed significant increasing of incoming cases without specified category. In this category we include following cases: exemption from costs, reconstruction of files, affidavit of assets, excluding judge etc. Higher number of pending cases on 31 Dec. is a consequence of high number of in incoming cases during the year. It was probably temporary situation.

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

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

093. Please indicate the case categories included in the category "other cases":

. Category "other cases" include cases for a declaration of enforceability, exemption from court costs, recusing of a judge, recreation of documents. There are also included some insurance cases and cases without specified symbol.

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	248 177 [] NA [] NAP	827 929 [] NA [] NAP	825 400 [] NA [] NAP	250 706 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	147 369 [] NA [] NAP	393 562 [] NA [] NAP	379 855 [] NA [] NAP	161 076 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	100 808 [] NA [] NAP	434 367 [] NA [] NAP	445 545 [] NA [] NAP	89 630 [] NA [] NAP	[X] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify:

4.2.3. Case flow management – second instance



097. Second instance courts (appeal): Number of "other than criminal law" cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	97 689 [] NA [] NAP	227 220 [] NA [] NAP	218 219 [] NA [] NAP	106 690 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	44 823 [] NA [] NAP	141 045 [] NA [] NAP	135 132 [] NA [] NAP	50 736 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	8 034 [] NA [] NAP	24 637 [] NA [] NAP	23 698 [] NA [] NAP	8 973 [] NA [] NAP	[X] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	7 884 [] NA [] NAP	24 213 [] NA [] NAP	23 292 [] NA [] NAP	8 805 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	150 [] NA [] NAP	424 [] NA [] NAP	406 [] NA [] NAP	168 [] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	150 [] NA [] NAP	424 [] NA [] NAP	406 [] NA [] NAP	168 [] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	26 406 [] NA [] NAP	20 296 [] NA [] NAP	18 897 [] NA [] NAP	27 805 [] NA [] NAP	[X] NA [] NAP
4. Other cases	18 426 [] NA [] NAP	41 242 [] NA [] NAP	40 492 [] NA [] NAP	19 176 [] NA [] NAP	[X] NA [] NAP

Comments - If "Other cases" please specify

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	14 460 [] NA [] NAP	141 853 [] NA [] NAP	139 886 [] NA [] NAP	16 427 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	13 401 [] NA [] NAP	135 910 [] NA [] NAP	133 923 [] NA [] NAP	15 388 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	1 059 [] NA [] NAP	5 943 [] NA [] NAP	5 963 [] NA [] NAP	1 039 [] NA [] NAP	[X] NA [] NAP

3. Other cases	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify.

4.2.4. Case flow management – Supreme Court



099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	30 034 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	27 869 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	25 596 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	32 307 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	3 655 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	7 640 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	6 699 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	4 596 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	26 379 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 229 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 897 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 711 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other cases", please specify

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

Yes

No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? [0]

cases closed by this procedure? [0]

Comments Currently statistical data concerning the number of cases closed by this special procedure is not available.

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	906 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 551 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 680 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 777 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify Number of incoming cases has increased due to implemented law changes in Code of Criminal Procedure. On 15 April 2016 entered into force regulations about complaints against appellate court judgments. Parties may complain to the Supreme Court of the Republic of Poland against an appellate court judgment revoking a judgment of the court of the first instance and referring the case for reconsideration. In the first period of functioning of mentioned regulations there were not many incoming cases. The situation changed in 2018. We have observed that many cases incoming on the base of regulations implemented in 2016. Moreover, in 2018 were carried on some organisational changes e.g. Military Chamber of Supreme Court has been closed and all cases were moved



4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	49 485 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89 156 <input type="checkbox"/> NA <input type="checkbox"/> NAP	85 568 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 202 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	4 124 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 479 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 513 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 090 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	4 660 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 309 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 420 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 549 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	408 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In regard to litigious divorce cases, please note that pending cases on 1 Jan. ref. year plus incoming cases minus resolved cases are not equal pending cases on 31 Dec. ref. year. In some judicial proceedings parties decided to change their decision and do not get divorce but they get separation. In that situations incoming cases are classified as divorce cases but in resolved cases they are classified as separation cases which are included in different statistical position.

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. Cases related to asylum seekers right of entry and stay for aliens are excepted from jurisdiction of common courts. Mentioned cases are in competence of Office for Foreigners.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the

enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Litigious divorce case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. NA

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. NA

4.2.6. Case flow management – public prosecution



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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge

to charge

to present the case in court

to propose a sentence to the judge

to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify):

Comments The prosecutor conducts and supervises a police investigation in accordance with Art. 311 and Art. 326 of the Code of Criminal Procedure.

As a rule, the investigation is conducted by the Police or other bodies listed in the Act, the prosecutor may always decide to take it over - Art. 325a of the Code of Criminal Procedure.

The prosecutor, at the stage of conducting pre-trial proceedings, applies to the court for provisional arrest of the suspect (Article 242 of the Code of Criminal Procedure), the prosecutor uses also other preventive measures, including an order to leave the apartment occupying with the victim (Chapter 28 of the Code of Criminal Procedure.) - The prosecutor puts charges against the suspect in the investigation and interrogates him/her, the investigation is carried out by the authority conducting; the preparatory proceedings, unless it is conducted by the prosecutor or s/he reserved the execution of this activity for her/himself.

The prosecutor is a public accuser, in the case of referral to the court with an indictment, he/she will appear before the court in the trial.

The prosecutor submits penalties in a lawsuit. The prosecutor puts in the appeal.

The prosecutor's obligations related to participation in enforcement proceedings were specified in Section VI of the Regulation of the Minister of Justice of April 7, 2016 - Rules of internal office of common organizational units of the prosecutor's office (Journal of Laws 2017. 1206): Taking part in the court session, in cases whose catalogue was specified in § 337 of the abovementioned legal act, the prosecutor will respond to the applications and related issues, and then assesses the legitimacy of the court decision and the need to challenge it, if it considers it defective or incorrect.

If the accused pleads guilty, and in the light of his explanations, the circumstances of the crime and guilt are not in doubt, and the accused's attitude indicates that the objectives of the proceedings will be reached, further actions may be omitted. The prosecutor may apply to the court for issuing a conviction at the court session and for adjudicating the penalties agreed upon with the defendant or other means foreseen for alleged crime, also taking into account the legally protected interests of the aggrieved party (art. 355 of the Code of Criminal Procedure).

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: The prosecutor's procedural admission to participate in civil proceedings results directly from Art. 7 of the Code of Civil Procedure and Art. 60 § 1 and § 2 of the Code of Civil Procedure, according to which a prosecutor may demand the initiation of proceedings in any case, as well as participate in any pending proceedings if, in his opinion, it is required to protect the rule of law, citizens' rights or social interest, he may join the proceedings at any stage, he can also challenge any decision against which there is an appeal.

However, in matters regulated by the Act of 28 February 2003, the Bankruptcy Law - procedural admission results indirectly from Art. 7 of the Code of Civil Procedure and Art. 60 § 1 of the Code of Civil Procedure and directly from Art. 376 of the Bankruptcy Act, according to which a prosecutor is entitled to initiate proceedings in cases concerning prohibition of conducting business activity on own account or under a civil law partnership and performing functions in statutory authorities of commercial companies, state enterprises, cooperatives, foundations, associations, and also in relation to persons authorized to represent an entrepreneur who is a legal person or a commercial company without legal personality and persons who effectively manage the debtor's enterprise - art. 373 and 374 of the Bankruptcy Act.

In turn, administrative cases, pursuant to Art. 8 § 1 of the Act of 30 August 2002 Law on Proceedings before Administrative Courts, a

prosecutor may take part in any pending proceedings as well as file a complaint, a cassation complaint, a complaint and a complaint about the resumption of the proceedings, if, according to their assessment, it is required to protect the rule of law or human and civil rights. In this case, the right of the party is entitled to the prosecutor.

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	1 081 358 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 076 123 <input type="checkbox"/> NA <input type="checkbox"/> NAP	43 348 <input type="checkbox"/> NA <input type="checkbox"/> NAP	297 729 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Differences which appear between data mentioned in the form related to functioning of the Polish jurisdiction and data specified in the previous edition of research - connected with the amount of cases incoming and the amount of terminated cases - arise from at least two reasons. First, during the years the image of crime has been changing. The amount of committed crimes is not constant and it is changing dynamically. Second, normative changes affect the differences mentioned at the beginning. This is connected with: the penalization of acts which have been criminally indifferent until now and amendments to the Criminal Procedure Law. In the adversarial reform - currently in force since the 1st of July 2015 - the rule related to cases terminated by decisions of police on refusal to allow investigation or on discontinuance of investigation has been introduced. According to this rule the aforementioned cases do not have to be approved by the prosecutor. Therefore such proceedings have not been registered in the prosecution office. Amendments to the Code of Criminal Procedure, which came into force on the 15th of April 2016, cancelled this rule.

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	43 348 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	43 348 <input type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

108. Total number of cases which were discontinued by the public prosecutor.

	Number of cases
Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	397 471 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	108 009 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	160 438 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Discontinued by the public prosecutor for reasons of opportunity	8 174 [] NA [] NAP
4. Other	120 850 [] NA [] NAP

Comments 1. Discontinuance of criminal proceedings in view of penalty imposed for another offence

Art. 11 of the Code of Criminal Procedure § 1. The proceedings concerning a summary offence punishable by a penalty of imprisonment for up to five years may be discontinued, if the imposition of the penalty on the offender would be obviously purposeless in view of a penalty validly decided for another offence and provided that such a discontinuation is not contrary to the interest of the aggrieved party. §

2. If the penalty for the other offence has not yet been decided by a final judgment, the proceedings may be suspended. The suspended proceedings should be discontinued or resumed within three months of the date at which the judgment concerning the other offence referred to in § 1 became final. § 3. Proceedings discontinued pursuant to § 1 may be re-opened in case of an annulment or a substantial change of the final court judgment for which they were discontinued.

2. Discontinuance of criminal proceedings under Art. 17 point 4-11 of the Code of Criminal Procedure § 1. Criminal proceedings are not instituted, or, if previously instituted, are discontinued in cases where:

4) according to the law, the offender is entitled to an absolute discharge, 5) the accused is deceased, 6) the prescribed statute of limitations has expired, 7) criminal proceedings that concern the same act committed by the same person have arrived at a final judgment or, if previously instituted, are still pending, 8) the offender is not subject to the jurisdiction of the Polish criminal courts, 9) there is no motion from an authorised prosecutor, 10) there is neither a permission required for the prosecution of the act nor a complaint from an authorised person, unless the law provides otherwise, 11) there exists any other circumstance barring the prosecution of the act.

3. Discontinuance of criminal proceedings under Art. 322 par. 1 of the Code of Criminal Procedure § 1. If the proceedings have not given grounds for the submission of an indictment and the conditions mentioned in Article 324 are not fulfilled, the investigation is discontinued without the necessity of familiarising the suspect with the material of the proceedings and without necessity of closing the proceedings.

4. Discontinuance of criminal proceedings under Art. 62a of the Prevention Drug Abuse Act of 29 July 2005 (Journal of Laws of 2018, item 1030)

The article allows discontinuance of criminal proceedings before issuing an order to initiate an investigation or inquiry against a perpetrator in possession of psychotropic substances or intoxicants, including the case of lesser importance (Art. 62 (1 and 3) of the Act). A necessary condition is to establish that a verdict of a sentence would be pointless because of an offence circumstances and a degree of its social harmfulness. Also a person that is suspected of possession of drugs or psychotropic substances must have them in an insignificant quantity and only for personal use.

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Ministry of Justice, National Prosecutor's Office

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments Judges of common courts are appointed by the President of the Republic of Poland at the motion of the National Judiciary Council for an unspecified period of time. The Council organise competition on the post of a judge. Any person eligible for the post of a court judge may apply for one post of a judge. In polish judiciary system there is a second way to the post of a judge also – through the work on a post of a deputy judge. A person who:

- 1) is a Polish citizen and enjoys full civil and full public rights;
- 2) is a person of integrity; 3) has completed higher education in law in the Republic of Poland and has obtained a master's degree, or has completed higher education in law abroad recognised in the Republic of Poland;
- 4) is able, as regards their health condition, to perform the duties of a judge;
- 5) has completed judicial training in the National School of Judiciary and Public Prosecution;
- 6) has passed the judicial or prosecutor's exam. may be assigned to the post of a deputy judge.

Deputy judges are appointed by the Minister of Justice for an indefinite period. The Minister of Justice presents the National Council of the Judiciary with the list of appointed deputy judges and the request to entrust the duties of a judge. If the National Council of the Judiciary, within one month from the date of presenting the list and request, does not raise an objection, the deputy judge performs the duties of a judge for a period of 4 years from the date of the expiry of the monthly period and, in the case of an objection, from the date of quashing the resolution expressing an objection.

Before the expiry of 36 months of performing the duties of a judge, the deputy judge may submit to the president of the competent district court a request for the appointment to the position of judge of the district court. The evaluation of the qualifications of the deputy judge is carried out by the inspecting judge indicated at random by the president of the competent court of appeal from among judges.

The president of the competent district court renders the evaluation of qualifications. The deputy judge may submit to said president comments regarding the evaluation of qualifications. After the deputy judge submitting comments to evaluation of qualifications, the president of the district court presents the candidacy of the deputy judge for the vacant position of the judge of the district court for an opinion to the board of the district court, together with the evaluation of qualifications along potential comments of the deputy judge, and afterwards sets the date of the general assembly of circuit judges when the candidacy will be assessed.

The National Judiciary Council reviews and assessments of deputy judge for the post of the judge of district court. The Council may decree inspection of the career of deputy judge. In the end the Council presents to the President of the Republic of Poland motion for appointment of judges of district court.

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

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

- review and assessment of candidates for the post of judges of the Supreme Court and common courts, administrative and military courts and for the post of assessors,
- presenting to the President of the Republic of Poland motions for appointment of judges of the Supreme Court, common courts, administrative and military courts and the appointment of assessors.

The President of the Republic appoints judges on the motion of the National Council of the Judiciary.

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): Any person eligible for the post of a regional or appeal court judge may apply for one post of a judge. The application for a vacant post of a regional court judge and for a vacant post of an appeal court judge is filed with the president of the court of appeal.

The president of the court with whom the application sheet was filed, having deemed that the candidate fulfils the conditions and formal requirements of the application, orders that, within seven days from the application date at the latest, the qualifications of the candidate be evaluated by a designated judge. If necessary, the president of the court may order that the qualifications be evaluated by more than one judge. The president of the competent court renders the evaluation of qualifications. The candidate may submit to the president of the court comments regarding the evaluation of qualifications. The president of the court of appeal presents the candidate for a vacant post of an appeal court judge or a regional court judge along with the evaluation of qualifications and possible comments of the candidate for an opinion to the board of the court of appeal, and then to the general assembly of appeal judges, to provide their opinion on the candidate. The president of the regional court presents the candidate for a vacant post of a district court judge along with the evaluation of qualifications and possible comments of the candidate for an opinion to the board of the regional court, and then to the general assembly of circuit judges, to provide their opinion on the candidate.

The evaluation of qualifications of a candidate holding the post of a common court judge, an administrative court judge, and a military court judge includes the review as to the merits of the judicial decisions as well as the efficiency and effectiveness of the actions taken and of work organisation when hearing cases or performing other tasks or functions they are entrusted with, taking into account the workload and the complexity of tasks, the implementation of professional improvement process, as well as the culture of service, including personal culture and work organisation culture, as well as respecting the rights of the parties to or participants in the proceedings when hearing cases or performing other tasks or functions they are entrusted with.

The National Judiciary Council review and assessment of candidates for the post of judges of regional or appeal courts and presents to the President of the Republic of Poland motions for appointment of judges of the regional or appeal court.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

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

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Pursuant to art. 74 § 1 and art. 76 § 1-5 of the Law on Prosecution Act of 28th January 2016 (published in the Journal of Laws 2017, item 1767 and later amendments), Public Prosecutor General appoints prosecutors of general organizational units of the prosecution office (also in the case of promotion to a higher position), at the request of the National Public Prosecutor. In the case of promotion to a higher position, motion related to the promotion is submitted by the prosecutor managing the unit related to the promotion. Submission of the motion takes place in an official way, with the participation of the prosecutor managing the unit of a higher level. Before the aforementioned appointment, Public Prosecutor General can consult the case related to certain candidate with the competent board of the prosecutor's office. The

competent board submits the opinion to the Public Prosecutor General within 30 days of the receipt of request related to consultation. In the case where the board will not submit the aforementioned opinion within prescribed period of time, the opinion shall be deemed to be positive.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”): Pursuant to art. 76 § 1-5 of the Law on Prosecution Act of 28th January 2016 (published in the Journal of Laws 2017, item 1767 and later amendments), the appointment related to the prosecutor’s position in the unit of a higher level, refers only to person, who meets all formal requirements connected with this position and who has certain period of service related to: prosecutor’s position, prosecutor’s position of a certain level, position of the prosecutor of Nation’s Memory Institute, judge of district court or military district court, as well as: attorney, legal advisor or notary public (after prescribed period of practice) and position of the chairman, vice-chairman or counsel of the Polish Public Prosecutor’s General Office. The assessment related to the promoted person and their professional skills, is included in the motion submitted by the prosecutor managing the unit related to the promotion. Under particularly justified circumstances, in order to ensure proper performance of statutory prosecution’s tasks, Public Prosecutor General - at the request of the National Public Prosecutor - can appoint candidate prosecutor’s position related to the unit of a higher level, disregarding the aforementioned requirements.

5.1.3.Mandate and retirement of judges and prosecutors

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

- Yes, please indicate the compulsory retirement age:65
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The judges are not removable. The submission of a judge from office, suspension from office, transfer to another seat or to another position against his will may only take place by virtue of a court decision and only in the cases specified in the Act. The judge may be retired as a result of preventing him from exercising his office of illness or loss of strength. The procedure and the manner of appealing to the court are specified by statute. If the system of courts changes or the boundaries of court districts are changed, the judge may be transferred to another court or retired with full remuneration (Article 180 of the Constitution of the Republic of Poland).

121-1. Can a judge be transferred to another court without his/her consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards):
- No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):4 years

No

Comments

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

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):at least 1 year

No

Comments The period of verification of suitability for the prosecutor's profession is the assessor (trainee prosecutor) - Art. 173 § I of the Act of 28 January 2016 - Law on the Prosecutor's Office.

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

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

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

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: Ministry of Justice

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	(X) Yes () No	() Yes (X) No
General in-service training	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

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

	Frequency of the judges training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors



129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on ethics	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for the use of computer facilities in office	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Training and professional development of prosecutors belongs to the tasks of the National School of Judiciary and Prosecution [Art. 2 section 1 point 2 of the Act of January 23, 2009 on the National School of Judiciary and Prosecutor's Office (Journal of Laws of 2017, item 146, as amended)].

Prosecutors interested in participating in particular trainings, implemented as part of the schedule of the National School established annually by the Director of the National School, declare their willingness to participate individually - via the Training Platform.

The manner and procedure for the preparation of the annual schedule of the National School's training activity have been defined on the basis of the authorizing provision contained in art. 15c of the Act, namely in the Regulation of the Minister of Justice of December 17, 2015 on the manner and procedure for preparing the annual schedule of training activities of the National School of Judiciary and Public Prosecutor's Office (Journal of Laws of 2015, item 2262).

Regardless of the training activities carried out within the schedule of the National School of Judiciary and Public Prosecution, emerges a necessity arising from the changing legal status or evolving forms of crime, parallel implementation of various forms of professional development for prosecutors and prosecutors' judges, which the National Public Prosecutor's Office deals with.

They take place both at the headquarters of the National Prosecutor's Office in Warsaw and at the facilities of all circuit public prosecutors' offices in the country. These trainings are usually of a workshop type and are run by prosecutors performing official duties in the substantive organizational units of the National Public Prosecutor's Office, focusing on discussing the most common mistakes made in the course of preparatory proceedings, which were revealed as part of their supervision.

The National Prosecutor's Office also coordinates trainings organized by specialized external institutions.

For example, prosecutors participate in seminars related to the functioning of capital markets, regularly organized by the Office of the Polish Financial Supervision Authority in Warsaw.

Moreover, as part of an agreement signed between the National Prosecutor and the Chief Commander of the Border Guard, prosecutors take part in specialized training aimed at ensuring a high substantive level of investigative and operational-reconnaissance activities supervised by the prosecution, in which also Border Guard officers participate.

Training courses for the current needs of prosecutors are also organized as part of the own initiative of individual organizational units of the prosecutor's office, usually they take place at the level of the circuit prosecutor's offices, and prosecutors from the subordinate prosecutors' offices to this unit participate in them.

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments The National School of Judiciary and Public Prosecution is the only central institution responsible for the initial and continuous training of the judiciary and prosecution staff in Poland. The main tasks of the National School consist of conducting the judicial initial training and prosecutorial initial training, whose goal is by obtaining necessary knowledge to prepare the trainees to work as a judge, judge's assessor, prosecutor and prosecutor's assessor as well as training and enhancing the professional competence of judges and prosecutors in order to complement their specialist knowledge and professional skills.

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	16 580 465 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In 2017 and partly in 2018 entered into force regulations which amendment rules of of training in The National School of Judiciary and Public Prosecution. New law is aimed to improve quality of training new judges and prosecutors. Moreover there is constant pressure to improve qualifications of current judges and prosecutors. In regard to above we observed significant growth of expenditures.

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	880 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Only for judges	270 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Only for prosecutors	164 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Only for other non-judge staff	199 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Only for other non-prosecutor staff	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other common training	204 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments: .

E2. Please indicate the sources for answering the questions in this chapter:

Sources: National School of Judiciary and Prosecution, Ministry of Justice

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	24 146 [] NA [] NAP	19 498 [] NA [] NAP	103 829 [] NA [] NAP	83 842 [] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	67 267 [] NA [] NAP	48 962 [] NA [] NAP	289 249 [] NA [] NAP	210 537 [] NA [] NAP
Public prosecutor at the beginning of his/her career	24 146 [] NA [] NAP	19 498 [] NA [] NAP	103 829 [] NA [] NAP	83 842 [] NA [] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	67 267 [] NA [] NAP	48 962 [] NA [] NAP	289 249 [] NA [] NAP	210 537 [] NA [] NAP

Comments Base salary for prosecutors related to general organizational units of the prosecution office is determined by virtue of the Table regarding rates, connected with the base salary for prosecutors related to general organizational units of the prosecution office and for prosecutors related to the Nation's Memory Institute - Commission for the Prosecution of Crimes against Polish Nation. The aforementioned table also includes multipliers used for determining the aforementioned salary and it constitutes Schedule No 1 enclosed to the Regulation of the Council of Ministers of 29th February 2016 on the base salary for prosecutors and the amount of extra duty allowance for prosecutors. The aforementioned table determines rates of the base salary related to particular prosecutor's position and appropriate multiplier used for determining the amount of base salary connected with this position. Pursuant to art. 123 of the Law on Prosecution Act of 28th January 2016 (published in the Journal of Laws 2017, item 1767 and later amendments), the basis of the prosecutor's base salary in a given year shall be - so called - base amount, that is average salary related to second quarter of the previous year, published in the Official Journal of the Republic of Poland by the Chairman of the Central Statistics Office.

Pursuant to art. 124 § 1 of the aforementioned Act, base salary for prosecutors related to the National Public Prosecutor's Office is equal to base salary for the Supreme Court judges.

Pursuant to art. 48 of the Supreme Court Act of 8th December 2017 (published in the Journal of Laws 2018, item 5 and later amendments) salary for the Supreme Court judge is determined at the basic rate or promotion rate. The amount of a promotion rate constitutes 115% of a basic rate. The Supreme Court judge, while taking over the post, acquires base salary related to the basic rate. After seven years of duty connected with the Supreme Court, base salary for the Supreme Court judge is raised up to the promotion rate. At the same time, pursuant to art. 124 § 11 of the aforementioned Law on Prosecution Act, prosecutor is entitled to allowance connected with a long-term service.

This allowance constitutes, starting with the 6th year of service, 5% of the base salary currently received by the prosecutor and it rises - after each following year of service - by 1% of the base salary, until it reaches the level of 20% of the base salary. After twenty years of service, the allowance constitutes, independently on the period of service exceeding this time, 20% of the base salary currently received by the prosecutor.

What is more, pursuant to art. 124 § 10 of the aforementioned Law on Prosecution Act, in connection with certain position, prosecutor in entitled to extra duty allowance, which stems from Schedule No 2 of the Table regarding positions and multipliers used for determining the amount of extra duty allowance, enclosed to the Regulation of the Council of Ministers of 29th February 2016 on the base salary for prosecutors and the amount of extra duty allowance for prosecutors.

Additionally, pursuant to art. 111 § 2 and 4 of the aforementioned Act, the National Public Prosecutor - due to the character of service and the scope of duties - can be entitled to the special allowance as well. The amount of the special allowance shall not exceed 40% of base salary and extra duty allowance altogether. The special allowance is granted for a specified period of time or - under particularly justified circumstances - for an unspecified period of time. Salaries of judges and public prosecutors of the Supreme Court or the Highest Appellate Instance - we indicated average salary which contains base salary, allowance connected with a long-term service and allowance connected with occupying post.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Housing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other financial benefit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

134. If “other financial benefit”, please specify:

. A judge who retires or is retired due to age, illness or physical incapacity is entitled to an emolument equal to 75 percent of the basic salary and seniority allowance received at the most recent post.

The emolument is increased in line with changes of the basic salaries of active judges. A judge who retires is entitled to a one-off severance payment in the amount of six-months' remuneration.

1) Financial support. A judge may be granted financial support, in the form of a loan, to satisfy their residential needs.

2) Paid health leave. A judge may be granted paid health leave to undergo the prescribed treatment if the treatment requires to refrain from carrying out service. The health leave cannot exceed six months and is granted by the Minister of Justice.

3) Annual additional leave. A judge is entitled to annual additional leave of:

–six business days – after ten years of work,

–twelve business days - after fifteen years of work.

4) Jubilee award. A judge is entitled to a jubilee award in the amount of:

–100 percent of the monthly remuneration – after twenty years of work,

–150 percent of the monthly remuneration – after twenty-five years of work,

–200 percent of the monthly remuneration – after thirty years of work,

–250 percent of the monthly remuneration – after thirty-five years of work,

–350 percent of the monthly remuneration – after forty years of work,

–400 percent of the monthly remuneration – after forty-five years of work.

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

specify:

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

Yes

No

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

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, how is this institution / body formed

only by judges

by judges and other legal professionals

other, please specify: please check comments

Comments According to art. 187 par. 1 of the Constitution of the Republic of Poland, the National Council of the Judiciary consists of:

- 1) the First President of the Supreme Court, the Minister of Justice, the President of the Supreme Administrative Court and a person appointed by the President of the Republic,
- 2) fifteen members elected from among the judges of the Supreme Court, common courts, administrative courts and military courts,
- 3) four members elected by the Sejm from among deputies and two members elected by the Senate from among senators.

138-2. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, how is this institution / body formed

only by prosecutors

by prosecutors and other legal professionals

other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The National Council of Public Prosecutors adopts a Code of Professional Ethics Rules and ensures that these Rules are respected. National Council of Public Prosecutors consists of: 1) the National Public Prosecutor; 2) 4 representatives elected by the meeting of public prosecutors of the National Public Prosecutor's Office, including at least one who administers acts in the Department for Organized Crime and Corruption and one who administers acts in the Department for Military Matters; 3) a representative elected by the public prosecutors' assembly of the Institute of National Remembrance, 4) representatives elected by public prosecutors' assemblies in provincial public prosecutor's offices – one from each provincial public prosecutor's office; 5) 5 public prosecutors appointed by the Public Prosecutor General, including at least one who is retired. Election of public prosecutors belonging to the National Council of Public Prosecutors takes place pursuant to the rules enacted by the public prosecutors' assembly of the National Public Prosecutor's Office and the public prosecutors' assembly in the provincial public prosecutor's office respectively. The National Council of Public Prosecutors is presided over by the Public Prosecutor General. The National Council of Public Prosecutors choose and recall 2 vice-presidents and a secretary from their circle. The vice-presidents of the National Council of Public Prosecutors cannot be in charge of their functions for more than 2 terms of office of the National Council of Public Prosecutors. The National Council of Public Prosecutors' term of office lasts 2 years. The National Council of Public Prosecutors debate in sessions. The sessions of the National Council of Public Prosecutors are convened by the Public Prosecutor General on his/her own initiative or upon a motion of the National Public Prosecutor or from one third of the Council's members.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

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

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify): disciplinary spokesman

This is not possible

Comments If after conducting explanatory proceedings grounds for disciplinary proceedings are instituted, the disciplinary spokesman initiates disciplinary proceedings and prepares disciplinary charges in writing (Article 114§3 of the Act - Law on the system of common courts).

There were legislative changes which were implemented in 2018. Regulations concerning disciplinary proceedings and post of disciplinary spokesman were changed significantly. Spokesman is a post within the court/prosecution office. Disciplinary court is

responsible for carrying on the whole proceeding and passing judgement.

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

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

Comments The Disciplinary Spokesman is appointed by the Prosecutor General

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

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

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	62 [] NA [] NAP	62 [] NA [] NAP
1. Breach of professional ethics	[X] NA [] NAP	[X] NA [] NAP
2. Professional inadequacy	[X] NA [] NAP	[X] NA [] NAP
3. Criminal offence	[X] NA [] NAP	[X] NA [] NAP
4. Other	[X] NA [] NAP	[X] NA [] NAP

Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	[X] NA [] NAP	13 [] NA [] NAP
1. Reprimand	[X] NA [] NAP	3 [] NA [] NAP
2. Suspension	[X] NA [] NAP	0 [] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP	[] NA [X] NAP
4. Fine	[X] NA [] NAP	[] NA [X] NAP
5. Temporary reduction of salary	[X] NA [] NAP	0 [] NA [] NAP
6. Position downgrade	[X] NA [] NAP	[] NA [X] NAP

7. Transfer to another geographical (court) location	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
9. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. According to art. 142 par. 1 of the Law on Prosecution Act of 28th January 2016 (published in the Journal of Laws 2017, item 1767 and later amendments) disciplinary penalties include: admonition, reprimand, dismissal from function, transfer to another place of service, dismissal from prosecutorial service. In view of the above mentioned regulation “other type of sanctions” means admonition and dismissal from prosecutorial service.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Ministry of Justice, National Prosecutor's Office

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	53 081 <input type="checkbox"/> NA	26 635 <input type="checkbox"/> NA	26 446 <input type="checkbox"/> NA

Comments

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

Yes ()

No (X)

Comments

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

[]
 NA

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[]	[]	[X]
Dismissal cases	[]	[]	[X]
Criminal cases – Defendant	[]	[]	[X]
Criminal cases – Victim	[]	[]	[X]
Administrative cases	[]	[]	[]

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: Mandatory representation before the Supreme Court is defined in art. 87 (1). of Code of Civil Procedure:

§ 1. In proceedings before the Supreme Court, parties must be represented by advocates or legal advisors or, in industrial property cases, also by patent attorneys. Such representation is also required with respect to procedural actions related to proceedings before the Supreme Court performed before a court of lower instance.

§ 2. The provisions of § 1 do not apply to proceedings for exemption from court costs or appointment of an advocate or legal advisor or where the party, its body, statutory representative or an attorney is a judge, public prosecutor, notary or a professor or PhD of legal sciences, or where the party, its body or statutory representative is an advocate, legal advisor or an attorney of the State Treasury Attorneys' Office.

§ 3. Moreover, the provisions of § 1 do not apply to cases where the State Treasury or another state legal person is represented by the State Treasury Attorneys' Office.

Mandatory representation before the Supreme Court is also defined in art. 526 § 2 of Code of Criminal Procedure:

§ 2. Where a cassation appeal has not been filed by a public prosecutor, the Minister of Justice-General Public Prosecutor, Rzecznik Praw Obywatelskich [the Commissioner for Human Rights], or Rzecznik Praw Dziecka [the Ombudsperson for Children], it should be drawn up and signed by a defence counsel or an attorney being a solicitor or a legal counsel.

Mandatory representation before the Supreme Court is also in administrative cases what is defined in art. 175 § 1 of Law on Proceedings before Administrative Courts:

§ 1 A cassation appeal should be drawn up by a lawyer or legal counsellor.

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Family member	(X) Yes () No	(X) Yes () No	() Yes (X) No
Self-representation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Trade union	(X) Yes () No	(X) Yes () No	() Yes (X) No

Other	() Yes (X) No	() Yes (X) No	() Yes (X) No
-------	---------------------	---------------------	---------------------

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

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

- Yes
- No

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

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

- Yes
- No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
- No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Ministry of Justice

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used? National bar associations of legal advisors and advocates establish codes of ethics including quality rules and standards.

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

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Labour cases including employment dismissals	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Criminal cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Consumer cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

(X) Yes

() No

[] NAP

Comments - If yes, please specify (only one or both options):: According to Polish Law a party has a right to take part in a mediation with a legal representative, including a possibility to receive free legal aid.

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	26 272 [] NA [] NAP	26 272 [] NA [] NAP	6 822 [] NA [] NAP
1. Civil and commercial cases	13 297 [] NA [] NAP	13 297 [] NA [] NAP	1 605 [] NA [] NAP
2. Family cases	6 933 [] NA [] NAP	6 933 [] NA [] NAP	2 409 [] NA [] NAP
3. Administrative cases	6 [] NA [] NAP	6 [] NA [] NAP	3 [] NA [] NAP
4. Labour cases including employment dismissal cases	2 178 [] NA [] NAP	2 178 [] NA [] NAP	450 [] NA [] NAP

5. Criminal cases	3 858 [] NA [] NAP	3 858 [] NA [] NAP	2 355 [] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: There are no separate statistics for cases involving consumer cases. Such cases are classified as civil cases.

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: MEDIATION PROCEEDINGS IN THE LIGHT OF STATISTICAL DATA, REGIONAL AND DISTRICT COURTS IN YEARS 2006-2018, 7. EDITION, MEDIACJA.GOV.PL, ISWS.MS.GOV.PL, Warsaw, April 2019 and <http://www.nsa.gov.pl/statystyki-wsa.php>

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

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

- Yes
- No

Comments

170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	1 719 [] NA	1 294 [] NA	425 [] NA

Comments

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

- judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers: The bailiff is a public official operating at the district court.

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immovable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

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

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: Ministry of Justice

8.1.2. Efficiency of enforcement services



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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? Reliability, diligence, fairness, timeliness.

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

professional body

judge

Ministry of Justice

other (please specify):

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

Yes

No

Comments - If yes, please specify: Art. 1060 of Code of Civil Procedure defines the procedure of execution against the State Treasury. Art. 1060. § 1. If the debtor is the State Treasury, the creditor shall request satisfaction of the claim sought directly from a national unit whose operations are involved in the claim, while making a reference to a relevant enforcement order; the national unit is required to promptly satisfy a claim confirmed by the enforcement order.

§ 1.1. In cases concerning the redress of damage suffered as a result of the issuance of an act of law, a regulation of the Council of Ministers, or a regulation of another authority which has been constitutionally appointed to issue regulations, which act of law or regulation is not in compliance with the Constitution, a ratified international agreement, or act of law, as well as in cases concerning the redress of damage caused by the fact that no such normative act has been issued despite the fact that its issuance is obligatory pursuant to a legal provision, the creditor shall - referring to a relevant enforcement order - call directly upon the minister responsible for public finance to satisfy the claim, whereupon the minister shall be obliged to promptly satisfy the claim indicated in the enforcement order, using the funds of a specific reserve being part of the state budget.

§ 2. If an enforcement order which provides for a pecuniary claim is not complied with within two weeks of receipt of the request referred to in § 1, the creditor may apply to the court to issue a writ of enforcement for the enforcement order to enable enforcement against the bank account of the debtor's relevant national unit. In the case referred to in § 11 enforcement shall be conducted against bank accounts which serve the purpose of operating the central current account of the state budget.

§ 3. If the enforcement order which provides for a non-pecuniary claim is not performed within the time limit referred to in the preceding paragraph, the court shall, at the creditor's request, set for the head of a relevant national unit a time limit to satisfy the claim and fine him upon failure to do so.

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify: Judicial supervision, administrative supervision and internal supervision of professional body.

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation

concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

Yes

No

Comments - If yes, please specify: On January 1, 2019, entered into force Act on Enforcement Agents and Act on enforcement costs.

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	89 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	37 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: Other: not exercising post visit recommendations, undertaking activities with unjustified delay, exercising activity on larger area than enforcement agent is authorised, spending funds (subject to documentation) for activities grossly incompatible with the intended use.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	29 [] NA [] NAP
1. Reprimand	8 [] NA [] NAP
2. Suspension	1 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	6 [] NA [] NAP
5. Other	14 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Other: penalty of admonition.

Difference between the number of proceedings and the number of sanctions is due to the fact that some proceedings were finished by acquitting the accused or by discontinuing the proceedings, some proceedings initiated in 2018 are still pending.

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Ministry of Justice

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters



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

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): please see general comments

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

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

Yes

No

Comments

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question: Ministry of Justice, data collected as part of the supervision over the realization of the state budget by organizational units subordinate to or supervised by the Minister of Justice.

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
TOTAL (1+2+3+4)	3 526 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Professionals appointed by the State	3 526 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Public officials	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "other", please specify the status: Notaries are appointed by Minister of Justice.

192-1. What are the access conditions to the profession of notary (multiple options possible):

diploma

professional experience/professional training

exam

appointment procedure by the State

other (please specify):

Comments A notary can be a person who meets several requirements, i.e. :

- 1) has Polish citizenship, citizenship of another European Union Member State, member state of the European Free Trade Agreement (EFTA) - parties to the Agreement on the European Economic Area or Swiss Confederation, or citizenship of another country, if under European Union law he has the right to take employment or self-employment within the territory of the Republic of Poland,
- 2) enjoys full public rights and has full legal capacity,
- 3) is of impeccable character and guarantees proper performance of the notary profession,
- 4) graduated from law studies in the Republic of Poland and obtained a master's degree or foreign law studies recognized in the Republic of Poland,
- 5) held a notary appraisal in the Republic of Poland,
- 6) has passed a notarial examination in the Republic of Poland,
- 7) is above 26 years old.

The requirements specified in 5-6 do not apply to persons who in the Republic of Poland:

- 1) obtained the title of professor or the academic degree of habilitated doctor of legal sciences,
- 2) held the position of a judge or prosecutor,
- 3) have held the position of assessor for a period of at least two years,
- 4) have been performing the profession of advocate or legal counsel for a period of at least 3 years,
- 5) have held the position of the President of the General Prosecutor's Office of the Republic of Poland, its vice-president or counselor for at least three years.

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

yes, please indicate the age of retirement:70

no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

194. What kind of activities do notaries perform (multiple options possible):

Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):please see comments

Comments In the Polish legal system, a notary is appointed to perform actions in which the parties are obliged to or wish to give a notarial form (notary activities). An obligation to use the notarial form of the documents applies primarily to activities related to real estate trading.

Notary does the following activities :

- draw up notarial deeds;
- draw up certificates of inheritance;
- undertakes activities related to the European Certificate of Succession;
- draw up the credentials;
- delivers statements;
- lists protocols;
- draw up protests of bills of exchange and checks;
- takes for safekeeping money, securities, documents, data on an IT data carrier;
- draw up abstracts, certified copies and excerpts of documents;
- draw up, at the parties' request, draft acts, declarations and other documents;

- submits requests for registration in the land and mortgage register and documents which are necessary to registration in the land and mortgage register;
- fulfill other activities followed from separate provisions.

Notaries also are tax payers. They pay taxes are collected from clients for provided services. Moreover notaries collect and transfer on a account of the competent court, a court fee for registration in land and mortgage registers.

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries’ exclusive rights or on the opposite regarding the competition they have to deal with: In the Polish legal system, only notaries are entitled to perform notarial activities. However, it should be noted that some activities that belong to the competences of notaries, are also entrusted to other entities, e.g. certification of documents submitted in the course of civil proceedings. There are no statutory duties of notaries in the field of mediation, however, with the consent of the council of the competent notary chamber, notaries may act as mediators.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments Notaries are entitled to issue estreats and statements from documents. They are also entitled to get money, financial instruments and documents in escrow.

Notaries perform also activities regulated in: Code of Commercial Companies, Cheques Law, Bills of Exchange and Promissory Notes Law.

194-3. Do notaries use specialised digital systems in their activity?

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please cpecify):please see comments

Comments The notary immediately after drawing up the certificate of inheritance or European succession shall enter it in the Register of Bequests by entering the data resulting from that act or certificate via the IT system.

The notary submits applications for entry in the land and mortgage register via the IT system that supports court proceedings.

The notary publishes electronic extracts from notarial deeds in the Central Repository of Notarial Act Records.

195. Is there an authority entrusted with supervising and monitoring the notaries’ work?

- Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments

11. Please indicate the sources for answering question 192:

Sources: Ministry of Justice

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments The function of court interpreters is regulated by the procedural law: code of criminal procedure and the code of civil procedure.

The status of sworn translators and their entitlements are regulated by the act on the profession of sworn translators.

199. Number of accredited or registered court interpreters:

[10 116]

[] NA

[] NAP

Comments

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

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): There are measures of professional accountability of sworn translators within the act on the profession of sworn translators. In respect of professional accountability following penalties may be imposed on a sworn translator by the Professional Accountability Commission:

1) admonition;

2) reprimand;

3) fine;

4) suspension of the right to practice the profession of sworn translator for a period from 3 months to one year;

5) deprivation of the right to practice the profession of sworn translator, with the possibility of applying for granting it again not earlier than 2 years after deprivation and having taken again the examination.

The penalties can be imposed if sworn translator fails to perform the tasks with which they are entrusted with particular diligence and impartiality, in compliance with the rules resulting from the provisions of law. Disciplinary penalties in form of fines can be imposed by the judging courts within the procedures itself. There are however no strict provisions regarding which translation/interpretation is to be considered as of proper or insufficient quality.

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters please see comments

Comments There is a centralised list of sworn translators maintained by the Ministry of Justice, but in proceeding the courts are responsible for appointing interpreters. Minister of Justice is responsible for maintaining of the list of sworn translators including entering of new translators, changing data and removing translators from the list. The courts can appoint an interpreter from the centralised list, but it is possible to appoint another persons as well.

J1. Please indicate the sources for answering question 199

Sources: List of sworn translators maintained by the Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what types of judicial experts can be requested to participate in judicial

procedures (multiple choices possible):

experts who are requested by the parties to bring their expertise to support their argumentation,

experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments In legal (court and pretrial) proceedings there are two types of experts – permanent court experts who are registered on a list of permanent court experts conducted by presidents of regional courts and experts ad hoc – appointed to prepare expert assessment only in specific case. Permanent court expert undergoes special process of verification his professional knowledge and warrantee of proper performing expert’s duties. Expert ad hoc might become every person with professional knowledge in specific field.

202-1. Are there lists or databases of registered judicial experts?

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?): In Poland there are only lists of permanent court experts conducted by presidents of regional courts. One permanent court expert can be placed on one or more lists. The central list of experts does not exist. This is president of regional court who issues a decision to register somebody on a list of permanent court experts on the basis of this person’s motion, after verification his professional knowledge and warrantee of proper performing expert’s duties. Permanent court expert is conducted for 5-years tenure. The same person can serve a function of permanent court expert during more than one tenure. Permanent court expert has to take an oath before taking his function. He refers to this oath preparing expert assessments in specific cases. The knowledge of permanent court experts is mainly judged by the court in specific cases. Besides permanent court experts are under supervision of president of regional court. President of regional court can issue a decision of dismissal permanent court expert. Permanent court experts can appeal against this decision to the Minister of Justice and then to administrative court.

202-2. Who is responsible for registering judicial experts?

Ministry of justice

Courts

Independent body (association of judicial experts)

Other

Comments

202-3. Is the registration of judicial experts limited in time?

Yes, for how long 5 years

No

Comments

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: Permanent court experts cas use this title only during preparation of expert assessment in specific cases for courts or public prosecutors.

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	() Yes (X) No
Continuous training	() Yes (X) No

Comments The obligation of training does not result directly from the provisions of law, but in practice, the presidents of district courts conduct trainings which mainly concern the rules of proceedings. In addition, during the assessing the expert skills and knowledge, the presidents of courts consider whether the expert constantly updates and raises his qualifications. The obligation to training may also result from the provisions regulating the performance of certain professions

203-2. If yes, does this training concern:

- judicial proceedings
- the profession of expert
- other

Comments

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

- Yes
- No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

- Yes
- No

Comments

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	14 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Number of registered judicial experts is about 14 000. Presidents of district courts maintain lists of judicial experts. The number of people performing as judicial experts is smaller than the number of total positions on mentioned lists - some experts appear on the lists many times (in many district courts, under various specializations). We indicated only approximated number of people performing as judicial experts.

205-1. Who sets the expert remuneration?

- Remuneration for permanent court experts is set by court or by prosecutor in specific case on the basis of law regulation.

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

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: According to The Code of criminal proceedings this is court or prosecutor and according to The Code of civil proceedings this is court who decides to appoint an expert to prepare an expert assessment in specific case. Court or prosecutor determines subject and scope of an expert assessment, its form – (oral or in paper) and execution time. Provisions of both codes determinate situations when experts can be excluded from preparation opinion in specific case. Experts can be bound by standards of their professions.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	320 000 [] NA [] NAP
1.Civil and commercial litigious cases	[X] NA [] NAP
2.Administrative cases	[X] NA [] NAP
3.Criminal cases	[X] NA [] NAP
4.Other cases	[X] NA [] NAP

Comments Number of mentioned cases is almost 320000

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts

Comments Permanent court experts are appointed by presidents of regional courts.

207-1. Does the judge control the progress of the expertise?

Yes

No

Comments Court is entitled to rush expert to submit expert assessment in case of his delay. If the delay of presenting expert assessment is unjustified, court has possibility to fine expert. Court can also make a complaint against permanent court expert to president of regional court, who supervises him. In the case expert assessment is incomplete, unclear or has interior contradictions, court is entitled to demand additional expert assessment. Both – court and parties of legal proceedings are entitled to ask expert questions connected with expert assessment.

K1. Please indicate the sources for answering question 205

Sources: Lists of permanent court experts conducted by presidents of regional courts.

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

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

1. (Comprehensive) reform plans .

2. Budget .

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) In response to the numerous postulates of entrepreneurs and representatives of collective rights management organizations, regarding the introduction of specialized courts in the scope of intellectual property to the justice system - in view of the specificity of cases in this scope and their increasing inflow from year to year - it is expected to create, within the system of common courts, separate intellectual property courts that would deal with cases related to copyright and related rights, industrial property and related cases of unfair competition.

3.1. Access to justice and legal aid .

4. High Judicial Council .

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. .

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities New draft law on corporate liability has been adopted by the government, now undergoing the parliamentary works. The solutions introduced in the draft Collective Entities Liability Act are aimed to increase the efficiency of measures intended to impose sanctions on collective entities, in particular when combatting serious economic and fiscal crime. The need to achieve the aforementioned objective is justified by the current practice which indicates very low effectiveness of the current system of liability of collective entities in Poland.

7. Enforcement of court decisions .

8. Mediation and other ADR One of The Code of Civil Procedure changes, which is accepted by the government and directed to the parliamentary procedure, establishes domestic informative proceedings. This change is going to precede divorce and separation cases in which parents have mutual children. The main aim of the proceedings is to bring spouses together or, if there is no possible to do that, to comprise a kind of settlement which contains: parental power, contacts with common children and the scope of alimony. With the consent of the parties, proceedings can also contain property issues agreements (if there is any dispute about these matters).

9. Fight against crime .

9.1. Prison system Extending the possibility of paid employment of prisoners in prison work places; reform of the recruitment and education process of Prison Guard officers, establishment of the College of Criminology and Penitentiary.

9.2 Child friendly justice .

9.3. Violence against partners .

10. New information and communication technologies KRK 2.0 Project

Information Office of the National Criminal Register is currently developing a new legal basis for maintaining and operation of the National Criminal Register. Planned legal provisions introduce new faster, automatised means (e.g. WebServices, transactional e-services for business, administration and citizens) of acquiring information on convictions for different types of subjects and institutions eligible to obtain information from the Register. Project includes development and deployment of a new ICT system of the National Criminal Register.

The project is scheduled to end by 2022.

11. Other .