



**Reference data 2020 (01/01/2020 - 31/12/2020)**

**Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021**

**Objective :**

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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. 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.

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## 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)

[ 38 244 000 ]

Comments

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## 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	109 408 858 455 [ ] NA [ ] NAP
Regional / federal entity level (total for all regions / federal entities)	64 843 682 067 [ ] NA [ ] NAP

Comments The estimated implementation of the state budget in January-December 2020 in relation to the 2020 Budget Law as amended was:

- revenue: PLN 419.8 billion, i.e. 105.3%, = EUR 90,968,189,304
- expenditures: PLN 504.9 billion, i.e. 99.4% = EUR 109,408,858,455

The implementation of state budget expenditures in 2020 amounted to PLN 504.9 billion, i.e. 99.4 per cent of the plan (of which 11.6 billion are so-called non-expiring expenditures). Compared to 2019 (PLN 414.3 billion), state budget expenditure was higher by PLN 90.6 billion, i.e. 21.9%.

- The higher execution of expenditures is mainly due to the amendment of the budget law for 2020 in the framework of which the budget funds were reallocated for the preparation of appropriate tools to combat the effects of the COVID-19 pandemic and funds were provided for further stimulation of the development of the Polish economy to ensure the fastest possible return to the path of economic growth.

- At the same time, higher execution was recorded within the budgets of voivodes in connection with the extension of the Family 500+ programme from July 2019, on account of general subvention to local self-government units and in connection with the financing of tasks related to combating infection, preventing the spread, prevention and combating the effects of the infectious disease caused by the SARS-CoV-2 virus. Expenditure by local authorities : - According to data from the reports for the fourth quarters of 2020, the budgets of Local Government Units closed collectively with a surplus of PLN 5,689 million, with a planned deficit of PLN 21,170 million.

- For the fourth quarters of 2020, local government units generated total revenues of PLN 304,930m (i.e. 100.4% of the plan). - The total expenditure of local government units amounted to PLN 299,241 million ( , which accounted for 92.1% of the planned expenditure. - According to the data for the fourth quarters of 2020, the implemented current revenue was higher than the implemented current expenditure by PLN 21,384 million.

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

[ 12 953 ]

Comments

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

[ 13 437 ]

[ ] NA

Comments

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

[ 4.6148 ]

Allow decimals : 5

[ ] NAP

**A1. Please indicate the sources for answering the questions in this part**

Sources: Data is from government websites, Central Statistical Office  
The National Bank of Poland websites.

**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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.**

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	1 993 112 581 [ ] NA [ ] NAP	1 937 053 060 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	1 325 942 000 [ ] NA [ ] NAP	1 275 023 000 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	81 942 000 [ ] NA [ ] NAP	92 629 000 [ ] NA [ ] NAP
<b>2.1 Investments in computerisation</b>	17 830 000 [ ] NA [ ] NAP	18 503 000 [ ] NA [ ] NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	64 112 000 [ ] NA [ ] NAP	74 125 000 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	171 195 000 [ ] NA [ ] NAP	156 554 000 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	118 448 000 [ ] NA [ ] NAP	121 931 000 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	46 502 000 [ ] NA [ ] NAP	42 815 000 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	5 782 000 [ ] NA [ ] NAP	1 516 000 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	89 905 000 [ ] NA [ ] NAP	98 766 000 [ ] 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: The variation in the budget is due to the fact that, in contrast with previous cycles, for 2020, budgets of the Supreme Court, Supreme Administrative Court and administrative first instance courts, military courts are also included in the total amount. It is noteworthy that the total amount is higher than the sum of the subcategories because the budgets of the Supreme Court, Supreme Administrative Court and administrative first instance courts, and military courts are included only in the total. \*total - the amount given excluding costs of legal aid granted ex officio;

\*2 - the amount indicated in the column Approved Budget is the expenditure secured in the Budget Act, whereas in the course of the budget year the said amount was increased and the plan after changes amounted to PLN 432 373 000, i.e. EUR 93,693 000. The increase in the amount of funds allocated for computerization in part 15 of the state budget Common Courts in the years 2018 - 2020 resulted from the continuation of computerization of common courts in connection with additional tasks imposed on common courts by new legal regulations and was also related to the further necessity to ensure maintenance of the systems in use and implementation of modern virtualization technologies so that it would be possible to ensure continuous, secure and stable operation of the systems in common courts in subsequent years. \*3 - costs of court proceedings, excluding costs of legal aid granted ex officio;

\*4 - the amount indicated in the column Approved Budget is the expenditure secured in the Budget Act, whereas during the financial year the said amount was increased and the plan after changes amounted to PLN 569 052 000, i.e. EUR 123 310 000.

\*5 - most of the construction investments were completed;

\*6- training carried out from the budgets of individual courts, the main tasks related to educating the staff of common courts and the public prosecutor's office are carried out by the National School of Judiciary and Public Prosecution; explanations for the lower realization of expenditures for training in 2020 relative to 2018 - due to the of the SARS-CoV-2 coronavirus outbreak, training opportunities for court employees in 2020 relative to previous years were significantly limited and were implemented primarily through online training, which is less expensive than travel training. \*7 - the amount of expenditures in the Approved Budget column planned in the Budget Act was changed in the course of the budget year in individual paragraphs as part of transfers; expenditure intended for benefits to natural persons, current expenditure related to purchase of goods and services, loans for housing needs of the judges, contributions to the National Disabled Persons Rehabilitation Fund, business travel, miscellaneous fees and contributions)

The budget implementation in courts of general jurisdiction , excluding costs of unpaid legal aid granted ex officio, was 97.26%.

**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 the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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: In connection with the establishment of the National Public Prosecutor's Office in 2010 and separation of the prosecution budget from part 37 of the state budget (part 88 of the state budget General organizational units of the public prosecutor's office with the General Prosecutor as the administrator of the aforementioned part).



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

	<b>Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No
<b>for other than criminal cases</b>	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions?

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

- Civil cases: The court fee is fixed, relative or basic.

A fixed fee is collected in cases concerning non-property rights and in some cases concerning property rights (e.g.: in the amount of PLN 100 for a statement of claim in a case decided in the European Small Claims Procedure) in the same amount, regardless of the value of the object of a dispute or the value of the object of an appeal. The fixed fee may not be lower than PLN 30 and higher than PLN 1,000.

A proportional fee shall be charged in property rights cases; it amounts to 5% of the value of the object in dispute or the object of the appeal, but not less than PLN 30 and not more than PLN 200,000.

The basic fee is collected in cases where the law does not provide for a fixed fee or a proportional fee. The basic fee amounts to PLN 30 and constitutes the minimum fee a party is obliged to pay for a writ that is subject to a fee, unless a statute provides otherwise.

Criminal cases: The amount of the court fee was established by the legislator in § 1 of the Regulation of the Minister of Justice on the lump sum equivalent of expenses in private prosecution of 28 May 2003.

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

[ 174 ]

NA

NAP

Comments 174 euro is a court fee. Once the civil litigation is over, the case goes to an enforcement agent. As a general rule, there is no charge for initiating enforcement. However, the judicial officer is entitled to collect advances expenses, the payment depends on the performance of the action. As a rule, this is usually PLN 60 ( 13 euro) towards the costs of delivering correspondence. The average cost associated with initiating enforcement procedures may range from PLN 60 to 150 (13 to 33 euro).

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

[ 487 021 000 ]

NA

NAP

Comments Court fees paid to the State Treasury for court proceedings and fees for enforcement actions and securing claims.

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	27 799 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 980 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 820 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Other than criminal cases = civil cases

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	22 706 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 583 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 122 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input 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: Other than criminal cases = civil cases. \*Apart from expenditures on legal aid granted ex officio, financed from the budgets of the courts, expenditures in the field of legal aid are made from the budgets of the Governors, in connection with the implementation of the tasks arising from the provisions of the Act on free legal aid, free civic counsel and legal education The total amount of subsidies for the implementation of the tasks arising from the above mentioned Act, secured in the Budget Act for 2020 amounted to 100,518,000 PLN i.e. 21,782,000 €. \*The amount of €21,782,000 is a subsidy for the implementation of tasks related to the provision of free legal aid resulting from the provisions of the Act of 5 August 2015 on free legal aid, free civic counsel and legal education (Journal of Laws of 2021, item 945) financed from part 85 Budgets of Governors, section 755 Justice, chapter 75515 Free legal aid. The above expenses are not incurred by common courts under part 15 of the state budget Common Courts and do not relate to ex officio defense. \*As regards explaining the decrease in implementation in common courts of expenditure on legal aid granted ex officio in criminal cases in 2020 relative to 2019, we would like to note that due to the outbreak of the coronavirus SARS-CoV-2, the courts in 2020 were not operating at full capacity and many court cases were cancelled, which was the main reason for the decrease in court expenditures allocated to ex officio legal aid in criminal cases. The amount of funds spent by the courts on ex officio defense is therefore a direct result of the number of cases coming before the courts and the number of persons receiving legal aid. Therefore, the course of realization of the plan in this group of expenses during the budgetary year is independent of the activities of financial services of individual courts.

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### 012-2. Does legal aid include:

	Legal aid includes:
<b>Coverage of court fees</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
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Comments

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**012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:**

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	631 630 571 <input type="checkbox"/> NA <input type="checkbox"/> NAP	631 595 690 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	248 179 <input type="checkbox"/> NA <input type="checkbox"/> NAP	248 165 <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: 1 euro=4.6148 PLN

The lower implementation of the training budget in 2020 compared to the implementation in previous years is primarily due to constraints related to the COVID-19 pandemic and the risk of SARS-COV-2 virus infection. The epidemiological situation has led to a reduction in training and workshops in the form of traditional meetings. Training offerings have changed. In essence, online training has become available. In view of the lack of mobility and the limitation of interpersonal contacts, the prosecution units organized in-house trainings. The budget for training in 2020 represents 35.7% of the 2019 implementation and 36.3% of the 2018 implementation. Below, I present the amounts of expenditures realized in 2018 - 2020 for training in the common prosecution units: 2018 - 683 618,27 euro, 2019 - 694 686,85 euro, 2020 - 248 164,77 euro. \*The decrease in the approved budget allocated of the training budget is primarily due to constraints related to the COVID-19 pandemic.

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**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 courts
<b>Ministry of Justice</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other ministry</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Parliament</b>	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Supreme Court</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>High Judicial Council</b>	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Courts</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Inspection body</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify:

**014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation**

	Criteria used	Main criteria
<b>Previous years’ budget costs</b>	[ X ]	[ X ]
<b>Special needs assessment</b>	[ X ]	[ X ]
<b>Number of judges/non judges’ staff</b>	[ X ]	[ X ]
<b>Number of incoming cases</b>	[ ]	[ ]
<b>Number of pending cases</b>	[ ]	[ ]
<b>Number of resolved cases</b>	[ ]	[ ]
<b>Other</b>	[ ]	[ ]

[ ] NAP



**014-1. Who is entrusted with responsibilities related to the budget within a first instance 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
<b>Court President and/or judge(s)</b>	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Head of court administration and/or non-judges</b>	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Mixed body (judge(s) and non-judge(s))</b>	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

**A2. Please indicate the sources for answering the questions in this part**

Sources: Budget classification, 2020 budget law, evaluation of 2020 state budget implementation in part 15 and part 37; Law on the common courts system;

**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 €)
<b>Total annual public budget allocated to the whole justice system in €</b>	4 034 648 344 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 974 226 619 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - 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: The above figures include budgetary parts administered by the Minister of Justice, i.e. part 15 Common Courts and part 37 Justice. Part 15 covers expenditures of common law judiciary units, emoluments of retired common law judges and compensation payments of the State Treasury, while part 37 covers expenditures related to the functioning of the Ministry of Justice, organizational units of the penitentiary, scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution, the Higher School of Criminology and Penitentiary Studies, correctional facilities and juvenile shelters, as well as pensions for prison officers and emoluments of retired common law judges.

The data in 2020 include also, in contrast with previous cycles, other units of the judiciary: public prosecution service units, military

judiciary, Supreme Court, administrative judiciary (Supreme Administrative Court, 16 administrative first instance courts), Constitutional Tribunal and National Council of the Judiciary.

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

	Included
<b>Courts</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Legal aid</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Public prosecution services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP

Comments The data on legal aid budget is partial and does not include the budget allocated to cases not brought to court.

### 015-3. Other budgetary elements

	Included
<b>Prison system</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Probation services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>High Judicial Council</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>High Prosecutorial Council</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Constitutional court</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Judicial management body</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>State advocacy</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Enforcement services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Notariat</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP

<b>Forensic services</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Judicial protection of juveniles</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Functioning of the Ministry of Justice</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Refugees and asylum seekers services</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Immigration Service</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Some police services (e.g. : transfer, investigation, prisoners' security)</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Other</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP

If "Other", please specify: The Judiciary budget consists of Part 15 Common Courts and Part 37 Justice, the various budget elements included in the above parts are shown below. part 15 Common Courts  
section 755 Justice, chapter 75595 Other activities - expenditures included in this chapter of the budgetary classification concern payments of compensation to the State Treasury, part 37 - Justice  
chapter 730 Higher education and research, chapter 73014 Teaching and research activities, subsidy and grant for the Higher School of Criminology and Penitentiary Studies chapter 755 Administration of Justice, chapter 75507 Scientific institutes of the Ministry of Justice, chapter 75514 National School of Judiciary and Public Prosecution - within the above chapters expenditures are incurred related to the functioning of scientific institutes of the Ministry of Justice, National School of Judiciary and Public Prosecution and Higher School of Criminology and Penitentiary Studies

### **A3. Please indicate the sources for answering the questions in this part**

Sources: Budget and Financial Efficiency Department at the Ministry of Justice  
Data from the annual report of the Supreme Audit Office

## **1.2. Organisation and management of courts and public prosecution services**

**015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.**

- Internal administrative supervision over the activities of the courts is exercised by the presidents of the courts.  
External administrative supervision over the activities of the courts, is exercised by the Minister of Justice through the supervisory service, which consists of judges delegated to the Ministry of Justice. The bodies of the courts are:  
1) in a district court - the court president and the court director, 2) in a circuit court - the court president, the court council and the

court director;

3) in an appellate court - the court president, the court college and the court director.

A court director may be appointed in a district court if organizational considerations, particularly the size of the court as measured by the number of judge, assessor and referral positions and staff employed therein, or the distance from the circuit court so warrant. In a district court where a court director is not appointed, the tasks of the court director are performed by the director of the superior district court, who also takes over the financial management of that court.

The president of the court:

1) manages the court and represents the court externally, except for matters within the competence of the court director, and in particular:

2) directs the administrative activities of the court, within the scope indicated in Article 8, item 2,

3) at least once a year determines the needs of the court necessary to ensure conditions for proper functioning and efficient performance of tasks mentioned in Article 1 § 2 and 3 by the court, taking into account their anticipated scope

4) it is an official superior of judges, court assessors, court registrars, assistant judges of a given court and the head and specialists of the expert opinion group of court specialists

5) entrusts judges, court assessors and court referendaries with the performance of functions and releases them from their performance, unless the Act provides otherwise

6) performs an analysis of case law in the court under his or her direction as regards the level of its uniformity and informs judges and court assessors of the results of this analysis, and in the event of finding significant discrepancies in case law, informs the First President of the Supreme Court about them

7) performs other activities provided for in the Act and separate regulations.

In terms of managing the administrative activities of the court, the president of the court is subordinate to the president of the superior court and the Minister of Justice.

Vice-president of the court:

The president of the court is replaced by the vice-president of the court, and in his absence - by a designated judge.

If the president of the court has not been appointed, the function of the president of the court is performed by the vice-president of the court for a period not exceeding six months. In a court in which more than one vice-president of the court has been appointed, the function of the president of the court is performed by the vice-president of the court who is the oldest in the service. If no vice-president of the court has been appointed in a court, the function of the court president shall be performed, for a period not longer than six months, by the senior most senior judge serving as the chairman of the division in that court.

The number of vice-presidents of a court of appeals is determined by the Minister of Justice after obtaining an opinion from the president of that court, taking into account the number of judicial posts in that court, the number of circuit and district courts under supervision and the number of judicial posts, assessor's posts and clerk's posts in those courts.

The number of vice-presidents of a circuit court is determined by the Minister of Justice after consultation with the president of that court and the president of the superior appellate court, taking into account the number of judge and trainee positions in that court, the number of supervised district courts and the number of judge, trainee and trainee positions in those courts.

The number of vice-presidents of a district court shall be determined by the president of the court of appeals, after consultation with the president of the district court and the president of the supervised circuit court, taking into account the number of judge, assessor and referendary positions in the district court.

In the event of a change in the number of judge, assessor or referendary positions in a given court or in the number and size of the supervised circuit or district courts, the number of vice presidents of a given court may be redetermined.

The court director:

1) directs the administrative activities of the court, within the scope indicated in Article 8, item 1;

2) performs tasks assigned, on the basis of separate regulations, to the head of the unit in the financial, economic, financial control, management of property of the State Treasury and internal audit in those areas;

3) it is an official superior and performs activities within the scope of labour law and represents the court in this respect towards court employees, except for judges, court assessors, court registrars, professional probation officers, assistant judges and managers and specialists of opinion teams of court specialists

4) determines, in consultation with the president of the court, the distribution and number of individual positions in the departments of

the court in which court employees, excluding judges, court assessors, court registrars, professional probation officers and judicial assistants, are employed

5) represents the State Treasury within the scope of the entrusted property and tasks of the court;

6) disposes of deposit accounts of the Minister of Finance,

Courts are divided into divisions.

A division is headed by a division chairman, who is either the president or vice-president of the court or another judge. In particularly justified cases, taking into account the rational use of common court staff and needs resulting from the workload, the function of a division chairman can be entrusted to a court assessor.

The chairman of the division of land and mortgage registers, commercial division for the register of pledges and commercial division for the National Court Register is a court referendary.

The chairman of a division is appointed by the president of the court. Before conferring the function of a chairman of a division in a court of appeals, the president of the court consults with the collegium of the court of appeals. Before assigning the function of a division chairperson in a circuit and district court, the court president shall consult with the regional court college.

The function of a division chairman is conferred for a definite period of time, not longer than three years. The function of a division chairman may be relieved before the expiry of that period after consultation with the relevant court college. Before obtaining an opinion, the president of the court shall instruct the chairman of the department to provide written explanations within seven days of receiving the opinion. A meeting of the college shall be held not earlier than after the explanations are received or the time for filing them expires without effect.

The president of the court may entrust a judge with the function of a deputy chairman of a division if the size or the range of tasks of the division so warrants. In the Land and Mortgage Register Division and the Commercial Division for Registry Matters, the function of deputy chairman of a division is vested in a court referendary.

Max characters value : 10 000

**015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.**

- The above issues are defined by the provisions of Sections I and II of the Act on the Public Prosecutor's Office [Prawo o prokuraturze] of 28 January 2016 (Journal of Laws of 2021, item 66). Article 1 § 2 The Public Prosecutor General is the chief prosecutorial body.

Article 13 § 1 The Public Prosecutor General manages the activities of the public prosecutor's office in person or through the National Public Prosecutor [Prokurator Krajowy] and other Deputy Public Prosecutors General [zastpcy Prokuratora Generalnego] by issuing dispositions, guidelines and orders.

Article 13 § 2 The Public Prosecutor General is the superior of public prosecutors of universal prosecutorial bodies of public prosecution service and public prosecutors of the Institute of National Remembrance [Instytut Pamici Narodowej].

Article 13 § 3 The powers and tasks of the Public Prosecutor General specified in and resulting from legal acts may also be exercised by the National Public Prosecutor or other Deputy Public Prosecutors General as authorised by the Public Prosecutor General. The Public Prosecutor General shall issue a relevant disposition in this regard.

Article 16 The universal prosecutorial bodies of the public prosecutor's office are: the National Public Prosecutor's Office [Prokuratura Krajowa], regional public prosecutor's offices [prokuratury regionalne], circuit public prosecutor's offices [prokuratury okrgowe] and district public prosecutor's offices [prokuratury rejonowe]. Article 14 § 1, Article 18 § 1 The National Public Prosecutor's Office is headed by the National Public Prosecutor, the First Deputy to the Public Prosecutor General, appointed by the Prime Minister on the motion of the Public Prosecutor General. Article 15 § 1 The regional public prosecutor, circuit public prosecutor and district public prosecutor are appointed by the Public Prosecutor General.

Article 22 § 3 A regional public prosecutor's office is headed by a regional public prosecutor.

Article 23 § 3 A circuit public prosecutor's office is headed by a circuit public prosecutor.

Article 24 § 3 A district public prosecutor's office is headed by a district public prosecutor.

The public prosecutor in charge of a universal prosecutorial body of the public prosecution service shall determine the organisational structure of the body and shall ensure that the workload of the public prosecutors subordinate to him is balanced.

Article 7 § 1 and § 2 While amending the acts specified by law, a public prosecutor is independent subject to § 2-6 and Article 8 and Article 9. They shall also be obliged to enforce dispositions, guidelines and orders of a superior public prosecutor, including those concerning the content of an act in court proceedings (orders concerning the content of an act in court proceedings shall be given by the superior in writing).

Article 8 § 1 A superior public prosecutor has the right to change or revoke the decision of a subordinate public prosecutor. A change or revocation of the decision must be made in writing and shall be included in the case file.

Max characters value : 10 000

## 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
<b>Representation in court</b>	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP
<b>Legal advice, ADR and other legal services</b>	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP

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

- As far as legal aid is concerned, in accordance with the Law on Free Legal Aid, Paid Citizens Advice and Legal Education passed on 5 August 2015, access to free legal aid provided in person by an advocate or a legal adviser, and in particularly justified cases, with their authorisation, an advocate trainee or a legal adviser trainee, in premises made available by municipalities or counties, has been created. In the centres run by non-governmental organizations, advice will also be provided by tax advisors - in the scope of tax law, excluding tax issues related to running a business, and graduates of law universities (with at least three-year experience in performing activities requiring legal knowledge directly related to providing legal assistance).

The Act provides that free legal aid (at the pre-court stage) will be available to:

1. young people up to 26 years of age,
2. natural persons who received social welfare benefits in the preceding year under the Act on Social Assistance
3. persons over 65 years of age,

- 4. persons holding a valid Large Family Card,
- 5. veterans
- 6. threatened or harmed by a natural disaster, natural calamity or technical failure,
- 8. pregnant women.

As far as court proceedings are concerned, a party has the right to submit a request to the court, in writing or orally to the minutes, for an advocate or a legal adviser to be appointed for him/her - art. 117 of the Act of 17 November 1964 - Code of Civil Procedure. This possibility exists not only during the proceedings, but also before their commencement.

Such a request may be filed by any party - exempt from court fees by virtue of the act or court's decision, not applying for such an exemption, as well as a party which was refused such an exemption. A natural person, who was not exempted from court fees by the court, may claim exemption if he or she makes a statement that he or she is not able to bear the costs of remuneration of an advocate or a legal advisor without detriment to his or her family. A party benefiting from a statutory exemption from court fees should attach to the application a statement containing detailed information on family status, assets, income and sources of subsistence.

During criminal proceedings, the accused, a party other than the accused, as well as non-parties may apply for the appointment of a legal representative ex officio. This issue is regulated by the Code of Criminal Procedure (the CPP).

An accused, who does not have a defence counsel of his own choice, may request the appointment of a defence counsel ex officio, if he can duly prove that he is unable to bear the costs of defence without prejudice to the necessary maintenance of himself, or his family (Article 78 ust. 1 of the CPP). The president or the court referendary of the court competent to hear the case appoints for an accused a defence counsel ex officio. (Article 81 § 1 of the CPP). As a rule it is the accused (suspect) who submits the motion to establish a defence counsel ex officio. Exceptionally, however, when the accused has not appointed a defence counsel and there is a situation of obligatory defence (Article 79 § 1 and 2 of the CPP), then the president or court referendary of the court competent to hear the case appoints a defence counsel ex officio (Article 81 § 1 of the CfPP). The defence counsel may be an advocate or a legal adviser (Article 82 of the CPP). A party other than the accused and also injured person may appoint an attorney (Article Article 87 in conjunction with Article 88 of the CPP) if they can duly prove that they are unable to bear the costs of defence without prejudice to the necessary maintenance of themselves, or their family. Only an advocate, a legal advisor or a counsel of the Office of the General Counsel to the Republic of Poland may act as an attorney (Article 88 (1) of the CPP).

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**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:

**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
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<b>Legal aid granted for other costs</b>	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP
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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
<b>TOTAL</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In other than criminal cases</b>	[ X ] NA [ ] NAP	31 661 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please specify when appropriate: Data on the number of cases in which a proxy was appointed ex officio (legal adviser, advocate)

**020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:**

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	[ ] NA [ X ] NAP
<b>Actual average duration</b>	[ X ] NA [ ] NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: The provisions of the procedure do not specify a time limit for examining the application for appointing a legal representative. However, it should be considered without undue delay.

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**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
<b>Accused individuals</b>	( X ) Yes ( ) No
<b>Victims</b>	( X ) Yes ( ) No

Comments - If yes, please specify:



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

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

**023. If yes, please specify in the table:**

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

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

the judge(s) dealing with the main case

another judge or official

an authority external to the court

( ) several authorities (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?**

( X ) 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	( X ) Yes ( ) No
in other than criminal cases	( X ) Yes ( ) No

Comments - If no, please specify how legal costs are distributed:

**B1. Please indicate the sources for answering the questions in this part**

Sources: Department of Statistics Legislative Department of Criminal Law  
Civil Law Legislation Unit  
Code of Criminal Procedure  
Civil Procedure Code

## 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, Judicial Council etc.) where general public may have free-of-charge access to the following:**

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	( X ) isap.sejm.gov.pl	( )
Case-law of the higher court/s	( X ) orzeczenia.ms.gov.pl	( )
Information about the judicial system (organisation of courts, court proceedings, etc)	( X ) ms.gov.pl	( )
Other documents (e.g. forms, downloadable forms, online registration forms)	( X ) ms.gov.pl	( )

Comment - Please specify what documents and information are included in “Other documents” ms.gov.pl  
 www.gov.pl/web/sprawiedliwosc/formularze-wnioskow-stosowanych-w-sadach-rejonowych-prowadzacych-ksiegi-wieczyste-w-systemie-informatycznym-ora-z-wnioskow-skladanych-do-centralnej-informacji-kw (- land and mortgage register)  
 https://www.gov.pl/web/sprawiedliwosc (- national register of entrepreneurs, associations, social and professional organizations, foundations and public health care institutions) https://www.gov.pl/web/sprawiedliwosc/formularze-pism-procesowych-w-postepowaniu-cywilnym ( forms in civil proceedings)  
 www.gov.pl/web/sprawiedliwosc/formularz-wniosku-o-udostepnienie-informacji-publicznej (application form for public information)  
 www.gov.pl/web/sprawiedliwosc/wzory-stosowane-w-postepowaniu-upadlosciowym ( forms used in bankruptcy proceedings)  
 https://www.gov.pl/web/sprawiedliwosc/formularze-konsumenci-od-24-marca-2020 - forms used in bankruptcy proceedings of consumers)  
 www.gov.pl/web/sprawiedliwosc/formularze-wnioskow-stosowanych-w-postepowaniu-dotyczacym-zastawow-ora-z-wnioskow-skladanych-do-centralnej-informacji-o-zastawach-rejestrowych (forms used in proceedings of registered pledge)  
 www.gov.pl/web/sprawiedliwosc/formularz-wniosku-o-wszczecie-egzekucji-ora-z-skargi-na-czynnosci-komornika (forms used in enforcement proceedings)  
 Information portals of individual courts  
 Forms for pleadings and motions, brochures, publications and information on court proceedings

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

- Yes, always
- No
- Yes, only in some specific situations

Comment - If “Yes, only in some specific situations”, please specify:

**030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:**

	Information system
<b>General for citizens</b>	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for victims of offences</b>	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for minors (child-friendly systems)</b>	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. The courts

shall maintain Internet sites on which there shall be displayed at least: name, seat and address of the court, information about functional persons, contact telephone numbers of secretariats of divisions, their sections and branches, information about local and material jurisdiction of the court and divisions, list of judges, court assessors and court referendaries, information about office hours and reception of clients by particular organisational units and functional persons; annual and semi-annual statistical reports, information about teams of court probation officers, a list of permanent mediators maintained by the president of a district court, information on bailiffs operating at the court, with an indication of their seat and client visiting hours, a reference to the website of the Ministry of Justice for information on how to initiate proceedings, basic documents to be submitted, court costs, the procedure for applying for exemption from court costs, the prerequisites for appointing a defence counsel or attorney ex officio, the types of appeals and the deadlines for filing them, as well as information for persons wronged by crime and concerning mediation, and furthermore information referred to in the Act of 5 August 2015 on free legal aid and legal education. There is a section on the court's website with court announcements.

A current summary of cases heard on a given day shall be posted on the court's website. \*The Victims Helpline has the following functions: - operating a helpline for victims of crime (including those concerning domestic violence, suicide attempts, support for children), providing persons aggrieved by crime with access to psychological and legal assistance provided by phone and by e-mail, providing victims of crime and witnesses with the possibility to make an appointment with the first contact person at the Aid Centre by phone, disseminating knowledge about the rights of people who have been harmed by crime.

\*Since the beginning of 2016, throughout Poland there has been functioning, organized by the districts, free legal aid provided by professionals, advocates or legal advisers, and in particularly justified cases, with their authorization, trainee advocates or trainee legal advisers. \*On the website of the Ministry of Justice [www.ms.gov.pl](http://www.ms.gov.pl) - the tab citizen services - education contains information on: a helpline for children and adolescents - hotline, a phone for parents and teachers on helping children - hotline. In addition, the website of the largest non-governmental organization in Poland that protects children from abuse and helps those who have experienced psychological and physical violence and sexual abuse, the Dajemy Dzieciom Si (FDSD) Foundation (until 2016: FDN Nobody's Children Foundation) provides information on the organization of trainings, seminars and conferences for professionals on child abuse prevention and protection from abuse.

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

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

Comments - If "Other vulnerable person" and/or "Other specific arrangements", please specify: \* Persons with disabilities:

- (1) In justified cases, in particular due to the state of health, the length of speech or the need for proper recording of sound or image, the chairman of the sitting or hearing may allow any person to remain seated while addressing the court or while being addressed by the court.
2. the hearing shall be held at the place where they are if they are unable to leave it.

\* In criminal proceedings, a defendant under the age of 18 must have a defence attorney; for minor victims under the age of 15, the activities involving them should, as far as possible, be carried out in the presence of a legal representative or an actual guardian; in cases of violent or unlawful threats or offences against liberty, offences against sexual freedom and decency, offences against family and guardianship (Act of 6 June 1997 Criminal code), the victim, who at the time of the hearing is under 15 years of age, is heard as a witness only if his testimony can be relevant to the resolution of the case, and only once, while the prosecutor, the defence counsel and the victim's representative shall have the right to attend the meeting.

\* victims of sexual violence and minors (victims or witnesses), the Code of Criminal Procedure provides for a separate procedure for hearing victims of offences against sexual freedom and decency and stipulates the one-time hearing rule. It is obligatory that victims of sexual violence and domestic violence in criminal proceedings are advised of the institutions and non-governmental organisations dedicated to provide assistance consisting in psychological support and providing a place in a hostel (according to guidelines of the Attorney General). \*victims of human trafficking: specific time for victims to reflect "reflection period", the need to inform victims of the dangers of participating as a witness in a criminal case; protection of residence and domicile from persons suspected or accused of trafficking; video recording of testimony, exclusion from public view, anonymization of the witness during the trial to protect his/her identity, privacy, dignity and ensure the safety of the witness; cross-examination of a witness remotely and in the absence of the accused; protection programs for victims of human trafficking.

### **031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?**

Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)

Special room in court designated for child-friendly hearings

Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings

Special ways to communicate and explain meaning of court decisions

Interagency/multidisciplinary structure such as "Children's Houses"

Other, please specify see the comment below

NAP

Comment 1 and 2. To listen to the child outside the courtroom, friendly rooms to listening, are prepared, which resemble living quarters - the children's rooms. In the case of minors, proceedings are held in the Court room with the exclusion of publicity.

The criminal procedure provides for the possibility of interrogating victims in special rooms. In 2020, there were 306 child-friendly rooms in common courts, including 275 rooms in regional courts and 31 in district courts.

3. Depending on the needs, the judge conducting the proceedings may appoint experts e.g. psychologists to hold a joint hearing. The institutions supporting the courts are the Opinion Teams of Forensic Specialists, which, on the instructions of the courts, issue an opinion after conducting an examination of the child and parents. The teams include psychologists, educators and doctors of various specialties.

4. An expert psychologist shall take part in the hearing in criminal proceedings under Article 185a – 185c of the Code of Criminal Procedure.

5. In Poland, from October 2019 to September 2021, the Foundation We Give Strength to Children (Warsaw), the Polish Association of Educators and Animators KLANZA (Bialystok) and the Association for Children and Young People CHANCE (Gogów) implement the project Barnahus Poland. It is financed by the European Union under the JUST programme. In Poland, it currently operates within a network of 5 institutions implementing a model of specialized, comprehensive assistance to children and families under one roof - Children's Assistance Centers (Gdask, Starogard Gdaski, Warsaw, Gogów and Bialystok). These facilities offer comprehensive assistance: psychological, legal support for children who have experienced violence or sexual exploitation and their carers.

6. Specific mechanisms to ensure the protection of the best interests of the child may include the possibility of issuing a freezing order to safeguard the child's situation (immediate placement outside the family environment or placing the child under the custody of another person, e.g. a relative applying to be a foster family for the child).

### **031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?**

	Civil proceedings	Criminal proceedings
<b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b>	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input checked="" type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
<b>To be a witness</b>	<input checked="" type="checkbox"/> Age threshold [Comment]see the comment below <input checked="" type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). According to Polish legislation a child does not have legal capacity until it reaches the age of thirteen. The parents act as his/her legal representatives.

When a minor has reached the age of thirteen and has not yet become an adult (18 years of age) his/her legal capacity is limited and consequently his/her judicial capacity is limited. There are therefore situations in which it is permissible for a minor to appear in court independently.

This concerns cases resulting from:

- contracts commonly concluded in minor, current matters of everyday life; - contracts concerning.
- disposal of own income;
- legal actions concerning objects given to the child for free use.

These are therefore actions of minor importance, for which it is assumed that a thirteen-year-old child's discernment is sufficient to perform them independently.

It is also a rule that a minor who has attained the age of 16 may independently appear before the court in matters arising from an employment relationship binding upon him/her.

### 031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
<b>Parent/legal guardian</b>	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Other representative (instead of parent/legal guardian)</b>	<input checked="" type="checkbox"/> Social care services or other public institution	<input type="checkbox"/> Social care services or other public institution
	<input checked="" type="checkbox"/> Legal professional	<input checked="" type="checkbox"/> Legal professional
	<input type="checkbox"/> Associations for protection of minors	<input type="checkbox"/> Associations for protection of minors
	<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Other
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comment According to the Polish Code of Civil Procedure, before issuing a decision concerning the merits of a case the guardianship court shall hear the statutory representative of the person concerned. In more important cases, it should also, if possible, hear the relatives of that person. In matters concerning the child's person or property, the court shall hear the child if his or her mental development, state of health and degree of maturity so permit, taking into account his or her reasonable wishes as far as possible. The hearing shall take place outside the courtroom.

In criminal proceedings, the age of a child shall not constitute an obstacle to the granting of witness status. However, his/her capacity to participate in the trial must be taken into account. There are special rules for dealing with a minor witness (one-time hearing, in a special room, with the participation of an expert psychologist). The court in cases involving a minor child shall hear the minor if his/her mental development, health condition and degree of maturity allows it. The hearing shall take place outside the courtroom. The court shall take into account the opinion and reasonable wishes of the child in accordance with the circumstances, his mental development, state of health and degree of maturity.

Criminal proceedings - The hearing shall be conducted by the court at a session with the participation of an expert psychologist immediately, no later than within 14 days from the date of receipt of the request. The public prosecutor, defence counsel and the victim's attorney are entitled to participate in the hearing. If the defendant notified of this activity does not have a defence counsel of his choice, the court shall appoint him a defence counsel ex officio. At the main hearing the video and audio recording of the interrogation shall be played and the record of the interrogation shall be read out.

A minor victim who is 15 years of age at the time of interrogation may be interrogated under the conditions specified above if there is a justified fear that interrogation under other conditions could have a negative impact on his mental state.

### **031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)**

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment According to Polish law a minor is a person who has not reached the age of majority (in principle a person who is under 18 years of age). In Poland, a person under the age of 18 may be held responsible under the Criminal Code or the Juvenile Justice Act. Under the Criminal Code, a person who commits a crime after turning 17 is liable. On the other hand, a minor who commits one of the offences specified in Article 10 § 2 of the Criminal Code after the age of 15 may be held liable under the rules set out in that Code if the circumstances of the case and the degree of development of the offender, his/her personal characteristics and conditions support this, and in particular if the previously applied educational or corrective measures have proved ineffective (Article 10 § 2 of the Criminal Code). Exception to the rule: 1) The provisions of this Code may be applied to minors aged 15 and over who commit the criminal act : assassination, murder, grievous bodily harm , causing a life-threatening event, piracy, catastrophe, rape, active assault, hostage-taking , robbery, if it is deemed expedient in view of the circumstances of the case and the degree of mental development of the perpetrator, personal characteristics and conditions...

A person who at the time of the act, as a result of a mental illness, mental disability or other disorder of mental functions, was not able to recognize the significance of the act or to direct his or her actions, does not commit a crime.

#### **031-3-1. What is the age threshold for the criminal liability of minors?**

**Criminal liability resulting in sentence without privation of liberty (for example, educational measures)**

- 13 ]
- NA

## **Criminal liability resulting in sentence of privation of liberty**

[ 15 ]

[ ] NA

[ ] NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Generally, the age of 17 years is the limit of criminal responsibility. A juvenile offender who has reached the age of 13 and has not reached the age of 17 for committing an act may be imposed educational measures and a correctional measure in the form of placement in a correctional institution; a punishment may be imposed only in cases prescribed by law, if other measures are not able to ensure the rehabilitation of the juvenile (Article 5 of the Act on Proceedings in Juvenile Cases of 26 October 1982, Journal of Laws of 2018, item 969).

If an offender commits a prohibited act after turning 17, but before turning 18 years old, the court will adopt educational, therapeutic, or correctional measures prescribed for young offenders, instead of a penalty, if it is deemed appropriate given the circumstances of the case and the level of mental development of the offender, the characteristics and personal situation (Article 10 § 4 of the Criminal Code). However, in exceptional situations, strictly defined in Article 10 § 2 of the Criminal Code, the provisions of this Code may apply to minors aged 15 or older who commit a prohibited act set out in Article 134 (attack on the president), Article 148 §§1, 2 or 3 (homicide), Article 156 §§ 1 or 3 (grievous bodily harm), Article 163 §§ 1 or 3 (causing a life-threatening event), Article 166 (piracy), Article 173 §§ 1 or 3 (disasters), Article 197 § 3 or 4 (rape), Article 223 § 2 (active assault), Article 252 §§ 1 or 2 (taking a hostage) and in Article 280 (armed robbery), if deemed appropriate given the circumstances of the case and the level of mental development of the offender, the characteristics and personal situation, and especially if previously attempts at educational or correctional measures have been ineffective. In such situations, the sentence imposed may not exceed two-thirds of the statutory maximum sentence for the offence attributed to the offender; the court may also apply an extraordinary mitigation of punishment (Article 10 § 3 of the Criminal Code). The court may apply extraordinary mitigation of punishment to a juvenile responding under Article 10 § 2 of the CC in any case. Making such a decision does not require that the conditions for the application of this institution are met. It is a case of applying extraordinary mitigation of punishment in cases provided for in the law (Article 60 § 1 of the Criminal Code). However, the court should take into consideration Article 54 § 1 of the Criminal Code when passing sentence on a minor or a juvenile. According to this Article, the court will primarily aim at rehabilitating the offender.

It should be emphasized, however, that the court is not obliged to impose a custodial sentence on a juvenile who has committed the serious crimes listed above, but this is an optional possibility.

Additionally, an offender who was under the age of 18 at the time of committing of the offence will not be sentenced to life imprisonment (Article 54 § 2 of the Criminal Code).

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

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment The answer if the compensation could not be obtained from offender is also right

#### **032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
- For some types of offences

[ ] NAP

Comment - Please specify: Pursuant to Article 5 of the Act of 7 July 2005 on State Compensation to Victims of Certain Prohibited Acts, compensation shall be granted only if and in such amount when the entitled person cannot obtain from the perpetrator or perpetrators of the prohibited act, from insurance or from social assistance funds coverage of lost earnings, other means of subsistence or costs related to treatment and rehabilitation and funeral costs, regardless of whether the perpetrator or perpetrators of the prohibited act have been



identified.

The court may pronounce, and at the request of the victim or other authorized person the court shall pronounce, applying the provisions of civil law, the obligation to make good, in whole or in part, the damage caused by the crime or to compensate for the harm suffered; In lieu of this obligation, the court may order a payment in the amount of PLN 200,000, and in the event of his death as a result of a crime committed by the convicted person - a payment in aid of the next of kin of the injured party, whose living situation has deteriorated as a result of the death of the injured party. The offences in question are crimes against life and health, public safety, traffic safety, freedom of conscience and religion, sexual freedom and morality, family and guardianship, honour and bodily inviolability, economic turnover. If the perpetrator is convicted of an offence under Article 173 (Disasters),<sup>174</sup> (Danger of catastrophe),<sup>177</sup> (Accidents) or 355 (Soldier's accident), if the perpetrator was intoxicated or under the influence of an intoxicant or fled from the scene of the offence, the court shall award compensation to the victim, and if the victim died as a result of the offence committed by the convicted person - compensation to the next of kin whose life situation was significantly worsened as a result of the victim's death. If more than one such person is determined, a compensation shall be adjudged in favor of each of them. If it is impossible to determine a person, the court shall award a non-payment to the Fund for Victims' Aid and Post-Penitentiary Assistance. The court shall adjudge an additional payment in the amount of at least PLN 10,000 (Article 47 § 3 of the Criminal Code).

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

Yes

No

Comments

### **032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

[ ] NAP

Comment - Please specify: Pursuant to Article 5 of the Act of 7 July 2005 on State Compensation to Victims of Certain Prohibited Acts, compensation shall be granted only if and in such amount when the entitled person cannot obtain from the perpetrator or perpetrators of the prohibited act, from insurance or from social assistance funds coverage of lost earnings, other means of subsistence or costs related to treatment and rehabilitation and funeral costs, regardless of whether the perpetrator or perpetrators of the prohibited act have been identified.

The court may pronounce, and at the request of the victim or other authorized person the court shall pronounce, applying the provisions of civil law, the obligation to make good, in whole or in part, the damage caused by the crime or to compensate for the harm suffered; In lieu of this obligation, the court may order a payment in the amount of PLN 200,000, and in the event of his death as a result of a crime committed by the convicted person - a payment in aid of the next of kin of the injured party, whose living situation has deteriorated as a result of the death of the injured party. The offences in question are crimes against life and health, public safety, traffic safety, freedom of conscience and religion, sexual freedom and morality, family and guardianship, honour and bodily inviolability, economic turnover. If the perpetrator is convicted of an offence under Article 173 (Disasters),<sup>174</sup> (Danger of catastrophe),<sup>177</sup> (Accidents) or 355 (Soldier's accident), if the perpetrator was intoxicated or under the influence of an intoxicant or fled from the scene of the offence, the court shall award compensation to the victim, and if the victim died as a result of the offence committed by the convicted person - compensation to the next of kin whose life situation was significantly worsened as a result of the victim's death. If more than one such person is determined, a compensation shall be adjudged in favor of each of them. If it is impossible to determine a person, the court shall award a non-payment to the Fund for Victims' Aid and Post-Penitentiary Assistance. The court shall adjudge an additional payment in the amount of at least PLN 10,000 (Article 47 § 3 of the Criminal Code).

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

Yes

No

Comments

### **032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify: Pursuant to Article 5 of the Act of 7 July 2005 on State Compensation to Victims of Certain Prohibited Acts, compensation shall be granted only if and in such amount when the entitled person cannot obtain from the perpetrator or perpetrators of the prohibited act, from insurance or from social assistance funds coverage of lost earnings, other means of subsistence or costs related to treatment and rehabilitation and funeral costs, regardless of whether the perpetrator or perpetrators of the prohibited act have been identified.

The court may pronounce, and at the request of the victim or other authorized person the court shall pronounce, applying the provisions of civil law, the obligation to make good, in whole or in part, the damage caused by the crime or to compensate for the harm suffered; In lieu of this obligation, the court may order a payment in the amount of PLN 200,000, and in the event of his death as a result of a crime committed by the convicted person - a payment in aid of the next of kin of the injured party, whose living situation has deteriorated as a result of the death of the injured party. The offences in question are crimes against life and health, public safety, traffic safety, freedom of conscience and religion, sexual freedom and morality, family and guardianship, honour and bodily inviolability, economic turnover. If the perpetrator is convicted of an offence under Article 173 (Disasters), 174 (Danger of catastrophe), 177 (Accidents) or 355 (Soldier's accident), if the perpetrator was intoxicated or under the influence of an intoxicant or fled from the scene of the offence, the court shall award compensation to the victim, and if the victim died as a result of the offence committed by the convicted person - compensation to the next of kin whose life situation was significantly worsened as a result of the victim's death. If more than one such person is determined, a compensation shall be adjudged in favor of each of them. If it is impossible to determine a person, the court shall award a non-payment to the Fund for Victims' Aid and Post-Penitentiary Assistance. The court shall adjudge an additional payment in the amount of at least PLN 10,000 (Article 47 § 3 of the Criminal Code).

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

Yes

No

Comments

### **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 role of the prosecutor is to ensure that the victim / a wronged party is instructed about his/her rights and obligations and that these are respected during the proceedings. Pursuant to Article 300 § 2 of the Code of Criminal Procedure [Kodeks Postpowania Karnego], before the first interrogation or immediately after the determination of the victim, if his/her interrogation is waived, the victim shall be instructed on having the status of a party to the proceedings in the pre-trial proceedings and on the resulting rights, in particular: to submit motions for carrying out an inquiry or an investigation activities and conditions of participation in these activities, to use the assistance of a representative, including the right to submit a motion for the appointment of a representative ex officio, as well as the rights concerning the possibility of referring the case for mediation proceedings, making the case file available, summoning an interpreter, the possibility of filing a complaint against the decision on refusal to initiate the inquiry or investigation and refraining from questioning the victim as a witness, and about the obligations and consequences concerning the indication of an addressee

for service in the country and failure to indicate a new address for service. The notification shall also include information about possibilities to obtain reparation from the defendant or obtain state compensation, access to legal aid, available protection and assistance measures referred to in the Act on Victim and Witness Protection and Assistance [Ustawa o ochronie i pomocy dla pokrzywdzonego i wiadka], assistance provided for in Article 43 § 8 of the Criminal Executive Code [Kodeks karny wykonawczy] (assistance from the Victims and Post-release Assistance Fund [Fundusz Pomocy Pokrzywdzonym oraz Pomocy Postpenitencjarnej]), the possibility of issuing an European Protection Order, victim support organisations, the possibility of being informed about the charges of the prosecution and their legal qualification, and the possibility of reimbursement of costs incurred in connection with participation in the proceedings. The abovementioned instructions shall be given to the victim in writing, and the victim shall acknowledge their receipt with their signature. If the victim's interview has been waived, the instructions shall be served.

The public prosecutor's power under Article 275a § 1 and § 2 of the Code of Criminal Procedure is also important from the victim's point of view. It stipulates that in pre-trial proceedings, the public prosecutor at the request of the Police or ex officio may as a preventive measure order a suspect of a violent offence committed against a cohabiting person to temporarily leave the premises occupied jointly with the victim if there is a reasonable risk that the suspect will again commit a violent offence against that person, in particular if they threatened to commit such an offence.

**035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?**

Yes

No

Comment - If yes, please specify: The procedure for interviewing a minor victim during the proceedings is regulated defined by the provisions of the Code of Criminal Procedure, namely, Articles 185a-185d, and it is aimed at protecting the child against secondary victimization and re-examination. According to the cited regulations, an interview of a minor victim should take place at a court session with the participation of a closed circle of authorized persons. The role of the public prosecutor is to ensure the correct course of the procedure, and therefore to analyse the evidence collected in the course of the pre-trial proceedings from the point of view of the legitimacy of launching the procedure for providing evidence from the interview with a minor with the observance of protective procedural guarantees for the minor, as well as to participate in the interview itself in order to ensure the completeness of the evidence obtained as a result.

**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 answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

NAP

Comment - If necessary, please specify:

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

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<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
<b>Excessive length of proceedings</b>	15 852 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 706 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 007 710 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Non-execution of court decisions</b>	<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
<b>Wrongful arrest</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	229 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 217 799 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP	629 105 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<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

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): \*229 - numer of persons

\*19 - numer of persons

Regarding the content of question 37, we would like to inform you that the Ministry of Justice , within its jurisdiction has the following data on the amount of compensation payments also from Section 15 of the State Budget, Chapter 75595, adjudged by the State Treasury in 2020

Specification of compensation from Chapter 75595 in 2020 in euro: 1.On the basis of the Act of 23 February 1991 on the recognition of invalid rulings issued against persons repressed for activities for the benefit of the independent state of Poland - EUR 13 123 0002 On the basis of Article 552 of the Act of 6 June 1997 Code of Criminal Procedure (Journal of Laws of 2018, item 1987) 4 552 000 euro3.

pursuant to the Act of 17 June 2004 on a complaint for violation of a party's right to examine a case in preparatory proceedings conducted or supervised by a prosecutor and court proceedings without undue delay (Journal of Laws of 2018, item 75) EUR 1 005 0004. other compensations: inter alia, compensatory pensions, compensation in property damage, unlawful eviction 114 000 euro

5. under the Act of 7 July 2005 on State Compensation to victims of certain criminal acts 32 000 euro

Total compensations from chapter 75595 - 18 826 000 euro

The amount of funds spent on compensation payments to entitled persons results directly from the content of judgments of independent courts deciding on the legitimacy of claims and the amount of awarded compensation. The course of implementation of the expenditure plan in chapter 75595 during the budget year is therefore independent of the actions of the financial services of individual courts, because the payment of funds by the financial branch of the court, occurs only on the basis of a final court decision to pay compensation to the entitled person.

## 2.2.2 Confidence and satisfaction of citizens with their justice system

**038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?**

	National level	Court level
<b>Surveys for judges</b>	<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
<b>Surveys for court staff</b>	<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
<b>Surveys for public prosecutors</b>	<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
<b>Surveys for lawyers</b>	<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

<b>Surveys for other professionals</b>	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>Surveys for the parties</b>	<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
<b>Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)</b>	<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
<b>Surveys for victims</b>	<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
<b>Surveys for minors</b>	<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
<b>Surveys for the general public</b>	<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
<b>Other not mentioned</b>	<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

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

<https://www.cbos.pl/PL/home/home.php>

Centrum Badania Opinii Spoecznej Public Opinion Research Centre

**039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.**

( X ) Yes, please specify: As regards breakdown by sex - only data on persons convicted are available

( ) No

Comment - If you have additional comments please specify: As regards breakdown by sex - only data on persons convicted are available

**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)**

( X ) Yes

( ) No

Comments

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

	<b>Authority responsible for dealing with the complaint</b>	<b>Existence of a time limit to deal with the complaint for this authority</b>
<b>Court concerned</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Higher court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Ministry of Justice</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>High Judicial Council</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments For example, it can be indicated that in 2020, in the commercial division (district and appellate courts) a total of 668 complaints were filed against the lengthiness of proceedings, the total amount of damages awarded in this connection is PLN 399,780.

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

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Higher court</b>	15 852 [ ] NA [ ] NAP	1 007 710 [ ] NA [ ] NAP
<b>Ministry of Justice</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>High Judicial Council</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: Data refers to complaints for excessive length of proceedings

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1 Number of courts

#### 042. Number of courts - legal entities.

	Number of courts
<b>Total number of all courts - legal entities (1 + 2)</b>	402 [ ] NA [ ] NAP
<b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b>	376 [ ] NA [ ] NAP
<b>1.1 First instance courts of general jurisdiction - legal entities</b>	364 [ ] NA [ ] NAP

<b>1.2 Second instance courts of general jurisdiction - legal entities</b>	11 [ ] NA [ ] NAP
<b>1.3 Highest instance courts of general jurisdiction - legal entities</b>	1 [ ] NA [ ] NAP
<b>2 Total number of specialised courts - legal entities</b>	26 [ ] NA [ ] NAP

Comments The table indicating the content of:

1.1 first instance courts (district + regional courts), 1.2 second (appellate courts) , 1.3 third instance courts (cassation of the judgment) (Supreme Court) of general jurisdiction.

#### 043. Number of specialised courts – legal entities.

	<b>First instance</b>	<b>Higher instances</b>
<b>Total number of specialised courts - legal entities</b>	23 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Insolvency courts</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Labour courts</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Family courts</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Rent and tenancies courts</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Enforcement of criminal sanctions courts</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Fight against terrorism, organised crime and corruption</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Internet related disputes</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Administrative courts</b>	16 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>Insurance and / or social welfare courts</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Military courts</b>	7 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP

<b>Juvenile courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other specialised courts”, please specify: There are 7 military courts of first instance and 2 military courts of higher instance in Poland.

#### 044. Number of courts - geographic locations.

	Number of courts (geographic locations)
<b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>	433 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>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)</b>	494 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Regarding point 44, it should be noted that in the previous evaluation cycles (2016, 2017, 2018, 2019) the answer in terms of the number of all courts as geographical locations was 401, while in 2020 it is 494.

The figure of 494 indicated in 2020 is the sum of the common, administrative and military courts of first and second instance and the Supreme Court by geographic location (i.e. including the subdivisions). To the number of courts of first instance by geographical location (item 44 in line 1 - all common, administrative, military courts of first instance with localised divisions: number of courts 433) was added the number of 61 courts: - regional courts: 46; - courts of appeal: 11; - military courts: 2; - Supreme Administrative Court: 1; - Supreme Court: 1;

Total: 494 (433 + 61).

The discrepancy is due to the adoption of a different method of data presentation in 2020 (by geographical location). In compliance with the Explanatory note, the 2020 data show first-instance courts (line 1), and further all courts (line 2) together with all seats in different locations, which in the realities of the Polish legal system should be understood as a necessity to show the number of courts together with local divisions.

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

	Number of courts
<b>A small claim</b>	323 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>An employment dismissal</b>	119 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>A robbery</b>	337 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>An insolvency case</b>	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments \* In the case of departments handling insolvency cases, the number 30 should be indicated, as this is the number of departments handling these cases according to the geographical criterion (31 in total, of which 2 in Warsaw). \* As regards point 45, it



should be noted that in the Polish legal system, cases referred to in this point are heard in the first instance by the following courts:

- vindication of small claims - civil department of a district court,
- dismissal from work - the labour department of the district court,
- robbery - the criminal division of the district court,
- bankruptcy cases - the commercial division of the district court.

The number of courts should be indicated according to geographical location, i.e. together with local divisions, not adding up several divisions of the same jurisdiction in one court (if two divisions were created in one court to hear cases from the same scope, one division should be indicated).

According to the order of the Minister of Justice of 2 January 2020 on the establishment of divisions in district courts (Dz. Urz. Min. Sprawiedl. pos. 3, as amended) as of 31 December 2020 there were (by geographical location): - 323 civil faculties in district courts (318 + 5 subdivisions),

- 119 labour divisions in district courts ,
- 337 criminal sections in regional courts (318 + 19 subdivisions),
- 30 commercial bankruptcy divisions in district courts.

### 045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

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

[ 4 334 ]

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 (4 333,89 EUR). 1 euro =4,6148 pln

## C. Please indicate the sources for answering the questions in this part

Sources: Department of Personnel and Organization of Courts in the Ministry of Justice  
Code of Civil Procedure

## 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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	9 650	3 702	5 948
	[ ] NA	[ ] NA	[ ] NA
	[ ] NAP	[ ] NAP	[ ] NAP

<b>1. Number of first instance professional judges</b>	9 034 [ ] NA [ ] NAP	3 390 [ ] NA [ ] NAP	5 644 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	417 [ ] NA [ ] NAP	197 [ ] NA [ ] NAP	220 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	199 [ ] NA [ ] NAP	115 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: The number of judges of district courts: 6036 ( 3922 women, 2114 men)

The number of judges of regional courts : 2544 ( 1462 women, 1082 men)

The number of judges of the appeal courts: 417 ( 220 women, 197 men)

The number of judges of the first instance administrative courts : 454 ( 260 women, 194 men)

Supreme courts:

The number of judges of the Supreme Administrative court: 102 ( 62 women, 40 men)

The number of judges of the supreme court: 97 ( 75 women, 22 men)

Military courts:

The number of judges of district military courts: 18 (1 woman, 17 men)

The number of garrison judges: 27 (5 women, 22 men).

\*Starting from 2020 the number of Supreme court judges include also judges of the Supreme Administrative Court

=

**046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?**

( X ) Yes

( ) No

Comments

**046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

[ X ] Child-care

[ ] Elderly care

[ ] For the purposes of early retirement

[ ] Other reason, please specify: .....

[ ] Without reason

Comments

**046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>1. At first instance level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The Ministry of Justice does not have such detailed data.

**046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?**

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

**046-2. Number of judges (FTE) by case type:**

	<b>Total</b>	<b>Civil and/or commercial</b>	<b>Criminal</b>	<b>Administrative</b>	<b>Other</b>
<b>Total number of judges</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	556 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>First instance</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	454 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Second instance</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Supreme court</b>	199 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP	102 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP

If “Other”, please explain which types of cases: 1. Supreme Court - the 13 judges of the Supreme Court Chamber of Labour Law and Social Insurance appear in the column “other” together with the 18 judges of the Extraordinary Review and Public Affairs Chamber and the 13 judges of the Disciplinary Chamber.

=

**047. Number of court presidents (professional judges).**

<b>Total</b>	<b>Males</b>	<b>Females</b>
--------------	--------------	----------------

<b>Total number of court presidents (1 + 2 + 3)</b>	393 [ ] NA [ ] NAP	227 [ ] NA [ ] NAP	166 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	380 [ ] NA [ ] NAP	217 [ ] NA [ ] NAP	163 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	11 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>3. Number of Supreme Court presidents</b>	2 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Comments The Supreme Court is headed by the First President of the Supreme Court, who is appointed by the President of the Republic of Poland for a six-year term from among the active judges of the Supreme Court; the President of the Republic of Poland chooses from among five candidates presented by the General Assembly of Judges of the Supreme Court and may be reappointed only once. The President of the Supreme Court directs the work of the respective chamber of the Supreme Court. She is appointed by the President of the Republic of Poland, after consulting the First President of the Supreme Court, for a three-year term from among 3 candidates selected by the assembly of judges of the Supreme Court chamber and may be reappointed only twice. The Supreme Administrative Court is headed by the President of the Supreme Administrative Court. \*Number of first instance administrative court presidents - 16 (11 males, 5 females) included. \*Starting from 2020, data on number of court presidents include also presidents of the 16 first instance administrative courts as well as the President of the Supreme Administrative Court.

**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
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] 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. ....
- ( ) No
- [ X ] NAP

Comments

**049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):**

Figure
--------

<b>Gross figure</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In full time equivalent</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> 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 / mixed bench
<b>Criminal cases (severe)</b>	( )	( )	( X )
<b>Criminal cases (misdemeanour and/or minor)</b>	( )	( X )	( )
<b>Family law cases</b>	( )	( )	( X )
<b>Labour law cases</b>	( )	( )	( X )
<b>Social law cases</b>	( )	( X )	( )
<b>Commercial law cases</b>	( )	( X )	( )
<b>Insolvency cases</b>	( )	( X )	( )
<b>Other civil cases</b>	( )	( X )	( )

NAP

Comments - If "Other civil cases", 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(s) 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

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 posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	41 973 [ ] NA [ ] NAP	6 545 [ ] NA [ ] NAP	35 428 [ ] NA [ ] NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	2 669 [ ] NA [ ] NAP	765 [ ] NA [ ] NAP	1 904 [ ] NA [ ] NAP
<b>2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)</b>	23 711 [ ] NA [ ] NAP	2 048 [ ] NA [ ] NAP	21 663 [ ] NA [ ] NAP
<b>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)</b>	7 801 [ ] NA [ ] NAP	1 803 [ ] NA [ ] NAP	5 998 [ ] NA [ ] NAP
<b>4. Technical staff</b>	2 346 [ ] NA [ ] NAP	777 [ ] NA [ ] NAP	1 569 [ ] NA [ ] NAP
<b>5. Other non-judge staff</b>	5 446 [ ] NA [ ] NAP	1 152 [ ] NA [ ] NAP	4 294 [ ] NA [ ] NAP

Comments - If "Other non-judge staff", please specify: probation officers, Specialists of Opinion Teams of Forensic Specialists

\*the presented data does not include court assessors (trainee judges). The question should only indicate the number of court employees who are not judges. According to Article 2 § 1a of the Act of 27 July 2001. Law on the Common Court System (Journal of Laws of 2020, item 2072), in district courts, tasks related to the administration of justice are also performed by court assessors/trainee judges, with the exception of:

- 1) applying temporary detention in pre-trial proceedings in relation to a detainee handed over to the court's disposal together with a request to apply temporary detention;
- 2) examining complaints against decisions on refusal to initiate an investigation or enquiry, decisions to discontinue an investigation or enquiry and decisions to discontinue an enquiry and on decisions to discontinue an investigation and enter the case in the register of crimes
- 3) deciding family and juvenile cases.

Since in the remaining scope court assessors perform tasks related to the administration of justice - just like judges - they should be deemed to belong to the professional group of judges. At the same time I would like to inform you that as at 31 December 2020 there were 486 trainee judges employed in district courts, including 317 women and 169 men. 1. number of rechtspflegers of 16 voivodeship administrative courts included (males 23, females 34);

2-4. - In 2020 data include also employees of the Supreme Administrative Court;

**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 posts actually filled).**

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	41 973 [ ] NA [ ] NAP	6 545 [ ] NA [ ] NAP	35 428 [ ] NA [ ] NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	663 [ ] NA [ ] NAP	219 [ ] NA [ ] NAP	444 [ ] NA [ ] NAP

Comments Data from the supreme court's human resources Department.  
In 2020 data include also employees of the Supreme Administrative Court

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**053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties: As of 1 January 1998 Rechtspflegers were introduced into the ordinary judiciary. They perform legal protection tasks but do not exercise the administration of justice, which is reserved for judges. Within the scope of their duties, they are independent as regards the content of decisions and orders laid down by law, but they do not possess the attributes of judicial independence. Judicial secretaries may perform the activities entrusted to them by law in all ordinary courts. In civil proceedings, a court registrar - examines applications for exemption from court costs and for the appointment of an advocate or a legal adviser - makes a detailed calculation of costs according to the principles set by the court - takes measures within the framework of the so-called corrective proceedings;

- appoints a curator for a person who is not known from his place of residence ;
- takes part in the taking of evidence by means of technical equipment which makes it possible to do so remotely ;
- declares judgments legally binding ;
- conducts proceedings by writ of payment ;
- conducts electronic writ-of-payment proceedings,

- issues European orders for payment ; and issues decisions in European order for payment proceedings ; declares the European order for payment enforceable ;
  - issues orders in the European Small Claims Procedure ; issues a certificate relating to the judgment as laid down in the provisions of Regulation No 861/2007 ;
  - conducts land and mortgage register proceedings ;
  - conducts registration proceedings (Pledge Register, National Court Register, register of newspapers and periodicals) except for conducting hearings ;
  - acts in matters of succession law, with the exception of conducting hearings, securing the succession and hearing witnesses to oral wills ;
  - Deals with administration of the estate ;
  - Acts in depositary matters, with the exception of cases concerning the liquidation of an unclaimed deposit ;
  - Performs actions reserved for the court in enforcement proceedings, except for applying coercive measures, ruling on the collection of debts pursuant to Article 873, determining the expiry of the effects of acceptance of payment and loss of warranty, cases of enforcement of non-cash benefits except for the surrender of movable property, cases of enforcement by receivership, cases of enforcement by sale of an enterprise or a farm ;
  - decides on the concurrence of judicial and administrative enforcement and appoints the authority authorised to conduct enforcement jointly ; in the case of concurrence arising before 8 September 2016
  - grants an enforcement clause to the enforcement titles referred to in Article 771(1) of the Code of Civil Procedure
  - conducts proceedings for the disclosure of assets, excluding the use of coercive measures ;
  - takes action in cases for granting compensation (Article 8(1) of the Act of 7 July 2005 on State Compensation to Victims of Certain Crimes),
  - takes action in cases provided for in the Act on Court Fees in Civil Cases (determining the fees of witnesses, experts, interpreters, parties to proceedings and mediators, restitution of fees, action in cases where court fees are postponed or paid in instalments),
  - actions for checking the correctness of an appeal filed 373§ 2,
  - actions in injunction proceedings 480§2,
  - adjudication of third-party claims Article 92(1) in conjunction with Article 93(1) u.k.s.c.
- Pursuant to Article 2 of the Criminal Executive Code, a court referendary is an organ of executive proceedings - the competence was introduced in 2016

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

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):Food delivery - catering Health care - additional private insurance

Comments Food delivery - catering Health care - additional private insurance

**C1. Please indicate the sources for answering the questions in this part**

Sources: Department of Personnel and Organization of Courts in the Ministry of Justice  
Administrative Supervision Department



### 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 posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	5 843 [ ] NA [ ] NAP	2 787 [ ] NA [ ] NAP	3 056 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	3 759 [ ] NA [ ] NAP	1 608 [ ] NA [ ] NAP	2 151 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	1 605 [ ] NA [ ] NAP	878 [ ] NA [ ] NAP	727 [ ] NA [ ] NAP
<b>3. Number of prosecutors at Supreme Court level</b>	88 [ ] NA [ ] NAP	61 [ ] NA [ ] NAP	27 [ ] NA [ ] NAP

Comments - Please indicate any useful comment for interpreting the data above: The table under item 1 contains the number of district prosecutors and under item 2 the number of circuit prosecutors. Whereas under item 3 is the number of prosecutors in the position of a prosecutor of the National Prosecutor's Office. The total is higher than the sum of the subcategories because it takes into account the number of prosecutors employed in regional prosecutor's offices - a total of 391 prosecutors (151 women and 240 men), since according to Article 16 of the Law of 28 January 2016 - Law on Prosecutor's Office (Journal of Laws of 2021, item 66) the common organizational units of the prosecutor's office are: National Prosecutor's Office, regional prosecutor's offices, circuit prosecutor's offices and district prosecutor's offices. For 2020, all items (1-3) include prosecutors for military matters, who at the level of the district prosecutor's office are employed by 85, including 22 women and 63 men; at the level of the regional prosecutor's office - 38 prosecutors for military matters, including 8 women and 30 men, and at the National Prosecutor's Office - 13 prosecutors for military matters (2 women and 11 men).

=

**055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?**

( ) Yes

(X) No

Comments

**055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

[ ] Child-care

[ ] Elderly care

[ ] For the purposes of early retirement

[ ] Other reason, please specify: .....

[ ] Without reason

**055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?**

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

**056. Number of heads of prosecution offices.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	412 <input type="checkbox"/> NA <input type="checkbox"/> NAP	232 <input type="checkbox"/> NA <input type="checkbox"/> NAP	180 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	355 <input type="checkbox"/> NA <input type="checkbox"/> NAP	189 <input type="checkbox"/> NA <input type="checkbox"/> NAP	166 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above: The sum is higher than the sum of the subcategories because it takes into account the number of heads of regional prosecutor's offices, (whose number is 11, including 9 men and 2 women), since according to Article 16 of the Law of January 28, 2016 - Law on Prosecutor's Office (Journal of Laws of 2021, item 66) the common organizational

units of the prosecutor's office are: National Prosecutor's Office, regional prosecutors' offices, circuit prosecutors' offices and district prosecutors' offices. The figures indicated in the table do not take into account the number of persons serving as deputy heads of prosecution offices at the above levels.

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

Yes

No

Comments - If yes, please specify their titles and functions: Pursuant to Article 173 § 1 of the Act on the Public Prosecutor's Office of 28 January 2016 (Journal of Laws of 2021, item 66), the Public Prosecutor General may entrust an assistant prosecutor (assessor) for a fixed period, not exceeding 3 years, with the performance of prosecutorial activities without the right:

1) to participate in proceedings before the Court of Appeal and in proceedings before the Circuit Court, with the exception of proceedings at first instance in cases where he or she has conducted the pre-trial proceedings; appearing before the Supreme Court, preparing appeals and applications to the Supreme Court.

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

[ 391 ]

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 prosecutors who are specially trained in areas of domestic violence and sexual violence?**

	-
<b>Domestic violence</b>	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Sexual violence</b>	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify

=

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

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	9 073 [ ] NA	1 826 [ ] NA	7 247 [ ] NA

Comments The table presents information available at the National Public Prosecutor's Office Human Resources Office [Biuro Kadr] and contains the numbers of persons actually employed in universal prosecutorial bodies of the public prosecution services, without conversion into full-time equivalents.

The Human Resources Office does not have detailed data on the number of employees in the universal prosecutorial bodies of the public prosecution service who are employed on an indefinite or fixed-term basis. Organisational units of the public prosecution service provide the Human Resources Office with data on employees of the public prosecution service (military part is provided separately) in the following groups:

- 1)FTE [full time employment] limits,
- 2)use of the FTE limits (not counted in full-time equivalents and not broken down between men and women) rounded to two decimal places, the actual number of employees (broken down into male and female employees).

The data provided doesnt include trainee prosecutors.

## C2. Please indicate the sources for answering the questions in this part

Sources: The National Public Prosecutor's Office Human Resources Office

### 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 )

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

=

**061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:**

	Yes / No
Court president	( ) Yes If “yes”, please specify:[Comment] ( X ) No
Head of prosecution services	( ) Yes If “yes”, please specify:[Comment] ( X ) No

Comments

### 3.4.2 At national level

**061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?**

- ( ) Yes  
( X ) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload 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 )

<b>The promotion of judges</b>	( )	( X )
<b>The recruitment of prosecutors</b>	( )	( X )
<b>The promotion of prosecutors</b>	( )	( X )
<b>The recruitment of non-judge staff</b>	( )	( X )
<b>The promotion of non-judge staff</b>	( )	( 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) see general comment

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) see the general comment

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. to block a decision or allow an appeal)

NAP

**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
-----	----

<b>in courts (judges)</b>	( )	( X )
<b>in public prosecution services (prosecutors)</b>	( )	( X )
<b>for courts' non-judge staff</b>	( )	( X )

Comments - Please specify the details of this person/institution, in particular its titles and function:

**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:**

	<b>Yes</b>	<b>No</b>
<b>Assignment to different positions</b>	( )	( X )
<b>Workload distribution</b>	( X )	( )
<b>Working hours</b>	( X )	( )
<b>Modalities of teleworking and presence in the workspace</b>	( )	( X )
<b>Replacement of absent persons</b>	( X )	( )
<b>Organisation of the hearings</b>	( )	( X )
<b>Other</b>	( )	( 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. An example of the possibility of changing the organisation of working time in relation to women prosecutors is the regulations relating to prosecutor's on-call duty, consisting of performing procedural activities in preparatory proceedings on public holidays and at night, if necessary. There are provisions that allow for the exclusion of pregnant women and persons bringing up a child under 8 years of age or caring for persons requiring constant care. Pursuant to Article 130 of the Act of 28 January 2016 – The Prosecutor's Office Law (Journal of Laws of 2019, item 740, consolidated text as amended), in cases not regulated in this Act, the provisions of the Act of 16 September 1982 on State Office Employees (Journal of Laws of 2018, item 1915) shall apply to the prosecutors, and in cases also not regulated in this Act – the provisions of the Labour Code (Journal of Laws of 2009, item 1040, consolidated text as amended).

Article 29 section 1 of the abovementioned Act on State Office Employees states that the working time of state offices cannot exceed 8 hours per day, and an average of 40 hours per week in the adopted settlement period not longer than 8 weeks.

1a. In cases justified by the type of work and its organisation, working time schedules may be used, in which an extension to 12 hours per day is permitted. In these schedules, however, the working time may not exceed 40 hours per week on average, in the adopted settlement period not longer than 12 weeks.

2. If the needs of the office so require, a civil servant may be employed outside normal working hours and in exceptional cases also at night and on Sundays and public holidays.

3. The provisions of sections 1a and 2 shall not apply to pregnant women and, without their consent, to persons caring for persons in need of constant care or caring for children under eight years of age.

Another example of changing the organization of women's working time is the right of a woman prosecutor, who is breastfeeding a child, to a break from work included in the working time and the right of an employee raising at least one child up to the age of 14 to be dismissed from work for 16 hours or 2 days during a calendar year, with the right to salary.

Article 187 § 1 of the Act of 26 June 1974, the Labour Code, states:

A breastfeeding worker is entitled to two half-hour breaks included in her working hours. A worker who is breastfeeding more than one child is entitled to two breaks of 45 minutes each. Breastfeeding breaks may be granted jointly upon request.

§ 2 The employee employed for less than 4 hours a day is not entitled to breastfeeding breaks. If the working hours do not exceed six hours per day, employees are entitled to one breastfeeding break.

Article 188 § 1 An employee raising at least one child up to the age of 14 shall be entitled to 16 hours or 2 days of leave of absence from work per calendar year, with the right to salary.

**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) : As regards the possibility for women to access the legal professions, it should be pointed out that in the structure of the judiciary, women account for approximately 80 per cent of all employees.

It should also be emphasised that, as a rule, in the common courts, employment or appointment of a particular person is not determined by the gender criterion. When appointing presidents and vice-presidents of courts, as well as appointing court directors, the only condition is fulfilling the conditions set out in the Act of 21 July 2007. Law on the Common Court System (Journal of Laws of 2020, item 365, as amended). Employment or appointment of a particular person is not determined by the criterion of the candidate's sex. On the other hand, the fixed remuneration results from the referred Act and its implementing regulations. At the same time, remuneration is equal for women and men appointed to positions in courts with the same employment structure. The situation is similar with regard to filling chief executive positions in the civil service corps. This is regulated by the Act of 21 November 2008 on civil service (Journal of Laws No. 227, item 1505 as amended), which gives the only priority in open and competitive recruitment gives priority to persons with disabilities in employment, provided that they meet the criteria set out in the abovementioned Act. The positions of directors, in turn, are filled by appointment. The requirements to be met in order to be appointed as a director are also listed in the Civil Service Act. In particular professional groups in the judiciary, women constitute more than half of those employed at a given position, i.e. 65% of court assessors, 74% of judge assistants, 78% of probation officers, about 72% of court referendaries, about 87% of OZSS specialists, 89% of clerks and about 63% of judges. In the group of other employees of the judiciary, women represent about 66% of the employees. In terms of managerial positions, women account for 61 % of directors, 56 % of section heads, about 59 % of department chairs and about 43 % of court presidents. In view of the above, it should be indicated that, as a rule, there is no need to take measures in the Polish common judiciary in order to equalise opportunities for women and men.

are planned (please specify) : please see the comment above

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



**061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:**

- Recruitment procedures, please specify: .....
- Appointment to the position of court president, please specify: .....
- Appointment to the position of head of prosecution services, please specify: .....
- Promotion procedures and access to the functions of responsibility, please specify: .....
- Other studies, please specify: .....

[ X ] NAP

Comments - Please specify also the reference documents.

**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 at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments The Ministry of Justice deals with IT policies and strategies and also IT governance.

**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 ( ) No
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 ( ) No
Other alternatives (external service provider only – specify in a comment)	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - please also describe in case of “other alternatives” \*The change is due to the fact that other solutions/other alternatives (external service only) is not the model most often chosen.

**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

**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
<b>Civil and/or commercial</b>	<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 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criminal</b>	<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 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative</b>	<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 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	<input checked="" type="checkbox"/> Yes <input 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 Information Office of the National Criminal Register of the Ministry of Justice

**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 So called e-Protocol system – financed from EU funds

Registration form for notification of erroneous activities of IT systems, information from the National Court Register, Application form for access to public information, Civil complaint forms, Forms of bankruptcy complaints - "consumers", National Court Registry forms, formulas for reserve management services and forwarded to Central Information on Registered Pledges, Information request forms with the National Criminal Register, Application form for execution and reporting bailiff operations, inventory configuration list, toolkit form for central information on registered sets, formula for court and economic judgment.

It is difficult to assess it due to the different degree of computerization of litigation and non-litigious proceedings, as well as the uneven use of various tools, starting with ZEUS.

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

	<b>Availability rate</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) [ ] NA
<b>Criminal</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) [ ] NA

<b>Administrative</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input checked="" type="checkbox"/> NA
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## 062-8. Are there voice recording tools?

Yes

No

Comments 1.Civil and criminal cases : So called e-Protocol system – financed from EU funds/ Tzw. system e-Protokół - finansowany z funduszy UE.

2.The videoconference system used to conduct online hearings enables the recording of image and sound. The provisions of the act of August 30, 2002 v- law on proceedings before administrative courts do not provide for electronic casebooks protocol.

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

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
<b>Civil and/or commercial</b>	<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 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<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"/> 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/novelties?**

**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:**

	<b>CMS deployment rate</b>	<b>Status of case online</b>	<b>Centralised or interoperable database</b>	<b>Early warning signals (for active case management)</b>	<b>Status of integration/connection of a CMS with a statistical tool</b>
<b>Civil and/or commercial</b>	<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"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input 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
<b>Criminal</b>	<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"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input 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

<b>Administrative</b>	<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 checked="" type="checkbox"/> Both <input 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
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Comment - If it exists in other matters please specify:

## 063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
<b>Land registry</b>	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Business registry</b>	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment – if it exists in other matters please specify: Registry of Pledges

## Budgetary and financial monitoring

### 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)
<b>Budgetary and financial management of courts</b>	<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
<b>Justice expenses management</b>	<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

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

Comments 1. The ZSRK system (Integrated Accounting and Personnel System) was implemented in common courts, which is a key system supporting all common court units in the field of keeping broadly understood accounting, personnel records, budget reporting and statistical reporting.

2. IT System for the Handling of the State Budget (TREZOR) facilitating the flow of information between the holders of budget funds and the Ministry of Finance in the implementation of the following budget processes: budget planning and execution.

In relation to the "system of communication with other ministries (including the Ministry of Finance)", the basis for giving a positive answer is the functioning TREZOR system, which improves the flow of information between the administrators of budget funds and the Ministry of Finance in the implementation of the following budget processes: planning and budget execution. Justice expenses management. With reference to "Data Consolidated at National Level" in scope "Court budget and finance management systems" the basis for giving a positive answer is the implementation of the ZSRK system (Integrated Accounting and Personnel System) in common courts, which is a key system supporting all common court units in the field of keeping broadly understood accounting, personnel records, budget reporting and statistical reporting.

## Other tools of courts management

**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
<b>For judges</b>	<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
<b>For prosecutors</b>	<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 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



<b>For non-judge/non-prosecutor staff</b>	<input type="checkbox"/> 100%	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input type="checkbox"/> No	<input type="checkbox"/> No	<input checked="" type="checkbox"/> No
	<input checked="" 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		

### 3.5.6 Technologies used for communication between courts, professionals and/or court 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 If the term "availability index" refers to the general availability of such service, then according to the Act of August 30, 2002 - Law on proceedings before administrative courts (the Act), any case may be brought before an administrative court by means of electronic communication, thus the availability index hits 100%. However, if this term refers to an actual and real availability of such service, unfortunately the Chancellery of the President of the Supreme Administrative Court does not provide data on the number of cases that were, in fact, brought by electronic means of communication after the amendment to the Act.

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

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<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"/> 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<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
<b>Administrative</b>	<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"/> 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

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

Yes

No

Comments An electronic request for legal aid is only admissible in electronic writ proceedings and when electronic communication has been selected and the court's technical conditions allow it (Article 125 §2 1 and 1a of the Code of Civil Procedure).

The possibility of submitting an application for legal aid by electronic means is not widely used in the Polish common judiciary in practice.

The option to submit pleadings via the ICT system already existed before 2019, and the amendment of July 4, 2019 only introduced a reservation that the choice of lodging pleadings via the ICT system and further submission of these pleadings via this system is admissible if it is possible for technical reasons attributable to the court.

**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 checked="" type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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

<b>Civil and/or commercial</b>	[ X ]	[ ]	[ ]	[ X ] SMS [ X ] E-mail [ X ] Specific computer application [ X ] Other	[ X ]
<b>Criminal</b>	[ X ]	[ ]	[ ]	[ ] SMS [ X ] E-mail [ X ] Specific computer application [ X ] Other	[ X ]
<b>Administrative</b>	[ X ]	[ X ]	[ X ]	[ ] SMS [ X ] E-mail [ X ] Specific computer application [ ] Other	[ X ]

Comments 1. Article 149(1) of the Civil Procedure Code provides for a simplified method of summoning parties, witnesses, experts or other persons to a hearing. As a rule, service, summonses and orders should be made in the manner provided for by the general provisions, i.e. Articles 131-147 of the Code of Civil Procedure. However, if it is necessary to expedite the examination of the case, the court may omit the means provided for by the general rules in favor of the means it deems most expedient. The effectiveness of such a summons is conditional on there being no doubt that the summons has reached the addressee. Simplified forms of service involve the use of methods of service other than through a postal carrier, bailiff, court staff or court delivery service, i.e. by telephone, e-mail, telegram or fax, or courier service.

2. Art. 137 (1) of Criminal Procedure Code In urgent cases, persons may be summoned or notified by telephone or by other means as appropriate, leaving a copy of the message transmitted with the signature of the person transmitting it on file.

3. Administrative cases - Summonses are sent to the parties to the proceedings electronically via the ePUAP platform when the party provides an address for electronic delivery. So the email option could actually be marked, with correspondence taking place via ePUAP. If the party does not provide an address for electronic delivery, letters are delivered in a traditional paper form (by post).

## Use of information technologies for improving the quality of the communication between courts and professionals

**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)**

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	Availability for

<b>Civil and/or commercial</b>	<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 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 deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
<b>Criminal</b>	<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"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
<b>Administrative</b>	<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"/> 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 deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments The Information Portal is a solution initiated by the Ministry of Justice, based on art. §90a of the Regulations of the Office of Common Courts of February 23, 2007. The electronic system allows direct access to court files for parties to the process and their legal representatives. The purpose of implementing the innovative Information Portal was primarily to relieve court secretariats from the time-consuming obligation to provide information to trial participants. It is mainly about searching for files for personal viewing, photocopying individual cards from files, sharing reports from hearings or recording e-reports. All these activities involve the necessity of personal arrival at the court office, submission of numerous applications, often also prior ordering of files for inspection in the reading room, as well as costs related to the possible desire to obtain photocopies of documents. Thanks to the Portal, the user can access his case from the computer screen.

**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 systems of specialised litigation (small claim 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. The electronic writ of payment proceeding ( provided for in cases in which facts are not complicated and there is no requirement of evidentiary proceedings )

### Use of information technologies between courts, professionals and users in the framework of judicial proceedings

**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):**

	<b>Deployment rate (chose one only)</b>	<b>Proceeding phase</b>	<b>Specific legislative framework</b>
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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"/> 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
<b>Administrative</b>	<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

Comments Art. 15 of the Act of 2nd march 2020 on special solutions related to the prevention, counteracting and combating covid-19, other infectious diseases and crisis situations caused by them (hearings and remote hearings take place in order to protect life and health of the parties and participants of the proceedings, judges and court employees.

1. Reducing the number of detainees' transfers to the court.
2. Speeding up the lawsuits.

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

- Yes  
 No

Comments The permission of the court shall not be required for the parties or participants in the proceedings to record the meetings (hearings) and other court actions at which they are present by means of a sound recording device.

The parties and participants in the proceedings shall warn the court of their intention to record a meeting or other court action by means of a sound recording device.

The court shall prohibit the use of a sound recording device if the session (hearing) or part thereof is held without an audience or raises objections to the regularity of the proceedings.

The recorder shall draw up a report on the course of the sitting (hearing). The report shall be made by recording the course of the hearing by means of a sound or image and sound recording device and in writing, under the direction of the chairman, in accordance with Article 158 § 1.

§ 11. If, for technical reasons, it is not possible to record the proceedings by means of a sound or image and sound recording device, the minutes shall be drawn up only in written form, under the direction of the chairman, in accordance with Article 158 § 2.

Pursuant to Article 37 § 2(1) of the Code of Conduct in Misdemeanour Cases, a protocol shall be drawn up on the course of a complaint in misdemeanour cases about the recording of the course of the hearing by means of a device recording sound or image and sound.

Recording of image and sound from interrogation of the victim and witness in cases referred to in Articles 185a-185d of the Code of Criminal Procedure.

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

	Tool deployment rate	Type of recording	Specific legislative framework
<b>Civil and/or commercial</b>	<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"/> 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
<b>Criminal</b>	<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
<b>Administrative</b>	<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"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

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

Comments - Other devices of electronic communication between courts, professionals and/or users

### 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	( ) Yes (X) 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

More frequent

Comments - If "less frequent" or "more frequent", please specify: Once a month, the head of the organizational unit of the prosecutor's office shall submit to his or her superior prosecutor a report containing the number of incoming cases and the number of cases disposed of

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

Yes

No

Comments

**073-6. 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

=

**079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?**

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):the court presidents

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?**

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- 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
<b>within the courts</b>	<input checked="" type="checkbox"/> see the comment below	<input type="checkbox"/>
<b>within the public prosecution services</b>	<input checked="" type="checkbox"/> see the comment below	<input type="checkbox"/>

Comments

**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):The Ministry of Justice, Al. Ujazdowskie 11, 00-950 Warszawa

No

Comments

**080-1. Are the statistics on the functioning of each court published?**

Yes, on the internet

No, only internally (on 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 Prosecutor's Office, ul. Postpu 3, 02-676 Warszawa

No

Comments

**080-3. Are the statistics on the functioning of each public prosecution service published?**

Yes, on the internet

No, only internally (on an intranet website)

No

Comments <https://pk.gov.pl/dzialalnosc/sprawozdania-i-statystyki/sprawozdania-statystyczne-pk-p1k-pk-p1ca-i-pk-p1n-za-2020-r/>  
On the website of the National Public Prosecutor's Office are posted annual reports on the activities of the organizational units of the public prosecutor's office in civil, administrative and criminal cases.

=

**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

**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

**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:

**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): .....

NAP

Comments

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

Yes

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

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

Head of the organisational unit or hierarchically superior public prosecutor

Other (please specify):see the comment below

NAP

Comments Individual goals are set by prosecutors themselves in a way that enables them to carry out their duties effectively

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

Yes

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 part

Sources: National Prosecutor's Office

Department of Administrative Supervision in the 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)?**

[            ]

[ X ] NA

[   ] NAP

Comments - Please add methodology for calculation used.

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

( X ) Yes

(   ) No

Comments - Please could you briefly specify:

**085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):**

[ 57 ]

[   ] NA

Comments 57,1%

The indicator refers to cases for the exclusion of a judge in the civil division (cases: civil, labour law, social insurance, family, business, intellectual property) in the first instance. It has been calculated as the ratio of the number of cases settled by taking into account in full or in part to the number of cases to be settled (residual from the previous year + inflow in 2020). Data refers to the total number of cases for the exclusion of a judge: both at the request of the parties and at the request of the judge himself. The Clerk's Rules do not provide that such motions be separated into those filed by the parties as well as by the judge himself.

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

[ X ] For civil procedures (non-enforcement)

[ X ] For civil procedures (timeframe)

[ X ] For criminal procedures (timeframe)



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): In Poland monitoring system for the violations related to Article 6 of the Convention consists of providing information about acknowledged violations at all instances courts level, among prosecutors as well as Central Board of Prison Service, jurisprudence studies and analysis, training of judges, prosecutors and other justice professionals. There exists in each District Court the institution of Judge Co-ordinator dedicated to international co-operation and Human Rights in civil and penal matters. The information about the ECHR judgments and decisions, main violations and statistics of the Court is being disseminated through them and to the president of the relevant court, as well as to the large public on the Ministry of Justice webpage. So called „maps of violations” – statistics elaborated in the Ministry of Justice show what are the main problems in each region of Poland, that help to organise pertinent trainings and conduct them in those places.

The established violations of Article 6 of the Convention are measured and the Ministry of Justice makes inquiries about the evolution of the proceedings in each of those individual cases, which are still in the courts, furthermore some of those cases are under the procedure of supervision.

### **086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?**

Yes

No

Comments According to Article 540 § 3 of the Code of Criminal Procedure proceedings are reopened in favour of the accused, if the necessity is a consequence of a decision of an international authority acting pursuant to an international agreement ratified by the Republic of Poland [unofficial translation].

In administrative procedure similar regulation is enclosed in Article 272 sec. 3 of the Law on Proceedings Before Administrative Courts. Even though in civil matters there is no such regulation which expressis verbis provide with a legal basis for reopening the proceedings after the European Court of Human Rights decision on violation of human rights, this decision can constitute grounds for reviewing a case on the basis of the Division VI of the Code of Civil Procedure.

Moreover, the possibility of reopening the proceedings after the February 2017 amendment and extension of the time limit to file a petition to reopen proceedings from 5 to 10 years those changes increased significantly in civil cases.

### **D1. Please indicate the sources for answering the questions in this part**

Sources: Department for International Cooperation and Human Rights  
Department of Strategy and European Funds - Statistics Division  
Department of Administrative Supervision

## **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: As a result of the pandemic, an expanded catalog of urgent cases was introduced by the Act of March 2, 2020 on special solutions for preventing, counteracting and combating COVID-19, other infectious diseases and crisis situations caused by them. The category of urgent cases concerns only adjudication either by a designated court - in the case of complete cessation of activities by a common court, military court or voivodship administrative court during the period of validity of a state of epidemic emergency or state of epidemics declared due to COVID-19, or by a judge delegated to perform duties in another common court, military court or voivodship administrative court if during the same period the good of administration of justice so requires  
Any case may be heard under the same conditions as an urgent case if its failure to be heard could result in:

- a danger to human or animal life or health or
- serious harm to the interests of society,
- when the interests of justice so require

In a situation where a court conducting proceedings fails to take any action due to COVID-19 (e.g. due to the necessity of quarantining all judges, court assessors, court registrars, court employees), it is necessary to appoint another equivalent court as competent to hear urgent cases belonging to the jurisdiction of that court.

The president of the court of appeal - with respect to the common court - is authorized to make a decision in this regard. The designated court has jurisdiction to hear urgent cases, non-urgent cases belonging to the jurisdiction of the court that has ceased operations, indicated by the president of the court designating the competent court. The designated court shall remain competent to hear the urgent cases transferred to it until the completion of the proceedings in a given instance.

Cases, in which inquiry was conducted, may be heard in accelerated proceedings, if the perpetrator was apprehended in the act of committing an offence or immediately thereafter, arrested and brought before the court by the Police within 48 hours with a motion to examine the case in accelerated proceedings, hereinafter referred to as the "motion to examine the case" (Article 517 b § 1 of the CPP)  
Accelerated proceedings are conducted in accordance with public accusation procedure likewise with regard to offences prosecuted by private accusation, if the offence tried is an offence of hooliganism (Article 517 b § 1 of the CPP).

According to the legislator's assumption, the accelerated procedure was regulated in such a way as to reduce procedural formalism and accelerate the course of proceedings, while ensuring observance of the key principles of the trial, including in particular the right of the defendant to defence, which is to be achieved, inter alia, through lawyers' and legal counsels' duty at the seats of district courts (Article 517 j of the CPP).

## **088. Are there simplified procedures for:**

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

Comments - If yes, please specify:

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

- [ X ] civil cases
- [ ] criminal cases
- [ ] administrative cases

Comments - If yes, please specify:

## **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



## 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	3 763 652 [ ] NA [ ] NAP	10 556 712 [ ] NA [ ] NAP	11 005 552 [ ] NA [ ] NAP	3 314 812 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	915 899 [ ] NA [ ] NAP	946 036 [ ] NA [ ] NAP	995 781 [ ] NA [ ] NAP	866 154 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	2 682 304 [ ] NA [ ] NAP	9 291 234 [ ] NA [ ] NAP	9 692 030 [ ] NA [ ] NAP	2 281 508 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	684 051 [ ] NA [ ] NAP	3 526 218 [ ] NA [ ] NAP	3 639 200 [ ] NA [ ] NAP	571 069 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	1 998 253 [ ] NA [ ] NAP	5 765 016 [ ] NA [ ] NAP	6 052 830 [ ] NA [ ] NAP	1 710 439 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	1 884 456 [ ] NA [ ] NAP	4 991 059 [ ] NA [ ] NAP	5 271 833 [ ] NA [ ] NAP	1 603 682 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	113 797 [ ] NA [ ] NAP	773 957 [ ] NA [ ] NAP	780 997 [ ] NA [ ] NAP	106 757 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	23 363 [ ] NA [ ] NAP	68 475 [ ] NA [ ] NAP	65 053 [ ] NA [ ] NAP	26 785 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>4. Other cases</b>	142 086	250 967	252 688	140 365	
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments Comments: The discrepancies in Table 91. First instance courts: number of other than criminal law cases - compared to the previous periods (2018 and 2019) are mainly due to combinations of two reasons. First - the COVID19 pandemic, which significantly reduced case inflow to the courts (in some type of cases even by several dozen of percent), reduced the number of resolved cases and pending cases as well. The second factor, which in contrary - caused increase in the volume of cases registered in court system was the inflow of cases related with conversion of the right of perpetual use of built-up land for residential purposes into land ownership (2.2.1 - Non litigious land registry cases). In 2020, there were more than a million incoming cases of this type (in 2019 – more than 2,5 million), which also resulted in an increase in the number of resolved cases in this area, as well as pending cases for the next reporting period. Administrative law cases: the main reason for the slight slowdown in casework was the pandemic.

**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":**

. The category "other cases" includes among others: social security cases, cases related to the application of correctional and educational measures as required in juvenile cases and execution of guardianship or tutoring, cases for a declaration of enforceability, exemption from court costs, recusing of a judge, recreation of documents, 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
<b>Total of criminal law cases (1+2+3)</b>	374 052 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 862 695 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 826 322 <input type="checkbox"/> NA <input type="checkbox"/> NAP	410 425 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	173 746 <input type="checkbox"/> NA <input type="checkbox"/> NAP	351 326 <input type="checkbox"/> NA <input type="checkbox"/> NAP	333 815 <input type="checkbox"/> NA <input type="checkbox"/> NAP	191 257 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	78 511 <input type="checkbox"/> NA <input type="checkbox"/> NAP	330 848 <input type="checkbox"/> NA <input type="checkbox"/> NAP	322 399 <input type="checkbox"/> NA <input type="checkbox"/> NAP	86 960 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other criminal cases</b>	121 795 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 180 521 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 170 108 <input type="checkbox"/> NA <input type="checkbox"/> NAP	132 208 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify The discrepancies in Table 94. First instance courts: number of criminal law cases - compared to the previous period (2018) are mainly due to two reasons. First – the COVID19 pandemic which reduced the inflow of Misdemeanour and / or minor criminal cases (p. 2). Second – in 2020 release the number of Other cases (p. 3) was added to the table. It significantly increased the number of total cases shown in the line Total of criminal cases (1+2+3).

### 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	131 029 [ ] NA [ ] NAP	180 990 [ ] NA [ ] NAP	183 669 [ ] NA [ ] NAP	128 350 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	66 719 [ ] NA [ ] NAP	112 330 [ ] NA [ ] NAP	118 181 [ ] NA [ ] NAP	60 868 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	11 660 [ ] NA [ ] NAP	18 360 [ ] NA [ ] NAP	19 187 [ ] NA [ ] NAP	10 833 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	11 453 [ ] NA [ ] NAP	18 031 [ ] NA [ ] NAP	18 867 [ ] NA [ ] NAP	10 617 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	207 [ ] NA [ ] NAP	329 [ ] NA [ ] NAP	320 [ ] NA [ ] NAP	216 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	207 [ ] NA [ ] NAP	329 [ ] NA [ ] NAP	320 [ ] NA [ ] NAP	216 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>2.3. Other non-litigious cases</b>	<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
<b>3. Administrative law cases</b>	28 125 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 375 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 786 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 714 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 843 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	24 564 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36 019 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30 584 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29 999 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify "Other than criminal law" cases: compared to the previous period (2018), decreases in the numbers of "incoming cases" before courts and "resolved cases" result from the COVID19 pandemic. As regards increases in the number of pending cases, they are due to increased amount of unresolved specific categories of cases in civil litigious procedures (e.g. claims under the loan agreement) and civil non-litigious procedures (e.g. division of the property). Administrative law cases : In 2020, the court disposed of 57.70% of all cases within 12 months, and within up to 24 months 78.66%. With regard to cassation complaints, 44.06% of cases were dealt with within 12 months. As far as complaints are concerned, 75.99% are settled within 2 months, while within 12 months the rate is 99.57%. 4. "4.Other cases": From the analysis of annual information for 2020 at the level of district courts and appellate courts in the labour and social security division, the following factors had an impact on the decrease in the degree of control of the impact (and thus the number of cases handled) and the increase in the average duration of proceedings in Ua, Uz and AUa and AUz cases in relation to 2019: - restrictions on court activity in 2020 related to the Covid-19 pandemic, due to the declaration of an epidemic state in the territory of the Republic of Poland from 20 March 2020 and the associated need for quarantine, sick leave, isolation, the need to provide care for children under 8 years of age, remote working, resulting in a reduction in the work of adjudicators, clerks and experts; - Insufficient number of experts on the list of expert witnesses compared to the number of cases requiring an opinion and the need to carry out joint or multiple expert opinions from different specialities, refusal of experts to carry out examinations necessary for their opinion (as a result of the epidemic situation in relation to SARS-CoV-2 infections), - a large number of suspended cases resulting from the regulation of the Act of 19 June 2020 on amending the Act on pensions from the Social Insurance Fund (Journal of Laws of 2020, item 1222), concerning a group of women born in 1953 (in these cases the proceedings were suspended by law as of 10 July 2020 until the pension authority issues a new decision recalculating the benefit of entitled persons, but not earlier than after 6 months from the suspension).

#### 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
<b>Total of criminal law cases (1+2+3)</b>	26 664 <input type="checkbox"/> NA <input type="checkbox"/> NAP	172 048 <input type="checkbox"/> NA <input type="checkbox"/> NAP	170 278 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 434 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	13 996 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 360 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 928 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 428 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	1 141 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 354 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 317 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 178 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other cases</b>	11 527 <input type="checkbox"/> NA <input type="checkbox"/> NAP	127 334 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 033 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 828 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input 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. Variations in the number of criminal law cases in 2020 compared to the previous period (2018) are mainly due to two reasons. First – the COVID19 pandemic which reduced the inflow of severe criminal cases (p. 1) and misdemeanour and / or minor criminal cases (p. 2). Second – in 2020 release, the number of Other cases (p. 3) was added to the table. It

significantly increased the number of total cases shown in the line Total of criminal cases (1+2+3).



## 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	4 757 [ ] NA [ ] NAP	5 895 [ ] NA [ ] NAP	7 456 [ ] NA [ ] NAP	3 196 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative law cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>4. Other cases</b>	254 [ ] NA [ ] NAP	7 008 [ ] NA [ ] NAP	7 105 [ ] NA [ ] NAP	157 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
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Comments - If "Other cases", please specify \*Civil cases :- litigious cases heard by the civil chamber and the labour and social insurance chamber: Civil Chamber - pending cases on 1 Jan - 2596, incoming cases - 4360, resolved cases - 5518, pending cases on 31th Dec - 1438; Labour and social insurance chamber - pending cases on 1 Jan - 2161, incoming cases - 1535, resolved cases - 1938, pending cases on 31th Dec - 1758; \*Other cases: - cases pertaining to public law, decided by the Chamber for Extraordinary Control and Public Issues and disciplinary cases resolved in the Disciplinary Chamber of the Supreme Court: the Chamber for Extraordinary Control and Public Issues - pending cases on 1 Jan - 149, incoming cases - 6696, resolved cases - 6710, pending cases on 31th Dec - 135; the Disciplinary Chamber of the Supreme Court: pending cases on 1 Jan - 105, incoming cases - 312, resolved cases - 395, pending cases on 31th Dec - 22; Other cases: \*These increases must be explained by the election year, in which the Chamber of Extraordinary Control and Public Affairs dealt with numerous protests. This has resulted in a substantial increase in the dynamics of cases in this Chamber.

Discrepancies - Administrative law cases - see data in Q97 and general comment to that question.

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

( X ) Yes, please indicate the number of cases closed by this procedure: 3798

( ) No

Comments

### 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
<b>Total of criminal law cases (1+2+3)</b>	1 819 [ ] NA [ ] NAP	3 226 [ ] NA [ ] NAP	3 570 [ ] NA [ ] NAP	1 475 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If "Other criminal cases", please specify The dynamics of the movement of cases of 2020 in the work of the Criminal Chamber of the Supreme Court was due to changes of a personnel nature. In addition, some of the disciplinary cases of advocates were submitted for consideration to the Criminal Chamber on the basis of decisions of the First President of the Supreme Court made in the period until May 2020 or decisions of the President of the Supreme Court directing the work of the Criminal Chamber at a later date, as the Disciplinary Court of the Polish Bar Association refers files of disciplinary cases with cassation appeals to the Criminal Chamber, recognizing that the Disciplinary Chamber should refrain from examining them. At the same time, the above-standard involvement in the work of judges, assistants and all other employees of the Criminal Chamber allowed for an increase in the number of cases dealt with.

### 4.2.5 Case flow management and timeframes – specific cases





## 101. Number of specific litigious cases 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	Pending for more than 2 years
<b>Litigious divorce cases</b>	53 276 <input type="checkbox"/> NA <input type="checkbox"/> NAP	76 369 <input type="checkbox"/> NA <input type="checkbox"/> NAP	71 595 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 173 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal cases</b>	4 177 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 968 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 523 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 622 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	6 610 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 105 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 857 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 858 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<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
<b>Intentional homicide</b>	<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 The discrepancies in Table 101. Number of specific litigious cases received and processed by first instance courts - compared to the previous period (2018) are mainly due to the significant increase in number of cases of personal bankruptcy (in the „insolvency” category). The amendment to the bankruptcy law made it much easier to obtain the right to bankruptcy for a natural person, therefore the number of such cases brought to court has been increasing for several last years.

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## 101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
<b>Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<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
<b>Non-court procedures relating to the right of entry and stay for aliens</b>	<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
<b>Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<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
<b>Court cases relating to the right of entry and stay for aliens</b>	<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 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.

## 101-1. Could you briefly describe the system in your country dealing with legal 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.

## 101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court
<b>Child sexual abuse</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Child pornography</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: 1 Sexual Violence Act Criminal Code of 6 June 1997. (Journal of Laws 1997 No. 88 item 553)

### COMMENT:

Since 08.06.2010. Article 197 of the Penal Code details, among other things, the rape of a minor under the age of 15. This is an act threatened with a higher penalty than the basic form of rape. Similarly, the threat of punishment for the crime under Article 199 committed to the detriment of a minor is higher. It should also be noted that sexual exploitation of a child also fulfills the elements of the crime of abuse of a specific relationship of dependence between persons for the purpose of sexual gratification.

Crimes under Articles 197, 199 §1 and 198 are, as a rule, prosecuted at the request of the victim. This means that the Police or the Prosecutor's Office shall prosecute if they obtain the consent of the victim or the victim's legal representative in case of children.

The provision that most broadly relates to child sexual abuse is Art. 200 of the Penal Code. The crime under Art. 200 takes place even if the minor consented to the sexual intercourse. The fact of "seduction" by the minor or his/her subjectively perceived degree of physical maturity is also irrelevant for the punishability of this act.

Since 08.06.2010 it is also a crime to groom minors on the Internet. This means that not only is soliciting via the Internet to submit to or perform sexual acts punishable, but also the initiation of such a meeting with the intention of using it for sexual purposes.

Another achievement of this amendment is the introduction to the Penal Code of the crime of public promotion and praise of paedophilic behaviour. This provision indirectly affects children themselves. Incest is punishable not only if committed between persons who are connected by blood ties, but also between the adoptee and the adopter.

### 2. Child pornography: Article 202.

§ Whoever publicly presents pornographic content in such a manner that it may impose upon a person who does not wish to receive it, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ Whoever presents pornographic material to a minor under the age of 15 years or provides him with pornographic material or disseminates pornographic material in such a way that it may impose its reception on a person who does not wish to receive it, shall be subject to a fine, the penalty of limitation of liberty or deprivation of liberty for up to 2 years.

Whoever fixes pornographic content with the participation of a minor under the age of 15 years shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

## 102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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
<b>Civil and commercial litigious cases</b>	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP
<b>Litigious divorce cases</b>	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP
<b>Employment dismissal cases</b>	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP
<b>Insolvency cases</b>	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP
<b>Robbery cases</b>	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP
<b>Intentional homicide cases</b>	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100  [ X ] NA [ ] NAP

Comments

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

. The procedure for divorce cases is contained in the Code of Civil Procedure. Divorce cases are conducted by regional courts and are contentious cases. If there are prospects of maintaining the marriage, the court may refer the parties to mediation. This referral is also possible if the proceedings have been suspended. The provisions on mediation shall apply mutatis mutandis, except that the object of mediation may also be the reconciliation of spouses. If the parties do not agree on the mediator, the court shall refer them to a permanent mediator with theoretical knowledge, in particular with a degree in psychology, pedagogy, sociology or law and practical

skills in conducting mediation in family matters. A counterclaim for divorce or legal separation is inadmissible. While divorce or legal separation proceedings are pending, no separate proceedings for divorce or legal separation may be initiated. However, a respondent in an action for divorce may also apply for divorce or legal separation. The respondent in an action for separation may also apply for either divorce or separation. If the court is convinced that there is a prospect of maintaining the matrimonial relationship, it shall suspend the proceedings. Such suspension may occur only once during the proceedings. The proceedings shall be resumed at the request of one of the parties. The purpose of taking evidence shall be, first of all, to establish the circumstances concerning the decomposition of the marriage, as well as the circumstances concerning the children of the parties and their situation, and if the court decides to grant the petition - also the reasons that prompted the defendant to do so. If the defendant admits the claim and the spouses do not have joint minor children, the court may limit the proceedings to the hearing of the parties. A spouse may seek maintenance from the other spouse in the event of divorce, as well as in the event of separation. The enforcement shall be effected by making an application either at a hearing in the presence of the other spouse or by document served on the other spouse. While divorce or legal separation proceedings are pending, no separate proceedings for maintenance and payment of maintenance may be initiated between the spouses or between them and their joint minor children with regard to the payments made for the period since the divorce or legal separation was applied for. The court in such a case shall transfer the application or request for precautionary measures to the court seised with the divorce or legal separation proceedings for determination in accordance with the rules on precautionary measures. Proceedings for the satisfaction of family needs or for maintenance, instituted before the institution of an action for divorce or for separation, shall be suspended ex officio as from the institution of an action for divorce or for separation as regards benefits for the period from the institution of such action. Once a decision has been made in an action for divorce or legal separation to secure the enforcement of an obligation to provide for family needs or alimony, the enforcement of a decision on the obligation to provide such benefits which has not become final and has been made in a previous action shall also be suspended by operation of law for the period since the action for divorce or legal separation was instituted.

Where a divorce or legal separation action has become final, the suspended proceedings shall be resumed as of right and the suspended judgments shall be enforced, but only as regards the period in respect of which no decision has been made in the divorce or legal separation action on the claims covered by the suspended proceedings. Otherwise, the proceedings shall be discontinued by operation of law.

Where divorce or legal separation proceedings are pending, no separate proceedings relating to parental responsibility for joint minor children of the parties or to contact tracing may be brought. If it is necessary to rule on parental authority or contact, the provisions on protective proceedings shall apply.

Proceedings relating to parental authority or to contact commenced before the institution of divorce or legal separation proceedings shall be suspended ex officio and the court shall rule on parental authority or contact throughout the divorce or legal separation proceedings in protective proceedings. The court shall order the institution of proceedings relating to parental responsibility or to access if its final decision terminating the divorce or legal separation proceedings does not rule on parental responsibility or access. Otherwise, the proceedings shall be discontinued. In any state of a divorce or separation case, the court may refer the parties to mediation with a view to settling amicably disputed issues concerning satisfying family needs, alimony, exercise of parental authority, contacts with children and property matters to be resolved in a judgment pronouncing divorce or separation. In the event of the death of one of the spouses, the proceedings shall be discontinued.

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

. There is no central IT system to calculate the average length of court proceedings from the date the application for judicial review is lodged to the date the judgment is made.

## 4.2.6 Case flow management – public prosecution



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

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ ] to supervise the enforcement procedure
- [ X ] 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
- [ X ] other significant powers (please specify):the comment below

Comments Pursuant to Article 275a § 1 and § 2 of the Code of Criminal Procedure, the public prosecutor at the request of the police or ex officio may, as a preventive measure, order a defendant charged with a violent offence committed to the detriment of a cohabiting person to temporarily vacate the premises occupied jointly with the victim if there is a reasonable risk that the defendant will again commit a violent offence against that person, especially if they have threatened to commit such an offence.

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

- [ X ] civil cases
- [ X ] administrative cases
- [ X ] insolvency cases

Comments - If yes, please specify: The position of the public prosecutor in civil proceedings is defined by the provisions of the Civil Procedure Code (Article 7 and Articles 55-60 of the Code). Pursuant to them, the public prosecutor may request the initiation of civil proceedings, as well as may join ongoing proceedings, if, in his/her assessment, the protection of the rule of law, citizens' rights or the public interest so requires. In family law cases concerning non-property rights, a public prosecutor may bring an action only in cases indicated by law. The position of the public prosecutor in administrative proceedings is defined by the Code of Administrative Procedure in Articles 182-189. Pursuant to them, the public prosecutor has the right to request the competent public administration body to initiate proceedings to remove an unlawful condition, as well as to take part in ongoing administrative proceedings already in progress. The public prosecutor also has the right to file an objection against a final decision. The public prosecutor also has specific powers in administrative court proceedings in line with Article 8 of the Law on Administrative Court Proceedings [Prawo o postpowaniu przed sdami administracyjnymi]. It provides for the public prosecutor's right to lodge a complaint to an administrative court against various acts from the field of administrative law, as well as the right to participate in administrative court proceedings caused by the complaint of another entity.

The public prosecutor also has the power to initiate bankruptcy proceedings and to participate in such proceedings. The above quoted provisions of the Civil Procedure Code apply in this case, as bankruptcy proceedings are a part of civil proceedings in the broad sense. Particular attention should be paid to the right of the prosecutor to submit a motion to initiate proceedings for deprivation of the right to conduct business activity as a self-employed natural person or to act as a supervisory board member, a representative or an attorney in a commercial company, state-owned enterprise, cooperative, foundation or association.

### **107. Public prosecutors: Total number of 1st instance criminal cases.**

	Number of cases
<b>1.Pending cases on 1 Jan. ref. year</b>	124 866 [ ] NA [ ] NAP
<b>2.Incoming/received cases</b>	1 057 665 [ ] NA [ ] NAP
<b>3.Processed cases (3.1+3.2+3.3+3.4)</b>	1 084 834 [ ] NA [ ] NAP
<b>3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)</b>	387 521 [ ] NA [ ] NAP
<b>3.1.1 Discontinued by the public prosecutor because the offender could not be identified</b>	128 486 [ ] NA [ ] NAP
<b>3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	74 940 [ ] NA [ ] NAP
<b>3.1.3 Discontinued by the public prosecutor for reasons of opportunity</b>	141 856 [ ] NA [ ] NAP
<b>3.1.4 Discontinued for other reasons</b>	42 239 [ ] NA [ ] NAP
<b>3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor</b>	25 635 [ ] NA [ ] NAP
<b>3.3.Cases closed by the public prosecutor for other reasons</b>	398 037 [ ] NA [ ] NAP
<b>3.4.Cases brought to court</b>	273 641 [ ] NA [ ] NAP
<b>4.Pending cases on 31 Dec. ref. year</b>	123 332 [ ] NA [ ] NAP

Comments \*The number of cases processed in 2018 was 1,076,123. The number of cases discontinued for this period is 397,471. This number is comparable to the 2019 data. (406,770 cases discontinued) and for 2020. (387,521 cases discontinued). \*The number of cases - "concluded by a penalty or measure imposed or negotiated by the prosecutor" for each year was as follows: 2018. - 43 348, in 2019. -36 167, in 2020. - 25 635.

#### 107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
<b>Total number of guilty plea procedures</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Before the main trial</b>	[ X ] NA [ ] NAP	57 735 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>During the main trial</b>		53 072	
	<input checked="" type="checkbox"/> NA	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments \*during the main trial – 53 072 - \*) The data pertains to persons sentenced in the first instance:

- Sentenced as a result of granting an application under Article 335 § 1 or 2 of the Code of Criminal Procedure: in Regional Courts - 743 persons, in District Courts - 48,762 persons

- Voluntary submission to liability for penal and fiscal offences (Kks): in District Courts - 3,567 persons.

\*57 735 - The data on the basis of which the information was provided are collected under the Law on Public Statistics in the Public Prosecutor office - PIK report on the activity of the common organizational units of the public prosecutor's office in criminal cases (statistical program SprawPro). The data for 2018 included only those cases in which a request under Article 335 par 1 of the Code of Criminal Procedure was addressed. On the other hand, the data for 2020 included cases in which the prosecutor addressed a motion for a conviction and motions to join the indictment under Article 335 par 2 of the Code of Criminal Procedure and Article 156 of the Fiscal Penal Code

## 109. Do the figures provided in Q107 include traffic offence cases?

Yes

No

Comments

## D2. Please indicate the sources for answering the questions in this part

Sources: Report PK-PIK on activity of common organizational units of the public prosecutor's office in criminal cases  
Department of Strategy and European Funds Statistics Division

## 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): the comment below

Comments

### 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/authorities made up of judges and non-judges

Other

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: The National Judiciary Council – 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 court 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 court assessors.

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

### 111-1. How many members compose this authority?

	Total	Male	Female
<b>Members</b>	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members?

### 111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments – please specify which body is competent to decide on appeal? Resolutions of the Council in individual matters require a justification. Justification of a resolution shall be prepared within one month of its adoption.

Resolutions in individual cases are delivered to the participants in the proceedings together with the justification and instructions on how to appeal to the Supreme Court.

A resolution of the Council shall become final if it is not subject to an appeal.

If the resolution referred to in Article 37 par. 1 is not challenged by all participants in the proceedings, it becomes final in the part concerning the decision not to present a motion for appointment to the office of judge to those participants in the proceedings who have not lodged an appeal. A participant in the proceedings may appeal to the Supreme Court on the grounds that a resolution of the Council is contrary to law, unless separate provisions provide otherwise. An appeal shall not be permitted in individual cases concerning appointment to the office of a judge of the Supreme Court. The appeal shall be lodged through the Chairman within two weeks from the date of delivery of the resolution with the statement of reasons. All appeals filed by participants in the same proceeding shall be jointly heard and decided in the course of a single proceeding before the Supreme Court. Proceedings before the Supreme Court shall be governed by the provisions of the Act of 17 November 1964. - Code of Civil Procedure (Journal of Laws of 2020, item 1575, 1578 and 2320 and of 2021, item 11) on a cassation appeal shall apply to proceedings before the Supreme Court. The provision of Article 871 of this Act shall not apply. 2.

If new circumstances come to light, the Council may, ex officio or at the request of a participant in the proceedings, reconsider the case.

In the event of disclosure of new circumstances concerning the person indicated in the application for appointment to the office of a judge or court assessor presented to the President of the Republic of Poland, the President may also apply for reconsideration of the case.

The Council decides on reconsideration or its refusal by way of a resolution.

Reconsideration of the case concerning a resolution containing an application to the President of the Republic of Poland for appointment to the office of judge or an application for appointment to the position of assessor in a common court is inadmissible in the case of appointment of one of the persons indicated in the resolution to the extent to which it concerns appointment to that position. The motion for reconsideration referred to in Article 45, insofar as it concerns the appointment to that position, is left without consideration.

### 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 procedure for judges is organised (especially if there is no competition or examination):  
See the comment to q-113-1

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- 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”):  
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 complexity of tasks, the implementation of professional improvement process, as well as the culture of service, including propriety 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.

### 5.1.2 Status, recruitment and promotion of prosecutors

#### 115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify. Pursuant to Article 7 § 1 of the Act on the Public Prosecutor's Office of 28 January 2016 (Journal of Laws of 2021, item 66, as amended), any public prosecutor shall be independent in the performance of his/her activities, subject to § 2-6 and Articles 8 and 9.

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

Yes

No

Comments - If yes, please specify:

**115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?**

Yes

No

Comments - Please describe these exceptions:

**115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If "Other", please specify:

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If "Other", please specify:

**115-5. In that case, are the instructions:**

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If "Other", please specify:

**115-6. What is the frequency of this type of instructions:**

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments

**115-7. Can the public prosecutor oppose/report an instruction to an independent body?**

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

**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 Pursuant to Article 74 § 1 of the Act on the Public Prosecutor’s Office of 28 January 2016, public prosecutors of universal prosecutorial bodies of the public prosecution services are appointed to a public prosecutor's position by the Public Prosecutor General on the motion of the National Public Prosecutor. Pursuant to Article 80 of the Act quoted above, in the event that the position of public prosecutor of a district public prosecutor's office is created or vacated, the Public Prosecutor General shall decide on the selection of a candidate for the first public prosecutor's position in a competition procedure conducted pursuant to Articles 81-90, and in particularly justified cases shall appoint a candidate indicated in the motion of the National Public Prosecutor referred to in Article 74 § 1 to that position without a competition procedure.

The application to the National Public Prosecutor's Office is forwarded by the competent circuit public prosecutor upon examination of the fulfilment of formal requirements for the application submitted in due time, and upon examination of the candidate's fulfilment of the statutory requirements for taking up the position of a district public prosecutor. Furthermore, in the case of a competition procedure, the circuit public prosecutor, after examination of the above mentioned formal requirements (Articles 75 and 77 of the Law on Public Prosecutor's Office), presents the candidacy to the board of the circuit public prosecutor's office together with an assessment of the candidate’s qualifications drawn up by the inspector of the circuit public prosecutor's office, which includes, among others, data on the candidate relating to the course of his/her professional work, indication of files, legal opinions, publications, notarial deeds or other documents on the basis of which the assessment is made, description of the results of the candidate's work or research achievements to date and an opinion in this respect, as well as final conclusions. The circuit public prosecutor then presents the candidate(s) who received positive opinions from the board of the circuit public prosecutor's office to the National Public Prosecutor, together with the opinion of the board and the assessment of qualifications drawn up by the inspector of the circuit public prosecutor's office. The National Public Prosecutor decides whether to submit a motion to the Public Prosecutor General to appoint the candidate to the first public prosecutor's post. The final decision in this matter rests with the Public Prosecutor General.

**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
- Other

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: Pursuant to Article 74 § 1 of the Act on the Public Prosecutor's Office, prosecutors of universal prosecutorial bodies of the public prosecution services shall be appointed to the position of public prosecutor by the Public Prosecutor General upon a motion of the National Public Prosecutor.

In the event of appointment to the first public prosecutor's position by way of a competition procedure, the competent circuit public prosecutor, having established that the formal requirements for the application submitted in due time have been met, and that the candidate meets the conditions for taking up the position of a district public prosecutor, shall present the candidate's candidacy to the board of the circuit public prosecutor's office together with an assessment of his/her qualifications by an inspector from the circuit public prosecutor's office. In the event of a positive assessment of the candidate by the board of the circuit public prosecutor's office, the circuit public prosecutor shall submit to the National Public Prosecutor a motion for appointment to the position of a district public prosecutor together with the opinion of the board and the assessment of qualifications.

In the case of a non-competitive procedure, the motion for appointment to the first public prosecutor's position shall be directed to the National Public Prosecutor by the competent circuit public prosecutor after establishing that the formal requirements for the application submitted in due time have been met, and the candidate fulfils the statutory requirements for the position of a district public prosecutor. The provision of Article 74 § 2 of the abovementioned Act on Public Prosecutor's Office entitles the Public Prosecutor General to seek the opinion of the competent board of public prosecutor's office on the candidate for the position of a public prosecutor. The competent board of the public prosecutor's office shall forward the opinion to the Public Prosecutor General within 30 days from the date of receiving the request for opinion. If the opinion is not submitted within this time limit, it shall be assumed that the opinion is positive.

**117-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	9 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please specify what is the status of this authority and who is proposing its members? min 6 max 9 persons

Article 50 § 1 The board of a circuit prosecutor's office is composed of 6 or 9 members, two-thirds of whom are elected by an assembly of public prosecutors of the circuit public prosecutor's office and delegates of public prosecutors of district public prosecutor's offices, and one-third of whom are appointed by the circuit public prosecutor from among public prosecutors of the circuit public prosecutor's office and district public prosecutor's offices from the area of operations of the circuit prosecutor's office.

It is not possible to define a fixed composition with exact number of women and men.

**117-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

( X ) Yes

( ) No

Comments - Please specify which body is competent to decide on appeal? The National Public Prosecutor is competent in this matter, but only with respect to the decisions of the circuit public prosecutor not to further examine a candidate's application.

Art. 82 § 1 If an application has been made by a person who does not fulfil the requirements for assuming the position of a public prosecutor referred to in Art. 75 § 1 points 3-8, if the application has been made after the deadline referred to in Art. 81 § 2 or if it does not contain the documents required under Art. 77, the circuit public prosecutor shall notify the applicant about the decision not to further examine the application, giving the reasons. The person whose application has not been further examined may submit a written objection to the National Public Prosecutor within 7 days. If the National Public Prosecutor does not take the objection into consideration, he/she submits it immediately, together with the application, to the Public Prosecutor General. The Public Prosecutor General decides whether to further examine the application.

There is no appeal right if the application for appointment as a prosecutor is not granted.

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

( X ) Yes

( ) No, please specify which authority is competent for promoting public prosecutors .....

Comments Article 74 § 1. Public prosecutors of universal prosecutorial bodies of the public prosecution services are appointed to prosecutorial positions by the Public Prosecutor General upon a motion of the National Public Prosecutor.

### **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 how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): Pursuant to Article 74 § 1 and Article 76 of the Act on the Public Prosecutor's Office of 28 January 2016 (Journal of Laws of 2021, item 66), public prosecutors of universal prosecutorial bodies of the public prosecution services are appointed to higher prosecutorial positions by the Public Prosecutor General on the motion of the National Public Prosecutor. The motion for promotion shall be forwarded to the National Public Prosecutor by the public prosecutor in charge of the body to which the appointment is to be made. The application is forwarded by official channels. Prior to the appointment, the Public Prosecutor General may seek the opinion of the competent board of the public prosecutor's office (Article 74 § 2 of the Act on the Public Prosecutor's Office) on the candidate for the public prosecutor's position. The competent board of public prosecutor's office shall provide the opinion to the Public Prosecutor General within 30 days from the date of receipt of the request for opinion. If the opinion is not submitted within this time limit, it shall be assumed that the opinion is 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)
- 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"): Article 76 § 1. To be appointed to the position of a public prosecutor of the National Public Prosecutor's Office, one has to meet the requirements for assuming the position of a public prosecutor and have at least 8 years' work experience in the position of a public prosecutor or a judge, including at least 5 years of work as a public prosecutor of an appeals public prosecution's office, regional or circuit public prosecutor's office, or as a public prosecutor at the Institute of National Remembrance, a judge of a Court of Appeals or a circuit court, or a military circuit court, or, for at least 12 years before the appointment, have been working as a solicitor, legal counsel or notary or have held the office of the president, vice-president or legal counsel of the Office of Attorney General of the Republic of Poland [Prokuratoria Generalna Rzeczypospolitej Polskiej] § 2. To be appointed to the position of a public prosecutor of a regional public prosecutor's office, one has to meet the requirements for assuming the position of a public prosecutor and have at least 6 years' work experience in the position of a public prosecutor or a judge, including at least 3 years of work as a public prosecutor of a circuit public prosecutor's office or a public prosecutor at the Institute of National Remembrance, a judge of a circuit court or a military circuit court, or, for at least 10 years before the appointment, have been working as a solicitor, legal counsel or notary or have held the office of the president, vice-president or legal counsel of the Office of Attorney General of the Republic of Poland. § 3. To be appointed to the position of a public prosecutor of a circuit public prosecutor's office, one has to meet the requirements for assuming the position of a public prosecutor and have at least 3 years' work experience in the position of a public prosecutor of a district public prosecutor's office or a public prosecutor at the Institute of National Remembrance, a judge of a district court or a military garrison court, or, for at least 6 years before the appointment, have been working as a solicitor, legal counsel or notary or have held the office of the president, vice-president or legal counsel of the Office of Attorney General of the Republic of Poland.

§ 4 The required work experience referred to in § 1-3 does not apply to persons referred to in Article 75 § 2 item 1.

§ 5 In particularly justified cases, in order to ensure correct execution of the public prosecutor's office's statutory tasks, the Public Prosecutor General, upon a motion of the National Public Prosecutor, may appoint a public prosecutor to perform duties in the National Public Prosecutor's Office, a regional public prosecutor's office or a circuit public prosecutor's office disregarding the requirements



### 5.1.3Mandate 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:60 years old for women, 65 years for men

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: A final disciplinary court ruling concerning the removal of a judge from the office.

**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

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 years old

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):a period not exceeding 3 years

No

Comments

**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 part

Sources: Law on common courts  
Law on the Public Prosecutor's Office  
Common Courts Personnel and Organisation Department  
National Public Prosecutor's Office

## 5.2. Training

### 5.2.1 Training of judges

#### 127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in a court)</b>	<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
<b>General in-service training</b>	<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
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<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

<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

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

	Frequency of the judges training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in courts</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training on ethics</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training on child-friendly justice</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] 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
<b>Initial training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No



<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

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

	Frequency of the in-service training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in office</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training on ethics</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training on child-friendly justice</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

## 5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	[ ]	[ ]	[ ]
Institution(s) for prosecutors	[ ]	[ ]	[ ]
Institution(s) for both judges and prosecutors	[ ]	[ ]	[ X ]

Comments

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	[ ] NA [ X ] NAP
Institution(s) for prosecutors	[ ] NA [ X ] NAP
Institution(s) for both judges and prosecutors	20 311 377 [ ] NA [ ] NAP

Comments 20311377 euro

\*

1) a continuous trend of increasing expenses related to the payment of allowances to the scholarship (previously the law did not provide for such a component) between 2018 and 2021 - the increase is about 70% (in 2018, the first, ninth year of training began, and every year another, more and more numerous year entitled to the allowance, was added);

2) a continuous trend of an increase in expenses related to the payment of remuneration for patronage (resulting from an increase in the basis for calculating the salaries of judges and prosecutors, i.e. the average salary in the second quarter of each year; the increase is also due to the launch of the supplementary application) between 2018 and 2021 - the increase is about 48%.

3) an increase in the limit of full-time positions and thus the paid salaries by approximately 42% (20 jobs);

4) continued cost of living increases due to changes in market prices and increases in the minimum wage. There was no supplementary application in 2018 and in 2021 the National School trained 131 trainees in the first year of supplementary applications, with 126 trainees in the second year of supplementary applications added from September. In their case, no scholarship is due.

Expenditure related to the judicial and prosecutor's apprenticeship in 2020 compared to 2018 was 14.12% higher overall, with limited expenditure in 2020 due to a reduction in activities or a change in the form of operations due to Covid. In the same period, overheads for the operation of the NSSiP were 26.17% higher, also due to additional purchases and reorganisation of activities due to Covid.

### 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?

. Initial training and general in service trainings are compulsory, see data in q127 and q129

## 5.2.4 Number of trainings



### 131-2. Number of in-service training courses available and delivered (in days) by the public

**institution(s) responsible for training**

	<b>Number of in-person training courses available</b>	<b>Number of delivered in-person training courses in days</b>	<b>Online training courses available during the reference year (e-learning)</b>
<b>Total</b>	48 [ ] NA [ ] NAP	279 [ ] NA [ ] NAP	68 [ ] NA [ ] NAP
<b>1. For judges</b>	33 [ ] NA [ ] NAP	203 [ ] NA [ ] NAP	54 [ ] NA [ ] NAP
<b>2. For prosecutors</b>	24 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP	41 [ ] NA [ ] NAP
<b>3. For other non-judge staff</b>	33 [ ] NA [ ] NAP	141 [ ] NA [ ] NAP	62 [ ] NA [ ] NAP
<b>4. For other non-prosecutor staff</b>	19 [ ] NA [ ] NAP	74 [ ] NA [ ] NAP	34 [ ] NA [ ] NAP
<b>5. Training for other professionals</b>	1 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. Answers to the above-mentioned questions ( 131-2 and 131-3) were based on the report on the training activities of the National School of Judiciary and Public Prosecution for 2020.

In 2020, the National School of Judiciary and Public Prosecution trained 15,988 people. This figure is much lower than the results achieved in previous years. In comparison, in 2019, 27,947 people were trained.

In the annual training schedule for 2020, the National School planned 462 training courses, 345 of which were to be held in particular regions of courts of appeal as one-day training sessions whereas 117 as three-day training courses in Kraków, Lublin and Dbe. Training courses were carried out since January 2020 until March 13, 2020. During this time, 25 training sessions were held, of which 15 were three-day courses and 10 one-day courses. On March 16, 2020, training courses due to the SARS-Cov-2 pandemic were cancelled. Since April 7, 2020, online training courses were launched. Training in the stationary form restarted since August and lasted until October 2020. During this period, 25 training courses were organized in Dbe and Lublin. As of October 19, 2020, all in-person training courses were cancelled. The planned number of training events was then reduced taking into account the capabilities of streaming platforms and organizational skills of the National School's employees. The changes included limiting the number of editions of the one-day trainings - such trainings were initially planned for each region of the court of appeal. After changing the form of above-mentioned training to online that assumption did not matter. A few trainings for which a possible change to online would not be sufficiently effective were also cancelled, this applies in particular to trainings covering the so-called soft skills. In 2020, The National School implemented 6 projects financed from the European Social Fund. In the project “Effective interpersonal communication in court” due to the CoViD-19 pandemic, 24 training events were cancelled, the implementation of which was postponed to the 1st and 2nd quarter of 2021. Two postponed training courses were carried out in October 2020. In the framework of the project “Conflict management in the courtroom” due to the CoViD-19 pandemic, 24 training events were cancelled, the implementation of which was postponed to the 1st and 2nd quarter of 2021.

With regard to the project “International cooperation in civil and criminal matters” in connection with the CoViD-19 pandemic, 8 training courses were cancelled, and their implementation was postponed to the first quarter of 2021.

In the framework of the project “Tax crime for the judiciary and public prosecution” in connection with the CoViD-19 pandemic, 5 training events planned for 2020 were cancelled, the implementation of which was postponed to the 1st and 2nd quarter of 2021.

With regard to the project “Cybercrime for judiciary and public prosecution” due to the CoViD-19 pandemic, in 2020 6 training courses were cancelled and postponed to 2021.

In the project "Implementation of modern methods of assessing training needs as the key to effective justice" due to the CoViD-19 pandemic, 29 editions of training courses were cancelled and postponed to the second quarter of 2021. On December 16-17, 2020, online training was conducted in which 23 people participated.

As part of international cooperation in connection with the Covid-19 pandemic, 40 training events planned for 2020 in the EJTN Calendar and the ERA Catalogue were cancelled. In addition, a seminar for participants from the Visegrad Group countries planned on October 21-23, 2020 in Kraków was also cancelled.

When it comes to training for other professional groups, it is worth mentioning the training entitled “The legal position of the courts in the system of authorities. Organization of the judiciary in the Republic of Poland. Training for trainee bailiffs”, attended by 43 trainee bailiffs. In other training courses organized by the National School, the participation of representatives of other professions was incidental and most often it was 1 person. For example, the training course entitled “Evidence proceedings in a criminal trial and release from the obligation to preserve a secret”, reference number K8/A-B/20, was attended by a representative of the National Council of the Judiciary, and the training entitled "Bankruptcy proceedings - selected issues", reference number C30/20, was attended by the KSSiP trainee. The number of online training courses in days is as follows: for judges - 250, for other non-judge staff - 298, for other non-prosecutor staff - 149, for prosecutors - 171,5, training for other professionals - 27,5.

### 131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
<b>Total</b>	3 081 [ ] NA [ ] NAP	12 907 [ ] NA [ ] NAP
<b>Judges</b>	1 243 [ ] NA [ ] NAP	3 897 [ ] NA [ ] NAP
<b>Prosecutors</b>	496 [ ] NA [ ] NAP	1 046 [ ] NA [ ] NAP
<b>Non-judge staff</b>	1 108 [ ] NA [ ] NAP	6 325 [ ] NA [ ] NAP
<b>Non-prosecutor staff</b>	228 [ ] NA [ ] NAP	1 564 [ ] NA [ ] NAP
<b>Other professionals</b>	6 [ ] NA [ ] NAP	74 [ ] NA [ ] NAP

Comments

## 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
<b>First instance professional judge at the beginning of his/her career</b>	25 796 [ ] NA [ ] NAP	21 312 [ ] NA [ ] NAP	119 045 [ ] NA [ ] NAP	98 355 [ ] NA [ ] NAP
<b>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)</b>	71 941 [ ] NA [ ] NAP	52 540 [ ] NA [ ] NAP	332 137 [ ] NA [ ] NAP	242 460 [ ] NA [ ] NAP

<b>Public prosecutor at the beginning of his/her career</b>	25 796 [ ] NA [ ] NAP	21 312 [ ] NA [ ] NAP	119 045 [ ] NA [ ] NAP	98 355 [ ] NA [ ] NAP
<b>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).</b>	71 941 [ ] NA [ ] NAP	52 540 [ ] NA [ ] NAP	332 137 [ ] NA [ ] NAP	242 460 [ ] NA [ ] NAP

Comments Judges: The basic salary of a judge is determined in rates, the amount of which is determined using multipliers of the basis for determining basic salary. The rates of basic salary in particular judge's positions and multipliers, used for determination of basic salary of judges in particular rates, are specified in the appendix to the Act.

A judge is entitled to a function-related allowance in connection with the performance of his duties.

Judges' remuneration is also differentiated by a long service bonus, amounting, beginning with the sixth year of service, to 5% of basic salary and increasing after each year by 1% until it reaches 20% of basic salary. No social security contributions are payable on judges' salaries. Prosecutors:

The base salary for public prosecutors of universal prosecutorial bodies of the public prosecution services shall be determined based on the table of base salary scale for public prosecutors of universal prosecutorial bodies of the public prosecution services Pursuant to Article 123 of the Act on the Public Prosecutor's Office of 28 January 2016, the basis for determining the base salary of a public prosecutor in a given year is the so-called base amount, i.e. the average salary in the second quarter of the previous year, announced in the Official Journal of the Republic of Poland "Monitor Polski" by the President of the Main Statistical Office "Statistics Poland" [GUS]. At the same time, according to Article 124 § 11 of the quoted Act on Public Prosecutor's Office, a public prosecutor is entitled to an supplement for long-time service amounting to 5% of the base salary currently received by the public prosecutor, beginning from the 6th year of his/her employment, and increasing after each successive year of his/her employment by 1% of this salary, until reaching 20% of the base salary. After 20 years of service the long-service supplement shall be paid, irrespective of the length of service beyond that period, at the rate of 20% of the public prosecutor's current base salary.

Supreme court and Main Public Prosecutor Office: Pursuant to Article 124 § 1 of the above-mentioned Act, the base salary of public prosecutors of the National Public Prosecutor's Office is equal to the base salary of judges of the Supreme Court. Pursuant to Article 48 of the Act on the Supreme Court [Ustawa o Sdzie Najwyszym] of 8 December 2017 (Journal of Laws of 2021, item 154, as amended), the remuneration of a judge of the Supreme Court is determined at either the basic rate or the promotion rate. The promotion rate is 115% of the base rate. Upon taking up his/her post, a judge of the Supreme Court receives base pay at the basic rate. After 7 years of service in the Supreme Court, the base salary of a judge of the Supreme Court shall be increased to the promotion rate.

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Special pension</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Housing</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other financial benefit</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments 1. A judge/prosecutor 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.

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

3) Paid health leave. A judge/prosecutor 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 ..

3) Annual additional leave. A judge/prosecutor 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/prosecutor is entitled to a jubilee award . 5) If a judge/prosecutor is posted to a locality other than the locality in which the judge's place of work is located, which is not the judge's place of permanent residence, the judge posted during the period of posting, as an employee on a business trip, is entitled to the following dues, compensating for the inconveniences resulting from the posting outside the permanent place of service: 1) the right to accommodation, free of charge; ; - a monthly lump sum - in an amount not exceeding 78% of the judge's basic salary; - reimbursement of costs of the first journey from the place of permanent residence to the place of secondment, reimbursement of costs of the last journey from the place of secondment to the place of permanent residence and reimbursement of the costs of journeys made not more often than once a week to the place of permanent residence and back under conditions' - a lump sum to cover the costs of travel by means of local transport, - reimbursement of costs incurred for the use of vehicles owned by the employee for business purposes, - reimbursement of costs of daily commuting to the place of delegation;

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

. see the comment above
-------------------------

[ ] NAP

=

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

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) 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. A judge shall not take up additional employment, except that of an academic teacher, an academic teacher and researcher or a researcher, in the aggregate number of working hours not exceeding the full-time employment of persons holding such posts, provided that such employment does not interfere with the performance of the duties of a judge. A judge shall not take up other jobs or gainful occupations that would interfere with the performance of the duties of a judge, weaken the confidence in their impartiality or prejudice the

authority of the office of a judge. An appeal court judge and a regional court judge notify the president of a competent court, and the presidents of such courts notify the Minister of Justice, of the intention to take up additional employment, other job or gainful occupation. A district court judge submits the notification referred to in the first sentence to the president of a competent regional court. The president of a competent court with respect to a judge, and the Minister of Justice with respect to the president of a court of appeal and the president of a regional court, issues a decision opposing the employment at the post of an academic teacher, academic teacher and researcher or a researcher at a university if, in their opinion, such employment may interfere with the performance of the duties of a judge, and opposing taking up or continuing other job which interferes with the performance of the duties of a judge, weakens the confidence in judge's impartiality or prejudices the authority of the office of a judge. If the president of the court opposed taking up additional employment or a job by a judge, the issue, at the request of the judge, is decided by the board of the competent court.

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

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) 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:

**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
- ( X ) No

Comments - If yes, please specify the conditions and if possible 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.)**

- ( X ) Yes
- ( ) No

Comments

**138-1. If yes, who are the members of this institution/body?**

- Only judges
- Judges and other legal professionals
- Other, please specify: see the comment

Comments

**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. Meetings of the collegium of a district court (only judges) , the collegium of an appellate court (only judges) , the National Council of the Judiciary are held periodically, the frequency of issuing opinions, adopting resolutions depending on the circumstances, needs.

**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, who are the members of this institution/body?**

- Only prosecutors
- 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.

**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 replies possible)?**

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court



- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify):see the comment below
- This is not possible

Comments

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies 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
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify):see the comment below
- This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple replies 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 replies 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
<b>Total number (1+2+3+4)</b>	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

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

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>3. Withdrawal from cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Position downgrade</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>8. Resignation</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>9. Other</b>	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>10. Dismissal</b>	0 <input 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. Penalties of judges-. Data collected from Disciplinary Courts at the Courts of Appeal in Poland.

Disciplinary Court at the Court of Appeal in Wrocław - 2 penalties of admonition;

Disciplinary Court at the Court of Appeal in Gdansk - 1 penalty of a warning; Disciplinary Court of the Court of Appeal in Białystok - 5 decisions on discontinuance of proceedings and in one case the penalty was waived;

Disciplinary Court of the Court of Appeals in Kraków - 2 pending proceedings; Disciplinary Court of the Court of Appeals in Rzeszów - finding of guilt and waiver of punishment;

Disciplinary Court of the Court of Appeals in Szczecin - 2 penalties of admonition and 1 proceeding has not been completed yet;

Disciplinary Court of the Court of Appeal in Łódź - 1 withdrawal from imposing a disciplinary penalty Disciplinary Court of the Court of Appeals in Warsaw - 1 reprimand;

Disciplinary Court at the Court of Appeals in Lublin - guilt found, penalty waived, transferred according to jurisdiction;

### **E3. Please indicate the sources for answering the questions in this part**

Sources: Judges:

Data from ASD repertory records for 2020 and documentation gathered from case files maintained by Disciplinary Courts at the Courts of Appeal ( 11 courts)

Prosecutors:

Data provided by the President of the Disciplinary Court attached to the Attorney General.

## **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	57 365 [ ] NA	28 259 [ ] NA	28 510 [ ] NA

Comments Number of advocates: total: 19954, male- 10513, female - 8845

Incomplete data: No information on sex of 596 advocates;

Number of legal counsels: total: 37411, male - 17746, female - 19665

It is noteworthy that legal advisers have the same powers as advocates.

### 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

[X] NAP

Comments

=

### 149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	( ) Yes always ( ) Yes in some cases (X) No [ ] NAP	( ) Yes always ( ) Yes in some cases (X) No [ ] NAP	(X) Yes always ( ) Yes in some cases ( ) No [ ] NAP
Dismissal cases	( ) Yes always ( ) Yes in some cases (X) No [ ] NAP	( ) Yes always ( ) Yes in some cases (X) No [ ] NAP	(X) Yes always ( ) Yes in some cases ( ) No [ ] NAP
Criminal cases – Defendant	( ) Yes always (X) Yes in some cases ( ) No [ ] NAP	( ) Yes always (X) Yes in some cases ( ) No [ ] NAP	( ) Yes always (X) Yes in some cases ( ) No [ ] NAP
Criminal cases – Victim	( ) Yes always (X) Yes in some cases ( ) No [ ] NAP	( ) Yes always (X) Yes in some cases ( ) No [ ] NAP	( ) Yes always ( ) Yes in some cases (X) No [ ] NAP

<b>Administrative cases</b>	<input type="checkbox"/> Yes always	<input type="checkbox"/> Yes always	<input checked="" type="checkbox"/> Yes always
	<input type="checkbox"/> Yes in some cases	<input type="checkbox"/> Yes in some cases	<input type="checkbox"/> Yes in some cases
	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights:

**149-0. If other than lawyers may represent a client in court, please specify who:**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	<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
<b>Family member</b>	<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
<b>Self-representation</b>	<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
<b>Trade union</b>	<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
<b>Other</b>	<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 "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): see the comment for Q149

**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):parole officer

Comments "other": parole officer

**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 - 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 the questions in this part**

Sources: Polish Bar Council, The National Chamber of Legal Counsel

### 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 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



### 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? Advocates (legal counsels) and trainee advocates (trainee legal counsels) shall be subject to disciplinary liability for conduct contrary to the law, rules of ethics, or to professional dignity, and for infringement of their professional duties; advocates and legal counsels shall also be subject to disciplinary liability for failure to comply with the obligation to conclude an insurance contract.

#### 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: For conduct contrary to the law, rules of ethics, or to professional dignity and for infringement of their professional duties.

#### 160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify): .....

Comments a professional authority of the bar association (legal counsel association)

#### 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
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	669 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	578 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Criminal offence	40 [ ] NA [ ] NAP
4. Other	13 [ ] NA [ ] NAP

Comments - If "other", please specify: due to not earning enough training points or lustration lie

## 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	663 [ ] NA [ ] NAP
<b>1. Reprimand</b>	227 [ ] NA [ ] NAP
<b>2. Suspension</b>	54 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	[ ] NA [ X ] NAP
<b>4. Fine</b>	137 [ ] NA [ ] NAP
<b>5. Other</b>	245 [ ] 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. \*5"Other": reminder (215), imprisonment of the right to practice (30).

\*3 -The sanction of "removal from cases" does not exist in the national legal system. According to the law, disciplinary penalties are: warning, reprimand, fine, suspension from professional activity for a period of three months to five years and expulsion from the Bar. It should be noted, however, that the penalties of suspension from the profession and expulsion from the Bar , although they contain the element of "removal from cases", have a broader meaning and entail further consequences.

## 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?

( X ) 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: The Ministry of Justice is working on legislative changes in this field.

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

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<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
<b>Family cases</b>	<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
<b>Administrative cases</b>	<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
<b>Labour cases including employment dismissals</b>	<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
<b>Criminal cases</b>	<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
<b>Consumer cases</b>	<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

Comments \* By selecting Yes in this column we mean a mediator accepted by the parties or freely chosen by the parties.

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

Yes

No

NAP

Comments - If yes, please specify (only one or both options):: For instance, according to article 619 (the Code of Criminal Procedure) § 2. The costs of the mediation proceedings shall be paid by the State Treasury.

=

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

	Total	Males	Females
<b>Number of mediators</b>	4 100 [ ] NA [ ] NAP	1 300 [ ] NA [ ] NAP	2 800 [ ] 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
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	[ X ] NA [ ] NAP	12 384 [ ] NA [ ] NAP	2 225 [ ] NA [ ] NAP
<b>2. Family cases</b>	[ X ] NA [ ] NAP	6 119 [ ] NA [ ] NAP	2 648 [ ] NA [ ] NAP
<b>3. Administrative cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Labour cases including employment dismissal cases</b>	[ X ] NA [ ] NAP	2 623 [ ] NA [ ] NAP	931 [ ] NA [ ] NAP
<b>5. Criminal cases</b>	[ X ] NA [ ] NAP	3 043 [ ] NA [ ] NAP	1 937 [ ] NA [ ] NAP
<b>6. Consumer cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate the source: Mediation proceedings based on statistical data - regional and district courts in the years 2006-2020) – developed by the Ministry of Justice.

\*In accordance with the regulation which is contained in the Ordinance of the Council of Ministers of March 31, 2020 on the establishment of restrictions, orders and prohibitions in relation with the COVID19 epidemic, in the period from March 31, 2020, the performance of tasks by common courts was limited due to remote work and quarantine of employees of court departments. Mediation can be conducted in any case in the field of labour law, in which it is possible to sign a settlement, and most labour matters belong to this category. In the period 2019-2020 (at the time when an up-ward trend was observed), they mainly concerned conflicts that could have been influenced by remote work, e.g. lack of accurate, correct communication and direct contact between employees. That is why labour courts began to direct disputes towards an ADR methods, indicating that mediation may not only faster finish a case, but also be more financially attractive, which - as the data shows - resulted in a greater interest in this method of alternative dispute resolution in employee matters, as well as parties to conclude agreements.

\*In 2020 total impact of cases before common courts was lower by 21.1% compared to 2019. The reduced impact of cases was caused among others by the COVID19 epidemic and related limitations. Limitations related to the pandemic have also affected the prisons and custodies closings, where mediation takes place after the sentence, representing a large percentage of mediation in criminal cases. Courts, in order not to extend the proceedings, resigned from referring cases to mediation.

=

### 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): negotiations

Comments "Other": negotiations

The Ministry of Justice is currently working on the project "Dissemination of alternative dispute resolution methods by raising the competence of mediators, establishing the National Register of Mediators (KRM) and information activities.". The National Register of Mediators (KRM) will be a public register containing information on persons practicing the profession of mediator. The functioning of KRM will allow for ordering and increasing the ministry's control over the activity and number of mediators in Poland. Project data is a source for answering question.

## G1. Please indicate the sources for answering the questions in this part

Source: The Ministry of Justice is currently working on the project "Dissemination of alternative dispute resolution methods by raising the competence of mediators, establishing the National Register of Mediators (KRM) and information activities.". The National Register of Mediators (KRM) will be a public register containing information on persons practicing the profession of mediator. The functioning of KRM will allow for ordering and increasing the ministry's control over the activity and number of mediators in Poland. Project data is a source for answering question.

## 8. Enforcement of court decisions

### 8.1. Execution of decisions in civil matters

#### 8.1.1 Number of enforcement agents, status and mandate



#### 169. Number and type of enforcement agents in your country.

	Total	Male	Female
<b>Total (1+2+3+4)</b>	2 072 <input type="checkbox"/> NA	1 505 <input type="checkbox"/> NA	567 <input type="checkbox"/> NA
<b>1. Private professionals under the authority (control) of public authorities</b>	<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
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	2 072 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 505 <input type="checkbox"/> NA <input type="checkbox"/> NAP	567 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Judges</b>	<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
<b>4. Other</b>	<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, please specify their status and competences: Despite being one of the greatest challenges faced by the Minister of Justice in recent years, the enforcement agents reform (2018-2020) comprising systemic changes to the profession, the system of enforcement fees and the method of remunerating enforcement agents, as well as the enforcement section of the Code of Civil Procedure,

has been a complete success and it is thanks to it that the number of young, talented lawyers interested in pursuing the profession of enforcement agents has increased.

The new legislation introduced, among other things, clear rules for the service, also in financial terms, expanded the supervisory powers of district court presidents over enforcement officers, introduced new rules for the inspection of enforcement agents' offices, rules concerning the personal activities of an agent in enforcement proceedings, as well as new, detailed rules on the collection of enforcement fees and the remuneration of enforcement officers. Following the elevation of the profession of enforcement officer as a public functionary and a public authority, continued interest in pursuing this profession can be observed.

**170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?**

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

**171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes, please indicate the age of retirement: 65
- No, please specify the duration of the appointment: .....

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Article 19 of the Act of 22 March 2018 on judicial officers (Journal of Laws 2021, item 850, i.e.), hereinafter "u.k.s." - the removal of an enforcement agent from his or her position,

2. Article 224 clause 1 item 6 of the u.k.s. - expulsion from the enforcement agent's service.

**8.1.2 Activities/scope of competence**

**171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?**

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Civil status	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Motor vehicle</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Movable property</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Immovable property</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Bank account</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other enforcement proceedings underway</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other</b>	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments - If "other", please specify:

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

	<b>Option</b>
<b>Seizure of movable tangible properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Preventive seizure of movable tangible properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Seizure of immovable properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Preventive seizure of immovable properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP

<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizures of boats and ships</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of aircrafts</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Sale of shares</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**171-3. Apart from 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 or public auctions of moveable or immovable property
- Custody 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

**8.1.3 Training and ICT**

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

- Yes
- No

Comments

**172-2. Do you have an e-learning training system established for enforcement agents?**

- Yes
- No

Comments - If yes, please specify:

**172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?**

Yes

No

Comments - If yes, please specify:

**172-4. Have an electronic service of documents or electronic notifications been introduced in your country?**

Yes

No

Comments

**172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?**

Yes

No

Comments - Please explain: Yes, in principle, the development of new technology improves enforcement proceedings, which also translates into improved enforcement efficiency. Quick action by a bailiff improves effectiveness (through the element of surprise for the debtor), while at the same time it is not insignificant for the costs of proceedings (it reduces them).

#### **8.1.4 Fees**

**174. Are enforcement fees easily established and transparent for parties?**

Yes

No

Comments

**175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?**

Yes

No

Comments

**175-2. Who has to pay these fees if the enforcement proceedings are successful?**

The debtor

The creditor

Other – please specify .....

Comments

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

Yes

No



## H0. Please indicate the sources for answering the questions in this part

Source: The Act of 22 March 2018 on enforcement agents

### 8.1.5 Organisation of profession and 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

**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: Enforcement against the State Treasury

**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, internal supervision of the enforcement officers' self-government

**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
- unethical behaviour of enforcement agent
- other (please specify): .....

Comments

**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 serve and/or 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)	122 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>4. Other</b>	77 [ ] NA [ ] NAP
-----------------	-------------------------

Comments - If "other", please specify: Non-implementation of post-visit recommendations - 3  
 Expenditure of funds subject to documentation for activities not in conformity with their intended use - 23  
 Undertaking activities with unjustified delay - 8  
 Violation of the competence specified in Article 9 and 10 of the Criminal Procedure Act - 9  
 Failure to undertake or untimely undertaking of actions referred to in art. 767 par. 1 of the Code of Civil Procedure - 3  
 Failure to supervise employed assessors and trainees and other persons - 2  
 Obtaining information in violation of Article 761 par. 1 of the Code of Civil Procedure - 1  
 Violation of the rules of exercising the right of absence - 2  
 Other than listed gross or persistent violation of the law - 26

### 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	56 [ ] NA [ ] NAP
<b>1. Reprimand</b>	12 [ ] NA [ ] NAP
<b>2. Suspension</b>	2 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	13 [ ] NA [ ] NAP
<b>5. Other</b>	29 [ ] 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: A warning - 28  
 Expulsion from the judicial officers' service - 1

### H1. Please indicate the sources for answering the questions in this part

Source: Data obtained from the Disciplinary Committee at the National Council of Judicial Officers in Warsaw.

## 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 replies possible)

Judge

Public prosecutor

Prison and Probation Services

Enforcement agent

Other authority (please specify):also general comment

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). 1. Judgments in criminal cases shall be enforced by enforcement agents within the scope set forth in Article 25 of the Code of Criminal Procedure. Pursuant to this provision, enforcement agent shall conduct: enforcement of adjudicated civil claims, adjudicated fines, pecuniary performances and court dues shall be conducted in accordance with the provisions of the Code of Civil Procedure, unless otherwise provided by this Act. Judged civil claims intended to compensate for damage or harm suffered shall be satisfied first, followed by court receivables.

2. The Prison Service - functions and responsibilities: The bodies of the executive procedures are: the director of the prison, the remand prison, as well as the district director and the Director General of the Prison Service or the person in charge of another institution provided for in the executive penal law and the penitentiary commission. The basic tasks of the Prison Service bodies include:

1)conducting penitentiary and social rehabilitation measures for persons sentenced to imprisonment, 2)execution of pre-trial detention in a manner securing the proper course of penal proceedings,

3)ensuring that persons sentenced to imprisonment or pre-trial detained, as well as persons subjected to custodial sentences and coercive measures resulting in deprivation of liberty, have their rights respected

4)humane treatment of persons deprived of liberty,

5)protection of society against perpetrators of criminal or fiscal offences incarcerated in prisons and remand prisons,

6)ensuring order and security in prisons and remand prisons,

7)execution on the territory of the Republic of Poland pre-trial detention and penalties of deprivation of liberty and coercive measures resulting in imprisonment if they are to be executed in prisons and remand prisons and if they result from the implementation of a ruling issued by a competent authority,

8)cooperation with relevant formations of other countries and with international organisations on the basis of international contracts and agreements,

9)carrying out activities connected with execution of electronic monitoring.

## 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: The effectiveness of repayment of fines ordered by the court is not assessed on the basis of studies. Within the framework of supervision over execution of the state budget by organizational units subordinated to the Minister of Justice or supervised by him, The Budget Department of the Ministry of Justice - on the basis of data contained in the Information on Court Receivables "NS-1" - prepares an analysis of court receivables .

Implementation of criminal fines in 2020 reached more than 69%.

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## 9. Notaries

### 9.1. Profession of notary

## 9.1.1 Number, status and mandate of notaries

### 192. Number and status of notaries in your country.

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	3 684 [ ] NA [ ] NAP	1 304 [ ] NA [ ] NAP	2 380 [ ] NA [ ] NAP
<b>1. Private professionals (without control from public authorities)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Holders of public offices appointed by the State</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Civil servants (paid by the State)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	3 684 [ ] NA [ ] NAP	1 304 [ ] NA [ ] NAP	2 380 [ ] NA [ ] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

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

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify): .....

Comments

#### 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:

## 9.1.2 Activities/scope of competences

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

Please select one option

<b>Authentication</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Certification of signatures</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legalisation of signatures / Apostille</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legality control of documents</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Mediation</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Taking of oaths</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Act as civil servant (for example performing marriage, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Other judicial functions (for example, payment orders)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Public auctions</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other (for example collect taxes, run registers etc.)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

### 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
- Protection of vulnerable persons
- Other

Comments

### 9.1.3 ICT, organisation of the profession and training

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

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

#### 194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry

Any other registry (please specify) .....

None

Comments

**194-5. Are there registries/ registry infrastructures run by the notaries?**

Yes

No

Comments - If yes, please specify:

**194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?**

	Directly modifying	Indirectly modifying by submitting an online request
<b>Land registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Business registry</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Civil status/ Population registry</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Succession / Family law registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Any other registry (please specify)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>None</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

**194-7. What ICT tools are used by notaries in their relations with clients?**

Videoconferencing (e.g. digital advice)

Digital act

Digital identification

Digital archiving

Other, please specify .....

None

Comments

**194-8. Who is responsible to run the digital archives?**

Notariat / Professional body



Other public authority

Another entity (please specify) .....

Comments

**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

**196-2. Do notaries have training on:**

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: On September 21, 2020, the National Notary Council organized a webinar devoted to conflict of laws issues of matrimonial property relations and presentation of the regulation of matrimonial property relations in selected European countries. The webinar was organized as part of the training program of CNUE (Council of the Notariats of the European Union) co-financed by the European Commission. The webinar was open to Polish notaries as well as notaries from the member states of the CNUE. The webinar was conceived as a forum for presenting a practical point of view on substantive and conflict of law issues of matrimonial property regimes. The legal systems were discussed: UK, Netherlands, Germany, Estonia and Ukraine. In addition, Notary Chambers organized the following webinars:

- 1) "Actions with participation of foreigners and foreign documents in notarial practice"
- 2) "Notarial activities with cross-border elements"
- 3) "Documents in cross-border notarial practice"
- 4) "Power of attorney abroad - procedural and conflict of law issues"
- 5) "Notarial turnover with Israel in light of selected issues in Israeli law"
- 6) "Legal transactions with Ukraine, including a presentation of the applicable in Ukraine regulations on matrimonial property relations, the principles of granting and form of power of attorney, the principles of representation of minors, the principles of representation of

## 11. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice (number of notaries); National Council of Notarial (report and evaluation status of notary in 2020r. the number of women and men of notaries), Act of 14 February 1991 - Law on the notary (OJ of 2020, item 1192, rev.).

## 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

#### 199. Number of registered court interpreters:

[ 10 000 ]

[ ] 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): Obligation to pass an exam before becoming a sworn translator.

#### 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 .....

Comments State Examination Board conducts the examinations. Minister of Justice is responsible for the list of sworn translators with personal data of all sworn translators in Poland. For individual proceedings the translators are appointed by the courts mainly from the list

of sworn translators. The courts can appoint any person as a translator/interpreter for an individual proceeding though.

## J1. Please indicate the sources for answering the questions in this part

Sources: Department of Legal Professions in 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 participate in judicial procedures (multiple replies possible):**

- Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court
- Experts appointed by the court or other authority independent of the parties
- Other system of judicial expertise, please specify .....

Comments - Please specify who is proposing and appointing experts in an individual case.

**202-1. Are there lists or any other form of official registration for judicial experts?**

- Yes
- No

Comments

**202-1-1. If yes, at which level is the list established (multiple replies possible):**

- national
- administrative district or federal entity
- judicial district
- other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

**202-1-2. Are these lists publicly available?**

- Yes, available on the internet
- Yes
- No

Comments not only in internet

**202-2. Which authority is competent for the registration of judicial experts?**

- Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria: DOCUMENTS TO BE SUBMITTED BY A CANDIDATE FOR COURT EXPERTS :

1. application to the President of the District Court for appointment as an expert witness in the field of ..... (precisely indicate the scope);
2. documents confirming education (diplomas, certificates, other documents confirming general and major education in the field of appointment) presented in the originals or copies officially certified by a notary public or in the originals with photocopies, in order to perform the act provided for in Article 76a§2b of the Code of Administrative Procedure;
3. certificates and attestations of competence to practice the profession ;
4. letters of recommendation, references for the purpose of proceedings for entry in the list of court experts kept by the President of the District Court;
5. documents confirming professional experience, certificates and attestations of completion of courses, training, participation in scientific conferences, confirming the continuous upgrading of qualifications and updating of knowledge
6. confirmation of payment of stamp duty of PLN 10 to the account of the Town Hall for the issue of a decision on entry on the list of experts
7. statement whether the candidate has already applied for the position of an expert witness and whether he/she has already served as an expert witness at another District Court (or whether he/she has already been appointed to issue ad hoc expert opinions)
8. a statement by the candidate for expert witness that:  
enjoys full public rights and has full legal capacity;  
there are no proceedings pending against the candidate for a deliberate crime prosecuted by public indictment or a deliberate fiscal offence, and he/she has not been punished for a deliberate crime or a deliberate fiscal offence;  
he/she is not subject to any proceedings on account of professional liability and has not had his/her professional entitlements limited or suspended  
has not been removed from the list of expert witnesses;  
agrees to include the following personal information on the list of expert witnesses and on the website of the District Court: name and surname, correspondence address, telephone number, e-mail address.
9. information of the candidate as an expert witness, including the exact address of the workplace with the name of the main supervisor (in the case of employed persons) / the exact address of the candidate's professional organization with the details of the body authorized to represent it (in the case of freelancers)
10. identity card to be presented for inspection;
11. personal questionnaire
12. CV.

The complete set of documents should be submitted to the Administrative Branch of the District Court

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

Yes, for how long 5 years

No

Comments

### **202-4. Can an expert who is not on the list or not registered be appointed in a case?**

Yes

No

Comment - If yes, please specify in which cases: experts ad hoc – appointed to prepare expert assessment only in specific case. Expert ad hoc might become every person with professional knowledge in specific field.

### **203. Is the title of judicial experts protected?**

Yes

No

Comments - If appropriate, please explain the meaning of this protection: The title of judicial expert may be used only by the registered experts and only for the purpose of preparing expert's opinion for courts and prosecution.

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

	Obligation of training
<b>Initial training</b>	( ) Yes ( X ) No
<b>Continuous training</b>	( X ) Yes ( ) No

Comments

**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 - If yes, please specify:

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
<b>Number of experts</b>	15 000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments approx.15 000

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

	Number of cases
<b>Total (1+2+3+4)</b>	[ X ] NA [ ] NAP

1.Civil and commercial litigious cases	136 071 [ ] NA [ ] NAP
2.Administrative cases	[ X ] NA [ ] NAP
3.Criminal cases	34 128 [ ] NA [ ] NAP
4.Other cases	105 831 [ ] NA [ ] NAP

Comments 4. other cases: labour law, social security, family law

The data refer to the number of opinions issued. There may be several opinions in one case.

### 205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Defined by the court/judge	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	( ) Yes ( ) No [ X ] NAP	( X ) Yes ( ) No [ ] NAP
Freely agreed between expert and the parties	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Other	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP

Comments - If other, please specify:

### 206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	( )	( X )
Quality of expertise	( X )	( )
Other	( )	( X )

[ ] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

## 207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify: The judge may send reminders and reduce the expert's remuneration for exceeding the time limit for the preparation of the opinion.

## 207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

## K1. Please indicate the sources for answering the questions in this part

Sources: Department of Legal Professions in the Ministry of Justice

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

### 208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Strategic, developmental projects and activities for modernization of the judiciary have been included in the government's long-term and medium-term strategic documents for national development . These are the following strategies:

1. the Strategy for Responsible Development adopted by the Council of Ministers on 14 February 2017. (M.P. of 2017 pos.260) 2. the Efficient State Strategy 2020 adopted on 12 February 2013 ( M.P. of 2013, item 136) 3. the Polish Order, the planned date of entry into force is 1 January 2022. 4. the Order of the Minister of Justice of 8 June 2021 on defining the strategic directions and objectives of the Ministry of Justice, announced in the Official Journal of the Minister of Justice under item 155 on 9 June 2021) 5. Human Capital Development Strategy 2020 with an Outlook to 2030 - Update of the Strategy for Responsible Development - adopted by the Council of Ministers on 14 December 2020 (Resolution No. 1 8 4 / 2 0 2 0 ).

Improvement of administrative court proceedings, with ensuring full compatibility of administrative and administrative court proceedings.

## 208-2. Budget

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## 208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: 1. Creation of the Regional Court in Rybnik. 2. A plan for creation of the Regional Court in Sosnowiec. 3. Change of the areas of jurisdiction of the District Court in Koszalin, the District Court in Sawno, the District Court in Szczecinek. 4. A plan for changing the jurisdiction of the District Court for Krakow-ródmiecie in Krakow and the District Court in Miechów. Pursuant to the Act of May 14, 2020 amending certain acts in terms of protective measures regarding the spread of SARS-CoV-2 virus (Journal of Laws, item 875, as amended), the principle of organizing hearings during a pandemic and within one year after its cancellation with the use of technical devices enabling them to be held remotely with the simultaneous direct transmission of image and sound was introduced, with the proviso that the persons participating in the hearings do not have to stay in the court building. The provisions regarding the implementation of remote hearings were then reflected in the Act of 28 May 2021 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws item 1090). In order to implement the provisions of these Acts, the software was expanded with new functionalities and the ICT infrastructure used by administrative courts was developed. In this regard, on the basis of the system functioning in the field of jurisprudence, the following areas were developed: electronic communication with particular consideration for the security requirement; remote access to documentation of proceedings; remote participation in hearings by creating technical possibilities to implement this functionality through the voivodship administrative court competent for the place of residence. Also, in order to enable remote implementation of judicial activities, judges were equipped with a qualified electronic signature and direct, secure communication between judges was ensured based on appropriate software and IT equipment (including encryption of mobile devices, encryption of connections and two-stage authentication in systems).

## 208-4. Access to justice and legal aid

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: Planned - Administrative courts

The ongoing analytical and systemic works, referred to point 208-1, are aimed at significant shortening of the waiting period for the final



settlement of administrative case and - as it should be assumed - increasing the efficiency of state management by government and self-government administrative bodies, as well as providing citizens with easier access to courts, which in material effect may result in savings of billions of zlotys, looking from the perspective of the national economy, including settlement of cases relating to economic turnover, spatial order and other investment activities. Adopted - Supreme Administrative Court

Pursuant to the Act of 19 July 2019 on ensuring accessibility to people with special needs (Journal of Laws item 1696, as amended) legal grounds for public entities, including courts, to take measures aimed at systematic improvement of accessibility on the architectural, digital and also information and communication levels have been created. The standards defined in this legal act have been implemented in the Supreme Administrative Court. Thanks to the above-mentioned measures, persons with special needs can use public services in a possibly independent manner, including exercising their right to the court. The aforementioned Act corresponds with the act of 4 April 2019 on digital accessibility of websites and mobile applications of public entities (Journal of Laws item 848), creating a coherent system of standards regulating accessibility of public entities. Planned - The project titled "Ensuring access to justice for people with disabilities" will be implemented under the Operational Program Knowledge Education Development 2014-2020.

The main objective of the project is to ensure access to justice for persons with disabilities by increasing architectural and information and communication accessibility to the courts, as well as increasing the competence of the employees of the judiciary in terms of knowledge related to the needs of persons with disabilities.

The planned project entitled "Ensuring access to justice for persons with disabilities" envisages, among others, the following activities: Conducting trainings for justice sector personnel, including managers, adjudicators, judge's assistants, administrative staff, accessibility coordinators, selected employees acting as a support person for persons with disabilities, and legal professionals on the rights and needs of persons with disabilities. The training program will provide participants with basic knowledge on how to build rapport and communicate effectively with clients with disabilities. New competences acquired in this way will serve to support people with specific disabilities (as a client and court employee) in an appropriate manner, while preserving their subjectivity and eliminating stereotypical thinking about disability.

Increasing the level of architectural, information and communication accessibility in 35 courts, through installation of devices and carrying out adaptation and construction works, enabling independent use of facilities by persons with disabilities.

## **208-5. High Judicial Council**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Administrative courts

Due to the legal changes introduced under the acts indicated in point 208-3 and the necessity to implement appropriate solutions and IT tools described in the above-mentioned point, required for the implementation of the proceedings contained in those legal acts, training courses on the use of appropriate software and IT tools were dedicated to judges of administrative courts and administrative staff supporting the jurisprudential division. Moreover, representatives of the adjudicating corps of administrative courts have an opportunity to participate in systematically organised training conferences The subject matter of those training courses is adjusted to the current needs of the adjudicating staff of administrative courts. Judges taking up employment in administrative courts for the first time are also trained in

the methodology of work of an administrative court judge. Profession of judge and prosecutor

1) conceptual work is currently underway on the draft amendment to the Act of 23 January 2009 on the National School of Judiciary and Public Prosecution (Journal of Laws of 2020, item 1366) with amendments), the purpose of which is to adapt the recruitment procedure for judicial apprenticeship and prosecutor apprenticeship, including those conducted in the form of supplementary apprenticeships, to situations related to force majeure. The amendment in question aims primarily at adjusting the regulations on the dates of conducting competitions for the above-mentioned judge applications and exams

and prosecutor's office in the context of the age of competition participants and the reimbursement of fees for participation in a competition or examination until possible force majeure;

2) legislative work is currently underway on the draft amendment to the ordinance of the Minister of Justice of 4 December 2017 on the conduct of the judge's and prosecutor's examination (Journal of Laws of 2018, item 34). One of the objectives of the planned amendment is to clearly define the competences of the competition team as regards the preparation of practical tasks by this team for the written part of the judge and prosecutor's examination. According to the newly designed solution, the team will attach to the study a description of important issues related to the task. The purpose of this amendment is to simplify and standardize the evaluation process, and at the same time to keep the freedom of both preparing a written work and its evaluation, without imposing a single correct resolution in a written assignment.

## 208-7. Gender balance

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## 208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: 1. Conducting work and drafting a bill to protect freedom of speech in online social networking sites. The bill provides for protection of freedom of speech in the Internet environment, as well as facilitation in claiming protection of personal rights violated by anonymous Internet users. In particular, the bill provides for the introduction of an efficient and effective model appeal proceedings in the case of blocking an account or removal of a particular by a social networking service. In the first place, the user will be In the first place, the user will have the right to lodge a complaint to the social network itself, however, if the social network decides. If the social network decides not to accept the complaint and upholds the decision to block access to the account or If the social network decides not to accept the complaint and upholds the decision to block access to the account or post, the user will have the right to appeal to a specialized body - the Council for Freedom of Expression. The correctness of The correctness of the Council's decision will be examined by the court-administrative procedure. The bill also introduces a new instrument, the "blind lawsuit", i.e. the possibility of filing a lawsuit for protection of personal rights It will be possible to file a suit for protection of personal rights without indication of the defendant's data, which is necessary today to assert one's rights in court. In order to file a lawsuit it will be enough to indicate the URL where the offensive content was It will be sufficient to indicate the URL where the offending content was published, the date and time of publication and the user's profile name or login. At the moment, the draft is waiting to be entered on the list of legislative works of the Council of Ministers. 2. By the Act of 4 July 2019 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws, item 1469, hereinafter "the Act"), a number of solutions were introduced to the provisions of the Act of 17 November 1964. - Code of Civil Procedure (Journal of Laws of 2020, item 1575, as amended, hereinafter the "Code of Civil Procedure") a number of solutions were

introduced to the provisions of the Act of 17 November 1964, aimed at streamlining proceedings in civil cases, including cases heard in commercial departments, and consequently - at shortening the time of examination of cases by the courts. Among other things, separate proceedings in commercial cases were reintroduced and the plaintiff was obliged to serve a pleading intended for the defendant, through a bailiff, if service is impossible. 3. On 24 March 2020, an amendment to the bankruptcy law came into force, i.e. the Act of 30 August 2019 amending the Act - Bankruptcy Law and certain other acts (Journal of Laws of 2019, item 1802). The reason for the introduction of new regulations was the emergence of a large number of practical problems caused by the gradual (since 2014) liberalization of bankruptcy law especially in the aspect of consumer bankruptcy. A particularly important issue was the bankruptcy of former entrepreneurs using the procedure provided for consumers. Until now, the possibility to use this solution was available to persons who ceased their business activity at least one year before the date of filing the petition to declare consumer bankruptcy. Additionally, such a person was obliged to file a bankruptcy petition as an entrepreneur. This legal situation generated a burden for courts and proceeding authorities that formally handled consumer bankruptcy but de facto handled entrepreneur bankruptcy. This created organizational, financial, technical and time problems, i.e. problems of widely understood economy of the proceedings. As a result of the amendment, a significant part of activities during the proceedings has been transferred to the trustee, which enables faster examination by bankruptcy courts of motions to declare bankruptcy or to write off liabilities without establishing a plan for repayment of creditors or establishing a plan for repayment of creditors. 4. By virtue of the Act of 21 February 2020 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws No. 288), which entered into force on 1 July 2020, in response to numerous postulates of entrepreneurs and representatives of collective copyright management organizations, specialized courts and procedure in the field of intellectual property were introduced to the Polish justice system, which should also result in speeding up the examination of such cases and counteracting protraction. 5. virtue of the Act of 28 May 2021 on amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws of 2021, item 1090), the Act of 2 March 2020 on special solutions relating to preventing, counteracting and combating COVID-19, other infectious diseases and crisis situations caused by them (Journal of Laws, item 1842, as amended) was amended. The Act introduced, as a rule, that hearings in civil cases will be conducted remotely, the courts will adjudicate in both instances by a single judge, and the court will make deliveries to professional attorneys via an IT system. The new rules will also apply to civil proceedings that are already pending. 6. On 1 July 2021, the solutions provided for in the Act of 26 January 2018 amending the Act on the National Court Register and certain other acts (Journal of Laws, item 398, as amended) came into force. These include, among others, electronification of the filing of letters, service and court actions in the registration proceedings concerning the National Court Register; introduction of register files of entrepreneurs in electronic form and ensuring access to these files both in the reading room of files in the court and through the creation of a publicly accessible web portal; introduction of electronic applications, filled out with interactive forms. The goals of the changes include acceleration of proceedings through introduction of an electronic communication channel, possibility of processing of data by a registration court in an electronic form and use of electronic ruling templates, acceleration of supervision activities by enabling analysis of data in an electronic form, acceleration of proceedings through enabling interested parties to familiarise themselves with the contents of the documentation without the need to go to the competent registration court, creation of possibilities for many people to familiarise themselves with the files at the same time, facilitation and simplification of registration in the National Court Register (KRS) of commercial law companies and other entities, reduction of the risk of returning the application due to formal reasons. 7. On 1 December 2021, the solutions provided by the Act of 6 December 2018 on the National Register of Debtors (Journal of Laws of 2019, item 55, as amended) will enter into force. These include, among others. introduction of the National Register of the Debtors including data on persons against whom restructuring and bankruptcy proceedings are conducted and persons against whom enforcement was conducted, which was discontinued due to ineffectiveness; electronization of the filing of letters, service and activities of the court and restructuring advisors in restructuring and bankruptcy proceedings; introduction of electronic files of restructuring and bankruptcy proceedings and providing access to these files both in a reading room in the court and through the creation of a generally accessible Internet portal; abandonment of making announcements in Monitor Sdowy i Gospodarczy. The pending solutions will speed up disclosure of data on debtors in the public register by automating the process; speed up proceedings by introducing an electronic communication channel, the possibility for the authorities of the proceedings to process data in electronic form and to use electronic templates of judgments, speed up supervision activities by enabling analysis of data in electronic form; acceleration of proceedings through enabling interested parties to familiarise themselves with the contents of the documents without the need to go to the competent court or to the seat of another proceeding authority, creating the possibility for many people to familiarise themselves with the files at the same time; elimination of the work of judges and secretariats related to the publication of announcements in the Ministry of Justice and the necessity to bear the costs of such announcements. 8. On 1 December 2021, the solutions provided for in the Act of 28 May 2021 amending the Act on the National Debt Register and certain other acts (Journal of Laws, item 1080) will also enter into force. They include, among others, adjustment of legal solutions in the area of bankruptcy proceedings for natural persons not conducting business activity (so-called consumer bankruptcy) to legal solutions in the area of electronic bankruptcy proceedings and introduction of the so-called simplified restructuring, which was introduced to the Polish legal order on a permanent basis. Simplified restructuring, which was introduced temporarily (i.e. until December 1, 2021) to the Polish legal

order by virtue of the act of June 19, 2020 on interest subsidies for bank credits granted to entrepreneurs affected by the consequences of COVID-19 and on simplified proceedings for approval of an arrangement in connection with the occurrence of COVID-19 (Journal of Laws of 2021, item 1072). The adopted solutions will accelerate the bankruptcy proceedings for natural persons not conducting business activity through its electrification; limit the number of restructuring proceedings conducted by the court by enabling the use of an out-of-court procedure; relieve the courts. 9. The bill to amend the Civil Code and the Civil Procedure Code (entered in the List of legislative and programmatic works of the Council of Ministers under No. UD111, in Parliamentary print No. 1344) provides a regulation that limits the effect of filing a motion for a settlement attempt or initiating mediation proceedings without the involvement of the court on the running of the statute of limitations to suspending it for the duration of the conciliation or mediation proceedings. The proposed change will undoubtedly eliminate the practice of creditors filing a motion for a settlement attempt only in order to interrupt the running of the statute of limitations, which will consequently reduce the number of cases filed in district courts on this account. As far as out-of-court mediation proceedings are concerned, the above change will increase interest in this institution as a way of amicable dispute resolution, which will relieve the courts. 10. The bill on amending the Civil Code and certain other acts (entered in the List of programmatic and legislative works of the Council of Ministers under No. UD222) provides, among other things, for limiting the circle of statutory heirs in the event that the inheritance is claimed by descendants of grandparents who did not live to see the opening of the inheritance to the grandparents' children, i.e., as a rule, the testator's parents' siblings and the children of those children, i.e., the testator's cousin or uncle's sibling. Further descendants of the testator's grandparents, the so-called cousin or uncle's grandchildren and further generations will be excluded from the inheritance. The draft also envisages that requests for permission to act beyond the scope of ordinary management of the child's or guardian's property in the form of accepting or rejecting the inheritance will be considered by the inheritance court in the course of the inheritance acquisition proceedings and the courts will be able to access information. The proposed solutions will shorten the length of proceedings to confirm the acquisition of an inheritance, as there is no need to search for the deceased testator's next of kin, and will improve the functioning of non-procedural proceedings. 11. Amendments to the provisions of the Act of 25 July 2005 on court costs in civil cases (Journal of Laws of 2020, item 755, as amended), the Act of 28 February 2018 on bailiff fees (Journal of Laws of 2019, item 2363), and the Act of 22 March 2018 on judicial officers (Journal of Laws of 2020, item 121). The proposed amendments to the Act on Court Fees in Civil Cases are aimed at eliminating doubts and discrepancies that have emerged in practice, inter alia, on the grounds of determining the conditions for payment of fixed fees and the amount of relative fees. The proposed amendments to the Act on Bailiffs' Fees clarify the issues related to the collection of enforcement fees. The amendment also sets forth the rules for the statute of limitations on such costs. The proposed amendment to the Law on Judicial Officers provides for a more flexible archiving of files. The procedure for storing documentation and its digitization has been regulated. The rules for the financial liability of judicial officers for enforcement activity as well as for their appointment and replacement have also been clarified. Criminal law Work is underway on a draft amendment to the Criminal Code. They include, among others: 1. abolition of the penalty of 25 years of imprisonment and extension of the term penalty from 15 to 30 years, which will allow to better match the penalty to the degree of wrongfulness of the act.

Increase in the penalties for crimes against higher-order personal property (life, health, liberty, sexual freedom).

3. changes that strengthen responsibility in the area of penal measures imposed on perpetrators of sexual offenses (restraining orders, bans on occupying a specific position or profession).

5. increased penalties imposed on intoxicated or intoxicated drivers for accidents and crashes.

6. introduction of a new measure - forfeiture of a motor vehicle or its equivalent in case of traffic offenses while intoxicated or intoxicated.

7 Exclusion of the statute of limitations for the most serious rapes.

8. raising the lower limits for fines and imprisonment.

Work is also underway on an amendment to the Executive Penal Code. The main goal of the proposed regulation is to improve the safety conditions of penitentiary units, protect society from the perpetrators of the most serious crimes, improve the conditions of performing duties by Prison Service officers and employees, and streamline procedures related to the execution of punishments and temporary detention. The draft Act is also aimed at introducing regulations improving the effectiveness of execution of imprisonment with regard to the placement of validly sentenced prisoners in penitentiary units and extending the use of the electronic supervision system, as well as streamlining proceedings for granting a prisoner permission to serve a sentence of imprisonment in the electronic supervision system. It is also proposed to increase the impact on general and individual prevention in the case of certain types of offences, but without increasing the threat of imprisonment.

## **208-9. Enforcement of court decisions and in particular regarding decisions against public authorities**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## 208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: In 2020, the Ministry began work on changes in the provisions on mediation regulated in the Act – Code of Civil Procedure and in some other legal acts.

A draft amendment to the regulations has been prepared, which introduces an obligatory referral of parties by the court to an information meeting on ADR methods, in some categories of cases.

In order to streamline the settlements proceedings, a period of 14 days has been set for the mediator to submit the mediation protocol to the court. The court will conduct proceedings for the approval of the agreement concluded before the mediator no later than 30 days from the date of mediator's submission (the day of filing the protocol in court). Moreover the confidentiality of mediation has been extended to information meetings.

In district courts where there are more than 15 judges and assessors, a mediation coordinator judge will be appointed, whose tasks will include:

- 1) carrying out activities for the development and promotion of mediation within the jurisdiction of a given district court;
- 2) assisting the mediation coordinator in the district court;
- 3) ensuring efficient communication between judges and mediators and permanent mediators;
- 4) cooperation with referent judges and mediators in organizing information meetings.

## 208-11. Fight against crime

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## 208-12. Prison system

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Reforms are at proposal stage. Work on reform of the executive criminal law and Prison Service Act is ongoing.

## 208-13. Child friendly justice

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: It is planned to specify the place of the hearings of minors by indicating that they take place outside the courtroom in child-friendly premises. It is also planned to regulate the procedure for enforcing decisions on the child's contact with the parent - defining the place of contact, supervision and contact, presence of other persons during the contact, documentation of the meeting.

## 208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Adopted

The Act of 30 April 2020 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws, item 956) - entered into force on 30 November 2020. - introduced into the legal order comprehensive solutions concerning quick isolation of a person affected by violence from the perpetrator of violence in situations when he/she poses a threat to life or health of household members. The proceedings in this respect have been brought under an accelerated procedure. In the Code of Civil Procedure, a separate section has been introduced, which regulates the adjudication of an application for obliging a person subjected to domestic violence to leave a jointly occupied flat and its immediate surroundings and prohibiting the person from approaching the jointly occupied flat and its immediate surroundings. In order to significantly accelerate the proceedings before the court, such solutions have been developed as the possibility to serve letters via the Police (respectively, the Military Police) or to file an application on an official form. Additionally, a one-month time limit for the court to issue a ruling, provision of security in such cases or immediate enforceability of a decision issued in a case have been introduced. It is facilitated by the fact that there is no need to submit a copy of the application, as well as a complaint and appeal, which, if not submitted, will be done by the court. Bearing in mind that cases of this kind are intended to provide protection to the victim of violence, the victim should not have to bear the financial burden of the costs of proceedings, which is why they have been exempted from bearing them. A new instrument is granting the Police (respectively the Military Police) the right to issue an order to the violent person to immediately leave the jointly occupied flat and its immediate vicinity or a prohibition on approaching the jointly occupied flat and its immediate vicinity, which has been subject to court control. It is the perpetrator of the violence who must seek shelter for 14 days, not his victim. The police are only obliged to provide an up-to-date list of facilities where such a person can find shelter or receive psychological assistance. In order to ensure respect for the court's decision and the decision of the Police, behaviour consisting in non-compliance with the court's decision or an imposed order or prohibition constituting a misdemeanour has been criminalised. Planned: The Ministry of Justice is drafting a bill amending the Code of Civil Procedure and certain other acts (the Anti-Violence Act 2.0). The proposed regulation essentially provides for an expansion of the catalog of civil law instruments, as well as criminal law institutions, applied against persons using violence in the family, aimed at effective and immediate isolation of such persons from persons affected by violence, not only in the place of residence and its nearest surroundings, but in all places where the persons affected by violence stay. It is planned to introduce immediately enforceable injunctions, issued by the court, the Police or the Military Police, prohibiting a person subject to domestic violence from approaching a person subject to domestic violence at a distance specified in meters, prohibiting a person subject to domestic violence from contacting a person subject to domestic violence, and prohibiting a person subject to domestic violence from entering or staying on the premises of schools, educational, care and artistic institutions attended by a person subject to domestic violence, his workplace (sports facilities and places where he usually stays). It is planned to supplement the norms in the area of penal preventive measures by introducing a separate preventive measure in the form of a prohibition on a perpetrator of family violence to come near a victim. Violation of the newly introduced orders and bans will be penalized through appropriate changes in the Act - the Code of

Offences. It is planned to streamline the court proceedings in cases related to counteracting family violence and to increase the effectiveness of the already functioning regulations both at the stage of examination, appeal and complaint proceedings. The draft provides for regulations adjusting the current law to the requirements of the Istanbul Convention, in connection with the withdrawal by Poland of its reservation to article 58 of the Convention by extending the statute of limitations for crimes against life and health committed to the detriment of a minor child and by introducing a new type of crimes corresponding to the Convention crimes in articles 37 and 38 of the Istanbul Convention. Solutions are also being developed to guarantee access to justice for people with intellectual disabilities by introducing into the criminal procedure a special procedure for their interrogation, and within this procedure, if necessary, the use of alternative and assistive methods of communication.

## 208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Planned - The analytical work on the project of a new ICT system to support administrative court proceedings is in progress. This system will develop and replace the currently functioning software. Adopted - As of 1 January 2021, repertories in the Supreme Administrative Court are kept in an electronic form. Work to launch this tool in voivodship administrative courts is underway. In 2020, ICT tools for holding remote hearings were launched, as further detailed in point 208-3. Mandatory electronic communication using the provided forms in bankruptcy and restructuring cases. Planned: KRK 2.0 Project KRK 2.0 Project Information Office of the National Criminal Register is currently carrying out a project to build a new ICT system of the criminal register together with the necessary organisational and legislative changes. The main project goals are:

- integration with the Prison Service database, with the National Registers System as far the Universal Electronic System for Registration of the Population and with the ECRIS-TCN system,
- implementation of electronic data transmission from courts and prosecutors to the criminal register to improve processing of data,
- implementation of processes responsible for data storage and data update transmitted from the courts, prosecutors and via ECRIS system and Prison Service system,
- implementation of processes responsible for generating and transmitting the data ex officio among others to the courts and police and to ECRIS-TCN system,
- implementation of an electronic service for obtaining certificates, which will enable the automation of the process.

The KRK 2.0 project aims to introduce a new, quicker and user-friendly criminal register.

Implemented: WebService dedicated to sharing data from National Criminal Register with courts, prosecutors and law enforcement authorities. In order to optimize and facilitate the procedure of sharing data from National Criminal Register with entitled authorities the Ministry of Justice has implemented communication tool - WebService. This tool is expected to simplify and speed up procedures of providing information by allowing the competent authorities to obtain the quick access to the information stored in the National Criminal Register. Implemented: Robotisation

In April 2021 the Polish criminal register implemented a mechanism which makes several data processes in the National Criminal Register automated by means of robotisation. This project is associated with the replacement of the role of the criminal register employee in the procedure of providing the information as far it is possible and rational to achieve. The solution assumes that the participation of the employee would be required after the selecting the requests for information that could be potentially processed automatically. Both projects, Webservice and robotisation, complement each other and aim to accelerate the procedure of providing the information from the criminal register. At the same time, due to these solutions, the employees of the criminal register would be able to perform the tasks regarding the verification of the data validity stored in the register in order to ensure the highest quality of the information provided by the National Criminal Register.

## 208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The Act on the Support and Rehabilitation of Minors - organizes and systematizes the matter concerning the cases of minors who commit criminal acts or show symptoms of demoralization.