

Evaluation of the judicial systems 2024 (data 2022)



Poland

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Reference data 2022 (01/01/2022 - 31/12/2022)

Start/end date of the data collection campaign : 15/03/2023 - 01/10/2023

Objective :

The CEPEJ decided, at its 39th plenary meeting, to launch the ninth evaluation cycle 2024, focused on 2022 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 46 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan).

The present questionnaire was developed 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, in service of the European citizens.

For better understanding of the questions it is necessary to consult the Explanatory note that gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying. You can download the Explanatory note as a whole document on the CEPEJ website. In addition to the Explanatory note, there is also the User manual that is a technical document to help you navigate through this application for data collection.

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.

Instruction :

Explanatory note: <https://rm.coe.int/explanatory-note-2024-cycle-cepej-2023-2-en/1680aae30a>

Word version of the questionnaire - <https://rm.coe.int/evaluation-scheme-2024-cycle-cepej-2022-9rev1-en-30-march-2023/1680aae309>

CEPEJ COLLECT - User manual – you can download under Documentation tab

1.General and financial information

1.1.Demographic and economic data

1.1.1Inhabitants and economic general information



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

[37 766 000]

Comments

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

[13 588]

Comments

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

[16 238]

[] NA

Comments

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

[4.6889]

Allow decimals : 5

[] NAP

Comments 1 euro=4,6889 pln

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

Sources: Data and analyses of the Central Statistical Office.

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, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	2 399 855 800 [] NA [] NAP	2 337 518 400 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	1 493 013 000 [] NA [] NAP	1 474 437 700 [] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	128 071 100 [] NA [] NAP	120 254 200 [] NA [] NAP
2.1 Investments in computerisation	33 980 800 [] NA [] NAP	33 523 100 [] NA [] NAP

2.2 Maintenance of the IT equipment of courts	94 090 300 [] NA [] NAP	86 731 100 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	209 839 200 [] NA [] NAP	220 226 200 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	161 386 300 [] NA [] NAP	158 483 700 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	76 216 100 [] NA [] NAP	51 488 400 [] NA [] NAP
6. Annual public budget allocated to training	5 692 200 [] NA [] NAP	3 640 800 [] NA [] NAP
7. Other (please specify)	127 599 900 [] NA [] NAP	147 208 500 [] 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: total - Discrepancy ratio 20.41% and 20,67%;

*3 – - court costs , excluding ex officio legal aid;

*6 – training carried out from the budgets of individual courts; the main tasks related to the training of the staff of common courts and the public prosecutor's office are carried out by the National School of the Judiciary and Public Prosecution;

*7 - expenditure intended to benefit the natural persons, current expenditure on purchases of goods and services, loans to meet the housing needs of judges, contributions to the National Disabled Persons Fund (PFRON), missions, miscellaneous fees and contributions;
point 3 and point 7 - the amount of expenditure shown in the column Approved Budget, as budgeted in the Finance Act, was amended by transfers in the course of the financial year on a chapter-by-chapter basis. Budget implementation in the aforementioned chapter 75502, excluding costs of unpaid legal aid granted ex officio, was 98.87%.

The increase in funds allocated to computerization in part 15 of the state budget Common Courts in the years 2020-2022 resulted from the continuation of the computerization of common courts in connection with their additional tasks that the new legal regulations set for, it was also related to the further the need to ensure the maintenance of the systems in operation and the implementation of modern technologies to ensure continuous, safe and stable operation of the systems in common courts in the coming years.

The increase in expenditure related to computerisation and the category of other current expenditure in 2020-2022 was also due to the need to adapt the infrastructure of common courts to the conditions caused by the SARS-CoV-2 coronavirus epidemic, both in terms of ICT – m.in through the purchase of computer equipment enabling remote work and conducting online hearings, as well as protection against infection to protect employees and citizens in common courts from the effects of the epidemic. Therefore, in the years 2020-2022, it was necessary to finance increased expenditure on central IT projects in common courts, with the need to ensure the continuity of the courts' work and the performance of tasks also in the conditions of the epidemic, which required an increased degree of computerization of court proceedings during the period of counteracting and eliminating the effects of the COVID-19 pandemic.

In 2020-2022, common court units also incurred expenses related to combating the effects of the SARS-CoV-2 coronavirus.

Pursuant to Article 207 § 2 of the Act of 26 June 1974 – the Labour Code, the employer is obliged to protect the health and life of employees by ensuring safe and hygienic working conditions with the appropriate use of scientific and technical achievements. For this purpose, expenditure was mainly incurred on personal protective equipment, sanitary facilities in buildings and facilities, and adaptation of rooms in court buildings in connection with counteracting the COVID pandemic. The increase in current expenditure on the common judiciary, including expenditure on buildings, in the years 2020-2022 was also caused by the increased needs of the courts in the field of renovations in connection with the accumulation of tasks, which resulted from the indications of the National Council of the Judiciary on the need to intensify activities in this area in order to ensure appropriate premises that meet the requirements functioning of the courts and removing barriers to access to the courts. This increase was also due to the construction of new court buildings to further enhance citizens' access to justice.

A significant impact on the overall amount of the increase in expenses related to court proceedings in the years 2020-2022 was the increase in the cost of service – in connection with the expiry in February 2022 of the contract with the Polish Post for the provision of

postal services in domestic and foreign trade for the benefit of common courts – compared to 2022 to 2021, there was an increase of 69.91%, which increased the percentage share of service costs in the total amount of court proceedings costs from 26.56% in 2021 to 36.67% in 2022.

With regard to "maintenance of court buildings" and "other", a significant factor in the increase in expenditure were increases in the prices of services, mainly renovation and maintenance, and the increase in expenses related to the maintenance of buildings caused by the armed conflict in February 2022, including fees for electricity and gas, m.in.

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 €)
Total annual public budget allocated to all courts and the public prosecution services together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" 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:



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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:

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

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

Civil cases - Civil cases - As a rule, letters submitted to the court are subject to a fee. A party (participant) to court proceedings may be exempted from court costs in whole or in part due to his/her financial and family situation. Apart from that, there are categories of cases - subjective exemption, e.g. an application for security filed in the letter initiating the proceedings, and persons - subjective exemption, e.g. in the case of asserting the establishment of paternity or maternity and related claims, from which no fees are charged.

No fees are charged on an application: - for acceptance of a declaration of acknowledgement of a child, for giving a surname to a child, for adoption of a child, for removal of a person subject to parental authority or guardianship, and for placement of a child in a foster family or family children's home; - which is the basis for the initiation of ex officio proceedings by the court, as well as from the letters submitted to the guardianship court in performance of an obligation arising from the law or imposed by the court; - for approval of an agreement concluded before a mediator as a result of mediation under a mediation agreement;

- there shall be no fees for the application, complaint and appeal of a minor in juvenile proceedings.

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:

[170]

[] NA

[] NAP

Comments

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

[662 250 000]

[] NA

[] NAP

Comments Includes the ordinary and administrative courts. In the previous cycle, only the ordinary courts.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	26 711 000 [] NA [] NAP	13 180 000 [] NA [] NAP	13 603 000 [] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The amount indicated includes the budget of the common courts and administrative courts.

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

TOTAL	Criminal cases	Other than criminal cases
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TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	25 305 000 [] NA [] NAP	12 035 000 [] NA [] NAP	13 270 000 [] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] 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: In addition to the expenditure on legal aid provided ex officio, financed from Part 15 Common Courts, expenditure in the field of legal aid is realised from Part 85 Budgets of the Governors, section 755 Justice, chapter 75515 Free legal aid, in connection with the implementation of tasks resulting from the provisions of the Act of 5 August 2015 on free legal aid, free civic counselling and legal education (Journal of Laws of 2021, item 945). The total amount of subsidies and current expenditures of budgetary units for the implementation of tasks resulting from the above-mentioned act, secured in the Budget Act for 2022 amounted to PLN 100,132 thousand, i.e. € 21,351 thousand.

The amount indicated includes the budget of the common courts and administrative courts.



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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	() Yes (X) No () NAP (Legal aid does not include coverage of court fees)
Exemption from court fees	() Yes (X) No () NAP (Legal aid does not include exemption from court fees)

Comments

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	699 380 849 [] NA [] NAP	699 330 175 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	550 597 [] NA [] NAP	550 585 [] NA [] 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: The average exchange rate of the National Bank of Poland as at 30 December 2022 was used to convert PLN to €. - PLN 4.6899.

In 2022, the budget of the Public Prosecutor's Office was implemented in 99.99%. The difference between the approved and implemented budget is the amount of PLN 237,656.33. Within this amount, the planned budget expenditure was blocked in the amount of PLN

228,314. The blockage was a result of the failure to realise planned expenditure, primarily under the Operational Programme Knowledge Education Development 2014-2020 in the amount of PLN 176,221, an excess of funds in the financial plan of expenditures due to a lower number of retirements of prosecutors than assumed in the course of work on the Budget Act for 2022, and remaining funds in the Prosecutor's Office units in § 6060 Investment expenditure on budgetary units.

*13.1

In fact, the prosecutor's budget for training in 2020-2021 was significantly lower than in previous years and in 2022.

In 2020-2021, the epidemiological situation related to the COVID-19 pandemic and the risk of infection with the SARS-CoV-2 virus resulted in a significant reduction in training and workshops in the form of traditional meetings. In fact, online trainings have prevailed.

Prosecution units also held in-house training sessions.

Expenditures on training in 2022 compared to 2020 and 2021 definitely increased. However, the training offerings have changed. Training in the form of traditional meetings returned but largely remained online training, which results in lower training costs. The budget for training in 2022 is 80.53% of the budget for training in 2018. It is likely that this trend will already continue.

It should be noted that prosecution units had a budget in 2022 that was sufficient to implement training at the 2018 level.

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

Sources: Public Prosecutor's Office

1.1.3 Budgetary data concerning the whole justice system

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	4 705 866 649 [] NA [] NAP	4 614 363 875 [] NA [] 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: Includes expenditures of general judicial units, emoluments of retired common court judges and payments of State Treasury compensation, while part 37 includes expenditures related to the functioning of the Ministry of Justice, organisational units of the penitentiary, scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution, the Higher School of Justice, correctional institutions, juvenile shelters and district educational centres, pension benefits for prison officers and emoluments of retired common court judges. By 31 March 2022, additionally the Museum of Soldiers of the Wykltych and Political Prisoners of the People's Republic of Poland.

The data does include other units of the judiciary: military judiciary, the Constitutional Tribunal and the National Council of the Judiciary.

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

	Included
Courts	(X) Yes () No [] NAP

Legal aid	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
Public prosecution services	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
Probation services	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
High Judicial Council	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
High Prosecutorial Council	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No <input type="checkbox"/> [] NAP
Constitutional court	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
Judicial management body	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No <input type="checkbox"/> [] NAP
Service for legal representation of the State	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
Enforcement services	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
Notariat	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No <input type="checkbox"/> [] NAP
Forensic services	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No <input type="checkbox"/> [] NAP
Judicial protection of juveniles	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No <input type="checkbox"/> [] NAP
Refugees and asylum seekers services	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No <input type="checkbox"/> [] NAP

Immigration Service	() Yes (X) No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	() Yes (X) No [] NAP
Other	(X) Yes () No [] NAP

If "Other", please specify: The justice budget is made up of Part 15 Common Courts and Part 37 Justice, the different elements of the budget that make up the above parts are set out below. Part 15 Common Courts division 755 Justice, chapter 75595 Other activities - expenditures included in the above budget classification chapter relate to the payment of compensation to the State Treasury, part 37 Justice division 730 Higher education and science, chapter 73014 Teaching and research activities, subsidy and grant for the Higher School of Criminology and Penitentiary Science division 755 Justice, chapter 75507 Scientific institutes of the ministry of justice, chapter 75514 National School of Judiciary and Public Prosecution division 921 Culture and protection of national heritage, chapter 92118 Museums, subsidy and purpose-specific subsidy for the Museum of onierzy Wykltych and Political Prisoners of the Polish People's Republic (until 31 March 2022)

- the above chapters include expenditures related to the functioning of scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution and the Higher School of Criminology and Penitentiary Studies, as well as the Museum of Soldiers and Political Prisoners of the Polish People's Republic (until 31 March 2022)

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

Sources: Budget and Financial Efficiency Department National Prosecutor's Office Supreme Administrative Court
Supreme Court
Department of Budget and Financial Efficiency of Ministry of Justice

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

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

016-1. Please briefly describe the organisation of the legal aid system in your country.

- Civil cases: Each party may request that a professional attorney be appointed by the court. In order to do so, you must make a statement before the court that you are unable to pay the fees of an advocate or a legal advisor without the loss of the necessary support for yourself and your family. An application for a court-appointed attorney is independent of an application for exemption from court costs and may be filed at any stage of the proceedings (also prior to their commencement), until the case is finally resolved in the court having jurisdiction over the case. The court decides on the appointment of the attorney, taking into account the need for his/her participation in the case and the ability of the party to cover his/her remuneration. The appointed attorney represents the party in court and gives him/her appropriate legal advice in the case. In criminal proceedings, unless the Code of Criminal Procedure stipulates otherwise, all expenses are temporarily lectured by the State Treasury.

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
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2 Information on legal aid



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

	Total	Cases brought to court	Cases not brought to court
TOTAL	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	38 794 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 548 <input type="checkbox"/> NA <input type="checkbox"/> NAP	246 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: *total: 3409 administrative cases, 35 385 civil and other than criminal cases;

Data on the number of cases in which a proxy was appointed ex officio (legal adviser, advocate).

020-0. Please indicate the number of recipients of legal aid:

	Total	Cases brought to court	Cases not brought to court
TOTAL	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP
In criminal cases	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP
In other than criminal cases	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/>] NAP

Comments - Please specify when appropriate:

020-0-1. Are there statistical data disaggregated by gender in respect of recipients of legal aid?

☐ Yes

☒ No

Comments

020-0-2. If yes, please provide details on distribution by gender of recipients of legal aid:

	Total	Males	Females
Number of recipients of legal aid	<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

020-0-3. Is it possible to divide the number of recipients of legal aid per different categories of cases?

☐ Yes

☒ No

Comment: If yes, please specify for which categories of cases:

020-0-4. Are there situations where legal aid is automatically granted depending on categories of cases?

☒ Yes

☐ No

Comment: If yes, please specify: Civil cases:

As a rule, the court may appoint an advocate (legal adviser) at the request of a party (prosecutor), but it may not do so ex officio (decision of the Supreme Court of 15 November 1967, III PRN 73/67, NP 1968/9, p. 1377; judgment of the Supreme Court of 6 November 1996, II UKN 7/96, OSNAPiUS 1997/11, item 200 and judgment of the Supreme Court of 16 December 1997, II UKN 404/97, OSNAPiUS 1998/21, item 641). An exception is provided for in Article 5601 of the Code of Civil Procedure, which allows - in cases for guardianship, for revocation and for modification of guardianship - for the appointment of an advocate (legal counsel) ex officio for the person who is the subject of the application for guardianship or for the guardian, if due to the state of mental health he or she is not capable of filing the

application, and the court deems the participation of an advocate or legal counsel in the case necessary. A similar exception is provided for in Article 48 of the Mental Health Act of 19 August 1994 (Journal of Laws 2022, item 2123), which provides that the court shall appoint an advocate or legal adviser ex officio for the person directly affected by the proceedings, even without the person's request, if the person is incapable of making a request due to his or her mental health condition and the court deems the participation of an advocate or legal adviser in the case necessary (para. 1); the court shall appoint a lawyer ex officio if the proceedings directly concern a person admitted to a psychiatric hospital or a social welfare home, or residing in the respective entity, without his or her consent (para. 2). The Supreme Court held that the appointment of an ex officio lawyer without the participant's request is the court's obligation if the participant, due to his or her state of health, is unable to defend his or her rights before the court on his or her own (decision of 5.04.2012, II CSK 575/11, OSNC-ZD 2013/D, item 68). This also applies to cases in which the interested party used a proxy of choice before the court of first instance and the power of attorney was limited to acting only before that court; in such a situation, the court is obliged to appoint a proxy ex officio for the interested party to prepare an appeal and representation before the court of second instance (cf. the decision of the Supreme Court of 14.04.2021, I CZ 36/20, OSNC 2022/3, item 25) (cf. J. Gudowski [in:] Kodeks postpowania cywilnego. Commentary. Volume I. Preliminary proceedings. Articles 1-124, 6th edition, ed. T. Ereciski, Warsaw 2023, Article 117.).

Administrative cases:

In the cases of the categories indicated below, a party complaining about an action, inaction of an authority or protracted conduct of proceedings shall be exempt from court costs. These are cases in the field of social assistance and welfare, concerning the status of an unemployed person, benefits and other receivables and entitlements to which an unemployed person is entitled, concerning occupational diseases, medical benefits and rehabilitation benefits, from labour and employment relations, from social insurance, from the duty to defend the Homeland, for granting protection to foreigners and concerning housing allowances. The appointment of an attorney in these categories of cases requires the submission of an application.

Criminal cases:

In the light of the applicable provisions of the Act of 6 June 1997, the Code of Criminal Procedure (Journal of Laws of 2022, item 1375, as amended), it is necessary to distinguish three cases in which the accused has the right as well as the obligation to have a defence counsel during the proceedings (both pre-trial and trial). This issue is regulated by the provisions from Article 78 to Article 80 of the Code of Criminal Procedure. According to Article 78 of the Code of Criminal Procedure, an accused who does not have an ex officio defence counsel may request that a defence counsel be appointed for him/her in a situation where he/she duly demonstrates that he/she is unable to bear the costs of defence without detriment to the necessary maintenance of himself/herself and family. The requirement of duly demonstrating the inability to bear the costs of defence may be met by submitting a written declaration of financial status, which will reflect the financial situation and the amount of income received at the time of filing the motion for appointment of a public defender. Undoubtedly, the appointment of a public defender will take place in a situation, in which the accused has no means to cover the costs of defence by choice at all, as well as in a situation, in which his means are so modest, that in fact they do not allow him to cover these costs and to support himself and his family at a basic level. Another provision, i.e. Article 79 of the Code of Criminal Procedure, regulates the prerequisites of mandatory defence, i.e. the necessity to provide the accused with a defence counsel (either by choice or ex officio) in the course of a criminal trial. Pursuant to the prerequisites §1 points 1 - 3, an accused must have a defence counsel if: - he or she is under 18 years of age, - he or she is deaf, mute or blind, - there is a reasonable doubt whether his or her ability to recognise the meaning of the act or to direct his or her proceedings was not, at the time of committing the act, excluded or significantly impaired, - there is a reasonable doubt whether the state of his or her mental health allows him or her to participate in the proceedings or to conduct the defence in an independent and reasonable manner. Furthermore, §2 of the provision in question imposes the obligation to appoint a defence counsel ex officio for the accused in a situation when the court deems it necessary due to other circumstances hindering defence. In practice, this is related to the personal characteristics of the accused, which do not prevent the exercise of the right to defence directly by the accused himself, but significantly impede it, for example, due to his age, state of health, degree of mental fitness, or degree of knowledge in the area constituting the subject matter of the charges presented. In turn, the provision of Article 80 of the Code of Criminal Procedure, imposes an obligation to appoint a defence counsel for the accused before the district court in a situation where he has been charged with a crime. At the same time, it applies only to court proceedings. It is worth emphasising that the participation of the accused's defence counsel in the main trial is mandatory, and his/her failure to appear or his/her departure without reason during the trial constitutes an obstacle to the continuation of the trial.

020-0-5. How many of the recipients of legal aid are alleged victims of domestic violence?

Total	Males	Females

Number of recipients of legal aid who are alleged victims of domestic violence	<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

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 decision on the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Actual average duration	<input checked="" type="checkbox"/> NA <input type="checkbox"/> 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:

=

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

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

Comments - If yes, please specify: The defendant may request that a public defender be appointed if he duly demonstrates that he is unable to bear the costs of defense without compromising the necessary support of himself and his family. The issue is analogous with regard to the victim.

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

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

Comments

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

(X) 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 €)
Full legal aid to the applicant for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Full legal aid to the applicant for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid to the applicant for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid to the applicant for other than criminal cases	[] NA [X] NAP	[] NA [X] 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)?

(X) Yes

() No

Comments - If yes, please specify the exact criteria for denying legal aid: frivolous action or no chance of success

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

(X) 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 In cases in which the court registrar decides, the court registrar makes the decision itself.

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

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) www.orzeczenia.ms.gov.pl	()
Information about the judicial system (organisation of courts, court proceedings, etc)	(X) www.ms.gov.pl	()
Other documents (e.g. forms, downloadable forms, online registration forms)	(X) www.ms.gov.pl	()

Comment - Please specify what documents and information are included in "Other documents" * case-law of the higher courts - administrative law - www.orzeczenia.nsa.gov.pl;

*information about the judicial system - administrative law and court - www.nsa.gov.pl;

*other :

www.gov.pl/web/sprawiedliwosc/formularze-wnioskow-stosowanych-w-sadach-rejonowych-prowadzacych-ksiegi-wieczyste-w-systemie-informatycznym-oraz-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-oraz-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-oraz-skargi-na-czynnosci-komornika (forms used in enforcement proceedings)

<https://www.gov.pl/web/sprawiedliwosc/formularze-wnioskow-o-wpis-do-rejestru-fundacji-rodzinnych> application for registration in the register of family foundations <https://www.gov.pl/web/sprawiedliwosc/formularze-dotyczace-opiekuna-tymczasowego--w-wersjach-jezykowych-polskiej-i-ukrainskiej> Temporary guardianship forms - Polish and Ukrainian language versions

<https://www.gov.pl/web/sprawiedliwosc/wzor-wniosku-o-zobowiazanie-osoby-stosujacej-przemoc-w-rodzinie-do-opuszczenia-wspolnie-zajmowanego-mieszkania-i-jego-bezposredniego-otoczenia-lub-zakazanie-zblizania-sie-do-mieszkania-i-jego-bezposredniego-otoczenia> Template for an application to oblige a violent person to leave a jointly occupied dwelling and its immediate surroundings or to prohibit a person from entering the dwelling and its immediate surroundings

<https://www.gov.pl/web/sprawiedliwosc/formularze?page=2&size=10>

1. The catalogue of services together with the charters of services provided by the court includes cases which may be handled by each district, regional and appellate court (basic services), as well as services handled by courts of a given level (supplementary services for the district court, regional court and appellate court).

The services represent cases with which the court is most often approached by interested parties in the field of civil, criminal, family, business, labour, social security law.

2. Reports on the distribution of cases (assignment of judges),

3. Other sites provide forms and electronic forms for individual cases (land registers, register of liens, national court register).

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: Civil procedure:

If it is not possible at the preliminary hearing to reach a resolution of the dispute - which includes any way of ending the proceedings that leads to there being no need for further hearings, especially a trial - a trial plan must be drawn up. Its content is set out in Article 2059 of the Code of Civil Procedure, which distinguishes between the obligatory and optional elements of a trial plan. The optional elements include, inter alia, the indication of dates for hearings and other actions in the case and the date on which the trial is to be closed or the judgment announced.

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

	Information system
General for citizens	<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
Specific for victims of offences	<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
Specific for minors (child-friendly systems)	<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

Comments - Please provide more information on these systems and specify how this assistance is provided: 1) on line:

(a) on the website of the Ministry of Justice (<https://www.gov.pl/web/sprawiedliwosc/przeciwdzialanie-przemocy-domestic>) there is educational information explaining what domestic violence is, what rights a victim has, what actions are taken against the perpetrator of domestic violence. It also includes forms and declarations to enable the victim to start proceedings against the perpetrator,

b) the websites of the district courts, district and regional prosecutors' offices contain information on victims' rights, procedures for victims, e.g. <https://www.gov.pl/web/po-suwalki>), c) the website of the Justice Fund (<https://www.funduszsprawiedliwosci.gov.pl>), which is administered by the Minister of Justice, contains information on the activities of the Fund, the type of assistance provided by the Fund (legal, psychological, material), a list of facilities throughout Poland where assistance to victims is provided from the resources belonging to the Fund (<https://www.funduszsprawiedliwosci.gov.pl/en/znajdz-osrodek-pomocy/>).

2) telephone:

(a) 24-hour telephone number +48 222 309 000 (the so-called Victims' Helpline), which is operated by the Justice Fund; the Minister of Justice is the administrator of the Justice Fund; the helpline is available in Polish English, Russian, Ukrainian;

(b) Children's Ombudsman Helpline: 800 121 212;

(c) general emergency number: 112;

3) in person:

The victim may receive free legal aid at one of the 1,500 points in Poland operated under the system of free legal aid, supervised by the Minister of Justice. The list of points providing free legal aid is available at: <https://www.gov.pl/web/nieodplatna-pomoc/dyzury-specjalistyczne>. In order to obtain assistance you need to make an appointment at a given point. You can make an appointment by telephone, online and directly at the centre. You can also obtain advice online. Information on the location of the centres providing free legal aid can also be found in the Public Information Bulletins of county starosties, municipal offices or town halls. Information on how to provide free assistance is posted on the websites of county starosties, municipal offices, municipal offices.

In addition, the website "Stop Child Abduction" provides comprehensive information on cross-border parental abduction, international maintenance obligations and cross-border custody cases in three language versions - Polish, English and German

(<https://www.gov.pl/web/stopuprowadzeniomdzieci>). (READERS - general public).

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

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

* Victims of domestic violence: - specific arrangements for hearings, - specific rules for the consideration of applications by the court aimed at isolating perpetrators of domestic violence from victims: speeding up proceedings, de-formalising proceedings;

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 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. 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.

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).

According to the website of the Dajemy Dzieciom Si Foundation <https://fdds.pl/corobimy/pomagamy-dzieciom-krzywdzonym.html> there are currently 10 Children's Aid Centres operating in Poland where minors and their guardians receive a wide range of assistance.

031-1. What are the main criteria for a person under 18 years of age to act in court proceedings or to be a witness?

Civil proceedings	Criminal proceedings
-------------------	----------------------

Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input checked="" type="checkbox"/> Age threshold [Comment]13 <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input checked="" type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input checked="" type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comments - Please specify if you selected “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 person under 18 years of age cannot act in court proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No
Another representative (instead of parent/legal guardian)	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other

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.

The child in criminal proceedings is represented by the legal representative or the person in whose custody he or she is permanently placed. Where there is a conflict between the legal interest of the child victim and the legal interest of the parent, for example, one parent or both parents have committed an offence to the child's detriment, the public prosecutor is obliged to request the court to appoint a guardian for the child. In the event of the death of the child victim, when there are no next of kin to represent the child's rights, then the child is represented by the public prosecutor in criminal proceedings.

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

☒ [X] Age threshold(s)

☒ [X] Capacity for discernment

☒ [X] 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 deprivation of liberty (for example, educational measures)

☐ [13]

☐ [] NA

☐ [] NAP

Criminal liability resulting in sentence of deprivation 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 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 the offender is unknown
- ☒ Yes, but only if compensation could not be obtained from the offender
- ☐ Yes, in both situations
- ☐ No

Comment

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 Law of July 7, 2005 on State Compensation to Victims of Certain Prohibited Acts, compensation shall be granted only if and in such amount that the eligible person cannot obtain coverage for lost earnings, other means of subsistence or costs related to treatment and rehabilitation, and funeral expenses from the perpetrator or perpetrators of the criminal act, from insurance or from social assistance funds, regardless of whether the perpetrator or perpetrators of the criminal act have been identified.

Victims of certain crimes may apply for state compensation under the provisions of the Act of 7 July 2005 on State Compensation to Victims of Certain Crimes (Journal of Laws 2006, item 325).

Compensation is a monetary benefit granted to victims of certain crimes or their relatives. State compensation is available to persons against whom the offence was directed and to other persons who, as a result of the commission of an offence against another person or against public property, suffered a serious injury to health, an infringement of a bodily organ function or a disorder of health lasting more than 7 days (direct victim), as well as to persons remaining, on account of family or personal ties, in a close relationship with the direct victim, who were therefore also indirectly injured by the offence to the extent of their property (indirect victim) (Article 2 of the Act). Compensation is available if the act was committed in the territory of the Republic of Poland to the detriment of a person with a permanent residence in that territory or in the territory of another Member State of the European Union (Article 4 of the Act).

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?

☒ (X) Yes

☐ () No

Comments

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

☐ () For all types of offences

☒ (X) For some types of offences

[] NAP

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

Victims of certain crimes may apply for state compensation under the provisions of the Act of 7 July 2005 on State Compensation to Victims of Certain Crimes (Journal of Laws 2006, item 325).

Compensation is a monetary benefit granted to victims of certain crimes or their relatives. State compensation is available to persons against whom the offence was directed and to other persons who, as a result of the commission of an offence against another person or against public property, suffered a serious injury to health, an infringement of a bodily organ function or a disorder of health lasting more than 7 days (direct victim), as well as to persons remaining, on account of family or personal ties, in a close relationship with the direct victim, who were therefore also indirectly injured by the offence to the extent of their property (indirect victim) (Article 2 of the Act).

Compensation is available if the act was committed in the territory of the Republic of Poland to the detriment of a person with a permanent residence in that territory or in the territory of another Member State of the European Union (Article 4 of the Act).

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.

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

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Comments

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

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☒ For some types of offences

[] NAP

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

Victims of certain crimes may apply for state compensation under the provisions of the Act of 7 July 2005 on State Compensation to Victims of Certain Crimes (Journal of Laws 2006, item 325).

Compensation is a monetary benefit granted to victims of certain crimes or their relatives. State compensation is available to persons against whom the offence was directed and to other persons who, as a result of the commission of an offence against another person or against public property, suffered a serious injury to health, an infringement of a bodily organ function or a disorder of health lasting more than 7 days (direct victim), as well as to persons remaining, on account of family or personal ties, in a close relationship with the direct victim, who were therefore also indirectly injured by the offence to the extent of their property (indirect victim) (Article 2 of the Act).

Compensation is available if the act was committed in the territory of the Republic of Poland to the detriment of a person with a permanent residence in that territory or in the territory of another Member State of the European Union (Article 4 of the Act).

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. Is there a regular monitoring (official studies, reports etc.) allowing the evaluation of the recovery rate of the damages awarded by courts to victims?

☐ Yes

(X) 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)?

(X) 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)?

(X) 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".

(X) Yes

() No

[] NAP

Comment - If necessary, please specify:

037. Is there a system of compensation in the following circumstances:

	Number of requests for compensation	Number of compensations granted	Total amount of compensations granted (in €)
Total	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Excessive length of proceedings	13 589 [] NA [] NAP	2 276 [] NA [] NAP	1 417 787 [] NA [] NAP
Non-execution of court decisions	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Wrongful arrest/detention	[X] NA [] NAP	246 [] NA [] NAP	3 918 131 [] NA [] NAP
Wrongful conviction	[X] NA [] NAP	11 [] NA [] NAP	74 863 [] NA [] NAP
Other	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g., the amount per day for unjustified detentions or convictions): *246 - number of persons

11 - number of persons

037-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

	Responsible authorities	Legal time limit
Court concerned	[]	[]
Other court	[X]	[X]
Ministry of Justice	[]	[]
High Judicial Council	[]	[]
Other external bodies (e.g. Ombudsman)	[X]	[X]

Comments

037-2. Are there statistical data disaggregated by gender concerning the number of:

	Existence of statistical data disaggregated by gender
Persons who initiate a case in other than criminal matters	<input type="checkbox"/> Yes - If yes, please specify for which categories of cases: [Comment] <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Victims recognised as such by the court	<input checked="" type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment]Types of crimes specified in the Criminal Code and special laws <input type="checkbox"/> No <input type="checkbox"/> NA
Perpetrators of criminal offences	<input checked="" type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment]Types of crimes specified in the Criminal Code and special laws <input type="checkbox"/> No <input type="checkbox"/> NA

Comments

037-3. Are there statistical data on the relation between the perpetrator of the criminal offence and the victim recognised by the court?

☒ Yes

☐ No

If yes, please specify: Statistical data on the relationship between the perpetrator and the victim are collected through the MS-S28 statistical card form in a public prosecution case from a final judgment for the crimes of human trafficking, paedophilia, intolerance, xenophobia, hate crime. The MS-S28 card is submitted electronically within the SAP Statistical Application System (AS-SAP) as one of the additional functionalities of the system via the Survey Repository section. This tool was launched as of 1 January 2015 and, from that moment on, the common courts are obliged to complete the MS-S28 statistical cards immediately after the judgment becomes final only in electronic form.

However, it should be emphasised that the main sources of DSF data, which are statistical reports, constitute complete data sets, while the MS-S28 cards can only serve as a supplement to the information, as it is not possible to unequivocally determine the completeness of the MS-S28 card data, as there is no uniform IT office system, and thus the MS-S28 cards are filled in manually by court employees in the SAP Statistical Application system, without the possibility to validate the completeness of the data.

In summary, data on the relationship between the perpetrator and the victim are collected through the MS-S28 card only for selected categories of crimes (listed in the card) without the possibility to determine the completeness of the data from the collection in question.

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
Surveys for judges	<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

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

☐ NA

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

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

Centrum Badań Opinii Społecznej Public Opinion Research Centre

<https://iws.gov.pl/analizy-i-raporty/badania-instytutu-wymiaru-sprawiedliwosci-w-ujeci-u-tematycznym/ekonomiczne-i-statystyczne-analizy-wymiaru-sprawiedliwosci/>

Instytut Wymiaru Sprawiedliwości

<https://courtwatch.pl/>

Fundacja Court Watch

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_pl

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	403 [] NA [] NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	377 [] NA [] NAP
1.1 First instance courts of general jurisdiction - legal entities	365 [] NA [] NAP
1.2 Second instance courts of general jurisdiction - legal entities	11 [] NA [] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 [] NA [] NAP
2 Total number of specialised courts - legal entities	26 [] NA [] NAP

Comments 1.1 first instance courts (district courts + 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.

	First instance	Higher instances
Total number of specialised courts - legal entities	23 [] NA [] NAP	3 [] NA [] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP	[] NA [X] NAP
Labour courts	[] NA [X] NAP	[] NA [X] NAP
Family courts	[] NA [X] NAP	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP	[] NA [X] NAP

Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Juvenile courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	<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:

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	434 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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)	496 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The figure of 496 indicated in 2022 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 434) was added

the number of 62 courts: - regional courts: 47; - courts of appeal: 11; - military courts: 2; - Supreme Administrative Court: 1; - Supreme Court: 1;

Total: 494 (434 + 62).

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

Sources: Human Resources and Organisation Department of the Common Courts

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
Total number of professional judges (1 + 2 + 3)	10 560 [] NA [] NAP	4 087 [] NA [] NAP	6 473 [] NA [] NAP
1. Number of first instance professional judges	9 894 [] NA [] NAP	3 715 [] NA [] NAP	6 179 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	469 [] NA [] NAP	231 [] NA [] NAP	238 [] NA [] NAP
3. Number of Supreme Court professional judges	197 [] NA [] NAP	141 [] NA [] NAP	56 [] NA [] NAP

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

- 1.The number of judges of district, regional courts + court assessors: 9403 (5904 women, 3499 men)
- 2.The number of judges of the appeal courts: 469 (238 women, 231 men)

The numbers are higher because the president appointed a lot of court assessors as judges in 2022. In addition, there were more appointments to the regional and appeal courts than retirements of judges from these courts.

Administrative courts:

- 1.The number of judges of district + court assessors: 491 (275 women, 216 men)
- 2.The number of judges of the Supreme Administrative Court : 107 (37 women, 70 men)

=

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

(X) Yes

() No

Comments

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

[X] Child-care

[] Elderly care or other dependant persons' care

[] Training

[] For the purposes of early retirement

[] No specific reason required

[X] Other reason, please specify:comment below

Comments It should be noted that a judge, like any other professionally active person in Poland to whom labour laws apply, is entitled to maternity or paternity leave, parental leave and special leave for elderly care or other dependant persons' care, but these entitlements do not affect, in general, full-time working hours. As Article 43 of the of the Supreme Court Act provides the working time of judges shall be defined by their scope of responsibilities. At the same time Article 44 (1) of the Supreme Court Act states that the judges of the Supreme Court shall not take up additional employment other than employment as a research and teaching employee with one employer provided that the total work time does not exceed full-time employment of employees so employed, unless this should hinder the performance of

duties of a judge of the Supreme Court.

In any case Article 44 (2) of the Supreme Court Act states that the judges of the Supreme Court shall not take up any other activities, for profit or otherwise, which would hinder their performance of duties of a judge of the Supreme Court, harm the dignity of the office or undermine trust in judicial impartiality or independence.

Therefore, in limited scope stipulated by the law, the judge of the Supreme Court may take up some additional employment, especially in academia.

Pursuant to Article 62 of the Act of 27 July 2001. Law on the system of common courts applicable pursuant to Article 10(1) of the Act of 8 December 2017 on the Supreme Court

A professor or doctor habilitated in legal sciences at Polish higher education institutions, at the Polish Academy of Sciences and at scientific and research institutes and other scientific institutions may be appointed to the position of a judge of a general court, on a part-time basis, not less than half time.

046-1-3. If yes, what is the number of professional judges working part-time with reduced remuneration?

	Total	Males	Females
Total (1 + 2 + 3)	<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
1. At first instance level	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level	<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

046-1-4. Are there other possibilities (apart from part-time) for regular adjustment of working time or conditions with or without reduced remuneration?

	Adjustment of working time or conditions with or without reduced remuneration
Temporary reduction of the workload	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Temporary reduction of the working time / special leave	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other measures	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? Health leave 93 u.s.p., rehabilitation leave 94d § 3, and 94f u.s.p., dissertation preparation leave Article 196 of the Act of 20 July 2018 Law on Higher Education and Science (Dz.U.2023.742 t.j.). Rehabilitation leave and No reduction in remuneration. During rehabilitation leave, the judge is entitled to 80% of the salary.

046-1-5. If yes, please specify in which situation(s) these possibilities can be used?

☐ Child-care

☐ Elderly care or other dependant persons' care

☐ Training

☐ For the purposes of early retirement

☐ As part of induction process for new judges

☐ No specific reason required

☒ Other reason, please specify:comment below

☐ NAP

Comments Health leave - in order to carry out prescribed medical treatment, if this treatment requires abstinence from service (art. 93 § 1 u.s.p.)

Rehabilitation leave 94d § 3 u.s.p.. - For rehabilitation when there is a prospect of regaining the ability to work.

Leave for the preparation of a doctoral thesis Article 196 of the Act of 20 July 2018 Law on Higher Education and Science (Journal of Laws 2023.742 t.j.).

Pursuant to Article 83 a of the Act of 27 July 2001. Law on the System of Common Courts applicable pursuant to Article 10(1) of the Act of 8 December 2017 on the Supreme Court, the right to parental leave of absence may also be exercised by a judge who is not in office by reducing the assignment of cases by at most 50% with a reduction in basic salary to the same extent. The provisions on parental leave apply mutatis mutandis to the exercise of the right to reduce the allocation of cases, except that a request for a reduction in the allocation of cases or a change in the extent of the reduction must be made with at least two months' notice.

There are also a number of arrangements that allow judges to take leave of absence without a reduction in workload. These arrangements include:

I.Those related to childcare

1/ leave connected with parenthood: maternity, parental, paternity, parental leave, whereby in the situation of maternity and parental leave the remuneration received is reduced, and in the situation of parental leave a judge does not receive remuneration, unless he exercises the right provided for in Article 83a of the Act on the Common Court System (as discussed above),

2/ exemption from work, without reduction of remuneration, due to the need for personal care of the judge's own child or spouse's child, adopted child, child adopted for upbringing and maintenance, until the child reaches the age of 8, in the event of:

(a) unforeseen closure of the crèche, children's club, kindergarten or school attended by the child, as well as in the event of illness of the nanny with whom the parents have concluded an activation agreement referred to in Article 50 of the Act of 4 February 2011 on the care of children aged up to 3 years (Journal of Laws of 2022, item 1324, 1383 and 2140), or of the day-care provider taking care of the child,

b) childbirth or illness of the judge's spouse or parent of the judge's child, permanently caring for the child, if the childbirth or illness prevents that spouse or parent from caring for the child,

(c) the stay of the judge's spouse or the parent of the judge's child, permanently caring for the child, in a hospital or other medical facility of a medical entity providing inpatient and round-the-clock health care services.

Legal basis: Article 51 § 10 of the Act of 8 December 2017 on the Supreme Court, according to which, in the event of inability to perform official duties for other reasons entitling a judge to receive benefits set out in the Act of 25 June 1999 on monetary benefits from social insurance in the event of sickness and maternity, the judge shall be entitled to remuneration in the amount of benefits and for the period provided for in that Act.

II. Related to the state of health

1/ Rehabilitation leave resulting in a reduction in remuneration of up to 80% (Art. 51 § 18 of the Supreme Court Act of 8 December 2017, in conjunction with Art. 94 f of the Act of 27 July 2001. Law on the system of common courts);

2/ health leave not resulting in a reduction of remuneration (Art. 51 § 2-4 of the Act of 8 December 2017 on the Supreme Court;

3/ "special" leave - exemption from work in cases provided for in the Regulation of the Minister of Labour and Social Policy of 15 May 1996 on the manner of justifying absences from work and granting exemptions from work to employees with retention of the right to remuneration including, for example:

- 2 days - in the event of the employee's wedding or the birth of his/her child or the death and funeral of the employee's spouse or his/her child, father, mother, stepfather or stepmother;

- 1 day - in the event of the wedding of the employee's child or the death and funeral of the employee's sister, brother, mother-in-law, father-in-law, grandmother, grandfather, or any other person dependent on the employee or under the employee's direct care (Art. 51 § 16 of the Supreme Court Act of 8 December 2017).

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

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	10 560 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	598 [] NA [] NAP	[X] NA [] NAP
First instance	9 894 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	491 [] NA [] NAP	[X] NA [] NAP
Second instance	469 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Supreme Court	197 [] NA [] NAP	24 [] NA [] NAP	32 [] NA [] NAP	107 [] NA [] NAP	34 [] NA [] NAP

If “Other”, please explain which types of cases: In case of the Supreme Court “Other” refers to”

-17 judges sitting in the Labour and Social Security Law Chamber dealing with the labour law and social security law cases;
 -17 judges sitting in the Extraordinary Review and Public Affairs Chamber dealing, inter alia, with the extraordinary appeals in the civil and criminal law cases, the safeguard of the fundamental rights and freedoms, competition and consumer protection cases, some registration cases as well as election protests and protests concerning the validity of a national referendum, cases concerning the regulation of energy, telecommunications and postal services, rail transport, as well as the regulation of the water and sewage market or complaints concerning the excessive length of proceedings. From the whole number of 90 Supreme Court Judges, 11 Supreme Court Judges are randomly chosen to adjudicate in the Professional Liability Chamber.

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047. Number of court presidents .

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	382 [] NA [] NAP	203 [] NA [] NAP	179 [] NA [] NAP
1. Number of first instance court presidents	363 [] NA [] NAP	188 [] NA [] NAP	175 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	11 [] NA [] NAP	10 [] NA [] NAP	1 [] NA [] NAP
3. Number of Supreme Court presidents	2 [] NA [] NAP	1 [] NA [] NAP	1 [] NA [] NAP

Comments Common courts:

1.The number of court presidents: district and regional courts: 363 (175 women, 188 men)

2.The number of court presidents: the appeal courts: 11 (1 woman, 10 men)

Total number of presidents of common courts: 374 (judges acting as president under Article 22b are not included), including:

1. presidents of district courts - 317 judges male - 153 judges

women - 164 judges

2. presidents of regional courts: 46 judges men - 35 judges

women - 11 judges

3. presidents of courts of appeal: 11 judges men - 10 judges

woman - 1

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

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

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

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

☐ Yes If yes, please give specifications on the types of cases and an estimate in percentage.

☐ No

☒ 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
Gross figure	13 929 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In full time equivalent	<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
Criminal cases (severe)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Criminal cases (misdemeanour and/or minor)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Labour law cases	()	()	(X)
Social law cases	()	(X)	()
Commercial law cases	()	(X)	()
Insolvency cases	()	(X)	()
Other civil cases	()	(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

[X] NAP

Comments

=

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	44 832 [] NA [] NAP	7 261 [] NA [] NAP	37 571 [] NA [] NAP
1. Rechtspfleger (or similar bodies) (see Explanatory Note)	2 675 [] NA [] NAP	767 [] NA [] NAP	1 908 [] NA [] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case preparation, assistance during the hearing, helping to draft the decisions)	25 234 [] NA [] NAP	2 341 [] NA [] NAP	22 893 [] NA [] NAP

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	8 841 [] NA [] NAP	2 097 [] NA [] NAP	6 744 [] NA [] NAP
4. Technical staff	2 522 [] NA [] NAP	863 [] NA [] NAP	1 659 [] NA [] NAP
5. Other non-judge staff	5 560 [] NA [] NAP	1 193 [] NA [] NAP	4 367 [] NA [] NAP

Comments - If “Other non-judge staff”, please specify: 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 2023, item 217), 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.

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
Total non-judge staff working in courts (1+2+3)	44 832 [] NA [] NAP	7 261 [] NA [] NAP	37 571 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	728 [] NA [] NAP	238 [] NA [] NAP	490 [] NA [] NAP

Comments

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

- [X] Legal aid
- [] Family cases

- ☒ [X] Payment orders
- ☒ [X] Registry cases (land and/or business registry cases)
- ☒ [X] Enforcement of civil cases
- ☒ [X] Enforcement of criminal cases
- ☒ [X] Non-litigious cases
- ☒ [X] Other cases not mentioned (please describe in comment)
- ☐ [] NAP

Comments - Please briefly describe their status and exact 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

A legal secretary in an administrative court may: 1) issue decisions on the appointment of a curator for a party lacking legal capacity, who does not have a statutory representative, as well as for a party who does not have a body appointed to represent him/her (Article 30 of the Law on Proceedings before Administrative Courts - hereinafter: p.p.s.a. ; 2) perform actions related to formal deficiencies of the letter, i.e.

call for the deficiencies to be supplemented or issue an order to leave the letter unprocessed in the case of failure to supplement the deficiencies (art. 49 p.p.s.a.); 3) appoint a curator if the applicant makes it probable that the place of residence of the party is unknown (art. 79 p.p.s.a.); 4) request the court of succession to appoint a curator of the estate in the situation after the lapse of one year from the date of the decision to suspend the proceedings, if no legal successors come forward (art. 128 p.p.s.a.); 5) issue a decision confirming the validity of a decision of a voivodship administrative court (Article 169 p.s.a.); 6) take actions related to the collection of a registry fee for a copy of a decision with justification (Article 234 p.s.a.); 7) issue an order to return files to the administrative body (Article 286 p.s.a.).

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

(X) Yes

() No

Comments

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

[X] IT services

[] Training of staff

[X] Security

[X] Archives

[X] Cleaning

[X] Other types of services (please specify):comment below

Comments - If "Other types of services", please specify: 1) Maintenance of the Court,

2) Maintenance and repair of business premises,

3) Maintenance and repair of office premises,

4) Court equipment,

5) Photocopying,

6) Bookbinding,

7) Waste disposal,

8) Making business cards,

9) Microbiological analysis,

10) Plant care,

11) Servicing and repairing office equipment,

12) Translation,

13) Energy performance

14) Disinfection and deratisation,

15) Related to the obligation to implement fire regulations,

16) Expert reports,

17) Building survey,

18) Leasing of business premises for accommodation of judges of the Supreme Administrative Court,

19) Exhibition at the seat of the Court,

20) Catering,

21) Laundry services,

22) Provision of an external emergency team in the event of a radiological emergency,

23) Creation of the official seal,

24) Servicing and repairing official cars,

25) Rental of office and storage space,

26) Telecommunications,

27) Document destruction,

28) Insurance.

[] NA

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

Sources: Department of Administrative Supervision

Regulations of the Act of 27 July 2001. Law on the Common Court System (Journal of Laws of 2023, item 217), Databases derived from Department of Personnel and Organization of the Common and Military Courts in the Ministry of Justice

3.3. Public prosecution

3.3.1 Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled.)

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	5 914 [] NA [] NAP	2 819 [] NA [] NAP	3 095 [] NA [] NAP
1. Number of prosecutors at first instance level	3 791 [] NA [] NAP	1 618 [] NA [] NAP	2 173 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	1 638 [] NA [] NAP	897 [] NA [] NAP	741 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	86 [] NA [] NAP	61 [] NA [] NAP	25 [] 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. In contrast, under item 3 is the number of prosecutors in the position of prosecutor of the National Prosecuting Authority. The total is higher than the sum of the subcategories because it includes the number of prosecutors employed in regional prosecutor's offices - a total of 399 prosecutors (156 women and 243 men), as, pursuant to Article 16 of the Act of 28 January 2016 - Law on the Public Prosecutor's Office (Journal of Laws of 2023, item 1360), the common organisational units of the public prosecutor's office are: National Prosecutor's Office, regional prosecutor's offices, circuit prosecutor's offices and district prosecutor's offices.

The table in question does not, therefore, provide an opportunity to illustrate the full structure of the public prosecutor's office in Poland, which, in accordance with the above-mentioned provision of the Law on the Public Prosecutor's Office, consists of four levels. All items (1 - 3) include military prosecutors, of whom 86 are employed at the district prosecutor's office level, including 61 men and 25 women; 48 at the circuit prosecutor's office level, including 38 men and 10 women; and 16 military prosecutors (12 men and 4 women) at the National Prosecutor's Office. In regional prosecutors' offices, prosecutors for military affairs do not perform official duties.

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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(s) part-time work can be granted? (multiple replies possible)

- ☐ Child-care
- ☐ Elderly care or other dependant persons' care
- ☐ Training
- ☐ For the purposes of early retirement
- ☐ No specific reason required
- ☐ Other reason, please specify:

Comments

055-1-3. If yes, what is the number of prosecutors working part-time with reduced remuneration?

	Total	Males	Females
Total (1 + 2 + 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level	<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. Are there other possibilities (apart of part-time work) for regular adjustment of working time or conditions with or without reduced remuneration?

	Adjustment of working time or conditions with or without reduced remuneration
Temporary reduction of the workload	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Temporary reduction of the working time / special leave	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other measures	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration?

055-1-5 . If yes, please specify in which situation(s) these possibilities can be used?

- ☐ Child-care
- ☐ Elderly care or other dependant persons' care

- ☐ Training
- ☐ For the purposes of early retirement
- ☐ As part of induction process for new prosecutors
- ☐ No specific reason required
- ☐ Other reason, please specify:
- ☐ NAP

Comments

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	413 <input type="checkbox"/> NA <input type="checkbox"/> NAP	227 <input type="checkbox"/> NA <input type="checkbox"/> NAP	186 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of heads of prosecution offices at first instance level	355 <input type="checkbox"/> NA <input type="checkbox"/> NAP	187 <input type="checkbox"/> NA <input type="checkbox"/> NAP	168 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	46 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of heads of prosecution offices at Supreme Court level	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: Due to the impossibility of filtering the data as at 31.12.2022, the status as at 21.07.2023 r.

The table takes into account the heads of regional prosecutors' offices, whose number is 11, including nine men and two women.

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. In your judicial system, do other persons have similar duties to those of public prosecutors?

☒ Yes

☐ No

Comments - If yes, please specify their titles and functions: The above figures show the status as at 31.12.2022 and also include assessors in the Military Affairs Departments, of which there are 14 in total.

The provisions concerning prosecution assessors are set out in Section V of the Act - Law on the Public Prosecutor's Office. Pursuant to Article 173 of the Act - Law on the Public Prosecutor's Office, the Public Prosecutor General may entrust an assessor of the public prosecutor's office, for a specified period of time, not exceeding 3 years, with the performance of prosecutorial activities without the right to:

- 1) participation in the proceedings before the court of appeal and in the proceedings before the district court, with the exception of proceedings at first instance in cases in which he has conducted pre-trial proceedings;
- 2) to appear before the Supreme Court, to draw up appeals and motions to the Supreme Court.

An assessor of the public prosecutor's office who is not authorised to perform prosecutorial activities may act as a public prosecutor in cases in which an investigation has been conducted.

In addition, the provisions relating to public prosecutors (pursuant to Article 174 § 1 of the Act - Law on Public Prosecution) apply accordingly to prosecution assessors.

057-1. If yes, please provide the number (in full-time equivalent):

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

() Yes

(X) No

[] NAP

Comments 470 - prosecution assessors

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

	-
Domestic violence	<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
Sexual violence	<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 In the prosecution service, there is specialisation in certain categories of offences, e.g. financial crimes, organised crime, economic crimes, corruption, malpractice. This specialisation involves the performance of official duties by prosecutors investigating the above offences within separate organisational units in the prosecution service.

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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
Number of staff (non-public prosecutors) attached to the public prosecution service	9 226 [] NA	1 852 [] NA	7 374 [] NA

Comment – please describe which categories of staff you have included in your reply: The table provides data on the actual employment of clerks, assistant prosecutors and other employees in the common organisational units of the public prosecutor's office.

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

Sources: The source of the answers is:

- data from the IT system of the National Public Prosecutor's Office
- data provided by the organisational units of the Public Prosecutor's Office and collected in the Personnel Office within the framework of quarterly reports on the limits and use of posts and staffing in the group of clerks, prosecutor's assistants, criminal analysts and other employees in Regional Prosecutor's Offices and subordinate units.

The table shows the numbers actually employed in the common organisational units of the Prosecutor's Office, as the Human Resources Office of the National Prosecutor's Office does not have detailed data on the number of FTE employees.

The Human Resources Office also does not have detailed data on the number of employees in common organisational units of the public prosecutor's office who are employed on a permanent or temporary basis. At the same time, it should be added that the organisational units of the public prosecutor's office provide the Human Resources Office with data on employees of the public prosecutor's office (the military part is distinguished) in the following groups:

- 1) FTE limits,
- 2) utilisation of the full-time limit (without conversion into full-time equivalents and without division into women and men) rounded up to the second decimal place, the actual number of staff employed (broken down into male and female employees).

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)
The promotion of judges	()	(X)
The recruitment of prosecutors	()	(X)
The promotion of prosecutors	()	(X)
The recruitment of non-judge staff	()	(X)
The promotion of non-judge staff	()	(X)

Comments - Please specify the status of this person/institution and if it has a consultative function or if its opinions/decisions have legal

consequences: In Poland, a Government Plenipotentiary for Equal Treatment has been appointed <https://www.gov.pl/web/rownetraktowanie/strona-glowna>, whose tasks include the following. - analysing and assessing the social situation and legal solutions from the point of view of respecting the principle of equal treatment, as well as submitting motions to competent authorities to issue or amend legal acts in the area of the Government Plenipotentiary for Equal Treatment's competence, - initiating, implementing, coordinating and monitoring activities, including inter-ministerial activities, aimed at ensuring equal treatment and protection against discrimination, drafting and issuing opinions on legal acts and government programmes in the field of the principles of equal treatment.

3.4.3 At court/public prosecution services level

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

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

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

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

have been already implemented (please specify) :

are planned (please specify) :

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

[X] NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible gender 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:
- ☒ NAP

Comments - Please specify also the reference documents.

3.5. Use of information technologies in courts

3.5.1 Governance

ICT STRATEGY

062-01. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

☒ Yes

☐ No

Comments Strategic projects included in the Strategy for Responsible Development up to 2020 (with an outlook up to 2030);
Strategic directions and objectives of the Ministry of Justice - Minister of Justice Order 2021

062-02. If there is an overall ICT strategy in the judicial system, who was involved in the process of its definition?

☐ Judges (Judicial council)

☐ Prosecutors (Prosecutorial or judicial council)

☒ Ministry of justice

☐ Lawyers (bar association)

☐ Notaries (association of notaries)

☐ Enforcement agents (association of enforcement agents)

☐ Other (please specify)

☐ NA

☐ NAP

Comments

LEGISLATION

062-03. Does a national legislation/regulation of ICT in the judicial system exist?

☒ Yes

☐ No

Comments

062-04. If yes, how is this legislation/regulation of ICT in the judicial system structured?

☐ Relevant norms are included in the general e-government legislation/regulation

☒ Relevant norms are included in specific legislation/regulation only for the judicial system

☐ Relevant texts are included in dedicated technical documents/specifications

☐ Other, please specify

☐ NA

Comment - If more than one of the proposed models exist in your country, please select them all and explain the details The possibility of creating ICT systems in the Polish judiciary system is regulated at the statutory level (Act of 27/07/2001, Law on the Organization of Common Courts), while the minimum scope of data and functionalities that can be implemented using the ICT system are specified in the implementing act to the above-mentioned Act in the form of a decree of a minister of justice.

☐ NA

IMPACT OF IMPLEMENTATION OF ICT SYSTEMS

062-05. Have you already organised audits/evaluations/assessments of the impact of the implementation of the ICT system?

☒ Yes

☐ No

Comments

062-06. If these audits/evaluations/assessments were already organised, please specify their modalities:

	Format	Last conducted audit
ICT Governance	<input type="checkbox"/> Internal <input type="checkbox"/> External <input checked="" type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
Security and risk management	<input type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
Impact on efficiency and quality of the business processes and workflow	<input type="checkbox"/> Internal <input type="checkbox"/> External <input checked="" type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA

Impact on human resources (number, workload, wellbeing)	<input type="checkbox"/> Internal <input type="checkbox"/> External <input checked="" type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
Other, please specify in comments	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input checked="" type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA

Comment - If you have selected other area, please provide details. Please also add details on the content of the last organised evaluation.

062-07. If these audits/evaluations/assessments were organised in the last 5 years, how did you apply their recommendations/results?

☒ Update applications

☐ Define new ICT projects/modules

☐ Adjust legislation

☐ Adjust working processes

☐ Withdraw/stop use of a module/application

☐ Reporting purpose only

☐ Other, please specify

☐ NA

☐ NAP

Comments

3.5.2 Electronic case processing
ELECTRONIC SUBMISSION OF CASES

062-08. If it is possible to submit a case to a court electronically, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<div><div><input type="checkbox"/> 95-100 %</div><div><input type="checkbox"/> 75-95 %</div><div><input type="checkbox"/> 50-75 %</div><div><input checked="" type="checkbox"/> 25-50 %</div><div><input type="checkbox"/> 1-25 %</div><div><input type="checkbox"/> 0 %</div><div><input type="checkbox"/> NAP - electronic submission is not possible</div><div><input type="checkbox"/> NA</div></div>	<div><div><input type="checkbox"/> 95-100 %</div><div><input checked="" type="checkbox"/> 75-95 %</div><div><input type="checkbox"/> 50-75 %</div><div><input type="checkbox"/> 25-50 %</div><div><input type="checkbox"/> 1-25 %</div><div><input type="checkbox"/> 0 %</div><div><input type="checkbox"/> NAP - electronic submission is not possible</div><div><input type="checkbox"/> NA</div></div>

Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA

Comments *civil cases - The usage rate has been calculated as the ratio between the number of cases that were electronically submitted, and the number of cases submitted for which the electronic submission was possible, in the reference year.

062-09. If it is possible to submit a case to a court electronically, please specify the modalities:

	Electronic or paper	Possible to be submitted electronically by:	Data integration
Civil	<input checked="" type="checkbox"/> Paper submission is still possible <input checked="" type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input checked="" type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input checked="" type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input checked="" type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input checked="" type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA

Comments

SENDING ELECTRONIC DOCUMENTS TO COURT

062-10. If it is possible to send case-related documents to the courts electronically, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA

Comments The usage rate has been now calculated as the ratio between the number of documents that were electronically sent and the number of documents for which the electronic transmission was possible in the reference year.

062-11. If it is possible to send electronically case related documents to the courts, please specify the modalities:

	Electronic or paper	Possible to be submitted electronically by:	Data integration
Civil	<input type="checkbox"/> Paper delivery is still possible <input checked="" type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input checked="" type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the CMS <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> Documents sent by a lawyer <input type="checkbox"/> Documents sent by a party not represented by a lawyer <input type="checkbox"/> Documents sent by another person/institution <input checked="" type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input checked="" type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA

Comment - If you have selected the option “Documents sent by another person/institution”, please specify details.

ELECTRONIC NOTIFICATIONS

062-12. If it is possible for courts to send electronic notifications, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input checked="" type="checkbox"/> NA

Comments The usage rate has been now calculated as the ratio between the number of notifications that were electronically sent and the number of notifications for which the electronic despatch was possible in the reference year.

062-13. If it is possible for courts to send electronic notifications, please specify the modalities:

	Electronic or paper	Type of notification	Data integration
Civil	<input checked="" type="checkbox"/> Paper notification is still possible <input checked="" type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) <input type="checkbox"/> Double notification (paper notification must accompany the electronic one) <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Notifications sent by the court to the lawyer <input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer <input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts <input checked="" type="checkbox"/> Notifications sent to other persons/institutions <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The electronic notification is generated from the CMS <input checked="" type="checkbox"/> The electronic notification is manually generated <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> Paper notification is still possible <input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) <input type="checkbox"/> Double notification (paper notification must accompany the electronic one) <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Notifications sent by the court to the lawyer <input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer <input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts <input type="checkbox"/> Notifications sent to other persons/institutions <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> The electronic notification is generated from the CMS <input type="checkbox"/> The electronic notification is manually generated <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> Paper notification is still possible <input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) <input type="checkbox"/> Double notification (paper notification must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> Notifications sent by the court to the lawyer <input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer <input type="checkbox"/> Notifications with attached official documents sent by the courts <input type="checkbox"/> Notifications sent to other persons/institutions <input checked="" type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> The electronic notification is generated from the CMS <input type="checkbox"/> The electronic notification is manually generated <input checked="" type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA

Comment - If you have selected the option “Notifications sent to other persons/institutions”, please specify details.

CONSULTATION OF A CASE ONLINE

062-14. If it is possible for external users to consult a case online, what are the deployment and usage rates?

Deployment rate	Usage rate
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Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA

Comments The deployment rate has been now calculated as the ratio between the active cases for which the electronic consultation is possible and the total number of active cases in the reference year. The usage rate has been calculated as the ratio between the number of electronic consultations of active court case files and the number of active court case files for which the electronic format was possible in the reference year.

062-15. If it is possible for external users to consult a case online, please specify the modalities:

	Content	Access	Consultation format
Civil	<input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> Case status <input type="checkbox"/> Documents <input type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input checked="" type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input checked="" type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> Electronic access at the court premises <input type="checkbox"/> Other, please specify <input checked="" type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA

Comment - If you have selected the option “Other”, please specify details. User’s computer via Internet .

REMOTE HEARINGS

062-16. If it is possible to organise remote hearings what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA

Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA
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Comments The deployment is calculated as the ratio between the number of cases where the online format was possible and the total number of possible hearings in the reference year.

The usage rate is calculated as the ratio between the number of remote hearings that were organised and the total number of cases where remote hearing was possible in the reference year. The usage depends mostly on judge's decision in a particular case as well as participants' declarations. In criminal matters it is rarely exploited as the use of remote communication technologies could present serious risks to the basic rights of suspects and accused persons, in particular the right to a fair trial, the right to be present at the trial and the right of defence.

062-17. If it is possible to organise remote hearings, please specify the functionalities and modalities:

	Functionalities	Modalities
Civil	<input checked="" type="checkbox"/> Dedicated tool specially designed for the use by courts <input type="checkbox"/> Publicly available tools used by courts <input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> Agreement of the parties is needed <input checked="" type="checkbox"/> The judge can impose a remote hearing <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA

Administrative	<input type="checkbox"/> Dedicated tool specially designed for the use by courts <input checked="" type="checkbox"/> Publicly available tools used by courts <input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Agreement of the parties is needed <input type="checkbox"/> The judge can impose a remote hearing <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Dedicated tool specially designed for the use by courts <input type="checkbox"/> Publicly available tools used by courts <input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> Agreement of the parties is needed <input checked="" type="checkbox"/> The judge can impose a remote hearing <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA

Comments

ELECTRONIC ARCHIVES

062-18. If electronic archives of cases exist, what are the deployment and usage rates?

Deployment rate	Usage rate
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Civil	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - electronic archives do not exist <input type="checkbox"/> NA
Administrative	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - electronic archives do not exist <input type="checkbox"/> NA
Criminal	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - electronic archives do not exist <input type="checkbox"/> NA

Comments

062-19. If an electronic archive of cases exists, please specify the modalities:

	Electronic or paper
Civil	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA
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Comments

3.5.3 Tools

CASE MANAGEMENT SYSTEMS (CMS)

062-20. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA

Comments

062-21. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

	Functionalities
Civil	<input type="checkbox"/> Centralised and/or interoperable CMS databases <input type="checkbox"/> Active case management dashboard <input checked="" type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input type="checkbox"/> Identification of a case between instances (unique or linked id number) <input type="checkbox"/> Electronic transfer of a case to another instance/court <input type="checkbox"/> Anonymisation of decisions to be published <input type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input checked="" type="checkbox"/> Access to closed/resolved cases <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Protected log files <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> Centralised and/or interoperable CMS databases <input checked="" type="checkbox"/> Active case management dashboard <input type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number) <input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court <input type="checkbox"/> Anonymisation of decisions to be published <input type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input checked="" type="checkbox"/> Access to closed/resolved cases <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Protected log files <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, because of its importance please specify details.

062-22. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

	Functionalities
Criminal	<input type="checkbox"/> Centralised and/or interoperable CMS databases <input type="checkbox"/> Active case management dashboard <input checked="" type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input type="checkbox"/> Identification of a case between instances (unique or linked id number) <input type="checkbox"/> Electronic transfer of a case to another instance/court <input checked="" type="checkbox"/> Anonymisation of decisions to be published <input type="checkbox"/> Interoperability with prosecution system <input type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input checked="" type="checkbox"/> Access to closed/resolved cases <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Protected log files <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details.

WRITING ASSISTANCE TOOLS

062-23. If writing assistance tools exist in courts, what are their deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA

Administrative	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - writing assistance tools do not exist <input type="radio"/> NA	<input type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input checked="" type="radio"/> NAP - writing assistance tools do not exist <input type="radio"/> NA
Criminal	<input checked="" type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input type="radio"/> NAP - writing assistance tools do not exist <input type="radio"/> NA	<input checked="" type="radio"/> 95-100 % <input type="radio"/> 75-95 % <input type="radio"/> 50-75 % <input type="radio"/> 25-50 % <input type="radio"/> 1-25 % <input type="radio"/> 0 % <input type="radio"/> NAP - writing assistance tools do not exist <input type="radio"/> NA

Comments 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.

062-24. If writing assistance tools exist in courts, please describe their functionalities:

	Functionalities
Civil	<input checked="" type="checkbox"/> Templates <input type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="radio"/> NA
Administrative	<input type="checkbox"/> Templates <input type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – writing assistance tools do not exist <input type="radio"/> NA

Criminal	<input checked="" type="checkbox"/> Templates <input type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA
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Comment - If you have selected the option “Other special functionality”, please specify the details.

RECORDING OF COURT HEARINGS

062-25. If a tool to record court hearings exists, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input checked="" type="checkbox"/> NA

Comments

062-26. If a tool to record court hearings exist, please specify its functionalities:

Functionalities

Civil	<input checked="" type="checkbox"/> Audio recording <input checked="" type="checkbox"/> Video recording <input checked="" type="checkbox"/> Systematic recording for all hearings <input checked="" type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input checked="" type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> Audio recording <input checked="" type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input checked="" type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Audio recording <input checked="" type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details.

DATABASE OF COURT DECISIONS

062-27. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

Percentage of 1st instance decisions published	Percentage of 2nd instance decisions published	Percentage of Supreme court decisions published
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Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA

Comments The administrative judiciary is two instances: Provincial Administrative Courts and the Supreme Administrative Court

062-28. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

	1st instance	2nd instance	Supreme court
Civil	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA

- If you have selected the option “Other” because the court decisions are published online in some other way than the presented modalities, please describe. <https://orzeczenia.ms.gov.pl/>

The administrative judiciary is two instances: Provincial Administrative Courts and the Supreme Administrative Court

062-29. If there is a database of court decisions at national level, what are the functionalities of this database?

	Functionalities
Civil	<input checked="" type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details.

STATISTICAL TOOLS

062-30. If there are statistical tools for analysing court case data, what is their deployment rate?

	Deployment rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA

Comments

062-31. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

	Functionalities	Data available for statistical analysis
Civil	<input type="checkbox"/> Integration/connection with the CMS <input checked="" type="checkbox"/> Business intelligence software <input checked="" type="checkbox"/> Generation of predefined statistical reports <input checked="" type="checkbox"/> Generation of customised statistical reports <input checked="" type="checkbox"/> Internal page and/or dashboard <input checked="" type="checkbox"/> External page with statistics (public website) <input type="checkbox"/> Real-time data availability <input checked="" type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input type="checkbox"/> Age of a pending case <input type="checkbox"/> Length of proceedings <input type="checkbox"/> Number of hearings <input type="checkbox"/> Cases per judge <input type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input checked="" type="checkbox"/> Result of the appeal <input type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA

Administrative	<input type="checkbox"/> Integration/connection with the CMS <input type="checkbox"/> Business intelligence software <input checked="" type="checkbox"/> Generation of predefined statistical reports <input type="checkbox"/> Generation of customised statistical reports <input checked="" type="checkbox"/> Internal page and/or dashboard <input type="checkbox"/> External page with statistics (public website) <input checked="" type="checkbox"/> Real-time data availability <input checked="" type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input checked="" type="checkbox"/> Age of a pending case <input checked="" type="checkbox"/> Length of proceedings <input type="checkbox"/> Number of hearings <input checked="" type="checkbox"/> Cases per judge <input type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input checked="" type="checkbox"/> Result of the appeal <input type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> Integration/connection with the CMS <input checked="" type="checkbox"/> Business intelligence software <input checked="" type="checkbox"/> Generation of predefined statistical reports <input checked="" type="checkbox"/> Generation of customised statistical reports <input checked="" type="checkbox"/> Internal page and/or dashboard <input type="checkbox"/> External page with statistics (public website) <input checked="" type="checkbox"/> Real-time data availability <input type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input type="checkbox"/> Age of a pending case <input type="checkbox"/> Length of proceedings <input type="checkbox"/> Number of hearings <input type="checkbox"/> Cases per judge <input type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input checked="" type="checkbox"/> Result of the appeal <input type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details

OTHER TOOLS

062-32. Is there any application for online court-related dispute resolution?

☐ Yes

☒ No

062-33. If yes, is there a maximum value over which online court-related dispute resolution cannot be organised?

- ☐ Yes, please specify the maximum value
- ☐ No

Comments

062-34. If yes, can the online court-related dispute resolution be used in the following areas?

- ☐ Small claim litigation
- ☐ Undisputed claim
- ☐ Payment order
- ☐ Misdemeanour criminal cases
- ☐ Enforcement of civil cases
- ☐ Other, please specify

Comment: Please describe the existing online procedures:

062-35. Is there a computerised national record centralising all criminal convictions?

- ☒ Yes
- ☐ No

Comments

062-36. If yes, please specify the following information:

- ☐ The computerised record includes biometric data (ex. fingerprint data, picture)
- ☒ The computerised record is linked to other European records of the same nature (ex. ECRIS)
- ☒ The content is directly available through computerised means for judges and/or prosecutors (ex. interoperability with the CMS)
- ☐ The content is directly available for purposes other than criminal (ex. civil and administrative matters)
- ☒ The record contains conviction information on third-country nationals and stateless persons

Comments

062-37. Is there a Document Management System (DMS) in the registry of courts?

- ☐ Yes
- ☒ No

Comment: If yes, please provide details on the purposes and usage of this system.

062-38. In addition to the tools listed in the ICT section of this questionnaire does your judicial system use other innovative ICT tools?

- ☐ Yes
- ☒ No

Comment: If yes, please list and describe these ICT tools.

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

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

☒ Yes

☐ No

Comments - If yes, please specify:

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

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

Comments

3.6.2 Measuring court/public prosecution services

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

☒ number of incoming cases

☒ length of proceedings (timeframes)

☒ number of resolved cases

☒ number of pending cases

☒ backlogs

☒ productivity of judges and court staff

☐ satisfaction of court staff

☐ satisfaction of users (regarding the services delivered by the courts)

☐ costs of the judicial procedures

☒ number of appeals

☒ appeal ratio

☒ clearance rate

☒ disposition time

☐ other (please specify):

Comments

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

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

Comments

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

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

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	(X)	()
within the public prosecution services	(X) comment below	()

Comments

073. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 70?

- (X) Yes
- () No

Comments

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

- () Annual
- () Less frequent
- (X) 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 (multiple replies possible)?

☒ Identifying the causes of improved or deteriorated performance

☒ Reallocating resources (human/financial resources based on performance)

☒ Reengineering of internal procedures to increase efficiency

☐ Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 70-1?

☒ 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: Twice a year

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 (multiple replies possible)?

☒ Identifying the causes of improved or deteriorated performance

☒ Reallocating resources (human/financial resources based on performance)

☒ Reengineering of internal procedures to increase efficiency

☐ 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): court presidents

Comments

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 Information regarding courts /public prosecution services activity

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

- ☒ Yes (please indicate the name and the address of this institution): Ministry of Justice
- ☐ No

Comments

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

- ☒ Yes, on the internet (please provide the link) <https://isws.ms.gov.pl/pl/baza-statystyczna>
- ☐ 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. Postępu 3, 02-676 Warszawa
- ☐ No

Comments

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

(X) Yes, on the internet (please provide the link)<https://www.gov.pl/web/prokuratura-krajowa/sprawozdania-i-statystyki>

() No, only internally (on an intranet website)

() No

Comments

=

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

(X) Yes

() No

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

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

[X] Internet

[] Intranet (internal) website

[X] Paper distribution

Comments

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

(X) 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)?

(X) Yes

() No

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

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

[X] 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

3.6.4 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 these 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

083-1-1. What are the consequences for a judge if these targets are not met?

	Consequences:
Without disciplinary procedure	<input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment]
With disciplinary procedure	<input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment]
-	<input type="checkbox"/> No consequences
-	<input checked="" type="checkbox"/> NAP (no targets defined)

Comments

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

	Existence of a system of individual evaluation of the judges' work
Quantitative	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Qualitative	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

114-1. Please specify the frequency of this evaluation:

- ☐ Annual
☐ Less frequent
☐ More frequent
☐ Different frequencies used, please specify:
☒ NAP

=

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 these 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):
☒ NAP

Comments If one were to consider that this question, is linked to question 83-2 on quantitative objectives, then the answer is NAP. Which is not to say that the efficiency of a prosecutor is not subject to any assessment by superiors. Indeed, it is the task of prosecutors exercising a managerial function to ensure the proper and efficient performance of official tasks in the units and organisational units entrusted to them, in particular to ensure the efficiency of the proceedings conducted by the prosecutors subordinate to them. Executives are therefore obliged to have knowledge of, inter alia, the number of proceedings conducted by their subordinate prosecutors, the number of proceedings completed by them, the number of protracted proceedings and to react to cases of, for example, protracted proceedings.

083-3-1. What are the consequences for a prosecutor if these targets are not met?

Consequences:

Without disciplinary procedure	<input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input checked="" type="checkbox"/> NAP
With disciplinary procedure	<input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input checked="" type="checkbox"/> NAP
No consequences	<input type="checkbox"/> No consequences <input checked="" type="checkbox"/> NAP

Comments

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

	Existence of a system of individual evaluation of the public prosecutors' work
Quantitative	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Qualitative	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

120-1. Please specify the frequency of this evaluation:

- ☐ Annual
☐ Less frequent
☐ More frequent
☐ Different frequencies used, please specify:
☒ NAP

Comments

C4. Please indicate the sources for answering the questions in this part

Sources: National Prosecutor's Office Department of Human Resources and Organisation of the Common and Military Courts

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 are:

	-
The total number of the initiated procedures in the reference year	12 707 [] NA [] NAP
The total number of recusals pronounced in the reference year	[X] NA [] NAP

Comment - Please, could you briefly specify: Refers to the number of cases for the exclusion of a judge in ordinary courts

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)

[] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

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

[X] For civil cases

[X] For criminal cases

[X] For administrative cases

[] NAP

Comments

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

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:

088. Are there simplified procedures for:

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

Comments - If yes, please specify: Civil cases: Simplified proceedings are used to hear cases involving claims for benefits if the value of the subject matter of the dispute does not exceed twenty thousand zlotys, and in cases involving claims under a warranty or guarantee - if the value of the subject matter does not exceed this amount, Article 5051 § 1 of the Code of Civil Procedure. The essential features of these proceedings include:

- the absence of a pre-trial hearing, unless the circumstances of the case indicate that its conduct may contribute to a more efficient examination of the case;
- only one claim may be asserted in a single action;
- modification of an action is not allowed;
- in cases where the value of the subject matter of the dispute does not exceed four thousand zlotys, the justification of the judgment is limited to explaining the legal basis of the judgment quoting the provisions of law. It is at the discretion of the court, based on consideration of all circumstances of the case, to extend such justification;
- an appeal against a judgment issued in such proceedings is heard by a single judge;

There is a specific regulation in Chapter 8, Articles 119-122 of The Act of 30th August 2002 Law on Proceedings before Administrative Courts.

The simplified procedure in administrative court proceedings applies when:

- 1) a decision or decision is vitiated by a defect of invalidity referred to in Article 156 § 1 of the Code of Administrative Procedure or in other provisions, or has been issued in violation of the law giving rise to the resumption of proceedings;
- 2) a party submits a motion to refer the case for summary hearing and none of the other parties, within fourteen days from the notification of the submission of the motion, requests a hearing;
- 3) the subject of the complaint is a decision made in administrative proceedings which is subject to a complaint or which terminates the proceedings, as well as a decision deciding the case on the merits and decisions made in enforcement and security proceedings which are subject to a complaint;
- 4) the subject of the complaint is the inaction or protracted conduct of the proceedings;
- 5) the decision was issued in a simplified procedure referred to in Section II in Chapter 14 of the Act of 14 June 1960. - Code of Administrative Procedure.

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

☒ civil cases

☐ criminal cases

☐ administrative cases

Comments - If yes, please specify: In a way, yes - in such cases the legislator provided for the possibility to prepare justification for the judgment with the content limited only to explanation of the legal basis of the judgment with reference to the provisions of law - Article 5058 of Kodeks Postpowania Cywilnego (the Code of Civil Procedure). As a rule, therefore, the justification of a judgment in such a case will be limited to stating only the legal basis for the decision and citing provisions of law.

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 etc.)?

	Yes	No
Agreement on general arrangements	(X)	()
Agreement in specific cases	()	(X)

Comments

4.2.2 Case flow management – first instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	3 155 498 [] NA [] NAP	10 117 066 [] NA [] NAP	10 422 527 [] NA [] NAP	2 850 037 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	847 353 [] NA [] NAP	886 821 [] NA [] NAP	870 959 [] NA [] NAP	863 215 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	2 151 194 [] NA [] NAP	8 882 540 [] NA [] NAP	9 200 717 [] NA [] NAP	1 833 017 [] NA [] NAP	[X] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	546 351 [] NA [] NAP	3 452 358 [] NA [] NAP	3 452 785 [] NA [] NAP	545 924 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	1 604 843 [] NA [] NAP	5 430 182 [] NA [] NAP	5 747 932 [] NA [] NAP	1 287 093 [] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	1 480 647 [] NA [] NAP	4 637 698 [] NA [] NAP	4 936 257 [] NA [] NAP	1 182 088 [] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	124 196 [] NA [] NAP	792 484 [] NA [] NAP	811 675 [] NA [] NAP	105 005 [] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	33 262 [] NA [] NAP	77 737 [] NA [] NAP	76 713 [] NA [] NAP	34 286 [] NA [] NAP	[X] NA [] NAP
4. Other cases	123 689 [] NA [] NAP	269 968 [] NA [] NAP	274 138 [] NA [] NAP	119 519 [] NA [] NAP	[X] NA [] NAP

Comments * Administrative law cases - In 2022, the number of incoming administrative cases decreased compared to the previous year. The number of incoming complaints about the inaction of public administration bodies and the protracted conduct of proceedings by these bodies also decreased. The decrease in the receipt of such complaints in 2022 was 30.2% compared to 2021. This may be indicative of the catching up of public administration activities caused by the COVID-19 pandemic. Data for the next years will show whether the downward trend will continue.

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

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

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

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

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	400 266 [] NA [] NAP	2 027 558 [] NA [] NAP	2 044 536 [] NA [] NAP	383 288 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	190 074 [] NA [] NAP	370 638 [] NA [] NAP	382 721 [] NA [] NAP	177 991 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	85 126 [] NA [] NAP	376 830 [] NA [] NAP	376 636 [] NA [] NAP	85 320 [] NA [] NAP	[X] NA [] NAP
3. Other criminal cases	125 066 [] NA [] NAP	1 280 090 [] NA [] NAP	1 285 179 [] NA [] NAP	119 977 [] NA [] NAP	[X] NA [] 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 Severe criminal cases includes all offences under the Penal Code, Penal Fiscal Code and offences specified in other Acts. Misdemeanours are cases conducted under the Petty Offence Code.

The category "Other cases" covers the rest of cases conducted in criminal courts which are not connected directly with the severe criminal cases or misdemeanours (mainly cases conducted under the Code of Criminal Procedure and Petty Offences Procedure Code).

Cases under the Criminal Procedure Code and the Misdemeanours Code, which are presented as 'other criminal cases', are preliminary or follow-up proceedings.

4.2.3 Case flow management – second instance

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	97 505 [] NA [] NAP	178 408 [] NA [] NAP	169 188 [] NA [] NAP	106 725 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	64 343 [] NA [] NAP	132 176 [] NA [] NAP	120 234 [] NA [] NAP	76 285 [] NA [] NAP	[X] NA [] NAP

2. Non litigious cases (2.1+2.2+2.3)	4 968 [] NA [] NAP	14 974 [] NA [] NAP	15 521 [] NA [] NAP	4 421 [] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	4 808 [] NA [] NAP	14 656 [] NA [] NAP	15 176 [] NA [] NAP	4 288 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	160 [] NA [] NAP	318 [] NA [] NAP	345 [] NA [] NAP	133 [] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	160 [] NA [] NAP	318 [] NA [] NAP	345 [] NA [] NAP	133 [] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other cases	28 194 [] NA [] NAP	31 258 [] NA [] NAP	33 433 [] NA [] NAP	26 019 [] NA [] NAP	[X] NA [] NAP

Comments - If “Other cases” please specify According to the available data for civil, commercial and labour and social security cases at second instance for 2022. - taking 2021 as a benchmark: In courts of appeal :

(a) In civil and commercial cases, including in the AGa category in 2022, the number of cases settled actually decreased slightly (by 1.0%), with a total increase in settlements in ACa+AGa cases of 7.5% compared to 2021. Thus, overall in civil and commercial appellate cases, the number of settlements in the appellate courts has increased. Despite the increase in settlements, the impact of ACa+AGa cases (65.6%) was not brought under control, due to its drastic increase of 51.9% compared to 2021. (cases involving franking credits).

- In 2022, there was a slight decrease in the handling of ACz (by 1.9%) and AGz (by 2.4%) complaint cases, which can be explained by a decrease in the impact of these categories of cases by 7.3% and 4.9%, respectively, compared to 2021. The impact of ACz cases was controlled at 100.6% and AGz cases at 101.9%;

Thus, in AGa cases, the reason for the decrease in handling (by only 1%) was a drastic increase in the impact of ACa cases (by 64.5%), while the handling of ACa and AGa cases combined increased, so there is no basis for further explanation. In AGz cases, the decrease in disposals should be linked to the decrease in receipts. The decrease in the handling of cases has not impeded the control of the impact of the cases, so there are no grounds for further explanation. b) In labour and social security cases, the total number of cases disposed of in 2022 decreased (by 17%), of which the number of cases disposed of in the APa category decreased by 9.6%, which was due to a 14.8% decrease in the number of cases received in this category, as 104.9% of the cases received were managed, while in the AUa category, the number of cases disposed of decreased by 18.1% (from 21,360 to 17,500 cases) in relation to 2021, This was partly attributable to the 4.9% decrease in receipts, but above all to the inability to handle a larger number of homogeneous AUa cases, as was the case in 2021

regarding the pension amount of women from the so-called "1953 vintage", which were handled in large numbers in 2021. in connection with new decisions of the pension authority, issued on the basis of the provisions of the Act of 19 June 2020 amending the Act on pensions from the Social Insurance Fund (Journal of Laws of 2020, item 1222) implementing the judgment of the Constitutional Tribunal of 6 March 2019. P 20/16. It should be emphasised that the disposition of this type of cases in 2021 was atypically high (in both appellate and district courts) and significantly higher than in 2020, when it amounted to 12 929 cases in appellate courts. Moreover, in 2021, proceedings were discontinued in 6 923 cases in this category, while in 2022, only 1 193 cases were discontinued. only 1 193 cases of this category were discontinued, which resulted in a decrease in the total number of cases handled in the labour and social security division and the inability to control the impact in 2022. (93,6%); - in 2022, the handling of grievance cases in the AUz cat. decreased by 28.9% (from 3,611 to 2,565), which was also due to the decrease in the inflow of cases in this category (by 27.43%) in relation to 2021, as the inflow in this category of cases was contained. In the APz category, the 16.41% decrease in the number of cases settled in 2022 (from 201 to 168 cases) was also due to a 19.40% decrease in the inflow of cases in this category (from 201 to 162 cases) in relation to 2021.

In regional courts:

- (a) in civil appellate cases Ca the number of civil cases settled in 2022.decreased in comparison to 2021 only minimally by 0.01% (by 6 cases), so there are no grounds for further clarification;
- in complaint cases Cz at second instance, the number of cases handled in 2022 decreased by 10.60% (from 37,565 to 33,581) compared to 2021, as a result of a 17.48% decrease in receipts (from 36,190 to 29,863).It should be emphasised that, despite the decrease in settlements, receipts in this category were controlled by 112.4% and the backlog was reduced by 38.49% compared to the end of 2021;(b) in Ga commercial appeal cases, the number of cases disposed of fell by 13.4%, as a result of a 19.8% decrease in receipts. It should be emphasised that despite the decrease in disposals, receipts were controlled by 113.3% and the backlog was reduced by 17.5% compared to the end of 2021.
- in Gz grievance cases, the number of cases handled fell by 13.1%, as a result of a 9.9% decrease in receipts. It should be emphasised that, despite the decrease in disposals, receipts were controlled by 102.2% and the backlog was reduced by 9.3% compared to the end of 2021.
- c) in labour and social security cases, the number of cases disposed of in 2022 - in Ua appellate cases, the number of civil cases disposed of in 2022 compared to 2021 increased by 1.5% and requires no explanation, while in Pa category cases, the number of cases disposed of compared to 2021 decreased slightly by 2.5% (from 4,775 to 4,656), which was due to a 3.4% decrease in receipts in this category, while receipts were only slightly (97.9%) unmanaged;
- in grievance cases, the number of cases disposed of in the A&E category fell by 15.67% (from 1,557 to 1,313 cases), as a result of a 19.43% decrease in the number of cases disposed of in this category in relation to 2021, while the impact was contained; in the Uz category, the number of cases disposed of in 2022 decreased only slightly by 6 cases (from 459 to 453 cases), which does not require detailed explanation. In cases, Ga and Gz, Cz and Pz, the decrease in handling should be attributed to a decrease in receipts.The decrease in disposals did not prevent the impact of cases from being brought under control, so there are no grounds for further explanation. With regard to the courts of second instance, it should also be pointed out that the transfer of the duty to conduct inter-institutional proceedings to the courts of second instance has resulted in an increased workload for the judges sitting in these divisions. In addition, the Covid-19 pandemic has reduced the ability to conduct court proceedings efficiently and has resulted in a backlog of judges' dockets, which is increasing due to the increase in influence. This is coupled with a sharp increase in the impact of cases in the appellate courts, including in particular an increase in the impact of franking cases referred to the appellate courts.

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	29 247 [] NA [] NAP	193 553 [] NA [] NAP	193 913 [] NA [] NAP	28 887 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	15 222 [] NA [] NAP	51 306 [] NA [] NAP	50 825 [] NA [] NAP	15 703 [] NA [] NAP	[X] NA [] NAP

2. Misdemeanour and / or minor criminal cases	1 254 [] NA [] NAP	5 460 [] NA [] NAP	5 643 [] NA [] NAP	1 071 [] NA [] NAP	[X] NA [] NAP
3. Other criminal cases	12 771 [] NA [] NAP	136 787 [] NA [] NAP	137 445 [] NA [] NAP	12 113 [] NA [] NAP	[X] NA [] 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: Serious criminal cases include all offences under the Penal Code, the Fiscal Penal Code and offences under other laws. Misdemeanours are cases conducted under the Misdemeanours Code.

The category "Other cases" includes other cases conducted in the criminal courts that are not directly related to serious criminal cases or misdemeanours (mainly cases conducted under the Criminal Procedure Code and the Misdemeanours Code).

4.2.4 Case flow management – Supreme Court



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	5 329 [] NA [] NAP	10 726 [] NA [] NAP	8 071 [] NA [] NAP	7 984 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.2.2 Non-litigious business registry cases	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
3. Administrative law cases	37 314 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	23 488 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	21 923 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	38 879 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
4. Other cases	889 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	2 259 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	1 768 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	1 150 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP

Comments - If “Other cases”, please specify Compared to previous years, the number of pending cases on 31 December of the reference year has increased, but it should be noted that the number of incoming cases has increased significantly.

In the Civil Chamber, for example, the number of incoming cases doubled compared to the cases received in 2020 (4360 incoming cases in 2020, while 8176 incoming cases in 2023).

Another factor that significantly affects the statistics of case recognition is the new measure introduced by the amendment to the Supreme Court Act of 9 June 2022, which entered into force on 15 July 2022 - the motion to examine the fulfilment of the requirements of independence and impartiality of a Supreme Court judge, taking into account the circumstances of his or her appointment and his or her post-appointment. Article 29(6) of the Supreme Court Act, which provides an additional procedural guarantee for the parties, on the other hand affects the length of the proceedings before the Supreme Court. It can be noted that this measure is widely used by the parties, which can be particularly observed in disciplinary proceedings. Furthermore, it has an impact on other Chambers of the Supreme Court, including the Civil Chamber.

It should also be noted that the Supreme Court has not had all of its legally stipulated Supreme Court judge positions filled for years (as at 31 December 2021, 90 of the 125 positions stipulated in Section 2 of the Supreme Court Rules were filled), which, combined with the increasing number of incoming cases each year, has resulted in an increasing number of pending cases.

Even taking the abovementioned problems into account, it should be noted that the number of cases decided by the Supreme Court is increasing year-on-year.

In the Civil Chamber, 5785 resolved cases (compared to 4926 resolved cases in 2021);

In the Extraordinary Review and Public Affairs Chamber, 1617 resolved cases (compared to 1120 resolved cases in 2021);

In the Criminal Chamber, 4161 resolved cases (compared to 4003 resolved cases in 2021);

Only the Labour and Social Security Law Chamber has recorded a slight decrease in the number of resolved cases - 2286 in 2022 (compared to 2299 resolved cases in 2021).

*3 administrative law cases: in 2022, the lifting of restrictions on court activity due to the declared epidemic state in Poland has increased the number of cases handled by the Supreme Administrative Court.

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:

() No

Comments no data available

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	1 372 [] NA [] NAP	4 224 [] NA [] NAP	4 161 [] NA [] NAP	1 435 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Other criminal cases	[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

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 cases older than 2 years from the date the case came to the first instance court
Litigious divorce cases	56 326 [] NA [] NAP	78 280 [] NA [] NAP	80 763 [] NA [] NAP	54 029 [] NA [] NAP	[X] NA [] NAP
Employment dismissal cases	4 710 [] NA [] NAP	4 385 [] NA [] NAP	4 900 [] NA [] NAP	4 195 [] NA [] NAP	[X] NA [] NAP
Insolvency	5 790 [] NA [] NAP	23 120 [] NA [] NAP	20 469 [] NA [] NAP	8 441 [] NA [] NAP	[X] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments "Insolvency cases": to a small extent, the decrease in resolved cases may be due to a decrease in the receipt of cases in this category. The reason for the decrease in settlements and the increase in pending cases may also have been due to the implementation of the telematic system of the National Register of Debtors, which became operational on 1 December 2021 and was therefore still in an early stage of development in 2022. In addition, the courts signalled in 2022 that it was difficult to produce statistical reports after the implementation of the NCR ICT system.

101-0. Number of 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 cases for more than 2 years
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	112 [] NA [] NAP	324 [] NA [] NAP	348 [] NA [] NAP	88 [] NA [] NAP	[X] NA [] NAP
Court cases relating to the right of entry and stay for aliens	3 847 [] NA [] NAP	6 607 [] NA [] NAP	8 713 [] NA [] NAP	1 741 [] NA [] NAP	[X] NA [] NAP

Comments Decisions of the Head of the Office for Foreigners issued in cases of foreigners, both concerning asylum and entry and residence on the territory of the Republic of Poland, may be appealed before the administrative court. The court controls the legality of these decisions. In proceedings for granting international protection, the Head of the Office for Foreigners issues decisions in the first instance, and they may be appealed to the Council for Refugees, whose decisions are appealable to the administrative court (data included in the table). On the other hand, for example in cases concerning the obligation to return or temporary residence and work permits, the Head of the Office for Foreigners is a second instance authority whose decisions are directly appealable to the administrative court. The data provided in the table include all cases pending before administrative courts of the first instance of persons applying for asylum and the right to enter and stay in the territory of the Republic of Poland, including cases initiated by complaints against decisions of the Head of the 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.

Decisions of the Head of the Office for Foreigners issued in cases of foreigners, both concerning asylum and entry and residence on the territory of the Republic of Poland, may be appealed before the administrative court. The court controls the legality of these decisions. In proceedings for granting international protection, the Head of the Office for Foreigners issues decisions in the first instance, and they may be appealed to the Council for Refugees, whose decisions are appealable to the administrative court. On the other hand, for example in cases concerning the obligation to return or temporary residence and work permits, the Head of the Office for Foreigners is a second instance authority whose decisions are directly appealable to the administrative court.

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
Child sexual abuse	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Child pornography	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

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 length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>
Litigious divorce cases	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>
Employment dismissal cases	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>
Insolvency cases	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>
Robbery cases	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>
Intentional homicide cases	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>[X] NA</div> <div>[] NAP</div> </div>	<div> <div>Allow decimals : 2</div> <div>[X] NA</div> <div>[] NAP</div> </div>

Comments

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 replies possible):

- ☒ [X] to conduct or supervise investigation
- ☒ [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):comment below

Comments

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

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

Comments - If yes, please specify:

=

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

	Number of cases
1.Pending cases on 1 Jan. ref. year	123 182 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP
2.Incoming/received cases	1 093 318 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP
3.Processed cases (3.1+3.2+3.3+3.4)	1 150 227 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	823 473 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	169 874 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	56 958 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP

3.1.3 Discontinued by the public prosecutor for reasons of opportunity	115 903 [] NA [] NAP
3.1.4 Discontinued for other reasons	480 738 [] NA [] NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	49 926 [] NA [] NAP
3.3. Cases brought to court	276 828 [] NA [] NAP
4. Pending cases on 31 Dec. ref. year	116 199 [] NA [] NAP

Comments The other modes of termination concerned 414,485 cases (other modes of termination: refusal to prosecute, suspension, dealt with in another way, transfer to commander, criminal prosecution transferred). These cases are reported within the category “discontinued for other reasons”.

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
Total number of guilty plea procedures	96 189 [X] NA [] NAP	96 189 [] NA [] NAP	[X] NA [] NAP
Before the main trial	49 926 [X] NA [] NAP	49 926 [] NA [] NAP	[X] NA [] NAP
During the main trial	46 263 [X] NA [] NAP	46 263 [] NA [] NAP	[X] NA [] NAP

Comments *) 46 263 = Data refers to persons convicted at first instance:

- Convicted as a result of granting an application under Article 335 § 1 or 2 of the Code of Criminal Procedure: in District Courts - 658 persons, in Regional Courts - 41,690 persons.
- Voluntary surrender to liability for criminal and fiscal offences (Kks): in District Courts - 3,915 persons.

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

(X) Yes

() No

Comments

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

Sources: Statistics Department
National Prosecutor's Office

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1 Recruitment and promotion of judges

110. How are judges recruited?

- ☐ through a competitive exam (open competition)
- ☐ through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- ☒ other (please specify): comment below

Comments The procedure for the appointment of all judges in Poland is set out in the Constitution of the Republic of Poland. Pursuant to Article 179 in conjunction with Article 144(3)(17) of the Constitution of the Republic of Poland, judges are appointed by the President of the Republic of Poland, on the motion of the National Council of the Judiciary, for an indefinite period of time. The appointment of judges is a well-established prerogative of the President of the Republic of Poland in the Polish constitutional tradition and therefore its exercise does not require the countersignature of the Prime Minister or the approval of any other authority. It follows from Article 55 § 1 of the Act of 27 July 2001 Law on the Common Court System (Journal of Laws 2023, item 217) that a judge of a common court is a person appointed to that position by the President of the Republic of Poland who has taken an oath before the President of the Republic of Poland.

110-1. Please briefly describe the recruitment procedure(s) for judges in your country:

. Anyone who fulfils the conditions for taking up a position of a judge of a common court may submit his/her candidature for one judicial post after the Minister of Justice issues a proclamation about the vacant judicial post in the Official Journal of the Republic of Poland "Monitor Polski". The evaluation of the candidate's qualifications is prepared by a judge appointed by the president of the respective court, who submits it to the National Council of the Judiciary together with the required documents. During its session, the National Council of the Judiciary examines the candidatures submitted for vacant judge's positions. Judges of common courts are appointed to perform judicial functions by the President of the Republic of Poland upon a motion of the National Council of the Judiciary. Judges of common courts are appointed to the positions of district court judge, circuit court judge, appellate court judge. When appointing to the office of a judge, the President of the Republic of Poland designates the official place (seat) of the judge.

110-2. What are the recruitment requirements for judges (multiple replies possible)?

- ☒ Age
- ☒ Nationality
- ☒ Physical/Psychological capacity
- ☒ General studies in law
- ☒ Advanced studies in law (Master, PhD)
- ☐ Number of years of relevant experience
- ☐ Traineeship/judicial functions in courts
- ☒ Validation of a general state examination in law
- ☒ Validation of a specific examination for judges
- ☒ Clean criminal record

- ☐ Foreign languages
- ☐ Personal requirements (related to integrity)
- ☒ Other
- ☐ NAP

Comments - If “other”, please specify:

110-3. In the frame of these recruitments, please indicate the number of applicants for the position of judge and the number of recruitments actually made during the reference year:

	Total	Males	Females
Number of applicants	648 <input type="checkbox"/> NA	214 <input type="checkbox"/> NA	434 <input type="checkbox"/> NA
Number of recruited persons	241 <input type="checkbox"/> NA	76 <input type="checkbox"/> NA	165 <input type="checkbox"/> NA

Comments

110-4. If the number of applicants decreased in the last years did you take any remedial measures?

- ☐ Yes
- ☒ No

Comments

110-5. If yes, please specify what remedies you implemented:

- ☐ Increase of salary
- ☐ Other financial incentives
- ☐ Improving working conditions
- ☐ Workload reduction at the beginning of career
- ☐ Other adjustments in the frame of the induction of new judges
- ☐ Other

Comments: If “other”, please, specify:

=

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) responsible for 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	Males	Females
Members	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing/appointing its members: The National Council of the Judiciary is a constitutional organ of the Polish state and its composition is set out in Article 187(1) of the Polish Constitution. The Council's structure, scope of activities and work procedures are defined by: Constitution (Article 186(1) of the Constitution), the Act on the National Council of the Judiciary of 12 May 2011 and the Resolution of the National Council of the Judiciary of 24 January 2019 concerning the Rules of Procedure of the National Council of the Judiciary. The position of the Council is also determined by the fact that the task entrusted to it - to uphold the independence of judges and the independence of the courts - has acquired the status of a constitutional principle.

The National Council of the Judiciary is a collegiate body. It is composed of 25 members. It consists of:

- First President of the Supreme Court,
- President of the Supreme Administrative Court, - Minister of Justice,
- a person appointed by the President of the Republic of Poland,
- four deputies elected by the Sejm,
- two senators elected by the Senate,
- 15 members elected by the Sejm from among judges of the Supreme Court, common courts, administrative courts and military courts for a four-year term;

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

☒ Yes

☐ No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal:

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

☒ Yes

☐ No

Comments - No, please specify which authority is competent for promoting judges

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

☐ Competitive test / Exam

☐ Previous individual evaluations

☒ Other procedure(s) (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) and how the publicity of promotion processes is ensured:

113-0. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

	Total	Males	Females
Number of applicants	486 [] NA	189 [] NA	297 [] NA
Number of promoted persons	331 [] NA	124 [] NA	207 [] NA

Comments

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"):

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.

115-1. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

- ☐ Yes
- ☒ No

Comments - If yes, please specify:

115-2. If they are prohibited by law or other regulation, are there exceptions?

- ☐ Yes
- ☐ No
- ☒ NAP

Comments - Please describe these exceptions:

115-3. Which authority can issue such specific instructions?

- ☒ General Prosecutor
- ☒ Higher prosecutor/Head of prosecution office
- ☐ Executive power
- ☐ Other
- ☐ NAP

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. The superior prosecutor's instruction on the content of the procedural action is binding on the prosecutor. If the prosecutor disagrees with it, he or she may request that: the order be amended or that he or she be excluded from carrying out the action or from participating in the case. The exclusion shall be finally decided by the prosecutor directly superior to the prosecutor who gave the instruction.

116. How are public prosecutors recruited?

☐ through a competitive exam (open competition)

☐ through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

☒ other (please specify):

Comments Pursuant to Article 80 of the Act - Law on Public Prosecutions, in the event of the creation or dismissal of the position of a prosecutor of a district prosecutor's office, the Prosecutor General shall decide on the selection of a candidate for the first 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.

116-1. Please briefly describe the recruitment procedure(s) for prosecutors in your country:

. The procedure for the appointment (recruitment) of a public prosecutor is described in Section IV of the Act of 28 January 2016 - Law on Public Prosecutions. Pursuant to Article 74 § 1 of the aforementioned Act, prosecutors of common organisational units of the public prosecutor's office for a prosecutor's position are appointed by the Prosecutor General on the motion of the National Prosecutor. Pursuant to Article 80 of the aforementioned Act, in the event that the position of a prosecutor of a district prosecutor's office is created or made vacant, the Prosecutor General shall decide on the selection of a candidate for the first prosecutor's position in a competition procedure conducted pursuant to Articles 81-90 of the Act, and in particularly justified cases shall appoint a candidate indicated in the motion of the National Prosecutor referred to in Article 74 § 1 to that position without a competition procedure. The application to the National Public Prosecutor shall be directed by the competent district prosecutor after ascertaining that the formal requirements of the application submitted on time are met and that the candidate meets the statutory conditions for taking up the position of a district prosecutor. In addition, in the case of a competition procedure, the district prosecutor, after examining the above formal requirements (Articles 75 and 77 of the Act - Law on Public Prosecution), presents the candidature to the college of the district prosecutor's office together with an assessment of the qualifications drawn up by the inspector of the district prosecutor's office, which includes, inter alia, data on the candidate relating to the course of professional work, indication of files, legal opinions, publications presents the candidature to the college of the district prosecutor's office together with an assessment of the qualifications drawn up by the visiting district prosecutor's office, which includes, inter alia, data on the candidate relating to his or her professional history, indication of files, legal opinions, publications, notarial acts or other documents, a description of the results of the candidate's previous work or academic achievements and an opinion in this respect, as well as the final conclusions. The district prosecutor then presents the candidate(s) positively assessed by the college of the district prosecutor's office to the National Prosecutor, together with the opinion of the college and the assessment of qualifications drawn up by the visiting inspector of the district prosecutor's office. The National Prosecutor decides whether to refer the application to the Prosecutor General for the appointment of the candidate to the first prosecutorial post. The final decision in this regard rests with the Prosecutor General. In the case of a non-competitive procedure, the motion to the National Public Prosecutor for appointment to the first prosecutor's post shall be directed by the competent district public prosecutor after he/she has ascertained that the formal requirements for the timely submission of the application have been met and that the candidate meets the statutory conditions for taking up the post of district public prosecutor. The provision of Article 74 § 2 of the aforementioned Act entitles the Prosecutor General to seek the opinion of the competent college of public prosecutors on a candidate for a prosecutorial post. The competent college of public prosecutors shall submit 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 period, it shall be assumed that the opinion is positive.

116-2. What are the recruitment requirements for prosecutors (multiple replies possible)?

- ☒ Age
- ☒ Nationality
- ☒ Physical/Psychological capacity
- ☐ General studies in law
- ☒ Advanced studies in law (Master, PhD)
- ☐ Number of years of relevant experience
- ☐ Traineeship/judicial functions in courts
- ☐ Validation of a general state examination in law
- ☒ Validation of a specific examination for prosecutors
- ☒ Clean criminal record
- ☐ Foreign languages
- ☐ Personal requirements (related to integrity)
- ☒ Other
- ☐ NAP

Comments - If “other”, please specify: Pursuant to Article 75 of the Act - Law on the Public Prosecutor's Office, a person may be appointed to the position of a public prosecutor who: 1) has only Polish citizenship and enjoys full civil and civic rights, and has not been validly convicted of an intentional offence prosecuted by public indictment;

2) is of impeccable character;

3) has completed higher legal studies in Poland and has obtained a master's degree or foreign legal studies recognised in Poland;

4) is fit, in terms of health, to perform the duties of a prosecutor;

5) is at least 26 years of age

6) Has passed a prosecutor's or judge's exam;

7) has been employed in the position of a prosecutor's or judge's assessor for at least one year or has served in military organisational units of the public prosecutor's office a period of service as provided for in the provisions on military service of professional soldiers;

8) did not perform professional service, did not work for or collaborate with the state security organs listed in Art. 5 of the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws of 2021, item 177 and of 2022, item 375), nor was a judge who, when ruling, offended the dignity of the office by compromising judicial independence, which was established by a final ruling.

The requirements referred to in items 6 and 7 do not apply to professors and doctors habilitated in legal sciences at Polish higher education institutions, the Polish Academy of Sciences and scientific and research institutes and other scientific institutions; judges; advocates, legal advisers and the president, vice-president and counselor of the General Prosecutor's Office of the Republic of Poland who have practised this profession or held this position for at least 3 years.

The requirements referred to in point 7 do not apply to notaries.

In addition, pursuant to Article 77, a candidate for a prosecutorial post shall present:

1) information from the National Criminal Register concerning his/her person;

2) a certificate stating that he/she is capable, due to the state of health, of performing the duties of a prosecutor;

3) the candidate for the position of prosecutor born before 1 August 1972 shall also present the statement referred to in Article 7, section 1 of the Act of 18 October 2006 on the disclosure of information on documents of the state security bodies from the years 1944-1990 and the content of such documents (Journal of Laws of 2021, item 1633), or the information referred to in Article 7, section 3a of that Act.

The certificate referred to in item 2 and the examination of a candidate for a prosecutor's post shall be conducted in accordance with the rules applicable to a candidate for a judicial post.

The submission of the information referred to in points 1 and 2 does not apply to candidates occupying the post of prosecutor and the post of judge.

116-3. In the frame of these recruitments, please indicate the number of applicants for the position of prosecutor and the number of recruitments actually made during the reference year:

	Total	Males	Females
Number of applicants	264 [] NA	113 [] NA	151 [] NA
Number of recruited persons	63 [] NA	26 [] NA	37 [] NA

Comments In the case of the non-competition procedure defined in Article 80 of the Law - Law on the Public Prosecutor's Office - the data held is not processed into statistical form.

116-4. If the number of applicants decreased in the last years did you take any remedial measures?

() Yes

(X) No

Comments

116-5. If yes, please specify what remedies you implemented:

[] Increase of salary

[] Other financial incentives

[] Improving working conditions

[] Workload reduction at the beginning of career

[] Other adjustments in the frame of the induction of new prosecutors

[] Other

Comments: If "other", please, specify:

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

[X] 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) responsible for 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 - Law on Public Prosecutions, prosecutors of common organisational units of the public prosecutor's office for the position of prosecutor shall be appointed by the Public Prosecutor General on the motion of the National Public Prosecutor.

The competition procedure for the selection of the candidate for the first prosecutor's post shall be attended by the competent district public prosecutor who, having ascertained that the formal requirements of the application submitted on time are met and that the candidate meets the conditions for taking up the post of district public prosecutor, shall present his/her candidature to the college of the district public prosecutor's office (composed of public prosecutors) together with an assessment of qualifications drawn up by the visiting district public prosecutor's office (public prosecutor). If the college of the district prosecutor's office gives a positive opinion on the candidate, the district prosecutor shall submit to the State Prosecutor an application for appointment to the position of district prosecutor together with the opinion of the college and the assessment of qualifications.

In the case of a non-competitive procedure, the application to the National Public Prosecutor for appointment to the first prosecutor's post shall be addressed by the competent district public prosecutor after ascertaining that the formal requirements of the application submitted on time are met and that the candidate fulfils the statutory conditions for taking up the post of district public prosecutor. The provision of Article 74 § 2 of the aforementioned Act entitles the Prosecutor General to seek the opinion of the competent college of public prosecutors

on a candidate for a prosecutorial post. The competent college of public prosecutors shall submit 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 period, it shall be assumed that the opinion is positive.

117-1. How many members compose this authority?

	Total	Male	Female
Members	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing/appointing its members: The only collegial body involved in the selection procedure for a candidate for a prosecutor's position is the college of the district prosecutor's office. Pursuant to the Law on Public Prosecutions (Article 50 § 1), the college of the district prosecutor's office consists of 6 or 9 members elected in two-thirds by a meeting of prosecutors of the district prosecutor's office and delegates of prosecutors of district prosecutors' offices, and in one-third appointed by the district prosecutor from among prosecutors of the district prosecutor's office and district prosecutors from the area of the district prosecutor's office.

It is not possible to determine a fixed composition with a division between men and women.

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

☐ Yes

☒ No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal: Pursuant to Article 82 § 1 of the Act on the Public Prosecutor's Office, if a person who does not fulfil the conditions for taking up the position of a public prosecutor referred to in Article 75 § 1 points 3-8 has applied for his/her candidature, the application has been submitted after the time limit referred to in Article 81 § 2, or the application does not contain the documents required pursuant to Article 77, the District Public Prosecutor shall notify the applicant of leaving the application unprocessed, stating the reason. The person whose application has been left unprocessed may, within 7 days, submit a written objection to the National Public Prosecutor. If the National Public Prosecutor does not accept the objection, he or she shall immediately submit it together with the application to the General Prosecutor. The decision on whether to leave the notification unconsidered shall be made by the State Prosecutor. The avenue of appeal provided for in this provision therefore relates exclusively to the review of the decision on the fulfilment of the formal conditions of the application.

After the formal control of the application, the stage of substantive evaluation of the candidate follows.

Pursuant to Article 82 § 2 of the Act on the Public Prosecutor's Office Law, the district public prosecutor, having ascertained that the formal requirements of the application submitted in due time are met and that the candidate fulfils the conditions for taking up the position of a district public prosecutor, or having taken into account the objection referred to above, presents the candidate's candidature to the district public prosecutor's college together with an assessment of qualifications drawn up by the district public prosecutor's office inspector.

Candidacies positively assessed by the college of the district prosecutor's office, together with the opinion of that college and the assessment of qualifications made by the visiting prosecutor of the district prosecutor's office, shall be presented by the district prosecutor to the National Public Prosecutor (Article 82 § 3 of the Act). The resolution of the college of the district prosecutor's office to give a negative opinion on a given candidate is not subject to appeal. The National Public Prosecutor then decides whether or not to refer the application to the Prosecutor General for the appointment of the candidate concerned to the vacant prosecutorial post. The decision to appoint a prosecutor of a common organisational unit of the public prosecutor's office to a prosecutorial post is taken by the Prosecutor General.

Neither the decision of the National Public Prosecutor not to refer a motion to the Public Prosecutor General for appointment to a prosecutorial position nor the decision of the Public Prosecutor General not to appoint to that position - is subject to appeal.

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

☒ Yes

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

Comments Article 74. § 1 of the Law on the Public Prosecutor's Office stipulates that prosecutors of common organisational units of the public prosecutor's office are appointed to a prosecutorial position by the Prosecutor General on the motion of the National Public Prosecutor.

This applies both to the situation of appointment to the first prosecutorial position and to a higher position (professional promotion). The procedures preceding the referral by the National Prosecutor in both cases differ. In contrast to the procedure for appointment to the first prosecutorial post mentioned above, for appointment to higher prosecutorial posts no competitions are organised, nor is the opinion of the collegiate bodies required, nor are written assessments of qualifications carried out by visiting prosecutors. Such assessment is indirectly provided by the opinions of superiors, who as a rule put forward a person's candidacy for a higher position, and the length of service in the position of a lower-level prosecutor is also relevant - in accordance with the provisions contained in the provisions of Article 76 of the Act - Law on Public Prosecutions. There is also a reward procedure for promotion in accordance with Article 133 of the Law on the Public Prosecutor's Office. It stipulates that prosecutors who show initiative at work, exemplarily and conscientiously fulfil their duties and particularly contribute to the performance of their official tasks, may be granted by the Prosecutor General or the National Public Prosecutor awards and distinctions. Awards may also be promoted at an earlier date than provided for in the regulations on appointment to a higher official position or in special regulations.

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

- ☐ Competitive test / exam
- ☐ Previous individual evaluations
- ☒ Other procedure(s) (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) and how the publicity of promotion processes is ensured: Pursuant to Article 74 § 1 and Article 76 of the Law of 28 January 2016 on the Public Prosecutor's Office, prosecutors of common organisational units of the public prosecutor's office are appointed to senior prosecutorial positions by the Prosecutor General on the motion of the National Public Prosecutor. The proposal for promotion shall be forwarded to the National Public Prosecutor by the public prosecutor in charge of the unit to which the appointment is to be made. The forwarding of the application shall be done through official channels. Prior to the appointment, the Prosecutor General may seek the opinion of the competent college of public prosecutors on the candidate for the prosecutor's position (Article 74 § 2 of the Act - Law on Public Prosecutors). The competent college of public prosecutors shall submit the opinion to the Prosecutor General within 30 days from the date of receipt of the request for opinion. If the opinion is not submitted within this period, it shall be assumed that the opinion is positive.

119-1. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

	Total	Males	Females
Number of applicants	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
Number of promoted persons	75 <input type="checkbox"/> NA	46 <input type="checkbox"/> NA	29 <input type="checkbox"/> NA

Comments The number of promoted persons corresponds to the 2022 promotion procedures.

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 of the Law on the Public Prosecutor's Office stipulates that the position of a public prosecutor of the National Public Prosecutor's Office may be appointed to a person who, while fulfilling the conditions for the position of a public prosecutor, has at least 8 years of experience as a public prosecutor or judge, including not less than 5 years of work as a public prosecutor of an appeal, regional district or regional prosecutor's office or a prosecutor of the Institute of National Remembrance, a judge of an appellate court or a district court or a military district court, or for at least 12 years prior to his or her appointment, he or she has worked as an advocate, legal adviser, notary public or held the position of president, vice-president and adviser of the General Prosecutor's Office of the Republic of Poland.

§ 2. A person may be appointed to the position of a prosecutor of a regional prosecutor's office who, while fulfilling the requirements for the position of a prosecutor, has at least 6 years of experience in the position of a prosecutor or judge, including not less than 3 years in the position of a prosecutor of a regional prosecutor's office or a prosecutor of the Institute of National Remembrance, a judge of a regional court or of a military regional court, or for at least 10 years prior to his or her appointment, he or she practised the profession of an advocate, legal adviser, notary public or held the position of president, vice-president and counsel for the General Prosecutor's Office of the Republic of Poland.

§ 3. A person may be appointed to the position of a prosecutor of a district prosecutor's office who, while fulfilling the requirements for the position of a prosecutor, has at least 3 years of work as a district prosecutor or prosecutor of the Institute of National Remembrance, a judge of a district court or military garrison court, or who for at least 6 years prior to his or her appointment held the position of an advocate, legal adviser, notary public or held the position of president, vice-president and counselor of the General Prosecutor's Office of the Republic of Poland.

§ 4 The required period of service referred to in § 1-3 shall not apply to persons referred to in Article 75 § 2 item 1.

§ 5. In particularly justified cases, in order to ensure the proper implementation of the statutory tasks of the public prosecutor's office, the Public Prosecutor General, upon the motion of the National Public Prosecutor may appoint a public prosecutor to perform duties in the National Public Prosecutor's Office, in a regional public prosecutor's office or in a district public prosecutor's office without the requirements referred to in § 1-3. completed higher legal studies in Poland and obtained a Master's degree or foreign legal studies recognised in Poland.

It follows from the content of the above-mentioned provision that the statutory prerequisite for promotion is length of service, but in fact professional skills, commitment to the performance of official duties, organisation and work culture are also important.

Article 133 - Law on the Public Prosecutor's Office provides for the promotion of a public prosecutor by reward (exceptional). Such promotion is possible at an earlier date than provided for in the appointment regulations when the prosecutor has shown initiative at work, has performed his/her duties in an exemplary and conscientious manner and has made a special contribution to the performance of official tasks.

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 decision of a disciplinary court to remove a judge - illness

- retirement due to reorganisation of the judiciary

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

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 Judges are appointed for life. However, a judicial assessor performs the duties of a judge for a period of 4 years from the date of assuming the position of assessor (art. 106i§8 of the A.s.p.).

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

☒ Yes, please indicate the compulsory retirement age:65

☐ No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The Law on Public Prosecutions provides in Art. 93 § 1 that the Public Prosecutor General may, at the request of the National Public Prosecutor, dismiss a public prosecutor of a common organisational unit of the public prosecutor's office or a public prosecutor of the Institute of National Remembrance if the public prosecutor, despite being punished twice by a disciplinary court with a disciplinary penalty other than a warning, has committed an official misconduct, including committing an obvious offence against the law or has offended the dignity of the public prosecutor's office; before taking a decision on dismissal, the Public Prosecutor General shall hear the prosecutor's explanations, unless this is not possible, and shall consult the meeting of prosecutors of the National Public Prosecutor's Office or the relevant assembly of prosecutors in the regional prosecutor's office.

§ (2) The Prosecutor General shall dismiss a public prosecutor of a common organisational unit of the public prosecutor's office who has resigned from the position of public prosecutor or who does not fulfil the requirements referred to in Article 75 § 1 item 8.

§ 3. The official relationship of a public prosecutor shall expire 3 months after the date of service of the notice of dismissal, unless a shorter period is specified at the request of the public prosecutor concerned.

§ (4) A final disciplinary court decision on expulsion from prosecution service and a final court decision convicting a public prosecutor of an intentional crime prosecuted by public indictment or imposing on a public prosecutor a penal measure depriving him or her of public rights, prohibiting him or her from holding the position of a public prosecutor, demotion or expulsion from professional military service, shall cause, by operation of law, the loss of the position of a public prosecutor; the public prosecutor's official relationship shall expire upon the judgment or verdict becoming final.

§ 5 (repealed).

§ 6. The official relationship of a prosecutor shall expire on the day when he or she loses Polish citizenship or acquires citizenship of another state.

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

[]

[] NA

[X] NAP

Comments

125-1. Is it renewable?

- ☐ Yes
☐ No
☒ NAP

Comments

126. If the mandate of 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
Initial training (e.g. attend a judicial school, traineeship in a court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input 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
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Comments

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

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

Other in- service training	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
-----------------------------------	--

Comments - Please indicate any information on the periodicity of the continuous training of judges: Training and other forms of professional development of judges and judge's assessors are carried out in accordance with the annual training schedule. The schedule takes into account training needs reported by the Minister of Justice - the Public Prosecutor General, the National Public Prosecutor, the National Council of the Judiciary, the National Council of Public Prosecutors at the Public Prosecutor General, presidents of courts of appeal and regional prosecutors.

The Director of the National School establishes the annual training schedule developed on the basis of the assumptions by 30th September of the year preceding the year in which the schedule is to be implemented. The schedule is then submitted to the Minister of Justice for approval in terms of compliance with the financial plan. The Minister of Justice approves the schedule within 7 days from the date of receipt of the draft financial plan.

The main source of information on training needs is the Training Needs Analysis for each year, prepared by the Research and Analysis Department of the National School. Apart from this analysis, the basis for presenting the proposed topics is an analysis of the legislative process and the National School's commitment to continue programs financed from external funds. The last element that determines the choice of training topics are various types of analyzes and information relating to the problems of the judiciary.

128-1. Do you have a minimum number of compulsory trainings per judge:

	Per judge
Initial compulsory training – minimum number of trainings	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Initial compulsory training – minimum number of days	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In-service compulsory trainings – minimum number of trainings per year	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In-service compulsory trainings – minimum number of days per year	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

In-service training on gender equality	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
Other in- service training	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Training and other forms of professional development of public prosecutors and public prosecutor's assessors are carried out in accordance with the annual training schedule. The schedule takes into account training needs reported by the Minister of Justice - the Public Prosecutor General, the National Public Prosecutor, the National Council of the Judiciary, the National Council of Public Prosecutors at the Public Prosecutor General, presidents of courts of appeal and regional prosecutors.

The Director of the National School establishes the annual training schedule developed on the basis of the assumptions by 30th September of the year preceding the year in which the schedule is to be implemented. The schedule is then submitted to the Minister of Justice for approval in terms of compliance with the financial plan. The Minister of Justice approves the schedule within 7 days from the date of receipt of the draft financial plan.

The main source of information on training needs is the Training Needs Analysis for each year prepared by the Research and Analysis Department of the National School. Apart from this analysis, the basis for presenting the proposed topics is an analysis of the legislative process and the National School's commitment to continue programs financed from external funds. The last element that determines the choice of training topics are various types of analyzes and information relating to the problems of the judiciary.

130-1. Do you have a minimum number of compulsory trainings per prosecutor:

	Per prosecutor
Initial compulsory training – minimum number of trainings	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Initial compulsory training – minimum number of days	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In-service compulsory trainings – minimum number of trainings per year	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In-service compulsory trainings – minimum number of days per year	<input type="text"/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>

Comments

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

	Implemented budget of the institution for the reference year, in €
Institution(s) for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	19 345 057 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. Judges and/or prosecutors have compulsory initial training.

5.2.4 Number of trainings

131-2. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training.

	Number of different live (in person, hybrid, videoconference) trainings available	Number of live (in person, hybrid, videoconference) trainings delivered	Number of days of delivered live (in person, hybrid, videoconference) trainings	Number of internet-based trainings available on the e-learning platform of the training institution (not live)
Total	382 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 010 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 812 <input type="checkbox"/> NA <input type="checkbox"/> NAP	175 <input type="checkbox"/> NA <input type="checkbox"/> NAP
For judges	130 <input type="checkbox"/> NA <input type="checkbox"/> NAP	313 <input type="checkbox"/> NA <input type="checkbox"/> NAP	533 <input type="checkbox"/> NA <input type="checkbox"/> NAP	49 <input type="checkbox"/> NA <input type="checkbox"/> NAP

For prosecutors	64 [] NA [] NAP	173 [] NA [] NAP	348 [] NA [] NAP	38 [] NA [] NAP
For non-judge staff	136 [] NA [] NAP	369 [] NA [] NAP	610 [] NA [] NAP	50 [] NA [] NAP
For non-prosecutor staff	52 [] NA [] NAP	155 [] NA [] NAP	319 [] NA [] NAP	38 [] NA [] NAP

Comments Number of days of delivered live (in person, hybrid, videoconference) trainings:

for judges : 533,5;

for prosecutors: 348,5;

for non-judge staff: 610,5;

for non-prosecutor staff : 319,5;

131-3. Number of participants in the trainings during the reference year.

	Number of participants in live (in-person, hybrid, videoconference) trainings	Number of participants in internet-based trainings provided on the e-learning platform of the training institution (not live)
Total	36 186 [] NA [] NAP	4 145 [] NA [] NAP
Judges	9 683 [] NA [] NAP	837 [] NA [] NAP
Prosecutors	3 908 [] NA [] NAP	484 [] NA [] NAP
Non-judge staff	18 100 [] NA [] NAP	2 432 [] NA [] NAP
Non-prosecutor staff	4 495 [] NA [] NAP	392 [] NA [] NAP

Comments

E2. Please indicate the sources for answering the questions in this part

Sources: Data from own sources - report on the training activities of the National School for 2022 and the training platform of the National School of Judiciary and Public Prosecution

5.3.Practice of the profession

5.3.1Salaries and benefits of judges and prosecutors

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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	26 931 [] NA [] NAP	22 250 [] NA [] NAP	124 283 [] NA [] NAP	102 683 [] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the highest salary of a judge at this level, excluding the salary of the Court President)	79 666 [] NA [] NAP	51 975 [] NA [] NAP	373 548 [] NA [] NAP	243 704 [] NA [] NAP
Public prosecutor at the beginning of his/her career	26 931 [] NA [] NAP	22 250 [] NA [] NAP	124 283 [] NA [] NAP	102 683 [] NA [] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the highest salary of a public prosecutor at this level, excluding the salary of the Attorney General).	73 651 [] NA [] NAP	59 028 [] NA [] NAP	345 416 [] NA [] NAP	276 838 [] NA [] NAP

Comment – Please describe briefly how the salaries are determined during the career of a judge/prosecutor: The salary increase for judges and prosecutors at the beginning of their careers was 4.4% by 2021.

133. Do judges and public prosecutors have additional benefits?

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

Comments

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

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;

[] NAP

=

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

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify. 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
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

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

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 guidelines and/or 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

Comment - Please specify:

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

() Only judges

() Judges and other legal professionals

(X) Other, please specify: see the comment

Comments

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

(X) Yes

() No

Comments - Please describe the work of this institution / body, the frequency of the guidelines and/or 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.

138-2-1. How many guidelines and/or opinions were given during the reference year?

[]

[X] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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

(X) Yes

() No

Comment: Please specify

138-4. If yes, who are the members of this institution/body?

(X) Only prosecutors

() Prosecutors and other legal professionals

() Other, please specify:

Comments

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

(X) Yes

() No

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

138-5-1. How many guidelines and/or opinions were given during the reference year?

[0]

[] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power (please specify):
- ☒ Other (please specify): see the general comments
- ☐ 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
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power (please specify):
- ☒ Other (please specify): see the general comment
- ☐ 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):

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
Total number (1+2+3+4)	43 [] NA [] NAP	62 [] NA [] NAP
1. Breach of professional ethics	24 [] NA [] NAP	[X] NA [] NAP
2. Professional inadequacy	10 [] NA [] NAP	[X] NA [] NAP
3. Criminal offence	1 [] NA [] NAP	[X] NA [] NAP
4. Other	8 [] NA [] NAP	[X] NA [] NAP

Comments - If "other", please specify: Prosecutors - No statistics are kept as to individual categories

Judges - - Forced removal for psychiatric examination;

- Transfer of case according to jurisdiction;

- Committing an offence

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

Judges	Prosecutors
--------	-------------

Total number (total 1 to 10)	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
7. Transfer to another geographical (court) location	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
9. Other	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	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. "Other" for prosecutors 12 reminders "Other" for judges – 20 findings of guilt and waiver of sentence, transfer according to jurisdiction, discontinuance of proceedings, sentence of admonition, acquittal, non-consent to compulsory psychiatric examination;

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

Sources: Disciplinary Courts for Judges
Public Prosecutor's Office

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers



146. Total number of lawyers practising in your country:

	Total	Males	Females
Number of lawyers	61 554 [] NA	30 068 [] NA	31 486 [] NA

Comments Number of advocates: total: 21 447, male- 11 343, female - 10 104

Number of legal counsels: total: 40 107, male - 18 725 , female - 21 382

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

Administrative 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
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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)
Civil society organisation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Family member	(X) Yes () No	(X) Yes () No	() Yes (X) No
Self-representation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Trade union	(X) Yes () No	(X) Yes () No	() Yes (X) No
Other	(X) Yes () No	(X) Yes () No	() Yes (X) No

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

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

- [] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [] Property manager
- [] Real estate agent
- [X] Other (please specify):

Comments parole officer

149-2. Professional lawyers may have the status of:

- [X] Self-employed lawyer
- [X] Staff lawyer
- [X] In-house lawyer

Comments

150. Is the lawyer profession organised through:

- [X] a national bar association
- [X] a regional bar association
- [] a local bar association

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: In Poland, the system of access to legal professions is state-owned and self-government. Access to the profession of lawyer including conducting application-specific pre-exams and appropriate professional exams concern respectively: Law of 26 May 1982 on the Law on lawyers (Journal of laws of 2022, item 1184) and The Law of 6 July 1982 on Legal Counsel (Journal of laws of 2022, item 1166). The main way to reach the legal profession of lawyer is an application run by professional self-government. The application is training that is conducted separately for each legal profession and he prepares to do it. Advocate and legal counsel's internship lasts 3 years. The application is organized and run by the legal authorities. The recruitment of the advocate and legal counsel applications is conducted through state-owned pre-examinations. Pre-examinations for applications are organized by the Minister of Justice in cooperation with professional self-governments. Anyone who has completed a higher degree of law in the Republic of Poland, and awarded a Master's degree or foreign law studies recognized in the Republic of Poland and fulfilled other formal requirements, may take these exams. Once the application is complete, applicants take national professional exams.

The legislator also provided for an additional, non-application route to reach these competitions. In the above-mentioned laws governing individual legal professions, the enumerative ones are mentioned the categories of persons, which, because of their degree or relevant professional experience, are exempt from the requirement of a legal application and a professional examination (e.g. professors and doctors in the legal sciences), or can take a professional exam without having to complete an application.

To summarise - the basic way to reach this competition is therefore to have an appropriate application and passing the exam.

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 of lawyer

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

Comments

6.1.3 Quality standards and disciplinary procedures for lawyers



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 (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 (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:

160. Which authority is responsible for disciplinary procedures?

☐ a judge

☐ Ministry of Justice

☒ a professional authority

☐ other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken

because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1 557 [] NA [] NAP
1. Breach of professional ethics	1 110 [] NA [] NAP
2. Professional inadequacy	247 [] NA [] NAP
3. Criminal offence	84 [] NA [] NAP
4. Other	113 [] NA [] NAP

Comments - If "other", please specify: "Other": f.e. due to not earning enough training points.

Three main reasons for the increase in the number of proceedings between 2020 and 2022 can be identified, namely:

1. an overall increase in the number of legal practitioners: from 19 347 at the beginning of 2020 to 21,444 at the end of 2022 and legal advisers: from 36,492 to 40,159;
2. the COVID-19 pandemic, which in 2020 resulted in a slowdown, sometimes suspension of disciplinary proceedings and thus an increase in their number from 2021 onwards as the pandemic subsided;
3. the completion in 2020 of the two-year clearing cycle for barristers and solicitors required to obtain the appropriate number of credits from training and thus, from 2021, an increased number of disciplinary investigations opened against those who have not fulfilled their continuing professional development obligations during this period.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	1 140 [] NA [] NAP
1. Reprimand	300 [] NA [] NAP
2. Suspension	78 [] NA [] NAP
3. Withdrawal from cases	41 [] NA [] NAP
4. Fine	245 [] NA [] NAP
5. Other	476 [] 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. *3 disqualification from practising the profession

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

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

☒ Yes

☐ No

Comments

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

☐ Before/instead of going to court

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

☒ No mandatory mediation

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

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

☐ Yes

☒ No

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

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

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

Comments * By selecting Yes in the column "private mediator" 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?

(X) Yes

() No

[] NAP

Comments - If yes, please specify:

=

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

	Total	Males	Females
Number of mediators	4 200 [] NA [] NAP	1 350 [] NA [] NAP	2 850 [] NA [] NAP

Comments

166-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc.)?

. A permanent mediator may be a natural person who fulfills the conditions set out in the Act - Code of Civil Procedure.
[Mediator] § 1. The mediator may be a natural person with full capacity to act in full with the public rights.
§ 2. The mediator may not be a judge. This does not apply to judges in the state of rest.
§ 3. Non-governmental organisations in their statutory tasks and universities can list mediators and create mediation centres. The entry on the list requires the consent of the mediator to be expressed in writing. Information on the lists of mediators and media centres shall be forwarded to the president of the district court. § 3 1 . Whenever further provisions of this Code are referred to by the Mediator, this shall also be understood by a permanent mediator, unless otherwise provided in the provisions of this Code.
§ 4. A permanent mediator may refuse to hold a mediation only for valid reasons, which is required to notify the parties immediately, and if the parties to the mediation have directed the court-also the court.

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	32 219 [] NA [] NAP	26 771 [] NA [] NAP	9 139 [] NA [] NAP
1. Civil and commercial cases	15 753 [] NA [] NAP	13 306 [] NA [] NAP	2 426 [] NA [] NAP

2. Family cases	9 688 [] NA [] NAP	7 184 [] NA [] NAP	3 544 [] NA [] NAP
3. Administrative cases	3 [] NA [] NAP	3 [] NA [] NAP	2 [] NA [] NAP
4. Labour cases including employment dismissal cases	3 089 [] NA [] NAP	2 582 [] NA [] NAP	960 [] NA [] NAP
5. Criminal cases	3 686 [] NA [] NAP	3 696 [] NA [] NAP	2 207 [] NA [] NAP
6. Consumer cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
7. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - Please indicate the source: Statistical data - Ministry of Justice (Statistical Guide of the Judicial System)

*6 - consumer cases/disputes - mediation out of court, no data available. Independent and impartial experts help to resolve the dispute. This procedure is also referred to as extrajudicial (without the involvement of a general court).

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

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

Comments negotiations

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

Source: Analysis of lists of permanent mediators + legislation

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

Total (1+2+3+4)	2 210 [] NA [X] NAP	1 587 [] NA [X] NAP	623 [] NA [X] NAP
1. Private professionals under the authority (control) of public authorities	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	2 210 [] NA [] NAP	1 587 [] NA [] NAP	623 [] NA [] NAP
3. Judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If other, please specify their status and competences:

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:

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

Comments - If "other", please specify:

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

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

Seizure from a third party of the debtor claims regarding a sum of money	<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
Seizure of remunerations	<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
Seizure of motorised vehicles	<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
Eviction measures	<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
Seizures of boats and ships	<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
Seizure of aircrafts	<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
Seizure of electronic assets (e.g cryptocurrency)	<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
Enforced sale by public tender of seized properties	<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

Sale of shares	<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
Other	<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 immoveable 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: Pursuant to Article 212(1)(4) of the Code of Civil Procedure, the scope of action of the council of the chamber of judicial officers includes the organisation of professional training for judicial officers and assessors. The subject matter of training may also include topics related to information technology, with this being within the remit of the council of the chamber of judicial officers.

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:

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: Information Provided by the Department of Economic Law

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: The Code of Civil Procedure contains special provisions concerning enforcement with the participation of the State Treasury and entrepreneurs. In turn, the Law on Judicial Officers contains provisions on the supervision of judicial officers - in addition to administrative supervision and internal supervision of the judicial officers' self-government, it also includes judicial supervision.

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

☒ Yes

☐ No

Comments - If yes, please specify: Pursuant to Article 165(1) of the Code of Civil Proceedings, the supervision of judicial officers includes judicial supervision in addition to administrative supervision and internal supervision of the judicial officers' self-government. And pursuant to Article 759 § 2 of the Code of Civil Procedure, the court issues ex officio orders to the judicial officer to ensure the proper execution of the enforcement and to remedy the observed deficiencies. The legal assessment expressed by the court in the orders issued is binding on the bailiff. Furthermore, pursuant to Article 767 § 1 of the Code of Civil Proceedings, the actions of a judicial officer are subject to a complaint to the district court, unless the law provides otherwise. This also applies to the failure of the judicial officer to perform an action.

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	(X) Yes () No
for administrative cases	(X) Yes () 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)	69 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2. For professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	46 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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

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

Source: The figures are derived from the report of the Disciplinary Ombudsman to the National Council of Enforcement agents of the annual activity in 2022.

8.2.Execution of decisions in criminal matters

8.2.1Functioning 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):

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

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

- ☒ Yes
- ☐ No

Comments

191. If yes, what is the recovery rate?

- ☐ 80-100%
- ☒ 50-79%
- ☐ less than 50%

Comments - Please indicate the source for answering this question: 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 2022 reached more than 71 %.

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	Males	Females
TOTAL (1+2+3+4)	3 949 [] NA [] NAP	1 487 [] NA [] NAP	2 462 [] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Holders of public offices appointed by the State	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Civil servants (paid by the State)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	3 949 [] NA [] NAP	1 487 [] NA [] NAP	2 462 [] 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):

- ☒ [X] diploma
- ☐ [] professional experience
- ☒ [X] specific exam
- ☒ [X] appointment procedure by the State
- ☒ [X] initial training
- ☒ [X] 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)?

- ☒ [X] 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
Authentication	<p><input type="checkbox"/> () Yes, exclusively performed by notaries</p> <p><input checked="" type="checkbox"/> (X) Yes, but not exclusively performed by notaries</p> <p><input type="checkbox"/> () No</p> <p><input type="checkbox"/> [] NAP</p>
Certification of signatures	<p><input type="checkbox"/> () Yes, exclusively performed by notaries</p> <p><input checked="" type="checkbox"/> (X) Yes, but not exclusively performed by notaries</p> <p><input type="checkbox"/> () No</p> <p><input type="checkbox"/> [] NAP</p>
Mediation	<p><input type="checkbox"/> () Yes, exclusively performed by notaries</p> <p><input type="checkbox"/> () Yes, but not exclusively performed by notaries</p> <p><input checked="" type="checkbox"/> (X) No</p> <p><input type="checkbox"/> [] NAP</p>
Taking of oaths	<p><input type="checkbox"/> () Yes, exclusively performed by notaries</p> <p><input type="checkbox"/> () Yes, but not exclusively performed by notaries</p> <p><input checked="" type="checkbox"/> (X) No</p> <p><input type="checkbox"/> [] NAP</p>

Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<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
Act as civil servant (for example performing marriage, please specify)	<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
Other judicial functions (for example, payment orders)	<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
Public auctions	<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
Other (for example collect taxes, run registers etc.)	<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 replies 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
Land registry	<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
Business registry	<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
Civil status/ Population registry	<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
Succession / Family law registry	<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
Any other registry (please specify)	<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
None	<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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

Type of training: traditional courses, webinar

Topics of training activities: 1. substantive civil law (including aspects of private international law)

2. obligations of a notary as an obliged institution under the AML and terrorist financing law. 3. anti-money laundering and counter-terrorist financing law. 4. Issues of European law, the rule of law and the Charter of Fundamental Rights.

I1. Please indicate the sources for answering the questions in this part

Sources: Department of the Legal Profession
National Council of Notaries

10.Judicial experts

10.1.Profession of judicial expert

10.1.1Status 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?): A person who wants to be entered on the list of experts must submit an application to the president of the regional court, who judges if candidate fulfills all conditions to become an expert. Expert must be at least 25 years old, must have theoretical and practical special knowledge in specific branch of science, technology, art, craft or other skill. The criteria are not formalized. Experts have to take an oath in order to be registered. Experts are registered for period of five years and they can be registered for next period if still fulfill all conditions.

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 Regional 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 Regional 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 Regional 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 Regional 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 Regional 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?

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

Comments

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

[] judicial proceedings

[X] the profession of expert

[] other

Comments

=

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

(X) 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?

(X) Yes

() No

Comments - If yes, please specify:

205. Number of accredited or registered judicial experts:

	Total	Males	Females
Number of experts	15 000 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Approx. 15 000

The figure given is only an indicative, approximate figure, as there were (and still are) no tools were (and still are) available to precisely determine the number of persons performing this function in 2000 and 2022, in particular there was no central register of expert witnesses.

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

	Number of cases
Total (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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	<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
Defined by the court/judge	<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
Defined by the Ministry of Justice or another ministry (setting a tariff for example)	<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
Salary of public official (in case of forensic or another specialist – who is public employee)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Freely agreed between expert and the parties	<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
Other	<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 - 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 In both the 2000 and 2022 forms, the question on the participation of expert associations in expert training and disciplinary proceedings was answered in the affirmative (question 207-2). The legal status has not changed in this respect in 2000 and 2022.

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

Sources: Department of the Legal Profession

11.Reforms in judiciary

11.1.Foreseen reforms

11.1.1Reforms

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: The list of legislative works of the Council of Ministers under the numbers UD 322 and UD 323 includes, respectively, the draft Act - Law on the System of Common Courts and the draft Act Introductory provisions of the Act - Law on the System of Common Courts. The aim of the proposed laws is to completely overhaul the system of the common courts in order to adapt the judiciary in Poland to current social and economic needs. The basic change to be covered by this comprehensive reform is the replacement of the three levels of the judiciary with two by giving all courts of first instance the status of district courts and establishing regional courts as courts of second instance. It is also envisaged to introduce the principle that appointment to the judicial service is made only once within the ordinary judiciary, thus eliminating the process of judicial promotion, whereby a judge promoted to a higher court has to be appointed each time by the President. Both of the above-mentioned draft laws are currently at the consultation and opinion stage, and the Ministry of Justice has provided extensive responses to the comments made.

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: Work is underway in the parliament (parliamentary print no. 3216) on a draft Act amending the Act - Code of Civil Procedure, the Act - Law on the System of Common Courts, the Act - Code of Criminal Procedure and certain other acts. The act is horizontal in nature, however, it partly deals with the issue of computerisation of the judiciary. The draft is aimed at tidying up regulations concerning computerisation of the judiciary and unambiguous determination of obligations and powers of common courts and the Minister of Justice within the scope of tasks related to design, implementation, maintenance and development of ICT systems providing services for functioning of common judiciary. Moreover, the project is intended to respond to the existing need for gradual integration of the existing and newly created IT tools supporting either particular types of proceedings or particular electronic services made available within these proceedings at the central level (i.e. the Ministry of Justice) and at the regional level (at the level of appellate courts).

In terms of the issues of the judicial system in Poland that have changed in 2022, the Act of 9 June 2022 amending the Act on the Supreme Court and certain other acts (Journal of Laws of 2022, item 1259) is of significant importance. The main objective of the above-mentioned Act was to make changes to the organisation of the Supreme Court by creating the Chamber of Professional Responsibility and abolishing the Disciplinary Chamber, thus ensuring the actual disciplinary responsibility of judges and representatives of public trust professions indicated in the Act, implemented in proceedings before the Supreme Court. With regard to the independence and impartiality of judges, the Act in question introduced the principle that the circumstances surrounding the appointment of a judge cannot constitute the

exclusive basis for challenging a decision made with the participation of that judge or questioning his or her independence and impartiality. Pursuant to the provisions of Article 29 § 5 of the Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2023, item 1093), added by the aforementioned Act, Article 42a § 3 of the Act of 27 July 2001. - Law on the System of Common Courts (Journal of Laws of 2023, item 217, as amended) and analogous provisions of other systemic laws on the functioning of courts, it is permissible to examine a judge's fulfilment of the requirements of independence and impartiality, taking into account the circumstances surrounding his or her appointment and his or her conduct after his or her appointment, if, in the circumstances of the particular case, this is likely to result in a breach of the standard of independence or impartiality affecting the outcome of the case, taking into account the circumstances of the person entitled and the nature of the case. The legislation therefore introduced the so-called independence test, according to which the specific circumstances of the particular case under consideration must be examined and the judge will only be excluded if they affect the outcome of the case. It is therefore not possible to challenge a judge's independence in abstracto and it is necessary to formulate specific allegations affecting his or her independence in the circumstances of the case the judge is hearing. We would also like to kindly inform you that although the regulations on the disciplinary responsibility of judges remain in the form provided for in the aforementioned Act of 9 June 2022 amending the Act on the Supreme Court and certain other acts, it should be noted that the Sejm enacted a new act in the above scope, i.e. the Act of 13 January 2023 amending the Act on the Supreme Court and certain other acts (the act is the result of work on the draft contained in Sejm print no. 2870). This law was forwarded to the President of the Republic of Poland, who referred it to the Constitutional Tribunal on 21 February 2023 under preventive control. The aforementioned act - which is not yet in force and whose entry into force depends on the decision of the Constitutional Tribunal - is aimed at making necessary changes to the organisation of the Supreme Court and the Supreme Administrative Court, related to the assignment to the Supreme Administrative Court of tasks related to the exercise of the function of a disciplinary court for judges of the Supreme Court and judges of common courts and military courts. In addition, the draft Act serves to clarify the principles of disciplinary liability of judges of the Supreme Court and judges of common courts, military courts and administrative courts, with a view to removing any potential doubts concerning the application of the provisions introduced by the Act of 9 June 2022 amending the Act on the Supreme Court and certain other acts insofar as those provisions ensure that a judge's conduct reflected in the content of his or her judicial decision cannot constitute a disciplinary offence. The proposed Act also pre-judges that it cannot constitute a disciplinary offence to examine a judge's compliance with the requirements of independence, impartiality and establishment under the Act, regardless of the legally defined procedure by which these requirements are verified.

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: Within the framework of the project entitled 'Ensuring Access to Justice for Persons with with disabilities', we are spreading awareness of accessibility in Polish courts, setting new accessibility standards for the judiciary, as well as implementing improvements and removing barriers in project courts. We have set new accessibility standards for common court buildings by developing guidelines and good practices on architectural and information and communication accessibility in the form of the Accessible Court Model. The implementation of the task related to retrofitting and carrying out adaptation and construction works in project courts started with a self-diagnosis of accessibility of common courts in all appellate courts in Poland, followed by professional accessibility audits and needs diagnosis in selected 55 courts from all over Poland. Subsequently, the Project Team verified and analysed adaptation possibilities in the courts and prepared retrofitting lists with the scope of adaptation and construction works for each of the 35 courts selected for the further retrofitting phase of the project. As part of the work carried out, we installed more than 1,600 Braille signs in the project courts additionally equipped with NFC technology, as well as equipped the project courts with equipment to support the service of people with disabilities in the form of: - adjustable desks - adjustable chairs - portable induction loops - evacuation chairs - magnifiers - electronic magnifiers - conference induction loops. Some courts have already been equipped with stairlifts (District Courts in Kpno, Tomaszów Lubelski, Sierpc, Pleszew) - which, due to the historic nature of stairs in court buildings, will enable clients experiencing difficulties in moving or using a wheelchair to access vertical communication in court buildings while maintaining physical and mental comfort. We renovated and adapted the toilets in the courts in Wbrzeno and Pleszew, as well as replacing and installing automatic entrance doors in the obez District Court. By the end of the project, we will have, among other things: reconstructed part of the building in order to build a shaft and install a lift for people with disabilities in the District Court building in Chrzanów in Chrzanów, we

will renovate a passenger lift in the District Court in Sokołów Podlaski, we will carry out an extension of a lift for people with disabilities in the historic building of the District Court in Mylenice, and we will build a lift in the District Court in Toru. In addition, we will design and purchase a navigation and information system to assist visually impaired persons in orientation. with visual impairments in spatial orientation at the District Court for Warszawródmiecie in Warsaw, we will adapt the pavement together with external stairs and a driveway to the needs of people with disabilities on the grounds of the District Court in Kpno, and we will rebuild the entrance and install a step platform at the District Court in Mielec. Most of the project courts will also be equipped with tyflographic plans to facilitate understanding and movement inside the court buildings.

All projects implemented under the project are aimed at facilitating physical access to court buildings for stakeholders with disabilities by removing a diagnosed architectural or information and communication barrier. The effectiveness of these activities will be confirmed by the results of professional final accessibility audits, which will illustrate the state of accessibility in a given court and provide new guidelines and recommendations for individual and post-project implementation by courts to further improve the level of accessibility. The direct benefit of project activities will be an increase in the quality of customer service through the use of competences acquired during training (by the end of May 2023, more than 3,500 court employees had been trained) and the possibility of using equipment and technology to facilitate communication with persons with disabilities. The guidelines and standards for an accessible court (MDS) developed within the project will constitute an easily accessible set of principles and good practices, which courts will be able to use in the course of renovations, investments and adaptation works in occupied buildings. In addition, we are considering - during the life of the project and maintenance of post-project benefits - the possibility of making the standards contained in the MDS obligatory, by obliging the verification of compliance of works carried out and orders made in the courts with the solutions contained in the MDS. The advantage of doing this would be to ensure that the needs of people with disabilities are required to be taken into account in any investment carried out across the judiciary.

208-5. High Judicial Council (competent for judges and/or prosecutors)

☐ 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:

208-7. Gender equality

☐ 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: Planned - Further amendments aimed at streamlining and accelerating civil proceedings, including in the area of protective proceedings in intellectual property cases;

Adopted - Act of 9 March 2023 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws, item 614), which aims to accelerate civil proceedings by: simplifying the existing procedures, streamlining the process of drafting justifications, adjudicating complaints, making service of court correspondence by bailiffs, better organisation of the pre-trial hearing, introducing a new separate procedure - proceedings with the participation of consumers.

The bill on amending the Act - Civil Code and some other acts (UD222) (the print number of the bill submitted to the Sejm is 2977). The bill, through a number of changes to civil law and procedural civil law, will lead to improvements in ongoing succession proceedings. Among other things, the assessment of the effectiveness of a declaration on acceptance or rejection of the inheritance and the impact of the initiation of proceedings for court authorisation to perform an act exceeding the scope of ordinary administration of the child's or ward's property on the running of the time limit for submitting a declaration on rejection of the inheritance or acceptance of the inheritance outright have been specified. The draft aims to maximise the concentration of the court's actions necessary to rule on the succession and provides for the limitation of the act of the court's ex officio actions in the proceedings for the determination of the inheritance acquisition. The draft law was adopted by the Council of Ministers in December 2022.

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: On January 1, 2023, the amendment to the Executive Penal Code entered into force, introduces by the Act of August 5, 2022 amending the Act- Executive Penal Code and other acts. The amendment introduced a number of extensive changes, the aim of which is primarily to streamline the procedures for the execution of penalties and pre-trial detention, as well as to improve the effectiveness of the execution of a penalty of imprisonment and to extend the possibility of serving a sentence in the electronic supervision system.

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: Legislative changes are currently being proceeded in connection with the implementation of the project "Dissemination of alternative dispute resolution methods through enhancing the competences of mediators, establishment of the National Register of Mediators (KRM) and information activities".

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: In 2022. The Parliament of the Republic of Poland enacted a package of laws forming part of the programme entitled 'Modern Prisons', which comprehensively reformed the current way of carrying out penalties and coercive measures resulting in deprivation of liberty. The legislative and organisational solutions introduced were aimed primarily at increasing the level of security in penitentiary units. The changes also concern the extension of the "Work for Prisoners" programme, which has been successfully implemented for years, as well as the development of the electronic supervision system. Among the changes introduced, the most important are:

- 1) Expansion of the 'Work for Prisoners' programme;
- 2) Further development of the Electronic Dispensation System. The amendment of the provision is aimed at speeding up the processing of applications and relieving the burden on the courts;
- 3) Strengthening the security of prison officers and staff
- 4) Simplification of formalities related to the processing of complaints of persons deprived of their liberty
- 5) Simplifying recruitment to the Prison Service and introducing a package of social measures,
- 6) Regulating personal control of persons deprived of liberty at the statutory level and subjecting it to judicial control.

Parallel to the legal solutions introduced under the 'Modern Prison Service' programme, the Prison Service continued to carry out a number of renovation and investment works, the primary objective of which was both to ensure appropriate conditions for serving sentences and coercive measures, and to provide adequate conditions for officers to perform their duties. Due to the need to implement a number of reforms, the Prison Service was included in the modernisation programme envisaged for 2022-2025. The scope of the programme includes the implementation of the following, among others:

- 1) improving the security of penitentiary units;
- 2) purchase and increase of the number of special vehicles in use, group transport buses and vehicles intended for Electronic Supervision Field Teams;
- 3) improvement of energy efficiency of organisational units of the Prison Service;
- 4) acquisition of new accommodation for inmates and restoration and improvement of the infrastructure of organisational units of the Prison Service;
- 5) modernisation of IT, communication and video monitoring systems;
- 6) strengthening the motivational system of emoluments of Prison Service officers;
- 7) ethical strengthening of the Prison Service organisational units.

Since the beginning of 2021, the construction of 10 residential pavilions has also been implemented, within the framework of the approved 'Programme for the construction of 2,500 accommodation places in 2021-2023'. The programme envisages the creation of 2503 new accommodation places for inmates of the closed type. In addition, within the framework of the implementation of another programme for the construction of accommodation in 2022-2024 financed from the funds allocated for the implementation of the Programme for Modernisation of the Prison Service, work on the construction of 15 penitentiary pavilions has also begun in 2022-2025. It is planned that the implementation of the above will result in approximately 3,750 additional accommodation places.

208-13. Child friendly justice

☐ Yes (planned)

☒ Yes (adopted)

☒ Yes (implemented during year of reference +1)

☐ No

☐ NA

Comments - If yes, please specify: 1 Friendly questioning of the child in criminal proceedings:

A special mode of questioning for children who are victims and children who are not victims but who appear as witnesses in the proceedings is provided for in Articles 185a-185c of the Code of Criminal Procedure Act. Pursuant to Article 185a of the Code of Criminal Procedure, in cases of offences committed with the use of violence, unlawful threats, offences against freedom, offences against sexual freedom and morality, offences against the family and guardianship, a victim who is under 15 years of age at the time of the interrogation shall be interrogated as a witness only if his/her testimony may be significant for the settlement of the case. The interrogation shall take place only once, unless significant circumstances come to light in the case, which require the minor victim to be interrogated again. The hearing shall be conducted by the court with the participation of an expert psychologist. The hearing should be conducted immediately, no later than within 14 days from the date of the prosecutor's request for the hearing. The hearing may be attended by the victim's proxy, a statutory representative of the minor victim or a person under whose permanent custody the minor remains, another adult person indicated by the victim.

The hearing must be conducted in a room adapted for this purpose, a so-called friendly interrogation room. The standards to which such a room should conform are set out in a regulation of the Minister of Justice. The standards require that the part in which the hearing of the child takes place is separated from the part in which the equipment for recording the video and audio recording of the hearing is located. Friendly interrogation rooms should be isolated from other rooms in the court building, have an appropriate colour scheme, child-friendly furniture. They should contain items that help to reduce the child's stress during the hearing.

The course of the hearing shall be recorded in the form of audio and video recording and in the form of written minutes. The video and audio recording is played at the main hearing before the court. The written record of the child's interrogation is also read out at the main hearing.

A minor witness who is 15 years of age or older at the time of questioning may also be questioned in the manner described above if questioning under other conditions could have a negative impact on the mental state of the witness.

Pursuant to Article 185b of the Code of Criminal Procedure, if a minor witness is under 15 years of age at the time of questioning and is not a victim in the case, he or she may also be questioned under the conditions set out in Article 185a of the Code of Criminal Procedure. The proceedings in which the questioning takes place must relate to offences committed with violence or unlawful threats, offences against sexual freedom and morals, offences against the family and guardianship. The witness's testimony must be relevant to the outcome of the case.

A minor witness who is 15 years of age or older at the time of questioning and who is testifying in proceedings for an offence committed with violence or unlawful threats, an offence against sexual freedom and morals, an offence against the family and guardianship, may be questioned by means of technical devices enabling the interview to be conducted at a distance, with simultaneous, direct video and audio transmission. The condition for the use of such a procedure is that there is a reasonable fear that questioning the witness in the direct presence of the accused would embarrass the witness's testimony or adversely affect the witness's mental state.

208-14. Domestic violence

☐ Yes (planned)

☒ Yes (adopted)

☒ Yes (implemented during year of reference +1)

☐ No

☐ NA

Comments - If yes, please specify: On 13 January 2023. The Sejm of the Republic of Poland enacted the Act amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws, item 289), hereinafter: the 'Act of 13 January 2023'. which will enter into force on 15 August 2023. The bill was drafted by the Ministry of Justice. The Act of 13 January 2023 is referred to as the Anti-Violence Act 2.0, as

it is a continuation of the introduction into the Polish legal system of appropriate instruments for the protection of victims of domestic violence, particularly in the field of civil law protection measures, which was initiated by the Act of 30 April 2020 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws 956), referred to as the Anti-Violence Act. The Act of 30 April 2020 introduced into the Polish legal order solutions allowing for a quick isolation of a person using domestic violence from a person affected by such violence by introducing immediately enforceable: an order to immediately leave the jointly occupied flat and its immediate surroundings and a prohibition on approaching the jointly occupied flat and its immediate surroundings, in cases where the perpetrator of violence by his/her behaviour poses a threat to the life or health of the person experiencing such violence. The injunction and prohibition can be issued by the police or, in relation to soldiers, by the Military Police immediately during an intervention, upon information of domestic violence. The issuance of the injunction and prohibition has been made subject to subsequent judicial review. A separate procedure in civil cases has also been introduced to enable the person suffering violence to effectively seek before the court to oblige the person using domestic violence to leave the jointly occupied flat and its immediate surroundings and to prohibit the person using domestic violence from entering the flat and its immediate surroundings in the case where the person using domestic violence by his/her behaviour of using domestic violence makes the joint residence particularly burdensome. The Act of 13 January 2023 extends the scope of civil law protection instruments for persons experiencing domestic violence by introducing additional measures that can be applied to the violent person, the aim of which is to protect the person experiencing domestic violence also outside the place of residence. These are: a restraining order prohibiting a person subjected to domestic violence from approaching a person subjected to domestic violence at a distance specified in metres, an order prohibiting contact with a person subjected to domestic violence, and an order prohibiting a person subjected to domestic violence from entering or staying on the premises of a school, educational, care and artistic institution attended by a person subjected to domestic violence, his place of work or a place where he usually or regularly stays. Like the order to leave a jointly occupied dwelling and the restraining order, the new measures will also be immediately enforceable and the power to issue them has also been granted to the Police and the Military Police and subject to subsequent court review of their legitimacy and legality. In civil proceedings, the person experiencing violence will also be able to enforce an obligation on the person using domestic violence to leave the jointly occupied dwelling and its immediate surroundings and for the court to issue these prohibitions against the person. In addition, in court proceedings, the person affected by the violence will also be able to request an injunction to prohibit contact in cases where the violent person, by his/her behaviour, harasses him/her by means of remote electronic communication, causing him/her a feeling of danger, humiliation or anguish justified by the circumstances, or significantly invades his/her privacy. In order to guarantee the proper implementation of the ban on entering certain places, the Act provides for the obligation to notify the persons in charge of certain establishments or the manager of the workplace of the ban issued. Regulations have also been introduced to streamline court proceedings, including proceedings for the enforcement of a measure issued by the court. The Act also supplements the regulations in the area of criminal preventive measures by introducing a separate preventive measure in the form of a prohibition on a case of domestic violence from approaching the victim. This regulation is aimed at the coherence of the tools for combating domestic violence in the area of both legal systems. The Act also introduces appropriate regulations for guaranteeing adequate access to justice for persons with intellectual disabilities through the introduction of a specific mode of their interrogation in the criminal procedure, including with 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: Document Management System (DMS) - EZD

New Single CMS (SRB)

Government draft on amending the Act - Code of Civil Procedure, the Act - Law on the System of Common Courts, the Act - Code of Criminal Procedure and some other acts (Parliamentary print no. 3216). The proposed civil procedure provisions will allow remote hearings and the sending of court letters to professional attorneys using the so-called common courts information portal. The Act was forwarded to the President of the Republic of Poland and the Speaker of the Senate of the Republic of Poland on 11 July 2023.

208-16. Other

☒ Yes (planned)

☐ Yes (adopted)

☐ Yes (implemented during year of reference +1)

☐ No

☐ NA

Comments - If yes, please specify: (1) Solutions are proposed which, in principle, are intended to make it possible to mitigate conflict in family matters, to strengthen the rights of children and persons with disabilities, to improve the competence of personnel in the broader justice system and to identify and eliminate gaps in the system of protection against domestic violence; in particular, the planned reforms will:

- (a) speed up the procedure for granting alimony, including the introduction of immediate alimony;
- (b) clarify the child contact procedure and strengthen the voice of the child in these matters;
- (c) regulate the issue of so-called alternate custody and introduce the possibility of mediating this issue;
- (d) provide for the termination of child maintenance (except for a child with a disability certificate) when the child reaches the age of 25. However, due to exceptional circumstances due to which the child is unable to support himself/herself, the court will extend the maintenance at the request of the beneficiary;
- (e) provide for free mediation in divorce proceedings; (f. It is also planned to make mediation in cross-border family cases more widespread, particularly in order to enable family disputes to be heard together in a single proceeding (i.e. in cases concerning the return of a child on the basis of the 1980 Hague Convention on the Civil Aspects of International Child Abduction), and to ensure respect for the child's identity when he or she has a connection with another country and placement in foster care is being considered;
- g) strengthen the protection of children against violence - family courts will be obliged to notify the public prosecutor's office of cases brought by them ex officio for the restriction or termination of parental authority where there is a suspicion that the child's welfare is at risk;
- (h) establish strict procedures for situations where violence against a child is suspected, in particular clearly defining the competences and modus operandi of the relevant services;
- (i) introduce the principles of child-friendly intervention in situations where there are grounds for taking away a child;
- (j) introduce compulsory genetic code testing in cases of determining or denying the origin of a child. This test makes it possible to establish the origin of a child with practically 100% certainty. It is therefore the most reasonable evidence. Thanks to the new legislation, it will be possible to fine or bring persons obliged to undergo DNA testing in cases to establish or deny the origin of a child. This will discipline the participants in the proceedings and streamline them, which is in the best interests of the child;
- (k) Strengthening and developing the system on child-friendly justice by introducing the institution of a child representative, instructions written in simple and understandable language for children, clarifying the manner and rules for hearing the child;
- (l) Guiding standards to all institutions where children reside to ensure children's safety;
- m) Establish a Team to analyse cases involving the death of children (Serious case review procedure);
- (n) Strengthening and developing cooperation between courts, probation officers, social workers and other actors in cases involving children; o) Training is planned for judicial staff on cases involving minors (child hearing), including foreigners; p) Introduce mandatory (every 4 years) training on children's rights, hearing of the child, recognition of the wronged child syndrome for family judges and criminal judges, q) Launching special postgraduate courses and seminars for family judges aimed at strengthening soft skills in family and custody cases (listening to the child, child abuse cases, conflict management, supervision);
- r) Establishment of a special list of professional attorneys specialising in cases involving minors;
- (s) Measures are being developed to ensure accessibility to justice for persons with disabilities.