

1. Evaluation of the judicial systems (2016-2018 cycle)



Poland

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

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

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

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



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

[38433000]

Comments Source: Concise Statistical Yearbook of Poland 2017

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

	Amount
State or federal level	81638713800 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	46614153394 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 1 EUR = 4,42 PLN

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

[11370]

Comments Source: Concise Statistical Yearbook of Poland 2017

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

[]

NA

Comments NA

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

[4.42]

Allow decimals : 5

NAP

Comments Source: National Bank of Poland

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

Sources: Concise Statistical Yearbook of Poland 2017

National Bank of Poland

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the 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)	1445686000 [] NA [] NAP	1428927000 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	1001598000 [] NA [] NAP	987964000 [] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	45499000 [] NA [] NAP	48981000 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	143525000 [] NA [] NAP	138211000 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	96375000 [] NA [] NAP	87130000 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	39151000 [] NA [] NAP	28622000 [] NA [] NAP
6. Annual public budget allocated to training	5718000 [] NA [] NAP	5376000 [] NA [] NAP
7. Other (please specify)	113818000 [] NA [] NAP	132644000 [] NA [] NAP

Comments - 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 differences: Point 7 contains expenditures on personal benefits, current expenditures related to purchases of goods and services, investment spendings (construction, purchases), housing loans for judges, various fees and contributions.

In relation to reduction of the amount of funds allocated and spent on computerization in 2016 we would like to inform that the planning and implementation of IT spending is mainly dependent on the additional tasks that the public sector faces in the budgetary year, especially technological development in common court proceedings and purchasing of equipment necessary for the implementation of planned IT projects.

We also would like to indicate that in 2014, IT systems have been modified and maintained, in particular in the area of e-payments, integrated accounting and human resources management systems in the common courts and the Ministry of Justice, the electronic protocol, the Land Registry, the Judicial Decisions Portal, the Information Portal, The Central Bankruptcy Register and IT System for the Support of Substantive Processes.

In addition, when we analyze the judicial budgets in 2014 and 2016 in euro, it should be considered that in 2016 the euro exchange rate of the National Bank of Poland (NBP) on 30 Dec. 2016 was PLN 4.4240 / €. Whereas the exchange rate of the NBP on 31 Dec. 2014 was PLN 4.2623 / €. Therefore amounts presented in the CEPEJ 2016 are lower.

It should be noted that the spendings on training are planned on the basis of the training needs reported by the presidents of the courts, and that annual increase demonstrates the growing need for training of staff in common courts, mainly due to the additional tasks imposed on judicial staff in connection with legislative changes.

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

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

Comments:

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

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

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

- Court fees are calculated due to special bill of law on cost of judicial proceedings. There are two kinds of fees. 1.Fixed in certain types of cases 2.Dependent on the case value

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

[150]
 NA
 NAP

Comments 150€ (5% of case value)

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

[415418000]
 NA
 NAP

Comments

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)	65738000 [] NA [] NAP	41006000 [] NA [] NAP	24732000 [] NA [] NAP
12.1 for cases brought to court	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were higher than in 2014 but they were not fully used. For that reason we see increase in the amount of approved budgets for legal aid but in fact the implemented legal aid is on the same level as 2014.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	27427000 [] NA [] NAP	16039000 [] NA [] NAP	11388000 [] NA [] NAP
12-1.1 for cases brought to court	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - 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 differences: In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were lower than expected . The amount of funds disbursed by the courts for defense is directly attributable to the number of incoming cases and the number of beneficiaries of unpaid legal aid granted ex officio, therefore implementation of the plan in this group of expenses during the financial year is independent of the activities of the financial services of individual courts.

013. Total 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 €	480141000 [] NA [] NAP	478772000 [] 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 allocated to the public prosecution services, please indicate the main differences:

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<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 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
Other ministry	<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 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
Parliament	<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	<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
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<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
Courts	<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 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
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

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

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

Sources: Ministry of Justice

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 court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	2639249000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2575272000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice

system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: The above data include the budgetary sections of which responsible is the Minister of Justice (part 15 - Common Courts and Part 37 - Justice). Section 15 covers expenditures of common courts, retired judges and the payment of compensation paid from the National Treasury. Part of the expenses are related to the functioning of the Ministry of Justice, prison units, scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution, correctional institutions and juvenile shelters and retirement and disability benefits for prison officials.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	(X) Yes () No <input type="checkbox"/> NAP
Legal aid (see question 12)	(X) Yes () No <input type="checkbox"/> NAP
Public prosecution services (see question 13)	(X) Yes () No <input type="checkbox"/> NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	(X) Yes () No <input type="checkbox"/> NAP
Probation services	(X) Yes () No <input type="checkbox"/> NAP
Council of the judiciary	() Yes (X) No <input type="checkbox"/> NAP
Constitutional court	() Yes (X) No <input type="checkbox"/> NAP
Judicial management body	() Yes (X) No <input type="checkbox"/> NAP
State advocacy	() Yes (X) No <input type="checkbox"/> NAP

Enforcement services	(X) Yes () No [] NAP
Notariat	() Yes (X) No [] NAP
Forensic services	() Yes (X) No [] NAP
Judicial protection of juveniles	(X) Yes () No [] NAP
Functioning of the Ministry of Justice	(X) Yes () No [] NAP
Refugees and asylum seekers services	() Yes (X) No [] NAP
Immigration Service	() Yes (X) No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	(X) Yes () No [] NAP
Other	(X) Yes () No [] NAP

Comments - If "other", please specify: Expenditure on payments of compensations from national budget.

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

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

Sources: Ministry of Justice

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

Criminal cases	Other than criminal cases
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Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments Regulations of the act on free legal aid and legal advice were implemented starting 1 January 2016 with some exceptions which were implemented starting 31 August 2015.

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

- (X) Yes
() No

Comments - If yes, please specify: Anyone who is unable to pay court fees without prejudice to the maintenance of himself and his family is entitled to exemption from such fees.

The application and the material situation must be sustained.

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)?

- (X) Yes
() No

Comments - If yes, please specify: The cost are connected to the enforcement agent fees and actions.

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	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments - If yes, please specify: Expert fees and travel cost reimbursement.

2.1.2. Quantitative information on legal aid

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

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	[X] NA [] NAP	[X] NA [] NAP
In criminal cases	[X] NA [] NAP	[X] NA [] NAP

In other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - Please specify when appropriate:

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

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

Comments - If yes, please specify: Regulations of the act on free legal aid and legal advise were implemented starting 1 January 2016 with some exceptions which were implemented starting 31 August 2015.

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

Yes

No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

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

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above:

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

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

Yes

No

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

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

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

Comments

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

Sources: Ministry of Justice

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

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

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> www.sejm.gov.pl	<input type="checkbox"/>

case-law of the higher court/s	<input checked="" type="checkbox"/> www.sn.gov.pl	<input type="checkbox"/>
other documents (e.g. downloadable forms, online registration)	<input checked="" type="checkbox"/> www.ms.gov.pl	<input type="checkbox"/>

Comments - Please specify what documents and information the addresses for “other documents” include: www.ms.gov.pl - Ministry of Justice site.

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

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

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

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

- Yes
 No

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

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

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

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

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

Yes

No

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

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

Yes, please specify for which kind of offences:

No

Comments

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

Yes

No

Comments Compensation - a cash benefit is awarded to a victim (or to the closest person if the victim died) who, as a result of a prohibited act, suffered serious damage to health, violations of bodily or health disturbances lasting longer than 7 days.

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify: The prosecutor's task is to achieve the objectives of the criminal proceedings specified in art. 297 of the Code of Criminal Procedure. In the course of pre-trial proceedings, the task is to ensure the proper conduct of the proceedings, including ensuring protection of the victim, applying in cases carried out ad personam, appropriate preventive measures or applying to the court for the application of an isolation preventive measure in the form of pre-trial detention. The means used must be adequate to the needs of the given criminal proceedings.

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the

possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".
 (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: The party has the right to lodge a complaint against the decision of a prosecutor regarding the discontinuation of the proceedings (including refusal to initiate criminal proceedings), in accordance with Article 306 of the Code of Criminal Procedure.

The initiation of appeal proceedings causes that the content-related decision is subject to review by the court, which may maintain it, or repeal it and indicate the circumstances to be clarified or actions to be carried out. If the authority conducting the proceedings still finds no grounds to prosecute, it issues a new decision to discontinue the proceedings or refuse to initiate them. In this case, the aggrieved party who used the right provided for in Art. 306 § 1 and 1a of the Code of Criminal Procedure, may submit to a court a subsidiary indictment referred to in Art. 55 § 1 of the Code of Criminal Procedure, of which the party should be instructed.

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

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

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

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

National level	Court level
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1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

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

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

Yes

No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Council of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Q041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Council of the Judiciary	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: In table in Q041 authority responsible for dealing with the complaint is indicated "Court concerned" but in fact it is the President of competent court.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts



Q042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	363 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	401 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 42.1 First instance courts of general jurisdiction - common courts (318 regional courts, 45 district courts).

42.2 First instance specialised courts - 16 administrative courts, 9 military courts.

42.3 All the courts - the Supreme Court, common courts (318 regional courts, 45 district courts, 11 appeal courts), administrative courts (16 voivodship administrative courts. the Supreme Administrative Court), military courts (9 regional military courts, 2 district military courts). The differences between presented data and the data from 2014 edition is likely to be due to the restoration of District Courts, abolished and converted to divisions of larger units in 2013.

The difference in courts number between this (363) and previous evaluation cycle (287) is probably caused by a significant organizational

reform of polish court system, which took place in 2013. Almost eighty small district courts were merged with larger entities. Since 2015 the reform has been reversing, which has resulted in an increase in the number of the courts.

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

	Number of courts
Total (must be the same as the data given under question 42.2)	26 [] NA [] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	17 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP
Military courts	9 [] NA [] NAP
Other specialised 1st instance courts	[] NA [X] NAP

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

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

(X) Yes

() No

Comments - If yes, please specify: It is considered to reduce the number of district courts which are responsible for land and mortgage registers or abolishing external branches in district courts.

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

	Number of courts
a debt collection for small claims	318 [] NA [] NAP
a dismissal	131 [] NA [] NAP
a robbery	318 [] NA [] NAP

Comments The differences between presented data and the data from 2014 edition is likely to be occurred due to changes in structure of courts (restoration of District Courts, abolished and converted to divisions of larger units in 2013).

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

Yes

No, please give your definition for small claims:

Comments The provisions of small claims apply to cases which involve:

- 1) contractual claims where the amount in dispute does not exceed ten thousand Polish zlotys and in cases for claims under an implied warranty for defects, quality warranty or non-compliance of consumer goods with a consumer sale contract, if the value of the object of the contract does not exceed the said amount;
- 2) payment of rent for the lease of residential premises, charges payable by the tenant and charges for the use of residential premises in a housing cooperative regardless of the amount in dispute.

045-2. (New question) Please indicate the value in € of a small claim:

[2380]

Comments In Polish legal system exists two ways of solving cases which concern debt collection for small claims. The first on basis REGULATION (EC) No 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 July 2007 establishing a European Small Claims Procedure. Mentioned regulation shall be applied, in cross-border cases, to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed EUR 2 000.

The Second way, implemented by Code of Civil Procedure specifies value of a small claim on 10 000 PLN (2380 EUR).

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

Sources: Ministry of Justice

3.2. Court staff

3.2.1. Judges and non-judge staff



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

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	9980 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of first instance professional judges	9422 [] NA [] NAP	3400 [] NA [] NAP	6022 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	475 [] NA [] NAP	221 [] NA [] NAP	254 [] NA [] NAP
3. Number of supreme court professional judges	83 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

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

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	375 [] NA [] NAP	187 [] NA [] NAP	188 [] NA [] NAP
1. Number of first instance court presidents	363 [] NA [] NAP	182 [] NA [] NAP	181 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	11 [] NA [] NAP	5 [] NA [] NAP	6 [] NA [] NAP
3. Number of supreme court presidents	1 [] NA [] NAP	0 [] NA [] NAP	1 [] NA [] NAP

Comments There are several differences between the data sent in previous campaigns (2014) and table above. Present numbers relate only to court presidents, while in 2014 also vice-presidents have been included. Nevertheless the number is still higher as a result from changes in courts structure that increased the number of courts.

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	[] NA [X] NAP

In full-time equivalent	[] NA [X] NAP
--------------------------------	---------------------

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

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

() Yes, please give specifications on the types of cases and an estimate in percentage.

(X) No

Comments It should be noted that in polish legal system does not exist the institution of professional judges sitting in courts on an occasional basis.

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

	Figure
Gross figure	12977 [] NA [] NAP
In full time equivalent	[] NA [X] NAP

Comments Based on the data of Central Statistical Office

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

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

other	()	(X)	()
-------	-----	-------	-----

Comments - If "other", please specify:

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

() Yes

(X) No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[] Severe criminal cases

[] Misdemeanour cases

[] Other 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 (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	43176 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	2138 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	24231 [] NA [] NAP	[X] NA [] NAP	[X] 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)	7687 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Technical staff	3261 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Other non-judge staff	5859 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If "other non-judge staff", please specify: Other non-judge staff - 5859

of which:

Professional probation officers - 5212

Employed in Consultative Team of Judicial Specialists - 647.

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

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

Comments - Please briefly describe their status and duties: Court referendary (similar entity to Rechtspfleger) can be defined as a court clerk equipped with the right to perform legal protection activities who do not exercise justice. Referendary, acting within the scope of his competences, performs judge activities, but is not a judge and does not belong to its organs.

Court referendary performs among others following activities:

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

Court referendary is also able to exercise some activities in criminal and administrative cases which are not reserved to judges.

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

Yes

() No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

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

Sources: HR Database (ZSRK)

3.3. Public prosecution

3.3.1. Public prosecutors and staff



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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	5839 [] NA [] NAP	2787 [] NA [] NAP	3052 [] NA [] NAP
1. Number of prosecutors at first instance level	3838 [] NA [] NAP	1647 [] NA [] NAP	2191 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	1940 [] NA [] NAP	1100 [] NA [] NAP	840 [] NA [] NAP
3. Number of prosecutors at supreme court level	61 [] NA [] NAP	40 [] NA [] NAP	21 [] NA [] NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	414 [] NA [] NAP	222 [] NA [] NAP	192 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	357 [] NA [] NAP	179 [] NA [] NAP	178 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	56 [] NA [] NAP	42 [] NA [] NAP	14 [] NA [] NAP
3. Number of heads of prosecution offices at supreme court level	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Please provide any useful comment for interpreting the data above: There are several differences between data which were sent in previous campaigns (2014) and above table. Differences could be caused by indicating in previous cycles also vice heads of prosecution offices.

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

- () Yes, please specify their number (in full-time equivalent):
- (X) No

Comments - If yes, please specify their title and functions:

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

- () Yes
- (X) No

Comments

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

- () Yes
- (X) No

Comments

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	7588 [] NA	1472 [] NA	6116 [] NA

Comments

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

Sources: National Prosecutor's Office

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify: In polish legal system instead the "Court administrative director" there is a "Court director".

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 (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify: The most important indicator comes from evaluation of judgements through second instance procedure. In this purpose "judgement stability" ratio are in use as a ratio of judgements reversed or annulled in procedure of appeal.

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

() No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

(X) Annual

() Less frequent

() More frequent

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

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

(X) Yes

() No

Comments - If yes, please give further details: There is a system of collecting monthly, quarterly, semi-annual and annual static information from all organizational units of the prosecution service, including the results of preparatory proceedings.

Statistical data are subject to systematic analysis and based on them, each unit is evaluated and global evaluation is conducted related to the entire prosecutor's office.:

This permanent mode is complemented by visits and surveys of organizational units, which broaden the analysis and assessment of effectiveness.

3.6.2. Performance and evaluation of courts

070. Do you have, within the courts, a regular monitoring system of court activities concerning:

[X] number of incoming cases

[X] number of decisions delivered

[X] number of postponed cases

[X] length of proceedings (timeframes)

[X] age of cases

[X] other (please specify):supervision of arrest cases, preparing justification on time, supervision of cases impended of limination.

Comments Supervision covers only the administrative activities of the courts. There are the internal supervision exercised by the presidents of the courts and the external supervision exercised by the Minister of Justice within the narrow scope specified in the law.

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

[X] civil law cases

[X] criminal law cases

[X] administrative law cases

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

() Yes

(X) No

Comments - If yes, please specify:

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

Yes

No

Comments

073-0. (New question) If yes, please specify the frequency:

Annual

Less frequent

More frequent

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

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

Yes

No

Comments

074. Are there performance targets defined at the level of the court?

Yes

No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify):

Comments Ministry of Justice is responsible for setting the targets for the courts.

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

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

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- number of appeals
- other (please specify):

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

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

3.6.3. Court activity and administration



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

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

Comments

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

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

Comments

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

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): The presidents of appellate courts are required to submit, not later than the end of April of each year, the annual information on the activities of the courts acting in the appellate field.

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

Internet

Intranet (internal) website

Paper distribution

Comments

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

Annual

Less frequent

More frequent

Comments The presidents of appellate courts are required to submit, not later than the end of April of each year, the annual information on the activities of the courts acting in the appellate field.

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

Yes

No

Comments - If yes, please specify: In criminal cases a preparatory meeting is conducted in complex cases. Meetings are organized by the court. There are discussed issues of improving the proceeding, such as agreeing deadlines with defenders or experts, the sequence in which witnesses are heard.

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

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges

083. Are there quantitative performance targets (for instance a number of cases to be addressed in

a month) defined for each judge?

(X) Yes

() No

Comments

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

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

[] Legislative power

[] Judicial power (for example the High Judicial Council, Supreme Court)

[X] President of the court

[] Other (please specify):

Comments For certain cases the law imposes timeframe for performing specific action or handling specific matters. President of court sets the performance target with using statistically calculated indicators of average performance that court and individual judge is expected to achieve.

New node



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 represented by a lawyer)?

[]

[X] NA

[] NAP

Comments

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

(X) Yes, number of successful challenges in a year

() No

Comments - Please could you briefly specify: In civil cases the court excludes the judge at his request or application submitted by party, if there is a circumstance that it could raise reasonable doubt to the impartiality of the judge in the case.

In criminal cases judge is excluded if there is a circumstance that it could raise reasonable doubt as to his impartiality in the case.

Exclusion of a judge takes place at his request, ex officio or at the request of a party.

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

Monitoring system

For civil procedures (non-enforcement)	(X) Yes () No [] NAP
For civil procedures (timeframe)	(X) Yes () No [] NAP
For criminal procedures (timeframe)	(X) Yes () No [] NAP

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

Mentioned form of external and internal supervision, was introduced by the Act of 18 August 2011 amending the Law on the system of common courts and some other acts (Journal of Laws No. 203, item 1192), which came into force in a substantial part from 28 March 2012. It should be noted that before the entry into force mentioned act, the supervision over the activities of common courts was included in examining the efficiency of court proceedings.

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

Sources: Ministry of Justice

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

- [X] civil cases
- [X] criminal cases
- [] administrative cases
- [] There is no specific procedure

Comments - If yes, please specify: Urgent cases have been included in a separate ordinance of the Minister of Justice. Examples of urgent cases are labor law cases related to employee rights in the event of an unjustified or unlawful termination or termination of an employment contract by an employer without notice due to the fault of the employee. Urgent cases are also cases in field of social security law which regards to the right to a retirement or disability pension.

088. Are there simplified procedures for:

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

Comments - If yes, please specify: Simplified proceedings are available in civil cases and they are regulated in Art. 505[^]1 - 505[^]14 of the

In criminal cases simplified proceedings concern cases solved as a consequence of process agreements or in injunction mode.

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: In simplified proceedings in civil cases, the possibility of restricting the justification of a decision is only provided for judgments of the court of second instance, which, if it has not conducted evidence proceedings, may limit the justification to clarify the legal basis of the judgment with reference to 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 and on dates of hearings)?

Yes

No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	1579497 [] NA [] NAP	10778246 [] NA [] NAP	10015117 [] NA [] NAP	2342626 [] 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)	713029 [] NA [] NAP	1196509 [] NA [] NAP	1182200 [] NA [] NAP	727338 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	725695 [] NA [] NAP	9256718 [] NA [] NAP	8491429 [] NA [] NAP	1490984 [] 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)	371152 [] NA [] NAP	4815988 [] NA [] NAP	4156304 [] NA [] NAP	1030836 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	354543 [] NA [] NAP	4440730 [] NA [] NAP	4335125 [] NA [] NAP	460148 [] NA [] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	298505 [] NA [] NAP	3578837 [] NA [] NAP	3489148 [] NA [] NAP	388194 [] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	56038 [] NA [] NAP	861893 [] NA [] NAP	845977 [] NA [] NAP	71954 [] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative law cases	33167 [] NA [] NAP	76692 [] NA [] NAP	78992 [] NA [] NAP	30867 [] NA [] NAP	[X] NA [] NAP
4. Other cases	107606 [] NA [] NAP	248327 [] NA [] NAP	262496 [] NA [] NAP	93437 [] NA [] NAP	[X] NA [] NAP

Comments Within the changes in business registry cases we can observe significant increase in all types of Application for registration (first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of removing from registry).

In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases had increased.

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 to 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 assummary and injunction proceedings in money payment cases).

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

. The category of “other” cases includes first off all social security cases and cases connected with an application of the correctional and educational measures as required in the juvenile cases and execution of guardianship or tutoring.

094. (Modified question) 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)	297238 [] NA [] NAP	921770 [] NA [] NAP	968123 [] NA [] NAP	250885 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	154701 [] NA [] NAP	376064 [] NA [] NAP	383919 [] NA [] NAP	146846 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	142537 [] NA [] NAP	545706 [] NA [] NAP	584204 [] NA [] NAP	104039 [] 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 indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences":

4.2.3. Case flow management – second instance

097. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	86082 [] NA [] NAP	234349 [] NA [] NAP	226459 [] NA [] NAP	93972 [] 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)	34276 [] NA [] NAP	144116 [] NA [] NAP	138444 [] NA [] NAP	39948 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	6675 [] NA [] NAP	24234 [] NA [] NAP	23300 [] NA [] NAP	7609 [] 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)	6502 [] NA [] NAP	23610 [] NA [] NAP	22723 [] NA [] NAP	7389 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	173 [] NA [] NAP	624 [] NA [] NAP	577 [] NA [] NAP	220 [] 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	173 [] NA [] NAP	624 [] NA [] NAP	577 [] NA [] NAP	220 [] 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	25867 [] NA [] NAP	18945 [] NA [] NAP	16829 [] NA [] NAP	27983 [] NA [] NAP	[X] NA [] NAP
4. Other cases	19264 [] NA [] NAP	47054 [] NA [] NAP	47886 [] NA [] NAP	18432 [] NA [] NAP	[X] NA [] NAP

Comments Within the changes in business registry cases we can observe significant increase in all types of Application for registration (first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of removing from registry).

In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases had increased.

098. (Modified question) 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)	13411 [] NA [] NAP	140064 [] NA [] NAP	138724 [] NA [] NAP	14751 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	12319 [] NA [] NAP	132268 [] NA [] NAP	130786 [] NA [] NAP	13801 [] NA [] NAP	[X] NA [] NAP

2. Misdemeanour and / or minor criminal cases	1092 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7796 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7938 <input type="checkbox"/> NA <input type="checkbox"/> NAP	950 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments

4.2.4. Case flow management – Supreme Court



099. (Modified question) 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 (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	30527 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27302 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25552 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32277 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	4660 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8357 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8723 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4294 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	25867 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18945 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16829 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27983 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments In 2014 the Administrative Supreme court cases were not included and they are reintroduced in this cycle. In regard to administrative law cases we kindly indicate that administrative cases are excluded from the jurisdiction of the common courts. Administrative cases are proceeded by the Voivodship Administrative Courts and Supreme Administrative Court, which are only competent to proceeded such cases.

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

100. (Modified question) 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)	632 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2518 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2489 <input type="checkbox"/> NA <input type="checkbox"/> NAP	661 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

4.2.5. Case flow management – specific cases



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	46315 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89135 <input type="checkbox"/> NA <input type="checkbox"/> NAP	88303 <input type="checkbox"/> NA <input type="checkbox"/> NAP	47334 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Employment dismissal cases	5607 [] NA [] NAP	8266 [] NA [] NAP	8786 [] NA [] NAP	5087 [] NA [] NAP
Insolvency	3167 [] NA [] NAP	11797 [] NA [] NAP	11401 [] NA [] NAP	3563 [] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	71746 [] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	428 [] NA [] NAP	[X] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Cases relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The growth of the number of insolvency cases is a result of the amendment of The Bankruptcy and Reorganisation Act which entered into force on the 31 December 2016.

It should be noted, that this is a very important change, which simplifies the submission of requests for consumer bankruptcy. It also implemented solutions for insolvent consumers which facilitate reaching deal with their creditors. The amended regulations do not establish automatism in declaring consumer bankruptcy - it is still a legal proceeding. Every time the consumer must fulfil a number of conditions, which are subject to an individual assessment conducted by the judge.

Since the implementation of this act, the number of incoming insolvency cases has increased significantly (300 in 2014, 8694 in 2016).

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

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

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

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Employment dismissal case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. NA

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

. NA

4.2.6. Case flow management – public prosecution



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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify):

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

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

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

The prosecutor is a public accuser, in the case of referral to the court with an indictment, he/she wif appear before the court in the trial. The prosecutor submits penalties in a lawsuit. The prosecutor puts in the appeal.

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

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

106. (Modified question) Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: Prosecutors both initiate and report their participation in civil and administrative proceedings as well as in the field of bankruptcy law.

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

However, in matters regulated by the Act of 28 February 2003, the Bankruptcy Law (uniform text, Journal of Laws of 2016, item 2171, as amended) - procedural admission results indirectly from Art. 7 of the Code of Civil Procedure and Art. 60 § 1 of the Code of Civil Procedure and directly from Art. 376 of the Bankruptcy Act, according to which a prosecutor is entitled to initiate proceedings in cases concerning prohibition of conducting business activity on own account or under a civil law partnership and performing functions in statutory authorities of commercial companies, state enterprises, cooperatives, foundations, associations, and also in relation to persons authorized to represent an entrepreneur who is a legal person or a commercial company without legal personality and persons who effectively manage the debtor's enterprise - art. 373 and 374 of the Bankruptcy Act.

In turn, administrative cases, pursuant to Art. 8 § 1 of the Act of 30 August 2002 Law on Proceedings before Administrative Courts (consolidated text, Journal of Laws of 2017, item 1369, as amended), a prosecutor may take part in any pending proceedings as well as file a complaint, a cassation complaint, a complaint and a complaint about the resumption of the proceedings, if, according to their assessment, it is required to protect the rule of law or human and civil rights. In this case, the right of the party is entitled to the prosecutor.

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

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	901883 <input type="checkbox"/> NA <input type="checkbox"/> NAP	308142 <input type="checkbox"/> NA <input type="checkbox"/> NAP	145974 <input type="checkbox"/> NA <input type="checkbox"/> NAP	282934 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Cases "Discontinued during the reference year" - only number of staid legal proceedings.

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	146387 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	128345 <input type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	18042 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	308142 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	93128 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	104110 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	110904 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Difference in number of cases discontinued by the prosecutor for the reasons of opportunity is likely caused by changes in methodology of collecting data or differences in interpretation of that category by authority responsible for collecting information about mentioned cases.

109. Do the figures include traffic offence cases?

Yes

No

Comments

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

Sources: Ministry of Justice, Supreme Court, Supreme Administrative Court

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

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

Comments Judges of common courts are appointed by the President of the Republic of Poland at the motion of the National Judiciary Council for an unspecified period of time. The Council organise competition on the post of a judge. Any person eligible for the post of a court judge may apply for one post of a judge.

In polish judiciary system there is a second way to the post of a judge also - through the work on a post of a deputy judge. A person who:

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

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

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

The president of the competent district court renders the evaluation of qualifications. The deputy judge may submit to said president comments regarding the evaluation of qualifications.

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

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

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, 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 made up of judges and non-judges

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

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

Yes

No

Comments A district court judge or a military garrison court judge who held the post of a district court judge or a military garrison court judge or the post of a public prosecutor for at least four years may be appointed to the post of a regional court judge. A common court judge or a military court judge who held the post of a judge or a public prosecutor for a period of at least ten years may be appointed to the post of an appeal court judge.

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): Any person eligible for the post of a regional or appeal court judge may apply for one post of a judge. The application for a vacant post of a regional court judge and for a vacant post of an appeal court judge is filed with the president of the court of appeal.
The president of the court with whom the application sheet was filed, having deemed that the candidate fulfils the conditions and formal requirements of the application, orders that, within seven days from the application date at the latest, the qualifications of the candidate be evaluated by a designated judge. If necessary, the president of the court may order that the qualifications be evaluated by more than one

judge. The president of the competent court renders the evaluation of qualifications. The candidate may submit to the president of the court comments regarding the evaluation of qualifications. The president of the court of appeal presents the candidate for a vacant post of an appeal court judge or a regional court judge along with the evaluation of qualifications and possible comments of the candidate for an opinion to the board of the court of appeal, and then to the general assembly of appeal judges, to provide their opinion on the candidate. The president of the regional court presents the candidate for a vacant post of a district court judge along with the evaluation of qualifications and possible comments of the candidate for an opinion to the board of the regional court, and then to the general assembly of circuit judges, to provide their opinion on the candidate.

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

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

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

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

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

114. (Modified question) Is there a system of qualitative individual assessment of the judges’ work?

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

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

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

General is the supreme authority of the prosecution service. The office of the Prosecutor General is run by the Minister of Justice.

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

Yes

No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify):

Comments

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

an authority composed of public prosecutors only

an authority composed of non-public prosecutors only

an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: The Prosecutor General, in the case of a decision on appointing a candidate for the first prosecutorial position in the competition procedure, announces a free position of the prosecutor of the district prosecutor's office in Official Journal of the Republic of Poland "Monitor Polski",

- circuit prosecutor - after confirming that the candidate has met the formal requirements for filing and confirming that the candidate meets, the conditions for becoming a prosecutor of the district prosecutor's office, presents his candidacy to the board of the circuit prosecutor's office together with the qualification drawn up by the circuit prosecutor's office inspector,

- board of the circuit prosecutor's office - gives an opinion on the candidacy,

- the circuit prosecutor presents the candidate to the National Prosecutor with a positive opinion from the board of circuit prosecutor's office together with the board's opinion and assessment of the qualifications drawn up by the circuit prosecutor's office inspector,

- prosecutors of the public prosecutor's common units are appointed for the posts of prosecutors by the General Prosecutor at the request of the National Prosecutor.

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

Yes

No

Comments - If yes, please specify:

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

Yes

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

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

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

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): The procedure and promotion criteria are specified in Art. 74 and 76 of the Act of 28 January 2016 - Law on the Prosecutor's Office.

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

Comments - If yes, please specify:

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

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

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

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

- Yes
- No

Comments

5.1.3.Mandate and retirement of judges and prosecutors

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

- Yes, please indicate the compulsory retirement age:60 years for women and 65 years for men
- No

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

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

- For disciplinary reasons
- For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments The transfer of a judge to another place of service may only occur upon their consent. The consent of the judge to the transfer to another place of service is not required in the event:

1) of cancellation of the post caused by a change in courts organisation, cancellation of a given court or branch division or a transfer of the seat of a given court;

2) of inadmissibility of holding the post of a judge in a given court as a result of occurrence of circumstances (persons related by direct affinity or lineal consanguinity or by adoption, spouses or siblings may not be judges, deputy judges or court referendaries in the same court division);

3) that it is necessary, as regards the authority of the post, under a disciplinary court ruling, issued at the request of the board of a competent court or of the National Council of the Judiciary;

4) of a transfer as a result of a disciplinary penalty.

The decision concerning the transfer of a judge is issued by the Minister of Justice, whereas the transfer of a judge for reasons referred to in item 1 may occur if it is not possible to grant the judge's request concerning a new place of service.

In cases referred to items 1 and 2, the judge may appeal against the decision of the Minister of Justice to the Supreme Court.

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

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

No

NAP

Comments In polish judiciary system exists function of deputy judges. A person who has completed judicial training in the National School of Judiciary and Public Prosecution and has passed the judicial or prosecutor's exam may be appointed by the Minister of Justice for an indefinite period of the post of deputy judges. After that the Minister of Justice presents the National Council of the Judiciary with the list of appointed deputy judges and the request to entrust the duties of a judge. If the National Council of the Judiciary, within one month from the date of presenting the list and request, does not raise an objection, the deputy judge performs the duties of a judge for a period of 4 years from the date of the expiry of the monthly period and, in the case of an objection, from the date of quashing the resolution expressing an objection.

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:67

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: 67 women and men, Art. 127 § 1 of the Act of 28 January 2016 - Law on the prosecutor's office in connection with art. 69 § 1 of the Act of 27 July 2001 - Law on the system of common courts (Journal Of Laws of 2016, item 2062)*

* information applies to 2016

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

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

No

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

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

() Yes, what is the length of the mandate (in years)?

(X) No

Comments NAP

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

() Yes, what is the length of the mandate (in years)?

(X) No, what is the length of the mandate (in years)?

Comments NAP

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges

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

Comments

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

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

In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
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Comments - Please indicate any information on the periodicity of the continuous training of judges: According to the Article 2(1)(2) of the Act of 23 January 2009 of the National School of Judiciary and Public Prosecution (uniform text: Journal of Laws of 2017 item 146 as amended) the National School's tasks include among others training and enhancing the professional competence of judges and prosecutors, in order to complement their specialist knowledge and professional skills. The continuous training of judicial and prosecutorial staff is based mainly on the Annual Schedule, which ensures a constant performance of training tasks and a possibility to familiarize with the training offer by the trainees. The training offer of the National School in 2016 was wide and covered each of the abovementioned types of trainings however the in- service training for the use of computer facilities has been carried out through an e-learning platform available on the National School website (soft training such as MS Word and MS Excel applications for justice system purposes, non-visual writing on the keyboard). In 2016 it was organised 370 training events including 130 two or three days training sessions and 240 one - day training sessions. Moreover judges and public prosecutors were able to participate not only in the trainings organised by the National School but also other institutions (for example courts, public prosecutor's offices, the Ministry of Justice).

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

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

Comments

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

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

In-service training for management functions in office (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

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

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

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

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

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

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

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

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

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

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

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

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

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

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	10528000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 1 Euro=4,4240 PLN

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

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors



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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	21435 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17489 <input type="checkbox"/> NA <input type="checkbox"/> NAP	94830 <input type="checkbox"/> NA <input type="checkbox"/> NAP	77371 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	21435 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17148 <input type="checkbox"/> NA <input type="checkbox"/> NAP	94830 <input type="checkbox"/> NA <input type="checkbox"/> NAP	75864 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	43184 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34548 <input type="checkbox"/> NA <input type="checkbox"/> NAP	191048 <input type="checkbox"/> NA <input type="checkbox"/> NAP	152838 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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	(X) Yes () No	(X) Yes () No
Other financial benefit	(X) Yes () No	(X) Yes () No

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

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

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

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

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

3) Annual additional leave. A judge is entitled to annual additional leave of:
 -six business days - after ten years of work,
 -twelve business days - after fifteen years of work.

The prosecutor and judges are entitled to a jubilee payment in the amount of:

- 1) after 20 years of work -100% of monthly remuneration;
- 2) after 25 working hours -150% of monthly remuneration;
- 3) after 30 years of work -200% of monthly remuneration;
- 4) after 35 years of work - 250% of monthly remuneration;
- 5) after 40 years of work - 350% of monthly remuneration;
- 6) after 45 years of work - 400% of monthly remuneration.

[] NAP

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No

Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
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 other functions/activities?

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Art. 103 § 4 of the Act "Law on the Prosecutor's Office" states that on the intention to undertake additional employment as well as on undertaking another occupation or way of earning, prosecutors of district prosecutors' offices and prosecutors of the circuit prosecutors' offices notify the appropriate circuit prosecutor, prosecutors of the regional prosecutors' offices - the appropriate regional prosecutor, prosecutors of the National Prosecutor's Office, regional prosecutors and circuit prosecutors - to the National Prosecutor and

the National Prosecutor and other Deputies of the Prosecutor General - to the Prosecutor General.
Other functions include adviser to the Attorney General or the National Prosecutor.

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

- Yes
- No

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

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

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

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

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

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

Comments

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

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

Comments

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

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and 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)	55 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Other <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP		0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - If "other", please specify: The data concern reasons of undertaken disciplinary proceedings against judges is not available.

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

	Judges	Prosecutors
Total number (total 1 to 9)	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input 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	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	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. 16- number of admonition of judges
1-suspension of increasing the salary of a judge in repose.

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

Sources: Register for matters to be examined by the Disciplinary Court of the Prosecutor General.

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[48315]

[] NA

[] NAP

Comments

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

Yes ()

No (X)

Comments

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

[]

[] NA

[X] NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Dismissal cases	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Criminal cases - Defendant	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Criminal cases - Victim	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Administrative cases	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
There is no monopoly	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: Mandatory representation before the Supreme Court is defined in Art. 871. of Code of Civil Procedure

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

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

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

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Family member	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Self-representation	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Trade union	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Other	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP

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

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

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

Comments

149-2. What are the statuses for exercising the legal profession in court?

- Self-employed lawyer

Staff lawyer

In-house lawyer

Comments

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments

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

Yes

No

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

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

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

Sources: Ministry of Justice

6.1.2. Practicing the profession

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

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures



157. Have quality standards been determined for lawyers?

Yes

No

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

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

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify: A complaint can be filed to the local bar authority

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

Comments

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

Number of disciplinary proceedings

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

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

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

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

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR



163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

(X) Yes

() No

Comments In regard to Q163-1 it is necessary to indicate that there are not mandatory mediation procedures.

The number of mediation procedure increased significantly caused by implemented changes in law, especially in Code of Civil Procedure. We can notice that percentage of mediation cases raise in relation to cases in which mediation procedure can be apply.

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

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: There is no mandatory mediation procedures.

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family law cases (ex. divorce)	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Administrative cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Employment dismissals	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Criminal cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments

165. Is there a possibility to receive legal aid for judicial mediation procedures?

(X) Yes

() No

Comments - If yes, please specify: According the Polish Law a party has right to take part in a mediation together with a legal representative of a party, including a possibility to receive legal aid by a proxy.

166. Number of accredited or registered mediators who practice judicial mediation:

[]

[X] NA

[] NAP

Comments The central register of mediators in Poland is not maintained. There are two separate list of registered mediators maintained by each regional courts – a list of permanent mediators created by the president of a regional court and a list of mediators created by mediation organisations. There is no possibility to account number of registered mediators because mediators are repeated on both lists and in different courts also.

167. Number of judicial mediation procedures.

Number of judicial mediation procedures

Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	20856 [] NA [] NAP
1. Civil and commercial cases	12986 [] NA [] NAP
2. Family cases	5151 [] NA [] NAP
3. Administrative cases	8 [] NA [] NAP
4. Employment dismissal cases	1536 [] NA [] NAP
5. Criminal cases	1175 [] NA [] NAP

Comments - Please indicate the source: The number of mediation procedure increased significantly caused by implemented changes in law, especially in Code of Civil Procedure. We can notice that percentage of mediation cases raise in relation to cases in which mediation procedure can be apply.

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: Ministry of Justice

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning



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

- Yes
- No

Comments

170. Number of enforcement agents

[1681]

[] NA

[] NAP

Comments

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

[] judges

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

[] bailiffs working in a public institution

[] other

Comments - Please specify their status and powers:

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

(X) Yes

() No

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

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

	Option
Seizure of movable tangible properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of immovable properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of remunerations	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of motorised vehicles	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Eviction measures	(X) Yes with monopoly () Yes without monopoly () No [] NAP

Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

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

Comments

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

- Yes
- No

Comments

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

- Yes
- No

Comments

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

- a national body
- a regional body

a local body

NAP

Comments

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

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: Ministry of Justice

8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used?

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

a professional body

the judge

the Ministry of Justice

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

§ 1.1. In cases involving redress of damage suffered as a result of an act of law, regulation of the Council of Ministers or regulation of another authority which has been constitutionally appointed to issue regulations, which is not compliant with the Constitution, a ratified international agreement or an act of law, including cases involving redress of damage caused by the fact that an act of law which should have been issued according to the law was not so issued, the creditor shall directly request the minister competent for the State Treasury affairs to satisfy his claim, while making a reference to a relevant enforcement order, whereupon the minister is required to promptly satisfy a claim which is confirmed by an enforcement order, using the funds of a specific reserve of the state budget.

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

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

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

Yes

No

Comments - If yes, please specify:

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

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

Comments - If yes, please specify: To change the situation concerning the enforcement of court decisions new Act on Enforcement Agents and Act on enforcement costs were introduced into polish legal system.

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

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

Comments

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

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

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)	99 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2. For professional inadequacy	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. For criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	99 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: In 2016 there were 99 disciplinary proceedings initiated against enforcement agents (number of initiated proceedings and cases in pending). There is no possibility to categorize mentioned proceedings through the prism of disciplinary penalties.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	66 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	31 <input 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: 31 - number of admonitions or expulsions from enforcement service. There were also 28 cases in which proceedings were discontinued. Moreover in 21 cases there were acquittals. Considering the fact that a lot of judgments issued in 2016 relate to applications that have been received in previous years above data should not be directly linked to the information contained in point 187.

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

Source: Ministry of Justice

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters



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

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

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:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

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

	Number of notaries
TOTAL	3416 [] NA [] NAP
Private professionals (without control from public authorities)	[X] NA [] NAP
Private professionals under the authority (control) of public authorities	3416 [] NA [] NAP
Public agents	[X] NA [] NAP
Other	[X] NA [] NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

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

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

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

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

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):

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

Notary does the following activities :

- draw up notarial deeds;
- draw up certificates of inheritance;
- undertakes activities related to the European Certificate of Succession;
- draw up the credentials;
- delivers statements;
- lists protocols;
- draw up protests of bills of exchange and checks;

- takes for safekeeping money, securities, documents, data on an IT data carrier;
- draw up abstracts, certified copies and excerpts of documents;
- draw up, at the parties' request, draft acts, declarations and other documents;
- submits requests for registration in the land and mortgage register and documents which are necessary to registration in the land and mortgage register;
- fulfill other activities followed from separate provisions.

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

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

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with: In the Polish legal system, only notaries are entitled to perform notarial activities. However, it should be noted that some activities that belong to the competences of notaries, are also entrusted to other entities, e.g. certification of documents submitted in the course of civil proceedings

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

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?

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify):

Comments

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

Yes

No

Comments

I1. Please indicate the sources for answering question 192:

Sources: Ministry of Justice

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments Only a person who fulfills the conditions required by law is entitled to bear the title "sworn translator". But there is no protection to the name "court interpreter".

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

Yes

No

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

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

199. Number of accredited or registered court interpreters:

[10228]

[] NA

[] NAP

Comments

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

Yes

No

Comments - If yes, please specify: There are measures of professional accountability of sworn translators within the act on the profession

of sworn translators. In respect of professional accountability following penalties may be imposed on a sworn translator by the Professional Accountability Commission:

- 1) admonition;
- 2) reprimand;
- 3) fine;
- 4) suspension of the right to practice the profession of sworn translator for a period from 3 months to one year;
- 5) deprivation of the right to practice the profession of sworn translator, with the possibility of applying for granting it again not earlier than 2 years after deprivation and having taken again the examination

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

201. Are the courts responsible for selecting court interpreters?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects court interpreters

Comments Minister of Justice is responsible for maintaining of the list of sworn translators including entering of new translators, changing data and removing translators from the list. It should be noted, that in conducted case judge is responsible for choosing court interpreter from the list which is maintained by Minister of Justice.

J1. Please indicate the sources for answering question 199

Sources: Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments In polish legal system "Expert witnesses" can be appointed only by the court, not by the parties. "Legal experts" can be appointed by the court to determine the content of foreign law or foreign judicial practice.

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

- Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) Lists of court experts are kept by presidents of district courts. The presidents of district courts decide about registration on the list. Experts are established for 5 years period, after which it is possible to establish for another five-year periods. Before taking office, the expert makes a promise to the president of court, vowing to perform the duties entrusted to him with all diligence and impartiality.

A court expert can be an established person who:

- enjoys full civil and civic rights,
- has theoretical and practical knowledge in a given branch of science, technology, art, craft, as well as other skills for which it is to be established,
- gives a guarantee of due performing duties,
- agrees to be established on an expert.

The possession of special knowledge and skills should be shown by documents or other evidence.

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

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

	Obligation of training
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Continuous training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

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

the proceeding

the profession of expert

other

Comments

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

Yes

No

Comments

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

Yes

() No

Comments

205. Number of accredited or registered judicial / technical experts:

[19658]

[] NA

[] NAP

Comments The number provided is the number of items on lists maintained by presidents of district courts. The actual number of people performing this function is smaller - some experts appear on the lists many times (in many district courts, under various specializations).

205-1. Who sets the expert remuneration?

- Judge, court referendary or the authority conducting the preparatory proceedings.

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

(X) Yes

() No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: Current standards do not specify the time of preparation an expert opinion. However, they point, for example, to its essential elements, the rules for the remuneration of an expert, sanctions related to the late delivering of an opinion.

207. Are the courts responsible for selecting judicial experts?

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

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

[] No, please specify which authority selects judicial experts

Comments

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

() Yes

(X) No

Comments

K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

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

1. (Comprehensive) reform plans NAP

2. Budget NAP

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) The act amending the common courts act (Act of 12 July 2017 amending the Act on the organisation of common courts and some other acts) was submitted to the Sejm in 2017 as a parliamentary proposal, thus it cannot probably be included in the report, which covers 2016. Similarly, it seems that it cannot be included as planned or stipulated in 2016, as it was a parliamentary proposal and as such, it was not covered with “planning” or “envisaging” in 2016 in the Ministry of Justice. In 2016, a draft act amending the Act on the organisation of common courts was prepared (the act was adopted on 23 March 2017). The draft aimed to organise the system of functioning of court directors in order to increase the efficiency of managing the staff of common courts, as regards the positions of court directors and deputy directors. In particular, the amendments covered the principles of appointing and dismissing court directors and their deputies, the principles of hierarchical subordination of court directors, as well as undertaking by presidents of courts actions having financial consequences – by reinforcement of the role of the Minister of Justice in the supervision of court administration.

3.1. Access to justice and legal aid In order to prevent victimization and provide victims with support, the Polish Ministry of Justice by implementing the European Council Recommendation nr. (87) 21 on the assistance to victims and prevention of victimization established the Victims and Postpenitentiary Assistance Fund. Fund’s resources are spent on free of charge assistance to victims legal advice. The free of charge assistance is served in the special centres runned by NGO’s organization.

4. High Judicial Council In 2016 a proposal for the amendments in the Act on the National Council of the Judiciary was prepared. It aimed in particular to increase the democratic character of elections of the Council members. The proposal for the act was subjected to

opinions and consultations process and then further elaborated along the line of electing members of the Council – judges by the Sejm, from amongst candidates proposed by legal profession circles, and of modification of the model of Council proceedings as regards the appointment of candidates to judicial positions and promotion of judges (creating two separate Chambers within the Council, consisting of the elected judges and other members, including that a concordant will of both Chambers determines the possibility of appointing a candidate to a judicial position, and if this is not the case, it is possible that the whole Council votes on the candidate). The Act was adopted by the Parliament in 2017 and then returned by the President to the Sejm for the purpose of its re-examination (vetoed).

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. In 2016 the Act of 30 November 2016 amending the Act on the organisation of common courts and some other acts was prepared and adopted. It provided for a.o. the open character of asset declarations of judges (with the possibility of making them secret in certain cases) and provided corrections of regulations regarding disciplinary proceedings a.o. through prolonging the periods of prescription for disciplinary torts and introducing disciplinary penalty consisting in the reduction of basic remuneration of a judge by 5%-20% for a period between six months and two years.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities 1. Draft Act amending the Misdemeanour code and some other acts (UD207)

The proposal suggests to modify the parametric system of qualification of criminal acts against property to the relevant type of offence (i.e. crime or minor offence), which is ineffective and causes difficulties in adjudicating, as well as it solves the problem of the register of perpetrators of misdemeanours, which is not kept at the moment, which has the effect that these information are gathered only in police statistics and makes it impossible for courts to use them because of the absence of relevant regulations. In the present state of law, there are also provisions which need to be amended due to the fact that they were formulated with regard to legal acts, which are no longer in force, as well as because the legal system within the relevant scope is not uniform. Moreover, the solutions adopted previously sometimes cause procedural problems because of differing interpretations in this area, and this is yet another reason for the necessity of legislative acts here.

2. Draft Act amending the Penal Code (UD260)

The proposed amendment is a result of a negative assessment of the hitherto practice applied in situations of exceeding the limits of legitimate defence. It has been noticed that there were too many cases of unjustified omission of the provisions of Article 25 § 3 of Penal Code when making a legal assessment of the conduct of a person who, when counteracting illegal attacks, infringed or endangered the legal rights of the attacker.

3. Draft Act amending the Fiscal Penal Code (UD188)

The proposed amendment of the aforementioned act contains a number of comprehensive systemic solutions aiming to streamline the counteracting and combating fiscal crime, with the consequence of tighter tax system and preventing of the so-called “grey area”. The estimates of the grey area in Poland in 2010-2015 say it is ca. 12-14% GDP, where illegal activity makes about 1% of GDP.

According to data gathered by the Supreme Audit Office (NIK), in 2013-2015 the relation of tax revenue to GDP was lower than in the years 2005-2012. This indicates that the effectiveness of tax collection lowered and that state authorities are less effective in eliminating the grey area.

Criminal fiscal offences cause the greatest losses resulting from criminal activity, both for the state budget because of smaller revenues, obtaining undue reimbursement, cross-border crime, and for the private sector – because of a direct decrease in incomes and decrease of competitiveness, including in the context of the grey area development.

4. Draft Act amending the Penal Code and some other acts (UD145)

The proposal aims to prevent the usurious loans by way of penalisation of the very demand for undue profits by the lender, as

reciprocal consideration.

5. Draft Act amending the Penal Code (UD132)

The proposal aims to prevent the problem of corruption in judicial institutions. Corruption as a real problem should be particularly stigmatised in the justice system. The Article 10 of the Constitution of the Republic of Poland stipulates that the system of the Republic of Poland is based on a division and balance of legislative, executive and judicial power. Judicial authority is performed in Poland by courts and tribunals. The justice system is exercised pursuant to Article 175 of the Constitution of the Republic of Poland: the Supreme Court, common courts, military courts and administrative courts. The issue of the absence of constitutional empowerment of prosecution service cannot imply that public prosecutor would be excluded from the justice system. With regard to the tasks and functions implemented by the prosecution service, it should be stated that public prosecutor performs functions connected with cooperation with courts exercising the justice system. The proposal aims to aggravate criminal liability for judges, lay judges, public prosecutors who violated the principle of impartiality in proceedings conducted pursuant to the act.

6. Draft Act amending the Code of Procedure in misdemeanour cases and some other acts (UD152)

The proposal aims to solve the problem connected with covering the costs of proceedings in misdemeanour cases in the context of explanatory activities conducted by a body subordinate to a territorial self-governing entity (e.g. the reimbursement of a witness' dues for appearance in the course of explanatory actions conducted by a communal or municipal guards). The provision of Article 117 § 1 of Code of Procedure in misdemeanour cases provides that possible expenses arising within single proceedings should be provisionally paid by the State Treasury. In case of explanatory activities conducted by bodies subordinate to the authorities of the self-governing entity, a doubt occurs which authority represents the State Treasury. Pursuant to the existing legal provisions it is impossible to clearly indicate an entity that is relevant to reimburse the costs arising from explanatory activities in misdemeanour cases conducted by communal (municipal) guards, which would pay for the expenses as the State Treasury.

7. Enforcement of court decisions NAP

8. Mediation and other ADR NAP

9. Fight against crime On May 13th, 2016 the Law on Counteracting the Threat of Sexual Crimes was passed. This Law provides establishing Sex Offenders Register. The Register will be divided into two databases: a public one and a one with limited access. The public register will be accessible via Ministry of Justice website and will contain pictures, names, surnames, dates and places of birth and places of living (town, city) of the most dangerous sexual offenders. Information on convicting court, committed offence and the penalties imposed will also be published. The sex offenders register with limited access will be accessible only by chosen authorities and institutions and it will contain more information about a wider array of sex offenders. Employers and other organizers will be obliged to verify whether data of a candidate to perform activities in the field of education, recreation, medical treatment and care of minors is stored in this register (under criminal responsibility).

The other mean of fight against sex criminality will be a map of areas of particular risk for such crimes. It will be accessible via Polish National Police website. This law has not come into force yet. Sex Offenders Register and the Police map will become operative on October 1st, 2017.

9.1. Prison system Act on Polish Prison Service Modernisation Programme 2017-2020 comprises an array of undertakings aimed at improving the security and safety of prisons and remand prisons in Poland. It is also intended to upgrade the current penitentiary facilities as well as to ensure better medical care for inmates. Furthermore, the Programme will also see upgraded working conditions for prison officers as well as civilian prison staff. It is also worthy of notice that the Programme envisages technical refurbishment, thermal and electric power supply renovation of the prison establishments, improved medical services for inmates as well as an overhaul of the Prison Service IT and telecommunications infrastructure and also transport fleet revamp.

Furthermore, in the coming years, the Prison Service Headquarters intends to overhaul the recruitment and training strategy for prison officers and civilian staff as well as to promote inmate employment and education. The first phase of the Programme has been underway since 2016 as "Work for Prisoners." It is a three-pronged strategy, i.e. extending the catalogue of institutions which can benefit from free-of-charge prisoners' work, incentives for prisoner employers and creating job opportunities through the construction of production facilities in penitentiary institutions. Already the first year of the programme has seen a tangible hike of inmate employment from the level of 35 pc (Jan 2016) to 46 pc (March 2017). In this context, prisoner education deserves a special mention: the larger the proportion of the incarcerated who receive vocational training in line with market requirements, the tangibly higher the odds of their employment during and after their prison term. Such training has been provided especially in the framework of the 131 mln zloty Operational Programme Knowledge Education Development financed by the European Union.

The above described Prison Service Modernisation Programme will attract a supplementary budget of ca. 1.5 billion zlotys set aside by the discussed 2016 Parliamentary Act. Other expenses will be covered from the current Prison Service budget.

9.2 Child friendly justice In order to prevent child re-victimisation Ministry of Justice continue the programme of „Child friendly Justice”. One of the programme aim is to establish standard that children would testify during the trial once only in special child friendly room. This programme is performed with NGO partner.

9.3. Violence against partners NAP

10. New information and communication technologies NAP

11. Other Due to prevent victimization and provide victims with support, the Polish Ministry of Justice by implementing the European Council Recommendation nr. (87) 21 on the assistance to victims and prevention of victimization established the Victims and Postpenitentiary Assistance Fund. Fund's resources are spent on free of charge assistance to victims i.e. legal advice and psychological counselling.