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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

POLAND

**DRAFT ACT ON THE RESTORATION OF THE RIGHT TO
A TRIAL BY AN INDEPENDENT AND IMPARTIAL COURT
ESTABLISHED BY LAW BY REGULATING THE EFFECTS OF
THE RESOLUTIONS OF THE NATIONAL COUNCIL OF THE
JUDICIARY ADOPTED IN 2018–2025**

Draft of 24 April 2025

ACT

of

on the restoration of the right to a trial by an independent and impartial court established by law by regulating the effects of the resolutions of the National Council of the Judiciary adopted in 2018–2025¹⁾²⁾

Being responsible for protecting human rights and freedoms, restoring the constitutional state of the rule of law, implementing the fundamental principles, standards and values of a democratic state governed by the rule of law, guaranteeing the independence of all judges, restoring the functioning of the courts established by law and ensuring full independence of the judiciary, which was undermined by the deprivation of the constitutional identity of the National Council of the Judiciary in 2018–2025, and in order to overcome the unprecedented crisis of the justice system in Poland, as well as to implement numerous judgments of the European Court of Human Rights, the Court of Justice of the European Union, the Supreme Court and the Supreme Administrative Court, primarily in order to ensure citizens and all individuals of the right to a court, a sense of legal certainty and confidence in the judges and the courts, it is hereby decided as follows:

¹⁾ This Act implements the judgment of the European Court of Human Rights of 11 November 2023 in case 50849/21 *Wałęsa v Poland*.

²⁾ This Act amends the following Acts: the Code of Civil Procedure of 17 November 1964, the Law on the Structure of the Military Courts of 21 August 1997, the Act on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation of 18 December 1998, the Law on the Structure of the Ordinary Courts of 27 July 2001, the Law on the Structure of the Administrative Courts of 25 July 2002, the Act on the National Council of the Judiciary of 12 May 2011, the Law on the Public Prosecutor's Office of 28 January 2016, the Act amending the Act on the National School of Judiciary and Public Prosecution of 11 May 2017, the Law on the Structure of the Ordinary Courts and Certain Other Acts, the Act on the Supreme Court of 8 December 2017, the Act on the Ombudsman for Small and Medium-sized Enterprises of 6 March 2018, the Law on Higher Education and Science of 20 July 2018, the Act on the State Commission for the Investigation of Cases against Sexual Liberty and Decency against Minors under the age of 15 years of 30 August 2019, the Act amending the Law on the Structure of the Ordinary Courts and the Act on the Supreme Court and Certain Other Acts of 20 December 2019.

Chapter 1

General provision

Article 1. The Act regulates the effects of the resolutions adopted in 2018–2025 by the National Council of the Judiciary formed under the Act amending the Act on the National Council of the Judiciary and Certain Other Acts of 8 December 2017 (Journal of Laws of 2018, item 3).

Chapter 2

Regulation of the effects of resolutions adopted by the National Council of the Judiciary in 2018–2025

Article 2. 1. The resolutions referred to in Article 1, on the submission of a request for appointment to the office of Supreme Court judge, court of appeal judge, regional court judge, district court judge, Supreme Administrative Court judge, voivodship administrative court judge, military regional court judge or military garrison court judge are deprived of their legally binding force.

1. The provisions of para. 1 shall not apply to the resolutions referred to in Article 1, to the extent to which they constituted the basis for the appointment of:
 - 1) a district court judge in the procedure specified in Article 106xa of the Law on the Structure of the Ordinary Courts of 27 July 2001;
 - 2) a district court judge, whose right to apply for appointment to the office of judge arose from Article 15, para. 11, Article 18 or Article 20, para. 1 of the Act amending the Act on the National School of Judiciary and Public Prosecution, the Law on the Structure of the Ordinary Courts and Certain Other Acts of 11 May 2017 (Journal of Laws item 1139 and of 2018, item 1433);
 - 3) a voivodship administrative court judge, whose right to apply for appointment to the office of judge arose from holding the position of a judicial assessor in a voivodship administrative court, for which he/she applied before the date on which the Act amending the Act on the National Council of the Judiciary and Certain Other Acts of 8 December 2017 (Journal of Laws of 2018 item 3) entered into force;

- 4) a judge who resigned from the office of judge and then returned to the office of judge and the position previously held, if he/she assumed the position previously held in a manner other than as a result of a request for the appointment of a judge submitted to the president of the Republic of Poland by the National Council of the Judiciary formed in accordance with Article 9a of the Act on the National Council of the Judiciary of 12 May 2011, or in the manner referred to in items 1–3.

Article 2a. 1. A judge referred to in Article 2, para. 2 shall remain in office and shall continue to hold the position of a judge.

2. The National Council of the Judiciary, formed without the application of Article 9a of the Act on the National Council of the Judiciary of 12 May 2011, shall adopt resolutions within 30 days of the date of the first meeting confirming that the resolutions referred to in Article 2, para. 2 are effective. The National Council of the Judiciary shall adopt separate resolutions regarding the individual groups of judges referred to in Article 2, para. 2.
3. The resolutions referred to in para. 2 shall list the forename, surname, date of birth, position and date of appointment to that position for each of the judges to whom the given resolution applies. The resolutions shall be promulgated in the Official Journal of the Republic of Poland, 'Monitor Polski'.
4. The resolutions referred to in para. 2 are not appealable.

Article 3. 1. Subject to Article 10, para. 3 and Article 13, para. 1, a person who held the position of a judge, to which he/she was appointed in a manner other than as a result of a request for the appointment of a judge submitted to the president of the Republic of Poland by the National Council of the Judiciary formed in accordance with Article 9a of the Act on the National Council of the Judiciary of 12 May 2011, or on the basis of the resolution referred to in Article 2, para. 2, immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, shall return to the judicial office in the previous position on the date of entry into force of this Act.

2. The judge's employment in the position referred to in para. 1 shall be deemed to have been uninterrupted.
3. The period of work in the judicial position to which the person referred to in Article 1 was appointed on the basis of the resolution referred to in Article 2, para. 1 shall be treated as a period on the basis of which the right was acquired to a basic salary at a higher rate.

4. The person referred to in para. 1 shall be entitled to a basic salary at the rate at which he/she last received it while in the position referred to in para. 1. If the period of work in that position since acquiring the right to that rate, including the period referred to in para. 3, justifies the acquisition by the person referred to in para. 1 of the right to a basic salary at a higher rate, he/she will be entitled to a basic salary at that rate.

Article 4. 1. During a period of 2 years after the entry into force of this Act:

- 1) a judge of an ordinary court, as referred to in Article 3, para. 1, shall be delegated to perform judicial duties in the regional court or the court of appeal in which he/she held a position as a result of the resolution referred to in Article 2, para. 1, or to which he/she was transferred;
 - 2) a judge of a voivodship administrative court, as referred to in Article 3, para. 1, shall be delegated to perform judicial duties in the Supreme Administrative Court in which he/she held a position as a result of the resolution referred to in Article 2, para. 1;
 - 3) a military garrison court judge, as referred to in Article 3, para. 1, shall be delegated to perform judicial duties in the military regional court in which he/she held a position as a result of the resolution referred to in Article 2, para. 1, or to which he/she was transferred.
2. The provision of para. 1 shall not apply to judges who:
 - 1) were members of the National Council of the Judiciary elected by the Sejm from among judges;
 - 2) were appointed to perform the function of the Disciplinary Commissioner for Judges of the Ordinary Courts or Deputy Disciplinary Commissioner for Judges of the Ordinary Courts.
 3. The start of the period of delegation referred to in para. 1, shall be determined by the president of the court to which the judge has been delegated. Activities do not need to be divided up anew for the tasks to be taken up during the period of delegation.
 - 3a. The judge referred to in para. 1 shall have the right to a salary that is specified in accordance with the principles that apply to a delegated judge on the basis of the general rules.
 4. The judge referred to in para. 1 may resign from the delegation with a 6-month notice period.

5. After the end of the delegation referred to in para. 1, the judge shall perform activities in the assigned cases at the previous place of work until they are completed, and shall retain jurisdiction over them.
6. The president of the respective court of appeal shall delegate the judge referred to in para. 1, item 1, at his/her request, to continue to indefinitely perform the duties of a judge at the place of work to date at the end of the period referred to in para. 1 if the judge takes part in proceedings regarding appointment to office in the position of judge, as referred to in Article 29, para. 2.
7. The president of the Supreme Administrative Court shall delegate the judge referred to in para. 1, item 2, at his/her request, to continue to indefinitely perform the duties of a judge at the place of work to date at the end of the period referred to in para. 1 if the judge takes part in proceedings regarding appointment to office in the position of judge, as referred to in Article 29, para. 2.
8. The Minister of Justice, in consultation with the Minister of National Defence, shall delegate the judge referred to in para. 1, item 3, at his/her request, to continue to indefinitely perform the duties of a judge at the place of work to date at the end of the period referred to in para. 1 if the judge takes part in proceedings regarding appointment to office in the position of a judge, as referred to in Article 29, para. 2.
9. The delegations referred to in paras 5–7 shall end upon the judge's resignation after giving three months' notice or upon the final completion of the proceedings referred to in Article 29, para. 2 with respect to the judge, unless a resolution is adopted to present a request for the appointment of that judge to hold office in the position in the court to which he/she has been delegated. The provision of para. 4 shall apply accordingly.
10. Article 40 § 3 of the Act on the Supreme Court of 8 December 2017 shall not apply to delegations to the Supreme Administrative Court, as referred to in para. 1, item 2.

Article 5. 1. The judicial office of a person who did not hold the position of judge appointed in a manner other than as a result of a request for the appointment of a judge submitted to the president of the Republic of Poland by the National Council of the Judiciary formed in accordance with Article 9a of the Act on the National Council of the Judiciary of 12 May 2011, or on the basis of the resolution referred to in Article 2, para. 2 immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, shall end on the date of entry into force of this Act.

2. Subject to Article 7, para. 2, if social insurance contributions were not remitted on the salary paid to the person referred to in para. 1 in the position of judge up to the date of entry into force of this Act, the contributions shall be remitted to the Social Insurance Institution on the principles specified in Article 91, § 10 of the Law on the Structure of the Ordinary Courts of 27 July 2001 (Journal of Laws of 2024, items 334 and 1907).
3. A person called up for professional military service in connection with taking up the position of judge of a military court, to which he/she was appointed on the basis of the resolution referred to in Article 2, para. 1, shall be released from this service by law on the date of entry into force of this Act. The president of the competent military regional court or competent military garrison court shall confirm the release of a soldier from professional military service by way of a personnel order issued for recording purposes. The provisions of Article 236, Article 458 and Article 459 of the Act on Homeland Defence of 11 March 2022 (Journal of Laws of 2024, items 248, 834, 1089, 1222, 1248, 1585, 1871, 1907, of 2025, item 39) shall not apply.

Article 6. 1. The president of the respective court of appeal or the respective voivodship administrative court shall appoint the person referred to in Article 5, para. 1, upon his/her application, to the position of court referendary in the ordinary court or administrative court in which that person held office as a judge, within 7 days of the date of submission of the application.

2. The application referred to in para. 1 shall be submitted within a month of the date of entry into force of this Act. An application submitted late shall not incite any legal effects.
3. The provisions of paras 1 and 2 shall not apply to anyone who has been appointed to the office of Supreme Court judge or Supreme Administrative Court judge.

Article 7. 1. If the person referred to in Article 5, para. 1 held the position of prosecutor immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, he/she may be appointed to the previously occupied position of prosecutor on application submitted within a month of the date of entry into force of this Act, unless he/she was appointed to the position of court referendary on the basis of the application referred to in Article 6, para. 1. The provisions of Article 132, § 5 and § 6 of the Law on the Prosecutor's Office of 28 January 2016 (Journal of Laws of 2024, item 390) shall apply.

2. Employment of the person referred to in para. 1 in the position of prosecutor shall be established at the time the notice of appointment is served.

3. The period of work in the judicial position to which the person referred to in Article 1 was appointed on the basis of the resolution referred to in Article 2, para. 1 shall be treated as a period on the basis of which the right was acquired to a basic salary at a higher rate.
4. The person referred to in para. 1, who is appointed to the position of prosecutor, shall be entitled to a basic salary at the rate at which he/she last received it while in the position referred to in para. 1. If the period of work in that position since acquiring the right to that rate, including the period referred to in para. 3, justifies the person referred to in para. 1 obtaining the right to a basic salary at a higher rate, he/she will be entitled to a basic salary at that rate.
5. If a prosecutor's employment is not established in the procedure specified in para. 1, the social insurance contribution for the period of employment in the position of prosecutor or judge, as provided for in the provisions of the Act on the Social Insurance System of 13 October 1998 (Journal of Laws of 2024, items 497, 863, 1243 and 1615), on the salary that was paid, on which contributions were not paid, shall be remitted to the Social Insurance Institution on the principles specified in Article 91, § 10 of the Law on the Structure of the Ordinary Courts of 27 July 2001 (Journal of Laws of 2024, items 334 and 1907) and in Article 126, § 2 of the Law on the Public Prosecutor's Office of 28 January 2016 (Journal of Laws of 2024, item 390 and of 2025, item 304). The prosecutor general shall notify the president of the respective court of the obligation to remit the funds.

Article 8. 1. The person referred to in Article 5, para. 1, who practiced the profession of attorney-at-law immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, may apply for an entry onto the list of attorneys-at-law on the principles specified in the Law on the Bar of 26 May 1982 (Journal of Laws of 2024, item 1564).

2. The person referred to in Article 5, para. 1, who practiced the profession of legal counsel immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, may apply for an entry onto the list of legal counsels on the principles specified in the Law on Legal Counsels of 6 July 1982 (Journal of Laws of 2024, item 499).
3. The person referred to in Article 5, para. 1, who practised the profession of notary public immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, may apply for appointment to the office of notary public on the principles specified in the Law on Notaries Public of 14 February 1991 (Journal of Laws of 2024, item 1001).

- Article 9.** 1. The person referred to in Article 5, para. 1, who held the position of president, vice-president or counsel of the General Counsel to the Republic of Poland immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, may be employed in the position of senior counsel or counsel of the General Counsel to the Republic of Poland on application submitted to the president of the General Counsel to the Republic of Poland within a month of the date of entry into force of this Act, unless he/she does not satisfy the conditions of employment for these positions, as specified in separate provisions.
2. The person referred to in Article 5, para. 1, who held a position in a public institution related to applying or creating administrative law immediately before being appointed to a judicial office in the position of voivodship administrative court judge on the basis of the resolution referred to in Article 2, para. 1, may return to the position previously held on application submitted to the head of the respective public institution within a month of the date of entry into force of this Act, unless he/she does not satisfy the conditions for taking up that position, as specified in separate provisions.
 3. The provisions of para. 1 and 2 shall not apply if the person referred to in these provisions was appointed to the position of court referendary on the basis of the application referred to in Article 6, para. 2.

- Article 10.** 1. As of the date of entry into force of this Act, if the person referred to in Article 3, para. 1 retires or is required to retire, he/she shall become a judge who retires from the position held immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1.
2. As of the date of entry into force of this Act the retirement benefits of the person referred to in para. 1 shall be set at 75% of the basic salary and an allowance for length of service that is to be received on the date of retirement from the judicial position held immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, subject to the current basis for such benefits. The provisions of Article 3, paras 2–4 shall apply accordingly.
 3. The person referred to in para. 1 may use the title of a retired judge consisting of the name of the judicial position held immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1 and the word “retired”.

Article 11. 1. Subject to Article 13, para. 2, as of the date of entry into force of this Act, the person referred to in Article 5, para. 1, who held the position of prosecutor immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1 and then retired or was required to retire as a judge, shall become a retired prosecutor.

2. As of the date of entry into force of this Act, the retirement benefits of the person referred to in para. 1 shall be set at 75% of the basic salary and an allowance for length of service that is to be received on the date of retirement from the position of prosecutor held immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, subject to the current basis for such benefits. Article 7, paras 3 and 4 shall apply accordingly.

Article 12. 1. The person referred to in Article 5, para. 1, who did not hold a position of judge or prosecutor immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1 and then retired or was required to retire as a judge, shall lose the right to retirement and the retirement benefits as of the date of entry into force of this Act.

2. The person referred to in para. 1 shall acquire the right to a retirement or disability pension on the principles specified in the Act on retirement and disability pensions from the Social Insurance Fund of 17 December 1998 (Journal of Laws of 2024, items 1631 and 1674).
3. If social insurance contributions were not remitted on the salary paid to the person referred to in para. 1 in the position of judge, the contributions shall be remitted to the Social Insurance Institution on the principles specified in Article 91, § 10 of the Law on the Structure of the Ordinary Courts of 27 July 2001.
4. The provisions of Article 8 and Article 9 shall apply to the person referred to in para. 1.

Article 13. 1. The person referred to in Article 3, para. 1, who was required to retire under Article 10, para. 4 of the Act amending the Act on the Supreme Court and Certain Other Acts of 9 June 2022 (Journal of Laws of 2022, item 1259), shall lose the right to retirement and to the retirement benefits as of the date of entry into force of this Act and shall return to the office of judge in the position held immediately before being appointed to the office of a judge on the basis of the resolution referred to in Article 2, para. 1. The provisions of Article 3, paras 2–4 shall apply.

2. The person referred to in Article 5, para. 1, who was required retire under Article 10, para. 4 of the Act amending the Act on the Supreme Court and Certain Other Acts of 9 June 2022 (Journal of Laws of 2022, item 1259), shall lose the right to retirement and to the retirement benefits as of the date of entry into force of this Act.
3. Article 28, paras 1–3 shall apply to the persons referred to in paras 1 and 2 and the judicial positions held by them. These persons shall take part in the proceedings on the appointment to the office of a judge in the Supreme Court on the principles referred to in Article 29, paras 2–5.
4. The provisions of paras 1–3 shall not apply to the persons who are entitled to retire because of their age on the date of entry into force of this Act. Article 10 and Article 11 shall apply to such persons.
5. The person referred to in para. 2, who held the position of prosecutor immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, may apply for appointment to the position of prosecutor in the procedure and on the principles specified in Article 7, para. 1. The provisions of Article 7, paras 2 and 3 shall apply.
6. Article 12, paras 2–4 shall apply to the persons referred to in para. 2, who did not hold the position of judge or prosecutor immediately before being appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1.

Article 14. (deleted)

Article 15. 1. The Minister of Justice shall announce the list of people, to whom the effects arising hereunder in Article 3, paras 1 and 2, Article 5, para. 1, Article 10, paras 1, 3 and 5, Article 11, para. 1, Article 12, para. 1 and Article 13, paras 1, 2 and 4 apply, forthwith in the Official Journal of the Republic of Poland, “Monitor Polski”. The list shall contain:

- 1) the forename and surname, date of birth, position and date of appointment to the position of each of the people to whom these effects apply;
 - 2) an indication of the specific effects and their legal bases.
2. The Minister of Justice shall correct any errors in the announcement referred to in para. 1 regarding the data specified in para. 1, item 1, by way of an announcement.
 3. An appeal may not be filed with an administrative court regarding the announcement referred to in paras 1 and 2.

4. The Minister of Justice may request documents, information and explanations from the public authorities in order to draw up the list referred to in para. 1.
5. The president of the respective court shall notify the president of the Social Insurance Institution forthwith of the emergence of the effects referred to in Article 5, para. 2, Article 7, para. 3 and Article 12, para. 3.

Article 15a. 1. A person, to whom the consequences arising under this Act apply, may file an appeal with the Supreme Court against being entered onto the list referred to in Article 15, para. 1, regarding the correctness of specifying the effects with respect to him/her arising from this Act. The appeal may apply to exclusion from the list.

2. The competent president of the court where the person referred to in para. 1 worked to date may also file the appeal referred to in para. 1.
3. The appeal referred to in para. 1 shall meet the requirements provided for in the Code of Civil Procedure of 17 November 1964 (Journal of Laws of 2024, item 1658) for a procedural document and shall also contain:
 - 1) the reference of the entry against which it is filed, identifying the scope of the appeal;
 - 2) a presentation of the objections regarding the errors in specifying the effects arising from the Act in the list;
 - 3) a justification of the objections;
 - 4) a petition to cancel the entry onto the list, indicating, if necessary, the correct specification of the consequences arising from this Act with respect to the appellant.
4. The appeal shall be filed directly with the Supreme Court within two weeks of the date of announcement of the list referred to in Article 15, para. 1. The reinstatement of the period for filing an appeal is inadmissible.
5. The filing of an appeal shall not suspend the effects arising under this Act.
6. The Chamber of Labour, Social Insurance and Public Affairs of the Supreme Court shall have jurisdiction with regard to appeals. A case is assigned to an adjudicating judge in the order in which the appeal is received, taking into account the surnames of all the Supreme Court judges on the list in alphabetical order, which are kept for this purpose by the president of the Supreme Court directing the work of the Chamber of Labour, Social Insurance and Public Affairs.

7. Subject to the second sentence of para. 6, the Supreme Court shall consider the case in a bench of five judges nominated from among all members of the Supreme Court and judges delegated to perform judicial duties in the Supreme Court. The presiding judge in the bench hearing the appeal shall be a judge of the Supreme Court holding a position in the Civil Chamber or the Chamber of Labour, Social Insurance and Public Affairs. A delegated judge may not be a judge rapporteur.
8. The provision of para. 6 shall apply accordingly to the petition to disqualify a judge from considering the appeal.
9. The Supreme Court shall reject any appeals that do not satisfy the formal requirements, are late, are filed by unauthorized persons or are inadmissible for other reasons, through a bench consisting of a single judge. An appeal not satisfying the formal requirements shall be rejected without requesting its correction or supplementation.
10. The Supreme Court shall make its decision on the appeal forthwith, no later than within one month of the date on which the appeal is filed in cases regarding persons appointed to hold office as judges of the Supreme Court, and no later than within 2 months of the date on which the appeal is filed in other cases.
11. If the appeal is accepted, the Supreme Court shall cancel the entry on the list or shall cancel the entry on the list in order for the effects arising from this Act to be correctly specified with respect to the appellant.
12. The provisions of the Code of Civil Procedure of 17 November 1964 on the cassation appeal, except Article 87¹ and Article 398⁹ of that Code, shall apply accordingly to appeals to the extent not regulated by this Act. The Supreme Court shall examine the case in non-contentious proceedings. The proceedings shall be free of court fees.

Article 15b. 1. The Minister of Justice shall announce the Supreme Court's cancellation of the entry in the list referred to in Article 15, para. 1 forthwith in the Official Journal of the Republic of Poland, "Monitor Polski". The announcement shall include the date and the Supreme Court's case reference.

2. If the Supreme Court cancels an entry in the list, in order to correctly specify the effects arising from this Act with respect to the appellant in the list, the Minister of Justice shall issue a supplementary announcement, as referred to in Article 15, para. 1, to the extent to which it applies to the appellant. The announcement shall include the appellant's forename, surname, date of birth, position and date of appointment to the position, and

shall specify the particular effects and their legal basis. The provision of Article 15a shall apply.

Article 16. Family members of a deceased person who had been appointed to the office of judge on the basis of the resolution referred to in Article 2, para. 1, who acquired the right to family benefits before the date of entry into force of this Act, shall retain this right on the principles in force on the date on which they acquired them.

Article 17. 1. The persons referred to in Article 3, paras 1 and 2 shall not be entitled to a cash equivalent in lieu of days of unused annual leave. They shall retain the right to use this leave in the position to which they were returned.

2. The persons referred to in Article 5, para. 1 shall be entitled to an allowance in lieu of days of unused leave. The amount of the allowance shall be calculated with account taken of the amount of salary paid to these persons on the date of entry into force of this Act, plus the equivalent of the rate of social insurance. The provision of Article 5, para. 2 shall apply.

Article 18. 1. The persons referred to in Article 3, paras 1 and 2 who were on health leave on the day before the date of entry into force of this Act shall retain the right to this leave in the position to which they were returned. The salary referred to in Article 94f of the Law on the Structure of the Ordinary Courts of 27 July 2001, shall be determined with account taken of the salary due to the judge in the position to which he/she was returned, taking into account the current basis of this salary.

2. The persons referred to in Article 5, para. 1, who were on health leave on the day before the date of entry into force of this Act, shall lose the right to the remainder of the leave on the date of entry into force of this Act.

Article 19. 1. The person referred to in Article 3, paras 1 and 2, who is more than three months pregnant on the date of entry into force of this Act, shall be entitled to the salary to which she was entitled on the day before the date of entry into force of this Act and as a result of the inability to work during the period of maternity leave, until the date of delivery.

2. Subject to para. 3, the person referred to in Article 5, para. 1, who is more than three months pregnant on the date of entry into force of this Act, is entitled to maternity benefit at the level of the salary received on the day before the date of entry into force of this Act, plus the equivalent of the social insurance contribution, however, no longer than up to the date of delivery. This person is entitled to maternity leave on the principles provided for in the Labour Code of 26 June 1974 (Journal of Laws of 2023, items 1465, 1871 and 1965).

The maternity benefit during maternity leave is equal to the amount of the salary to which that person was entitled on the day before the date of entry into force of this Act, plus the equivalent of the social insurance contribution.

3. The person referred to in para. 2, who was appointed to the position of court referendary pursuant to Article 6, para. 1, or appointed to the position of prosecutor pursuant to Article 7, para. 1, or returned to the position previously held pursuant to Article 9 in the period between the end of the third month of pregnancy and the date of delivery, shall be entitled to a benefit during the period from the date of appointment or return to the previous position until the date of delivery at the amount of the difference between the salary to which she was entitled on the day before the date of entry into force of this Act, plus the equivalent of the social insurance contribution and, respectively, the salary or maternity benefit paid to her in the position of referendary or prosecutor or in the position to which she was returned pursuant to Article 9. Entities representing the employer shall notify the president of the court in which the person held the position of judge until the date of entry into force of this Act forthwith of the start of this person's employment. The court in which the person entitled to the benefit held the position of judge until the date of entry into force of this Act shall make the payments of the benefit constituting the difference referred to in the foregoing sentence. The provision of Article 5, para. 2 shall apply.
4. The person referred to in Article 3, paras 1 and 2, who was not working on the date of entry into force of this Act because of being on paternity leave or the leave referred to in Article 180, §§ 5, 7 or 12–15 of the Labour Code of 26 June 1974, shall be entitled to a salary until the end of the leave at the amount to which he was entitled on the day before the date of entry into force of this Act.
5. The person referred to in Article 5, para. 1, who was not working on the date of entry into force of this Act because of being on paternity leave or the leave referred to in Article 180, §§ 5, 7 or 12–15 of the Labour Code of 26 June 1974, shall be entitled to maternity benefit until the end of the leave at the amount of the salary to which he was entitled on the day before the date of entry into force of this Act, plus the equivalent of the social insurance contribution.
6. If the persons referred to in paras 2, 3 and 5, are not subject to the obligation to pay health insurance after the date of entry into force of this Act on other grounds, they shall be subject to health insurance for the duration in which they received maternity benefits, and the benefits paid to them shall be reduced by the health and social insurance contributions. In that case, the entity reporting the person for insurance and the payer of

the benefit is the court in which the person held the position of judge on the date of entry into force of this Act.

7. To the extent not regulated in this Act, the provisions of Chapter 6 of the Act on monetary benefits from social insurance in the event of sickness and maternity of 29 June 1999 (Journal of Laws of 2023, item 2780, of 2024, item 1871) shall apply accordingly to the benefits referred to in paras 2 and 5–6.
8. Articles 33–36 of the Act on the Social Insurance System of 13 October 1998 shall apply accordingly to the notice to the health and social insurance referred to in para. 6.

Article 20. 1. The person referred to in Article 3, paras 1 and 2 shall retain the right to parental leave granted to him/her before the date of entry into force of this Act on the conditions in force on the day before the date of entry into force of this Act.

2. The person referred to in Article 5, para. 1, who is on parental leave on the day before the date of entry into force of this Act, which was granted to him/her by the court, shall retain the right to use this leave to the extent to which it was granted to him/her. If this person was combining the use of leave with part-time work up to the day before the date of entry into force of this Act, the amount of leave remaining to be used after the date of entry into force of this Act shall be calculated on the principles specified in Article 1821f, § 3 of the Labour Code of 26 June 1974. Maternity benefit is established for the period from the date of entry into force of this Act to the date of the end of the leave that was granted, whereby the basis for calculating the benefit is the salary to which that person was entitled on the day before the date of entry into force of this Act at the amount to date plus the equivalent of social insurance contributions. That person shall not retain the right to take leave combined with work.
3. To the extent not regulated in this Act, the provisions of Chapter 6 of the Act on monetary benefits from social insurance in the event of sickness and maternity of 29 June 1999 shall apply accordingly to the benefits referred to in para. 2.
4. The provisions of Article 19, paras 6 and 8 shall apply to the persons referred to in para. 2.

Article 21. The principles specified in Article 19 and Article 20 shall apply accordingly to persons who were on leave with the right to maternity leave and parental leave, as referred to in Article 183 of the Labour Code of 26 June 1974, on the date of entry into force of this Act.

- Article 22.** 1. The person referred to in Article 3, paras 1 and 2, who was exercising the right referred to in Article 83a of the Law on the Structure of the Ordinary Courts of 27 July 2001 on the date of entry into force of this Act, shall exercise this right on the same principles in the position to which he/she was returned, with the reservation that the amount of salary is calculated proportionally to the salary due in that position.
2. If the person referred to in Article 5, para. 1 was granted parental leave, the period of which had not ended on the date of entry into force of this Act, it shall be deemed that such leave was granted up to the day before the date of entry into force of this Act. In that case, the request for upbringing leave shall not be included in the number of requests referred to in Article 186, § 8 of the Labour Code of 26 June 1974.

Article 23. A loan for satisfying housing needs, as referred to in Article 96, § 1 of the Law on the Structure of the Ordinary Courts of 27 July 2001, which was granted to a person referred to in Article 5, para. 1, shall be repaid within 2 years of the date of entry into force of this Act, together with annual interest rate at the rate of the average annual overall consumer price index, as specified annually in the Budget Act, but no higher than the reference rate of the National Bank of Poland, subject to the repayments made. Repayment may be made in monthly instalments or as a single payment.

- Article 24.** 1. As of the date of entry into force of this Act, the resolutions referred to in Article 2, para. 1 shall not constitute grounds for appointing a court of appeal judge, a regional court judge, a district court judge, a Supreme Administrative Court judge, a voivodship administrative court judge, a military regional court judge or a military garrison court judge to the office of Supreme Court judge.
2. The provisions of para. 1 shall not apply to resolutions of the National Council of the Judiciary on the presentation of an application for appointment, on the basis of which:
- 1) a person referred to in Article 15, para. 11, Article 18 or 20, para. 1 of the Act amending the Act on the National School of Judiciary and Public Prosecution, the Law on the Structure of the Ordinary Courts and Certain Other Acts of 11 May 2017 is presented to hold office as a district court judge;
 - 2) a person who is a judicial assessor is presented to hold office as a district court judge;
 - 3) a person holding the position of judicial assessor in a voivodship administrative court is presented to hold office as a voivodship administrative court judge, for which he/she submitted his/her application before the date on which the Act amending the Act on

the National Council of the Judiciary and Certain Other Acts of 8 December 2017 entered into force;

- 4) a person returning to the position of judge is presented to hold office as a judge, unless that person was appointed to hold office as a judge as a result of the resolution referred to in Article 2, para. 1.

Article 25. 1. If a person, who took up a position of judge as a result of the resolution referred to in Article 2, para. 1 and then resigned from office, declares his/her intention to return to the office of judge and the position previously held, the National Council of the Judiciary formed without applying Article 9a of the Act on the National Council of the Judiciary of 12 May 2011:

- 1) in the case of a person who held the position of judge immediately before being appointed to hold office as a judge on the basis of the resolution referred to in Article 2, para. 1, to which he/she was appointed in a manner other than as a result of a request for the appointment of a judge submitted to the president of the Republic of Poland by the National Council of the Judiciary formed in accordance with Article 9a of the Act of 12 May 2011 on the National Council of the Judiciary, or on the basis of the resolution referred to in Article 2, para. 2 – he/she shall submit a request for appointment to this position, unless he/she does not meet the conditions for appointment to office as a judge, as specified in separate provisions;
 - 2) in the case of a person who did not hold the position of judge on the date on which the resolution referred to in Article 2, para. 1 was adopted – he/she shall not submit a request for appointment to the office of judge.
2. The provision of para. 1 shall not apply to the cases referred to in Article 2, para. 2.

Article 26. 1. The National Council of the Judiciary, which was formed without the application of Article 9a of the Act on the National Council of the Judiciary of 12 May 2011, shall recall a judge from the delegation referred to in Article 4, para. 1 on the motion of the chair of the National Council of the Judiciary, the president of the competent court of appeal with respect to judges performing judicial duties in courts from the appellate area, the president of the Supreme Administrative Court with respect to judges performing judicial duties in the Supreme Administrative Court or the competent disciplinary commissioner, if this is required for the court to be considered an impartial or independent body.

2. In the case referred to in para. 1, the judge may file an appeal with the Supreme Court against the resolution of the National Council of the Judiciary in the procedure specified

in the Act on the National Council of the Judiciary of 12 May 2011 (Journal of Laws of 2024, item 1186). The filing of the appeal shall not suspend the effectiveness of the resolution.

3. The provision of Article 4, para. 5 shall not apply to the case referred to in para. 1.

Article 27. 1. Individual cases other than those regarding the submission of a request for appointment to hold office as a Supreme Court judge, court of appeal judge, regional court judge, district court judge, Supreme Administrative Court judge, voivodship administrative court judge, military regional court judge or military garrison court judge, which were resolved by the resolutions of the National Council of the Judiciary referred to in Article 1, shall be reconsidered at the request of a participant of the proceedings submitted within 6 months of the date of the first meeting of the National Council of the Judiciary formed without the application of Article 9a of the Act on the National Council of the Judiciary of 12 May 2011.

2. The proceedings being conducted as a result of an appeal against the resolution adopted in the matter referred to in para. 1, which were initiated but had not ended before the date of entry into force of this Act, shall be discontinued by the Supreme Court if the request referred to in para. 1 is filed.
3. The provisions of paras 1 and 2 shall not apply to resolutions on:
 - 1) the presentation of a request to appoint a trainee in judicial training or prosecutor training, who has been examined, to the position of a judicial assessor in an ordinary court;
 - 2) the presentation of a request for appointment to the position of a judicial assessor in an administrative court.
4. The provisions of para. 1 shall not apply to resolutions refusing to allow a retiring judge to continue to hold office. A retired judge to whom such a resolution applies shall have the right to return to the position previously occupied if he/she presents a certificate stating that he/she is able to perform the duties of a judge as a result of his/her state of health, which is issued in accordance with the principles specified for a candidate for a judicial position.
5. In order to exercise the right referred to in para. 4, the judge shall notify the National Council of the Judiciary of his/her intention to return to the position previously held. The National Council of the Judiciary shall issue a resolution on this within one month. A judge

may appeal to the Supreme Court against a negative decision in the procedure specified in the Act on the National Council of the Judiciary of 12 May 2011.

6. If a judge submits the notice referred to in para. 5, the provisions of para. 2 shall apply accordingly.
7. The right referred to in para. 4 shall expire twelve months before reaching the age at which the judge may no longer hold the position because of his/her age. The expiry of this right during the proceedings before the National Council of the Judiciary or the Supreme Court shall constitute grounds for discontinuing the proceedings.
8. A retired judge will be entitled to return to the previously held position if he has not submitted a declaration to the National Council of the Judiciary established on the basis of the Act referred to in para. 1 confirming that he is willing to continue to hold the position. In such a case, paras 4, 5 and 7 shall apply accordingly to the notice of the intention to return to the previously held position.
9. If the notice referred to in paras 5 and 8 is accepted, the period of a judge's retirement is included in the period of work that is required to obtain a salary at the rate that is immediately higher.
10. The provisions of paras 4–9 shall not rule out damage caused by an unlawful refusal to agree to the retiring judge continuing to hold the position.

Chapter 3

Repetition of proceedings on the appointment to the office of judge

- Article 28.** 1. The judicial position taken up as a result of the resolution referred to in Article 2, para. 1 shall become a vacancy on the date of entry into force of this Act. The proceedings regarding appointment to the office of judge in that position shall be repeated.
2. A judicial position taken up as a result of the resolution referred to in Article 2, para. 1, in the abolished chambers of the Supreme Court, shall become a vacant judicial position on the date of entry into force of this Act.
 3. The Minister of Justice shall announce which judicial positions are vacant, as referred to in paras 1 and 2, in the Official Journal of the Republic of Poland, 'Monitor Polski', no earlier than 2 weeks after the date of entry into force of this Act. Vacant judicial positions

in the same ordinary court, military court, voivodship administrative court and the same chamber of the Supreme Court or the same chamber of the Supreme Administrative Court shall be announced jointly, unless this is impossible or inadvisable. The provisions of Article 31, § 1 of the Act on the Supreme Court of 8 December 2017 (Journal of Laws of 2024, item 622), as well as Article 6, § 10, Article 6a, § 2a and Article 7a, § 1 of the Law on the Structure of the Administrative Courts of 25 July 2002 shall not apply.

4. The provisions of paras 1–3 shall not apply if the person who assumed a judicial position as a result of the resolution referred to in Article 2, para. 1, has died, resigned from office or his/her employment has expired, or he/she has retired, subject to Article 13, para. 3, or he/she has subsequently taken over another judicial position as a result of the resolution referred to in Article 2, para. 1.

Article 29. 1. Anyone who meets the requirements for taking up a vacant judicial position, as specified in the provisions referred to in Article 30 may apply for that position in the proceedings referred to in Article 28, para. 1.

2. A person who took over the position of a judge as a result of the resolution referred to in Article 2, para. 1 shall take part in the proceedings referred to in Article 28, para. 1 regarding appointment to the office of judge in the court in which that person occupied the position as a result of that resolution. The chair of the National Council of the Judiciary shall notify the interested party of the start of the repeat proceedings in this matter.
3. A person appointed on the basis of the resolution referred to in Article 2, para. 1 to hold office as a judge in an abolished chamber of the Supreme Court may take part in the proceedings referred to in Article 28, para. 1 regarding the appointment to hold office as a judge in the Supreme Court. This person shall submit a declaration within two weeks of the date of service of the notice from the chair of the National Council of the Judiciary about the start of the repeat proceedings on this matter specifying the chamber of the Supreme Court in which he/she is seeking appointment to hold office as a judge. If a declaration is not submitted or is submitted after the deadline, the National Council of the Judiciary shall discontinue the proceedings with respect to the interested person.
4. The person taking part in the proceedings referred to in Article 28, paras 1–3 may not apply for another vacant judicial position until the end of the proceedings. Such a declaration shall remain unconsidered.

5. The provisions of paras 2–4 shall not apply if the person who assumed a judicial position as a result of the resolution referred to in Article 2, para. 1, has died, resigned from office or his/her employment has expired, or he/she has retired, subject to Article 13, para. 3.

Article 30. 1. To the extent that is not regulated in this Act, the application for a vacant judicial position shall be submitted and activities in the proceedings on the appointment to hold office in that position shall be conducted with respect to the vacant positions:

- 1) in the Supreme Court on the basis of the Act on the Supreme Court of 8 December 2017;
- 2) in the ordinary courts on the basis of the Law on the Structure of the Ordinary Courts of 27 July 2001;
- 3) in the Supreme Administrative Court and in the voivodship administrative courts on the basis of the Law on the Structure of the Administrative Courts of 25 July 2002;
- 4) in the military courts on the basis of the Law on the Structure of the Military Courts of 21 August 1997 (Journal of Laws of 2022, item 2250)

– in the wording specified by this Act.

2. In the case of the persons referred to in Article 29, paras 2–4, the requirements regarding the length of service in the profession that are needed to take up the position of a judge are to be assessed on the basis of the laws in force on the date of submission of the application for the judicial position to which the given person was appointed under the resolution referred to in Article 2, para. 1.
3. The person referred to in Article 29, paras 2–4 may supplement the application for a vacant judicial position within one month of the date of service of the notice from the chair of the National Council of the Judiciary about the repetition of the procedure regarding the appointment to the office of judge. In this person's case, when examining the qualifications for holding the office of judge, the activities undertaken in the judicial position assumed as a result of the resolution referred to in Article 2, para. 1 shall not be taken into account.

Article 31. 1. The National Council of the Judiciary, in the composition formed on the basis of Article 9a of the Act on the National Council of the Judiciary of 12 May 2011, shall not conduct activities in the proceedings referred to in Articles 28–30, as well as other activities.

2. The National Council of the Judiciary shall consider applications in the proceedings referred to in Articles 28–30 in the procedure specified in the Act on the National Council of the Judiciary of 12 May 2011 in the wording specified by this Act.

Chapter 4

Reversal of judgments issued by persons appointed to hold office as judge as a result of resolutions adopted by the National Council of the Judiciary in 2018–2025

- Article 32.** 1. In cases examined on the basis of the Code of Civil Procedure of 17 November 1964 (Journal of Laws of 2024, items 1568 and 1634) ending in a final judgment before the date of entry into force of this Act, a judgment or decision adjudicating on the merits of the case issued by an ordinary court with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, may be set aside at the request of a party or participant in the proceedings as a result of the circumstances related to that person's appointment to the office of judge if that party or participant raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench in the first instance court or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the appeal objections on those grounds.
2. The provision of para. 1 shall apply to judgments and decisions adjudicating on the merits of the case ending proceedings, which were issued by a second instance court with the involvement of a person referred to in Article 3, para. 1 or 2 or Article 5, para. 1 before the date of entry into force of this Act as a result of the circumstances related to that person's appointment to the office of judge, if a party or participant in the proceedings raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench in second instance court or because of the independence or impartiality of a person in that composition, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1.
 3. The second instance court shall have the jurisdiction to consider the petition referred to in paras 1 and 2.
 4. The petition referred to in paras 1 and 2 shall be submitted to the competent court within one month of the date of publication of the list referred to in Article 15, para. 1.

5. If the petition referred to in para. 1 is accepted, the second instance court shall set aside the judgment on the appeal and the judgment of the first instance court and shall refer the case back to that court for reconsideration and, in the case of the petition referred to in para. 2 – shall set aside the judgment on the appeal encompassed by the petition and shall reconsider the case in appeal proceedings.
6. If the petition referred to in para. 1 or 2 applies to a judgment that has caused irreversible legal effects, the court shall waive the acceptance of the petition and shall limit itself to stating that the judgment was issued in violation of the law and to indicating the circumstances as a result of which it issued such a decision. In such a case, the judgment issued as a result of the petition shall be treated as a judgment issued in proceedings initiated by filing a complaint to confirm that a final judgment was unlawful.
7. The provisions of the Code of Civil Procedure of 17 November 1964 on the reopening of proceedings shall apply accordingly to the proceedings regarding the petition referred to in paras 1 and 2 to the extent not regulated in this Act. These proceedings shall be free of court fees.
8. In cases examined on the basis of the Code of Civil Procedure of 17 November 1964 ending in a final judgment before the date of entry into force of this Act, a judgment or decision adjudicating on the merits of the case regarding an appeal, cassation appeal, petition to reopen proceedings, petition to find a final judgment to be unlawful or a petition of the prosecutor general to invalidate a judgment on the basis of Article 96 of the Act on the Supreme Court of 8 December 2017, which was issued by the Supreme Court with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, may be set aside at the request of a party or participant in the proceedings as a result of the circumstances related to that person's appointment to the office of judge, if that party or participant raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench of the Supreme Court or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1.
9. The provision of para. 8 shall not apply to judgments setting aside the contested judgment in whole or in part and referring the case back to a lower court for reconsideration.
10. The Supreme Court shall have the jurisdiction to consider the petition referred to in para. 8.
11. If the petition referred to in para. 8 is accepted, the Supreme Court shall set aside the judgment encompassed by the petition and shall reconsider the case.

12. The provisions of paras 4, 6 and 7 shall apply to the case referred to in para. 9. Article 87¹, § 1 of the Code of Civil Procedure of 17 November 1964 shall not be applied in the proceedings before the Supreme Court.
13. Article 390, § 2, Article 398¹⁷, § 2 and Article 398²⁰ of the Code of Civil Procedure of 17 November 1964 shall not apply to judgments of the Supreme Court issued with the involvement of a person referred to in Article 3, para. 1 or 2 or Article 5, para. 1.
14. In the cases examined on the basis of the Code of Civil Procedure of 17 November 1964 after the entry into force of this Act, it shall not be possible to request the reopening of proceedings which ended with a judgment issued with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, for the reasons referred to in paras 1 and 8. This shall not apply to cases regarding the reopening of proceedings that were initiated but had not ended before the date of entry into force of this Act.
15. In appeal proceedings in cases examined on the basis of the Code of Civil Procedure of 17 November 1964, the court shall only set aside the contested judgment or decision adjudicating on the merits of the case, which was issued before the date of entry into force of this Act with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and refer the case back for reconsideration to the first instance court as a result of the circumstances related to the appointment to the office of judge if a party or participant in the proceedings raised objections for this reason within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the objections of the appeal on those grounds.
16. In cassation proceedings in cases examined on the basis of the Code of Civil Procedure of 17 November 1964, the Supreme Court shall only set aside judgments or decisions adjudicating on the merits of the case, which were issued before the date of entry into force of this Act with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and refer the case back for reconsideration to the second or first instance court as a result of the circumstances related to the appointment to the office of judge, if a party or participant in the proceedings raised objections for this reason within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the cassation appeal on those grounds.

17. In the case of a coincidence of the petition referred to in para. 1 or 2 with a cassation appeal based on the grounds referred to in para. 16, the court which has the case files shall take up activities. The Supreme Court may return the case files to the court with jurisdiction for examining the petition referred to in para. 1 or 2.
18. If the petition referred to in paras 1, 2 and 8 is accepted and the appeal is accepted on the grounds referred to in para. 15, or a cassation appeal is accepted for the reason referred to in para. 16, a different bench of the competent court shall consider the case.
19. The provisions of paras 2–18 shall apply accordingly to judgments issued on the merits of the case by the court in proceedings conducted on the basis of the Code of Civil Procedure of 17 November 1964 as a result of appeals against judgments in disciplinary proceedings.
20. The provisions of paras 1–18 shall not apply to judgments issued in proceedings conducted on the basis of the Bankruptcy Law of 28 February 2003 (Journal of Laws of 2024, items 794 and 1222) and the Restructuring Law of 15 May 2015 (Journal of Laws of 2024, item 1428), except for judgments on the merits of the case issued in proceedings in cases of adjudicating a prohibition on conducting business.

- Article 33.** 1. In cases examined on the basis of the Code of Criminal Procedure of 6 June 1997 (Journal of Laws of 2025, item 46), the Code of Procedure in Petty Crimes of 24 August 2001 (Journal of Laws of 2024, items 977 and 1544) and the Fiscal Penal Code of 10 September 1999 (Journal of Laws of 2024, items 628, 850, 879, 1685 and 1721), which ended in a final judgment concluding court or disciplinary proceedings before the date of entry into force of this Act, which was issued by an ordinary court or a military court with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, may be set aside at the request of the party as a result of the circumstances related to that person's appointment to the office of judge, if that party raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench in the first instance court or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the objections in the appeal on those grounds.
2. The provision of para. 1 shall apply to judgments ending court and disciplinary proceedings issued by a second instance ordinary or military court with the involvement of a person referred to in Article 3, para. 1 or 2 or Article 5, para. 1 before the date of entry into force of this Act as a result of the circumstances related to that person's appointment

to the office of judge, if the party raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench in the second instance court or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2 or Article 5, para. 1, and then filed a cassation appeal on that basis, unless that party was not entitled to appeal against the final judgment through cassation.

3. The petitions referred to in paras 1 and 2 shall be submitted to the competent court within a strict deadline of one month from the date of publication of the list referred to in Article 15, para. 1.
4. If the petition referred to in para. 1 is accepted, the court shall set aside the final judgment and the judgment of the first instance court and refer the case back to that court for reconsideration or set aside the final judgment and the judgment of the first instance court and discontinue the proceedings if the proceedings cannot be conducted.
5. If the petition referred to in para. 2 is accepted, the court shall set aside the final judgment and refer the case back to the court of appeal for reconsideration or set aside the final judgment and discontinue the proceedings if the proceedings cannot be conducted.
6. Except for Article 435, Article 542, Article 545, § 2 and Article 546, the provisions of the Code of Criminal Procedure of 6 June 1997 on the reopening of court proceedings, shall apply accordingly to the determination of the court which has jurisdiction and to the proceedings regarding the petitions referred to in paras 1 and 2 to the extent not regulated in this Act. The proceedings shall be free of court fees.
7. Subject to Article 39, paras 1–4, in cases examined on the basis of the Code of Criminal Procedure of 6 June 1997, the Code of Procedure in Petty Crimes of 24 August 2001 and the Fiscal Penal Code of 10 September 1999 ending in a final judgment before the date of entry into force of this Act, a judgment regarding an appeal, a cassation appeal, a petition to reopen proceedings or a petition of the prosecutor general to invalidate a judgment on the basis of Article 96 of the Act on the Supreme Court of 8 December 2017, which was issued by the Supreme Court with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, may be set aside at the request of the party as a result of the circumstances related to that person's appointment to the office of judge, if that party raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench of the Supreme Court or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1.

8. The provision of para. 7 shall not apply to judgments setting aside the contested judgment in whole or in part and referring the case back to a lower court for reconsideration.
9. The provisions of paras 3–6 shall apply to the case referred to in para. 7.
10. Article 441, § 3 of the Code of Criminal Procedure of 6 June 1997 shall not apply to resolutions of the Supreme Court issued with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1.
11. In the cases examined on the basis of the Code of Criminal Procedure of 6 June 1997, the Code of Procedure in Petty Crimes of 24 August 2001 and the Fiscal Penal Code of 10 September 1999 after the entry into force of this Act, it shall not be possible to request the reopening of proceedings which ended in a judgment issued with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, for the reasons referred to in paras 1, 2 and 7. This does not apply to cases regarding the reopening of proceedings which were initiated but had not ended before the date of entry into force of this Act, in which the party requested the reopening of proceedings *ex officio* under Article 542, § 3 of the Code of Criminal Procedure of 6 June 1997.
12. In appeal proceedings in cases examined on the basis of the Code of Criminal Procedure of 6 June 1997, the Code of Procedure in Petty Crimes of 24 August 2001 and the Fiscal Penal Code of 10 September 1999, the court shall only set aside the contested judgment ending court proceedings or disciplinary proceedings issued before the date of entry into force of this Act with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and refer the case back for reconsideration to the first instance court as a result of the circumstances related to his/her appointment to the office of judge, if the party raised objections for this reason within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the objections in the appeal on those grounds.
13. The court of appeal shall not apply Article 435 of the Code of Criminal Procedure of 6 June 1997 when setting aside the contested judgment in the case referred to in the first sentence of para. 12.
14. Article 443 of the Code of Criminal Procedure of 6 June 1997 shall be applied in the repeated proceedings after the judgment is set aside as a result of the petition referred to in paras 1, 2 and 7, and after the judgment is set aside in the proceedings referred to in para. 12, if the judgment was set aside as a result of a petition or an appeal filed to the favour of the accused.

15. In cassation proceedings, in cases examined on the basis of the Code of Criminal Procedure of 6 June 1997 and the Fiscal Penal Code of 10 September 1999, the Supreme Court shall only set aside judgments issued before the date of entry into force of this Act with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and refer the case back for reconsideration to the second or first instance court as a result of the circumstances related to the appointment to the office of judge, if the party raised objections for this reason within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the cassation appeal on those grounds.
16. The Supreme Court shall not apply Article 435 of the Code of Criminal Procedure of 6 June 1997 when setting aside the contested judgment in the case referred to in the first sentence of para. 15. After setting aside the judgment in the re-trial, Article 443 of the Code of Criminal Procedure of 6 June 1997 shall apply if the judgment was set aside as a result of a cassation appeal filed exclusively to the benefit of the convicted person.
17. In the case of a coincidence of the petition referred to in para. 1 or 2 with the cassation appeal referred to in para. 15, the court which has the case files shall take up activities. The Supreme Court may return the case files to the court with jurisdiction for examining the petition referred to in para. 1 or 2.h
18. If the petition referred to in paras 1, 2 and 7 and the appeal are accepted on the grounds referred to in para. 12, or a cassation appeal is accepted for the reason referred to in para. 15, a different bench of the court to which the case was referred for reconsideration shall consider the case.

Article 34. 1. In cases examined on the basis of the Law on Proceedings Before Administrative Courts of 30 August 2002 (Journal of Laws of 2024, items 935 and 1685) ending in a final judgment in a voivodship administrative court before the date of entry into force of this Act, a judgment or decision ending the proceedings in the case issued by a voivodship administrative court with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, may be set aside at the request of a party or participant in the proceedings as a result of the circumstances related to that person's appointment to the office of judge, if that party or participant raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as

referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the appeal objections in the cassation appeal on those grounds.

2. The Supreme Administrative Court shall have the jurisdiction to consider the petition referred to in para. 1.
3. The petition referred to in para. 1 shall be submitted to the Supreme Administrative Court within one month of the date of publication of the list referred to in Article 15, para. 1.
4. If the petition referred to in para. 1 is accepted, the Supreme Administrative Court shall set aside the judgment on the cassation appeal and shall set aside the judgment of the voivodship administrative court encompassed by the petition and shall refer the case back to that court for reconsideration. The judges who examined the cassation appeal against the judgment to which the petition applies shall be disqualified from adjudicating in the proceedings arising from that petition.
5. If the petition referred to in para. 1 applies to a judgment that has caused irreversible legal effects, the Supreme Administrative Court shall not set it aside and shall limit itself to stating that the judgment was issued in violation of the law and to indicating the circumstances as a result of which it issued such a decision. In such a case, the judgment issued as a result of the petition shall be treated as a judgment issued in proceedings initiated by filing a complaint to confirm that the final judgment was unlawful.
6. The provisions of paras 1–4 shall not apply to final judgments of voivodship administrative courts upholding the appeal in whole.
7. The provisions of the Law on Proceedings Before Administrative Courts of 30 August 2002, except Article 175, § 1, shall apply accordingly to the proceedings regarding the petition referred to in para. 1 to the extent not regulated in this Act. These proceedings shall be free of court fees.
8. In cases examined on the basis of the Law on Proceedings Before Administrative Courts of 30 August 2002 ending in a final judgment before the date of entry into force of this Act, a judgment on the merits of the case, a judgment in a cassation appeal, a judgment in an appeal to reopen proceedings or a petition to find a final judgment to be unlawful or a petition of the president of the Supreme Administrative Court to invalidate a final judgment on the basis of Article 172 of the Law on Proceedings Before Administrative Courts of 30 August 2002, which was issued by the Supreme Administrative Court with the involvement of a person referred to in Article 3, para. 1 or 2 or Article 5, para. 1, may be set aside at the request of a party or participant in the proceedings as a result of the circumstances

related to that person's appointment to the office of judge, if that party or participant raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench of the Supreme Administrative Court or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1.

9. The provision of para. 8 shall not apply to judgments setting aside the contested judgment in whole or in part and referring the case back to the voivodship administrative court for reconsideration.
10. If the petition referred to in para. 8 is accepted, the Supreme Administrative Court shall set aside the judgment encompassed by the petition and shall reconsider the case. The judges who took part in issuing the judgment to which the petition applies shall be disqualified from adjudicating in the proceedings arising from that petition.
11. The provisions of paras 2–3, 5 and 7 shall apply to the case referred to in para. 8.
12. Article 190, § 3 of the Law on Proceedings Before Administrative Courts of 30 August 2002 shall not apply to judgments of the Supreme Administrative Court issued with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1.
13. In the cases examined on the basis of the Law on Proceedings Before Administrative Courts of 30 August 2002 after the entry into force of this Act, it shall not be possible to request the reopening of proceedings which ended with a judgment issued with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, for the reasons referred to in paras 1 and 8. This shall not apply to cases regarding the reopening of proceedings that were initiated but had not ended before the date of entry into force of this Act.
14. In appeal proceedings in cases examined on the basis of the Law on Proceedings Before Administrative Courts of 30 August 2002, the Supreme Administrative Court shall only set aside the contested judgment or decision ending the proceedings in the case, which was contested with a cassation appeal issued before the date of entry into force of this Act with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and refer the case back for reconsideration to the voivodship administrative court as a result of the circumstances related to the appointment to the office of judge, if a party or participant in the proceedings raised objections for this reason within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as referred to in

Article 3, para. 1 or 2, or Article 5, para. 1, and then based the objections of the cassation appeal on those grounds.

15. If the cassation appeal contains the objections referred to in para. 14, and if the voivodship administrative court finds that the conditions for upholding this objection have been satisfied, before submitting the files to the Supreme Administrative Court, it shall set aside the contested judgment and shall consider the case at the same hearing. The adjudicating panel shall be specified by drawing lots, but without the judges who took part in issuing the contested judgment. The provisions of Article 179a of the Law on Proceedings Before Administrative Courts of 30 August 2002 shall apply accordingly.
16. If the petition referred to in paras 1 and 14 is upheld, it shall be considered by a different composition of the bench of the voivodship administrative court to which the case was referred for reconsideration.

Article 35. 1. In cases that ended with a final judgment of the disciplinary court referred to in Article 48, § 1 of the Law on the Structure of the Administrative Courts of 25 July 2002 before the date of entry into force of this Act, the accused may file a petition to set aside the judgment or resolution within one month of the date of publication of the list referred to in Article 15, para. 1, if it was issued by a first instance disciplinary court with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, because of the circumstances related to his/her appointment to the office of judge, and if the accused raised objections within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the objections in the appeal on those grounds.

2. The provision of para. 1 shall apply accordingly if the second instance disciplinary court ruled before the date of entry into force of this Act with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1.
3. The provision of para. 2 shall not apply if the second instance disciplinary court set aside the judgment or resolution of the first instance court.
4. The petition referred to in paras 1 and 2 shall be examined by the Supreme Administrative Court – the second instance disciplinary court. Article 48, § 2 and § 3 of the Law on the Structure of the Administrative Courts of 25 July 2002 shall apply to determining the composition of the bench, with the reservation that judges who took part in issuing the judgment encompassed by the petition and examined the appeal against the judgment or

resolution issued with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1 shall not be included in the draw.

5. When accepting the petition referred to in para. 1 or 2, depending on the circumstances, the second instance disciplinary court shall set aside the judgment or resolution issued by the second instance disciplinary court and shall decide to dismiss or discontinue the proceedings, or set aside the judgment or resolution issued by the second instance disciplinary court and set aside the judgment or resolution of the first instance disciplinary court and refer the case back to the first instance disciplinary court for reconsideration. The decision may not be issued to the detriment of the accused.
6. A different bench of the competent disciplinary court shall examine the case if the petition referred to in para. 5 is accepted.
7. In the appeal proceedings, the Supreme Administrative Court – the second instance disciplinary court – shall only set aside the contested judgment or resolution issued before the date of entry into force of this Act with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and refer the case back for reconsideration to the first instance disciplinary court as a result of the circumstances related to the appointment to the office of judge if the accused raised objections for this reason within the deadline for filing a petition to disqualify a judge because of the correctness of the composition of the bench or because of the independence or impartiality of a person in that bench, as referred to in Article 3, para. 1 or 2, or Article 5, para. 1, and then based the objections of the appeal on those grounds. The provision of para. 6 shall apply accordingly.
8. The provisions of Chapter 56 of Section IX of the Code of Criminal Procedure of 6 June 1997 shall apply accordingly to the proceedings referred to in paras 1–7 to the extent not regulated herein.

- Article 36.** 1. The persons referred to in Article 3, para. 1 or 2 are disqualified by law from considering the petitions referred to in Article 32, paras 1, 2 and 8, Article 33, paras 1, 2 and 7, Article 34, paras 1 and 8 and Article 35, paras 1 and 2 and from considering the appeals referred to in Article 32, para. 15, Article 33, para. 12 and Article 35, para. 7, as well as the cassation appeals referred to in Article 32, para. 16 and Article 34, para. 14, and the cassation appeals referred to in Article 33, para. 15.
2. The provisions of Articles 32–35 shall not apply to judgments issued with the involvement of the persons referred to in Article 2, para. 2.

Article 37. 1. Resolutions of the Supreme Court adopted with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1 shall not have the force of a legal principle and the procedure specified in Article 88 of the Act on the Supreme Court of 8 December 2017 shall not apply thereto.

2. Article 187, § 2 and Article 269, § para. 1 of the Law on Proceedings Before Administrative Courts of 30 August 2002 shall not apply to resolutions of the Supreme Administrative Court adopted with the involvement of a person referred to in Article 3, para. 1 or 2, or Article 5, para. 1.

Article 38. 1. A judgment of the Supreme Court in an extraordinary appeal issued with the involvement of a person referred to in Article 3, para. 1 or 2 or Article 5, para. 1 may be overturned at the request of a party or other participant of the proceedings filed within one month of the date of entry into force of this Act.

2. The proceedings regarding the petition referred to in para. 1 shall be free of court fees. To the extent not regulated in this Act, the proceedings regarding this petition shall be governed accordingly in the case of:
 - 1) civil cases – by the provisions of the Code of Civil Procedure of 17 November 1964;
 - 2) criminal cases – by the provisions of the Code of Criminal Procedure of 6 June 1997.
3. If a judgment is overturned as a result of the petition referred to in para. 1, subject to Article 57, para. 2, the Supreme Court shall re-examine the extraordinary appeal in the procedure and on the principles specified in the provisions of the Act amended in Article 48, in the wording assigned by this Act.

Article 39. 1. Subject to para. 5, proceedings in cases examined by the Supreme Court in the Professional Liability Chamber that ended with a final judgment before the date of entry into force of this Act shall be reopened at the request of the party filed within the strict deadline of one month from the date of entry into force of this Act.

2. The Supreme Court shall consider the petition referred to in para. 1 at a hearing in a bench of 3 judges. An appeal against a decision dismissing the petition or leaving it unconsidered may be filed with another equivalent bench of the Supreme Court.
3. When adjudicating on the reopening of proceedings as a result of the petition referred to in para. 1, the Supreme Court shall overturn the contested judgment and refer the case

back for reconsideration to the first or second instance court or to cassation proceedings or shall discontinue the proceedings. This judgment shall not be appealable.

4. The proceedings regarding the petition referred to in para. 1 shall be free of court fees. To the extent not regulated herein, the provisions on the reopening of proceedings stipulated in the Acts regulating the disciplinary liability of a person against whom a final judgment has been issued shall apply accordingly to the proceedings regarding the reopening of proceedings.
5. A final judgment issued by the Supreme Court in the Professional Liability Chamber in the cases referred to in Article 27a, § 1, item 3 of the Act on the Supreme Court of 8 December 2017 may be overturned at the request of a party or other participant in the proceedings filed within one month of the date of entry into force of this Act. The provisions of the Code of Civil Procedure of 17 November 1964 on the reopening of proceedings shall apply accordingly to the proceedings regarding the petition referred to in the foregoing sentence to the extent not regulated in this Act. These proceedings shall be free of court fees.
6. In the cases referred to in para. 5, the Supreme Court shall overturn final judgments and refer the case to the labour court with subject matter and territorial jurisdiction for reconsideration.

Chapter 5

Amendments

Article 40. (deleted)

Article 41. (Amendments to the Act of 21 August 1997. - Law on the Organisation of Military Courts - omitted)

Article 42. (amendments to the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation - omitted)

Article 43. (Amendments to the Act - Law on the Structure of the Ordinary Courts - omitted)

Article 44. (Amendments to the Act - Law on the Structure of the Administrative Courts - omitted)

Article 45. The following amendments are made to the Act on the National Council of the Judiciary of 12 May 2011 (Journal of Laws of 2024, item 1186):

1) Article 44, para. 1 shall read as follows:

“1. Unless separate laws provide otherwise, a participant in the proceedings may appeal to the Supreme Court because of the conflict of the Council’s resolution with the law.”

2) Article 44a shall read as follows:

“Article 44a. The Council shall present a resolution to the president of the Republic of Poland containing a request to appoint a judge or a judicial assessor, together with a justification.”;

3) Article 44b shall read as follows:

“Article 44b. The Council shall present a resolution to the president of the Republic of Poland containing a request to appoint a judge or a judicial assessor in an ordinary court, together with a justification.”;

4) Articles 45a–45c are repealed.

Article 46. (Amendments to the Act - Law on the Public Prosecutor's Office - omitted).

Article 47. (Amendments to the Act of 11 May 2017 amending the Act on the National School of Judiciary and Public Prosecution, the Act - Law on the Structure of the Ordinary Courts and certain other acts - deleted).

Article 48

The following amendments shall be made to the Act on the Supreme Court of 8 December 2017 (Journal of Laws of 2024, item 622):

1) (deleted)

2) in Article 3:

a) item 3 shall read as follows:

“3) Labour, Social Insurance and Public Affairs.”;

b) items 4 and 4a are repealed;

- 3) Article 3a shall be added after Article 3, of the following wording:

“Article 3a. The President of the Republic of Poland shall specify the number of judicial positions in the Supreme Court, including their individual numbers in the chambers referred to in Article 3, by way of a regulation, after consulting the General Assembly of Judges of the Supreme Court, taking into account the efficient and effective performance of the Supreme Court’s tasks. This number shall not be less than 100 or greater than 125.”;

- 4) Article 4 shall read as follows:

“Article 4. § 1. The General Assembly of Judges of the Supreme Court shall adopt the regulations of the Supreme Court, which shall specify the internal organization of the Supreme Court, the rules on the internal proceedings and the detailed scope and method of performance of duties by assistants of judges, taking into account the need to ensure the efficient functioning of the Supreme Court, its chambers and bodies, the specificity of the proceedings conducted before the Supreme Court, including disciplinary proceedings, as well as the number and types of cases heard.

§ 2. The regulations of the Supreme Court shall be promulgated in the Official Journal of the Republic of Poland, ‘Monitor Polski’.”;

- 5) Article 6 shall read as follows:

“Article 6. The first president of the Supreme Court shall draw the attention of the competent authorities to any identified irregularities or loopholes in the law, which must be fixed to guarantee the rule of law, social justice and the coherence of the legal system of the Republic of Poland.”;

- 6) Article 11 shall read as follows:

“Article 11. The bodies of the Supreme Court are: the first president of the Supreme Court, the president of the Supreme Court, the General Assembly of Judges of the Supreme Court, the assembly of judges of the chamber of the Supreme Court and the College of the Supreme Court.”;

- 7) Article 12, § 1 shall read as follows:

“§ 1. The President of the Republic of Poland shall appoint the first president of the Supreme Court for a six-year term of office from among two candidates selected by the General Assembly of Judges of the Supreme Court. A Supreme Court judge may only be appointed to the office of first president of the Supreme

Court for one term. A Supreme Court judge appointed to the office of first president of the Supreme Court may only hold this office until he/she retires, is retired or ceases to serve as a judge of the Supreme Court.”;

8) Article 13, §§ 1–7 shall read as follows:

“§ 1. Every Supreme Court judge shall have the right to nominate one candidate for the office of first president of the Supreme Court.

§ 2. Candidates shall be nominated to the chair of the General Assembly of Judges of the Supreme Court which conducts the election referred to in Article 12, § 2 forthwith after its start.

§ 3. The first president of the Supreme Court shall chair the General Assembly of Judges of the Supreme Court conducting the election referred to in Article 12, § 2, and, if this is not possible or if he has agreed to run, the oldest serving judge of the Supreme Court, who is not running for election.

§ 4. At least 2/3 of the judges of each chamber must be present for a resolution of the General Assembly of Judges of the Supreme Court to be adopted on the election of candidates to the office of first president of the Supreme Court. If two candidates are not selected or the resolution referred to in the foregoing sentence is not adopted, the chair of the General Assembly of Judges of the Supreme Court shall close the meeting and reconvene the General Assembly on the presentation of candidates for the office of first president of the Supreme Court no later than 4 weeks from the date of that meeting. If the resolution is not adopted because of a lack of the required quorum, the presence of at least 2/3 of the judges of the Supreme Court will be required at the next meeting for the resolution to be adopted. The quorum referred to in the foregoing sentences shall apply to the filled positions of judges of the Supreme Court.

§ 5. Each judge participating in the voting may only cast one vote. Voting shall take place by secret ballot.

§ 6. The candidates who receive the largest number of votes shall be the candidates for the office of first president of the Supreme Court elected by the General Assembly of Judges of the Supreme Court. If two or more candidates for the office of the first president of the Supreme Court receive an equal number of votes, and their acknowledgement as having been elected would mean that

the number of elected candidates is exceeded, a new vote shall be held with the participation of only those candidates. The provisions of § 5 shall apply.

§ 7. The chair of the General Assembly of Judges of the Supreme Court shall submit the resolution referred to in § 4, together with the minutes of the voting, to the President of the Republic of Poland forthwith after the election of the candidates for the office of first president of the Supreme Court.”;

9) § 8 in Article 13 is repealed;

10) Article 13a is repealed;

11) in Article 14:

a) item 3, shall read as follows:

“3) shall give opinions and present the candidates for the office of president of the Supreme Court, elected by the assembly of judges of the chamber of the Supreme Court to the President of the Republic of Poland;”;

b) § 2 shall read as follows:

“§ 2. In the event of the absence, a vacancy arising or suspension, the president of the Supreme Court who has served the longest as a judge of the Supreme Court shall stand in for the first president of the Supreme Court in order to exercise the rights and perform the duties of the first president of the Supreme Court provided for in the statutes. Should it not be possible to establish a replacement in this way, the judge of the Supreme Court who has held the office of the president of the Supreme Court the longest shall stand in for the first president of the Supreme Court, to the extent specified in the foregoing sentence.”;

12) in Article 15:

a) § 2 shall read as follows:

“§ 2. The president of the Supreme Court shall be appointed by the President of the Republic of Poland for a five-year term of office from among two candidates presented by the assembly of judges of the chamber of the Supreme Court. A judge of the Supreme Court may be appointed for a maximum of two non-consecutive terms of office to the office of president of the Supreme Court.”;

b) § 3 shall read as follows:

“§ 3. The provisions of Article 12, § 2 and Article 13 shall apply accordingly to candidates for the office of president of the Supreme Court and their election by the assembly of judges of the chamber of the Supreme Court.”;

c) § 4 is repealed;

d) § 4a shall be added as follows:

“§ 4a. In the event of the absence, a vacancy arising or suspension, the head of division in the chamber headed by the president of the Supreme Court, who has served the longest as a judge of the Supreme Court, shall stand in for that president in order to exercise the rights and perform the duties provided for in the statutes. Should it not be possible to establish a replacement in this way, the judge adjudicating in the chamber headed by the president of the Supreme Court who has held the office of Supreme Court judge the longest, shall stand in for that president to the extent specified in the foregoing sentence.”;

13) Articles 15a–15d are repealed;

14) Article 16, § 2 shall read as follows:

“§ 2. The bodies of the self-government of judges of the Supreme Court shall be: the General Assembly of Judges of the Supreme Court, the assembly of judges of the chamber of the Supreme Court and the College of the Supreme Court.”;

15) Article 16a is repealed;

16) in Article 17:

a) § 1:

item 1 shall read as follows:

“1) the election of two candidates for the office of first president of the Supreme Court and their presentation to the President of the Republic of Poland”;

item 1a is added after item 1 as follows:

“1a) giving opinions on candidates for the position of Supreme Court judge”;

b) § 2 shall read as follows:

“§ 2. The first president of the Supreme Court shall chair the General Assembly of Judges of the Supreme Court, taking into account Article 13, § 3 and Article 14, § 2.”;

c) § 2a shall read as follows:

“§ 2a. The first president of the Supreme Court shall notify the judges of the Supreme Court of the date and agenda of the meeting of the General Assembly of Judges of the Supreme Court no later than 7 days before the date of the meeting, subject to the fourth sentence of Article 13, § 4.”;

d) § 3 shall read as follows:

“§ 3. At least 2/3 of the judges of each chamber must be present for a resolution of the General Assembly of Judges of the Supreme Court to be adopted. Resolutions shall be adopted with a simple majority of votes cast. Voting shall be held as a secret ballot if at least 3 judges from among the members of the assembly present at the meeting make such a request.”;

17) in Article 19, § 1:

a) item 1 shall read as follows:

“1) the election of two candidates for the office of president of the Supreme Court managing the work of a given chamber;”,

b) item 1a is added as follows:

“1a) giving opinions on candidates for a vacant position of judge of the Supreme Court in a given chamber;”,

18) Article 19a and Article 19b are repealed;

19) § 1a of Article 21 is repealed;

20) chapter 2a is repealed;

21) Article 23 shall read as follows:

“Article 23, § 1. The Civil Chamber shall have jurisdiction over civil, commercial, intellectual property, family and guardianship law matters, as well as matters regarding the registration of entrepreneurs and the registration of pledges.

§ 2. The Chamber shall also have jurisdiction over complaints regarding the excessive length of proceedings before the court of appeal in the matters referred to in § 1, as well as complaints regarding the excessive length of proceedings before the Supreme Court in the matters listed in Article 25, § 1.”;

22) Article 24 shall read as follows:

“Article 24, § 1. The Criminal Chamber shall have jurisdiction over matters examined under the the Code of Criminal Procedure of 6 June 1997 (Journal of

Laws of 2025, item 46), the Fiscal Penal Code of 10 September 1999 (Journal of Laws of 2023, items 654 and 818), the Code of Procedure in Petty Crime Cases (Journal of Laws of 2024, item 334), as well as other cases to which the provisions of the Code of Criminal Procedure of 6 June 1997 apply, including disciplinary cases and cases regarding permission to prosecute or temporarily detain judges of the Supreme Court, judges, judicial assessors, prosecutors and prosecution assessors, as well as cases that are subject to the jurisdiction of the military courts.

§ 2. The Chamber's jurisdiction also includes complaints regarding the excessive length of proceedings in the cases referred to in § 1 before the court of appeal.”;

23) Article 25 shall read as follows:

“Article 25. § 1. The jurisdiction of the Labour, Social Insurance and Public Affairs Chamber includes labour law, social insurance and public affairs cases, including public procurement and registration cases, but excluding cases regarding the registration of entrepreneurs and the registration of pledges, as well as competition and consumer protection cases and cases regarding practices unfairly exploiting contractual advantages, as well as cases regarding energy regulation, telecommunications and post, rail transport, and water and sewage market regulation.

§ 2. The jurisdiction of the Labour, Social Insurance and Public Affairs Chamber also includes the hearing of:

- 1) electoral protests and protests against the validity of a nationwide referendum and a constitutional referendum, as well as confirmation of the validity of elections and referenda, as well as cases in which appeals are filed against resolutions of the State Electoral Commission;
- 2) appeals against resolutions of the National Council of the Judiciary in the cases provided for in the special regulations;
- 3) cases of appeals against decisions of the chair of the National Broadcasting Council;
- 4) cases of appeals against decisions of the State Commission for the Investigation of Cases against Sexual Liberty and Decency against Minors under the Age of 15 Years;

- 5) cases of appeals against an administrative decision of the State Commission for the Investigation of Russian Influence on the Internal Security of the Republic of Poland in 2007–2022, as referred to in Article 36, item 1 of the Act on the State Commission for the Investigation of Russian Influence on the Internal Security of the Republic of Poland in 2007–2022 of 14 April 2023 (Journal of Laws of 2024, item 548);
 - 6) matters regarding the retirement of a Supreme Court judge;
 - 7) complaints regarding the excessive length of proceedings before a court of appeal in the cases listed in Article 25, § 1;
 - 8) complaints regarding the excessive length of proceedings before the Supreme Court in the cases listed in Article 23, § 1, as well as the cases listed in Article 24, § 1;
 - 9) other public law cases not reserved for the jurisdiction of other chambers of the Supreme Court.”;
- 24) Article 26 is repealed;
- 25) Article 27a is repealed;
- 26) Article 29 shall read as follows:
- “Article 29. The President of the Republic of Poland shall appoint judges of the Supreme Court at the request of the National Council of the Judiciary within three months of the date on which the request is presented to the President of the Republic of Poland.”;
- 27) Article 30 shall read as follows:
- “Article 30. § 1. A person may be appointed to the office of judge of the Supreme Court if he/she:
- 1) has Polish citizenship and enjoys full civil and public rights, and has not been finally convicted of an intentional crime as a result of prosecution by the public prosecutor, or an intentional fiscal crime, or a final judgment conditionally discontinuing criminal proceedings in the case of the commission of an intentional crime as a result of prosecution by the public prosecutor, or an intentional fiscal crime has not been issued;
 - 2) is of impeccable character;

- 3) has graduated in law in the Republic of Poland and has earned a master's degree or has earned a degree in law from a foreign university, which is recognized in the Republic of Poland;
- 4) has a high level of legal knowledge;
- 5) is capable of performing the duties of a judge as a result of his/her state of health;
- 6) has at least ten years of experience in the position of a judge;
- 7) has not served, worked or collaborated with the bodies of state security referred to in Article 5 of the Act on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation of 18 December 1998 (Journal of Laws of 2023, item 102).

§ 2. The requirements referred to in § 1, item 6 do not apply to a person who:

- 1) has at least 15 years of experience as a prosecutor or has practised the profession of an attorney-at-law, legal counsel or notary public in Poland for at least 15 years;
- 2) has at least 15 years of experience as the president, vice-president or counsel of the General Counsel to the Republic of Poland;
- 3) holds the academic title of professor or the academic degree of doctor habilitatus of law and has worked at a Polish university, the Polish Academy of Sciences, a scientific and research institute or another academic institution.

§ 3. If the candidate has experience in the position of a judge and has held the position or practised a profession referred to in § 2, item 1 or 2, the required total amount of experience in the position of judge and in the position or in practising the profession is at least 12 years.

§ 4. A person who has held one of the positions referred to in § 1, item 6 or § 2 during the two years immediately before applying for the vacant judicial position may be appointed to the office of judge of the Supreme Court.

§ 5. The requirements referred to in § 1, item 7 shall apply to people born before 1 August 1972.”;

28) Article 30a is added as follows:

“Article 30a, § 1. Applications for a vacant position of judge of the Supreme Court shall be considered in a competitive selection procedure conducted before the bodies of the Supreme Court and the National Council of the Judiciary.

§ 2. The purpose of the selection procedure is to select candidates with the highest level of legal knowledge, the highest ethical qualifications and the best personal predispositions to hold the office of judge of the Supreme Court.”;

29) in Article 31:

a) §§ 2 and 3 shall read as follows:

“§ 2. Whoever satisfies the requirements for appointment to the office of judge of the Supreme Court may apply in the selection process for filling a vacant position of judge of the Supreme Court within one month of the announcement referred to in § 1.

§ 3. The application shall be submitted to the first president of the Supreme Court by filing a candidate’s application form for a vacant position of a judge of the Supreme Court with the chamber specified in the announcement.”;

b) §§ 3a–3d are repealed;

c) § 4 shall read as follows:

“§ 4. The candidate may also attach other documents supporting his/her application to the candidate’s application form when applying for appointment to a vacant position of a judge of the Supreme Court, in particular opinions and recommendations.”;

d) §§ 5–13 are added after § 4 as follows:

“§ 5. The candidate shall also attach the following to the application form when applying for appointment to a vacant position of a judge of the Supreme Court:

- 1) information on the candidate from the National Criminal Register and a certificate confirming that he/she is able to perform the duties of a judge as a result of his/her state of health, unless the candidate is a judge or prosecutor;
- 2) if the candidate was born before 1 August 1972 – a declaration submitted as a hard copy, as referred to in Article 7, para. 1 of the Act on the disclosure of information on documents of bodies of state security from the years 1944–1990 and the content of these documents of 18 October 2006 (Journal of Laws of 2023, item 342, as amended), or the information referred to in Article 7, para. 3a of that Act.

§ 6. If the application for appointment to a vacant position of a judge of the Supreme Court does not satisfy the formal requirements, the first president of the Supreme Court shall request the candidate to supplement it within 7 days.

§ 7. The first president of the Supreme Court shall leave an application unconsidered if it is submitted after the deadline, not supplemented, or if it does not satisfy the conditions specified in Article 30, § 1, items 1, 3, 5, 6 and 7 and §§ 2–4. The candidate may appeal to the College of the Supreme Court against the decision to leave the application unconsidered within 14 days of it being delivered.

§ 8. After finding that the candidate satisfies the conditions specified in Article 30, § 1, items 1, 3, 5, 6 and 7 and §§ 2–4, within no longer than fourteen days from the date of submission, the first president of the Supreme Court shall order an assessment of the candidate's qualifications by at least two designated judges or retired judges from the chamber of the Supreme Court in which the candidate intends to take up office. The order shall be published in the Public Information Bulletin. After the designated judges prepare their assessments, the first president of the Supreme Court shall present the application, together with the assessment of the qualifications to the relevant chamber of the Supreme Court, which shall interview the candidate at a meeting of the assembly of judges of that chamber, especially considering the circumstances confirming that the criteria referred to in Article 30, § 1, items 2 and 4 have been satisfied. If more than one application is submitted for a vacant judicial position, all candidates shall be interviewed at the same meeting.

§ 9. After the candidate is interviewed by the assembly of judges of the chamber, the first president of the Supreme Court shall set a date for a meeting of the General Assembly of Judges of the Supreme Court, which shall interview the candidate and consider the application. If more than one application is submitted for a vacant position of judge of the Supreme Court, all candidates shall be interviewed at the same meeting.

§ 10. The General Assembly of Judges of the Supreme Court shall vote separately on each of the applications submitted. After the voting is held, the first president of the Supreme Court shall submit a list of candidates to the National Council of the Judiciary together with the minutes of the voting.

§ 11. After seeking the opinion of the College of the Supreme Court, the first president of the Supreme Court shall specify the template of the application form for the vacant position of judge in the Supreme Court, as well as the information contained therein, taking into account the statutory conditions set for the

candidates for the office of judge of the Supreme Court and the possibility of the first president of the Supreme Court checking it.

§ 12. The first president of the Supreme Court shall keep and update the list of retired judges of the Supreme Court who have agreed to prepare the qualifying assessments of candidates for the vacant position of judge of the Supreme Court. Each list shall be kept with a split into the individual chambers of the Supreme Court and shall be published in the Public Information Bulletin. A retired judge of the Supreme Court shall express the consent referred to in the foregoing sentence by submitting a written notice to the first president of the Supreme Court; such consent may be withdrawn at any time.

§ 13. A retired Supreme Court judge appointed by the first president of the Supreme Court to assess the qualifications of a candidate for a vacant position of Supreme Court judge shall be entitled to a fee as a functional allowance for preparing each qualification assessment.”;

30) Article 35 shall read as follows:

“Article 35, § 1. A Supreme Court judge shall take up the position in the chamber in which he/she applied for appointment to the vacant position of judge of the Supreme Court, as specified in the resolution of the National Council of the Judiciary regarding the request referred to in Article 29 (the place of work of the Supreme Court judge).

§ 2. A Supreme Court judge may only be transferred to a position in another chamber at his/her request or with his/her consent. The National Council of the Judiciary shall make the decision to transfer the Supreme Court judge to another chamber at his/her request or with his/her consent by way of a resolution, at the request of the first president of the Supreme Court submitted after obtaining an opinion from the College of the Supreme Court and with the consent of the assembly of judges of the chamber of the Supreme Court in which the judge intends to take up office.

§ 3. The first president of the Supreme Court may designate a judge of the Supreme Court, with his/her consent, to adjudicate for a specified time of no longer than 6 months, in another chamber for valid reasons.

§ 4. The first president of the Supreme Court may designate a judge of the Supreme Court to take part in the hearing of a specific case in another chamber

of the Supreme Court if a bench cannot be formed or for other valid reasons. The designation of a judge of the Supreme Court to take part in the hearing of a specific case in another chamber of the Supreme Court shall be based on drawing lots.”;

31) § 3 of Article 45 is repealed;

32) Article 48, § 6 shall read as follows:

“§ 6. A judge of the Supreme Court shall be entitled to a functional allowance in connection with the function performed, the amount of which shall be set using the multipliers of the basis for setting the salary referred to in § 2. The functional allowance may be awarded to a retired judge of the Supreme Court in the cases specified in the Act.”;

33) Article 59, § 1 shall read as follows:

“§ 1. Lay judges of the Supreme Court shall participate in disciplinary cases of judges and other disciplinary proceedings in which the Supreme Court has jurisdiction under the provisions of separate acts.”;

34) in Article 72:

a) § 1 shall read as follows:

“§ 1. A judge of the Supreme Court is liable for disciplinary action for misconduct in his work (disciplinary misconduct), including the obvious and blatant contempt of the law and the breach of the dignity of the office.”;

b) in § 6, item 3 shall read as follows:

“(3) examination of whether the requirements of a judge's independence and impartiality are satisfied.”;

35) Article 73 shall read as follows:

“Article 73. § 1. The disciplinary courts in disciplinary cases regarding judges of the Supreme Court are:

- 1) in the first instance – the Supreme Court in a bench of 2 judges and 1 lay judge of the Supreme Court;
- 2) in the second instance – the Supreme Court in a bench of 3 judges and 2 lay judges of the Supreme Court;

§ 2. The disciplinary courts for judges of the Supreme Court in the cases referred to in Article 55, §§ 1 and 2 are:

- 1) in the first instance – the Supreme Court in a bench of 3 judges of the Supreme Court;
- 2) in the second instance – the Supreme Court in a bench of 5 judges of the Supreme Court.

§ 3. All Supreme Court judges may adjudicate in a disciplinary court, with the exception of the first president of the Supreme Court, the presidents of the Supreme Court and the disciplinary commissioner and his deputy.

§ 4. The membership of the bench of judges of the Supreme Court in the disciplinary court shall be determined by the College of the Supreme Court by drawing lots from the list of judges of the Supreme Court, whereby the bench of the first instance court shall include one judge permanently adjudicating in criminal cases, acting as the presiding judge, and one judge permanently adjudicating in cases in which the accused adjudicates, while the membership of the second instance court shall include at least one judge permanently adjudicating in criminal cases, acting as the presiding judge, and at least one judge permanently adjudicating in cases lying within the jurisdiction of the chamber in which the accused holds office. If the draw designates two judges adjudicating in criminal cases to the bench of the second instance court, the function of the presiding judge shall be performed by the judge with the longer length of service as a judge of the Supreme Court”;

36) in Article 75:

- a) § 1a is repealed;
- b) in § 4, the words “in the Professional Liability Chamber” shall be replaced by the words “in the disciplinary court”;

37) Article 79 is repealed;

38) Article 82 shall read as follows:

“Article 82. If, while considering a cassation appeal or another appeal, the Supreme Court has serious doubts as to the interpretation of the provisions of the law constituting the grounds for the decision that has been issued, it may adjourn the hearing of the case and present the legal issue for resolution to a panel of 7 judges of that court.”;

39) in Article 94:

1) §§ 1 and 2 shall read as follows:

“§ 1. An extraordinary appeal shall be examined by the Supreme Court in a bench of 3 judges.

§ 2. If the extraordinary appeal applies to a judgment issued as a result of proceedings in which the Supreme Court passed judgment, the case shall be heard by the Supreme Court in a bench of 7 judges.”;

2) §§ 3 and 4 are repealed;

40) in the Annex to the Act, point 5 is added after point 4 as follows:

5	A retired Supreme Court judge appointed to assess the qualifications of a candidate for a vacant judicial position in the Supreme Court	0.2
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Article 49. *(deleted)*

Article 50 (Amendments to the Act of 20 July 2018. Law on Higher Education and Science (Journal of Laws 2024, item 1571) - omitted)

Article 51. *(deleted)*

Article 52. Article 12 of the Act amending the Law on the Structure of the Ordinary Courts, the Act on the Supreme Court and Certain Other Acts of 20 December 2019 (Journal of Laws of 2020, items 190) is repealed.

Chapter 6

Transitional and adaptation provisions

Article 53. Proceedings before the National Council of the Judiciary regarding the appointment to the office of Supreme Court judge, appeal court judge, regional court judge, district court judge, Supreme Administrative Court judge, voivodship administrative court judge, military regional court judge or military garrison court judge, which were initiated but had not ended before the date of entry into force of this Act, shall be discontinued by law on the date of entry into force of this Act.

Article 54. 1. Proceedings before the Supreme Court being conducted as a result of an appeal against a resolution regarding a request for appointment to the office of judge referred to in Article 1, which were initiated but had not ended before the date of entry into force of this Act, shall be discontinued by law on the date of entry into force of this Act.

2. The provisions of paras 28–31 shall apply to the case referred to in para. 1. The person with respect to whom a resolution regarding the presentation of a request for appointment to the office of judge was adopted shall take part in the new proceedings on the appointment to office in that position.
3. The provisions of paras 1 and 2 shall not apply to proceedings regarding an appeal against a resolution in which:
 - 1) a person referred to in Article 15, para. 11, Article 18 or 20, para. 1 of the Act amending the Act on the National School of Judiciary and Public Prosecution, the Law on the Structure of the Ordinary Courts and Certain Other Acts of 11 May 2017 is presented to hold office as a district court judge;
 - 2) the submission of a request for appointment to the position of district court judge for a judicial assessor was denied;
 - 3) the submission of a request for appointment to office in the position of voivodship administrative court judge for a judicial assessor in a voivodship administrative court was denied;
 - 4) the submission of a request for appointment to office in the position of judge was denied for a person returning to office in the position of judge as a result of the resolution referred to in Article 2, para. 1.

Article 55. 1. The Chamber of Extraordinary Review and Public Affairs and the Professional Liability Chamber in the Supreme Court are abolished.

2. On the date of entry into force of this Act:
 - 1) the term of office of the president of the Supreme Court directing the work of the Chamber of Extraordinary Review and Public Affairs and the term of office of the president of the Supreme Court directing the work of the Professional Liability Chamber shall end;
 - 2) the membership of the members and deputies of the members of the College of the Supreme Court elected by the assemblies of judges of the Chamber of Extraordinary Review and Public Affairs and the Professional Liability Chamber shall end;

- 3) the Labour and Social Insurance Chamber of the Supreme Court shall become the Labour, Social Insurance and Public Affairs Chamber of the Supreme Court, while the president of the Supreme Court directing the work of the Labour and Social Insurance Chamber of the Supreme Court shall become the president of the Supreme Court directing the work of the Labour, Social Insurance and Public Affairs Chamber of the Supreme Court;
- 4) the judges of the Supreme Court adjudicating in the Labour and Social Insurance Chamber of the Supreme Court shall become judges adjudicating in the Labour, Social Insurance and Public Affairs Chamber of the Supreme Court.

Article 56. 1. The first president of the Supreme Court shall transfer cases that were initiated but had not ended before the date of entry into force of this Act in the Chamber of Extraordinary Review and Public Affairs within 14 days of the entry into force of this Act to the Supreme Court chambers that have the competence to hear them in accordance with the provisions of the Act amended in Article 48, in the wording assigned by this Act.

2. All procedural activities in the cases referred to in para. 1 shall be repeated.
3. The Supreme Court shall hear the cases referred to in para. 1, which were initiated as a result of an extraordinary complaint, in a bench of 2 judges of the Supreme Court and 1 lay judge of the Supreme Court. If the extraordinary complaint applies to a judgment issued as a result of proceedings in which the Supreme Court passed judgment, the case shall be heard by the Supreme Court in a bench of 5 judges of the Supreme Court and 2 lay judges of the Supreme Court.

Article 57. Article 89, Articles 90–93 and Article 95 of the Act on the Supreme Court of 8 December 2017 in its current wording shall apply to the consideration of extraordinary complaints filed with the Chamber of Extraordinary Review and Public Affairs which are transferred to the respective chambers of the Supreme Court.

Article 58. 1. The Criminal Chamber of the Supreme Court shall have the competence for examining the cases examined by the Supreme Court in the Professional Liability Chamber, with the exception of the cases referred to in Article 27a, § 1, item 3 of the Act amended in Article 48 in its current wording.

2. Except for the cases referred to in Article 27a, § 1, item 3 amended in Article 48 in its current wording, the first president of the Supreme Court shall transfer the cases that were initiated in the Professional Liability Chamber and had not ended before the date of entry

into force of this Act to the Criminal Chamber of the Supreme Court within 14 days of the date of entry into force of this Act. These cases shall be examined from the beginning in the given instance.

- Article 59.** 1. The first president of the Supreme Court shall transfer the cases referred to in Article 27a, § 1, item 3 of the Act amended in Article 48 in its current wording, which were initiated but had not ended before the date of entry into force of this Act with a ruling in the first instance in the Professional Liability Chamber, to the president of the Supreme Court directing the work of the Labour, Social Insurance and Public Affairs Chamber within 14 days of the date of entry into force of this Act, in order to transfer the case files to the labour court with subject matter and territorial jurisdiction for further conduct. The actions taken in these cases shall remain in force, unless the labour court decides otherwise.
2. The first president of the Supreme Court shall transfer the cases referred to in Article 27a, § 1, item 3 of the Act amended in Article 48 in its current wording, in which a non-final judgment had been issued in the first instance by Professional Liability Chamber before the date of entry into force of this Act, to the president of the Supreme Court directing the work of the Labour, Social Insurance and Public Affairs Chamber within 14 days of the date of entry into force of this Act, so that they can be handled further in that chamber, including examining an appeal. The Supreme Court shall consider these cases in the second instance in a bench of three judges.
3. In the cases referred to in para. 2, the Supreme Court shall set aside the contested judgments and refer the case to the labour court with subject matter and territorial jurisdiction for further handling. The actions taken in these cases shall remain in force, unless the labour court decides otherwise.

- Article 60.** 1. Until the General Assembly of Judges of the Supreme Court adopts the Supreme Court Rules, the provisions of the Supreme Court Rules specified by regulation of the president of the Republic of Poland pursuant to Article 4 of the Act on the Supreme Court of 8 December 2017, shall remain in force to the extent that is not inconsistent with the provisions of this Act.
2. Until the number of judicial positions in the Supreme Court, including in the individual chambers referred to in Article 3, items 1–3 of the Act on the Supreme Court of 8 December 2017, is specified in accordance with Article 3a of the Act on the Supreme Court of 8 December 2017, the number of judicial positions shall be specified by the provisions of the Rules of the Supreme Court in force on the date of entry into force of

this Act, whereby the number of positions in the Labour, Social Insurance and Public Affairs Chamber shall be the number of positions in the Labour and Social Insurance Chamber.

Article 61. 1. The first president of the Supreme Court may, within six months of the date of entry into force of this Act, propose new conditions of employment and pay to the employees of the Supreme Court who work in the Chamber of Extraordinary Review and Public Affairs or the Professional Liability Chamber on the date of entry into force of this Act, taking into account their qualifications, employment history and needs arising from the workload of the individual chambers of the Supreme Court.

2. The employees referred to in para. 1 shall submit their declarations of acceptance or refusal to accept the proposed conditions within 14 days of the date of receipt of the proposal of the new conditions of employment and pay. The lack of submission of a declaration within this deadline shall be tantamount to a refusal to accept the new conditions of employment and pay.
3. If the proposed conditions of employment and pay are not accepted, the employment relationship shall end at the end of the period that is equal to the notice period, measured from the month following the month in which the employee submitted a declaration of refusal to accept the proposed conditions, or from the date by which he could have submitted such a declaration. The termination of employment in this procedure will result in the consequences for the employee which the provisions of labour law relate to the termination of employment by the employer with notice.
4. The first president of the Supreme Court shall terminate the employment contracts for the employees referred to in para. 1 who do not receive new conditions of employment and pay.
5. The employees whose employment relationship is terminated will be entitled to the severance pay specified in accordance with the principles stipulated in Article 8 of the Act on the special principles for terminating employment relationships with employees for reasons for which the employees are not responsible of 13 March 2003 (Journal of Laws of 2024, item 61).

Article 62. 1. The first president of the Supreme Court shall inform the retired judges of the Supreme Court about the preparation of the list referred to in Article 31, § 12 of the Act on the Supreme Court of 8 December 2017 in the wording assigned by this Act within one month of the date of entry into force of the Act.

2. A retired Supreme Court judge shall give his/her consent to the preparation of assessments of the qualifications of candidates for vacant positions of Supreme Court judges in the form of a written notice submitted to the first president of the Supreme Court within one month of receipt of the information referred to in para. 1.

Article 63. Petitions submitted under Article 29, § 5 and § 6 of the Act amended in Article 48 in its current wording, which were not considered by the date of entry into force of this Act, as well as appeals against decisions issued after considering such petitions, shall be deemed to be petitions for the disqualification of a judge and shall be considered in the appropriate procedure.

Article 64. 1. A person referred to in Article 15, para. 11, Article 18 or 19, paras 1–4 of the Act amending the Act on the National School of Judiciary and Public Prosecution, the Law on the Structure of the Ordinary Courts and Certain Other Acts of 11 May 2017 (Journal of Laws item 1139 and of 2018, item 1443), may be appointed to the position of district court judge if he/she satisfies the requirements specified in Article 61, § 1, items 1–6 of the Law on the Structure of the Ordinary Courts of 27 July 2001 and submits his/her application for this position by 31 December 2028.

2. The laws in force before 21 June 2017 shall apply to the applications and the assessment of the qualifications of court referendaries, judicial assistants and prosecution assessors applying for vacant judicial positions announced after the date of entry into force of this Act.
3. The secondary regulations issued on the basis of Article 57i, § 4, item 2 of the the Law on the Structure of the Ordinary Courts of 27 July 2001, which was in force before 21 June 2017, shall apply to the collection, certification and storage of documents on the basis of which the qualifications of a candidate for the position of judicial assistant are assessed.

Chapter 7

Final provision

Article 65. The Act shall enter into force on 15 October 2025, with the exception of Article 15, which shall enter into force on 1 October 2025.