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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**POLAND**

**ACT**

**ON COMMON COURTS ORGANISATION**

**of 27 July 2011**

**with amendments of 20 December 2019**

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*(\*) Unofficial translation*

**ACT**  
**of 27 July 2001**  
**Law on Common Courts Organisation**  
(uniform text)

**PART I**  
**COMMON COURTS**

**Chapter 1**

**General Provisions**

**Article 1.** § 1. Common courts are district courts, regional courts and courts of appeal.

§ 2. Common courts administer justice within the scope beyond the authority of administrative courts, military courts and the Supreme Court.

§ 3. The ordinary courts shall also perform other tasks relating to legal protection assigned to them by statute, by international law binding on the Republic of Poland or by the law established by an international organisation, if the founding treaty binding on the Republic of Poland provides for that law to have direct effect.

§ 4. Whenever a reference to courts is made herein, without any more detailed specification, such reference means common courts.

**Article 2.** § 1. Tasks involving the dispensation of justice shall be performed by judges.

§ 1a. At district courts tasks involving the dispensation of justice shall also be performed by assistant judges, with the exception of:

- 1) application of temporary detention measures in pre-trial proceedings in respect of the detainee who was placed at the disposal of the court, including a request for temporary detention;
- 2) consideration of complaints against decisions refusing to initiate an investigation procedure, decisions to discontinue the investigation and to discontinue the investigation and enter the case in the register of criminal offences;
- 3) adjudicating the cases referred to in Article 12, point 3.

§ 2. In courts, tasks related to legal protection, other than justice, are performed by court referendaries and senior court referendaries. Whenever a reference to court referendaries is made in the provisions, it also includes senior court referendaries.

§ 2a. The tasks referred to in paragraph 2 may be performed by assistant judges. These tasks may also be performed by judges, if court referendaries or assistant judges are unable to perform such tasks.

§ 3. (repealed)

**Article 3.** § 1. Judges form a judicial self-government.

§ 2. Judicial self-government bodies are:

- ~~1) general assembly of appeal judges;~~
- ~~2) general assembly of circuit judges;~~
- ~~3) meeting of judges of a given court.~~

- 1) the general assembly of judges of the Court of Appeal;**
- 2) the general assembly of judges of the regional court;**

### **3) the general assembly of judges of the district court**

**Article 4.** § 1. Citizens participate in administering justice by acting as lay judges in hearing cases before courts of first instance, unless acts provide otherwise.

§ 2. When settling a case, lay judges are vested with the same rights as judges and assistant judges.

**Article 5.** § 1. The Polish language is the official language before courts.

§ 2. A person who has no sufficient command of the Polish language has the right to act before a court using their native language and have a free assistance of an interpreter.

§ 3. A court competent to hear a case in the first instance decides on assigning an interpreter to the person referred to in Article 5(2). A request for assigning an interpreter filed in the course of a case is considered by the court of the instance in which the case is pending.

**Article 6.** Persons related by direct affinity or lineal consanguinity or by adoption, spouses or siblings shall not be judges, assistant judges or court referendaries in the same court division.

**Article 7.** The Supreme Court exercises supervision over courts' activity in the scope of making judicial decisions, pursuant to the procedure set out in acts.

**Article 8.** Administrative activity of courts consists in:

- 1) ensuring adequate technical, organisational and material conditions of court operation and ensuring the performance of tasks referred to in Article 1(2) and (3) by the court;
- 2) ensuring adequate internal operation of the court specifically related to the performance of tasks referred to in Article 1(2) and (3) by the court.

**Article 9.** Administrative supervision over the operation of courts referred to in Article 8 item 1 is exercised by the Minister of Justice in accordance with the principles set out in Part I, Chapter 6 of the Act of 27 August 2009 on Public Finances (Journal of Laws of 2013, item 885, as amended).

**Article 9a.** § 1. Internal administrative supervision over the operation of courts referred to in Article 8 item 2 is exercised by the presidents of courts.

~~§ 2. External administrative supervision over the operation of courts referred to in Article 8 item 2 is exercised by the Minister of Justice through a supervision service composed of judges delegated to the Ministry of Justice as per Article 77.~~

**§ 2. "External administrative supervision over the activity of courts referred to in Article 8(2) shall be exercised by the Minister of Justice through a supervisory service consisting of judges delegated to the Ministry of Justice pursuant to Article 77 and, with regard to supervision over the maintenance of land and mortgage registers, pledge register and the National Court Register, court referendaries delegated to the Ministry of Justice pursuant to Article 151a(5);"**

**Article 9aa.** The prerogatives conferred on the Minister for Justice by this Act may be delegated to a state secretary or under state secretary at the Ministry of Justice, except for prerogatives to issue judge transfer decisions in the cases referred to in Article 75(2).

**Article 9b.** Duties within the scope of administrative supervision shall not enter the field in which judges and assistant judges are independent.

**Article 9c. Whenever a provision of the Act provides for consultation with a college or a general assembly without specifying a time limit, if the opinion is not expressed on the day on which the meeting was convened for the purpose of issuing it, the opinion shall be deemed to be positive.**

**Article 9d. The subject of the deliberations of the college and judicial self-government may not be political matters, in particular, it is prohibited to adopt resolutions undermining the principles of functioning of the authorities of the Republic of Poland and its constitutional bodies;**

## Chapter 2

### Organisation of Courts

**Article 10. § 1.** A district court is established for one or more than one commune; where reasonably necessary more than one district court may be established within one commune.

§ 1a. A district court is established for one or more than one commune with population of at least 50,000 residents, provided that the total number of civil, criminal, family and juvenile cases brought to the existing district court from the area of such commune or several communes is at least 5,000 within one calendar year, subject to the provisions of Article 10(1b)–(1d).

§ 1b. A district court may be established for one or more than one commune with population of less than 50,000 residents, if the total number of civil, criminal, family and juvenile cases brought to the existing district court from the area of such commune or several communes is at least 5,000 within one calendar year.

§ 1c. A district court may be established according to the criteria laid down in Article 10(1b), unless the change of local competence area of the district court having competence over such commune or communes renders that the existing district court fails to meet the criteria provided for in Article 10(1a) or (1b).

§ 1d. A district court may be abolished if the total number of civil, criminal, family and juvenile cases brought to the court over the period of 3 consecutive years does not exceed 5,000 cases in each calendar year.

§ 2. A regional court is established for a local competence area of at least two district courts, hereinafter referred to as the “court circuit”.

§ 3. A court of appeal is established for a local competence area of at least two court circuits, hereinafter referred to as the “appeal court area”.

**Article 11. § 1.** Courts are composed of divisions.

§ 2. A court division shall be managed by a head of division, who shall be the president or deputy president of the court or another judge. In particularly justified cases, with a view to ensuring the rational use of ordinary court staff and taking account of the workload, the function of head of division may be entrusted to an assistant judge.

§ 2a. The head of a land registry division, a commercial division for registration of pledges and a commercial division for the National Court Register shall be an officer of justice (referendarz sądowy).

§ 3. A head of division shall be appointed by the court president. Before appointing a head of division at an appeal court, the court president shall consult the college of the appeal court. Before appointing a head of division at a regional or district court, the president shall consult the college of the regional court.

§ 3a. The head of the division is appointed for a fixed term of office of not more than three years. The head of the division may be dismissed before the end of that term of office after consulting the college of the competent court. Before the consultation, the president of the court notifies about the possibility of submitting comments in writing within seven days from the receipt of such notification. The meeting of the college is held not earlier than after the receipt of comments or after the time limit for submitting the said comments expires to no effect.

§ 3b. If the president or vice president of the court is appointed as the head of the division, the term of office of the head of the division equals the term of office of the president or vice president of the court.

§ 4. (repealed)

§ 5. The president of a court may entrust to a judge the function of deputy head of division, if the workload and scope of tasks of that division so require. An court registrar shall be appointed to the function of deputy head of the land registry division and commercial division for registration. The provisions of paragraphs 3 and 3a shall apply mutatis mutandis.

**Article 12.** § 1. The following divisions may be established at a district court :

- 1) civil - for cases relating to civil law, family and guardianship law, cases concerning juvenile delinquency and criminal offences by juveniles, cases concerning treatment of persons addicted to alcohol, narcotic drugs or psychotropic substances and cases falling within the jurisdiction of the guardianship courts under separate acts;
- 2) criminal - for cases relating to criminal law;
- 3) family and juvenile - for cases relating to family and guardianship law, cases concerning juvenile delinquency and criminal offences by juveniles, cases concerning treatment of persons addicted to alcohol, narcotic drugs or psychotropic substances and cases falling within the jurisdiction of the guardianship courts under separate acts;
- 4) labour, social insurance or labour and social insurance - for cases relating as appropriate to labour law or social insurance;
- 5) commercial - for commercial cases and other cases in the field of commercial and civil law falling within the jurisdiction of the commercial courts under separate acts;
- 6) land registry - for keeping land registries.

§ 1a. The following divisions may be established in a district court:

- 1) family and juvenile – for cases in the field of family and guardianship law, cases concerning demoralisation and juvenile punishable acts, treatment of persons addicted to alcohol, narcotic drugs or psychotropic substances and cases falling within the competence of a guardianship court under separate acts;
- 2) labour, social insurance or labour and social insurance – for cases in the field of labour law or social insurance, accordingly;
- 3) commercial – for commercial cases and other cases in the field of commercial and civil law falling within the competence of a commercial court under separate acts;
- 4) land and mortgage register – for keeping land and mortgage registers.

§ 1b. The Minister of Justice transfers cases in the field of labour law or social insurance, commercial cases and other cases in the field of commercial and civil law falling within the competence of a commercial court under separate acts or keeping land and mortgage registers, falling within the competence of a district court, in which the division responsible for such cases is not established, to another district court, in accordance with Article 20.

§ 2. (repealed)

§ 3. (repealed)

§ 4. (repealed)

§ 5. (repealed)

**Article 13.** (repealed)

**Article 14.** (repealed)

**Article 15.** (repealed)

**Article 16.** § 1. The following divisions may be established at a district court :

- 1) civil - for cases relating to civil law, family and guardianship law, cases concerning juvenile delinquency and criminal offences by juveniles, cases concerning treatment of persons addicted to alcohol, narcotic drugs or psychotropic substances and cases falling within the jurisdiction of the guardianship courts under separate acts;
- 2) criminal - for cases relating to criminal law;
- 3) family and juvenile - for cases relating to family and guardianship law, cases concerning juvenile delinquency and criminal offences by juveniles, cases concerning treatment of persons addicted to alcohol, narcotic drugs or psychotropic substances and cases falling within the jurisdiction of the guardianship courts under separate acts;
- 4) labour, social insurance or labour and social insurance - for cases relating as appropriate to labour law or social insurance;
- 5) commercial - for commercial cases and other cases in the field of commercial and civil law falling within the jurisdiction of the commercial courts under separate acts;

§ 2. The Minister for Justice shall indicate, by order, the regional court division responsible for examining appeals in e-proceedings for debt recovery.

§ 3. (repealed)

§ 4. (repealed)

§ 4a. The following divisions may be established in a regional court:

- 1) labour, social insurance or labour and social insurance – for cases in the field of labour law or social insurance, accordingly;
- 2) commercial – for commercial cases and other cases in the field of commercial and civil law falling within the competence of a commercial court under separate acts,
- 3) telecommunications, postal, and Internet-related data control division for matters associated with controlling the acquisition of telecommunications, postal, and Internet- related data by the Police, the Internal Security Office, the Border Guard, the Central Anticorruption Bureau, and the Customs and Fiscal Service.

§ 4b. The Minister of Justice transfers cases in the field of labour law or social insurance, commercial cases and other cases in the field of commercial and civil law falling within the competence of a commercial court under separate acts, falling within the competence of a regional court, in which a separate division responsible for such cases is not established, to another regional court operating in the same appeal court area, in accordance with Article 20.

§ 5. (repealed)

§ 6. The Minister of Justice, by order, indicates the regional court division to consider legal remedies in e-proceedings by writ of payment.

**Article 16a.** § 1. A mediation coordinator acts in a regional court; their duties comprise implementing mediation development measures, ensuring efficient communication between judges and mediators as well as permanent court mediators, and cooperation in organising information meetings.

§ 2. A mediation coordinator performs tasks referred to in Article 16a(1) also in district courts in the local competence area of a given regional court.

§ 3. A mediation coordinator is appointed by the president of the regional court, by order, from among regional court judges.

**Article 16b.** § 1. A judicial region shall have a coordinator for international cooperation and human rights in civil matters.

§ 2. In matters relating to international cooperation, European law and human rights in civil matters, and in particular the rights of the child and family rights, the coordinator for international cooperation and human rights in civil matters shall:

- 1) provide a judge, assistant judge, court registrar or judge's assistant, at their request, with information on:
  - a) the rules and procedures for obtaining information on a foreign country's legislation and practices;
  - b) the methods and performance of court administration relevant for the proper preparation of a request for judicial assistance and rulings subject to mutual recognition;
  - c) the rules and procedures for cooperation in the European Judicial Network in civil and commercial matters;
  - d) the rules and procedures for determining the authority competent in a foreign country for executing a request for judicial assistance or for providing information on the progress of the request's execution;
  - e) the method for obtaining information on standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome on 4 November 1950 (Journal of Laws of 1993, item 284, as amended );
- 2) assist persons performing the role of contact points of the European Judicial Network in the performance of their duties;
- 3) inform the president of the competent court or the competent head of division of the need to convene sessions of judges, assistant judges and court registrars, in particular for the purpose of presenting legal issues giving rise to doubts and issues on which the case-law is not uniform, and also for the purpose of ensuring compliance with the standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome on 4 November 1950, and take part in such sessions;
- 4) Inform the president of the competent court of the need to analyse rulings and, if need be, provide the information referred to in Article 22(1)(2);
- 5) inform judges, assistant judges, court registrars and judges' assistants of major developments in the case-law of the Supreme Court and international bodies;
- 6) check that information on the court's internet pages is up to date.

§ 3. A coordinator for international cooperation and human rights in civil matters shall perform the tasks referred to in paragraph 2 in all courts within the jurisdiction of the regional court concerned.

§ 4. A coordinator for international cooperation and human rights in civil matters shall have access to court records for the purposes of performing the duties referred to in paragraph 2.

§ 5. A coordinator for international cooperation and human rights in civil matters shall be part of the European Judicial Network in civil and commercial matters.

§ 6. A coordinator for international cooperation and human rights in civil matters shall be appointed by order of the president of the regional court from among the judges, assistant judges and court registrars of that regional court or a district court within its jurisdiction distinguished by their knowledge of international cooperation, European law and human rights in civil matters, in particular the rights of the child and family rights, and demonstrating an appropriate knowledge of foreign languages.

**Article 16c.** The Minister for Justice shall set up and dissolve contact points for the European Judicial Network in civil and commercial matters.

**Article 16d.** § 1. A judicial region shall have a coordinator for international cooperation and human rights in criminal matters.

§ 2. In matters relating to international cooperation, European law and human rights in criminal matters, the coordinator for international cooperation and human rights in criminal matters shall:

- 1) provide judges, assistant judges, court registrars and judges' assistants, at their request, with information on:
  - a) the rules and procedures for obtaining information on a foreign country's legislation and practices;
  - b) the methods and performance of court administration relevant for the proper preparation of a request for judicial assistance, a European arrest warrant and other rulings subject to mutual recognition;
  - c) the rules and procedures for cooperation in the European Judicial Network;
  - d) the rules and procedures for determining the authority competent in a foreign country for executing a request for judicial assistance or for providing information on the progress of the request's execution;
  - e) the rules and procedures for determining the authority competent in a foreign country for executing a European arrest warrant or other ruling subject to mutual recognition or for providing information on the progress of the warrant or ruling's execution;
  - f) the method for obtaining information on standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome on 4 November 1950;
- 2) inform the president of the competent court or the competent head of division of the need to convene sessions of judges, assistant judges and court registrars, in particular for the purpose of presenting legal issues giving rise to doubts and issues on which the case-law is not uniform, and also for the purpose of ensuring compliance with the standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome on 4 November 1950, and take part in such sessions;
- 3) Inform the president of the competent court of the need to analyse rulings and, if need be, provide the information referred to in Article 22(1)(2);
- 4) inform judges, assistant judges, court registrars and judges' assistants of major developments in the case-law of the Supreme Court and international bodies;
- 5) check that information on the court's internet pages is up to date.

§ 3. A coordinator for international cooperation and human rights in criminal matters shall perform the tasks referred to in paragraph 2 in all courts within the jurisdiction of the regional court concerned.

§ 4. A coordinator for international cooperation and human rights in criminal matters shall have access to court records for the purposes of performing the duties referred to in paragraph 2.

§ 5. A coordinator for international cooperation and human rights in criminal matters shall be appointed by order of the president of the regional court from among the judges, assistant judges and court registrars of that regional court or a district court within its jurisdiction distinguished by their knowledge of international cooperation, European law and human rights, and demonstrating an appropriate knowledge of foreign languages.

**Article 17.** (repealed)

**Article 18.** § 1. A court of appeal is composed of the following divisions:

- 1) civil – for cases in the field of civil law, family and guardianship law, as well as commercial cases and other cases in the field of commercial and civil law falling within the competence of a commercial court under separate acts;
- 2) penal – for cases in the field of penal law and cases related to confirming the accuracy of vetting declarations;
- 3) labour and social insurance – for cases in the field of labour law and social insurance.

§ 2. (repealed)



**Article 18a.** Divisions other than those listed in Articles 12, 16 and 18 may be established in courts.

**Article 18b.** Branch divisions may be established outside the seat of a court, and outside the seat of a regional court – also branch units.

**Article 19.** § 1. The Minister of Justice, by order, establishes and abolishes divisions, branch divisions and branch units of courts, taking into consideration the need to secure reasonable courts organisation, in particular by adapting the number, type and size of divisions to the backlog of cases, economy of court proceedings and the need to ensure proper performance of supervisory activities, in order to guarantee the citizen's right to have their case heard within a reasonable time; the order to establish a division, branch division or branch unit must specify the seat, local competence area and scope of delegated cases.

§ 2. Should a branch division or a branch unit of a court be abolished, employees thereof are transferred to a relevant court.

**Article 20.** The Minister of Justice, after consulting the National Council of the Judiciary, by regulations:

- 1) establishes and abolish courts and determine their seats, areas of jurisdiction and the scope of the cases heard by them,
- 2) may delegate to one regional court the authority to hear cases in the field of labour law or social insurance from local competence areas, or parts of such areas, of other regional courts acting within the same appeal court area, and delegate to one district court the authority to hear cases in the field of labour law and social insurance from local competence areas, or parts of such areas, of other district courts acting in the same court circuit,
- 3) may delegate to one regional court the authority to hear commercial cases and other cases in the field of commercial and civil law falling within the competence of a commercial court under separate acts, from local competence areas, or parts of such areas, of other regional courts acting within the same appeal court area, and delegate to one district court the authority to hear commercial cases and other cases in the field of commercial and civil law falling within the competence of a commercial court under separate acts, from local competence areas, or parts of such areas, of other district courts,
- 4) may delegate to one regional court the authority to hear cases related to confirming the accuracy of vetting declarations from local competence areas of other regional courts acting within the same appeal court area,
- 5) may delegate to one district court the authority to hear cases in the field of family and guardianship law, cases concerning demoralisation and juvenile punishable acts, treatment of persons addicted to alcohol and to narcotic drugs and psychotropic substances as well as cases falling within the competence of a guardianship court under separate acts, from local competence areas, or parts of such areas, of other district courts acting within the same court circuit,
- 6) may delegate to one district court the authority to keep land and mortgage registers from local competence areas, or parts of such areas, of other district courts acting within the same court circuit,
- 7) may delegate to one district court the authority to hear cases in e-proceedings by writ of payment falling within the competence of other district courts,
- 8) may delegate to one district court the authority to consider applications for the declaration of enforceability of decisions issued by the Council, European Commission, European Central Bank, Office for Harmonisation in the Internal Market and of judgments of the Court of Justice of the European Union falling within the competence of other district courts,
- 9) shall designate one regional court (sąd okręgowy) with jurisdiction over matters relating to protection of Union trade marks and Community designs (the court for Union trade marks and Community designs)

– guided by the need to secure reasonable courts organisation, by adapting the number of courts, their size and local competence areas to the backlog of cases, and considering the economy of

court proceedings and the need to guarantee the citizen's right to have their case heard within a reasonable time.

**Article 20a.** § 1. The Minister of Justice assigns new posts of judges and assistant judges to individual courts, taking into consideration rational use of common court personnel and the needs resulting from the workload of particular courts.

§ 2. If a post of a judge or a trainee judge becomes vacant in a court operating in a given appeal court area, the president of the court of appeal notifies the Minister of Justice about that fact within fourteen days from the day such post became vacant. The Minister of Justice, on the basis of the criteria referred to in Article 20a(1), and having regard to assuring trainee judge positions to examined trainee judges:

- 1) allocates the post to the court concerned or another court, if necessary after converting it into a judge's or assistant judge's post, or
- 2) abolishes the post.

§ 2b. When allocating an assistant judge's post, the Minister for Justice shall allocate the post to a court division or divisions after prior consultation of the competent court president. Article 22a(4) shall apply *mutatis mutandis*.

§ 3. An assistant judge's post shall automatically be converted into a judge's post when the assistant judge occupying the post is appointed to the office of judge.

§ 4. The Minister for Justice shall advertise vacant posts for judges in the Official Gazette of the Republic of Poland 'Monitor Polski'.

§ 5. A vacant judge's post shall not be advertised if it is to be occupied by transferring a judge from an equivalent court, or pursuant to Article 74, or by transferring an assistant judge.

### Chapter 3

#### Bodies of Courts

**Article 21.** § 1. The court bodies are:

- 1) in a district court – the president of the court and the court manager, subject to Article 21(1a);
- 2) in a regional court – the president of the court, the college of the court and the court manager;
- 3) in a court of appeal – the president of the court, the college of the court and the court manager.

§ 1a. (repealed)

§ 1b. (repealed)

§ 2. (repealed)

§ 3. (repealed)

**Article 21a.** § 1. A court manager may be appointed in a regional court if warranted by organisational reasons, and particularly by the size of the court measured by the number of posts of judges, trainee judges, and court referendaries, as well as the number of staff employed or the distance from a regional court. In a district court where a court manager is not appointed, the tasks of the court manager are performed by the manager of a superior regional court, who also takes over financial management of said court.

§ 2. The Minister of Justice is the superior of the court manager.

§ 3. The president of the court pursues activities in the field of labour law in respect of the court manager, with the exception of activities reserved for the Minister of Justice.

**Article 22.** § 1. The president of the court:

- 1) manages and represents the court, with the exception of duties falling within the competence of the court manager, and in particular:

- a) manages the administrative activity of the court within the scope of Article 8 item 2,
  - aa) at least once a year determines the needs of the court necessary to ensure conditions for the proper functioning and exercise of the court's tasks referred to in Article 1(2) and (3), having regard to their expected scope,
  - b) acts as a superior to judges, assistant judges, court referendaries, assistants to judges of the given court, the manager and members of the court professionals advisory team,
  - c) appoints and dismisses judges, assistant judges and court referendaries, unless the act provides otherwise;
- 2) analyses judicial decisions of the court it manages in terms of consistency and informs judges and assistant judges about the results of the analysis, and if material discrepancies are found in judicial decisions, the president informs the First President of the Supreme Court about such discrepancies;
- 3) performs other activities stipulated in the act and in separate provisions.

§ 1a. (repealed)

§ 1b. (repealed)

§ 2. In the scope of managing the court's administrative activity, the president of the court is under the authority of the president of a superior court and of the Minister of Justice.

§ 3. (repealed)

§ 4. (repealed)

§ 5. (repealed)

§ 6. (repealed)

~~Article 22a. § 1. The president of an appeal court at an appeal court, after consulting the college of the appeal court, the president of a regional court at a regional court, after consulting the college of the regional court, and the president of a district court at a district court, after consulting the college of the competent regional court, shall, by the end of November each year at the latest, determine the distribution of work, which shall specify:~~

**The President of the Court of Appeal in the Court of Appeal after consultation with the college of the Court of Appeal, the President of the District Court in the District Court after consultation with the college of the District Court and the President of the District Court in the District Court after consultation with the college of the competent District Court shall determine the division of activities which shall be defined by:**

- 1) the assignment of judges, assistant judges and court registrars to the court's divisions,
- 2) the duties of judges, assistant judges and court registrars and the manner of their participation in the assignment of cases,
- 3) standby duty rosters and stand-ins for judges, assistant judges and court registrars - taking account of the specialisation of judges, assistant judges and court registrars in the examination of specific types of cases, the need to ensure an appropriate distribution of judges, assistant judges and court registrars across the divisions of the court and an even distribution of duties and the need to guarantee efficient judicial proceedings.

§ 1a. Assistant judges shall be assigned to divisions under the selection procedure laid down in Article 33a(5) of the Act of 23 January 2009 on the National School of Judiciary and Public Prosecution (Journal of Laws 2017, items 146 and [...]).

§ 2. Only court referendaries are assigned to the land and mortgage register division and to the commercial division, unless this proves impossible.

§ 3. If only court referendaries are assigned to the divisions referred to in Article 22a(2), activities falling beyond the authority of court referendaries are incorporated in the duties of judges and assistant judges adjudicating in other divisions.

§ 4. The president of a court may at any time establish a new way of allocating duties, partially or wholly, if the reasons stated in paragraph 1 so dictate. As regards the assistant judges referred to in section 1a, a change of responsibilities resulting in assignment to another court division shall be possible in particularly justified cases, but no sooner than after one year's service and only once.

§ 4a. The transfer of a judge to another division shall require the judge's consent.

§ 4b. The transfer of a judge to another division shall not require the judge's consent if:

- 1) the transfer is to a division in which the judge will examine cases of the same type;
- 2) no other judge in the division from which the transfer is to take place has consented to be transferred;
- 3) the transferred judge is assigned to the division referred to in paragraph 2.

§ 4c. The provisions of paragraph 4b(1) and (2) shall not apply to judges who have been transferred to another division without their consent in the previous 3 years. When judges are transferred to another division without their consent in the case referred to in paragraph 4b(2), particular account shall be taken of the length of service of the judges in the division from which the transfer is taking place.

§ 5. If a change in work distribution changes the scope of duties of a judge or assistant judge, and in particular results in their transfer to another court division, the judge or assistant judge may appeal to the National Council of the Judiciary within seven days of the date of receipt of the new scope of duties. There shall be no right of appeal if:

- 1) the transfer is to a division where cases of the same type are heard;
- 2) it involves being entrusted with duties within the same division on the same terms those applicable to other judges, in particular revoking an assignment to a unit or another form of specialisation.

§ 6. Appeals within the meaning of section 5 shall be lodged through the court president who determined the distribution of work to which the appeal relates. The court president shall refer the appeal to the National Council of the Judiciary within 14 days of the date on which it was received, together with a position on it. The National Council of the Judiciary shall adopt a resolution accepting or rejecting the judge's appeal, having regard to the considerations referred to in section 1. The resolution of the National Council of the Judiciary on an appeal within the meaning of section 5 shall not require grounds. The resolution of the National Council of the Judiciary may not be appealed. Until the resolution is adopted, the judge or assistant judge shall continue to perform their existing duties.

**Article 22b.** § 1. The president of the court is replaced by the vice president; and should the vice president be absent, by a designated judge.

§ 2. If the president of the court was not appointed, the function of the president of the court is performed by the vice president of the court for a period not longer than six months. In a court where more than one vice president is appointed, the function of the president of the court is performed by the longest-serving vice president of the court. If no vice president was appointed in a court, the function of the president of the court is performed by the longest-serving judge holding the function of the head of the division in such a court for a period not longer than six months.

§ 3. The Minister of Justice, after consulting the president of the court, determines the number of vice presidents of the court of appeal, taking into consideration the number of posts of judges in such a court, the number of supervised regional and district courts and the number of posts of judges, assistant judges and court referendaries in such courts.

§ 4. The Minister of Justice, after consulting the president of the regional court and the president of the superior court of appeal, determines the number of vice presidents of the regional court, taking into consideration the number of posts of judges and court referendaries in such a court, the number of supervised district courts and the number of posts of judges, assistant judges and court referendaries in such courts.

§ 5. The president of the court of appeal, after consulting the president of the district court and the president of the superior regional court, determines the number of vice presidents of the district court, taking into consideration the number of posts of judges, assistant judges and court referendaries in the district court.

§ 6. Where there is a change in the number of posts of judges, assistant judges or court referendaries in a given court or the number and size of supervised regional or district courts changes, the number of vice presidents in the given court may be redetermined.

**Article 23.** § 1 The president of an appeal court shall be appointed by the Minister for Justice from among appeal court or regional court judges. After appointing the president of the appeal court the Minister for Justice shall present him/her to the competent ~~general assembly of appeal court judges~~ **the general assembly of judges of the court of appeal.**

§ 2. The deputy president of an appeal court shall be appointed by the Minister for Justice, on the motion of the president of the court, from among appeal court or regional court judges.

**Article 24.** § 1. The president of a regional court shall be appointed by the Minister for Justice from among appeal court, regional court or district court judges. After appointing the president of the regional court the Minister for Justice shall present him/her to the competent ~~general assembly of regional court judges.~~ **the general assembly of regional court judges.**

§ 2. The deputy president of a regional court shall be appointed by the Minister for Justice, on the motion of the president of the court, from among appeal court, regional court or district court judges.

**Article 25.** § 1. The president of a district court shall be appointed by the Minister for Justice from among regional court or district court judges. After appointing the president of the district court the Minister for Justice or the president of the higher appeal court or regional court shall present him/her to ~~the assembled judges of the relevant district court.~~ **'the assembly of judges'**

§ 2. The deputy president of a district court shall be appointed by the Minister for Justice, on the motion of the president of the court, from among regional court or district court judges.

**Article 25a.** (repealed)

**Article 26.** § 1. The president of the court of appeal and the president of the regional court are appointed for a term of six years and cannot be reappointed to the office of the president or vice president in the same court before the lapse of six years from the expiry of the term of office.

§ 2. The vice president of the court of appeal and the vice president of the regional court are appointed for a term of six years and cannot be reappointed for the same office in the same court before the lapse of six years from the expiry of the term of office.

§ 3. The president of the district court is appointed for the term of four years, at most for two consecutive terms, and cannot be reappointed to the office of the president or vice president of a district court before the lapse of four years from the expiry of the term of office.

§ 4. The vice president of the district court is appointed for the term of four years, at most for two consecutive terms of office.

§ 5. In the case of a division or merger of courts, the term of office of the president and vice president taking up the office in the court established as a result of the division or merger includes the term of the same office held in the court subjected to the division or merger.

**Article 27.** § 1. The president and deputy president of a court may be dismissed by the Minister for Justice during their term of office if:

- 1) they seriously or persistently fail to comply with their official duties;
- 2) other reasons render their remaining in office incompatible with the sound dispensation of justice;
- 3) their administrative supervision or organisation of the work of the court or lower courts is found to be particularly ineffective;

4) they resign from office.

§ 2. The college of the competent court shall be consulted before the president or deputy president of a court is dismissed. The Minister for Justice shall present the planned dismissal and a written statement of the grounds to the college of the competent court with a view to obtaining its opinion.

§ 3. When seeking the opinion referred to in paragraph 2 the Minister for Justice may suspend a president or deputy president from duty. Article 22b(2) shall apply mutatis mutandis.

§ 4. The college of the competent court shall issue the opinion referred to in paragraph 2 after hearing the president or deputy president concerned. The person concerned shall not participate in the vote on the opinion, even if they are a member of the college of the court concerned.

§ 5. A positive opinion of the college shall empower the Minister of Justice to dismiss the president or deputy president of the court concerned. The failure of the college to deliver an opinion within 30 days of the presentation by the Minister for Justice of the planned dismissal of the president or deputy president of a court shall not be an obstacle to dismissal.

§ 5a. If the opinion of the college of the court concerning the dismissal of its president or deputy president is negative, the Minister for Justice may present the planned dismissal and a written statement of the grounds to the National Council of the Judiciary. A negative opinion by the National Council of the Judiciary concerning the dismissal of the president of a court shall be binding on the Minister for Justice if the resolution has been adopted by a two-thirds majority of votes. The failure of the National Council of the Judiciary to deliver an opinion within 30 days of the date of the presentation by the Minister for Justice of the planned dismissal of the president or deputy president of a court shall not be an obstacle to dismissal.

§ 6. If the president or deputy president of a court resigns during their term of office, the Minister for Justice shall dismiss that president or deputy president without the consultation referred to in paragraph 2 and paragraph 5a.

**Article 28.** ~~§ 1. The college of the court of appeal is composed of five members, appointed by the meeting of appeal court judges from among judges of such a court, and of the president of the court of appeal. Elections are held by a secret ballot, the attendance of at least a half of the members of the meeting is required for the elections to be valid.~~

~~§ 1a. Each judge participating in the election referred to in paragraph 1 shall have one vote. The judges who obtained the largest number of votes shall become members of the college. In the event of an equal number of votes cast for at least two candidates, preference shall be given to the judge with the greatest aggregate length of service.~~

~~§ 2. The president of the court of appeal, and if absent the longest-serving member of the college, acts as the chairperson of the college of the court of appeal.~~

~~§ 3. The college of the court of appeal is elected for three years.~~

~~§ 4. Resolutions are adopted by a simple majority of votes. Passing the resolutions requires the presence of at least a half of the court of appeal college members. The president of the court does not participate in the adoption of resolutions if the college expresses an opinion in areas where the decisions rest within its competence. In the event of a tied vote, the longest-serving college member has the casting vote.~~

~~§ 5. The vote is held by a secret ballot if such a request is made by at least one of the present court of appeal college members.~~

~~§ 5a. In justified cases, the president of the college may give instructions for a circular vote to be held.~~

~~§ 5b. In the event of a circular vote, a secret vote cannot be ordered.~~

~~§ 5c. The circular vote shall be valid if at least half the members of the college vote within the time limit set for reaching a position.~~

~~§ 5d. No circular vote shall be held if even one member of the college raises objections.~~

~~§ 6. The college of the court of appeal meets as required, but at least once every three months. The president of the court of appeal convenes the meetings of the board on its own initiative or at the request of one-third of the college members.~~

~~§ 7. In the event referred to in Article 29(1) item 3, the manager of the court of appeal participates in meetings of the college of the court of appeal as a consultant.~~

~~§ 8. A college member's term of office comes to an end before the expiry of the term in the event of:~~

- ~~1) — termination or expiry of the judge's service relationship;~~
- ~~2) — retirement of the judge;~~
- ~~3) — transfer of the judge to a different place of service or appointment of the judge to a different post of a judge;~~
- ~~4) — submitting a resignation from the college membership by the judge.~~

~~§ 9. In the specific cases referred to in Article 28(8) by elections are held. The newly elected member remains in office until the term of office of other college members expires.~~

### **The College of Court of Appeal shall consist of**

- 1) the President of the Court of Appeal;**
- 2) presidents of regional courts within the jurisdiction of the appellate court;**

**§ 2. A member of the college may authorise a judge of the court of which he is the President to participate in a meeting of the college.**

**§ 3. The president of the college of the court of appeal shall be the chairman of the board of the court of appeal, and in his absence - the oldest member of the board.**

**§ 4. Resolutions shall be adopted by a majority of votes. The presence of at least half of all members of the college of the court of appeal is required for the adoption of a resolution. The president of the court shall not participate in the adoption of resolutions if the college expresses opinions on matters in which the decisions fall within its competence. In the event of an equal number of votes, the chairperson shall have the casting vote, and if the president of the appellate court does not participate in the vote, the oldest member of the college shall have the casting vote in the service of the oldest member of the college.**

**§ 5. Voting shall be secret if requested by at least one of the present members of the college of the court of appeal.**

**§ 6. In justified cases, the chairman of the college may order that voting be conducted by circulation. Voting is then open. A vote by circulation shall be valid if at least half of the members of the college cast their votes within the time limit set for the adoption of a position.**

**§ 7. Delegates from the general meeting of judges of the court of appeal may participate in meetings of the college convened to give opinions on candidates for the positions of judges of the court of appeal, with the right to participate in voting only in these matters.**

**§ 8. The college of the court of appeal shall meet as needed, but not less frequently than once a quarter. Meetings of the college shall be convened by the president of the appellate court on his own initiative or at the request of one third of the number of the members of the college.**

**§ 9. The meeting of the college of the court of appeal, at which the opinion on the draft financial plan referred to in Article 178(1) is to be expressed, shall be attended by the director of the court of appeal";**

**Article 29. § 1.** The college of the court of appeal performs tasks stipulated in the act, and moreover:

- 1) express an opinion on the appointment to the post of press officer or the assignment of the duties of press officer at an appeal court and express an opinion on dismissal from such a position or from performance of those duties;

**1a) provides opinions on candidates for the positions of judges of the Court of Appeal;"**

- 2) considers applications resulting from court inspection and vetting procedures;
- 3) expresses an opinion on the financial plan draft referred to in Article 178(1);
- 4) expresses an opinion on personnel matters related to judges;
- 5) addresses the instances of judges' behaviour that infringe the code of ethics;
- 6) expresses an opinion on other matters raised by the president of the court of appeal, the National Council of the Judiciary and the Minister of Justice.

§ 2. (repealed)

**Article 30.** § 1. ~~The college of the regional court shall consist of:~~

- ~~1) the president of the regional court;~~
- ~~2) the longest serving vice-president of the regional court;~~
- ~~3) representatives of the district courts in the jurisdiction of the regional court elected by the assemblies of judges from among the judges of the district court concerned (one representative from each district court);~~
- ~~4) two representatives of the regional court elected by the assembly of judges from among the judges of the court.~~

~~§ 2. Article 28 shall apply mutatis mutandis to the college of a regional court, with the president of the college of a regional court being deemed to be the president of that court and, if they are absent, the longest serving vice-president of the regional court.~~

**The college of a regional court shall consist of**

**1) the President of the regional court;**

**2) presidents of district courts within the area of jurisdiction of the regional court**

**§ 2. The provisions of Article 28, §§ 2-6, 8 and 9 shall apply accordingly to the college of a regional court.**

**§3. The meetings of the college convened in order to give opinions on candidates for the positions of judges of the regional court may be attended, with the right to vote exclusively in these cases, by the delegates to the general assembly of the regional court,**

**§4. The meetings of the College convened for the opinion of candidates for the positions of judges of the district court may be attended, with the right to participate in voting only on these matters, by delegates of the general assembly of judges of the district court.**

**Article 31.** § 1. The college of the regional court performs tasks stipulated in the act, and moreover:

- 1) express an opinion on the appointment to the post of press officer or the assignment of the duties of press officer at a regional court and express an opinion on dismissal from such a position or from performance of those duties;

**1a) gives an opinion on candidates for the positions of District Court and District Court judges;"**

- 2) considers applications resulting from court inspection and vetting procedures;
- 3) expresses an opinion on financial plan drafts referred to in Article 178(1);
- 4) expresses an opinion on personnel matters related to regional court judges, district court judges and assistant judges acting in the court circuit;
- 4a) (repealed)



- 5) addresses the instances of behaviour of judges and assistant judges that infringe the code of ethics;
- 6) expresses an opinion on other matters raised by the president of the regional court, the president of the court of appeal, the National Council of the Judiciary and the Minister of Justice.

§ 2. As regards matters significant to a given district court, the college of the regional court may seek an opinion of judges of such a court, expressed at a meeting of judges **the general assembly of judges of that court.**

§ 3. (repealed)

**Article 31a.** § 1. The court manager:

- 1) manages the administrative activity of the court within the scope of Article 8 item 1;
- 2) performs tasks assigned to the manager of a unit under separate provisions in the fields of finance, economy, financial control, management of the State Treasury assets and internal audit within these areas;
- 3) shall act as an immediate superior, perform labour law tasks and represent the court in this field in matters involving court staff, excluding judges, assistant judges, court referendaries, senior probation officers, judges' assistants, as well as managers and specialists who are members of the consulting teams of court experts;
- 4) shall define the number and location of individual posts within the court divisions that employ court staff, excluding judges, assistant judges, court referendaries, senior probation officers and judges' assistants;
- 5) represents the State Treasury within the scope of entrusted assets and court tasks;
- 6) administers the deposit accounts of the Minister of Finance referred to in Article 83a(1) of the Act of 27 August 2009 on Public Finances, subject to Article 83a(2) of the said act.

§ 2. The manager of the court of appeal draws up annual reports on the operation of courts acting in the appeal court area, within the confines of the tasks entrusted thereto, based on reports on the operation of regional or district courts prepared by managers of such courts, within the confines of the tasks entrusted thereto.

§ 3. By the end of April each year, the manager of the court of appeal, through the president of the court of appeal, after consulting the ~~general assembly of appeal judges~~ **the General Assembly of the Judges of the Court of Appeal** submits the reports for the previous year to the Minister of Justice.

**Article 32.** § 1. The court manager is employed by appointment. The court manager is appointed and dismissed by the Minister of Justice. .

§ 2. (repealed)

§ 3. Before appointing the court manager, the Minister of Justice inquiries about the candidate with the National Criminal Record.

§ 4. (repealed)

§ 5. (repealed)

§ 6. (repealed)

§ 7. (repealed)

§ 7a. Should the need arise, the Minister of Justice appoints from among court employees an acting court manager until such time as the court manager is appointed;

§ 8. (repealed)

§ 9. The Minister of Justice may appoint a deputy court manager if particular reasons exist, such as reasons related to the size of the court and the scope of its tasks. Provisions of Article 32(1) and (3) apply accordingly. .

§ 10. If a deputy court manager is not appointed, the court manager, after obtaining the approval of the Minister of Justice, indicates from among court employees a person authorised to execute the tasks of the court manager over a defined period of time and within a defined scope.

§ 11. (repealed)

**Article 32a.** § 1. A person who meets the following requirements may be appointed the court manager or the deputy court manager:

- 1) enjoys full civil and full public rights;
- 2) holds a master's degree or an equivalent degree, referred to in the Act of 27 July 2005 – Law on Higher Education (Journal of Laws of 2012, item 572, as amended);
- 3) has expertise in the field of managing public institutions, public finances, carrying out investments and managing the State Treasury assets;
- 4) has worked for at least five years, including at least two years at a managerial post;
- 5) has not been convicted by a final judgment of an offence prosecuted by public indictment or a fiscal offence;
- 6) has not been punished with a ban to exercise functions related to managing public funds referred to in Article 31(1) item 4 of the Act of 17 December 2004 on the Liability for the Breach of Public Finance Discipline (Journal of Laws of 2013, item 168, and of 2012, item 1529);
- 7) no proceedings related to an offence prosecuted by public indictment or a fiscal offence are pending against such a person.

§ 2. (repealed)

§ 3. (repealed)

§ 4. (repealed)

§ 5. (repealed)

§ 6. (repealed)

§ 7. (repealed)

§ 8. (repealed)

§ 9. (repealed)

§ 11. (repealed)

§ 12. (repealed)

§ 13. (repealed)

**Article 32b.** (repealed)

**Article 32c.** § 1. The court manager and the deputy court manager are entitled to a basic salary determined by the Minister of Justice.

§ 2. The Minister of Justice may grant to a court manager or a deputy court manager a special allowance for a temporary increase in the duties or tasks, as well as an award for outstanding achievements at work.

§ 3. The Minister of Justice, after consulting the National Council of the Judiciary, determines, by regulation:

- 1) the amount of basic salary of the court manager and the deputy court manager,

- 2) the method of determining the amount of the special allowance and the award for outstanding achievements at work, which may be granted to the court manager or the deputy court manager

– taking into account the type and scope of their tasks, in particular the size of the organisational unit, where such tasks are executed.

**Article 32d.** § 1. A court manager and a deputy court manager may not have any political party affiliations or hold public functions.

§ 2. The provisions of Articles 6–7, Articles 9–11 and Articles 14a–18 of the Act of 18 December 1998 on Court and Public Prosecutor Office Employees (Journal of Laws of 2011, No 109, item 639, as amended) apply accordingly to the court manager and the deputy court manager. Rules laid down in provisions issued under Article 14(1) of the Act of 18 December 1998 on Court and Public Prosecutor Office Employees apply to the procedure of determining the entitlement to the long-service allowance and jubilee awards.

## Chapter 4

### Judicial self-government

**Article 33.** § 1. ~~The general assembly of appeal judges is composed of appeal court judges, representatives of regional court judges acting in the appeal court area, in number equal to the number of appeal court judges, and representatives of district court judges acting in the appeal court area, in the same number. The number of representatives of judges of particular regional courts and the number of representatives of district court judges, acting in particular court circuits, is determined by the college of the court of appeal, in proportion to the number of judges, respectively, in a given regional court or district courts acting in a given court circuit.~~

~~§ 2. The president of the court of appeal is the chairperson of the general assembly of appeal judges. Should the president of the court be absent, the longest-serving vice president of the court of appeal acts as the chairperson.~~

~~§ 2a. The general assembly of appeal court judges at which an opinion on the annual report on courts' activities referred to in Article 37h(1) is to be given shall be chaired by a judge elected at that assembly.~~

~~§ 3. Members of the general assembly of appeal judges are obliged to participate in assembly meetings. Delegation under Article 77 does not exempt a member of the general assembly from the above-said obligation.~~

~~§ 4. Judges who are not members of the general assembly of appeal judges may participate in assembly meetings, without the right to vote and elect.~~

~~§ 5. Resolutions of the general assembly of appeal judges shall be adopted by an absolute majority of votes. Voting shall be secret in the matters referred to in Article 34, points 1 and 4, and also if even one of the assembly members present so requests.~~

~~§ 6. The general assembly of appeal judges meets at least once a year; the president of the court of appeal convenes the assembly meetings on its own initiative or at the request of the college of the court of appeal, the college of the regional court, one-fifth of the assembly members or at the request of the Minister of Justice. The president of the court of appeal notifies, at least two weeks in advance, about the date of the assembly meeting and presents the agenda, and if the agenda provides for the evaluation of candidates for the posts of judges, at the same time orders that the evaluations of qualifications of candidates be made available in the secretariat of the president of the court of appeal and secretariats of presidents of regional courts in the appeal court area, for review by the members of the general assembly of appeal judges.~~

~~§ 7. General assemblies of circuit judges from the appeal court area appoint the representatives of regional court judges and representatives of district court judges for the term of three years.~~

~~§ 8. A general assembly member's term of office comes to an end in the event of:~~

- 1) — termination or expiry of the judge's service relationship;

- 2) — retirement of the judge;
- 3) — transfer of the judge to a different place of service or appointment of the judge to a different post of a judge;
- 4) — submitting a resignation from the assembly membership by the judge referred to in Article 33(7).

§ 9. In the specific cases referred to in Article 33(8) by elections are held. The newly elected member remains in office until the term of office of other members of the general assembly of appeal judges expires.

§ 10. Should the general assembly of appeal judges established under Article 33(1) be composed of more than one hundred and twenty six members, its functions are performed by the assembly of representatives of appeal judges composed of forty representatives of appeal court judges, forty representatives of regional court judges and forty representatives of district court judges, acting in the appeal court area. The number of representatives of judges of particular regional courts and the number of representatives of district court judges, acting in particular court circuits, is determined by the college of the court of appeal, in proportion to the number of judges, respectively, in a given regional court or particular district courts acting in a given court circuit.

§ 11. Provisions of Article 33(2)–(9) apply accordingly to the assembly of representatives of appeal judges, however, the representatives of appeal court judges are elected by the meeting of judges of a given court of appeal.

§ 12. If an equal number of votes is cast for at least two candidates, priority shall be given to the judge with the longest service as a judge.

**§ 1. The general assembly of judges of the court of appeal shall consist of judges of that court. It may be attended by judges delegated to perform the duties of a judge in that court, without the right to vote.**

**§ 2. The President of the General Assembly of the Court of Appeal judges is the President of the Court of Appeal. In the absence of the president of the court, the duties of the president are performed by the oldest vice-president of the court of appeal.**

**§ 3. Participation in the meeting of the General Assembly of Judges of the Court of Appeal is obligatory, provided that the President of the Court of Appeal so orders.**

**§ 4. Judges who are not members of the General Assembly of Judges of the Court of Appeal may participate in the meetings of the general assembly without the right to vote.**

**§ 5. Resolutions of the General Assembly of Judges of the Court of Appeal are adopted by a simple majority of votes of the present members of the assembly. Voting is by roll call. The list of votes cast is open and constitutes an appendix to the resolution.**

**§ 6. The General Assembly of Judges of the Court of Appeal meets at least once a year; the meetings of the Assembly are convened by the president of the court of appeal on his own initiative or at the request of the college of the court of appeal, the college of the regional court, one-fifth of the number of members of the Assembly or at the request of the Minister of Justice. The President of the Court of Appeal shall give at least two weeks' notice of the date of the meeting of the Court of Appeal, presenting the planned agenda of the meeting;**

**Article 34.** The general assembly of appeal judges performs tasks specified in acts, and in particular:

- 1) — expresses an opinion on candidates for the posts of appeal court judges and regional court judges acting in the appeal court area;
- 2) — (repealed);
- 3) — expresses an opinion on annual information about the operation of courts referred to in Article 37h(1) prepared by the president of the court of appeal;
- 4) — expresses an opinion on the annual reports referred to in Article 31a(2).

**§ 1 General Assembly of Judges of the Court of Appeal shall perform the tasks specified in the Acts, in particular:**

**1) hear the information of the President of the Court of Appeal on the situation in the court;**

**2) possibly select delegates to participate in meetings of the court college convened to give opinions on candidates for the positions of judges of the court of appeal;**

**3) possibly express an opinion on the annual report referred to in Article 31a § 2.**

**§ 2. The delegates referred to in § 1(2) equal to the number of members of the board of the court of appeal shall be elected by secret ballot. A vote shall be cast by indicating one candidate on the list of all candidates submitted. Candidates who received the largest number of votes in turn shall become delegates. If two or more candidates have obtained an equal number of votes, as a result of which it is not possible to elect candidates equal in number to the number of members of the college of the Court of Appeal, a new vote shall be held with the participation of only those candidates.**

**§ 3. The election of delegates shall take place for a period of one year.**

**§ 4. In the event of expiration of a delegate's term of office as a result of resignation, termination or expiration of his or her official relationship, transfer or resignation, transfer to another official position or appointment to another position, the delegate shall be the judge who received the highest number of votes referred to in § 2 in turn;**

~~Article 35. § 1. The general assembly of circuit judges is composed of regional court judges and representatives of district court judges acting in the court circuit, in number equal to the number of regional court judges. The number of representatives of particular district courts is determined by the college of the regional court in proportion to the number of judges in a given court.~~

~~§ 2. (repealed)~~

~~§ 3. (repealed)~~

~~§ 4. The president of the regional court is the chairperson of the general assembly of circuit judges. Should the president of the court be absent, the longest-serving vice president of the court acts as the chairperson.~~

~~§ 5. Members of the general assembly of circuit judges are obliged to participate in assembly meetings. The delegation of a member of the assembly to perform duties under Article 77 does not exempt such a member from the above-said obligation.~~

~~§ 6. Judges who are not members of the general assembly of circuit judges may participate in assembly meetings, without the right to vote and elect.~~

~~§ 7. Resolutions of the general assembly of judges of the region shall be adopted by an absolute majority of votes. Voting shall be secret in the matters referred to in Articles 33(7) and 58(2), and also if even one of the assembly members present so requests.~~

~~§ 8. The general assembly of circuit judges meets at least once a year; the president of the regional court convenes the assembly meetings on its own initiative or at the request of the president of the court of appeal, the college of the regional court, one-fifth of the assembly members or at the request of the Minister of Justice. The president of the regional court notifies, at least two weeks in advance, about the date of the assembly meeting and presents the agenda, and if the agenda provides for the evaluation of candidates for the posts of judges, at the same time orders that the evaluations of qualifications of candidates be made available in the secretariat of the president of the regional court and secretariats of presidents of district courts in the court circuit, for review by the members of the general assembly of circuit judges.~~

~~§ 8a. The meetings of district court judges acting in the court circuit appoint the representatives of district court judges for the term of three years.~~

~~§ 8b. Representatives referred to in Article 35(8a) are elected in a secret ballot. The attendance of at least a half of all members of the meeting is required for the elections to be valid. If an equal number of votes is cast for at least two candidates, priority shall be given to the judge with the longest service as a judge.~~

~~§ 8c. The term of office of a member of the general assembly of circuit judges comes to an end before the expiry of the term in the event of:~~

- ~~1) — termination or expiry of the judge's service relationship;~~
- ~~2) — retirement of the judge;~~
- ~~3) — transfer of the judge to a different place of service or appointment of the judge to a different post of a judge;~~
- ~~4) — submitting a resignation from the assembly membership by the judge referred to in Article 35(8a).~~

~~§ 8d. In the specific cases referred to in Article 35(8c) by elections are held. The newly elected member remains in office until the term of office of other members of the general assembly of circuit judges expires.~~

~~§ 9. Should the general assembly of circuit judges established under Article 35(1) be composed of more than one hundred and twenty six members, its functions are performed by the assembly of representatives of circuit judges composed of sixty representatives of regional court judges and sixty representatives of district court judges, acting in the court circuit. The number of representatives of particular courts is determined by the college of the regional court in proportion to the number of judges in a given court. Provisions of Article 35(4) (8d) apply accordingly.~~

~~**Article 36.** The general assembly of circuit judges performs tasks specified in acts and hears the information of the president of the regional court concerning the operation of courts as well as expresses an opinion in this respect.~~

~~**Article 36a.** § 1. The meeting of judges of a given court is composed of all judges of such a court. The president of the court chairs the meeting. Should the president of the court be absent, the longest-serving vice president of the court acts as the chairperson, and if no vice president of the court was appointed — the longest-serving head of the division in such a court.~~

~~§ 1a. Assistant judges of a district court may participate in the meeting of judges of such a court, without the right to vote.~~

~~§ 2. The president of the court convenes the meeting of the judges of the court on its own initiative or at the request of one-fifth of the judges of such a court.~~

~~§ 3. The meeting of judges of a given court performs tasks specified in acts, hears the information of the president of the court concerning the operation of the court and expresses an opinion in this respect.~~

~~§ 4. Resolutions of the assembly of judges of a given court shall be adopted by an absolute majority of votes. Voting shall be secret if even one of the assembly members present so requests.~~

**Article 35. § 1. The general assembly of judges of a regional court consists of all judges of that court. It may be attended by judges delegated to perform the duties of a judge in that court, without the right to participate in a vote.**

**§ 2. The president of the general assembly of regional court judges is the president of the District Court. In the absence of the president, the duties of the president are performed by the oldest vice-president of the circuit court.**

**§ 3. The participation in the meeting of the general assembly of judges of the regional court is obligatory, provided that the president of the regional court so orders.**

**§ 4. Judges who are not members of the general assembly of regional court judges may participate in the meetings of the general assembly of regional court judges without the right to vote.**

**§ 5. Resolutions of the general assembly of judges of the regional court are adopted by a simple majority of votes of the present members of the assembly. Voting is by roll call. The list of votes cast is open and constitutes an appendix to the resolution.**

**§ 6. The general assembly of judges of the regional court meets at least once a year; the meetings of the assembly are convened by the president of the regional court**

**on his own initiative or at the request of the president of the court of appeal, the college of the regional court, one-fifth of the number of members of the assembly or at the request of the Minister of Justice. The date of the meeting is announced at least two weeks in advance by the president of the regional court, who presents the planned agenda.**

**Article 36. § 1. The General Assembly of District Court judges performs the tasks specified in the Acts, in particular:**

**1) hears information of the president of the regional court about the situation in the court; 2) possibly selects delegates to take part in the meetings of the court's college convened to provide an opinion on candidates for the positions of circuit court judges and district court judges.**

**§ 2. The election of the delegates referred to in § 1(2), in a number equal to the number of members of the regional court college, shall be made in a secret ballot. The vote shall be cast by selecting one candidate on the list of all the candidates. Delegates are the candidates who received the highest number of votes in turn. If two or more have obtained an equal number of votes, as a result of which it is not possible to elect a number of candidates equal to the number of members of the college of the court of appeal, a new vote shall be held with the participation of those candidates only.**

**§ 3. Delegates shall be elected for a period of one year.**

**§ 4. In case of expiration of the term of office of a delegate as a result of resignation, dissolution or expiration of his official relationship, retirement or transfer to another official place or appointment to another post, the delegate becomes the judge who received the highest number of votes referred to in § 2.**

**Article 36a. § 1 The General Assembly of District Court judges consists of all judges of that court. It may be attended by judges delegated to perform the duties of a judge in that court and court assessors of that court, without the right to participate in voting.**

**2.§. The General Assembly of District Court Judges is chaired by the President of the District Court. If the president is absent, the oldest vice-president of the court performs the duties of the president, and if the vice-president has not been appointed to the court, the oldest department president in that court performs the duties of the president.**

**§ 3. Participation in the assembly of judges of a district court is obligatory, if the president of the court orders so.**

**§ 4. The resolutions of the General Assembly of District Court Judges are adopted by a simple majority of votes of the members present. Voting is secret only with respect to the election of the delegate referred to in § 6 point 2.**

**§ 5. The General Assembly of District Court Judges is convened by the president of the court on his own initiative or at the request of one fifth of the number of judges of that court.**

**§ 6. The General Assembly of District Court Judges:**

**1) hears the information of the President of the court about the activities of the court and may express an opinion in this respect;**

**2) may elect a delegate to participate in meetings of the regional court college convened to give an opinion on candidates for the positions of judges of the district court.**

**§ 7. The delegate referred to in § 6(2) shall be elected in a secret ballot. A vote shall be cast by indicating one candidate on the list of all the candidates submitted. The candidate who received the highest number of votes shall become a delegate. If two or more candidates have obtained an equal number of votes, as a result of which it is not possible to elect one delegate, a new vote shall be held with the participation of only those candidates.**

**§ 8. A delegate shall be elected for a period of one year.**

**§ 9. If the term of office of a delegate expires as a result of resignation, dissolution or expiration of his or her official relationship, retirement or transfer to another official position or appointment to another position, the delegate shall be the judge who received the highest number of votes referred to in § 7 in turn;**

## Chapter 5

### **Internal and external administrative supervision over the administrative activity of courts within the scope of ensuring adequate internal operation of the court specifically related to the administration of justice and the performance of other tasks in the field of legal protection**

**Article 37.** § 1. The president of a court may delegate the exercise of internal administrative supervision to an inspecting judge, and, subject to Article 37c, to the deputy president of the court, a head of division or, where appropriate, to another designated judge or court registrar. Persons exercising internal administrative supervision shall be entitled to review courts' activities, they may demand clarification and the remedying of errors, and they may be present at a hearing held in camera.

§ 2. The president of the court may entrust the duties of internal administrative supervision referred to in Article 37b(1) item 2 to an office administration inspector.

§ 3. The president of the court quashes administrative actions incompatible with the law, those violating the efficiency of court proceedings or inappropriate for other reasons.

§ 4. If a default is found within the scope of court proceedings efficiency, the president of the court immediately, however not later than within thirty days from the day on which it acquired knowledge of the default, may address the default in a written notice and demand the removal of consequences of such a default. The judge or the assistant judge concerned may, within seven days from the day of the notice, submit a written objection to the president of the court. The provision of Article 108(1) applies accordingly.

§ 5. Should such an objection be submitted, the president of the court, within fourteen days from the day on which the objection was submitted, either quashes the notice or passes the case to a disciplinary court for consideration, notifying the judge or the assistant judge about the treatment of the objection.

§ 6. A copy of the letter stating the default and the notice is placed in the personal files of the judge or the assistant judge, however not earlier than after the time limit for submitting the objection expires to no effect, and if the objection is submitted, after the resolution of the disciplinary court on the refusal to accept the objection becomes final and binding. In such a case also a copy of the letter including the objection and a copy of the resolution of the disciplinary court on the refusal to accept the objection are placed in the personal files of the judge or the assistant judge. If the objection of the judge or the assistant judge is accepted, documents concerning the written notice addressing the default are not placed in the personal files of the judge or the assistant judge and no entry is made in the official register referred to in Article 67(1).

§ 7. After five years have elapsed since the comments were made, the president of the court shall, of their own motion, order the documents referred to in paragraph 6 to be removed from the personal file of the judge or assistant judge concerned. Upon removal of these documents from the personal file, all information concerning the comments shall be deleted from the official record referred to in Article 67(1). However, if any other errors in the efficiency of court proceedings are identified during that period, resulting in the making of comments or a finding of error under Article 40(1), it shall be admissible to delete all documents and data once only.

§ 8. The president of the superior court immediately notifies the president of the subordinate court of any discovered deficiency in the activity of the court. Should material deficiencies in the activity of a court be identified, the president of such a court immediately notifies the president of the superior court about such deficiencies, and the president of the court of appeal notifies the Minister of Justice; at the same time the president of the court reports on actions taken with the aim of addressing such deficiencies.

**Article 37a.** § 1. The president of the court of appeal exercises internal administrative supervision over the administrative activity of the court of appeal as well as of regional and district courts acting in the appeal court area.



§ 2. The president of the regional court exercises internal administrative supervision over the administrative activity of the regional court and of district courts acting in the court circuit.

§ 3. The president of the district court exercises internal administrative supervision over the administrative activity of the district court.

**Article 37b.** § 1. As part of internal administrative supervision the president of the court, in particular:

- 1) verifies the efficiency of proceedings in individual cases;
- 2) controls the activity of the secretariat of the division;
- 3) (verifies the correctness of allocating cases to judges, assistant judges and court referendaries and ensures even spread of the workload.

§ 2. Moreover, the duties of the president of the court of appeal and of the president of the regional court in the field of internal administrative supervision comprise:

- 1) inspection, covering complete administrative activity of a court or court division;
- 2) vetting, covering a range of selected issues from the administrative activity of a court or court division.

§ 3. As part of internal administrative supervision the president of the court of appeal:

- 1) specifies the guidelines on internal administrative supervision to be followed by the presidents of courts acting in the appeal court area;
- 2) coordinates actions within the scope of internal administrative supervision exercised by the presidents of courts acting in the appeal court area;
- 3) controls the performance of supervisory duties by the presidents of courts acting in the appeal court area and issues relevant orders.

**Article 37c.** § 1. Inspections of specific divisions of a court shall be ordered by the president of the court referred to in Article 37a(1) and (2) as necessary, particularly with regard to the results of administrative supervision.

§ 2. Inspections of appeal court divisions shall be performed by inspecting judges holding the position of appeal court judges.

§ 2a. Inspections of regional court divisions shall be performed by inspecting judges holding the position of appeal court or regional court judges.

§ 3. Inspections of district court divisions shall be performed by inspecting judges holding the position of regional court or district court judges.

§ 4. The inspection of a court division shall not be carried out by an inspecting judge who is a spouse, a relative or an in-law of one of the judges or assistant judges assigned to the division or who has such a legal or factual relationship with one of the judges or assistant judges that it may cast reasonable doubt on the impartiality of the inspecting judge.

§ 5. (repealed)

§ 6. The president of the court and the head of the division are notified of the scheduled inspection at least thirty days in advance.

**Article 37d.** § 1. An inspecting judge at an appeal court shall be appointed by the president of the appeal court - and at a district court by the president of the district court - for a four year term from among judges with at least seven years' service as a judge. Prior to the appointment of an inspecting judge, the president of the court concerned shall consult the Minister for Justice.

§ 2. When delivering an opinion, the Minister for Justice shall also take account of organisational aspects, and in particular the need to appoint an inspecting judge at the court in question.

§ 3. If the Minister for Justice does not deliver an opinion within thirty days of the day on which the president of the court concerned presents the plan to appoint an inspecting judge, the opinion shall be deemed to be positive.

§ 4. (repealed).

**Article 37e.** § 1 The president of an appeal court may address written remarks to the president or deputy president of a court within its appeal jurisdiction if they identify errors in the management of the court, the exercise of internal administrative supervision or the performance of other administrative activities.

~~§ 2. If it is discovered that the president of the regional court allocates the duties unreasonably or a deficiency is found in this regard, the president of the court of appeal recommends a change of the allocation of duties. However, the recommendation shall not prejudice the resolution of the college of the court of appeal adopted as per Article 22a(6). Provisions of Article 22a apply accordingly to the reallocation of duties following the recommendation of the president of the court of appeal.~~

~~§ 3. The right referred to in Article 37e(1) is also granted to the president of the regional court towards the president or the vice president of the district court acting in the court circuit.~~

**§ 2. "The President of the Court of Appeal, in the event of any irregularities or irrationality in the division of activities determined by the president of the regional court, shall issue a recommendation to change the division of activities. If the president of the regional court does not change the division of activities in accordance with the recommendation, the president of the appellate court may request the National Council of the Judiciary, whose resolution is final.**

**§ 3. "The powers referred to in § 1 and 2 shall also be vested in the president of the regional court against the president or vice-president of the district court operating in the court district:**

§ 4. The president of a court shall also have the right referred to in paragraph 1 in respect of a judge or assistant judge heading a division, a deputy head of division or a head of section if he or she identifies errors in the exercise of internal administrative supervision or the performance of other administrative activities.

§ 5. The judge or assistant judge heading a division, deputy head of division or head of section concerned by the remarks may submit written objections to the president of the court within 14 days of the remarks being made.

§ 6. The president or deputy president of the court concerned by the remarks may submit written objections to the president of the higher court within 14 days of the remarks being made.

§ 7. Within 14 days of objections being submitted the president of the court with jurisdiction shall withdraw the remarks or refer the matter to the president of the higher court for examination, notifying the judge or assistant judge of the manner in which the objections have been handled. The president of an appeal court shall refer the matter to the Minister for Justice for examination.

§ 8. Article 37(6) and (7) shall apply mutatis mutandis.

§ 9. The addressing of remarks may be coupled with a reduction in the post allowance, according to the seriousness of the error, of 15 to 50 % for a period of one to six months. If the remarks are withdrawn, the allowance shall be restored to its previous level.

**Article 37f.** § 1. External administrative supervision over the administrative activity of courts consists in the analysis and evaluation of the regularity and efficiency of internal administrative supervision exercised by the presidents of courts.

§ 2. External administrative supervision over the administrative activity of courts moreover consists in taking actions required due to deficiencies in the administrative activity of courts, as well as actions necessary for carrying out the tasks related to the representation of the Republic of Poland before the European Court of Human Rights in cases concerning the activity of courts.

**Article 37g.** § 1. As part of external administrative supervision the Minister of Justice:

- 1) assess the annual reports on courts' activities referred to in Article 37h(1);
- 2) specifies general guidelines on the internal administrative supervision to be followed by the presidents of courts of appeal;
- 3) controls the performance of supervisory duties by the presidents of courts of appeal and issues relevant orders.

§ 2. If material deficiencies in the administrative activity of courts are found or if the president of the court of appeal fails to carry out orders referred to in Article 37g(1) item 3, the Minister of Justice may order:

- 1) vetting procedure with respect to the court or court division;
- 2) vetting procedure with respect to the supervisory activity of the president of the court.

§ 3. When ordering the performance of the actions referred to in paragraph 2, the Minister for Justice shall notify an appeal court president of their scope and the time-limit for their performance. In duly justified cases, the Minister for Justice may order the performance of actions by inspecting judges from another appeal jurisdiction or by the supervisory service referred to in Article 9a(2).

§ 4. A judge delegated to perform administrative activities in the Ministry of Justice may participate in the activities referred to in Article 37g(2) as a representative of the Minister of Justice.

§ 5. (repealed)

**Article 37ga.** § 1. The Minister for Justice may address written remarks to the president or deputy president of an appeal court if they identify errors in the management of the court, the exercise of internal administrative supervision or the performance of other administrative activities and ask that the errors be remedied.

§ 2. The president or deputy president of the appeal court concerned by the remarks may submit written objections to the Minister for Justice within fourteen days of the remarks being made.

§ 3. Within fourteen days of the day on which objections are submitted the Minister for Justice shall withdraw the remarks or refer the matter to the National Council of the Judiciary for examination, notifying the president or deputy president of the appeal court of the manner in which the objections have been handled.

§ 4. Article 37(6) and (7) shall apply mutatis mutandis.

§ 5. The addressing of remarks may be coupled with a reduction in the post allowance, according to the seriousness of the error, of 15 to 50 % for a period of one to six months. If the remarks are withdrawn, the allowance shall be restored to its previous level.

~~**Article 37h.** § 1. The president of the court of appeal prepares annual information about the activity of courts acting in the appeal court area, within the scope of tasks entrusted thereto, which, after an opinion thereon has been delivered by the general assembly of appeal judges, the president submits to the Minister of Justice not later than by the end of April each year.~~

~~§ 1a. The president of a regional court shall, within their remit, draw up an annual report on the activities of the courts within the regional court's jurisdiction and, after obtaining the opinion of the general assembly of regional court judges, submit it to the president of the appeal court by the end of February each year at the latest.~~

~~§ 1b. The president of a district court shall, within their remit, draw up an annual report on the activities of the court and, after obtaining the opinion of the court's assembled judges, submit it to the president of the regional court by the end of January each year at the latest.~~

~~§ 2. (repealed)~~

~~§ 3. The reports referred to in paragraph 1 shall be subject to assessment by the Minister for Justice. An assessment shall be carried out by the end of September of the year in which a report was submitted.~~

~~§ 4. The reports referred to in paragraphs 1a and 1b shall be subject to assessment by the presidents to whom they were submitted. An assessment shall be carried out within two months of the date on which a report was submitted. If a request is made to supplement a report, the assessment shall be carried out within one month of the report being supplemented.~~

~~§ 5. An annual report may be assessed as being positive with merit, positive, positive with qualification or negative.~~

~~§ 6. Failure to perform the duties referred to in paragraphs 1 to 1b within the time limit shall be deemed equivalent to a negative assessment of the report, unless the authority empowered to assess the report extends the time limit in view of specific circumstances.~~

~~§ 7. The president of an appeal court whose report has obtained a negative assessment may submit written objections to the Minister for Justice within 14 days of being informed of this assessment.~~

~~§ 8. Within one month of the day on which objections are submitted the Minister for Justice shall alter the assessment or refer the matter to the National Council of the Judiciary for examination, notifying the president of the court of the manner in which the objections have been handled. The National Council of the Judiciary shall alter or uphold the assessment.~~

~~§ 9. The president of a regional or district court whose report has obtained a negative assessment may submit written objections to the court president to whom the report was submitted within fourteen days of being informed thereof.~~

~~§ 10. Within fourteen days of the day on which objections are submitted the president of the court to which the report was submitted shall alter the assessment or refer the matter to the president of the higher court for examination. The president of an appeal court shall refer the matter to the Minister for Justice for examination. The president of the higher court or the Minister for Justice shall alter or uphold the assessment.~~

~~§ 11. A negative assessment may be coupled with a reduction in the post allowance, according to the seriousness of the error, of 15 to 50 % for a period of one to twelve months. If the assessment is altered, the allowance shall be restored to its previous level.~~

~~§ 12. A positive assessment with merit may be coupled with an increase in the post allowance of up to 150 % of the maximum amount of this allowance specified in the implementing provisions issued under Article 91(8) for a period of up to one year.~~

~~§ 13. The authority that carried out the assessment shall send a copy of the annual report of the president of a regional or district court together with a copy of the assessment of the report to the Minister for Justice for information.~~

**§ 1. The President of the Court of Appeal shall prepare annual information on the activity of courts operating in the area of appeal, within the scope of the tasks entrusted to him, which shall be submitted to the Minister of Justice no later than by the end of April each year.**

**§ 2. The Minister of Justice evaluates the annual information and accepts this information or refuses to accept it. A refusal to accept annual information shall require justification.**

**§ 3. Failure to comply with the obligation referred to in § 1 within the time limit shall be tantamount to a refusal to accept information by the Minister of Justice.**

**§ 4. The President of the Court of Appeal, who has been refused the annual information, may, within fourteen days from the date of its notification, submit a written objection to the Minister of Justice.**

**§ 5. If an objection is made, the Minister of Justice shall, within one month from the date of making the objection, accept the annual information or refer the case for consideration to the National Council of the Judiciary, notifying the president of the court of the manner of consideration of the objection. If the National Council of the Judiciary accepts the objection in its entirety, the Minister of Justice shall accept the annual information.**

**§ 6. The refusal of the Minister of Justice to accept the annual information shall mean that the President of the Court of Appeal has failed to perform his official duties within the meaning of Article 27(1)(1);**

**Article 37i.** The Minister of Justice, having consulted the National Council of the Judiciary, specifies, by regulation, a detailed procedure for exercising administrative supervision over the activity of courts referred to in Article 8 item 2, and a procedure for documenting supervisory

activities and preparing annual information about the activity of courts, with a view to ensuring efficiency and effectiveness of the supervision and proper performance of supervisory activities.

**Article 38.** (repealed)

**Article 39.** (repealed)

**Article 40.** § 1. Should a court of appeal or a regional court acting as an appellate court find an obvious violation of provisions when hearing a case, the court, notwithstanding other rights, points out the default to the competent court. Before the default is pointed out, the judge and assistant judge adjudicating in the first instance are instructed about the possibility of submitting written explanations within seven days. The identification and pointing out of the default does not influence the outcome of the case.

§ 2. The court of appeal or the regional court referred to in Article 40(1) notifies the president of the competent court about pointing out the default, and in the event of more serious defaults – the court also notifies the Minister of Justice.

§ 2a. Within fourteen days of service of the ruling containing a finding of error, a judge or assistant judge belonging to the court of first instance may appeal against this ruling to the Supreme Court.

§ 2b. After examining the appeal, the Supreme Court may uphold the contested decision or annul it in whole or in part.

§ 3. A copy of the final ruling containing a finding of error shall be annexed to the personal file of the judge or assistant judge. Any explanations or appeals lodged by the judge or assistant judge shall also be annexed to their personal file.

§ 4. Five years after the day on which a ruling containing a finding of error becomes final the president of the court shall order its removal from the personal file referred to in paragraph 3. Upon removal of these documents from the personal file, all information concerning the finding of error shall be deleted from the official list referred to in Article 67(1). If during that period, however, another flagrant breach of the rules is identified during a case's examination by an appeal court resulting in a finding of error, or if remarks are made under Article 37(4), it shall be admissible to delete all documents and data once only.

**Article 41.** § 1. The Minister for Justice, after prior consultation with the National Council of the Judiciary of Poland, shall establish, by way of a regulation, internal rules of procedure for ordinary courts laying down:

- 1) the internal organisation and functioning of the courts;
- 2) detailed rules on assigning cases, including:
  - a) the method for the random allocation of cases;
  - b) the rules for establishing panels;
  - c) (deleted);
  - d) the rules on reducing the assignment of cases in the light of the positions held and justified absences and the grounds for temporarily suspending the assignment of cases;
  - e) the conditions for taking part in the assignment of only certain categories of cases examined by a division;
  - f) the rules on performing standby duty and the categories of cases subject to assignment under the standby duty roster;
  - g) the rules for drawing up the stand-in roster and the type of activities performed under the stand-in roster;
  - h) the rules on the territorial jurisdictions of guardianship and juvenile courts and the assignment of these jurisdictions to judges;
  - i) (repealed);
- 3) the manner of the performance of tasks relating to the operation of the European Judicial Network in civil and commercial matters;

4) the organisation of courts' activities, the operation of court bodies and the performance of tasks by judges, assistant judges and court registrars in management positions, the administrative workflow in cases within the jurisdiction of the courts, the systems and working hours admissible, the conditions and procedure for providing access to and sending case files and case documents, and the conditions of access to court rooms for parties to proceedings, witnesses and other persons attending courts;

- taking into account the principles of efficiency, rationality, cost- and time effectiveness, and the need to ensure the fair performance of the tasks entrusted to the courts, and the need to ensure equal and objective distribution of the workload among judges, assistant judges and officers of justice, to ensure a similar probability of sitting on multi-person benches, to use IT solutions for random assignment of cases, and to use other means for random assignment of cases in the event these solutions cannot be used.

§ 1a. The Minister for Justice, after prior consultation with the National Council of the Judiciary and the general assembly of appeal court judges with jurisdiction, ~~the general assembly of regional court judges or the assembled judges of a district court~~ **the general assembly of judges of an appeal court, the general assembly of judges of a regional court or the general meeting of judges of a district court** may lay down, by regulation, within the scope referred to in paragraph 1, internal rules of procedure for ordinary courts which differ from those set out in the implementing provisions issued pursuant to paragraph 1, which shall apply for a fixed period not exceeding two years in not more than two district courts or two regional courts, or within not more than two appeal jurisdictions, bearing in mind the need to verify the practical operation of these rules.

§ 2. The Minister of Justice specifies, by regulation, a detailed court procedure for cases concerning international civil and penal proceedings in international relations, including: certifying documents to be used abroad, a procedure for the performance of activities related to persons enjoying immunity and diplomacy and consular privileges as well as activities involving such persons, activities related to the appearance before courts, a procedure for determining citizenship, a detailed procedure for applying for legal assistance and the provision of such assistance to courts and other bodies of foreign states, as well as a detailed procedure for requesting the surrender of prosecuted or sentenced persons and other forms of cooperation in criminal cases.

## Chapter 5a

### The procedure for handling complaints and applications

**Article 41a.** § 1. Complaints and applications are handled without undue delay, however not later than within a month from the date of their receipt.

§ 2. Complaints concerning the activity of courts, in the area in which judges and assistant judges are independent, are not considered. The court body to which such a complaint or application is brought notifies the complainant about the reasons for the refusal to consider the complaint. However, if the complaint concerns an action of a court challengeable in the instance, the body shall immediately refer the complaint to the files of the case concerned and notify the complainant about that fact.

§ 3. Complaints or applications concerning the contents of court actions not yet actually performed, falling within the area referred to in Article 41a(2), are immediately referred to the files of the case concerned.

§ 4. Complaints or applications of abusive content or including words generally considered to be offensive are not considered, and the complainant or the applicant is notified about that fact and provided with the reason for refusal to handle such a complaint or application.

**Article 41b.** § 1. The president of the court is the body competent to consider a complaint or an application concerning the activity of the court.

§ 2. If a complaint or an application concerns the activity of a regional court and a district court, the president of the regional court is the body competent to consider such a complaint or application. If a complaint or an application concerns the activity of a court of appeal and a regional court, the president of the court of appeal is the body competent to consider such a complaint or application.

§ 3. The body competent to consider a complaint concerning the activity of the president of the district court is the president of the regional court, the activity of the president of the regional court – the president of the court of appeal, and the activity of the president of the court of appeal – the National Council of the Judiciary.

§ 3a. The authority competent to examine a complaint concerning the activities of a deputy disciplinary officer of an appeal court or a deputy disciplinary officer of a regional court shall be the Disciplinary Officer for Ordinary Court Judges, and the authority competent to examine a complaint concerning the Disciplinary Officer for Ordinary Court Judges shall be the National Council of the Judiciary.

§ 3b. The authority competent to examine a complaint concerning the activities of the Disciplinary Officer of the Minister for Justice shall be the Minister for Justice.

§ 4. The president of the court of appeal, by the end of April each year, informs the Minister of Justice about irregularities found as a result of handling complaints by the presidents of courts acting in the appeal court area.

**Article 41c.** § 1. A complaint concerning the activity of courts brought before other public authorities is referred to the bodies mentioned in Article 41b(1)–(3) for consideration.

§ 2. If a complaint or an application concerns the administrative activity of a court, the body competent to consider such a complaint or application, having deemed the complaint or application reasonable, undertakes or orders actions within the scope of supervision over the administrative activity of courts.

**Article 41d.** The complaint, to the extent it includes a motion for disciplinary proceedings to be brought against a judge or an assistant judge, shall be forwarded immediately to the competent disciplinary officer. Having first established the circumstances raised in the complaint, the officer may undertake investigation activities on their own initiative. The disciplinary officer shall notify the complainant and the authority that forwarded the complaint of the manner in which the complaint will be handled. In the event of disciplinary proceedings being instituted and a request being submitted to the disciplinary court for a disciplinary case to be examined, the disciplinary officer shall notify the complainant of such actions. Article 114(9), (11) and (13) shall not apply.

**Article 41e.** The Minister of Justice, having consulted the National Council of the Judiciary, specifies, by regulation, a detailed procedure for and organisation of accepting and handling complaints and applications concerning the activity of courts, taking into consideration the need to ensure the implementation of the right to lodge complaints and applications and the fairness and comprehensiveness of their consideration.

## Chapter 6

### General provisions concerning court actions

**Article 42.** § 1. Courts issue judgments on behalf of the Republic of Poland.

§ 2. Courts hear and determine cases in open proceedings.

§ 3. Conducting the proceedings in camera or closing the hearing to the public is allowed only to the extent provided for in the acts.

**Article 42a. § 1. Within the framework of the activity of courts or organs of courts, it is unacceptable to question the powers of courts and tribunals, constitutional state bodies and law enforcement and control bodies.**

**§ 2. It is unacceptable for a common court or any other authority to determine or assess the compliance with the right to appoint a judge or the resulting entitlement to perform tasks in the field of justice;**

**Article 43.** § 1. A court may act outside its seat and, if necessary, also outside its local competence area if the interest of justice so requires or if as a result the costs would be substantially reduced.

§ 2. (repealed)

**Article 44.** § 1. In the cases provided for in the acts, courts shall perform particular judicial actions at the request of other courts and other authorities.

§ 2. Courts shall provide judicial assistance also at the request of foreign courts if reciprocity is ensured; a request for judicial assistance made by the Minister of Justice is binding on the requested court.

§ 3. Courts shall conduct proceedings to take evidence, within the scope provided for in the provisions on civil proceedings, at the request of authorities adjudicating in cases other than those set forth in Article 44(1) and (2), if the request was made by the Minister of Justice.

§ 4. The request for the performance of actions listed in Article 44(3) should be made to the district court in whose local competence area such an action is to be performed.

**Article 45.** § 1. A judge or assistant judge may be replaced by a judge or assistant judge of the same court or by a judge seconded under Article 77(1) or (8).

§ 2. The replacement referred to in Article 45(1) may occur on the basis of an order of the head of the division or the president of the court, issued at the request of the judge or the assistant judge or ex officio, to ensure the efficiency of proceedings.

§ 3. In cases heard before a single judge, the judge may delegate a trainee from the National School of Judiciary and Public Prosecution who has completed a 24-month judicial training course to perform, under the judge's supervision, specific tasks in a public session or trial, including the examination of witnesses, expert witnesses and parties to the proceedings, as well as other persons examined by the court, excluding the issue of judgements.

**Article 46.** § 1. Only one judge from another court may sit on the bench of a court. A judge from a lower-ranking court may not act as the presiding judge, with the exception of cases heard by a bench composed of one judge and two lay judges or one judge only.

§ 2. Persons referred to in Article 6 shall not sit in the same court.

**Article 47.** § 1. The president of a court may order that an additional judge or assistant judge be assigned to a case if it is likely to last longer. If necessary, two additional judges or assistant judges may be assigned, specifying the order in which they will take part in deliberations and voting.

§ 2. An additional judge or assistant judge takes part in the deliberations and voting if one of the judges or assistant judges cannot sit in the court.

**Article 47a.** § 1. Cases shall be assigned to judges and assistant judges at random within the framework of specific categories of cases, unless a case is subject to assignment to the judge on standby duty.

§ 2. The assignment of cases within a category shall be equal, unless the caseload is reduced owing to the post held, involvement in the assignment of cases of another category or for other reasons provided for by statute.

§ 3. Paragraphs 1 and 2 shall apply mutatis mutandis to the assignment of cases to court registrars.

§ 4. Cases concerning guardianship and juveniles and other cases under the jurisdiction of the guardianship courts may be assigned on a territorial basis. Detailed rules for the assignment



of cases may also be established for cases concerning registration, the land registry and the execution of rulings.

§ 5. When assigning cases representing an exceptional workload, the reporting judge may file a motion asking the president of the court to suspend the assignment of further cases for a specific period. The president of the court shall examine the motion without delay. The decision of the president of the court, indicating the grounds, shall be served on the judge concerned and brought to the attention of the judges of that court. The judge concerned by the decision and a group comprising not less than 10 % of judges of the court may appeal to the college of the court against the president of the court's decision within seven days of the day on which it is served or brought to their attention. The resolution of the college of the court, indicating the grounds, shall be served on the judge concerned and brought to the attention of all the judges of that court.

**Article 47b.** § 1. A panel may be changed only if a case cannot be examined by the previous panel or if there is a long-term obstacle to the examination of a case by the previous panel. Article 47a shall apply *mutatis mutandis*.

§ 2. If it is necessary to take action in a case, in particular under separate provisions, or where procedurally warranted, and the panel to which the case was assigned cannot take it, the action shall be taken by a panel designated in accordance with the stand-in roster, and if the action is not covered by the stand-in roster, by a panel designated under Article 47a.

§ 3. Decisions in the cases referred to in paragraphs 1 and 2 shall be taken by the court or a judge authorised by it.

§ 4. A change in a judge's place of assignment or delegation to another court or the end of delegation shall not prevent a judge from taking action in cases assigned at the previous place of assignment or place of performance of duties until they are concluded.

§ 5. At the motion of a judge or of its own motion, the college of the court competent for a judge's new place of assignment or delegation may waive the judge's duty to examine some or all cases, in particular if the court is at a significant distance from the judge's new place of assignment or delegation, also taking account of the state of progress in the cases being examined. Before adopting a resolution, the college of the court shall consult the presidents of the competent courts.

§ 6. Paragraphs 4 and 5 shall apply *mutatis mutandis* in the event of transfer to another division of the same court.

**Article 47c.** The judge presiding over a panel may check the personal data of persons present in the courtroom on the basis of an identity card or another document proving identity. If a person is unwilling or unable to provide their identity, the judge presiding over a panel may oblige that person to leave the courtroom.

**Article 48.** § 1. The presiding judge may admonish a person who violates the authority, peace or order of judicial actions, and if such admonition proves ineffective, the judge may expel such a person from the court room.

§ 2. The court may expel a person participating in a case, only if, despite the notice of legal effects of their absence at the performance of judicial actions, the person continues to act in the manner described in Article 48(1).

§ 3. The court may expel the public from the court room if they behave improperly.

**Article 49.** § 1. If the authority, peace or order of judicial actions is violated or the court, other state authority or a person participating in the case is offended, the court may punish the guilty with a fine for breach of order in the amount of up to PLN 3,000 or with a penalty involving deprivation of liberty for up to fourteen days; a person deprived of liberty, including a person subject to provisional detention, may be punished as stipulated in the provisions on the execution of a custodial sentence or provisions on the execution of provisional detention.

§ 2. If the action specified in Article 49(1) is committed by a soldier in active military service, the court – instead of imposing a penalty – addresses the competent leader of a military unit, who

applies measures stipulated in the provisions concerning soldiers; this provision applies accordingly to a person performing compulsory service in civil defence.

**Article 50.** § 1. The decision to impose a penalty for breach of order is immediately enforceable. A complaint against the decision may be lodged with a directly superior court, and if the decision was made by the court of appeal – with the Supreme Court. Furthermore, provisions on procedure applicable to the case in which the penalty for a breach of order was imposed apply to the complaint. If a complaint is lodged, the court which issued the challenged decision may stay the execution of the penalty for breach of order.

§ 2. The imposition of the penalty for breach of order shall be without prejudice to criminal and disciplinary liability for the same act.

§ 2a. Article 206(1) and (2) of the Executive Penal Code applies accordingly to the execution of the fine for breach of order.

§ 3. In the event of a failure to pay the fine for breach of order, the fine is changed to deprivation of liberty for up to seven days, taking into consideration the type of the misconduct, personal conditions of the penalised and the degree of their guilt. A complaint may be lodged against the decision. The provision of Article 50(1) applies accordingly.

**Article 51.** § 1. Instructions of the presiding judge to maintain order and penalties for breach of order imposed by the court do not apply to judges, assistant judges and lay judges adjudicating in the case and to the public prosecutor, the counsel for the State Treasury Solicitors' Office participating in the case, as well as to persons whose participation in the case is subject to the provisions on the public prosecutor's office.

§ 2. The penalty involving deprivation of liberty referred to in Article 49(1) and in Article 50(3) does not apply to a defending counsel and representative, being an advocate or a trainee advocate, authorised to act before the court under the provisions of the Act of 26 May 1982 – the Law on the Advocates' Profession (Journal of Laws of 2014, items 635, 993 and 1778), or a legal counsel or trainee legal counsel, authorised to act before the court under the provisions of the Act of 6 July 1982 on Legal Counsels (Journal of Laws of 2014, items 637, 993 and 1778), participating in the case.

**Article 51 a.** § 1. A court shall establish and apply the relevant foreign legislation of its own motion. A court may ask the Minister for Justice to provide the text of this legislation and to clarify the foreign judicial practice.

§ 2. A court may also ask the Minister for Justice to provide information on the existence of reciprocity in relations with a foreign country.

§ 3. A court may also employ other means, including the consultation of experts, for the purpose of establishing the substance of foreign legislation or foreign judicial practice or the existence of reciprocity.

**Article 51b.** In the event of doubt concerning privileges or immunity under international law, a court may ask the minister responsible for foreign affairs for information.

**Article 52.** A judge or an assistant judge who performs a judicial action alone is vested with the rights of a presiding judge and the rights of a court stipulated in Articles 48–50.

**Article 53.** § 1. Files are created for each case falling within the scope referred to in Article 1(2) and (3). Files may be created and processed also with the use of IT technologies.

§ 2. Case files are kept in the court for the period necessary on account of the type and nature of the case, limitation periods, interests of persons participating in the proceedings and the significance of materials included in the files as sources of information.

§ 3. After the period of storage in the court, case files are transferred to appropriate state archives.

§ 4. The Minister of Justice specifies, by regulation, the terms and conditions as well as the scope of requirements set out in Article 53(2) as well as the conditions and procedure for storing

and transferring the files, and the conditions and procedure for destroying the files after the end of the storage period.

**Article 53a.** § 1. A court document obtained from an ICT system supporting court proceedings enjoy the equivalent status of a document issued by the court, provided that it has the characteristics that enable it to be verified in the system.

§ 2. The Minister of Justice determines, by way of regulation, the manner and characteristics enabling to verify the existence and contents of the letter in the ICT system supporting court proceedings, having regard to the minimum requirements for ICT systems and the need to protect the rights of persons involved in court proceedings.

**Article 53b.** The court may verify, also through an ICT system, the status of a public prosecutor, a trainee prosecutor, an advocate, trainee advocate, legal counsel, trainee legal counsel, a foreign lawyer, a patent attorney, a trainee patent attorney, or counsel of the General Counsel to the Republic of Poland performing a procedural act.

**Article 53c.** § 1. The Minister for Justice may demand the presentation of the file on a case in which a court has made a request for the text of a foreign legal act, an explanation of foreign judicial practice or information on the existence of reciprocity in relations with a foreign country.

§ 2. The Minister for Justice may demand the presentation of a case file or the information necessary to perform tasks relating to the representation of the Republic of Poland before international courts, treaty committees, international organisations or international arbitration tribunals.

§ 3. Files on concluded cases may be made available to organisational entities conducting scientific or research and development activities for scientific and research purposes or to the National School of the Judiciary and Public Prosecutors for teaching purposes.

**Article 54.** § 1. No weapon or ammunition, explosives or other dangerous materials are allowed in the court facilities. The aforementioned provision does not apply to persons who perform in the court facilities professional duties that require the possession of a weapon.

§ 2. The president of the court may order the application of measures ensuring safety in the court facilities and preventing any violation of the prohibition referred to in Article 54(1). Should this be the case, the provisions on the security and safety of persons and property apply to the protection of the court facilities and persons staying in such facilities.

## PART II

### JUDGES AND ASSISTANT JUDGES

#### Chapter 1

##### Appointment to the office of a judge

**Article 55.** § . The President of the Republic of Poland, at the request of the National Council of the Judiciary, appoints common court judges to the office of a judge, *within a month from the date of sending such a request.*

**"§ 1. A judge of a common court is a person appointed to this position by the President of the Republic of Poland who has taken an oath before the President of the Republic of Poland;**

§ 2. Common court judges are appointed to the posts of:

- 1) a district court judge;
- 2) a regional court judge;
- 3) an appeal court judge.

§ 2a. (repealed)

§ 3. When appointing a judge to the office, the President of the Republic of Poland indicates the place of service (the seat) of the judge. The place of service of a judge may be changed without the change of the post in cases and as per the procedure provided for in Article 75.

**"§ 4. A judge may rule on all cases in his/her place of professional activity, and in other courts in cases specified by law (jurisdiction of the judge). The provisions on the allocation of cases and the designation and change of court composition do not limit the jurisdiction of a judge and cannot be the basis for a finding that the composition of the court is contrary to the provisions of the law, that the court has been improperly appointed or that a person is not authorised or incapable of adjudicating in the judgment";21) in Article 57aa, §3, the first sentence shall be replaced by the following:**

**"The President of the competent court to which a candidate for a vacant judicial post has been nominated shall, within 3 working days, place in the ICT system electronic copies of documents, other than those placed by the candidate, in original paper form, required for the proceedings, with an electronic signature assigned by that system;**

**Article 56.** (repealed).

**Article 57.** § 1. Any person eligible for the post of a common court judge referred to in Article 55(2) may apply for one post of a judge within thirty days from the date of the announcement referred to in Article 20a(4).

§ 1a. A person who has submitted an application for a vacant judge's post at an ordinary court may not submit an application for a vacant judge's post at the Supreme Court, the Supreme Administrative Court or a provincial administrative court until the end of the proceedings to fill the vacant judge's post at the ordinary court. Submission of an application for a vacant judge's post in the said courts shall result in termination of the proceedings to fill the vacant judge's post at the ordinary court.

§ 1b. A person who has submitted an application for a vacant judge's post at the Supreme Court, the Supreme Administrative Court or a provincial administrative court may not submit an application for a vacant judge's post at an ordinary court until the end of the proceedings to fill the vacant judge's post at the said court.

§ 2. The candidate applies for a vacant post of a judge and undertakes other actions in the course of proceedings concerning the appointment to the office of a judge via the ICT system that supports the proceedings, hereinafter referred to as the "ICT system", available on the website of the National Council of the Judiciary.

§ 3. Actions in the course of proceedings concerning the appointment to the office of a judge taken by a candidate in a form other than the form stipulated in the act do not produce the legal effects of such actions being taken in accordance with the act.

§ 4. The ICT system is kept by the Minister of Justice. The personal data administrators in the ICT system are: the Minister of Justice, the presidents of competent courts and the National Council of the Judiciary, each within the scope of tasks performed in the proceedings concerning the appointment to the office of a judge.

§ 5. The identification in the ICT system is made on the basis of: a signature confirmed by a trusted ePUAP profile, a signature verified by a qualified certificate or an ID received in the court stating the candidate's identity.

§ 6. An applicant for a post of a judge fills in an application sheet for a vacant post of a judge in the ICT system, affixes an electronic signature referred to in Article 3 item 1 of the Act of 18 September 2001 on Electronic Signature (Journal of Laws of 2013, item 262, and of 2014, item 1662), generated by the system, a signature confirmed by a trusted ePUAP profile or a signature verified by a qualified certificate and then files the application via the system with the president of the competent court.

§ 7. To the application sheet, the applicant for a post of a judge attaches the information issued by the National Criminal Record relating to such an applicant and a certificate confirming the ability to perform the duties of a judge on account of the health condition, subject to Article 58(4a). An applicant born before 1 August 1972 shall also attach a hard copy of the statement

referred to in Article 7(1) of the Act of 18 October 2006 on the Disclosure of Information on Documents of State Security Agencies from the period between the years 1944–1990 and the Content of such Documents (Journal of Laws of 2013, item 1388) or the information referred to in Article 7(3a) of the said Act. The application sheet is also accompanied by a statement concerning the consent or refusal to the use of the documents relating to the applicant in other proceedings concerning the appointment to the office of a judge.

§ 8. The following statements included in the application sheet: on enjoying full civil and full public rights, on pending proceedings related to an offence or a fiscal offence, on punishment in disciplinary proceedings, on pending disciplinary proceedings and on the ruling referred to in Article 30(1) of the Act of 11 April 1997 on Disclosing Work for or Service in the State's Security Services or Collaboration with Them between 1944 and 1990 by Persons Exercising Public Functions (Journal of Laws of 1999, No 42, item 428, as amended) becoming final, as well as the statement that no other proceedings concerning the appointment to the office of a judge are pending with respect to the applicant the applicant makes under pain of criminal liability for false testimony.

§ 9. The Minister of Justice, after consulting the National Council of the Judiciary, specifies, by regulation, the scope of data contained in the application sheet for a vacant post of a judge, taking into consideration that the data should enable verification, to the necessary extent, of the fulfilment of conditions that the candidates for the post of a judge are required to fulfil under the act.

§ 10. The Minister of Justice, in consultation with the minister competent for health matters, after consulting the National Council of the Judiciary, specifies, by regulation, a detailed scope and manner of carrying out medical and psychological examinations of candidates for the post of a judge and the necessary qualifications of doctors and psychologists entitled to carry out such examinations and issue certificates on the ability to perform the duties of a judge, as well as the time limits for the use of such certificates in proceedings concerning the appointment to the office of a judge, bearing in mind that proper evaluation of the ability of candidates to accede to the post of a judge, taking the nature of the post into account, should be ensured.

**Article 57a.** § 1. A candidate for a vacant judge's post occupying a post as an ordinary court judge, administrative court judge or military court judge shall attach to the application form a list of file numbers of fifty court cases of different categories which they were involved in hearing, and, if the number of cases is lower, a list of the file numbers of all cases.

§ 2. A candidate for a vacant judge's post occupying a post as a prosecutor shall attach to the application form a list of file numbers of fifty cases in which they conducted or supervised an investigation, drew up an indictment or remedy, appeared before the court or submitted pleadings, and, if the number of cases is lower, a list of the file numbers of all cases.

§ 3. A candidate for a vacant judge's post who practises as an advocate (adwokat) or attorney at law (radca prawny), or holds a post as counsel at the General Counsel to the Republic of Poland, shall attach to the application form a list of file numbers of fifty court cases of different categories in which they have appeared as a legal representative or, if they have appeared in a lower number of cases, a list of file numbers of all such cases, indicating the courts at which those cases were heard or are being heard, as well as copies of all, although no more than fifty, legal opinions and other documents drawn up in relation to the application or creation of law; a council at the General Counsel to the Republic of Poland shall also attach the opinion of their superior.

§ 4. A candidate for a vacant judge's post who practises as a notary shall attach to the application form a list of fifty notarial deeds covering different categories of case, or, if they have drawn up a smaller number of such deeds, a list of all such deeds .

§ 5. A candidate for a vacant post of a judge who holds the academic title of professor or the academic degree of PhD in legal sciences attaches to the application sheet a list of publications along with opinions of reviewers, if applicable, copies of legal opinions drawn up and characteristics of achievements as regards training of personnel or of academic achievements.

§ 6. (repealed)

§ 7. A candidate for a vacant judge's post occupying a post as a judge or prosecutor, who in the period preceding the announcement was seconded to perform administrative tasks at the

Ministry of Justice or another organisational unit subordinate to or supervised by the Minister for Justice, at the Office of the President of the Republic of Poland, or at an office supporting the minister responsible for foreign affairs, shall attach to the application form a list of file numbers of fifty cases within the meaning of sections 1 or 2 or cases registered in the candidate's unit or supervised by them during the secondment period, as well as a description of the tasks performed during that period along with the opinion of their superior.

§ 8. The provision of Article 57a(7) applies accordingly in the case of delegation to perform:

- 1) actions in the Office of the National Council of the Judiciary;
- 2) actions or conduct training sessions in the National School of Judiciary and Public Prosecution;
- 3) duties in an international judicial non-governmental organisation;
- 4) duties or a specific function outside the territory of the Republic of Poland as part of actions undertaken by international or supranational organisations and international teams acting on the basis of international agreements, including agreements constituting international organisations ratified by the Republic of Poland.

§ 9. The superior referred to in Article 57a(7) is the person in charge of the unit to which the delegation referred to occurred, and where such a unit is divided into departments, offices or other equivalent organisational cells – the person in charge of such a cell. The superior of the person in charge of a given unit or organisational cell is the person performing a superior function.

§ 10. To a candidate for a vacant post of a judge who holds the post of the president or vice president of the State Treasury Solicitors' Office the provisions of Article 57a(1)–(5) or (7) apply accordingly, as applicable to the profession pursued prior to the appointment to the said post.

§ 11. Sections 1 to 5 and 7 shall apply to a candidate for a vacant judge's post who has practised more than one of the professions referred to in sections 1 to 5 and 10, in which case the total number of cases indicated in the list of file numbers or copies of legal opinions and other documents referred to in those provisions must not exceed one hundred.

§ 12. A candidate may additionally attach to the application sheet other documents to support their application, especially opinions and recommendations.

**Article 57aa.** § 1. Documents attached to the candidate's application sheet are created by the candidate in the ICT system and filed via the system after an electronic signature referred to in Article 3 item 1 of the Act of 18 September 2001 on Electronic Signature, generated by the system, a signature confirmed by a trusted ePUAP profile or a signature verified by a qualified certificate is affixed.

§ 2. Original documents in paper form are placed by the candidate in the ICT system in the form of electronic copies, with an affixed electronic signature referred to in Article 3 item 1 of the Act of 18 September 2001 on Electronic Signature, generated by the system, signature confirmed by a trusted ePUAP profile or signature verified by a qualified certificate, which is deemed as a statement of conformity of the electronic copy of the document with the original in paper form. The statement is made under pain of criminal liability for false testimony. The president of the competent court with whom the application for a vacant post of a judge was filed, in justified cases, may ask the candidate to deliver original documents within three days. The obligation to place an electronic copy of the document in the ICT system does not apply to the statement referred to in Article 7(1) of the Act of 18 October 2006 on the Disclosure of Information on Documents of State Security Agencies from the period between the years 1944–1990 and the Content of such Documents and to the information referred to in Article 7(3a) of the said act.

§ 3. The president of the competent court with whom the application for a vacant post of a judge was filed places in the ICT system electronic copies of documents other than those placed by the candidate, the originals of which are in paper form, and which are required in the proceedings, affixing an electronic signature referred to in Article 3 item 1 of the Act of 18 September 2001 on Electronic Signature, generated by the system. The obligation to place an electronic copy of the document in the ICT system does not apply to the statement referred to in Article 7(1) of the Act of 18 October 2006 on the Disclosure of Information on Documents of State

Security Agencies from the period between the years 1944–1990 and the Content of such Documents and to the information referred to in Article 7(3a) of the said act.

§ 4. A candidate may reapply for a vacant post of a judge not earlier than after the day on which previous proceedings concerning the appointment to the office of a judge are completed. The day of commencement of the proceedings concerning the appointment to the office of a judge is the day of filing the application sheet for a given post of a judge. The day of completing the proceedings concerning the appointment to the office of a judge in respect of a candidate is the day on which the time limit, in respect of such a candidate, for lodging an objection against the decision that the application will not be considered expires or the day on which the resolution of the National Council of the Judiciary in respect of such a candidate relating to one of the following actions becomes final:

- 1) refusal to accept the objection against the decision that the application will not be considered or
- 2) discontinuation of proceedings, or
- 3) not presenting a motion for appointment to the office of a judge to the President of the Republic of Poland, or
- 4) presenting a motion for appointment to the office of a judge to the President of the Republic of Poland.

**Article 57ab.** § 1. ~~The application for a vacant post of a district court judge is filed with the president of the competent regional court, and for a vacant post of a regional court judge and for a vacant post of an appeal court judge — with the president of the court of appeal.~~

**The candidacy for the vacant position of judge of the district court and for the vacant position of judge of the regional court shall be submitted to the president of the competent regional court, and the candidacy for the vacant position of judge of the court of appeal to the president of the court of appeal;**

§ 2. Actions in respect of a candidate in the course of proceedings concerning the appointment to the office of a judge are taken by the president of a competent court via the ICT system.

**Article 57ac.** § 1 If an application for a vacant judicial post does not meet the formal requirements set out in Article 57(6) and (7) and Article 57a(1) to (5) and Article 57a(7), the competent president of the court shall request the applicant to remedy this situation within seven days.

§ 2. If an application has been submitted by the person who does not meet the conditions for holding the post of ordinary court judge referred to in Article 61(1)(1) and (3) to (7), and Article 61(2) and (5) or Article 63 and Article 64, or the application was submitted after the deadline specified in Article 57(1), or where the application has not been supplemented as required within the specified period, or where the applicant is subject to another procedure for appointment as a judge, the president of the competent court shall notify the applicant via CIS that the application has been excluded from examination, giving reasons therefor.

§ 3. The person whose application will not be considered may, within seven days from the notification referred to in Article 57ac(2), lodge an objection via the ICT system. In the event that the objection is not taken into account, the president of the competent court immediately forwards the objection along with the application to the National Council of the Judiciary via the ICT system. The National Council of the Judiciary resolves the issue of the application remaining unconsidered.

**Article 57ad.** § 1. If the application for a vacant post of a judge is withdrawn, the president of the competent court immediately forwards the statement of withdrawal to the National Council of the Judiciary via the ICT system. This does not, however, suspend actions in respect of candidates who applied for the same vacant post of a judge.

§ 2. Deliveries shall be deemed effective as soon as the candidate logs in to the ICT system or within fourteen days from uploading a letter to the ICT system.

**Article 57ae.** § 1. The president of the competent court notifies the Minister of Justice about each application for a vacant post of a judge by making the application sheet of a candidate available in the ICT system.

~~§ 2. The president of the regional court has access to documents stored in the ICT system relating to all proceedings concerning the appointment to the office of a judge in district courts in a given court circuit. The president of the court of appeal has access to documents stored in the ICT system relating to all proceedings concerning the appointment to the office of a judge in regional courts in a given appeal court area and in the court of appeal.~~

**§ 2. The president of the district court has access to the documents collected in the information and communication system concerning all proceedings for appointment to office as a judge in the district court and in the district courts of the district. The president of the court of appeal shall have access to the documents collected in the information and communication system concerning all proceedings for appointment to hold office as a judge in the court of appeal;**

**Article 57af.** Documents related to the proceedings concerning the appointment to the office of a judge gathered in the ICT system are stored for a period of twelve months. The period of storing documents that may be used in other proceedings concerning the appointment to the office of a judge in respect of a given candidate is seven years. After the expiry of the storage period, documents are discarded in the manner specified in the provisions of the Act of 14 July 1983 on the National Archive Stock and Archives (Journal of Laws of 2011, No 123, item 698, and No 171, item 1016, and of 2014, item 822).

**Article 57ag.** The Minister of Justice, after consulting the National Council of the Judiciary, in consultation with the minister competent for informatisation matters, specifies, by regulation, the account creation mode in the ICT system, account access mode, the ICT system use and the mode of operations performed in the system in relation to the submission of the application sheet along with the documents attached, a detailed mode of electronic deliveries and notifications, as well as the mode of storing, sharing and deleting – upon the completion of the proceedings concerning the appointment to the office of a judge – of documents uploaded to the system, taking into account the need for the proceedings for the appointment to the post of a judge to be efficient, the availability of electronic means to the proceedings' participants and the need to secure the data stored in the system, including candidates' personal data.

**Article 57ah.** § 1. The president of the court with whom the application sheet was filed, having deemed that the candidate fulfils the conditions and formal requirements of the application, orders that, within seven days from the application date at the latest, the qualifications of the candidate be evaluated by a designated judge.

§ 2. If necessary, the president of the court may order that the qualifications be evaluated by more than one judge.

§ 3. The judge evaluating the qualifications of candidates shall not be a spouse, a relative or an in-law of even one of the candidates or shall not have such a legal or factual relationship with even one of the candidates that may cast reasonable doubt on the impartiality of the judge.

§ 4. The president of the competent court renders the evaluation of qualifications available to the candidate by placing it in the ICT system. The candidate may submit to the president of the court comments regarding the evaluation of qualifications within seven days from the date of placing the evaluation of qualifications in the ICT system.

~~§ 5. The president of the court of appeal presents the candidate for a vacant post of an appeal court judge or a regional court judge along with the evaluation of qualifications and possible comments of the candidate for an opinion to the college of the court of appeal, and then to the general assembly of appeal judges, to provide their opinion on the candidate. The president of the regional court presents the candidate for a vacant post of a district court judge along with the evaluation of qualifications and possible comments of the candidate for an opinion to the college of the regional court, and then to the general assembly of circuit judges, to provide their opinion on the candidate.~~



**"§ 5. the President of the Court of Appeal shall present the candidate for the vacant post of a judge of the Court of Appeal, together with an assessment of his qualifications and any comments he may have made to the college of the court of appeal. The president of the regional court shall present the candidate for the vacant position of the judge of the regional court and the judge of the district court, together with an assessment of his qualifications and possible comments of the candidate for the opinion of the college of the regional court;**

**Article 57b.** § 1. Assessing the qualifications of an applicant occupying a post as an ordinary court judge, administrative court judge or military court judge shall involve assessing the level of expertise in case-law and the efficiency and effectiveness of actions taken and the organisation of work when examining cases or performing other tasks or functions assigned, taking into account the level and complexity of workload; the assessment shall also cover the professional development and workplace culture of the applicant, including personal culture and work organisation, and is aimed to verify whether the applicant demonstrates respect for the rights of the parties to the proceedings or other entities involved when examining cases or performing other assigned tasks or functions.

§ 2. The assessment of qualifications referred to in section 1 shall be carried out on the basis of an examination of at least fifteen case files of different categories, selected at random from those included on the list referred to in Article 57a(1), and additionally at least ten other case files of different categories not included on the list and selected by the assessor judge, as well as on the basis of data recorded at courts, including for the purposes of court statistics.

§ 3. The judge assessing the qualifications of a candidate within the meaning of section 1 shall also examine, ex officio, the case files, not included on the list, of the ten unfinished cases assigned to the candidate for which the longest period has passed since initial registration, as well as the case files of all cases in which the candidate acted as rapporteur and in which, within the two years preceding the application for the vacant judge's post judge, the ruling was amended or set aside and the case was referred back for re-examination or in which the proceedings were declared excessively lengthy or the final ruling was declared unlawful.

§ 4. Should, due to the specific scope of actions of the candidate referred to in Article 57b(1) or due to other reasons, the review of the number of cases indicated in Article 57b(2) and (3) be deemed impossible, a different number is assumed and the reasons are stated.

§ 5. If, in the two years preceding the application, the candidate within the meaning of section 1 did not perform the tasks specified in Article 1(2) and (3), section 3 shall apply mutatis mutandis, but the examination shall cover the most recent two-year period during which such tasks were performed.

§ 6. The assessment of the qualifications of the applicant referred to in paragraph 1 shall be accompanied by copies from the personal files of final judgements imposing a disciplinary measure and documents concerning the making of comments or findings of error referred to in Article 37(4) and Article 40(1) of this Act, and Article 65 of the Supreme Court Act of 23 November 2002 (Journal of Laws 2016, items 1254, 2103 and 2261; and 2017, item 38 and ...).

**Article 57c.** (repealed)

**Article 57d.** (repealed)

**Article 57e.** § 1. The qualifications of a candidate occupying a post as a prosecutor shall be assessed with the aim of verifying the regularity, level of expertise and performance of official duties, taking into account the level and complexity of workload; the applicant shall also be assessed in terms of improvement of professional qualifications and ethical conduct involving personal culture and attitude towards parties to the proceedings and co-workers. Article 57b(2) and (4) shall apply mutatis mutandis. A judge performing such an assessment may extend it to case files not included on the list and request court presidents or organisational units of the prosecutor's office to identify file numbers and provide the files for such cases.

§ 2. The assessment of the qualifications of the applicant referred to in paragraph 1 shall be accompanied by the opinions of the candidate's immediate superiors and copies from the

prosecutor's personal file of final judgements imposing a disciplinary measure, final decisions imposing a reprimand or final decisions of a higher prosecutor containing a finding of error in the event of an obvious breach of the law, unless a competent body has ordered the removal of these judgements or decisions from the personal file.

**Article 57f.** § 1. The evaluation of qualifications of a candidate who pursues the profession of an advocate, a legal counsel or a notary, or who holds the post of a senior counsel or counsel for the State Treasury Solicitors' Office is carried out on the basis of an evaluation of the quality, efficiency, reliability and timeliness of actions taken or the quality and reliability of legal opinions or other documents drawn up in relation to the application or drafting of the law, as well as the improvement of professional qualifications and the culture of service, including personal culture and conduct towards the participants in the proceedings and colleagues.

§ 2. The assessment of the qualifications of a candidate practising as an advocate or attorney at law or holding a post as counsel at the General Counsel to the Republic of Poland shall be carried out on the basis of an examination of at least twenty-five case files of different categories or legal opinions and other documents drawn up in relation to the application or creation of law, selected at random from those included on the list referred to in Article 57a(3). Article 57b(4) shall apply *mutatis mutandis*. The judge assessing the qualifications may also examine the case files of court cases in which the candidate appeared as a legal representative and which were not included on the list and may ask court presidents to indicate the file numbers and provide the files of those cases.

§ 3. The assessment of the qualifications of a candidate practising as a notary shall be carried out on the basis of an examination of at least twenty-five notarial deeds covering different categories of case, selected at random from those included on the list referred to in Article 57a(4). Article 57b(4) shall apply *mutatis mutandis*. The judge assessing the qualifications may also examine notarial deeds not included on the list or the case files of court cases in which appeals were heard against refusal to carry out registration or refusal to draw up a notarial instrument and may ask court presidents to indicate the file numbers and provide the files of those cases.

§ 4. The evaluation of qualifications of a candidate who pursues the profession of an advocate, a legal counsel or a notary is accompanied by a list of final rulings or decisions on the imposition of a disciplinary penalty, unless a competent body ordered the record concerning the imposition of the penalty or the copy of the disciplinary court ruling be removed from the candidate's personal files.

§ 5. The evaluation of qualifications of a candidate who pursues the profession of an advocate or a legal counsel is additionally accompanied by a list of warnings issued by competent professional self-government bodies, as well as notices concerning the breach of procedural obligations given by the court or the public prosecutor.

§ 6. The evaluation of qualifications of a candidate who holds the post of a senior counsel or counsel for the State Treasury Solicitors' Office is accompanied by periodical qualification evaluations reports referred to in Article 42 of the Act of 8 July 2005 on the State Treasury Solicitors' Office (Journal of Laws of 2013, items 1150 and 1247), as well as copies of final rulings concerning the imposition of a disciplinary penalty, unless such a penalty was deemed null and void.

§ 7. The evaluation of qualifications of a candidate who pursues the profession of an advocate, a legal counsel or a notary is accompanied by reports on inspections, controls and evaluations carried out in accordance with Article 36 of the Act of 26 May 1982 – the Law on the Advocates' Profession, Article 22<sup>1</sup> of the Act of 6 July 1982 on Legal Counsels or Article 44(2) of the Act of 14 February 1991 – the Law on Notaries (Journal of Laws of 2014, items 164, 993 and 1585 as amended).

**Article 57g.** § 1. The evaluation of qualifications of a candidate who holds the academic title of professor or the academic degree of PhD in legal sciences covers the academic achievements, the type and quality of publications, the opinions of reviewers, the quality and reliability of legal opinions or other documents drawn up in relation to the application or drafting of the law.

§ 2. The evaluation of qualifications of the candidate referred to in Article 57g(1) is accompanied by copies of final rulings concerning the imposition of a disciplinary penalty, unless the penalty was erased.

**Article 57h.** To the evaluation of qualifications of a candidate who holds the post of the president or vice president of the State Treasury Solicitors' Office the provisions of Article 57b or Articles 57e–57g apply accordingly, as applicable to the profession pursued prior to the appointment to the said post.

**Article 57i.** § 1. The evaluation of qualifications of a candidate for a vacant post of a judge covers the personal capabilities of the candidate for the profession of a judge, as well as compliance with ethical principles of the profession pursued.

§ 2. The president of a competent court requests the authorities exercising administrative supervision over courts, the Public Prosecutor General, the President of the State Treasury Prosecutors' Office, the bodies exercising supervision over the activities of notaries, the bodies of professional self-governments of advocates and legal counsels, and in the case of a candidate who holds the academic title of professor or the academic degree of PhD in legal sciences the manager of the respective Polish university, the Polish Academy of Sciences, research institute or other science facility to provide information or documents necessary for the evaluation of the candidate's qualifications.

§ 3. The evaluation of qualifications is accompanied by information concerning penal, disciplinary or explanatory proceedings pending against the candidate.

§ 4. The Minister for Justice, after consulting the National Council of the Judiciary, shall establish, by regulation, detailed methods and procedures for assessing the qualifications of a candidate for a vacant judge's post, having regard to the need to apply a methodology that would take account of the specific nature of the candidate's profession or post and the need to adapt it to the scope of analysis and criteria set out in the Act.

**Article 58.** § 1. If there is more than one application for one vacant post of judge, all applications are considered at the same meeting of the assembly college.

~~§ 2. The general assembly of appeal judges or the general assembly of circuit judges provides an opinion on candidates by voting and forwards all submitted applications to the president of the court of appeal or regional court accordingly, with the indication of the number of votes.~~

§ 2a. A person who is a spouse, a relative or an in-law of even one of the candidates or who has such a legal or factual relationship with even one of the candidates that may cast reasonable doubt on the impartiality of the member ~~of the college or the general assembly~~ shall not be involved in the opinion-giving process of the college ~~or the general assembly~~.

§ 3. In the case of candidates for their first post of a judge, the competent president of the court obtains information concerning each candidate from the Voivodship Police Commander competent for the seat of the court, or the Warsaw Police Commander. Information concerning the candidate for the post of a judge is obtained and drafted on the basis of the data contained in police ICT systems. The Police Commander provides the president of the court with written information concerning the candidate within 14 days from the date of receipt of the request. Information is not requested where the candidate holds the post of an assistant judge or a public prosecutor.

~~§ 4. The president of the competent court, via the ICT system, presents candidates to the National Council of the Judiciary, after an opinion thereon has been delivered as per Article 58(2), along with the evaluation of qualifications and the opinion of the competent college of the court and information obtained from the Voivodship Police Commander or the Warsaw Police Commander, referred to in Article 58(3), as well as other documents related to the proceedings concerning the appointment to the office of a judge gathered in the ICT system.~~

**§ 4. The President of the competent court shall publish in the ICT system within 3 working days the assessment of qualifications, the opinion of the competent court**

**college, information obtained from the Voivodeship Police Commander or the Capital City Police Commander referred to in § 3, as well as other documents concerning a given procedure for appointment to the post of a judge.**

§ 4a. The requirement to attach the information and certificates referred to in Article 57(7) does not apply to candidates holding the post of a common court judge, an administrative court judge, a military court judge, an assistant judge or a public prosecutor.

§ 4b. At the request of the National Council of the Judiciary, sent via the ICT system, the president of the competent court immediately sends the original copies of documents referred to in Article 57aa(2) and (3).

§ 5. When presenting the information referred to in Article 58(3), the Voivodship Police Commander or the Warsaw Police Commander provides the president of the court with all gathered materials, used for preparing the information.

§ 6. The president of the court notifies the candidate, via the ICT system, about the contents of the information obtained from the Voivodship Police Commander or the Warsaw Police Commander, not later than on the day on which the president presents the candidate to the National Council of the Judiciary. The provision of Article 57ad(2) applies accordingly.

§ 7. (repealed).

**Article 59.** (repealed)

**Article 60.** The National Council of the Judiciary considers applications for posts of common court judges, applying the procedure specified in a separate act.

**Article 61.** § 1. The post of a district court judge may be assigned to a person who:

- 1) shall hold exclusively Polish citizenship and enjoy full civil and full public rights and must not have been convicted for an intentional crime prosecuted by public indictment or an intentional fiscal crime;
- 2) is a person of integrity;
- 3) has completed higher education in law in the Republic of Poland and has obtained a master's degree, or has completed higher education in law abroad recognised in the Republic of Poland;
- 4) is able, as regards their health condition, to perform the duties of a judge;
- 5) attained the age of 29 years;
- 6) has passed a judicial or prosecutor exam;
- 7) while occupying a post as an assistant judge has performed a judge's duties for at least three years.

§ 2. Requirements laid down in Article 61(1) items 6 and 7 do not apply to a person who prior to the appointment:

- 1) held the post of an administrative court judge or a military court judge;
- 2) held the post of a public prosecutor;
- 3) worked at a Polish university, the Polish Academy of Sciences or in a research institute or other science facility, and holds the academic title of professor or the academic degree of PhD in legal sciences;
- 4) practised the profession of an advocate, a legal counsel or a notary – for at least three years;
- 5) held the post of the president or vice president, or a senior counsel or counsel at the State Treasury Prosecutors' Office – for at least three years.

§ 3. (repealed)

§ 4. (repealed)

§ 5. A person who has held one of the posts specified in paragraph 2(2) to (4) in the five year period preceding the submission of an application for a vacant judge's post may be appointed as a district court judge.

§ 6. (repealed)

§ 7. (repealed)

**Article 62.** A professor or PhD in legal sciences at Polish universities, the Polish Academy of Sciences, and in research institutes and other science facilities may be appointed to the post of a common court judge, on a part time basis, for not less than half of the full working time.

**Article 63.** § 1. A district court judge or a military garrison court judge who held the post of a district court judge or a military garrison court judge or the post of a public prosecutor for at least four years may be appointed to the post of a regional court judge.

§ 1a. Also a public prosecutor who held the post of a public prosecutor or a judge for at least four years may be appointed to the post of a regional court judge.

§ 2. Also a person who fulfils the requirements specified in Article 61(1) items 1–4 may be appointed to the post of a regional court judge, provided that such a person:

- 1) practised the profession of an advocate, a legal counsel or a notary – for at least six years;
- 1a) held the post of the president or vice president of, or senior counsel or counsel for the State Treasury Prosecutors' Office – for at least six years;
- 2) worked at a Polish university, the Polish Academy of Sciences or in a research institute or other science facility, and holds the academic title of professor or the academic degree of PhD in legal sciences;
- 3) held the post of an administrative court judge or a military regional court judge.

§ 3. A person who practised the profession or held the post specified in Article 63(2) during the period of three years preceding the appointment may be appointed to the post of a regional court judge.

**Article 63a.** (repealed)

**Article 64.** § 1. An ordinary court or military court judge with at least ten years' work experience as a judge or prosecutor may be appointed to the position of appeal court judge.

§ 1a. A prosecutor with at least ten years' work experience as a prosecutor or judge may also be appointed to the position of appeal court judge.

§ 2. Also a person who fulfils the requirements specified in Article 61(1) items 1–4 may be appointed to the post of an appeal court judge, provided that such a person:

- 1) has exercised the profession of attorney, jurisconsult or notary for at least ten years;
- 1a) held the post of the president or vice president of, or senior counsel or counsel for the State Treasury Prosecutors' Office – for at least eight years;
- 2) worked at a Polish university, the Polish Academy of Sciences or in a research institute or other science facility, and holds the academic title of professor or the academic degree of PhD in legal sciences;
- 3) held the post of an administrative court judge.

§ 3. A person who practised the profession or held the post specified in Article 64(2) during the period of three years preceding the appointment may be appointed to the post of an appeal court judge.

**Article 64a.** (repealed)

## Chapter 1a

### Status of a judge

**Article 65.** § 1. The service relationship of a judge becomes effective upon the delivery of the official notification of their appointment.

§ 2. A judge should appear for the accession to the first post of a judge within fourteen days from the receipt of the official notification of their appointment.

§ 3. In the event of an unjustified failure to accede to the first post of a judge within the term referred to in Article 65(2), the appointment becomes invalid; the fact is ascertained by the Minister of Justice.

**Article 65a.** (repealed)

**Article 65b.** (repealed)

**Article 66. § 1.** At the appointment, a judge makes a solemn vow before the President of the Republic of Poland, in accordance with the following formula:

“I solemnly vow, holding the post of a common court judge, to serve the Republic of Poland faithfully, to guard the law, to perform the duties arising from my post scrupulously, to administer justice without any bias, according to my conscience and to the rules of law, to keep the legally protected secrets, and to act in accordance with the principles of dignity and honesty”; the person making this vow may finish it by saying the words: “So help me God.”

**§2. A refusal to take the oath shall be tantamount to a resignation from the position of judge;**

**Article 67.** § 1. The president of the regional court keeps for each district court judge and each regional court judge, acting in a given court circuit, a separate office register that includes basic data concerning service and private relationships of a judge within the scope influencing their performance of judicial duties, as well as data concerning completed trainings and forms of professional improvement as well as other circumstances that indicate the expertise in particular fields of law or hearing particular types of cases. The president of the court of appeal keeps such an office register in respect of appeal court judges.

§ 2. The Minister of Justice specifies, by regulation, a sample office register and the manner of keeping such registers based on personal files kept in respect of a judge, documents and other information, stating the data included in the register.

**Article 68.** § 1. If a judge resigns from their office, their service relationship is terminated under the law. The judge's resignation from their office becomes effective upon the lapse of three months from the date of submitting the declaration to the Minister of Justice, unless the Minister of Justice, at the request of the judge, sets a different date. The Minister of Justice notifies the National Council of the Judiciary and the President of the Republic of Poland about the judge's resignation from their office.

§ 2. A final judgment of the disciplinary court concerning a judge's removal from office and a final court ruling imposing a criminal penalty depriving them of their public rights or banning them from holding the post of judge shall, ipso jure, result in the loss of office and post of judge; the service relationship of the judge shall expire when the ruling or judgment becomes final.

§ 3. The service relationship of a judge expires as at the day of loss of Polish citizenship by the judge.

**Article 69.** § 1. A judge retires upon attaining 65 years of age, unless, not later than six months and no earlier than twelve months before attaining the said age, the judge declares to the National Council of the Judiciary the will to continue to hold the post and submits a certificate stating their ability to perform the duties of a judge on account of the health condition issued in accordance with the principles laid down in respect of a candidate for the post of a judge.

§ 1a. (repealed)

1b. The National Council of the Judiciary may consent to a judge continuing to hold office, if it is justified by the interest of the justice system or by a particularly important public interest, in particular for reasons related to rational deployment of the staff of the ordinary courts or the workload of each court. The resolution of the National Council of the Judiciary shall be final. If a judge reaches the age referred to in paragraph 1 before the procedure for them to continue to hold office has been completed, the judge shall remain in office until that procedure has been completed.

§ 2. A judge retires at their own request, retaining the right to the emolument specified in Article 100(2), upon attaining 55 years of age in respect of a woman, provided that she has worked at the post of a judge or public prosecutor for at least 25 years, and upon attaining 60 years of age in respect of a man, provided that he has worked at the post of a judge or public prosecutor for at least 30 years.

§ 2a. The provision of Article 69(2) applies to a judge, who fulfilled the requirements until 31 December 2017.

§ 2b. A judge who is a woman shall retire upon her own request on reaching 60 years of age, regardless of how long they have served as prosecutor or judge.

§ 3. When the National Council of the Judiciary expresses the consent referred to in paragraph 1b, the judge may hold office until no later than their 70th birthday. Such a judge may retire by giving the National Council of the Judiciary three months' notice to that effect. The notice period is extended by the annual leave to which the judge is entitled and which has not been taken by the end of the notice period. At the judge's request, the National Council of the Judiciary may consent to the judge's retiring before the end of the notice period.

**Article 70.** § 1. A judge retires at their own request or at the request of a competent college of the court if, due to an illness or physical incapacity, they have been deemed, by a certifying physician of the Social Insurance Institution, permanently unable to perform the duties of a judge.

§ 2. A request for retirement and examining the judge's inability to perform duties and for the issuance of a certificate may be lodged by the judge concerned or by a competent college of the court. In the case of a judge holding the function of the president of the regional court or the president of the court of appeal, the request may be lodged also by the Minister of Justice.

§ 3. The certifying physician of the Social Insurance Institution delivers the certificate on permanent inability to perform the duties of a judge, referred to in Article 70(1) and (2), to the judge concerned and the president of the regional court or the court of appeal accordingly, and in the case of a judge who holds the function of the president of the regional court or of the court of appeal, the certificate is also delivered to the Minister of Justice.

§ 3a. The judge concerned or the college of a competent court may object against the certificate of the certifying physician referred to in Article 70(1) and (2) to the medical committee of the Social Insurance Institution within fourteen days from the delivery of the certificate.

§ 4. The State Treasury covers the costs of the examination and the issuance of the certificate.

**Article 71.** § 1. (repealed)

§ 2. A judge may be retired if, without a duly justified reason, they fail to undergo the examination referred to in Article 70(2), such an examination having been requested by the college of the court or the Minister of Justice.

§ 3. A judge may also be retired, at the request of the Minister of Justice, if the courts organisation or boundaries of court circuits change and the judge is not transferred to another court.

**Article 72.** The Minister of Justice notifies the judge about the termination of the service relationship referred to in Article 68(1) or about the expiry of the service relationship referred to in Article 68(2), or about the retirement of the judge pursuant to Article 69.

**Article 73.** § 1. The National Council of the Judiciary, acting upon the request of the judge, the college of a competent court or the Minister of Justice, makes decisions in matters related to the retirement of the judge referred to in Articles 70 and 71.

§ 2. Decisions of the National Council of the Judiciary in matters referred to in Articles 70 and 71 may be appealed against in the Supreme Court.

§ 3. The appeal shall be lodged through the National Council of the Judiciary within one month of delivery of the decision to the complainant. The right of appeal shall be vested in a judge, president of a competent court and the Minister for Justice, and, in cases where the application is made by the college of a court (kolegium sądu), in that college too.

**Article 74.** § 1. A judge retired for reasons referred to in Article 71(3) has the right to return to the post previously held or to a new post of equal competence if the reasons for retirement ceased to exist.

§ 1a. A judge who retires for the reasons referred to in Article 70(1) shall be entitled to return to the post previously held or a post equivalent to that previously held if they present a certificate, issued by a Social Security Institution medical examiner, attesting that their state of health enables them to perform a judge's duties.

§ 2. In order to exercise the right referred to in Article 74(1) and (1a), the judge notifies the intention to return to the post previously held or submits an application for assigning a new post of equal competence to the National Council of the Judiciary, if the return to the post previously held is impossible for reasons referred to in Article 75(2) item 1. The National Council of the Judiciary issues a decision on this matter within a month. If the decision is negative, the judge has the right to appeal against it with the Supreme Court.

**Article 75.** § 1. The transfer of a judge to another place of service may only occur upon their consent.

§ 2. The consent of the judge to the transfer to another place of service is not required in the event:

- 1) of cancellation of the post caused by a change in courts organisation, cancellation of a given court or branch division or a transfer of the seat of a given court;
- 2) (66) of inadmissibility of holding the post of a judge in a given court as a result of occurrence of circumstances referred to in Article 6;
- 3) that it is necessary, as regards the authority of the post, under a disciplinary court ruling, issued at the request of the college of a competent court or the National Council of the Judiciary;
- 4) of a transfer as a result of a disciplinary penalty.

§ 3. The decision concerning the transfer of a judge in cases specified in Article 75(1) and (2) is issued by the Minister of Justice, whereas the transfer of a judge for reasons referred to in Article 75(2) item 1 may occur if it is not possible to grant the judge's request concerning a new place of service.

§ 4. In cases referred to in Article 75(2) items 1 and 2, the judge may appeal against the decision of the Minister of Justice to the Supreme Court.

**Article 75a.** § 1. In the event that a judge is transferred to another place of service, they are not entitled to a cash equivalent for unused holiday leave. The judge retains the right to use the leave while performing service in the place they were transferred to.

§ 2. The provision of Article 75a(1) applies respectively in the event that a judge is promoted to a higher judicial post.

**Article 75b.** § 1. The Minister for Justice shall announce their intention to advertise a vacant judge's post in the Public Information Bulletin (Biuletyn Informacji Publicznej).

§ 2. A judge who wishes to be transferred to another place of employment may, within seven days of the announcement referred to in paragraph 1, submit a request for a transfer. The request shall be submitted solely via the computer system.



§ 3. The Minister for Justice shall issue a decision concerning the judge's request for transfer to another place of employment, taking into account the rational use of ordinary court staff, the workload of each court and the circumstances resulting from the grounds for the application.

§ 4. A judge's request for a transfer to another place of employment not meeting the requirements laid down in paragraph 2 shall not be considered. If the request is rejected, the judge may not submit another transfer request for another three years, unless the sole reason for not granting the request was that the number of requests exceeded the number of vacant judges' posts. Requests made before this deadline shall not be considered.

§ 5. The Minister for Justice may, of their own motion, seek the consent of a judge who has previously submitted a request for transfer to another place of employment to be transferred to the requested or another place of employment.

§ 6. Where a vacant judge's post is filled by transferring a judge to another place of employment, the Minister for Justice shall publicise the transfer in the Public Information Bulletin.

**Article 76.** Should a judge be transferred to another town or city, they are entitled to reimbursement for transfer costs, except where the transfer occurred for disciplinary reasons or at the request of the judge. The Minister of Justice, in duly justified cases, may reimburse a judge transferred at their own request for transfer costs.

**Article 77.** § 1. The Minister of Justice may delegate a judge, upon their consent, to perform the duties of a judge or administrative actions:

- 1) in another court of equal or lower competence, and in duly justified cases also in a court of higher competence, taking into consideration rational use of common court personnel and the needs resulting from the workload of particular courts,
- 2) in the Ministry of Justice or another organisational unit under the authority or supervision of the Minister of Justice,
  - 2a) at the Office of the President of the Republic of Poland, at the request of the President of the Republic of Poland;
  - 2b) at the ministry responsible for foreign affairs, at the request of the minister responsible for foreign affairs;
- 3) in the Supreme Court – at the request of the First President of the Supreme Court or, as regards judges seconded to the Disciplinary Chamber, the President of the Supreme Court heading the Disciplinary Chamber;
- 4) in an administrative court – at the request of the President of the Supreme Administrative Court

– for a definite period of up to two years or for an indefinite period.

§ 2. The Minister of Justice may delegate a judge, upon their consent, at the request of the Chairperson of the National Council of the Judiciary, to perform actions in the Office of the Council.

§ 2a. The Minister of Justice may delegate a judge, upon their consent, to perform actions or conduct training sessions in the National School of Judiciary and Public Prosecution.

§ 2b Judges may not combine the role of issuing rulings with the performance of administrative tasks at the Ministry of Justice or other organisational unit subordinate to the Minister for Justice, at the Office of the President of the Republic of Poland or at an office supporting the minister responsible for foreign affairs.

§ 3. The Minister of Justice may delegate a judge, at their own request, to perform the duties in an international judicial non-governmental organisation.

§ 3a. The Minister of Justice may delegate a judge, upon their consent and in accordance with their qualifications, to perform duties or a particular function outside the territory of the Republic of Poland as part of actions undertaken by international or supranational organisations and international teams acting on the basis of international agreements, including agreements constituting international organisations ratified by the Republic of Poland, for a definite period of up to four years, with the possibility to re-delegate the judge for another period not exceeding four years.

§ 3b. The Minister for Justice may, at the request of the Director of the National School of Judiciary and Public Prosecution, second a judge, with the judge's agreement, to perform duties or specific functions or to participate in in-service training of more than one month outside the country for the purposes of the National School of Judiciary and Public Prosecution's international cooperation, in accordance with judge's qualifications, for a specified period not exceeding four years, with the option of secondment for a further period of no more than four years.

§ 4. A judge delegated under paragraphs 1(2)-(2b) and 2a for an undetermined period may be recalled from or withdraw from delegation with three months' notice. In other cases of delegation, judges may be recalled from the delegated post or leave it without a notice period.

§ 5. (repealed)

§ 6. Should a judge be delegated to a town or city other than the one of their place of service, and other than the place of their permanent residence, the delegated judge, throughout the period of delegation, as an employee travelling in business, is entitled to the following amounts due in compensation for inconveniences resulting from the delegation outside the permanent place of service:

- 1) the right to free accommodation in conditions corresponding to the authority of the post or reimbursement for the accommodation costs in the place of delegation, in one of the following forms:
  - a) reimbursement for costs actually incurred – in the amount indicated on an invoice,
  - b) a monthly lump sum – in the amount not exceeding 78 percent of the base for the basic salary of a judge, referred to in Article 91(1c);
- 2) reimbursement for costs of the first travel from the place of permanent residence to the place of delegation, reimbursement for costs of the last travel from the place of delegation to the place of permanent residence and reimbursement for costs of travels to the permanent place of residence and back, made not more often than once a week, on terms and conditions provided for in provisions issued under Article 77<sup>5</sup>(2) of the Act of 26 June 1974 – the Labour Code (Journal of Laws of 2014, items 1502 and 1662) in accordance with the rules governing the business travels within the territory of the country;
- 3) a lump sum towards the costs of travel by means of public transport, referred to in the provisions concerning amounts and terms for determining amounts due to an employee employed in a state or self-governmental unit financed from the budget, for business travels within the territory of the country;
- 4) the allowance referred to in the provisions concerning amounts and terms for determining amounts due to an employee employed in a state or self-governmental unit financed from the budget, for business travels within the territory of the country;
- 5) reimbursement for costs related to the use of vehicles, constituting the property of the employee, for business purposes, referred to in provisions on terms for determining and manner of reimbursing for costs of using, for business purposes, passenger cars, motorcycles and motorbikes not owned by the employer;
- 6) reimbursement for costs of everyday travel to the place of delegation referred to in Article 77(6b).

§ 6a. Benefits and amounts, referred to in Article 77(6) items 1 and 2, are not granted if the distance between the town or city of the delegated judge's place of permanent residence and the town or city of the place of delegation does not exceed 60 kilometres, unless the body appointed to manage the unit to which the judge is delegated, at the request of the delegated judge, decides that the everyday travel of the delegated judge to the place of delegation is unreasonable.

§ 6b. The delegated judge referred to in Article 77(6a) who is not entitled to benefits and amounts, referred to in Article 77(6) items 1 and 2, is entitled to receive reimbursement for the costs of everyday travel to the place of delegation in the amount not exceeding the amount equal to the costs of travel by railway or other means of public transport, taking into consideration the reduction the judge is entitled to with respect to a given means of transport, regardless of the reason for such reduction.

§ 7. If a judge is delegated to a court of equal competence, the judge is entitled to a special duty allowance of a regional court inspecting judge.

§ 7a. (repealed)

§ 7b. (repealed)

§ 8. The president of the court of appeal, upon the consent of the judge and the college of the regional court competent for the seat of the court to which the judge is to be delegated, may delegate a district court judge, a regional court judge or an appeal court judge to perform duties of a judge in a court of equal or lower competence in the same appeal court area, for an uninterrupted period, not exceeding, however, six months in a year.

§ 9. The president of the court of appeal, in duly justified cases, upon the consent of the judge and the college of the court to which the judge is to be delegated, may delegate a district court judge or a regional court judge to perform the duties of a judge in a court of higher competence, taking into consideration rational use of the personnel and the needs resulting from the workload of particular courts within the appeal court area, for a total period of delegation not longer than 14 days within a year **the allocation of cases to the delegated judge, as Judge-Rapporteur, may not exceed 30 cases per year.**

**“§ 9a. The President of a regional court may delegate a judge of a district court, with his consent, to perform duties in another district court simultaneously with performing duties in his official place. A judge may withdraw consent with three months' notice”;**

§ 10. The act of delegation is not placed in the case files.

**Article 77a.** A judge seconded to work in a location other than his place of employment or secondment referred to in Article 77(1) to (3b) shall be entitled to allowances under the provisions setting out the amount and terms of payment of such allowances that are payable to employees working in a state or local government budgetary unit in respect of business travel within the country.

**Article 78.** § 1 Judges delegated to perform tasks at the Ministry of Justice, the Office of the President of the Republic of Poland or the ministry responsible for foreign affairs may be assigned duties in official posts, except for the post of director-general.

§ 1a. Duties referred to in Article 78(1) may be entrusted to a judge delegated to perform actions in the National School of Judiciary and Public Prosecution.

§ 1b. Only judges with a high level of legal knowledge and familiarity with the issues linked to the duties assigned to them may be delegated to the Ministry of Justice, the Office of the President of the Republic of Poland, the ministry responsible for foreign affairs or the National School of the Judiciary and Public Prosecutors.

§ 2. Judges delegated to perform administrative tasks at the Ministry of Justice, the Office of the President of the Republic of Poland, the ministry responsible for foreign affairs or the National School of the Judiciary and Public Prosecutors or to lecture at the National School of the Judiciary and Public Prosecutors shall be entitled to the basic remuneration payable to them for their judicial post and to the length of service allowance. During the period of delegation, the judge shall receive the service allowance laid down in the implementing regulations issued under Article 91(8).

§ 3. In addition, during the period of delegation, depending on the nature of the work and the scope of the tasks performed, the Minister for Justice may grant judges a special allowance not exceeding 40 % of the sum total of the basic remuneration and post allowance. The allowance shall be granted for a fixed period or, in individual cases, for an open-ended period. The allowance for judges delegated to the Office of the President of the Republic of Poland and the ministry responsible for foreign affairs may be granted at the request of the President of the Republic of Poland or the minister responsible for foreign affairs.

§ 4. In exceptional cases, the special allowance may exceed the amount specified in paragraph 3.

§ 4a. During a period of delegation to the Ministry of Justice, the Minister for Justice may send a judge, with their consent, to participate in various forms of professional training relevant to the duties assigned to them.

§ 4b. The costs of the professional training referred to in paragraph 4a shall be covered by the 'Justice' budget section administered by the Minister for Justice.

§ 5. After consulting the National Council of the Judiciary, the Minister for Justice shall specify, by regulation, the procedure and detailed conditions for delegating judges to perform duties at the Ministry of Justice, the Office of the President of the Republic of Poland and the ministry responsible for foreign affairs and to perform administrative duties or lecture at the National School of the Judiciary and Public Prosecutors; the procedure and detailed conditions for exercising the right to free accommodation and the reimbursement of living costs in the place of delegation, including the maximum reimbursement of costs actually incurred and the value of the monthly flat rate, taking into account the possibility for its value to differ depending on the place of delegation; and the procedure, detailed award conditions and scope of other benefits, taking into account the scope of benefits due to workers travelling on business and workers on secondment.

**Article 78a.** § 1. A judge seconded under Article 77(3a) and (3b) shall be entitled to the base remuneration payable for occupying a judge's post, to a long service allowance and to compensation payments in respect of accidents at work and occupational diseases, if the event giving rise to such entitlement occurs while performing duties or functions outside the country. During the period of secondment, the judge shall receive the service allowance laid down in the regulation issued under Article 91(8).

§ 2. A delegated judge within the period of performing duties or a function abroad is entitled to the following payments, made in the Polish or a foreign currency:

- 1) expatriation allowance for the increased costs related to the performance of duties or a function abroad, determined accordingly to the terms and scope of their performance;
- 2) if the judge is entrusted with duties or a function that require the change of the place of stay for at least one year:
  - a) one-off adaptation allowance,
  - b) payment for the costs of resettlement travel of the delegated judge and each family member that moves therewith, including the transport of their property, regardless of the time of their actual resettlement,
  - c) once per two years, payment for the costs of travel of the delegated judge and their family members permanently staying abroad therewith, from the place of delegation to the place of permanent residence for holiday leave and back;
- 3) reimbursement for travel costs related to the commencement and completion of the performance of duties or a function abroad, of a business travel within the territory of a foreign country outside the place of delegation, and the travel from the place of delegation to the country and back in business or due to life events;
- 4) reimbursement for costs of medical treatment, if the judge is delegated to a country that is not a Member State of the European Union;
- 5) payment for the costs of residence in the place of delegation up to the amount of documented expenses, not exceeding the maximum limit agreed.

§ 3. The sum of the amounts due referred to in Article 78a(2) is reduced by the amount of cash received by the delegated judge from the foreign party for covering the costs related to their performance of duties or a function abroad. A delegated judge is not entitled to such amounts if the judge does not incur the costs for which such amounts are intended.

§ 4. Expenses related to the delegation of judges abroad are covered from the state budget from funds at the disposal of the Minister of Justice.

§ 5. Expenses referred to in Article 78a(4) may also be covered, in full or in part, from the funds allocated for that purpose by an international organisation and being at the disposal of the Minister of Justice.

§ 6. The basic salary and long-service allowance for the judicial post held by a judge, to which the judge retains the right throughout the period of delegation to perform duties or a function aboard, are not included in expenses referred to in Article 78a(4).

§ 7. The Minister of Justice, having consulted the National Council of the Judiciary, specifies, by regulation, the procedure for, amount of and detailed terms and conditions for granting and paying the amounts due referred to in Article 78a(2), limits up to which the costs of residence are reimbursable, and the currency in which such amounts are paid, taking into consideration the scope in which such amounts are granted depending on the place of performing duties and the function entrusted to a judge, as well as the need to ensure conditions for appropriate performance of such duties and function and the necessity to cover the increased costs related to the performance of such duties or function abroad and to special circumstances, including life events.

**Article 79.** A judge shall not, quoting the principle of judicial independence, evade carrying out orders within the scope of administrative actions if, under the provisions of the act, such actions fall within the scope of duties of a judge, or orders concerning the efficiency of court proceedings; they may, however, request the order to be issued in writing.

**Article 80.** § 1. A judge shall not be detained or held criminally liable without the permission of a competent disciplinary court. The foregoing does not apply to detention where a judge was caught in the act of committing an offence, should such detention be necessary to ensure the appropriate course of proceedings. Until a resolution allowing for the judge to be held criminally liable is issued, only urgent actions can be taken.

§ 2. The president of the court of appeal having competence over the place of detention is immediately notified about the detention of a judge. The president may order an immediate release of the detained judge. The president of the court of appeal immediately notifies the National Council of the Judiciary, the Minister of Justice and the First President of the Supreme Court about the detention of a judge.

§ 2a. A motion for the permission to hold the judge criminally liable, if not lodged by a public prosecutor, should be drafted and executed by an advocate or a legal counsel authorised on the basis of a respective power of attorney.

§ 2b. If the motion for the permission to hold the judge criminally liable does not fulfil the formal requirements of a pleading provided for in the Code of Penal Procedure or is manifestly unfounded, the president of the disciplinary court refuses to accept it. The decision on refusal to accept the motion may be appealed against in the disciplinary court competent to consider the motion.

§ 2c. The disciplinary court issues a resolution allowing for the judge to be held criminally liable if there arises a reasonable suspicion that the judge has committed the offence. The resolution resolves the issue concerning the permission to hold the judge criminally liable and includes the justification therefor.

§ 2d. The disciplinary court shall examine a motion for criminal proceedings to be brought against a judge within 14 days of its receipt by the disciplinary court.

§ 2da. If a motion for criminal proceedings or for remand in custody refers to a judge who was arrested in flagrante delicto or for an offence subject to imprisonment of up to at least eight years, an offence referred to in Article 177(1) of the Criminal Code in conjunction with Article 178(1) of the Criminal Code and in Article 178a(1) or (4) of the Criminal Code and who remains in custody, the disciplinary court shall adopt a resolution on the motion without delay, within 24 hours of its receipt by the disciplinary court. A resolution allowing criminal proceedings to be brought against a judge or for their remand in custody shall be enforceable immediately.

§ 2e. Before issuing a resolution, the disciplinary court shall hear the disciplinary officer, the judge, a representative of the authority or the person who filed the motion, if present. Failure to appear on their part or on the part of the defence counsel shall not be an obstacle to considering the motion.

§ 2f. The judge subject to proceedings may access the documents enclosed to the motion. However, when filing the motion to the disciplinary court, the public prosecutor may reserve that, in the interest of the preparatory proceedings, such documents or a part thereof may not be disclosed to the judge.

§ 2g. If the public prosecutor filed the reservation referred to in Article 80(2f), the presiding judge of the disciplinary court immediately refers the case to be heard at the meeting. The disciplinary court may refuse the judge access to documents enclosed to the motion.

§ 2h. If a public prosecutor when lodging the motion for the permission to hold the judge criminally liable at the same time moves for provisional detention of the judge, the resolution allowing for the judge to be held criminally liable also includes the permission to arrest and detain the judge, unless the disciplinary court decides otherwise.

§ 3. (repealed)

§ 4. When ruling in the case referred to in Article 80(1), the disciplinary court may be satisfied with the statement of the judge to the effect that they file for the issuance of a resolution on the permission to hold them criminally liable.

**Article 80a.** (repealed)

**Article 80b.** (repealed)

**Article 80c.** (repealed)

**Article 80d.** (repealed)

**Article 81.** § 1. For minor offences, a judge is liable to disciplinary actions exclusively, subject to Article 81(2).

§ 2. A judge may give permission to hold them criminally liable for minor offences referred to in Article 81(3) in accordance with the said provision.

§ 3. If a judge commits a minor offence referred to in Chapter XI of the Act of 20 May 1971 – the Code of Minor Offences (Journal of Laws of 2015, item 1094), the judge’s acceptance of a penalty ticket or the payment of a fine, if the penalty ticket is issued not in the presence of the subject, referred to in Article 98(1) item 3 of the Act of 24 August 2001 – the Code of Procedure for Minor Offences (Journal of Laws of 2013, item 395, as amended), is deemed as a consent of the judge to be held liable in this form.

§ 4. Where a judge accepts being held liable under criminal law as provided for in paragraph 3, they shall be relieved of disciplinary liability.

## Chapter 2

### Rights and duties of judges

**Article 82.** § 1. A judge shall act in compliance with the judge’s solemn vow.

§ 2. A judge should, when on and off service, guard the authority of the post of a judge and avoid everything that could prejudice the judge’s authority or weaken the confidence in their impartiality.

§ 3. (repealed)

**Article 82a.** § 1. A judge shall constantly improve their professional qualifications.

§ 2. After taking up their first judicial post, a judge who has not occupied the post of assistant judge shall undergo training on judicial work methodology organised by the National School of Judiciary and Public Prosecution. The president of the court shall arrange for the judge to attend a training session at the earliest date specified in the schedule of training activities of the National School of Judiciary and Public Prosecution for the year concerned.

§ 3. A judge shall participate, where possible – on an annual basis, in training and professional improvement organised by the National School of Judiciary and Public Prosecution, or other forms of professional improvement, in order to complement their expertise and professional skills.

§ 4. (repealed)

§ 5. Where possible, at the latest three days before starting training or availing themselves of another form of professional development, judges shall inform the competent court president if, as a result of availing themselves of professional development, they will be absent for more than one day from the town or city of the court where they work. The president of a district court shall pass on this information to the president of the higher-ranking regional court, the president of a regional court shall pass on this information to the president of the higher-ranking appeal court and the president of an appeal court shall pass on this information to the Minister for Justice.

**Article 82b.** A judge may, with his consent, be vested with the duty of lending his patronage over the training activities of the trainees of the National School of Judiciary and Public Prosecution.

**Article 82c.** A judge is required to perform the activities relating to the duties entrusted to them of a disciplinary court judge at an appeal court.

**Article 83.** The working time of a judge is determined by the scope of their duties.

**Article 83a.** The right to childcare leave of judges not performing duties may be exercised by reducing the caseload by at most 50 % with a corresponding reduction in basic remuneration. The provisions on childcare leave shall apply mutatis mutandis when the right to a reduction of the caseload is taken up, subject to requests for a reduction of the caseload or for a change to the extent of a reduction being submitted at least two months in advance.

**Article 84.** § 1. A judge at a hearing and session in which the parties participate, held in the court building, wears the official robes. The official clothing of a judge is a gown, and of a presiding judge at a hearing or session – a gown and a chain with the image of an eagle, put on the collar thereof. If a minor participates in a session, the judge may refrain from wearing official clothing.

§ 2. The Minister of Justice, having consulted the National Council of the Judiciary, specifies, by regulation, the standard for the official clothing of judges, taking into consideration the solemn character of the clothing, appropriate for the authority of the court and for the established tradition.

§ 3. A judge receives an identity card specifying their post and place of service. The Minister of Justice specifies, by order, the sample identity card of a judge.

**Article 85.** § 1. A judge shall maintain confidentiality in respect of the facts of the case they became aware of on account of their office, outside open court hearing.

§ 2. The confidentiality obligation continues after the cessation of the service relationship.

§ 3. The judge's confidentiality obligation ceases when the judge gives testimony before a court as a witness, unless the disclosure of the secret prejudices the interest of the state or a material private interest which is not contrary to the aims of justice. In such cases, the Minister of Justice may exempt the judge from the confidentiality obligation.

§ 4. A person holding the post of a judge is not subject to clearance stipulated in the Act of 5 August 2010 on the Protection of Classified Information (Journal of Laws, No 182, item 1228, and of 2015, item 21). Prior to the commencement of the performance of duties, a judge reads the provisions on the protection of classified information and makes a statement on the knowledge thereof. A judge may obtain access to classified information only within the scope required to perform the office of a judge, and perform the function or actions entrusted thereto.

**Article 86.** § 1. A judge shall not take up additional employment, except that of an academic teacher, an academic teacher and researcher or a researcher, in the aggregate number of working hours not exceeding the full time employment of persons holding such posts, provided that such employment does not interfere with the performance of the duties of a judge.

§ 2. A judge shall not take up other jobs or gainful occupations that would interfere with the performance of the duties of a judge, weaken the confidence in their impartiality or prejudice the authority of the office of a judge.

§ 3. A judge shall not:

- 1) be a member of a management board, supervisory board or an auditing committee of a commercial company;
- 2) be a member of a management board, supervisory board or an auditing committee of a cooperative;
- 3) be a management board member of a foundation conducting a business activity;
- 4) hold more than 10 percent of stocks in a commercial company or shares representing more than 10 percent of the company's share capital;
- 5) conduct business activity on its own or with third parties, and manage such business, or be a representative or an attorney with regard to such business.

§ 3a. 'Commercial company' shall mean a commercial company and any other company subject to commercial law, including a company under foreign law.

§ 3b. (repealed).

§ 3c. (repealed).

§ 3d. Election or appointment to the management of a company, cooperative or foundation contrary to paragraph 3(1)-(3) shall be void ipso jure and shall not be subject to entry in the relevant register.

§ 4. An appeal court judge and a regional court judge notify the president of a competent court, and the presidents of such courts notify the Minister of Justice, of the intention to take up additional employment referred to in Article 86(1), other job or gainful occupation. A district court judge submits the notification referred to in the first sentence to the president of a competent regional court.

§ 5. The president of a competent court with respect to a judge, and the Minister of Justice with respect to the president of a court of appeal and the president of a regional court, issues a decision opposing the employment at the post of an academic teacher, academic teacher and researcher or a researcher at a university if, in their opinion, such employment may interfere with the performance of the duties of a judge, and opposing taking up or continuing other job which interferes with the performance of the duties of a judge, weakens the confidence in judge's impartiality or prejudices the authority of the office of a judge.

§ 6. (repealed)

**Article 87.** § 1. Judges, court directors and their deputies shall be obliged to submit declarations of their assets. An asset declaration shall cover both personal assets and marital property. The declaration must in particular contain information on:

- 1) money;
- 2) immovable properties owned and the legal title to their ownership;
- 3) any movable item owned of a value exceeding PLN 10 000
- 4) capital and shares in commercial companies;
- 5) financial instruments within the meaning of the Trade in Financial Instruments Act of 29 July 2005 (Journal of Laws of 2016, item 1636, as amended ) other than those indicated in subparagraph 4;
- 6) income subject to personal income tax earned in the year preceding the date of submission of the declaration, if its total value exceeds PLN 10 000 and its sources, except for income earned from office as a judge or employment as a director or deputy director of a court;
- 7) property acquired by the declarant or their spouse from the State Treasury, another state legal person, a local authority, an association of local authorities or a local authority legal person that was subject to disposal by a tender procedure;
- 8) monetary receivables and liabilities of a value exceeding PLN 10 000.

§ 1a. The declaration referred to in Article 87(1) is submitted in two counterparts.

§ 2. Judges shall submit the declaration referred to in paragraph 1 to the appeal court president with territorial jurisdiction, whilst court directors and their directors shall submit it to the Minister for Justice.



§ 3. The college of the appeal court with territorial jurisdiction shall analyse, by 30 June each year, the information given in the declarations submitted by judges under paragraph 1 and shall present the findings of the analysis to the general assembly of appeal court judges. The Minister for Justice shall analyse, by 30 June each year, the information given in the declarations submitted by court directors or deputy directors under paragraph 1.

§ 4. Presidents of courts of appeal submit the declaration referred to in Article 87(1) to the National Council of the Judiciary, which analyses the content thereof by 30 June each year.

§ 5. The declaration referred to in paragraph 1 shall be submitted within 30 days of the day on which the judge takes up office, or the court director or deputy director is appointed to office, reflecting the situation on the day on which they take up office or are appointed, and subsequently by 30 April each year, reflecting the situation at 31 December of the previous year, and within 30 days of the day on which the judge leaves office or the court director or deputy director are dismissed, reflecting the situation on the day on which they leave office or are dismissed.

§ 5 a. The declaration submitted by a judge on taking up office or by a court director or deputy director on being appointed shall not contain the information referred to in paragraph 1(6). The declaration submitted by a judge on leaving office or by a court director or deputy director on being dismissed shall contain the information referred to in paragraph 1(6) for the period from 1 January of the year in which they leave office or are dismissed up to the date on which they leave office or are dismissed.

§ 6. The information in the declaration referred to in paragraph 1 shall be made public, including the first name and surname but excluding address details, information on the location of immovable property and information making it possible to identify movable property. At the request of the judge, court director or court deputy director who submitted a declaration, the entity authorised to receive the declaration may decide that the information in it be subject to the protection envisaged for confidential information classed as 'sensitive' as defined in the Protection of Confidential Information Act of 5 August 2010, if disclosure could endanger the declarant or their kith and kin. The Minister for Justice shall be authorised to lift that classification in relation to declarations referred to in paragraph 1 submitted by judges. Article 6(3) of the Protection of Confidential Information Act shall not apply to that authorisation.

§ 6a. The entity authorized to receive the statements publishes non-classified information contained in financial disclosure statements in the Public Information Bulletin, referred to in the Act of 6 September 2001 on Access to Public Information (Journal of Laws of 2016, item 1764) not later than by 30 June each year

§ 7. The declaration referred to in Article 87(1) is kept for six years.

§ 8. The entity authorised to receive the asset declaration shall send one copy thereof to the tax office competent for the place of residence of the judge, court director or court deputy director. The competent tax authority shall be authorised to analyse the data in the declaration, including by comparing the content of the declaration with the content of previously submitted declarations and annual tax returns. If the result of the analysis gives rise to reasonable doubts as to the legality of the origin of the assets disclosed in the declaration, the tax office shall refer the case for appropriate handling on the basis of separate provisions.

§ 9. The statement referred to in Article 87(1) shall be submitted under pain of criminal liability for false testimony. The person submitting the statement shall include the following clause: "I am aware of the criminal liability for false testimony." The clause substitutes the authority's notice concerning criminal liability for false testimony.

**Article 88.** The Minister for Justice shall lay down, by regulation, a specimen form for the declaration referred to in Article 87(1) specifying the content of the declaration and the clause referred to in Article 87(9), taking account of the need for those bound to submit declarations to declare their assets properly.

**Article 88a. § 1. A judge shall be obliged to submit a written statement on the following matters**

**1) membership in an association, including a society - with the indication of the name and seat of the association, the functions performed and the period of membership;**

**2) the function performed in the governing body of a foundation not conducting business activity - with the indication of the name and seat of the foundation and the period of performing the function;**

**3) membership in a political party before appointment to the position of judge, as well as during the term of office before 29 December 1989 - with the indication of the name of the party, the functions performed and the period of membership;**

**§ 2. The statements referred to in § 1 shall be submitted by the judges to the president of the relevant appellate court and by the presidents of appellate courts to the Minister of Justice.**

**§ 3. The statements referred to in § 1 shall be submitted within 30 days from the date of taking up the office of a judge, and also within 30 days from the creation or cessation of the circumstances referred to in § 1.**

**§ 4. The information contained in the statements referred to in § 1 shall be public and shall be made available in the Public Information Bulletin referred to in the Act of 6 September 2001 on Access to Public Information, not later than 30 days after the date of submitting the statement to an authorised entity.**

**Art. 88b. § 1. The competent president of the court publishes information in the Public Information Bulletin about the first and subsequent appointments of judges of the court he or she heads.**

**§ 2. The announcement referred to in § 1 shall contain information on the following**

**1) the appointing authority and the applicant for appointment;**

**2) the date of appointment;**

**3) the official place (seat) of the judge;**

**Article 89.** § 1. A judge may lodge requests, motions and complaints in matters related to the held office of a judge only through official channels. The judge shall not refer such matters to third persons or institutions, nor make such matters public.

§ 2. A judge may resolve matters related to claims under the service relationship before a court.

§ 3. Paragraph 1 shall not apply to claims, requests or complaints sent by judges directly to the National Council of the Judiciary, the Ombudsman or the Minister for Justice.

**Article 90.** A district court judge and a regional court judge shall immediately notify the president of the regional court, and an appeal court judge and the president of the regional court – the president of the court of appeal, and the president of the court of appeal – the Minister of Justice about any court proceedings, to which they are a party or a participant.

**Article 91.** § 1. The salary of judges at equal posts varies depending on the seniority and functions performed.

§ 1a. (repealed)

§ 1b. (repealed)

§ 1c. The base for the basic salary of a judge in a given year is the average remuneration in the second quarter of the preceding year announced in the Official Gazette of the Republic of Poland "Monitor Polski" by the President of the Central Statistical Office under Article 20 item 2 of the Act of 17 December 1998 on Pensions from the Social Insurance Fund, subject to Article 91(1d).

§ 1d. If the average remuneration referred to in Article 91(1c) is lower than the average salary announced for the second quarter of the preceding year – the base for the basic salary of a judge in the previous amount is assumed.

§ 2. The basic salary of a judge is determined in rates, the amount of which is calculated by applying multiplying factors of the base for the basic salary referred to in Article 91(1c). Rates of the basic salary at particular judicial posts and the multiplying factors applied for calculating the amount of basic salary of judges at particular rates are provided for in the Annex to the act.

§ 2a. (repealed)

§ 3. (repealed)

§ 4. (repealed)

§ 4a. (repealed)

§ 5. (repealed)

§ 6. In connection with the performance of their function, a judge is entitled to a special duty allowance.

§ 7. The remuneration of judges also varies depending on the long-service allowance, amounting to, from the beginning of the sixth year of work, 5 percent of the basic salary and increasing annually by 1 percent, no higher, however, than 20 percent.

§ 8. The Minister of Justice, after consulting the National Council of the Judiciary, specifies, by regulation, the functions for which judges are entitled to special duty allowances and the manner of determining the allowances, taking into consideration the type of function, the size of the organisational unit and the scope of duties.

§ 9. No social insurance contributions are paid on the remuneration of judges.

§ 10. Should the service relationship of a judge terminate or expire in the manner referred to in Article 68, a contribution to the Social Insurance Institution is paid, for the term of office in which the judge received remuneration, and in which no social insurance contributions were paid, as stipulated in respect of such a period in the provisions on the social insurance.

§ 11. The social insurance contribution referred to in Article 91(10) is subject to adjustment:

- 1) for the period until 31 December 1998, by the wage growth rate resulting from the projected rise in average remuneration, determined on an annual basis in the Budget Act, which constituted the basis for determining resources and limits for remuneration of judges;
- 2) for the period from 1 January 1999, by a contribution adjustment rate specified under the provisions on pensions from the Social Insurance Fund.

§ 12. Article 19(1) of the Act of 13 October 1998 on Social Insurance System (Journal of Laws of 2015, item 121) applies accordingly to the calculation of the amount of due contributions adjusted under Article 91(11) item 2.

§ 13. The contribution referred to in paragraph 10 shall not be paid where the judge resigns from office due to having been appointed to a prosecutor's post. Where the prosecutor's service relationship is subsequently terminated or expires as referred to in Article 93 of the Prosecution Act of 28 January 2016 (Journal of Laws 2016, items 177, 1579, 2103, 2149 and 2261; and 2017, items 38 and [...]), the contribution due for the period of service in the judge's post shall be made in accordance with the rules laid down in paragraphs 10 to 12.

**Article 91a.** § 1. A judge taking up a post in a district court is entitled to a basic salary according to the first rate. A judge taking up a post in a regional court is entitled to a basic salary according to the fourth rate, and if at a lower judicial post the judge received a salary according to the fourth or fifth rate, they are entitled to a basic salary according to the fifth or sixth rate respectively. A judge taking up a post in a court of appeal is entitled to a basic salary according to the seventh rate, and if at a lower judicial post the judge received a salary according to the seventh or eighth rate, they are entitled to a basic salary according to the eighth or ninth rate respectively.

§ 2. If prior to taking up a judicial post a judge held a different, equal post of a judge or a public prosecutor, for the post taken up, they are entitled to a basic salary according to a rate not lower than the rate according to which they received salary at the post held previously.

§ 3. The basic salary of a judge is determined according to the immediately higher rate after the period of five consecutive years of work at a given judicial post.

§ 4. To the period of work at the post of a district court judge the period of work at the post of an assistant judge is added.

§ 5. In respect of a judge who at the time of taking up the post in a regional court was entitled to a basic salary according to the fourth or fifth rate, as well as a judge who at the time of taking

up the post in a court of appeal was entitled to a basic salary according to the seventh or eighth rate, the period of work required to receive salary according to the immediately higher rate includes the period of work at the post directly lower, at which the judge was entitled to a basic remuneration according to the third or fourth, sixth or seventh rate, respectively.

§ 6. The period of employment referred to in paragraph 3 shall be extended by three years if, during that period, a judge has been the object of a disciplinary penalty other than a warning, findings of error under the procedure referred to in Article 40 on three occasions or notices issued under the procedure referred to in Article 37(4) on three occasions.

**Article 92.** § 1. A judge is entitled to annual additional leave of:

- 1) six business days – after ten years of work;
- 2) twelve business days - after fifteen years of work.

§ 2. The period of work on which the number additional days off depends includes all periods of employment in a court or public prosecutor's office at the posts of: assistant judges, assistant prosecutors, judges and public prosecutors, in the State Treasury Prosecutors' Office at the posts of: the president or vice president of, or a senior counsel or counsel for the State Treasury Prosecutors' Office, as well as periods of pursuing the profession of an advocate or a legal counsel, or holding an independent post in the public authorities, to which legal practice was related, and other periods of employment if such employment provided for additional leave.

§ 3. A judge is entitled to a jubilee award in the amount of:

- 1) 100 percent of the monthly remuneration – after twenty years of work;
- 2) 150 percent of the monthly remuneration – after twenty five years of work;
- 3) 200 percent of the monthly remuneration – after thirty years of work;
- 4) 250 percent of the monthly remuneration – after thirty five years of work;
- 5) 350 percent of the monthly remuneration – after forty years of work;
- 6) 400 percent of the monthly remuneration – after forty five years of work.

§ 4. The period of work entitling to receive a jubilee award includes all previous ended periods of employment and other periods, if such periods are counted towards the period of work determining employee entitlements under separate provisions.

§ 5. A jubilee award is paid immediately after the judge becomes eligible for receiving such an award, and if in the personal files of the judge there are no documents confirming the lapse of periods referred to in Article 92(4) – immediately after the judge proves their eligibility for receiving such an award; the remuneration of the judge as at the day on which they become eligible for receiving the award, calculated as per the provisions concerning the calculation of a cash equivalent for holiday leave, constitutes the basis for determining the amount of the jubilee award. When determining the amount of the jubilee award, the decrease in the remuneration referred to in Article 129(3) is taken into account.

§ 6. An anniversary bonus shall be paid on the day a judge retires if, on that day, the judge is missing less than twelve months of work before becoming entitled to that bonus.

**Article 93.** § 1. A judge may be granted paid leave for health reasons in order to undergo a prescribed treatment, if such treatment requires them to refrain from service.

§ 2. Leave for health reasons must not exceed six months.

§ 3. The health leave is granted by the Minister of Justice.

§ 4. Where the request to grant leave for health reasons is rejected, the judge shall be entitled to lodge an appeal with the Supreme Court within 14 days of delivery of the refusal.

**Article 94.** § 1. 1. While absent from work due to sickness, a judge shall receive 80 % of their remuneration for no longer than one year. Previous interruptions in service for reasons of illness or paid convalescent leave shall count towards this period if the period of active service has not exceeded 60 days. After a year of absence from work due to sickness, a judge shall receive 50 % of their remuneration.

§ 1a. If a judge is absent from work due to:

- 1) accident at work or while commuting to or from work,
- 2) illness during pregnancy,
- 3) illness caused by specific characteristics or conditions of performing the duties of a judge,
- 4) illness caused by another person as a result of committing an intentional offence by such a person, in connection with performing the duties of a judge, confirmed by a certificate issued by an authorised body,
- 5) undergoing necessary medical examination as required of cell, tissue or organ donor candidates and undergoing a cell, tissue or organ taking procedure

– judges shall retain their entitlement to 100 % of their remuneration, but not for longer than one year; The second and third sentences of paragraph 1 shall apply.

§ 1b. If a judge falls ill with a disease suspected of having been caused by specific characteristics or conditions of performing the duties of a judge, the president of the given court, ex officio or at the judge's request, refers the judge to a certifying physician of the Social Insurance Institution. The judge may appeal against the certificate of the certifying physician to the medical committee of the Social Insurance Institution within fourteen days from the delivery of the certificate.

§ 1c. An illness caused by specific characteristics or conditions of performing the duties of a judge means an illness caused by harmful agents in the judge's place of service.

§ 1d. Costs of the examination and issuance of the certificate by the certifying physician and the medical committee of the Social Insurance Institution are covered by the State Treasury from funds at the disposal of the Minister of Justice.

§ 2. If a judge is unable to perform work for other reasons entitling them to receive the benefits provided for in the provisions on cash benefits from the social insurance, they are entitled to receive the remuneration in the amount equal to the social insurance cash benefits, for the period laid down in those provisions.

§ 2a. The period of absence from work due to an illness and the inability to perform work referred to in Article 94(2) is confirmed by a medical certificate issued pursuant to Article 55(1) and Article 55a(7) of the Act of 25 June 1999 on Cash Benefits under Social Insurance in the event of Illness or Maternity (Journal of Laws of 2014, item 159, and of 2015, item 1066) or a hard copy of the medical certificate referred to in Article 55a(6) of the said act, however, in the event:

- 1) of undergoing necessary medical examination as required of cell, tissue or organ donor candidates and the inability to work as a result of undergoing a cell, tissue or organ taking procedure – a certificate issued by a physician on a standard form in accordance with Article 53(3) of the Act of 25 June 1999 on Cash Benefits under Social Insurance in the event of Illness or Maternity;
- 2) referred to in Article 6(2) item 1 of the Act of 25 June 1999 on Cash Benefits under Social Insurance in the event of Illness or Maternity – a decision issued by a competent authority or entity authorised under the provisions on preventing and combating infections and infectious diseases among people;
- 3) of maternity leave – a medical certificate issued on a standard form specifying the expected date of confinement – for the period before the confinement, an abridged birth certificate of the child or a copy thereof – for the period after confinement;
- 4) of the need to personally take care of the judge's own child or a child of the judge's spouse, a foster child, a child taken in for care and support until the age of 8, in the event of:
  - a) unexpected closing of a nursery, kids club, kindergarten or school to which the child attends, as well as in the event of sickness of the nanny with whom parents entered into an activating contract referred to in Article 50 of the Act of 4 February 2011 on Care for Children under the Age of Three (Journal of Laws of 2013, item 1457, and of 2015, item 1045) or a daycare provider, taking care of the child,

- b) confinement or illness of the judge's spouse or the parent of the judge's child who takes care of the child on an ongoing basis, if the confinement or illness prevents the spouse or parent from taking care of the child,
  - c) stay of the judge's spouse or the parent of the judge's child who takes care of the child on an ongoing basis in a hospital or other healthcare institution conducting medical activities that provides stationary and day-and-night health care services
- the judge's declaration.

§ 2aa. The medical certificate is delivered with the use of the information profile referred to in Article 58(1) of the Act of 25 June 1999 on Cash Benefits under Social Insurance in the event of Illness or Maternity, in accordance with the principles set out in the said act. President of courts use or create the information profile of a contribution payer referred to in Article 58(1) of the act.

§ 2b. The hard copy of the medical certificate referred to in Article 55a(6) of the Act of 25 June 1999 on Cash Benefits under Social Insurance in the event of Illness or Maternity, the medical certificate referred to in Article 55a(7) of the said act, the certificate issued by a physician on a standard form in cases referred to in Article 94(2a) items 1 and 3, the decision, the abridged birth certificate of the child or a copy thereof shall be delivered by the judge to the president of the court within seven days from the date of their receipt.

§ 2c. A judge shall provide the president of the court with a declaration on the occurrence of circumstances referred to in Article 94(2a) item 4 within seven days from their occurrence.

§ 2d. In the event of failure to meet the obligation referred to in Article 94(2b) and (2c), the absence is deemed as unjustified, unless the failure to deliver the certificate, decision, abridged birth certificate of the child or a copy thereof or to make the declaration was due to reasons beyond the judge's control.

§ 3. Other instances of a judge's justified absence from work are paid.

§ 4. Where employees covered by the social insurance are entitled to receive benefits irrespective of their right to receive the remuneration, a judge is entitled to receive a cash benefit in the amount equal to the social insurance benefit.

**Article 94a.** § 1. A judge who as a result of an accident at work or an occupational disease suffered a permanent or long-lasting detriment to health is entitled to one-off compensatory damages.

§ 2. Family members of a judge who died as a result of an accident at work or an occupational disease are entitled to one-off compensatory damages. The compensatory damages are also paid in the event of death as a result of an accident at work or an occupational disease of a retired judge, who died having being declared permanently unable to perform the duties of a judge as a result of an accident at work or an occupational disease.

§ 3. One-off compensatory damages and the increase thereof, as well as one-off compensatory damages for family members of a judge or a retired judge, are determined in accordance with the principles and in the amount laid down in the Act of 30 October 2002 on Social Insurance in respect of Accidents at Work and Occupational Diseases (Journal of Laws of 2009, No 167, item 1322, as amended).

§ 4. Compensatory damages stipulated herein are paid regardless of other benefits provided for in the act.

§ 5. The State Treasury covers the costs of effects of accidents at work or occupational diseases, related to medical services in the field of dentistry and preventive vaccination, to which a judge was referred by a certifying physician of the Social Insurance Institution, at the request of a treating physician, which are not refunded by the National Health Fund under separate provisions. The State Treasury also covers the costs of orthopaedic devices in the amount of the insured's own contribution as laid down in the provisions on the health insurance.

**Article 94b.** § 1. A certifying physician of the Social Insurance Institution assesses, in the form a certificate, the detriment to health and its relation to the accident at work or the occupational disease, as well as determines the relation between the death of a judge or a retired judge and such an accident or an occupational disease. Costs of the examination and issuance

of the certificate are covered by the State Treasury from the funds at the disposal of the Minister of Justice.

§ 2. The certifying physician of the Social Insurance Institution delivers the certificate referred to in Article 94b(1) to the judge concerned or family members of the deceased judge or of the deceased retired judge, and to the president of the court of appeal competent to issue the decision referred to in 94b(4) or to the Minister of Justice.

§ 3. One-off compensatory damages are granted at the request of a judge, and in the event of death of a judge or a retired judge – at the request of entitled members of their family. The college of a competent court may also lodge a request for granting compensatory damages.

§ 4. One-off compensatory damages are granted or refused to be granted, and the amount thereof is determined, by way of a decision, and the benefit is paid by:

- 1) the president of a competent court of appeal – for an accident at work or occupational disease of a district court judge, regional court judge or appeal court judge;
- 2) the Minister for Justice, as regards workplace accidents or occupational illnesses of appeal court presidents and judges delegated to perform tasks at the Ministry of Justice, the Office of the President of the Republic of Poland or the ministry responsible for foreign affairs.

§ 5. The president of the court of appeal or the Minister of Justice issues the decision referred to in Article 94b(4) within 14 days from the date of:

- 1) receipt of the certificate of the certifying physician;
- 2) clarification of the last fact necessary to issue the decision.

§ 6. One-off compensatory damages are paid ex officio within 30 days from the date of the decision referred to in Article 94b(4).

§ 7. The judge or entitled family members of the judge or of the retired judge may appeal against the decision referred to in Article 94b(4) to a regional court – labour and social insurance court. Provisions of the Code of Civil Procedure on proceedings in cases in the field of social insurance apply to the foregoing cases.

§ 8. In matters not regulated herein, the provisions on employees provided for in the act referred to in Article 94a(3) apply accordingly to accidents at work and occupational diseases of a judge.

**Article 94c.** § 1. The president of the court and, at their request, the Social Insurance Institution are entitled to control whether the judge uses the sick leave in accordance with its intended purpose.

§ 2. At the request of the president of the court, the Social Insurance Institution is entitled to control whether the sick leave was granted to a judge correctly and reasonably.

§ 3. A judge who in the period of the declared inability to work pursues gainful employment, including as referred to in Article 86(1) and (2), or who uses the sick leave in a manner inconsistent with its intended purpose loses the right to remuneration for the entire period of the sick leave.

§ 4. If a judge refuses to undergo a medical check-up or fails to deliver medical records to the certifying physician of the Social Insurance Institution, they lose the right to remuneration as of the day following the indicated date of the check-up or following the expiry of the indicated period for the delivery of medical records. The loss of remuneration is ascertained by the president of the court.

§ 5. Costs of control proceedings are covered by the State Treasury from the funds at the disposal of the Minister of Justice.

§ 6. Within the scope of control whether the sick leave is used in accordance with its intended purpose, control of the correctness of the sick leave and rules governing the loss of remuneration referred to in Article 94c(1), (2) and (4), provisions on cash benefits under social insurance in the event of illness or maternity apply accordingly.

**Article 94d.** § 1. The Minister for Justice shall send a judge who, owing to illness or paid leave for health reasons, has not performed their duties for a period of one year established in

accordance with the second sentence of Article 94(1) and who has submitted an application for examination by a Social Security Institution medical examiner, for that examination.

§ 2. The Minister for Justice may also, of their own motion, send the judge referred to in paragraph 1 for examination by a Social Security Institution medical examiner.

§ 3. If a Social Security Institution medical examiner finds that the judge is not capable of performing their duties for the time being, where medical treatment or rehabilitation suggest that they will regain the capacity to work, the Minister for Justice shall grant the judge convalescent leave for a period of one to three months.

§ 4. During convalescent leave, each month from the date on which the finding referred to in paragraph 3 was delivered, the judge must undergo examination by a Social Security Institution medical examiner, who shall find the judge to be either not capable of performing their duties for the time being or capable of performing their duties, unless the Minister for Justice exempted the judge from that obligation when they granted convalescent leave.

§ 5. The Social Security Institution medical examiner shall deliver the finding referred to in paragraphs 3 and 4 to the judge concerned, to the president of the regional court or appeal court, and to the Minister for Justice.

§ 6. A judge shall be entitled to appeal to the Social Security Institution medical committee against the finding of the medical examiner referred to in paragraphs 3 and 4 within 7 days of service of that finding.

§ 7. The costs of the examination and the issuing of a finding by a medical examiner and the Social Security Institution medical committee shall be covered by the State Treasury from funds at the disposal of the Minister for Justice.

**Article 94e.** § 1. The list of Social Security Institution medical examiners authorised to carry out the examinations referred to in Article 94d(1), (2) and (4), indicating their specialisation, shall be established by the Minister for Justice in agreement with the President of the Social Security Institution.

§ 2. In the cases referred to in Article 94d(1), (2) and (4), the Minister for Justice shall designate a medical examiner from the list referred to in paragraph 1, taking account of their specialisation and bearing in mind the necessity of carrying out the examination without delay.

**Article 94f.** While on convalescent leave judges shall be entitled to 80 % of their remuneration.

**Article 94g.** § 1. The failure of a judge to undergo the examination by a Social Security Institution medical examiner referred to in Article 94d(4) shall result in a reduction in their remuneration of up to 50 %.

§ 2. If the judge or another person demonstrates that the failure to undergo the examination referred to in Article 94d(4) occurred for reasons beyond the judge's control, the Minister for Justice shall order the payment to the judge of the unpaid remuneration.

**Article 95.** § 1. A judge should reside in the town or city being the seat of the court in which they perform service.

§ 2. In justified cases, the president of the regional court with respect to a district court judge and a regional court judge, the president of the court of appeal with respect to a judge of the said court, and the Minister of Justice with respect to the president of a regional court and the president of a court of appeal may give consent for the judge to reside in another town or city.

§ 3. Where the consent referred to in paragraph 2 is granted, the judge shall be entitled to reimbursement of travel costs from their place of residence to the seat of the court, a division at another location or a centre set up at a location other than the seat of the court, in accordance with the rules for determining the amounts due to employees for business travel within the country.

§ 4. The reimbursement of costs referred to in paragraph 3 shall not be permitted if the change in the place of employment was the result of a decision imposing the disciplinary measure referred to in Article 109(1)(4) and a decision by a disciplinary court to assign the judge to another



place of employment to maintain the dignity and integrity of the office, unless the judge was not at fault for the transfer.

**Article 96.** § 1. A judge may be granted financial support, in the form of a loan, to satisfy their residential needs.

§ 2. Funds for the financial support referred to in Article 96(1) amount to 6 percent of the annual remuneration fund for judges.

§ 3. The Minister of Justice, in consultation with the minister competent for public finances, specifies, by regulation, a procedure for planning and using the funds to satisfy the residential needs of judges and the terms and conditions of granting the financial support referred to in Article 96(1), taking into account the involvement of a judge's own resources, the participation of colleges of courts in granting the support and the principles of reasonable management of funds, and in accordance with the principle that if the service relationship of a judge terminates or expires as referred to in Article 68, the loan shall be repaid with interests at a rate applicable to generally available bank loans.

**Article 97.** § 1. If a judge is called up to non-professional military service, their official rights and duties are suspended for the period of the service. The judge retains, however, their post and the right to remuneration, and the period of military service is included in the period of the service relationship at the post of a judge.

§ 2. Other special entitlements related to the service relationship of a judge called up to active military service and exempted from such service are governed by the provisions on the general obligation to defend the Republic of Poland or the provisions on the military service of professional soldiers.

§ 3. A judge called up to non-professional military service performs the service in military courts bodies.

**Article 98.** § 1. A judge applying for the seat of a Sejm deputy or a senator, or for the seat of a councillor is granted unpaid leave for the time of the election campaign.

§ 2. A judge who was appointed, designated or selected to perform a function in state authorities, self-governmental bodies, diplomatic or consular service or bodies of international or supranational organisations acting under international agreements ratified by the Republic of Poland shall immediately resign from their office, unless the judge retires.

§ 3. A judge who resigned from their office for reasons specified in Article 98(2) may return to the office of a judge and the post previously held if the break in the performance of the duties of a judge is not longer than nine years, save when the judge performed judicial or public prosecutor's functions in international or supranational judicial bodies.

§ 4. In the event stipulated in Article 98(3), the National Council of the Judiciary, on the initiative of the person concerned, submits to the President of the Republic of Poland a request for appointment of a former judge to the office of a judge, unless such a person fails to fulfil the conditions for the appointment to the office of a judge. After the appointment to the office, a judge is re-appointed to their previous post and place of service, regardless of the number of judicial posts in the given court.

§ 5. If the submission of the request referred to in Article 98(4) to the President of the Republic of Poland is refused, the person concerned may lodge an appeal with the Supreme Court.

§ 6. Provisions Article 98(2)–(5) do not apply to the appointment of a judge to the post of the undersecretary of state in the Ministry of Justice. In such an event, a judge is delegated to the Ministry of Justice in accordance with the provisions stipulated in Article 77(1), for the period within which the judge holds such a post.

**Article 99.** A retired judge may use their previous title adding the word "retired".

**Article 100.** § 1. Judges who have been retired as a result of changes to the organisation of the courts or to the boundaries of court regions shall be entitled, until the age of 65, to emoluments equalling the remuneration received for the last post held.

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

§ 3. The emolument referred to in Article 100(1) and (2) is increased in line with changes of the basic salaries of active judges.

§ 4. A judge who retires is entitled to a one-off severance payment in the amount of six-month's remuneration.

§ 4a. In the case referred to in section 1, a retired judge shall receive a lump-sum payment on reaching the age of 65 years.

§ 4b. On retiring or being retired, a judge who has returned, under Article 74(1a), to the post previously held or a post equivalent to that previously held shall be entitled to a lump-sum payment of the difference between the sum calculated on the date of retirement or being retired and the sum already paid. In the case referred to in section 1, the payment shall be due on reaching 65 years of age.

§ 5. A judge is not entitled to receive an old age pension or a disability pension from the Social Insurance Fund for work at the post of a judge, subject to instances referred to in Article 91(10).

§ 6. If the right to the retirement emolument concurs with the right to receive an old age or a disability pension from the Social Insurance Fund, only the emolument is paid, subject to Article 100(7).

§ 6a. Should the concurrence of rights referred to in Article 100(6) concern a judge who retires or is retired in accordance with Article 100(2), and who is a member of an open pension fund, the resources gathered in the account of the open pension fund are transferred by the fund, through the Social Insurance Institution, to the state budget.

§ 6b. If the right to the retirement emolument concurs with the right to receive a family emolument, the entitled person, at their request, receives either the retirement emolument or the family emolument.

§ 7. Should the concurrence of rights referred to in Article 100(6) concern a retired judge who until the retirement was employed under part-time appointment to a judicial post pursuant to Article 62, both the old age pension and the emolument are paid, however, the emolument is limited in such a way that the total of the old age pension and the emolument does not exceed the amount of the total emolument the retired judge would have been entitled to if he had not been appointed to perform the service part-time.

§ 8. The remuneration for work at the post of a judge and the retirement emolument constitute income that causes the suspension of the right to an old age pension or a disability pension or the reduction of such benefits, within the meaning of the provisions on pensions from the Social Insurance Fund. The president of the competent court and the judge entitled to receive benefits from the Social Insurance Fund shall notify the pension body about receiving remuneration or emolument and the amount thereof, in accordance with the principles and on dates specified in the provisions on pensions from the Social Insurance Fund.

**Article 101.** § 1. In the event of death of a judge, their family is entitled to a survivor's severance payment in accordance with the principles stipulated in the Labour Code for employees' families. The period of employment on which the amount of the severance payment depends includes all periods of employment at the posts of an assistant judge or a judge.

§ 2. In the event of death of a judge, a retired judge or a member of their family, the person who covered the costs of the funeral is entitled to a cash benefit in the amount and on terms specified in the principles governing the funeral payments from the social insurance.

§ 3. The provision of Article 101(2) applies accordingly in the event of death of the person receiving a family emolument or of a family member of that person.

§ 4. If the right to the benefit referred to in Article 101(2) and (3) concurs with the right to receive funeral payments from the social insurance, the entitled person receives only one benefit selected thereby.

**Article 102.** § 1. In the event of death of a judge or a retired judge, their family members eligible to receive a family pension pursuant to the provisions on pensions from the Social Insurance Fund are entitled to a family emolument in the amount of:

- 1) for one entitled person - 85 percent,
- 2) for two entitled persons - 90 percent,
- 3) for three or more entitled persons - 95 percent

– of the base.

§ 2. The base for the family emolument a family is entitled to is:

- 1) in the case of the family of a deceased retired judge – the emolument to which the deceased retired judge was entitled at the time of death, subject to item 2;
- 2) in the case of the family of a deceased judge or a deceased judge retired under Article 100(1) – the emolument the deceased judge was entitled to at the time of death, pursuant to Article 100(2).

§ 3. Article 100(3) applies accordingly to the emolument referred to in Article 102(1).

§ 4. If the right to the family emolument concurs with the right to an old age pension or a disability pension, the entitled person, at their request, receives either the family emolument, or the old age or disability pension.

§ 5. The family emolument may be increased by a supplement for complete orphans in the amount and on terms specified in the provisions on pensions from the Social Insurance Fund.

**Article 103.** The Minister for Justice shall, in consultation with the minister responsible for labour affairs, lay down, by regulation, the methods and procedures for the determination and payment of salaries to retired judges and family allowances to family members of judges and retired judges, as well as deadlines for the payment to the Social Security Office (Zakład Ubezpieczeń Społecznych) of the contributions referred to in Article 91(10) and (11), taking into account the need to ensure that those entitled are continuously provided with means of subsistence, salaries and family allowances.

**Article 104.** § 1. A retired judge shall maintain the authority as appropriate for a judge.

§ 2. A retired judge is liable to disciplinary actions for the impairment of the authority of the office of a judge after retirement and the impairment of the authority of the office of a judge during service.

§ 3. The provisions on the disciplinary liability of judges apply accordingly to the disciplinary liability of retired judges, save that instead of penalties stipulated for judges, the disciplinary court may impose the penalties of:

- 1) an admonition;
- 2) a reprimand;
- 2a) reduction of emoluments by 5 % to 50 % for a period of six months to two years;
- 3) a suspension of the increase of the emolument referred to in Article 100(3) for a period from one year to three years;
- 4) a deprivation of the right to retirement with the right to the emolument.

§ 3a. If the penalty of deprivation of the right to retirement with the right to the emoluments has been imposed, the judgment shall result in a reduction of the emoluments to 50% until such time as the disciplinary proceedings become final. However, if the disciplinary proceedings become final with the imposition of a penalty other than the deprivation of the right to retirement with the right to the emoluments, the emoluments shall be repaid in full.

§ 4. The conviction of a retired judge by final court judgment for deprivation of public rights for an offence committed after retiring, as well as before retiring, or by a final ruling imposing the penalty of removal from service for misconduct committed, including in the period before

retirement, results in the loss of entitlements to retirement and the retirement emolument as well as to the family emolument for family members of the judge.

§ 5. If the penalty referred to in Article 104(3) item 4 is imposed or in cases provided for in Article 104(4), the judge deprived of the right to retirement and to the emolument or their family member deprived of the right to the family emolument acquires the right to an old age pension or a disability pension, provided that the person fulfils the requirements specified in the provisions on social insurance.

**Article 105.** § 1. Articles 84(3) and 86 shall apply mutatis mutandis to retired judges. Articles 77 (1), (6)-(6b) and (8), 79, 82, 82a, 83, 85, 87-90, 94a and 94b shall also apply mutatis mutandis to retired judges who have been assigned the role of inspecting judge. Retired judges who have been assigned the role of inspecting judge shall be entitled to leave from work for a period equivalent to annual leave.

§ 2. Judges who have retired in accordance with Article 69(1), (1b), (2) and (2b) and judges who were retired due to changes in court organisation or changes in the boundaries of court regions may be assigned, with their consent, the role of inspecting judge at the Ministry of Justice or a court. Retired judges performing the role of inspecting judge at a court shall be entitled to a post allowance at the amount envisaged for inspecting judges. Article 37d shall apply mutatis mutandis to the assignment of the role of inspecting judge at a court. The role of inspecting judge at the Ministry of Justice shall be assigned by the Minister for Justice for a fixed period of no longer than two years or for an indefinite period. Article 78(2)-(4) shall apply mutatis mutandis.

§ 3. The entrustment of the function of an inspecting judge to a retired judge and the consent to hold this function by a retired judge may be revoked, with one month's notice.

§ 4. The possibility of holding the function of an inspecting judge is excluded if the retired judge applies for the seat of a Sejm deputy, a senator or a councillor, or holds functions referred to in Article 98(2).

**Article 106.** The provisions of Article 91(10) and (11) apply accordingly in the event of the loss of entitlements to retirement and the emolument, as referred to in Article 104(5).

## **Chapter 2a**

### **Judge's performance evaluation and professional development planning system**

Article 106a – Article 106g. (repealed)

## **Chapter 2b**

### **Assistant Judges**

**Article 106h.** A person applying for an assistant judge's post must:

- 1) meet the conditions laid down in Article 61(1)(1) to (4);
- 2) have completed legal training at the National School of Judiciary and Public Prosecution;
- 3) have passed the examination for judges or prosecutors.

**Article 106i.** (repealed)

**Article 106j.** § 1. When exercising their function, an assistant judge is independent and is bound only by the Constitution and acts.

§ 2. An assistant judge cannot be a member of any political party or trade union nor can they perform any public functions impossible to be reconciled with the principles of independence of the courts and assistant judges.

§ 3. An assistant judge applying for the seat of a Sejm deputy or a senator, or for the seat of a councillor is granted unpaid leave for the time of the election campaign. The period of leave granted is not included in the period referred to in Article 61(1) item 7.

§ 4. An assistant judge who was appointed, designated or selected to perform a function in state authorities, self-governmental bodies, diplomatic or consular service or bodies of international or supranational organisations acting under international agreements ratified by the Republic of Poland shall immediately resign from their office.

**Article 106k.** § 1. An assistant judge shall have tenure.

§ 2. An assistant judge's service relationship shall be terminated where:

- 1) (repealed)
- 2) an assistant judge fails to apply for appointment to a judge's post - [the service relationship shall be terminated] at the end of the period referred to in Article 106i(8);
- 3) an assistant judge is appointed to the office of judge, on the day preceding their appointment to the post of judge;
- 4) the National Council of the Judiciary of Poland fails to submit a request for appointment of an assistant judge to a judge's post, on the date when the relevant resolution of the National Council of the Judiciary of Poland becomes final.

§ 3. The service relationship of an assistant judge shall automatically be terminated if they resign from office. Resignation from office shall be effective after three months from the date of submission to the Minister for Justice of the relevant statement, unless the Minister for Justice, at the request of the assistant judge, sets another date. The Minister for Justice shall notify the National Council of the Judiciary of any such resignation from office.

§ 3a. Withdrawal by an assistant judge of a request for appointment to the office of judge shall be tantamount to submitting a statement of resignation from office.

§ 4. A final disciplinary court ruling concerning the removal of an assistant judge from the office and a final court ruling imposing on the judge a penalty in the form of deprivation of public rights or an interdiction preventing the holding of the post of an assistant judge results, under the law, in the loss of the office and post of an assistant judge; the service relationship of the assistant judge expires upon the ruling becoming final.

§ 5. The service relationship of an assistant judge expires as at the day when they lose Polish citizenship.

§ 6. The service relationship of an assistant judge expires if, due to an illness or physical incapacity, they have been deemed permanently unable to perform the duties of an assistant judge.

§ 7. The Minister of Justice notifies the assistant judge of the expiry or termination of their service relationship.

**Article 106l.** § 1. (repealed)

§ 1a. An assistant judge may be transferred to another place of assignment at their request in particularly justified cases, but no earlier than two years after appointment.

§ 2. An assistant judge may be transferred, even without their consent, to another place of employment in the following cases:

- 1) of cancellation of the post caused by a change in courts organisation, cancellation of a given court or branch division or a transfer of the seat of a given court;
- 2) of inadmissibility of holding the post of an assistant judge in a given court as a result of occurrence of circumstances referred to in Article 6;
- 3) that it is necessary, as regards the authority of the post, under a disciplinary court ruling, issued at  
the request of the college of a competent court or of the National Council of the Judiciary;
- 4) of a transfer as a result of a disciplinary penalty.

§ 3. The Minister for Justice shall issue a decision on the transfer of an assistant judge, but a transfer for the reasons stated in paragraph 2(1) may be effected if an assistant judge's request for transfer to a new place of employment cannot be granted.

§ 4. In cases referred to in Article 106l(2) items 1 and 2, the assistant judge may appeal against the decision of the Minister of Justice to the Supreme Court.

**Article 106m.** § 1. In the event that an assistant judge is transferred to another place of service, they are not entitled to a cash equivalent for unused holiday leave. The assistant judge shall retain the right to use the leave while performing service in the place they were transferred to.

§ 2. The provision of Article 106m(1) applies respectively in the event that an assistant judge is appointed to the post of a judge.

§ 3. Should an assistant judge be transferred to another town or city, they are entitled to reimbursement for transfer costs, except where the transfer occurred for disciplinary reasons or at the request of the assistant judge. The Minister of Justice, in duly justified cases, may reimburse an assistant judge transferred at their own request for transfer costs.

**Article 106n.** (repealed)

**Article 106o.** (repealed)

**Article 106p.** (repealed)

**Article 106q.** (repealed)

**Article 106r.** (repealed)

**Article 106s.** (repealed)

**Article 106t.** (repealed)

**Article 106u.** (repealed)

**Article 106v.** (repealed)

**Article 106w.** (repealed)

**Article 106x.** (repealed)

**Article 106xa.** § 1. Before the end of a 36-month period of performing a judge's duties, an assistant judge may submit to the president of the competent regional court a request for appointment as a district court judge. The provisions of Article 57(2) to 57(6) and 57(8), Article 57a(1), Article 57ab(2), Articles 57ac to 57af and Article 58(4) shall apply mutatis mutandis.

§ 2. In the event of the submission of a request of the kind referred to in paragraph 1, the president of the court shall, no more than seven days after the day on which the 36-month period in which an assistant judge has been performing a judge's duties ends, order an assessment of the assistant judge's qualifications. The provisions of Article 57ah(3), Article 57b, Article 57i(1) and (3), and the implementing provisions issued under Article 57i(4) shall apply mutatis mutandis.

§ 3. An assistant judge's qualifications shall be assessed by an inspecting judge designated by the president of the competent appeal court at random from the list of judges referred to in Article 37c(3) from within the appellate jurisdiction concerned, excluding those from the regional court in whose area the court in which the assistant judge serves has its seat. If the assistant judge has performed the duties of a judge in the civil and criminal divisions, more than one inspecting judge shall be designated.

§ 4. The president of the competent regional court shall make the results of assessment of qualifications known to the assistant judge by entering them in the computer system. The

assistant judge shall be entitled to submit written comments on the assessment of their qualifications to the president within 21 days of the results being entered in the computer system.

§ 5. After the deadline referred to in paragraph 4, or after the assistant judge has submitted comments on the assessment of their qualifications, the president of the regional court shall submit an assistant judge's application for a vacant post as district court judge, with the assessment of their qualifications, to ~~the college of the regional court~~ **the general assembly of regional court judges** for opinion, and shall then convene a general assembly of district judges to assess the application.

**Article 106y.** § 1. The basic salary of an assistant judge amounts to 80 percent of the basic salary of a district court judge according to the first rate, increased by the social security contribution payable.

§ 2. (repealed)

§ 3. If an assistant judge is entrusted with the function of head of division at a court, they shall be entitled to a special duty allowance calculated in the manner laid down in the implementing provisions issued under Article 91(8).

§ 4. The remuneration of assistant judges also varies depending on the long-service allowance, amounting to, from the sixth year of work, 5 percent of the basic salary and increasing annually by 1 percent, no higher, however, than 20 percent of the basic salary.

§ 5. The working time of an assistant judge is determined by the scope of their duties.

§ 6. (repealed)

**Article 106z.** § 1. An assistant judge may be granted paid leave for health reasons in order to undergo a prescribed treatment, if such treatment requires them to refrain from service.

§ 2. Leave for health reasons must not exceed six months.

§ 3. The health leave is granted by the Minister of Justice.

§ 4. Where the request to grant leave for health reasons is rejected, the assistant judge shall be entitled to lodge an appeal with the Supreme Court within 14 days of delivery of the refusal.

**Article 106za.** § 1. An assistant judge shall wear a judge's official robes. Article 84(1) shall apply mutatis mutandis.

§ 2. An assistant judge receives an identity card specifying their post and place of service. The Minister of Justice specifies, by order, the sample identity card of an assistant judge.

**Article 106zb.** (repealed)

**Article 106zc.** An assistant judge shall not, quoting the principle of judicial independence, evade carrying out orders within the scope of administrative actions if, under the provisions of the act, such actions fall within the scope of duties of an assistant judge, or orders concerning the efficiency of court proceedings; they may, however, request the order to be issued in writing.

**Article 106zd.** § 1. An assistant judge shall not be detained or held criminally liable without the permission of a competent disciplinary court. The foregoing does not apply to detention where an assistant judge was caught in the act of committing an offence, should such detention be necessary to ensure the appropriate course of the proceedings. Until a resolution allowing for the assistant judge to be held criminally liable is issued, only urgent actions can be taken.

§ 2. The president of the court of appeal having competence over the place of detention is immediately notified about the detention of an assistant judge. The president may order that the assistant judge be released immediately. The president of the court of appeal immediately notifies the National Council of the Judiciary, the Minister of Justice and the First President of the Supreme Court about the detention of an assistant judge.

§ 3. A motion for the permission to hold an assistant judge criminally liable, if not lodged by a public prosecutor, should be drafted and executed by an advocate or a legal counsel authorised on the basis of a respective power of attorney.

§ 4. The decision on refusal to accept the motion may be appealed against in the disciplinary court competent to consider the motion.

§ 5. The disciplinary court issues a resolution allowing for the assistant judge to be held criminally liable if there arises a reasonable suspicion that the assistant judge has committed the offence. The resolution resolves the issue concerning the permission to hold the assistant judge criminally liable and includes the justification therefor.

§ 6. The disciplinary court considers the motion for the permission to hold the assistant judge criminally liable within fourteen days from the date of receipt of the motion by the disciplinary court.

§ 6a. If a motion for criminal proceedings or for remand in custody refers to an assistant judge who was arrested in flagrante delicto or for an offence subject to imprisonment of up to at least eight years, an offence referred to in Article 177(1) of the Criminal Code in conjunction with Article 178(1) of the Criminal Code and in Article 178a(1) or (4) of the Criminal Code and who remains in custody, the disciplinary court shall adopt a resolution on the motion without delay, within 24 hours of its receipt by the disciplinary court. A resolution allowing criminal proceedings to be brought against an assistant judge or for their remand in custody shall be enforceable immediately.

§ 7. Before issuing a resolution, the disciplinary court shall hear the disciplinary officer, the assistant judge, a representative of the authority or the person who filed the motion, if present. Failure to appear on their part or on the part of the defence counsel shall not be an obstacle to considering the motion.

§ 8. The assistant judge subject to the proceedings may access the documents enclosed to the motion. However, when filing the motion to the disciplinary court, the public prosecutor may reserve that, in the interest of the preparatory proceedings, such documents or a part thereof may not be disclosed to the assistant judge.

§ 9. If the public prosecutor filed such a reservation, the presiding judge of the disciplinary court immediately refers the case to be heard at the meeting. The disciplinary court may refuse the assistant judge the access to documents enclosed to the motion.

§ 10. When ruling in the case referred to in Article 106zd(1), the disciplinary court may be satisfied with the statement of the assistant judge to the effect that they file for the issuance of a resolution on the permission to hold them criminally liable.

**Article 106ze.** § 1. For minor offences, an assistant judge shall be liable only to disciplinary action, subject to paragraph 2.

§ 2. An assistant judge may agree to assume criminal liability for the offences referred to in paragraph 3 under the procedure laid down in that paragraph.

§ 3. Where an assistant judge commits an offence referred in Chapter XI of the Minor Offences Code of 20 May 1971, acceptance of a penalty notice or payment of a fine by that assistant judge, where a penalty notice has been issued in absentia under Article 98(1)(3) of the Code of Procedure for Minor Offences of 24 August 2001, shall be regarded as a statement of their acceptance of such liability.

§ 4. Where an assistant judge accepts liability under paragraph 3, they shall be relieved of disciplinary liability.

**Article 106zf.** § 1. An assistant judge shall constantly improve their professional qualifications.

§ 2. (repealed)

§ 3. An assistant judge shall participate, where possible – on an annual basis, in training and professional improvement organised by the National School of Judiciary and Public Prosecution, or other forms of professional improvement, in order to complement their expertise and professional skills.

§ 4. (repealed).



~~Article 106zg. The provisions of Articles 67, 82, 83a, 85 to 90, 95 and 97 shall apply mutatis mutandis to assistant judges.~~

**§ The provisions of Article 67, Article 75b, Article 82, Article 83a, Articles 85 to 90, Article 95 and Article 97 shall apply mutatis mutandis to assessors.**

**§ 2. Whenever other acts provide for a judge to undertake official actions, a judge should also be understood as a court assessor;**

### Chapter 3

#### Disciplinary liability of judges and assistant judges

~~Article 107. § 1. A judge is liable to disciplinary actions for misconduct, including an obvious and gross violation of legal provisions and impairment of the authority of the office (disciplinary misconduct).~~

**1. A judge is disciplinarily responsible for official (disciplinary) misconduct for:**

**1) an obvious and gross offence against the provisions of the law;**

**2) acts or omissions which may prevent or significantly impede the functioning of an organ of the judiciary;**

**3) actions questioning the existence of the official relationship of a judge, the effectiveness of the appointment of a judge, or the constitutional mandate of an organ of the Republic of Poland;**

**4) public activities that are incompatible with the principles of judicial independence and the impartiality of judges;**

**5) an infringement of the dignity of the office;**

§ 2. A judge is also liable to disciplinary actions for their conduct prior to the accession to the post if, due to such conduct, they failed to fulfil their respective duties at the state office held at that time or appeared to be unworthy of holding a judicial post.

~~Article 107a. An assistant judge shall be liable to disciplinary action on the same terms as judges for any misconduct, including any obvious and flagrant breach of applicable laws and conduct compromising the dignity of the office (disciplinary offences), as well as for conduct compromising the dignity of the office of assistant judge prior to taking up the post. The provisions of Articles 108 to 133a shall apply mutatis mutandis.~~

**A court assessor [assistant judge – from the translator] shall be liable to disciplinary action for official (disciplinary) misconduct and for his conduct before taking up his post if he is found unworthy of the office of court assessor, just like a judge. Articles 108 to 133a shall apply mutatis mutandis;**

**Article 108. § 1.** Disciplinary proceedings may not be initiated upon the lapse of five years from the time the act was committed.

§ 2. Should disciplinary proceedings be initiated prior to the lapse of the time limit referred to in Article 108(1), the limitation period for disciplinary proceedings lapses upon eight years from the time the act was committed.

§ 3. (repealed)

§ 4. However, should the disciplinary misconduct meet the criteria of an offence, the limitation period for initiating disciplinary proceedings shall not lapse earlier than the limitation period stipulated in the provisions of the Penal Code.

§ 5. Time-barring for disciplinary cases shall be suspended for the period of disciplinary proceedings, starting from the date on which a motion is filed with the disciplinary court to the date on which the disciplinary proceedings are finally closed. This does not apply to any case

where the subject matter of the motion is disciplinary liability of a judge for a minor offence or minor tax offence.

**Article 109.** § 1. Disciplinary penalties include:

- 1) an admonition;
- 2) a reprimand;
- 2a) reduction of basic remuneration by 5 % to 50 % for a period of six months to two years;

**2b) a penalty payment in the amount of one month's basic salary to be paid for the month preceding the date of the final conviction, plus the long-service allowance, function allowance and special allowance to which the judge is entitled**

- 3) dismissal from the function held;
- 4) transfer to another place of service;
- 5) dismissal from the office of a judge.

**"§ 1a. For the disciplinary offence defined in Article 107 § 1 items 2-4, the penalty referred to in § 1 item 4 or 5 shall be imposed, and in the event of a lesser seriousness - the penalty referred to in § 1 item 2a, 2b or 3.";**

§ 2. (repealed)

§ 3. The imposition of the penalty referred to in Article 109(1) item 2 or 4 results in the judge being deprived, for the period of five years, of the possibility to be promoted to a higher judicial post, to sit in the college of the court, to adjudicate in the disciplinary court and to assume the post of the president of the court, vice president of the court, or the head of the branch unit of the court.

§ 3a. The penalty specified in paragraph 1(4) shall consist in changing the place of service of a judge:

- 1) to a district court located in another appeal court jurisdiction - in the case of a district court judge;
- 2) to a regional court located in another appeal court jurisdiction - in the case of a regional court judge;
- 3) to another appeal court - in the case of an appeal court judge.

§ 3b. The region, appeal court jurisdiction or court referred to in paragraph 3a shall be specified by the disciplinary court in its judgment.

§ 3c. If specifying the place of service pursuant to paragraph 3a(1) or (2) would be counterproductive in the light of the specific circumstances of the person being punished, the disciplinary court may specify a new place of service in a court within the same appeal court jurisdiction.

§ 4. The imposition of the penalty referred to in Article 109(1) item 5 precludes the reinstatement of the penalised in the judicial post.

§ 5. In the case of disciplinary misconduct or a minor offence of lesser gravity, the disciplinary court may refrain from imposing a penalty.

**Article 109a.** § 1. A final judgment of the disciplinary court convicting the defendant shall be made public.

§ 2. The disciplinary court may refrain from publishing the judgment, if it is unnecessary for the purpose of the disciplinary proceedings or vital in order to safeguard legitimate private interest.

§ 3. A final judgment of the disciplinary court acquitting the defendant judge shall be published at that judge's request filed with the disciplinary court of first instance within 14 days after the judgment becomes final.

§ 4. The disciplinary court shall publish the judgment by posting it on the Supreme Court's website. If required for the purpose of protecting legitimate interests of persons concerned, the operative part of the judgment shall be published without particulars identifying a natural person or other person.

**Article 109b.** Information about a final transfer of a judge to another place of service and about the judge's removal from office shall be published by the Minister for Justice in the Official Gazette of the Republic of Poland "Monitor Polski".

**Article 110<sup>1</sup>.** § 1. Disciplinary cases of judges shall be heard:

1) in the first instance:

- a) by disciplinary courts at appeal courts by a bench of three judges;
- b) by the Supreme Court by a bench of two judges of the Disciplinary Chamber and one lay judge of the Supreme Court for cases of disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment or an intentional fiscal offence or in cases in which the Supreme Court has requested that a disciplinary case be examined and a finding of error be issued;

2) in the second instance, by the Supreme Court, adjudicating by a bench of two judges of the Disciplinary Chamber and one lay judge of the Supreme Court.

~~§ 2. Furthermore, disciplinary courts are competent to adjudicate in cases referred to in Article 37(5), Article 75(2) item 3 and Article 80.~~

~~§ 2a. The court with geographical jurisdiction to hear the cases referred to in Articles 37(5) and 75(2)(3) shall be the disciplinary court in the region in which the judge subject to the proceedings works, and the court with geographical jurisdiction to hear the cases referred to in Article 80 shall be the disciplinary court in the region in which the proceedings are being conducted or, in urgent cases, another disciplinary court.~~

**"§ 2 Disciplinary courts are also competent to adjudicate in the cases referred to in Article 37 § 5, Article 75 § 2 item 3, Article 80 and Article 106zd.**

**§ 2a. The competent court for the examination of cases referred to in Article 37 § 5 and Article 75 § 2 Item 3 is the disciplinary court with jurisdiction in the district of service of the judge concerned. The cases referred to in Articles 80 and 106zd shall be decided by the Supreme Court composed of one judge of the Disciplinary Chamber in the first instance, and the Supreme Court composed of three judges of the Disciplinary Chamber in the second instance.**

**"§ 2b. In cases where the Supreme Court has jurisdiction, the actions of the president of the disciplinary court shall be performed by the president of the Supreme Court who manages the work of the Disciplinary Chamber**

§ 3. The disciplinary court in the region in which the judge who is subject to disciplinary proceedings performs their service shall be excluded from hearing cases referred to in paragraph 1(1)(a). The disciplinary court competent to hear the case shall be specified by the President of the Supreme Court heading the Disciplinary Chamber at the request of the disciplinary officer.

§ 4. (repealed)

§ 5. A disciplinary court of the first instance may adjudicate in off-site sessions in a regional court, within the local competence area of which the accused holds the post of a judge, unless the interest of justice opposes thereto.

**Article 110a.** § 1. The Minister for Justice, having consulted the National Council of the Judiciary, shall entrust the duties of a disciplinary court judge at an appeal court to a common court judge with at least ten years of experience as a judge.

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<sup>1</sup> **The law of December 2019 states: "In Article 110**

**a) In § (1)(b), the words "and in cases referred to in Article 107 § 1(3)" shall be added after the words "together with the point of making a finding".**

§ 2. The performance of the duties of a disciplinary court judge at an appeal court shall be independent of the performance of duties related to the place of service of the judge.

§ 3. The term of office of a disciplinary court judge at an appeal court shall be six years.

§ 4. After the term of office expires, a disciplinary court judge at an appeal court may still take part in examining cases initiated earlier with that judge's participation, until they are closed.

§ 5. The term of office of a disciplinary court judge at an appeal court shall expire before its end in the event of:

- 1) termination or expiry of the judge's service relationship;
- 2) retirement of the judge;
- 3) the imposition on the judge of a disciplinary penalty specified in subparagraphs 2 to 4 of Article 109(1).

**Article 110b.** § 1. The president of a disciplinary court at an appeal court shall be appointed from among disciplinary court judges by the President of the Supreme Court heading the Disciplinary Chamber. The term of office of a disciplinary court president at an appeal court shall be three years.

§ 2. The president of a disciplinary court at an appeal court may be dismissed by the President of the Supreme Court heading the Disciplinary Chamber during their term of office if:

- 1) they seriously or persistently fail to fulfil their official duties;
- 2) other reasons render their remaining in office incompatible with the sound dispensation of justice;
- 3) they resign from office.

§ 3. In the absence of the president of a disciplinary court at an appeal court, the president's duties shall be performed by the longest-serving judge of the court.

§ 4. The president of the appeal court shall ensure adequate facilities and technical conditions and administrative and financial support for the disciplinary court.

**Article 110c.** The Minister for Justice shall specify, by means of an ordinance, the number of judges in disciplinary courts at appeal courts, taking into consideration organisational aspects and the need to ensure efficient proceedings in disciplinary cases.

**Article 111.** The composition of the disciplinary court is decided by lot from among all judges of a given court, provided that at least one of the judges sitting on the bench permanently adjudicates in criminal cases. The longest-serving judge who permanently adjudicates in criminal cases is the presiding judge of the disciplinary court.

**Article 112.** § 1. The following persons may act as prosecutors before disciplinary courts: the Disciplinary Officer for Common Court Judges and Deputy Disciplinary Officers for Common Court Judges, as well as deputy disciplinary officers at appeal courts and deputy disciplinary officers at regional courts.

§ 2. In cases of appeal court judges and presidents and vice-presidents of appeal courts and regional courts, the following persons may act as prosecutors before disciplinary courts: the Disciplinary Officer for Common Court Judges and Deputy Disciplinary Officers for Common Court Judges. In cases of other regional court judges and presidents and vice-presidents of district courts, the person authorised to act as a prosecutor shall be a deputy disciplinary officer at an appeal court, and in cases of other district court judges and assistant judges, this shall be a deputy disciplinary officer at a regional court.

**§ 2a. The Disciplinary Prosecutor [commissioner – rzecznik dyscyplinary – from the translator] for Judges of Common Courts and the Deputy Disciplinary Prosecutor for Judges of Common Courts may undertake and conduct activities in any case concerning a judge.**

§ 3. The Disciplinary Officer for Common Court Judges and two Deputy Disciplinary Officers for Common Court Judges shall be appointed by the Minister for Justice for a four-year term of office.

§ 4. The National Council of the Judiciary shall ensure administrative support for the Disciplinary Officer for Common Court Judges and Deputy Disciplinary Officers for Common Court Judges by establishing a separate organisational unit within the Bureau of the National Council of the Judiciary.

§ 5. The Disciplinary Officer for Common Court Judges, Deputy Disciplinary Officer for Common Court Judges, deputy disciplinary officer at an appeal court and deputy disciplinary officer at a regional court shall perform their duties until other persons are appointed to perform these functions in the next term of office.

§ 5a. There shall be one deputy disciplinary officer at a regional court. At a court with more than sixty judge's posts, the Disciplinary Officer for Ordinary Court Judges may, after obtaining the consent of the Minister for Justice, determine a higher number of deputy disciplinary officers at the regional court, if this is in the interests of the sound dispensation of justice. The Disciplinary Officer for Ordinary Court Judges shall inform the president of a regional court that a higher number of deputy disciplinary officers has been determined for that regional court.

~~§ 6. No later than one month prior to the end of the term of office of the deputy disciplinary officer at a regional court, the general assembly of judges of the region shall present to the Disciplinary Officer for Common Court Judges six candidates for the post who received the highest number of votes, selected by the same assembly. If a higher number of deputy disciplinary officers at a regional court has been determined, no later than two months after the date on which the president of the regional court concerned received the information referred to in the third sentence of section 5a, the general assembly of judges of the region shall present to the Disciplinary Officer for Ordinary Court Judges the six candidates for each post of deputy disciplinary officer at the regional court, selected by that assembly, who received the highest number of votes.~~

~~§ 7. Each judge voting on the candidates referred to in paragraph 6 may cast only one vote for a candidate of their choice for each post of deputy disciplinary officer at the regional court. Voting shall be secret.~~

~~§ 8. If after the vote referred to in paragraph 7 it is impossible, given the division of votes, to select the required number of candidates, another vote is conducted to select a candidate from the candidates who received the equal highest number of votes. The provision of paragraph 7 shall apply mutatis mutandis.~~

~~§ 9. The chair of the general assembly of judges of the region shall present the Disciplinary Officer for Common Court Judges with the minutes of the meeting that indicate the candidates selected for the post of deputy disciplinary officer at the regional court immediately after they are selected.~~

**§ 6. The deputy disciplinary prosecutor attached to an appellate court shall be appointed for a four-year term of office by the Disciplinary Prosecutor for Judges of Common Courts from among the judges of that court or district courts within the area of jurisdiction of the appellate court.**

**§ 7. The deputy disciplinary prosecutor acting at a regional court shall be appointed for a four-year term by the Disciplinary Prosecutor for Judges of Common Courts from among the judges of that court or district courts within the area of jurisdiction of the regional court.**

**§ 8. The term of office of the deputy disciplinary prosecutor at an appellate court or at a regional court shall expire before its expiry in the case of:**

**1) the termination or expiration of the official tenure of a judge;**

**2) the judge's retirement or being made retired;**

**3) transfer a judge to another judicial position outside the area of jurisdiction of an appellate or regional court, as appropriate, or his/her secondment outside this area pursuant to Article 77;**

**4) the acceptance by the Disciplinary Prosecutor for Judges of the Common Courts the resignation from the function of deputy disciplinary prosecutor submitted by a judge.**

**§ 9. The deputy ombudsman shall perform his duties after the expiry of his term of office until the deputy ombudsman is appointed for the next term.**

~~§ 10. If the term of office of a deputy disciplinary officer at a regional court expires prior to its end, paragraph 6 shall apply mutatis mutandis, however, the time limit for presenting candidates for the post shall be two months from the date of expiry of the term of office. Paragraphs 7 to 9 shall apply.~~

~~§ 11. The Disciplinary Officer for Ordinary Court Judges shall appoint to each post of deputy disciplinary officer at a regional court, for a four-year term, one of the candidates put forward in accordance with sections 6 and 10.~~

~~§ 12. If candidates for the post of deputy disciplinary officer at a regional court are not put forward in accordance with the required number or deadline referred to in sections 6 and 10, the Disciplinary Officer for Ordinary Court Judges shall entrust the duties of deputy disciplinary officer at the regional court to a judge of their choice, or to judges of their choice if the number of deputy disciplinary officers at the regional court has been determined to be more than one.~~

~~§ 13. Sections 5a-12 shall apply mutatis mutandis to the selection and appointment of the deputy disciplinary officer or officers at appeal courts.~~

**Article 112a.** § 1. Disciplinary officer shall be assigned to disciplinary cases based on the order in which cases are received, in alphabetical order of disciplinary officers' names. Exceptions from this rule shall be permissible only if a disciplinary officer is ill or for another valid reason, and this shall be indicated in the order assigning a disciplinary officer to a case.

§ 1a. The Disciplinary Officer for Ordinary Court Judges and the Deputy Disciplinary Officer for Ordinary Court Judges may take over a case being conducted by a deputy disciplinary officer at a regional court or hand over a case to that officer.

§ 2. If a case cannot be conducted by any of the competent deputy disciplinary officers at a regional court, the Disciplinary Officer for Ordinary Court Judges shall appoint a deputy disciplinary officer from another region to conduct the case.

§ 3. Sections 1a and 2 shall apply mutatis mutandis to deputy disciplinary officers at appeal courts, save that a case handed over to a deputy may be handed over only to a deputy disciplinary officer at an appeal court and only another deputy disciplinary officer at an appeal court may be appointed to conduct a case.

**Article 112b.** § 1. The Minister for Justice may appoint the Disciplinary Officer of the Minister for Justice for the purpose of conducting a specific case relating to a judge. The appointment of the Disciplinary Officer of the Minister for Justice shall exclude any other officer from taking action in the case.

§ 2. The Disciplinary Officer of the Minister for Justice shall be appointed from among common court judges or Supreme Court judges. In cases of disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment, the Disciplinary Officer of the Minister for Justice may also be appointed from among prosecutors indicated by the State Prosecutor. In duly justified circumstances, in particular if the Disciplinary Officer of the Minister for Justice dies or is unable to perform their duties for a prolonged period, the Minister for Justice shall appoint as replacement another judge or, in cases of disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment, a judge or a prosecutor.

§ 3. The Disciplinary Officer of the Minister for Justice may initiate proceedings upon a request of the Minister for Justice or join pending proceedings.

§ 4. The appointment of the Disciplinary Officer of the Minister for Justice shall be equivalent to requesting that investigation proceedings or disciplinary proceedings be initiated.

§ 5. The function of the Disciplinary Officer of the Minister for Justice shall expire as soon as a ruling refusing to initiate disciplinary proceedings, discontinuing disciplinary proceedings or closing disciplinary proceedings becomes final. The expiry of the function of the Disciplinary Officer of the Minister for Justice shall not preclude the Minister for Justice subsequently appointing the Disciplinary Officer of the Minister for Justice again for the same case.

**Article 112c.** The President of the Supreme Court heading the Disciplinary Chamber may oversee the activities of the first-instance disciplinary court.;

**Article 112d.** For the purposes of this Act, 'disciplinary officer' shall mean the Disciplinary Officer for Common Court Judges, Deputy Disciplinary Officer for Common Court Judges, deputy disciplinary officer at an appeal court and deputy disciplinary officer at a regional court.

**Article 113.** § 1. The defendant may appoint a defence counsel from among judges, public prosecutors, advocates or legal advisers.

§ 2. If the defendant is unable to participate in proceedings before the disciplinary court for reasons of illness, the president of the disciplinary court or the disciplinary court shall appoint, at the reasoned request of the defendant, a public defender from among advocates or legal advisers. In the request, the defendant must prove that their health prevents them from taking part in disciplinary proceedings by submitting a medical certificate issued by a court-appointed physician.

§ 3. In exceptional circumstances, when a defendant has failed to submit a request for reasons beyond their control, a public defender may be appointed without the request referred to in paragraph 2.

§ 4. After the reasons for the defendant's inability to take part in disciplinary proceedings cease to apply, the president of the disciplinary court or the disciplinary court shall release the public defender from their obligations, unless there are any other circumstances justifying the participation of the public defender in the proceedings.

**Article 113a.** Activities related to the appointment of a public defender and their taking up of the defence shall not have a suspensive effect on the course of proceedings.

**Article 113b.** In cases regulated by this chapter, Article 117(2) of the Code of Criminal Procedure shall not apply, unless the law requires that the participant be informed of the date of a procedural activity and there is no proof that they have been informed of it.

**Article 114.** § 1. The disciplinary officer shall initiate an investigation at the request of the Minister for Justice, the president of the appeal court or the president of the regional court, the college of the appeal court or the college of the regional court, the National Council of the Judiciary, or on their own initiative, after first establishing that the disciplinary misconduct criteria were satisfied. The investigation must be conducted within 30 days of being initiated by the disciplinary officer.

§ 2. As part of the investigation, the disciplinary officer may request that the judge submit a written statement on the subject matter of the investigation within 14 days of receipt of the request. The disciplinary officer may also accept an oral statement from the judge. The judge's failure to submit the statement shall not have a suspensive effect on the course of proceedings.

§ 3. If, after the investigation has been carried out, there are grounds for initiating disciplinary proceedings, the disciplinary officer shall initiate disciplinary proceedings and draw up the disciplinary charges in writing.

§ 4. Immediately after the disciplinary charges are drawn up, the disciplinary officer shall serve them on the defendant. When serving the charges, the disciplinary officer shall summon the defendant to present written explanations and any motions concerning evidence within 14 days of service of the disciplinary charges. If this deadline is not satisfied, the disciplinary officer may leave motions concerning evidence that were filed after the deadline unexamined, unless the defendant proves that the evidence was not known to them earlier.

§ 5. The disciplinary officer may also, and shall at the request of the defendant, accept explanations by means of a hearing.

§ 6. Failure to provide explanations within the time-limit specified in paragraph 4 or failure to appear at a hearing on the date set by the disciplinary officer shall not have a suspensive effect on further actions.

§ 7. When serving charges, the disciplinary officer shall request that the President of the Supreme Court heading the Disciplinary Chamber designate a disciplinary court to examine the case at first instance. The President of the Supreme Court heading the Disciplinary Chamber shall assign the case to a court within seven days of receipt of the request.

§ 8. On expiry of the time-limit referred to in paragraph 4, and – if necessary – after taking further evidence, the disciplinary officer shall submit a request to the disciplinary court specified pursuant to paragraph 7 for the disciplinary case to be examined. The request should include the precise indication of the act that is the subject matter of proceedings, a list of evidence supporting the request and a statement of the grounds.

§ 9. If the disciplinary officer does not find any grounds for initiating disciplinary proceedings at the request of the authorised entity, the disciplinary officer shall issue a decision refusing to initiate proceedings. A copy of the decision shall be served on the entity which requested that proceedings be initiated, the college of the relevant regional court or appeal court, and the defendant. A copy of the decision shall also be served on the Minister for Justice, who may file an objection within 30 days. Filing an objection shall be equivalent to an obligation to initiate disciplinary proceedings and any instructions of the Minister for Justice regarding further proceedings shall be binding on the disciplinary officer.

§ 10. If disciplinary proceedings gave no grounds for submitting a request to the disciplinary court to examine the disciplinary case, the disciplinary officer shall issue a decision discontinuing the disciplinary proceedings.

§ 11. The defendant, the authority which submitted the request to initiate disciplinary proceedings and the relevant college may appeal to the disciplinary court within seven days of service of the decision referred to in paragraph 10.

§ 12. At the request of the authority entitled to submit an appeal or objection, the disciplinary officer shall immediately send or otherwise make available materials collected during the investigation or disciplinary proceedings.

§ 13. The appeal must be examined within 14 days of its filing with the court.

**Article 114a. § 1. A witness who, without due justification, did not appear on the disciplinary prosecutor's summons or who, without his consent, expelled himself from the place of the activity before the end of the activity, may be subject to a fine of up to PLN 3 000. The imposition of a financial penalty shall not exclude disciplinary liability.**

**§ 2. The imposition of a financial penalty referred to in § 1 shall be decided on the request of the disciplinary prosecutor by the disciplinary court at the court of appeal in whose jurisdiction the activities are conducted.**

**§ 3. A decision of the disciplinary court imposing a financial penalty may be appealed against before the Supreme Court in the composition of one judge of the Disciplinary Chamber;**

**Article 115. § 1.** The disciplinary court shall examine disciplinary cases at a hearing, unless it is sufficient to examine the case at a session.

§ 2. When serving summons to a hearing, the disciplinary court shall call upon the parties to submit motions concerning evidence within 14 days of service of the summons.

§ 3. The disciplinary court may leave a motion concerning evidence filed after the expiry of the time-limit referred to in paragraph 2 unexamined, unless the party proves that the motion could not have been filed within the time-limit for reasons beyond their control.

§ 4. The disciplinary court shall also request that, within the time-limit referred to in paragraph 2, the defendant provide explanations in writing and specify the defence counsel, if appointed. Failure to provide explanations within the time-limit shall not have a suspensive effect on further proceedings.

**Article 115a. § 1.** The unjustified failure of the notified defendant or their defence counsel to appear at a hearing or a session shall not have a suspensive effect on the examination of the case.

§ 2. If the case cannot be examined for reasons of justified absence of the defendant and the defendant has no defence counsel, the disciplinary court shall appoint a public defender and set a time-limit for the defender to become acquainted with case materials.



§ 3. The disciplinary court shall continue the proceedings regardless of the justified absence of the notified defendant or the defendant's defence counsel, unless this runs counter to the interest of the disciplinary proceedings.

**Article 115b.** § 1. The disciplinary court, considering, on the basis of the material gathered by the disciplinary officer, that the circumstances of the act and the fault of the defendant are undisputed and imposing penalties laid down in Article 109(1)-(3) will suffice, may give a summary judgment.

§ 2. The summary judgment shall be given by the disciplinary court adjudicating by a one-judge bench.

§ 3. The penalty referred to in Article 109(1)(2a) shall be imposed, by means of a summary judgment, in the amount of 5 % to 10 % of the basic remuneration for a period of six months to one year.

§ 4. Objections against the summary judgment may be submitted by the defendant, the disciplinary officer, the National Council of the Judiciary and the Minister for Justice.

§ 5. The objection shall be filed with the disciplinary court which gave the summary judgment within the final time limit of seven days from the day of service thereof.

**Article 115c.** Evidence obtained for the purpose of criminal proceedings pursuant to the provisions of Articles 168b, 237 or 237a of the Code of Criminal Procedure or as a result of operational surveillance may be used in the course of disciplinary proceedings.

**Article 116.** § 1. The disciplinary proceedings are open.

§ 2. The disciplinary court may close the hearing to the public for reasons of morality, state security and public order, as well as for the reason of the protection of private life of the parties or other significant private interest.

§ 3. Should the disciplinary proceedings be closed to the public, the decision is made public.

**Article 117.** Should in the course of the hearing another instance of misconduct be revealed, in addition to the one included in the motion to hear the disciplinary case, the court may render a judgment with respect to such misconduct only upon the consent of the disciplinary prosecutor and of the accused or their defence counsel; should such consent not be granted, the disciplinary prosecutor conducts separate disciplinary proceedings with respect to such misconduct.

**Article 118.** Should the service relationship of the judge expire or terminate in the course of the disciplinary proceedings, the proceedings continue. If the accused undertook employment in a state office, the State Treasury Solicitors' Office, advocates' office or as a legal counsel or notary, the court sends the judgment to such an office, the President of the State Treasury Solicitors' Office, the Supreme Bar Council, the National Council of Legal Counsels or the National Council of Notaries, respectively.

**Article 119.** Should the misconduct meet the criteria of an offence, the disciplinary court hears the case ex officio as regards the permission to hold the judge criminally liable and issues the resolution referred to in Article 80(1), which shall not withhold the disciplinary proceedings.

**Article 120.** § 1. Upon the penal proceedings against the judge being closed with a final ruling, the court or the public prosecutor sends the case files to a competent disciplinary prosecutor. If no disciplinary proceedings were initiated, the disciplinary prosecutor undertakes disciplinary actions, even if a judgment of acquittal was rendered in the penal proceedings.

§ 2. If a final judgment was rendered with respect to the judge, which, pursuant to the act, results in the judge's dismissal from their post, the disciplinary court notifies the Minister of Justice of the fact and the Minister of Justice orders the dismissal of the penalised judge, even if the disciplinary judgment concerning the imposition on the judge of a penalty more lenient than the dismissal from the post has already been executed.

**Article 121.** § 1. The defendant, the disciplinary officer, the National Council of the Judiciary and the Minister for Justice may appeal against a judgment issued by the disciplinary court of first instance, as well as against decisions and instructions that make it impossible to hand down a judgment. The appeal shall be filed within 30 days and this time-limit for each entitled party shall start running on the date of service of the ruling or instruction.

§ 2. The appeal shall be examined within two months of the date of its receipt by the disciplinary court of second instance.

§ 3. In appeal proceedings, Article 454 of the Code of Criminal Procedure shall not apply.

§ 4. The court of appeal shall examine the case within the scope of appeal, and, if the appeal measure specifies objections to the decision, also within the scope of those objections. The court of appeal shall examine the case in a wider scope in the circumstances referred to in Article 435, Article 439(1) and the first sentence of Article 455 of the Code of Criminal Procedure, or if it finds the ruling to be manifestly unjust.

§ 5. If the disciplinary court of first instance examined a disciplinary case at a session, the court of appeal shall also examine the case at a session, unless it is necessary for the proper examination of the case to take evidence during a hearing directly from the defendant's explanations, witness testimonies, opinions of expert witnesses or other significant evidence.

§ 6. The court of appeal shall examine a disciplinary case at a hearing on the basis of evidence included in the case file, unless it decides that it is necessary for the proper examination of the case to take evidence directly from the defendant's explanations, witness testimonies, opinions of expert witnesses or other significant evidence.

**Article 122.** § 1. A judgment of the disciplinary court may not be appealed against in cassation.

§ 2. A judgment of the disciplinary court of second instance may be appealed against to a different bench of the same court if the judgment sentenced the defendant to a disciplinary penalty despite the previous judgment of the disciplinary court of first instance acquitting the defendant or discontinuing the proceedings.

§ 3. The judgment referred to in paragraph 2 shall become final after the time-limit for filing an appeal with a different bench of the disciplinary court of second instance has expired without an appeal having been brought.

§ 4. The time-limit for submitting an appeal against a judgment with a different bench of the disciplinary court of second instance shall be 30 days from the service of the judgment. The provisions concerning the proceedings before the disciplinary court of second instance shall apply *mutatis mutandis* to the appeal proceedings before a different bench of the disciplinary court of second instance.

**Article 123.** § 1. Should the dismissal from the office be adjudicated, and the disciplinary court had not suspended the judge in the performance of their professional duties, the judgment results in the suspension of the judge in the performance of their professional duties and in the reduction of their remuneration by 50 percent for the period of suspension. Article 129(3) applies accordingly.

§ 2. The presiding judge of the disciplinary court of the first instance sends a copy of the final judgment of the disciplinary court to the National Council of the Judiciary and to the Minister of Justice, as well as to the president of the competent court and the college of the said court.

§ 3. The Minister of Justice executes the judgment as regards penalties specified in Article 109(1) items 4 and 5, and the president of the regional court and the president of the court of appeal execute the judgment as regards penalties specified in Article 109(1) item 3, with respect to judges of the given court.

**Article 124.** § 1. A copy of a final judgment sentencing to a disciplinary penalty and referred to in Article 109(5) shall be added to the personal file of the judge.

§ 2. Five years after the day on which the judgment imposing the penalty referred to in Article 109(1)(1)-(4) and the judgment specified in Article 109(5) become final, the Minister for Justice shall order that the copy of the judgment be removed from the personal file of the judge, unless

another conviction has been handed down against the judge within the same period. In such circumstances, it shall be possible only to remove copies of all judgments from the judge's personal file at the same time.

§ 3. The court president responsible for keeping the personal file of the judge shall notify the Minister for Justice immediately of the circumstances referred to in the first sentence of paragraph 2.

**Article 125.** The National Council of the Judiciary, the First President of the Supreme Court and the Minister of Justice may file a motion for reopening the disciplinary proceedings.

**Article 126.** § 1. The reopening of disciplinary proceedings to the disadvantage of the accused may occur if the proceedings were discontinued or if the judgment was rendered as a result of an offence, or if within five years from the discontinuation or rendering of the judgment, new circumstances or evidence, which could have constituted the grounds for conviction or the imposition of a more severe penalty, are discovered.

§ 2. The reopening of disciplinary proceedings for the benefit of the convict may occur also after their death if new circumstances or evidence, which could have constituted grounds for acquittal or imposition of a more lenient penalty, are discovered.

§ 3. In the event of death of the convict, the motion for reopening the proceedings may be lodged by their spouse, relatives in lineal consanguinity, siblings, an adopter, an adopted and the disciplinary prosecutor.

**Article 127.** Resolutions made in the course of disciplinary proceedings require, ex officio, a written statement of reasons and shall be served on the parties. Judgments and decisions as well as orders closing the procedure to render a judgment are also served on the National Council of the Judiciary and on the Minister of Justice.

~~**Article 128.** The provisions of the Code of Penal Procedure and the general part of the Penal Code, having regard to the differences resulting from the nature of disciplinary proceedings, apply accordingly to matters not regulated in this chapter.~~

**"In matters not regulated in this Chapter, the provisions of the general part of the Penal Code and the provisions of the Code of Penal Procedure, except for Articles 344a and 396a, shall apply accordingly, taking into account the differences resulting from the nature of disciplinary proceedings."**

**Article 129.** § 1. Where disciplinary proceedings or proceedings for incapacitation have been initiated against a judge, as well as where the disciplinary court issues a resolution allowing for the judge to be held criminally liable, the disciplinary court may suspend such a judge in the performance of their professional duties.

§ 2. Should the disciplinary court issue a resolution allowing for the judge to be held criminally liable for an intentional offence prosecuted by public indictment, the judge is suspended in the performance of their professional duties ex officio.

§ 3. The disciplinary court, when suspending a judge in the performance of their professional duties, reduces their remuneration by 25 to 50 percent for the period of the suspension; the foregoing does not apply to persons with respect to whom the proceedings for incapacitation were initiated.

§ 3a. If a disciplinary court issues a resolution allowing criminal proceedings to be brought against a retired judge for an intentional criminal offence prosecuted by public indictment, the judge's emoluments shall be reduced ex officio by between 25 % and 50 % for the duration of the disciplinary proceedings.

§ 4. If the disciplinary proceedings are discontinued or result in an acquittal, all components of the remuneration or emoluments shall be repaid in full..

**Article 130.** § 1. If a judge is detained due to being caught in the act of committing an intentional offence, or if, due to the type of the act committed by the judge, the authority of the

court or significant interests of the service require their immediate removal from the performance of professional duties, the president of the court or the Minister of Justice may order an immediate break in the performance of their professional duties until the disciplinary court issues a resolution, however, for a period not longer than one month.

§ 2. If the judge referred to in Article 130(1) performs the function of the president of the court, the break in the performance of their professional duties is ordered by the Minister of Justice.

§ 3. The president of the court or the Minister of Justice notifies the disciplinary court about the issuance of the order referred to in Article 130(1) within three days from the date of the issuance thereof, and the disciplinary court immediately, not later than before the lapse of the period for which the break was ordered, issues a resolution on the suspension of the judge in the performance of their professional duties or quashes the order concerning the break in the performance of duties. If the disciplinary court deems it reasonable, it notifies the judge about the session.

**Article 131.** § 1. In the cases provided for in Article 75(2)(3), or in matters concerning the suspension of a judge from their official duties or the revocation of a decision to order a break in the discharge of duties as referred to in Article 130(1), after hearing the disciplinary officer in the case referred to in Article 37(5), the disciplinary court shall issue a relevant resolution. The court shall also hear the judge, if they appear before the court, and, in the case referred to in Article 37(5), the president of the competent court too.

§ 2. The National Council of the Judiciary and the college of the court which lodged the request referred to in Article 75(2) item 3 may complain against the resolution on the refusal to grant the request.

§ 3. A judge shall be entitled to lodge an appeal against the resolution rejecting the objection referred to in Article 37(5).

§ 4. A judge may lodge a complaint against the resolution concerning the suspension in the performance of their professional duties, and the disciplinary prosecutor may additionally lodge a complaint against the resolution quashing the order concerning the break in the performance of duties referred to in Article 130(2); the complaint shall not withhold the enforcement of the resolution.

§ 5. The appeal shall be heard by the disciplinary court of second instance.

**Article 132.** The suspension in the performance of professional duties ceases upon closing of the disciplinary proceedings by way of a final decision, unless the disciplinary court had quashed such suspension earlier.

**Article 132a.** § 1. The period of suspension in the performance of professional duties constitutes the period of employment determining employee entitlements.

§ 2. In the period of suspension in the performance of professional duties, the judge does not accrue holiday leave entitlement. Provisions of Article 155<sup>1</sup>(1) item 2 and Article 155<sup>2</sup>(2) of the Labour Code apply accordingly.

**Article 133.** The costs of disciplinary proceedings are borne by the State Treasury.

**Article 133a.** § 1. In the event of concurrent punishment for several disciplinary misconducts, the disciplinary court imposes a penalty for each disciplinary misconduct, and then the aggregate penalty.

§ 2. When deciding the aggregate penalty, the following rules apply:

- 1) in the event of a ruling imposing an admonition and a reprimand, the aggregate penalty of a reprimand is imposed;
- 2) admonitions and reprimands are subject to aggregation with other penalties, and the aggregate penalty shall be the stricter penalty, referred to in Article 109(1) item 2a, 3, r, or 5;

- 3) should different types of penalties be ruled for several misconducts, and the penalty of dismissal from the office of the judge, this penalty is imposed as the aggregate penalty.

§ 3. Where the accused committed two or more disciplinary misconducts before the first, even non-final, ruling concerning any of them was rendered, at the request of the penalised an aggregate ruling is rendered if the penalties are subject to aggregation pursuant to the rules provided for in Article 133a(2).

**PART III**  
(repealed)

**Article 134 - Article 146a** (repealed)

**PART IV**

**COURT REFERENDARIES, COURT PROBATION OFFICERS, COURT PERSONNEL,  
PERMANENT MEDIATORS, LAY JUDGES AND AUXILIARY BODIES OF THE COURTS**

**Chapter 1**

**General Provisions**

**Article 147.** § 1. Courts shall engage court referendaries and senior court referendaries, hereinafter 'court referendaries', to perform courts' statutory legal protection tasks other than the dispensation of justice.

§ 2. Court probation officers (family probation officers and probation officers for adults) act in courts, and constitute the probation service and perform duties of educational and rehabilitation and preventive nature, as well as other duties specified in special provisions.

§ 3. Officials and other court employees are employed in courts.

§ 4. Assistants to judges and senior assistants to judges may be employed in courts. Whenever a reference to assistants to judges is made in the provisions, it also includes senior assistants to judges.

**Article 148.** § 1. The Minister for Justice shall define, by order, the organisation and remit of court secretariats and other units of court administration, the manner of ensuring registry support for court proceedings, including the registration equipment and material used and the classification of cases into categories, and also the categories of court staff required to wear official robes or badges and the conditions for their allocation, taking into account the need to ensure correct administrative and registry support for courts and the need to classify cases into categories covering cases involving a similar level of complexity and workload.

§ 2. Court referendaries and assistants to judges are subject to periodical evaluations covering the quality and timeliness of the performance of their tasks, the culture of service, the efficiency of working time use and implementation of professional improvement.

§ 2a. The periodical evaluation is drafted in writing and the referendary or assistant to a judge is immediately acquainted with such evaluation. A referendary and an assistant to a judge may lodge an objection with the president of the court within seven days from becoming acquainted with the evaluation. The objection is considered within fourteen days.

§ 2b. Should the objection be accepted, the periodical evaluation is reviewed or redrafted. Objection as per Article 148(2a) may be lodged against the redrafted evaluation.

§ 3. The Minister of Justice specifies, by regulation, specific criteria and specific method of periodical evaluation of referendaries and assistants to judges, taking into consideration the need to adjust the methodology to the scope of the analysis and criteria specified in Article 148(2) and the need to perform the evaluation in an efficient and reliable manner.

**Chapter 2**

### **Court referendaries**

**Article 149.** § 1. The post of a court referendary may be assigned to a person who:

- 1) is a Polish citizen and enjoys full civil and full public rights;
- 2) is a person of integrity;
- 3) has completed higher education in law in Poland and has obtained a master's degree in law, or has completed higher education in law abroad recognised in Poland;
- 4) attained the age of 24 years;
- 5) has passed the qualification examination for court referendaries, judges, prosecutors, notaries or legal advisers, or has completed legal training for judges or prosecutors.

§ 1 a. A court president shall not announce a competition if a post that has been freed up or allocated is filled by transferring a court registrar.

§ 2. (repealed)

§ 3. (repealed)

**Article 149a.** § 1. Candidates are enrolled by way of a competition aimed at the selection of the candidate with the most extensive knowledge and the greatest skills, capabilities and general abilities necessary for the performance of the duties of a referendary. Provisions of Article 155a(2), (3) and (5) apply accordingly.

§ 2. The Minister of Justice specifies, by regulation, a detailed mode of and procedure for carrying out the competition referred to in Article 149a(1), in particular, the composition, procedure and methods of the selection board, stages and the course of the competition, as well as the scope and manner of providing information to the candidate, taking into consideration the need for proper selection of referendary personnel in courts.

**Article 150.** § 1. A court referendary who has held the post of a court referendary for at least ten years, has not been subject to penalties for disciplinary misconduct, and has received positive periodical evaluations, may be appointed a senior court referendary.

§ 2. The employment relationship of a referendary commences by way of appointment on the date specified in the deed of appointment.

§ 3. A referendary is appointed and dismissed by the president of the court of appeal. Prior to the appointment, the president of the court of appeal inquires about the candidate with the National Criminal Record and requests information concerning the candidate from the competent Voivodship Police Commander or the Warsaw Police Commander. Information concerning the candidate for the post of a court referendary is obtained and drafted in accordance with the principles stipulated for information about candidates for their first post of a judge.

§ 4. Prior to the commencement of work, a court referendary makes a solemn vow before the president of the regional court, according to the following formula:

“I solemnly vow to, holding the post of a court referendary entrusted to me, serve the Republic of Poland faithfully, perform the official duties scrupulously and diligently, abide the law, act in accordance with the principles of dignity and honesty, and keep the legally protected secrets”; the person making this vow may finish it by saying the words: “So help me God.”

**Article 151.** § 1. Within the scope of their duties, the referendary is independent as to the content of the issued rulings and orders provided for in acts.

§ 2. Referendaries employed within the area of the same regional court hold a meeting of circuit referendaries at least once a year. The meeting is convened by the president of the regional court.

§ 3. The meeting of circuit referendaries takes position in all matters relevant for the tasks performed by referendaries, selects a representative for the term of office and represents circuit

referendaries before the regional court bodies. The oldest referendary chairs the meeting of circuit referendaries.

**Article 151a.** § 1. The transfer of a referendary to another place of service may only occur upon their consent. The transfer to another place of service within the given appeal court area is made by the president of the court of appeal, and the transfer outside such area – by the Minister of Justice. The request shall be submitted solely via the computer system.

§ 1a. The Minister for Justice shall publish free posts for court registrars in the Public Information Bulletin. Court registrars interested in transferring to another place of assignment may submit a transfer application to the Minister for Justice within seven days of the date of publication.

§ 1b. If an application or applications under paragraph 1a are submitted only by court registrars employed in the appeal jurisdiction in which the free post was published, the Minister for Justice shall send them to the competent appeal court president.

§ 1c. Officers of justice who have been employed for at least three years in their current place of assignment shall be transferred, after submitting a request, by the Minister for Justice or an appeal court president. A request may be rejected if it concerns a transfer to another court in the place of assignment of the officer of justice. If requests to transfer to the same free post are submitted by more than one officer of justice employed for at least three years in their current place of assignment, the appeal court president or the Minister of Justice shall transfer one of them, having regard to rational deployment of the staff of the ordinary courts, the workload of each court and circumstances indicated in the reasons given in the request.

§ 1d. If a free post is filled by transferring a court registrar to another place of assignment, the Minister for Justice shall announce the completed transfer in the Public Information Bulletin.

§ 2. The consent of the referendary to the transfer to another place of service is not required in the event:

- 1) of cancellation of the post caused by the change in courts organisation, cancellation of a given court or branch division or a transfer of the seat of a given court;
- 1a) if the transfer is to another court in the place of assignment of the officer of justice;
- 2) of inadmissibility of holding the post of a referendary in a given court as a result of entering into the state of matrimony or creation of affinity relationship referred to in Article 6;
- 3) that it is necessary as regards the authority of the post of a referendary, at the request of the college of a competent regional court.

§ 3. Article 76 applies accordingly to the transfer of the referendary to another place of service.

§ 4. The president of the court of appeal may delegate a referendary, upon their consent, to perform the duties of a referendary in another court within the appeal court area for a definite period.

§ 5. The Minister of Justice may delegate the referendary upon their consent:

- 1) to perform the duties of a referendary in another court within a different appeal court area,
- 2) to perform administrative actions in the Ministry of Justice or another organisational unit under the authority or supervision of the Minister of Justice

– for a fixed period not exceeding two years or for an open-ended period. Article 78(1b), (4a) and (4b) shall apply *mutatis mutandis*.

§ 5a. The Minister for Justice may second an officer of justice, with their consent and at the request of the Chair of the National Council of the Judiciary, to perform tasks at the Bureau of that Council for a fixed period of no longer than two years or for an indefinite period.

§ 6. If required by the interest of justice, a referendary may be delegated to perform the duties of a referendary in a different court even without their consent, provided that the period of such delegation does not exceed six months. The delegation of the referendary without their consent may be repeated upon the lapse of three years at the earliest.

§ 7. In the period of delegation as per Article 151a(4)–(6), the referendary is entitled to the basic salary applicable to their post and a long-service allowance; provisions of Articles 77(4) and (6) as well as 78(1) and (3) apply accordingly.

§ 8. Should the referendary be delegated to another court without their consent or for a period exceeding 6 months, the referendary is entitled to an allowance amounting to 10 percent of the basic salary. In the event that the referendary is delegated to the Ministry of Justice or another organisational unit under the authority or supervision of the Minister of Justice, they are entitled to a special duty allowance. The amount of the special duty allowance shall be specified in accordance with the provisions concerning special duty allowances for judges.

§ 9. The Minister of Justice may delegate a referendary, upon the referendary's consent and in accordance with their qualifications, to perform duties or a function outside the territory of the Republic of Poland as part of actions undertaken by international or supranational organisations and international teams acting on the basis of international agreements, including agreements constituting international organisations ratified by the Republic of Poland, for a definite period of up to four years. The delegation may be repeated for another period of up to four years. The provisions of Article 78a apply accordingly.

§ 10. The employment relationship with a referendary may be terminated by notice in the event that:

- 1) the referendary receives two consecutive negative periodical evaluations;
- 2) the court is abolished or reorganised, which renders further employment of the referendary impossible;
- 3) they are declared permanently unable to perform the duties of a referendary by a certifying physician of the Social Insurance Institution;
- 4) (repealed)
- 5) they are convicted of an offence other than those specified in Article 151a(16).

§ 11. Should the employment relationship with a referendary be terminated under Article 151a(10) item 2, within the period between the cessation of employment in an abolished or a reorganised court and undertaking work or business activity, the referendary, for a period of up to six months, is entitled to a cash benefit from the state budget, calculated as a cash equivalent for holiday leave; the referendary who acquired the right to an old age pension is not entitled to the benefit.

§ 12. A referendary may terminate the employment relationship by notice.

§ 13. The notice period is three months.

§ 14. The employment relationship with a referendary may be terminated by mutual agreement of the parties.

§ 15. Should criminal or disciplinary proceedings be initiated against a referendary, the president of the court of appeal may suspend the referendary in the performance of their professional duties, provided that for the time of suspension the referendary's remuneration shall be decreased by 25–50 percent. Should the disciplinary or penal proceedings be discontinued or the referendary be acquitted, the referendary is paid the withheld remuneration.

§ 16. Should a referendary lose Polish citizenship or be convicted of an intentional offence prosecuted by public indictment or a fiscal offence, the employment relationship with the referendary is terminated without notice. The employment relationship with the referendary may be terminated without notice for reasons specified in Article 53 of the Labour Code.

**Article 151b.** § 1. The basic salary of a court referendary amounts to 75 percent of the basic salary of a district court judge according to the first rate, increased by the social security contribution payable. After seven years of work at the post of a court referendary, the basic salary of the court referendary is increased to amount to 75 percent of the basic salary of a district court judge at the second rate, increased by the social security contribution payable, and after the following seven years of work, the basic salary of the court referendary is increased to amount to 75 percent of the basic salary of a district court judge at the third rate, increased by the social security contribution payable.



§ 2. The basic salary of a senior court referendary amounts to 85 percent of the basic salary of a district court judge according to the second rate, increased by the social security contribution payable. After seven years of work at the post of a senior court referendary, the basic salary of the senior court referendary is increased to amount to 85 percent of the basic salary of a district court judge at the third rate, increased by the social security contribution payable.

§ 2a. In the event that a referendary does not obtain a positive periodical evaluation, the periods of employment specified in Article 151b(1) and (2) are extended by three years.

§ 2b. In addition to the basic remuneration, court registrars shall be entitled to the length of service allowance referred to in Article 91(7) and the anniversary bonus in accordance with the rules laid down in Article 92(3)-(6) as well as to a lump-sum severance payment when their employment ends with the taking-up of an invalidity or retirement pension, in accordance with the staff regulations of the courts and prosecutor's offices.

§ 2c. In connection with the performance of their function, a court referendary is entitled to a special duty allowance. The amount of the special duty allowance shall be specified in accordance with the provisions concerning special duty allowances for judges.

§ 2d. The working time of a referendary is 8 hours a day and an average of 40 hours in a working week consisting on average of five days in the adopted settlement period of up to three months.

§ 2e. Where justified by the needs of the court resulting from the workload or by the work organisation of the division, equivalent or task-based working time may apply to referendaries.

§ 2f. Daily working time in the equivalent working time system shall not exceed 12 hours within a settlement period of up to three months.

§ 2g. The application of the working time systems referred to in Article 151b(2e) is introduced by way of order of the president of the court. The order specifies the court divisions or referendaries subject to the given working time system. The order enters into force upon the lapse of 7 days from the date of it being announced to the referendary.

§ 2h. In the order introducing the application of the task-based working time system, the president of the court also specifies working standards pertaining to the tasks referendaries are entrusted with, taking into consideration the working time applicable thereto. Working standards are determined, taking into account the workload, the complexity of entrusted tasks, as well as the applied solutions pertaining to the organisation of work.

§ 2i. The president of the court may also specify the working standards referred to in Article 151b(2h) for referendaries subject to the basic or equivalent working time system.

§ 2j. The working time schedule of referendaries and the working hours during particular days of the week are determined by the president of the court. At a written request of a referendary justified by important family or personal reasons, the president of the court may specify an individual working time schedule within the working time system the referendary is subject to.

§ 2k. Should this be required in view of special needs of the court, the president of the court or the head of the division may instruct a referendary to perform work outside the working time applicable thereto, and in exceptional cases, also on Sundays and holidays.

§ 2l. For work performed outside the applicable working time, the court referendary is entitled, at their own discretion, to equivalent time off work or to remuneration, exclusive of allowances, referred to in Article 151<sup>1</sup>(1) of the Labour Code. For work performed in excess of the working time applicable to the court referendary on Sundays or holidays, the referendary is entitled to another day off. The provision of Article 151<sup>11</sup> of the Labour Code applies accordingly.

§ 3. The provisions of Article 45(1), Article 82a(1) and (3), Article 83a, Articles 87 to 89, Article 92(1) and (2), Article 93 and Article 97(1) and (2) shall apply mutatis mutandis to court referendaries, except that the leave referred to in Article 93 shall be granted by the president of the competent appeal court.

§ 4. In matters not regulated herein, the provisions on court and public prosecutor's office employees apply accordingly to referendaries.

**Article 151c.** (repealed)

**Article 152.** § 1. The referendary is subject to disciplinary liability for the infringement of their duties, including an obvious and gross violation of legal provisions and impairment of the authority of the post.

§ 2. Disciplinary penalties include:

- 1) a reprimand;
- 2) a reprimand with warning;
- 3) a reprimand with reduction of the basic salary by 10 percent for the period of two years;
- 4) dismissal.

§ 3. Disciplinary committees adjudicate in disciplinary cases concerning referendaries.

§ 4. Presidents of regional courts establish disciplinary committees to hear disciplinary cases concerning referendaries employed in the court circuit in the first instance.

§ 5. The Minister of Justice establishes a disciplinary committee to hear disciplinary cases concerning referendaries in the second instance.

§ 6. Referendaries are appointed to sit on the disciplinary committees referred to in Article 152(4) and (5).

§ 7. For misconduct of lesser gravity, a referendary is liable as for breach of order. The penalty for breach of order imposed by the president of the court is an admonition.

§ 8. In matters not regulated herein, the provisions on disciplinary liability and liability for breach of order of appointed civil servants apply accordingly to the disciplinary liability and liability for breach of order of referendaries.

**Article 153.** (repealed)

**Article 153a.** (repealed)

**Article 153b.** § 1. The Minister of Justice assigns new court referendary's posts to individual courts, taking into consideration rational use of common court personnel and the needs resulting from the workload of particular courts.

§ 2. Should a post of a court referendary become vacant in courts acting in a given appeal court area, the president of the court of appeal immediately notifies the Minister of Justice about that fact, and the Minister of Justice, based on criteria specified in Article 153b(1), assigns the post to the given court or to another court, or abolishes the post.

### Chapter 3

#### Court Probation Officers

**Article 154.** § 1. Court probation officers perform their duties professionally (professional probation officers) or on the basis of community service (community service probation officers).

§ 2. The principles of probation service organisation and of the performance of duties by court probation officers, as well as the status of court probation officers are specified under a separate act.

### Chapter 4

#### Assistants to judges

**Article 155.** § 1. An assistant to a judge performs actions to prepare court cases for hearing and actions pertaining to the administrative activity of the courts referred to in Article 8 item 2.

§ 2. The post of an assistant to a judge may be held by a person who:

- 1) is a citizen of the Republic of Poland and enjoys full civil and full public rights;
- 2) is a person of integrity;

- 3) has completed higher education in law in Poland and has obtained a master's degree, or has completed higher education in law abroad recognised in Poland;
- 4) attained the age of 24 years;
- 5) (repealed)

§ 2a. Candidates are enrolled by way of a competition aimed at the selection of the candidate with the most extensive knowledge and the greatest skills, capabilities and general abilities necessary for the performance of the duties of an assistant to a judge.

§ 3. Prior to the employment of an assistant to a judge, the president of the court inquires about the candidate with the National Criminal Record.

§ 3a. (repealed)

§ 3b. The post of a senior assistant to a judge may be held by a person who:

- 1) an assistant who has held the position of judge's assistant for at least ten years and received positive periodic assessments, or
- 2) has passed a judicial or public prosecutor exam.

§ 4. An assistant to a judge is entitled to the basic salary. Apart from the basic salary, an assistant to a judge is entitled to the long-service allowance and jubilee awards, as well as a one-off severance payment in the event of termination of employment relationship upon retirement due to inability to work or old age, subject to the provisions on court and public prosecutor's office employees. Subject to the provisions on court and public prosecutor's office employees, an assistant to a judge may be granted:

- 1) a special allowance for temporary increase in the duties or additional tasks;
- 2) awards for outstanding achievements at work.

§ 5. The Minister of Justice specifies, by regulation, a detailed scope and manner of performing duties by assistants to judges, taking into consideration the principle of efficiency, the principle of reason, the principles of economical and rapid acting, as well as reliable performance of tasks entrusted to assistants to judges.

§ 6. The Minister of Justice specifies, by regulation, the amount of basic salary of assistants to judges, taking into account the type and nature of actions performed by assistants to judges and the level of remuneration of court officials.

§ 7. (repealed)

§ 7a. (repealed)

§ 8. Provisions of Article 82a(1) apply accordingly to assistants to judges.

§ 9. In matters not regulated herein, the provisions on court and public prosecutor's office employees apply accordingly to assistants to judges.

**Article 155a.** § 1. The competition referred to in Article 155(2a) is organised by the competent president of the court, specified in Article 5 of the Act of 18 December 1998 on Court and Public Prosecutor's Office Employees, hereinafter referred to as the "president".

§ 2. The president informs about the competition by placing an announcement in a commonly available place in the seat of the court, in the labour office competent for the seat of the court, and in the Public Information Bulletin, and may also make the information known in other ways, in particular by placing an announcement in the press.

§ 3. The competition is conducted by a selection board established by the president.

§ 4. (repealed)

§ 5. Upon the completion of the competition, the selection board, based on the results thereof, may determine a reserve list of candidates in case there arises a possibility to employ more persons or a candidate resigns.

§ 6. To apply for employment in a court, a person applying for the post of an assistant to a judge shall submit a statement to the effect that there are no proceedings pending against the said person with respect to an offence prosecuted by public indictment or a fiscal offence.

§ 7. The Minister of Justice, after consulting the National Council of the Judiciary, specifies, by regulation, a detailed mode of and procedure for carrying out the competition referred to in

Article 155(2a), in particular, the composition, procedure and methods of the selection board, stages and the course of the competition, as well as the scope and manner of providing information to the candidate, taking into consideration the need for proper selection of assistant personnel in courts.

**Article 155b.** (repealed)

**Article 155c.** (repealed).

**Article 155ca.** § 1. Within the first two years of their employment on the post, an assistant to a judge completes an apprenticeship for assistants to judges organised by the president of the court of appeal.

§ 2. By the time of completion of the apprenticeship, the assistant to a judge is employed under an employment contract for a definite period, provided that such a contract may be terminated earlier by two-week's notice.

§ 3. Persons who have passed the judicial, public prosecutor, notary, bar or legal counsel exam are released from the obligation to complete the apprenticeship for assistants to judges.

§ 4. A judge's assistant, in their first year of employment, shall, as part of their traineeship, receive training on judicial work methodology organised by the National School of Judiciary and Public Prosecution. The president of the court shall send the judge's assistant to attend a training session at the earliest date specified in the schedule of training activities of the National School of Judiciary and Public Prosecution for the year concerned.

**Article 155cb.** § 1. The apprenticeship for assistants to judges continues for 12 months and is designed to provide theoretical and practical background for the fulfilment of duties of an assistant to a judge.

§ 2. The Minister of Justice, after consulting the National Council of the Judiciary, specifies, by regulation, specific organization conditions and procedure concerning the apprenticeship for assistants to judges, the schedule of practical and theoretical sessions, apprenticeship curriculum as well as the sample document certifying the completion of apprenticeship for assistants to judges, taking into consideration the need to ensure an appropriate level of preparation for the performance of the duties of an assistant to a judge.

**Article 155d.** § 1. The Minister of Justice assigns new posts of assistants to judges to individual courts, taking into consideration rational use of common court personnel and the needs resulting from the workload of particular courts.

§ 2. Should a post of an assistant to a judge become vacant in courts acting in a given appeal court area, the president of the court of appeal immediately notifies the Minister of Justice about that fact, and the Minister of Justice, based on criteria specified in Article 155d(1), assigns the post to the given court or to another court, or abolishes the post.

**Article 155e.** § 1. The president of the court of appeal may delegate an assistant to a judge, upon their consent, to perform functions of an assistant to a judge in a different court in the appeal court area for a definite period of up to two years or for an indefinite period.

§ 2. The Minister of Justice may delegate the assistant to a judge upon their consent:

- 1) to perform the duties of an assistant to a judge in another court within a different appeal court area,
- 2) to perform administrative actions in the Ministry of Justice or another organisational unit under the authority or supervision of the Minister of Justice

- for a fixed period not exceeding two years or for an open-ended period. Article 78(1b), (4a) and (4b) shall apply *mutatis mutandis*.

§ 2a. The Minister for Justice may second a judge's assistant, with their consent and at the request of the Chair of the National Council of the Judiciary, to perform tasks at the Bureau of that Council for a fixed period of no longer than two years or for an indefinite period.

§ 3. If it is required by the interest of justice, an assistant to a judge may be delegated to perform the duties of an assistant to a judge in a different court even without their consent, provided that the period of such delegation does not exceed six months. The delegation of the assistant to a judge without their consent may be repeated upon the lapse of three years at the earliest.

§ 4. In the period of delegation as per Article 155e(1)–(3), the assistant to a judge is entitled to the basic salary applicable to their post and a long-service allowance; provisions of Articles 77(4) and (6) as well as 78(1) and (3) apply accordingly. Should the assistant to a judge be delegated to another court without their consent or for a period exceeding six months, the assistant to a judge is entitled to an allowance amounting to 10 percent of the basic salary. In the event that the assistant to a judge is delegated to the Ministry of Justice or another organisational unit under the authority or supervision of the Minister of Justice, they are entitled to a special duty allowance. The amount of the special duty allowance shall be specified in accordance with the provisions concerning special duty allowances for court and public prosecutor's office employees.

§ 5. The Minister of Justice may delegate an assistant to a judge, upon the assistant's consent and in accordance with their qualifications, to perform duties or a function outside the territory of the Republic of Poland as part of actions undertaken by international or supranational organisations and international teams acting on the basis of international agreements, including agreements constituting international organisations ratified by the Republic of Poland, for a definite period of up to four years. The delegation may be repeated for another period of up to four years. The provisions of Article 78a apply accordingly.

## **Chapter 5**

### **Officials and other court employees**

**Article 156.** The rules of employment of officials and other court employees, as well as their duties and rights are specified under separate provisions.

## **Chapter 6**

### **Court experts**

**Article 157.** § 1. The president of the regional court designates court experts and keeps a list thereof.

§ 2. The Minister of Justice specifies, by regulation, the procedure for designating court experts, for the performance of their duties, and for the dismissal of court experts from their function. Within the same procedure, the Minister of Justice may also specify the detailed rules governing the appointment and actions of courts expert teams.

§ 3. In connection with the performance of tasks arising from the decision on consultation of an opinion, the court expert enjoys legal protection provided for public officials.

## **Chapter 6a**

### **Permanent mediators**

**Article 157a.** A natural person who meets the following requirements may be a permanent mediator:

- 1) fulfils the conditions specified in Article 183<sup>2</sup>(1) and (2) of the Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws of 2014, item 101, as amended);
- 2) has the expertise and skills in mediation;
- 3) attained the age of 26 years;
- 4) speaks Polish;

- 5) has not been convicted by a final judgment of an intentional offence or an intentional fiscal offence;
- 6) was entered on the list of permanent mediators kept by the president of the regional court.

**Article 157b.** § 1. The president of the regional court adds entries to the list of permanent mediators by way of a decision issued at the request of the person applying for such an entry.

§ 2. The application for entry on the list of permanent mediators is accompanied by statements or documents confirming the fulfilment of conditions referred to in Article 157a items 1–5.

§ 3. The statement confirming the fulfilment of the condition referred to in Article 157a item 5 is made by the person applying for entry on the list under pain of criminal liability for false testimony. The person applying for entry on the list shall include the following clause: “I am aware of the criminal liability for false testimony.” The clause substitutes the authority’s notice concerning criminal liability for false testimony.

**Article 157c.** § 1. The president of the regional court, by way of a decision, removes a permanent mediator from the list in the event:

- 1) of the permanent mediator’s death;
- 2) that the permanent mediator files an application for removal from the list;
- 3) that the permanent mediator no longer fulfils any of the conditions specified in Article 183<sup>2</sup>(1) and (2) of the Act of 17 November 1964 – Code of Civil Procedure;
- 4) that the permanent mediator has been convicted by a final judgment of an intentional offence or an intentional fiscal offence;
- 5) that the permanent mediator has been considered to perform their duties in an inappropriate manner.

§ 2. The court notifies the president of the regional court who issued the decision on entry on the list of permanent mediators about each case justifying the removal from such a list under Article 157c(1) item 5.

§ 3. The decision of the president of the regional court concerning entry on or removal from the list of permanent mediators may be appealed against with the president of the court of appeal.

**Article 157d.** § 1. The president of the regional court keeps a list of permanent mediators for the local competence area of a given court circuit.

§ 2. The list of permanent mediators includes the following data concerning a permanent mediator:

- 1) name and surname as well as year of birth;
- 2) correspondence address;
- 3) information concerning educational background and completed trainings;
- 4) information concerning specialisation.

§ 3. At the request of a permanent mediator, the list referred to in Article 157d(2) may also include:

- 1) the permanent mediator’s telephone number;
- 2) the permanent mediator’s e-mail address;
- 3) information concerning the entry on the list of mediators referred to in Article 183<sup>2</sup>(3) of the Act of 17 November 1964 – Code of Civil Procedure.

§ 4. The final decision concerning the entry on the list of permanent mediators serves as the basis for including the mediator in the list of permanent mediators kept in a different regional court, at the request of the mediator filed with the president of the said court.

§ 5. The permanent mediator notifies the president of the regional court of:

- 1) any change of name or surname and data or information referred to in Article 157d(2) items 2–4 and Article 157d(3),

- 2) circumstances referred to in Article 157c(1) items 3 and 4,
  - 3) being included in the list referred to in Article 157d(4)
- within 14 days from the occurrence of the event resulting in the obligation to notify.

**Article 157e.** The president of the regional court makes the current list of permanent mediators available to courts and other entities in the seat of the court, and publishes the list in the Public Information Bulletin on the site of the court.

**Article 157f.** The Minister of Justice specifies, by regulation, the way of keeping the list of permanent mediators, the procedure for adding entries and removing mediators from the said list, for the inclusion and updating of data and information, the way of confirming that the conditions for entry on the list have been fulfilled, a sample application for the entry on the list of permanent mediators, as well as the types of documents enclosed to the application, taking into account the need to ensure reliable and up-to-date information concerning permanent mediators, uniformity of applications and efficiency of the procedure of adding entries to the list of permanent mediators.

## Chapter 7

### Lay judges

**Article 158.** § 1. A person who meets the following requirements may be selected as a lay judge:

- 1) is a Polish citizen and enjoys full civil and full public rights;
- 2) is a person of integrity;
- 3) attained the age of 30 years;
- 4) has been employed, has operated a business activity or has resided in the place where they apply for the post for at least a year;
- 5) is not older than 70 years;
- 6) is able, as regards their health condition, to perform the duties of a lay judge;
- 7) has completed at least secondary education.

§ 2. (repealed)

§ 3. The lay judge appointed to adjudicate in cases within the scope of labour law should have particular knowledge of labour-related disputes.

**Article 159.** § 1. A lay judge shall not be a person who:

- 1) is employed in a common court or other court, or in the public prosecutor's office;
- 2) is a member of a body, against the decision of which the initiation of court proceedings may be requested;
- 3) is a police officer or holds a post related to the prosecution of offences or minor offences;
- 4) is an advocate or a trainee advocate;
- 5) is a legal counsel or a trainee legal counsel;
- 6) is a clergyman;
- 7) is a soldier in active military service;
- 8) is a Prison Service officer;
- 9) is a commune, poviát or voivodship councillor.

§ 2. It is not permissible to be a lay judge in more than one court at the same time.

**Article 160.** § 1. Councils of communes within the local competence area of regional and district courts select lay judges to such courts, by a secret ballot.

§ 2. Communes prepare such elections as a delegated government administration task.

**Article 161.** § 1. The number of lay judges selected by particular councils of communes to all courts acting within the local competence area of the regional court, including the number of lay judges to adjudicate in cases within the scope of the labour law, is determined by the college of the regional court; the number of lay judges of particular district courts is determined upon consultation with the presidents of such courts.

§ 2. The president of the regional court notifies particular councils of communes about the number of lay judges thirty days before the lapse of the deadline for proposing candidates at the latest.

**Article 162.** § 1. Candidates for lay judges may be proposed to the councils of communes by presidents of competent courts, associations, other social and professional organisations registered under the provisions of law, with the exclusion of political parties, and by at least fifty citizens having the right to vote, residing permanently in the commune making such selection, by 30 June of the last year of the term of office.

§ 2. The following documents are enclosed to the lay judge proposal sheet:

- 1) information concerning the person obtained from the National Criminal Record;
- 2) a statement of the candidate to the effect that no proceedings concerning an offence prosecuted by public indictment or a fiscal offence are pending against them;
- 3) a statement of the candidate to the effect that they are not or were not deprived of parental rights and that their parental rights have not been restricted or suspended;
- 4) a medical certificate of health condition issued by a physician referred to in Article 55(2a) of the Act of 27 August 2004 on Publicly Funded Healthcare Benefits (Journal of Laws of 2008, No 164, item 1027, as amended), stating that there are no contraindications to the performance of the function of a lay judge;
- 5) two photographs compliant with the requirements applicable to personal identity card applications.

§ 3. A proposal concerning a candidate for a lay judge made on the proposal sheet by an association, other social or professional organisation registered under the provisions of law is additionally accompanied by an up-to-date excerpt from the National Court Register or an excerpt or certificate confirming the entry to a different applicable register or registry concerning the organisation.

§ 4. A proposal concerning a candidate for a lay judge made on the proposal sheet by citizens is additionally accompanied by a list of persons, including their name (names), surname, PESEL identification number, place of permanent residence and a personal signature of each of the fifty persons proposing the candidate.

§ 5. The documents listed in Article 162(2) items 1–4 should be dated no earlier than thirty days before the date of proposal submission, while the documents listed in Article 162(3) should be dated no earlier than three months before such a date.

§ 6. The person entitled to provide explanations concerning the citizen's proposal of a candidate for a lay judge is the person whose name is included first in the list referred to in Article 162(4).

§ 7. The cost of the fee for access to information from the National Criminal Register shall be borne by the State Treasury.

§ 7a. The cost of the medical test and of issuing a doctor's certificate shall be borne by the candidate lay judge.

§ 8. The cost of the fee for issuing an up-to-date extract from the National Court Register or an extract or certificate from another relevant register or record shall be borne by the State Treasury.

§ 9. Councils of communes obtain information concerning candidates for lay judges from the Voivodship Police Commander or the Warsaw Police Commander. Information concerning a candidate for a lay judge is obtained and drafted in accordance with the principles stipulated for information concerning candidates for the post of a judge.



§ 10. Proposals concerning candidates submitted to the council of the commune after the lapse of the time limit referred to in Article 162(1), as well as proposals which fail to meet the formal requirements referred to in Article 162(2)–(5) are not processed further. It is not permissible to reinstate the time limit for submitting proposals concerning candidates. Leaving a proposal without further consideration is ascertained by way of a resolution of the council of the commune.

§ 11. The Minister of Justice, after consulting the National Council of the Judiciary, specifies, by regulation, the procedure for processing documents filed with councils of communes when submitting proposals concerning candidates for lay judges, the sample proposal form and the way of making the form available, taking into consideration the need for the proposing entities to document the fulfilment of requirements specified in the act by candidates for lay judges, and to ensure the selection of candidates representing the highest ethical and intellectual virtues, to enable reliable verification of proposals and transparency of actions related to the submission of proposals concerning candidates for lay judges, and – by specifying the sample proposal form and the way of making it available – the need to uniform the procedure of submitting proposals, facilitate the access to the sample form and the processing of proposals.

**Article 163.** § 1. The selection of lay judges is conducted no later than in October of the calendar year in which the term of office of the previous lay judges expires.

§ 2. Prior to the selection, the council of the commune appoints a team, which presents its opinion about the proposed candidates at a session of the council, in particular in terms of fulfilment of requirements specified in the act.

**Article 164.** § 1. The councils of communes which selected the lay judges provide the presidents of competent courts with the list of selected lay judges along with documents referred to in Article 162(2)–(4) by the end of October at the latest. From among the lay judges included in the list, the councils of communes designate lay judges to adjudicate in cases within the scope of labour law.

§ 2. The president of the court presents the lay judges with a notification of the selection, and the lay judges make a solemn vow in accordance with the formula of the solemn vow of judges, appropriately modified.

§ 3. Upon accepting the solemn vow, the president of the court adds the lay judge to the list of lay judges who may be designated for adjudicating and provides them with an identity card.

**Article 165.** § 1. The term of office of regional and district court lay judges is four calendar years, following the year in which the selection was made, however, the mandate of an additionally selected lay judge expires upon the expiry of the term of office of all lay judges.

§ 2. Upon the expiry of the term of office, a lay judge may only participate in the hearing of a case they participated in before the expiry of the term, until the time the case closes.

**Article 166.** § 1. The mandate of a lay judge expires if the lay judge is convicted, by a final judgment, of an offence or a minor offence, including a fiscal offence or a minor fiscal offence. The council of the commune which selected the lay judge ascertains the expiry of the mandate for the aforementioned reason and notifies the president of the competent court about that fact.

§ 2. The council of the commune which selected the lay judge may dismiss them at the request of the president of the competent court in the event of:

- 1) (repealed)
- 2) failure to perform the duties of a lay judge;
- 3) instances of conduct which harms the authority of the court;
- 4) inability of the lay judge to perform their duties.

§ 2a. The request referred to in Article 166(2) is submitted along with opinions of the competent board of lay judges and the college of the competent regional court or along with the statement of the president of the competent court to the effect that within 21 days from the date of delivery of the request for opinion such opinions have not been issued. In the event of lack of opinions, the president of the competent court, along with the request, presents the council of the

commune with confirmation of receipt of the request by the entity authorised to issue opinions. Failure to issue an opinion within the deadline is deemed failure to submit comments concerning the request. The provision of Article 31(2) applies accordingly.

§ 2b. Prior to adopting a resolution concerning the request for dismissal of a lay judge, the president of the council of the commune gives the lay judge an opportunity to be heard and to participate in the meeting of the competent committee and in the session of the council, during which such a request will be reviewed and considered. The lay judge is notified in writing about the dates of the meeting of the committee and the session of the council of the commune at least seven days in advance, as per the Code of Administrative Procedure.

§ 2c. In cases referred to in Article 166(2b), the lay judge acts in person, and in the event of inability to appear in person, they may act through a representative acting under the power of attorney.

§ 3. Before the lapse of the term of office, the mandate of a lay judge expires on the day when they receive the notification issued by the president of the court concerning the removal from the list of lay judges as a result of resignation from the mandate due to significant reasons or dismissal of the lay judge by the council of commune.

**Article 167.** § 1. Within the term of office, a lay judge shall not be appointed for the performance of duties in the event that:

- 1) circumstances which rendered the appointment impossible become known;
- 2) proceedings for the dismissal of the lay judge are initiated – until a resolution concerning the dismissal is adopted by the council of the commune;
- 3) proceedings concerning an offence prosecuted by public indictment or a fiscal offence are initiated against the lay judge – until the case is closed with a final decision.

§ 2. Should a court, a branch unit or a branch division be abolished, lay judges of such units become the lay judges of the courts which assumed the competences of the abolished units.

**Article 168.** If necessary, especially due to a decrease in the number of lay judges during the term of office, the council of the commune, at the request of the president of the regional court, supplements the list by selecting new lay judges in accordance with the procedure set forth in the act.

**Article 169.** § 1. As regards adjudicating, lay judges are independent and are bound only by the Constitution and acts.

§ 2. A lay judge may not preside over a hearing or deliberations, or perform duties of a judge outside the hearing, unless acts stipulate otherwise.

§ 3. The provision of Article 85(4) applies accordingly to lay judges.

**Article 170.** § 1. A juror may be designated to participate in hearings for up to twenty days during the course of a year. That number of days may be increased by the court president only for important reasons, and in particular if it is necessary to complete a hearing in which that juror is participating.

§ 2. (repealed)

§ 3. Upon designation of a lay judge to participate in a hearing, their employer is notified of the fact.

**Article 171.** § 1. The president of a court may order that an additional juror be assigned to a case if it is likely to last longer. If necessary, two lay judges may be assigned, specifying the order in which they will take part in deliberations and voting.

§ 2. An additional lay judge takes part in deliberations and voting if one of the lay judges cannot sit in the court.

**Article 172.** § 1. The lay judge's employer shall excuse the lay judge from work for the period of the performance of their duties in the court.

§ 2. For the period the lay judge is excused from work, they are entitled to benefits under employment relationship, with the exception of the right to remuneration.

§ 3. The lay judge receives monetary compensation for the period of performance of the following duties in the court: participation in a hearing or meeting, participation in deliberations concerning the judgment, preparation of statement of reasons, or participation in the meeting of the board of lay judges, provided that such a lay judge was appointed to the board.

§ 4. The financial compensation for lay judges who participate in hearing cases at ordinary courts shall, for one day of performance of lay judge's duties, be 2.64 % of the base figure, referred to in Article 91(1c), for determining the basic remuneration of judges.

§ 4a. Lay judges shall be entitled to a flat-rate amount to cover the costs of travelling to court by public transport to perform activities at court equal to 0.25 % of the base figure, referred to in Article 91(1c), for determining the basic remuneration of judges.

§ 5. (repealed)

§ 6. The State Treasury shall bear the costs of paying the benefits referred to in sections 4 and 4a.

**Article 173.** Lay judges residing outside the seat of the court receive daily allowances and are reimbursed for the costs of travel and accommodation in accordance with the respective rules applicable to judges.

**Article 174.** § 1. The amounts referred to in Article 172(3) and Article 173 are granted by the president of the competent court.

§ 2. The decision of the president of the district court may be appealed against with the president of the regional court, and where the decision in the first instance was issued by the president of the regional court or the president of the court of appeal – with the Minister of Justice.

**Article 175.** § 1. From among themselves, lay judges select a board of lay judges, the chairperson and deputies.

§ 2. The tasks of the board of lay judges include, in particular, increasing the level of lay judges' performance, representation of lay judges, as well as stimulating the educational activity of lay judges in the society.

§ 3. The Minister of Justice specifies, by regulation, the procedure for selection, the composition and the organisational structure, the procedure for acting and detailed tasks of the board of lay judges, taking into consideration the obligatory nature of the board of lay judges as a self-government of lay judges, representing lay judges in a given court, the scope of cooperation with the president of the court, the need to include the chairperson and deputies in the organisation of the board and to specify their tasks.

## PART IVA

### PROCESSING OF PERSONAL, TELECOMMUNICATIONS, POSTAL AND INTERNET DATA AND DIGITISATION OF THE ORDINARY COURTS

**Article 175a.** § 1. The Minister of Justice processes the personal data of:

- 1) judges and retired judges as well as assistant judges,
- 2) court referendaries, judges' assistants, court managers and their deputies, senior probation officers, officials and other court staff,
- 3) court experts, court physicians, mediators and lay judges,
- 4) candidates for the posts listed in items 1 and 2

– to the extent necessary for the proper performance of obligations and rights of the employer under employment relationship or other service relationships, or the performance of tasks in the field of administrative supervision over the administrative activity of the courts.

§ 2. The provision of Article 43(1) item 4 of the Act of 29 August 1997 on the Protection of Personal Data (Journal of Laws of 2014, items 1182 and 1662) applies accordingly to the processing of the personal data referred to in Article 175a(1).

§ 3. The Minister of Justice exchanges data concerning retired judges to the extent specified in Article 68a(1) of the Act of 13 October 1998 on the Social Insurance System, within the Electronic Exchange of Social Security information referred to in Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284 of 30.10.2009, p. 1, as amended), through the access point operated by the Social Insurance Institution.

**Article 175b.** § 1. Presidents of district courts competent for the seat of the requesting authority forward to the Minister of Justice annual information on the processing of telecommunications, postal and internet data, broken down by the number of instances of making data available for the type of data concerned, and the results of the inspections carried out, by March 31 of the year following the year covered by the inspection.

§ 2. The Minister of Justice annually submits to the Sejm and the Senate aggregated information on the processing of telecommunications, postal and internet data, and the results of inspections carried out, by 30 June of the year following the year covered by the inspection.

**Article 175c.** § 1. The Minister of Justice is the administrator of the system used to process personal data obtained from the ICT system referred to in Article 213(1a) of the Code of Penal Procedure. The provision of Article 40 of the Act of 29 August 1997 on the Protection of Personal Data does not apply to personal data processing.

§ 2. The Minister of Justice processes the data obtained from the ICT system referred to in Article 213(1a) of the Code of Penal Procedure only to the extent necessary to carry out the task referred to in Article 175c(1).

**Article 175d.** In performing the tasks laid down in the Act, the Minister for Justice shall perform the coordination role within the meaning of Article 40(2) of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205 of 7 August 2007, p. 63, as amended ) and ensure that courts have access to data, including as regards the processing of personal data in that system.

**Article 175e.** § 1. The Minister for Justice may appoint a coordinator for digitisation of the ordinary courts.

§ 2. The judge appointed to act as coordinator for digitisation of the ordinary courts shall receive a post allowance.

**Article 175f.** § 1. The Minister for Justice may, by decision, assign to the State Treasury the author's exploitation rights to the computer program running the courts' information systems, hereafter 'the computer program', to the extent necessary for the performance of the courts' tasks.

§ 2. The decision referred to in paragraph 1 may be issued if the effectiveness or continuous functioning of the computer program or an electronic system running the computer program is threatened, if ensuring their effectiveness or continuous functioning is in the overriding interest of the State or the sound dispensation of justice or if there are obstacles to an agreement to that end with the holder of the author's rights to the computer program.

§ 3. The decision referred to in paragraph 1 shall lay down:

1) the scope of the powers, which may encompass:

- a) the use of the computer program;
- b) the permanent or temporary reproduction of the computer program by any means and in any form, in part or in whole;

- c) the translation, adaptation, arrangement and any other alteration of the computer program;
  - d) the distribution, including rental, of the computer program or copies thereof;
  - e) the reproduction of the code or the translation of its form;
- 2) the duration of the powers for no more than 20 years.

§ 4. In the decision referred to in paragraph 1, the Minister for Justice may oblige the holder of the author's exploitation rights to the computer program to hand over the documentation and source code for the computer program, including the libraries and commands necessary to generate object code. In such a case, the decision may lay down the format and form in which source documentation and code are to be handed over.

§ 5. The decision referred to in paragraph 1 may be imposed with immediate effect.

**Article 175g.** § 1. The Minister for Justice shall, after consulting an expert, fix, by decision, an amount of remuneration due to the holder of the author's exploitation rights to the computer program commensurate with the author's exploitation rights to the computer program acquired by the State Treasury under the decision referred to in Article 175f(1).

§ 2. An appeal against the decision referred to in paragraph 1 may be lodged with an ordinary court.

§ 3. The remuneration referred to in paragraph 1 shall discharge all the holder of the author's exploitation rights to the computer program's claims against the State Treasury arising from the transfer to the State Treasury of the powers laid down in the decision referred to in Article 175f(1).

## PART V

### FINANCING OF COMMON COURTS ACTIVITY

#### Chapter 1

##### Budget of the judiciary

**Article 176.** § 1. Incomes and expenses of common courts constitute a separate part within the state budget.

§ 2. (repealed)

**Article 177.** § 1. The Minister of Justice is the administrator of the part of the budget allocated to common courts.

§ 2. The manager of the court of appeal performs tasks and exercises competences concerning the management of the budget of the courts within the appeal court area, as well as exercises control over the financial management, and the management of the State Treasury assets by such courts.

§ 3. (repealed)

§ 4. Within the scope specified in Article 177(2), the manager of the court of appeal reports directly to the Minister of Justice, while the managers of regional and district courts – to the manager of the superior court of appeal.

**Article 177a.** (repealed)

**Article 178.** § 1. Draft financial plans and financial plans for courts in an appeal court area are drafted by managers of the courts of appeal on the basis of draft plans prepared by the managers of regional and district courts, in line with the principles set forth in the provisions concerning public finances, taking into account the scope of tasks performed by the courts referred to in Article 1(2) and (3).

§ 2. Managers of courts of appeal submit the draft plans referred to in Article 178(1) to the National Council of the Judiciary and to the Minister of Justice.

§ 3. Within a month from the date of receipt of the draft plan, the National Council of the Judiciary lodges a motion with the Minister of Justice for drafting a plan of incomes and expenses of common courts, along with its comments and reservations.

§ 4. The draft plan of incomes and expenses of common courts drawn up in accordance with the procedure specified in the provisions of Article 178(1)–(3) is forwarded by the Minister of Justice to the minister competent for public finances to be included in the draft Budget Act, in accordance with the principles specified in Article 139(2) of the Act of 27 August 2009 on Public Finances.

§ 5. Within the scope of budget implementation in the part allocated to common courts, the Minister of Justice is vested with the rights of the minister competent for public finances.

## Chapter 2

### Financial management of courts

**Article 179.** § 1. The body responsible for the financial management of a court is the court manager.

§ 1a. The activities of the president of the court having financial implications not included in the financial plan of the court require prior approval of the competent court director, except for orders concerning court fees imposed by the court.

§ 2. (repealed)

§ 3. The investment activity of a court is carried out:

- 1) in the case of the court of appeal and district courts acting in the appeal court area in which a court manager was appointed – by the manager of the court of appeal;
- 2) in the case of the regional court and district courts acting in the court circuit in which a court manager was not appointed – by the manager of the regional court.

§ 4. The manager of the court of appeal may entrust the manager of one regional court with the performance of investment tasks of another regional court or of district courts.

§ 5. The Minister of Justice in consultation with the minister competent for public finances, specifies, by regulation, detailed principles concerning the carrying out of financial management and investment activity of courts, including:

- 1) the principles of the management of funds from the budget of the judiciary, appointment of administrators of funds and specification of their tasks and competences,
- 2) the principles of and procedure for drawing up of financial plans of courts,
- 3) the principles of and procedure for introducing changes in financial plans of courts,
- 4) release of funds from the budget,
- 5) the bank accounts of courts,
- 6) settlements in the interim period after the end of the budget year,
- 7) the procedure for collection of income and bearing expenses of courts,
- 8) budgetary and financial reporting,
- 9) conducting investment activity of courts

– taking into consideration the need to manage public funds properly, as well as the requirements set forth in the provisions on public finances.

**Article 179a.** § 1. The Minister of Justice may entrust the unit created on the basis of Article 23(2) item 1 of the Act of 27 August 2009 on Public Finances with specific tasks pertaining to the administrative activity of courts as regards:

- 1) performance of tasks in the area of informatisation of courts and IT services provided to courts;
- 2) conducting public procurement procedures.

§ 2. The unit referred to in Article 179a(1) may obtain subsidies from the state budget from the part allocated to common courts with respect to the performance of tasks listed in Article 179a(1).

**PART VI**

**AMENDMENTS TO PROVISIONS IN FORCE, TRANSITIONAL AND FINAL PROVISIONS**

**Chapter 1**

**Amendments to provisions in force**

(omissis)

**Chapter 2**

**Transitional and final provisions**

(omissis)

**ANNEX**

**Rates of the basic salary at particular posts of judges and the multiplying factors used for determining the amount of the basic salary of judges**

Post	Rate of basic salary	Multiplying factor
District court judge	first	2.05
	second	2.17
	third	2.28
	fourth	2.36
	fifth	2.50
Regional court judge	fourth	2.36
	fifth	2.50
	sixth	2.65
	seventh	2.75
	eighth	2.92
Appeal court judge	seventh	2.75
	eighth	2.92
	ninth	3.12
	tenth	3.23