

THE ACT

of 25th July 2002

LAW ON THE SYSTEM OF ADMINISTRATIVE COURTS

(Consolidated text *Dziennik Ustaw* of 2018, item 2107;
as amended by: *Dziennik Ustaw* of 2019, items 125 and 914)

Chapter 1 General Provisions

Art. 1

§ 1. Administrative courts shall administer justice through reviewing the activity of public administration and resolving disputes as to competence and jurisdiction between local government authorities, appellate boards of local government, and between these authorities and government administration authorities.

§ 2. The review referred to in § 1 shall be performed from the point of view of conformity with law, unless otherwise provided by statute.

Art. 2

The Supreme Administrative Court and voivodship administrative courts shall be administrative courts.

Art. 3

§ 1. Cases falling within the jurisdiction of administrative courts shall be heard, in the first instance, by voivodship administrative courts.

§ 2. The Supreme Administrative Court shall exercise supervision over the activity of voivodship administrative courts

within the scope of adjudicating cases according to the procedure specified by statute and, in particular, shall hear means of appeal against the decisions of these courts and adopt resolutions explaining legal issues and shall hear other matters falling within the jurisdiction of the Supreme Administrative Court by virtue of other statutes.

Art. 4

Judges of administrative courts and court assessors, within the exercise of their office, shall be independent and subject only to the Constitution and statutes.

Art. 5

§ 1. The President of the Republic of Poland, upon request of the National Council of the Judiciary, shall appoint judges of administrative courts to hold judicial office.

§ 2. Judges of administrative courts shall be appointed to the office of judge of voivodship administrative court, with designation of official location (seat), or to the office of judge of the Supreme Administrative Court.

§ 3. The President of the Republic of Poland upon the request of the National Council of the Judiciary, shall appoint court assessors to perform the public function of a court assessor.

§ 4. Court assessors shall be appointed for the period of five years with designation of the official location (seat) of a court assessor in the voivodship administrative court.

Art. 6

§ 1. No person may be appointed as judge of a voivodship administrative court unless he/she meets the following requirements:

- 1) is a Polish citizen and fully enjoys civil and citizens' rights;
- 2) has a flawless character;

- 3) has graduated from law faculty at a university in Poland with a Master of Laws degree, or abroad with a degree recognised in Poland;
- 4) is due to health condition capable of performing the functions of a judge;
- 5) has attained 35 years of age;
- 6) shows a high level of knowledge in the field of public administration and administrative law, as well as other legal disciplines connected with the functioning of public administration authorities;
- 7) for at least 8 years, has been employed or in service as judge, public prosecutor, president, vice-president or counsel of the General Counsel to the Republic of Poland, or has performed for at least 8 years the profession of advocate, legal adviser or notary public, or has been employed for at least 10 years in public institutions at positions connected with application or making of administrative law or has worked as court assessor in a voivodship court for at least 2 years.

§ 2. The requirements referred to in § 1(7) shall not apply to persons with the title of professor and habilitated doctors in legal science.

§ 3. In particularly justified cases, the President of the Republic of Poland may, at the request of the National Council of the Judiciary, appoint as judge a candidate who has not met the requirements specified in § 1(7) concerning the time periods of employment on positions mentioned in that provision or the performance of the provision of lawyer, legal counsel or notary public.

§ 4. Persons referred to in § 2 may be employed on the basis of an appointment as judge, also on a part-time base.

Art. 6a

§ 1. No person can be appointed to perform the official function as court assessor unless he/she has attained 30 years of age and complies with the requirements:

- 1) specified in Article 6 § 1(1 to 4 and 6);
- 2) he/she has been employed or in service as judge, public prosecutor or president, vice-president or counsel of the General Counsel to the Republic of Poland, or he/she has performed for at least four years the profession of advocate, legal adviser or notary public, or he/she should have occupied for at least six years in public institutions at positions connected with application or making of administrative law.

§ 2. The requirements referred to in § 1(2) do not apply to persons with the title of professor and habilitated doctors in legal science.

§ 2a¹. The President of the Supreme Administrative Court shall publish announcements about vacant positions of court assessors in the Official Gazette of the Republic of Poland “Monitor Polski”.

§ 3. The application for the position of court assessor shall be submitted to the president of the appropriate voivodship administrative court.

§ 4. The president of the appropriate voivodship administrative court, after confirming that the candidate complies with the conditions and requirements stated in § 1 and 2 above, transfers the application to the President of the Supreme Administrative Court.

§ 5. The President of the Supreme Administrative Court, after the consultation with the court board, shall present the application to the position of court assessor to the National Council of the Judiciary together with the evaluation of qualifications.

¹ Article 6 § 2a inserted by Article 3(1) of the Act of 20th July 2018 amending the Act – Law on the System of Common Courts and certain other Acts (Journal of Laws of 2018, item 1443). The amendments entered into force on 10th August 2018.

Art. 7

§ 1. No person may be appointed as judge of the Supreme Administrative Court unless he/she meets the requirements specified in Article 6 § 1(1)–(4) and (6), has attained 40 years of age and has been employed or in service for at least 10 years as judge, public prosecutor, president, vice-president or counsel of the General Counsel to the Republic of Poland, or has performed for at least 10 years the profession of advocate, legal adviser or notary public. The requirement of attaining 40 years of age shall not apply to the judges who have been employed as judge of a voivodship administrative court for at least 3 years.

§ 2. The provisions of Article 6 § (2)–(4) shall apply equally to the appointment to the office of judge of the Supreme Administrative Court.

Art. 8

Financial declarations, referred to in Article 87 of the Act of 27 July 2001 Law on the System of Common Courts (Dziennik Ustaw of 2018, item 23 as amended) shall be submitted by the judges of voivodship administrative courts to an appropriate president of the voivodship administrative court, and by the president of a voivodship administrative court and the judges of the Supreme Administrative Court – to the President of the Supreme Administrative Court. The board of an appropriate administrative court shall analyse the data contained in the financial declaration.

Art. 9

The Supreme Administrative Court shall be a disciplinary court in cases involving judges and court assessors of administrative courts. The Disciplinary Prosecutor of the Supreme Administrative Court shall be the prosecutor in disciplinary proceedings.

Art. 10

Administrative courts shall employ senior court referendaries, court referendaries, senior judge assistants, judge assistants and court officers as well as other court employees.

Art. 11

The President of the Supreme Administrative Court shall establish the principles of clerical work in administrative courts.

Art. 12

The President of the Supreme Administrative Court shall exercise hierarchical supervision over administrative activity of the administrative courts.

Art. 12a²

§ 1. Administrative courts shall act as controllers of personal data processed in court proceedings.

§ 2. The provisions of Articles 15, 16 (to the extent that specific provisions provide for a separate procedure for rectification), and Articles 18 and 19 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 of 4.5.2016, p. 1, as amended), hereinafter referred to as “Regulation 2016/679”, shall not apply to the processing of personal data in court proceedings.

§ 3. In connection with the processing of personal data in court proceedings, the obligations referred to in Article 13 of the Regulation 2016/679 shall be complied with by displaying the information specified in Article 13(2) of the Regulation

² Article 12a inserted by Article 75 of the Act of 14th December 2018 on the protection of personal data processed in connection with the prevention and combating of crimes (Journal of Laws of 2019, item 125).

2016/679 on the website of the relevant entity operating the Public Information Bulletin and in a prominent place of the courthouse.

Art. 12b³

§ 1. Supervision over the processing of personal data by voivodship administrative courts in court proceedings shall be exercised by the President of the Supreme Administrative Court.

§ 2. Supervision over the processing of personal data by the Supreme Administrative Court in court proceedings shall be exercised by the President of the National Council of the Judiciary.

§ 3. The provisions of Article 175dd (2) and (3) and Section I, Chapter 5a of the Act of 27 July 2001 – Law on the system of common courts, shall apply accordingly to the supervision referred to in §§ 1 and 2.

Art. 13

§ 1. The President of the Supreme Administrative Court may second a judge of a voivodship court, upon his/her consent, to perform, for a definite period, the duties of a judge in the Supreme Administrative Court.

§ 2. The Minister of Justice, upon request of the President of the Supreme Administrative Court, may second a judge of an appellate court or a judge of a regional court, upon his/her consent, to perform, for a definite period, the duties of a judge in an administrative court.

Art. 14

§ 1. A draft revenue and expenditure budget of the Supreme Administrative Court shall also include revenue and expenditures of voivodship administrative courts. The minister competent for matters of public finance shall include the draft re-

³ Article 12b inserted by Article 67 of the Act cited in footnote 2.

venue and expenditure budget, in the wording established by the President of the Supreme Administrative Court, into the State budget.

§ 2. The President of the Supreme Administrative Court shall have the powers of minister competent for matters of public finance in relation to the implementation of the budget of administrative courts.

Art. 15

§ 1. The President of the Supreme Administrative Court shall inform the President of the Republic of Poland and the National Council of the Judiciary about the activity of the administrative courts.

§ 2. The President of the Supreme Administrative Court shall inform the Prime Minister about problems faced in the functioning of public administration in association with matters considered by administrative courts.

Chapter 2

Voivodship administrative courts

Art. 16

§ 1. A voivodship administrative court shall be created for one or more voivodships.

§ 2. The President of the Republic of Poland shall, upon request of the President of the Supreme Administrative Court, create and dissolve, by means of a regulation, voivodship administrative courts and shall establish their seats and jurisdiction, and may create local divisions of those courts outside the seat of the court, and may also dissolve local divisions of those courts.

Art. 17

§ 1. A voivodship administrative court shall be divided into divisions created and dissolved by the President of the Supreme Administrative Court.

§ 2. A division in the voivodship administrative court shall be directed by the president or vice-president of that court or by a designated judge.

Art. 18

§ 1. The voivodship administrative court shall be composed of: the president of the court, the vice-president of the court or vice-presidents of the court, judges and court assessors.

§ 2. The number of judges, vice-presidents of the court and court assessors at the voivodship administrative court shall be defined by the President of the Supreme Administrative Court.

Art. 19

There shall be the following governing bodies of the voivodship administrative court: the president of the court, the general assembly of judges of the administrative court, hereinafter called “the general assembly” and the board of the administrative court, hereinafter called “the board of the court”.

Art. 20

§ 1. A president of voivodship administrative court shall manage the court and represent it in its external relations, and shall perform activities of judicial administration and other acts provided for by statute.

§ 2. In the area of court administration, the president of voivodship administrative court shall be a body subordinate to the President of the Supreme Administrative Court.

§ 3. A president of voivodship administrative court shall be substituted by a vice-president of the court or a designated judge.

Art. 21

§ 1. A president and a vice-president in a voivodship administrative court shall be appointed by the President of the Supreme Administrative Court from among the judges of the

voivodship administrative court or judges of the Supreme Administrative Court, after seeking an opinion of the general assembly of that court.

§ 1a. A president and a vice-president in a voivodship administrative court shall be appointed for no more than two consecutive five-year terms.

§ 2. If no opinion has been given within two months from the submission of the candidate to the appropriate general assembly, the President of the Supreme Administrative Court may appoint a president of the voivodship administrative court without such opinion.

§ 3. In the event that the general assembly has given an unfavourable opinion on the candidate, the President of the Supreme Administrative Court may appoint him/her after receipt of a favourable opinion of the National Council of the Judiciary. Unfavourable opinion of the National Council of the Judiciary shall be binding on the President of the Supreme Administrative Court.

§ 4. If the National Council of the Judiciary has failed to give an opinion within 30 days from the presentation by the President of the Supreme Administrative Court an intention to appoint a president of the court despite of an unfavourable opinion given by the general assembly of that court, it shall be deemed that the opinion is favourable.

Art. 21a

§ 1. A president and a vice-president in a voivodship administrative court may be removed from office during his/her term by the President of the Supreme Administrative Court in the event:

- 1) of gross dereliction of official duty;
- 2) that further performance of the function cannot be reconciled, for other reasons, with the interest of the administration of justice.

§ 2. The removal from office of a president and a vice-president in a voivodship administrative court shall take place after seeking an opinion of the general assembly of that court and the National Council of the Judiciary. In the event of failure to give an opinion within one month from the presentation of an intention to remove the president or vice-president from office, it shall be deemed that the opinion is favourable.

§ 3. In the event that the president or vice-president in a voivodship administrative court resigns from office during his/her term, the President of the Supreme Administrative Court shall remove him/her from office without seeking an opinion referred to in § 2.

Art. 22

§ 1. The President of the Supreme Administrative Court, the president of a voivodship administrative court and other persons appointed to direct and supervise administrative activity shall have the right of access to activities of an appropriate voivodship court, they may attend a trial held in camera and may demand explanation and elimination of irregularities. The President of the Supreme Administrative Court and the president of a voivodship administrative court may set aside administrative rulings which are not in conformity with the law.

§ 2. Within the scope of measures of supervision over administrative activities of voivodship administrative courts, the President of the Supreme Administrative Court may order inspection or general inspection in the court.

§ 3. In the event that irregularities have been found in respect of effectiveness of the court proceedings, the President of the Supreme Administrative Court and the president of a voivodship administrative court may point out such irregularities and may demand that their consequences be eliminated.

§ 4. The functions referred to in § 1 and § 2 shall not enter into the area in which judges and court assessors are independent.

§ 5. The President of the Republic of Poland shall, by means of a regulation, specify a detailed procedure for the exercise of supervision over an administrative activity of voivodship administrative courts by authorities and persons designated to do so. In specifying the detailed procedure for supervision, one should take into account the fact that the supervision should support effective and solid performance of the tasks assigned to the court.

Art. 23

§ 1. The President of the Republic of Poland shall establish, by means of a resolution, rules determining precisely the procedures of internal operation of voivodship administrative courts.

§ 2. The rules, referred to in § 1, shall specify in particular:

- 1) internal organisation of the courts,
- 2) order of functioning of the courts,
- 3) the procedure of court activities for assuring their effective and swift performance,
- 4) the procedure for assignment of adjudicating panels in adjustment to adjudicating specialisation of the judges and the inflow of cases,
- 5) instances of assigning adjudicating panels by drawing lots with determining the rules of drawing of lots.

Art. 24

§ 1. The general assembly shall consist of judges of the voivodship administrative court.

§ 1a. The court assessors can take part in the general assembly without the right to vote.

§ 2. The president of the voivodship administrative court shall be chairperson of the general assembly and shall convene the general assembly at least once a year.

§ 3. Presence of at least half of members of the general assembly shall be required for passing its resolutions. The resolutions shall be passed by an absolute majority of votes.

§ 4. The general assembly shall –

- 1) consider information from the president of the voivodship administrative court about annual activities of the court,
- 2) present candidates for judges of the voivodship administrative court to the National Council of the Judiciary,
- 3) provide opinion on the appointment or removal of the president of the voivodship administrative court and opinion on the appointment or removal of the vice-president of the voivodship administrative court,
- 4) decide the number of members of the board of the court and elect its members as well as enact changes in its composition,
- 5) *repealed*⁴,
- 6) *repealed*⁵,
- 7) consider and provide opinion on other matters submitted by the president of the voivodship administrative court and lodged by members of the general assembly.

Art. 25

§ 1. The board of the court:

- 1) shall assign the Activities at the court and it shall define the detailed principles of assignment of cases to specific judges and court assessors as well as court referendaries and senior court referendaries;
- 2) shall present its opinion on the candidates for the position of a judge or a court assessor to the general assembly;
- 3) shall consider matters submitted to the general assembly;

⁴ Article 24 § 4(5) repealed by Article 4 of the Act of 8th December 2017 amending the Act on the National Council of Judiciary and certain other Acts (Journal of Laws of 2018, item 3).

⁵ Article 24 § 4(6) repealed by Article 4 of the act cited above.

4) shall consider other matters submitted by the president of the court, or on its own initiative.

§ 2. The term of office of the board of the court shall be three years.

§ 3. The president of the court shall be chairperson of the board of the court.

§ 4. The provisions of Article 24 § 3 shall apply to the passing of resolutions by the board of the court.

Art. 26

Repealed.

Art. 27

§ 1. No person may be appointed as court referendary, to perform the functions in mediation proceedings and other functions of judge as specified by statute, unless he/she meets the requirements specified in Article 6 § 1(1)–(3) and has been employed for at least 3 years at positions connected with application or making of administrative law.

§ 2. A court referendary, who has held his/her post for at least 10 years, has not been punished for disciplinary infractions and has obtained positive results in regular qualification assessments, may be appointed as senior court referendary.

Art. 27a

§ 1. No person may be employed as judge assistant, to independently perform the functions of court administration and functions of preparing cases for court hearing, unless he/she meets the requirements specified in Article 6 § 1(1)–(3).

§ 2⁶. A judge assistant, who has held his/her post for at least 5 years and has obtained positive results in regular qualification assessments, may be employed as senior judge assistant.

⁶ Article 27a § 2 in the wording given by Article 3(2) of the Act cited in footnote 1.

Art. 28

The President of the Republic of Poland shall specify, by means of a regulation, positions and required qualifications of court officers and employees of voivodship administrative courts, and also detailed principles of compensating and scales of basic salary as well as the level of additional salary connected with the position held or the exercised function of court referendaries, senior court referendaries, judge assistants, senior judge assistants, court officers and other employees in voivodship administrative courts, taking into account the principle relating the salary to position and required qualifications, the need to ensure proper organization of administrative activity, adequate level of functioning of court secretariats and a high level of work culture, competence, rationality, promptness and professionalism in the carrying out of the activities indispensable to the efficient conduct of proceedings.

Art. 29

§ 1. Any matters not regulated by the Act related to voivodship administrative courts as well as judges, court assessors, senior court referendaries, court referendaries, senior judge assistants, and judge assistants shall be governed by appropriate provisions concerning the system of courts of general jurisdiction, however:

- 1) the provisions concerning the ITC system used in the procedure of appointment to the public function of a judge or a court assessor at a court of general jurisdiction shall not apply;
- 2) judges' remuneration shall be governed by appropriate provisions concerning the remuneration of judges of the court of appeal;
- 3) the basic remuneration of a court assessor shall correspond to the basic remuneration of a district court judge accor-

ding to the fourth rate, increased by due social security premium;

4)⁷ the provisions on the proceeding concerning the appointment to the position of a judge of a common court shall apply accordingly to the appointment to the position of a court assessor.

§ 2. Any matters not regulated by the Act related to court officers and other employees of voivodship administrative courts shall be governed by the provisions of the Act of 18 December 1998 on the Employees of Courts and the Prosecutor's Office (Journal of Laws of 2017, item 246 and 1139).

§ 3. The powers of the Minister of Justice specified in provisions of § 1 and 2 shall be conferred on the President of the Supreme Administrative Court.

Chapter 3

The Supreme Administrative Court

Art. 30

The Supreme Administrative Court shall be composed of the President of the Supreme Administrative Court, Vice-Presidents and judges.

Art. 31

There shall be the following organs of the Supreme Administrative Court: the President of the Supreme Administrative Court, the General Assembly of Judges of the Supreme Administrative Court and the Board of the Supreme Administrative Court.

Art. 32

The Supreme Administrative Court shall have its seat in Warsaw.

⁷ Article 29 § 1(4) inserted by Article 3(3) of the Act cited in footnote 1.

Art. 33

Upon the request of the General Assembly of Judges of the Supreme Administrative Court, the President of the Republic of Poland shall decide, by means of a resolution, the number of the posts of judge in the Supreme Administrative Court, including the number of Vice-Presidents of that Court.

Art. 34

§ 1. The Supreme Administrative Court shall be headed by the President of the Supreme Administrative Court who shall direct its work and represent it in its external relations.

§ 2. The President of the Supreme Administrative Court shall perform functions prescribed for in this Act and in separate provisions, and shall take up activities of judicial administration in relation to the Supreme Administrative Court.

Art. 35

§ 1. The President of the Supreme Administrative Court shall have the right of access to activities of the Supreme Administrative Court, he/she may attend a trial held in camera and may demand explanation and elimination of irregularities. In the event that irregularities have been found in respect of effectiveness of the court proceedings, the President of the Supreme Administrative Court may point out such irregularities and may demand that their consequences be eliminated.

§ 2. The functions referred to in § 1 shall not enter into the area in which judges are independent.

Art. 36

§ 1. The President of the Supreme Administrative Court may apply to the Supreme Administrative Court for the adoption of a resolution explaining legal regulations whose application has caused divergence of jurisprudence between administrative courts.

§ 2. Provisions concerning the proceedings before administrative courts shall apply, as appropriate, to matters referred to in § 1.

Art. 37

Vice-Presidents of the Supreme Administrative Court shall be deputies of the President of the Supreme Administrative Court within the scope specified by the President.

Art. 38

The President of the Supreme Administrative Court may confer upon the judges specific activities of court administration and may authorise them to manage particular affairs on his/her behalf.

Art. 39

§ 1. The Supreme Administrative Court shall be divided into: the Financial Chamber, the Commercial Chamber and the General Administrative Chamber.

§ 2. The Financial Chamber shall exercise, within the limits and in accordance with the procedure specified in appropriate provisions, supervision over the jurisprudence of the voivodship administrative courts in matters of tax liabilities and other money contributions to which tax provisions and provisions on enforcement of money contributions apply.

§ 3. The Commercial Chamber shall exercise, within the limits and in accordance with the procedure specified in appropriate provisions, supervision over the jurisprudence of the voivodship administrative courts in matters of economic activity, the protection of industrial property, the budget, currencies, securities, banking, insurance, customs, prices, tariff rates and fees, except for fees payable in respect of matters referred to in § 4.

§ 4. The General Administrative Chamber shall exercise, within the limits and in accordance with the procedu-

re specified in appropriate provisions, supervision over the jurisprudence of the voivodship administrative courts in matters not listed in § 2 or 3, particularly in matters of construction and construction supervision, land development, water management, protection of natural environment, agriculture, forestry, employment, system of local government, management of immovables, privatisation of property, the universal obligation of military service, internal affairs, as well as prices, fees and tariff rates, provided that they are connected with matters falling within the scope of competence of the Chamber.

§ 5. The work of each Chamber is directed by the vice-president designated to perform that function by the President of the Supreme Administrative Court.

Art. 40

§ 1. The Chancellery of the President of the Supreme Administrative Court and the Judicial Decisions Bureau shall operate within the Supreme Administrative Court.

§ 2. The scope of activities of the Chancellery of the President of the Supreme Administrative Court shall include performance of tasks connected with actions of the President of the Supreme Administrative Court relating to fulfilment of conditions for effective functioning of administrative courts, particularly in financial, personnel, as well as administrative and economic matters. The Chancellery of the President of the Supreme Administrative Court shall be directed by the Chief of the Chancellery of President of the Supreme Administrative Court.

§ 3. The scope of activities of the Judicial Decisions Bureau shall include performance of tasks connected with actions of the President of the Supreme Administrative Court relating to effectiveness of court proceedings and jurisprudence of administrative courts. The Judicial Decisions Bureau shall be directed by a Director, who is a vice-president or a judge.

§ 4. The detailed list of tasks of the Chancellery of the President of the Supreme Administrative Court and of the Judicial Decisions Bureau shall be specified by the Rules of Internal Procedure referred to in Article 43 below.

Art. 41

§ 1. The President of the Supreme Administrative Court shall, upon consent of the Board of the Supreme Administrative Court, create and dissolve divisions in the Chambers referred to in Article 39, and in the Chancellery of the President of the Supreme Administrative Court and in the Judicial Decisions Bureau and shall appoint and remove presidents of divisions, a Chief of the Chancellery of the President of the Supreme Administrative Court and Director of the Judicial Decisions Bureau.

§ 2. The President of the Supreme Administrative Court may also appoint and remove deputies of presidents of divisions in Chambers, referred to in Article 39, Deputy Chiefs of the Chancellery of President of the Supreme Administrative Court and deputy directors of the Judicial Decisions Bureau as well as heads of divisions in the Chancellery of President of the Supreme Administrative Court and in the Judicial Decisions Bureau.

Art. 42

The President of the Supreme Administrative Court shall publish an official collection of decisions of administrative courts.

Art. 43

Rules of Internal Procedure of the Supreme Administrative Court shall be adopted by the General Assembly of Judges of the Supreme Administrative Court. The Rules shall be published in *Dziennik Urzędowy Rzeczypospolitej Polskiej “Monitor Polski”* (Official Gazette of the Republic of Poland).

Art. 44

§ 1. The President of the Republic of Poland shall appoint the President of the Supreme Administrative Court for a term of six years from among of two candidates presented by the General Assembly of Judges of the Supreme Administrative Court.

§ 2. Candidates for the function of the President of the Supreme Administrative Court shall be elected by the General Assembly of Judges of the Supreme Administrative Court from among of the judges of the Supreme Administrative Court, who received the highest consecutive number of votes in the secret ballot. The election should be held no later than three months before the expiry of term of office of the incumbent President of the Supreme Administrative Court. In the event that the office has become vacant during the term of office, election of candidates shall be held within one month. The provision of the second sentence of Article 46 § 5 shall not apply.

§ 3. Debates of the General Assembly of Judges of the Supreme Administrative Court relating to the election of candidates for the function of the President shall be presided over by the oldest judge in terms of age taking part in the Assembly.

Art. 45

§ 1. The President of the Republic of Poland shall appoint, for a five-year term, a Vice-President of the Supreme Administrative Court at the request of the President of the Supreme Administrative Court, submitted upon consent of the General Assembly of Judges of the Supreme Administrative Court.

§ 2. A Vice-President of the Supreme Administrative Court may be removed from office during his/her term by the President of the Republic of Poland, at the request of the President of the Supreme Administrative Court, in the event:

- 1) of gross dereliction of official duty;

2) that further performance of the function cannot be reconciled, for other reasons, with the interest of the administration of justice.

§ 3. The submission of the request for removal of a Vice-President of the Supreme Administrative Court shall take place after obtaining consent from the General Assembly of Judges of the Supreme Administrative Court.

§ 4. In the event that a Vice-President of the Supreme Administrative Court resigns from office during his/her term, the President of the Supreme Administrative Court shall submit the request for his/her removal from office without seeking an opinion referred to in § 3.

Art. 46

§ 1. The General Assembly of Judges of the Supreme Administrative Court shall be composed of judges of the Supreme Administrative Court. The President of the Supreme Administrative Court shall be Chairperson of the General Assembly.

§ 2. The General Assembly of Judges of the Supreme Administrative Court shall:

- 1) consider information from the President of the Supreme Administrative Court about annual activities of the Supreme Administrative Court,
- 2) present candidates for judges to the National Council of the Judiciary,
- 3) elect candidates to the office of the President of the Supreme Administrative Court,
- 4) grant consent in respect of the appointment and removal of Vice-Presidents of the Supreme Administrative Court,
- 5) decide the number of members of the Board of the Supreme Administrative Court and elect its members as well as enact changes in its composition,
- 6) consider and provide opinion on other matters submitted by the President of the Supreme Administrative Court and

lodged by members of the General Assembly of Judges of the Supreme Administrative Court.

§ 3. *Repealed.*

§ 4. The President of the Supreme Administrative Court shall convene the General Assembly of the Supreme Administrative Court at least once a year.

§ 5. Presence of at least half of members of the General Assembly of Judges of the Supreme Administrative Court shall be required for passing its resolutions. The resolutions shall be passed by an absolute majority of votes.

Art. 47

§ 1. The Board of the Supreme Administrative Court shall:

- 1) establish the division of activities in the Supreme Administrative Court and specify detailed principles of assignment of cases to individual judges,
- 2) present to the General Assembly of Judges of the Supreme Administrative Court an opinion about candidates for judges,
- 3) grant consent for the creation and dissolution of divisions and for appointment and removal of presidents of divisions, the Chief of the Chancellery of the President of the Supreme Administrative Court and Director of the Judicial Decisions Bureau,
- 4) consider matters presented to the General Assembly of Judges of the Supreme Administrative Court,
- 5) examine and give opinion on other matters submitted by the President of the Supreme Administrative Court or on its own initiative.

§ 2. The term of office of the Board of the Supreme Administrative Court shall be three years.

§ 3. The President of the Supreme Administrative Court shall be chairperson of the Board of the Supreme Administrative Court.

§ 4. The provisions of Article 46 § 5 shall apply to the passing of resolutions by the Board of the Supreme Administrative Court.

Art. 48

§ 1. The Supreme Administrative Court shall hear disciplinary cases of judges of administrative courts and court assessors:

- 1) in the first instance – in the panel of three judges;
- 2) in the second instance – in the panel of seven judges.

§ 2. All judges of the Supreme Administrative Court are entitled to adjudicate as a disciplinary court, except for the President of the Supreme Administrative Court, Vice-Presidents of the Supreme Administrative Court, the Disciplinary Commissioner of the Supreme Administrative Court and his/her deputy.

§ 3. The composition of the disciplinary court shall be determined by the Board of the Supreme Administrative Court by way of drawing lots from the list of judges of the Supreme Administrative Court. The adjudicating panel shall be chaired by the judge who has longest served as a judge of the Supreme Administrative Court.

§ 4. The Disciplinary Commissioner of the Supreme Administrative Court and his/her deputy shall be elected by the Board of the Supreme Administrative Court for the term of four years.

Art. 49⁸

The provisions relating to the Supreme Court, other than the provision of Article 44(1), second sentence, of the Act of 12 May 2011 on the National Council of the Judiciary (Journal of Laws of 2019, items 84, 609, 730 and 914), shall apply,

⁸ Article 49 in the wording given by Article 2 of the Act of 26th April 2019 amending the Act on the National Council of the Judiciary and the Act – Law on the system of administrative courts (Journal of Laws of 2019, item 914).

as appropriate, to matters not regulated by this Act [Law on the System of Administrative Courts], to the Supreme Administrative Court and to its judges, officials and employees. The powers of the First President of the Supreme Court specified in those provisions shall be vested in the President of the Supreme Administrative Court.”

Chapter 4

Final Provision

Art. 50

This Act shall come into force on the date⁹ and in accordance with the principles specified in the Act of 30th August 2002 – Provisions implementing the Act – Law on the System of Administrative Courts and the Act – Law on Proceedings before Administrative Courts (Journal of Laws No. 153, item 1271). ■

⁹ The Act – Law on the System of Administrative Courts entered into force on 1st January 2004 under Article 1 of the Act of 30th August 2002, the Provisions implementing the Act – Law on the System of Administrative Courts and the Act – Law on Proceedings before Administrative Courts that entered into force on 1st January 2004.

