

**ACT**

of 27 July 2001

**Law on the organisation of common courts in Poland**

(uniform text)

**PART I Common Courts**

**Chapter 1 General Provisions**

**Article 1.** § 1. Common courts include 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. Common courts also perform other tasks within the scope of legal protection, entrusted thereto by way of acts or by international law that binds the Republic of Poland, or law enacted by an international organisation if the agreement which binds the Republic of Poland states that it is to be applied directly.

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

**Article 2.** § 1. Tasks in the domain of justice are performed by judges.

§ 1a. In district courts tasks in the domain of justice are also performed by trainee judges entrusted to carry out the functions of a judge, with the exception of:

- 1) ordering provisional detention in preparatory proceedings for a detained person placed at the court's disposal together with a request to order provisional detention;
- 2) recognising complaints on decisions on the refusal to initiate an inquiry or investigation, on decisions on the discontinuation of an inquiry or investigation, and on decisions on the discontinuation of an investigation and registering the case into the crime register;
- 3) adjudicating cases Tasks referred to in Article 12(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. Tasks referred to in Article 2(2) may be performed by trainee judges. If it is impossible for these tasks to be accomplished by court referendaries or trainee judges, such tasks may also be performed by judges.

§ 3. (repealed)

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

§ 2. Judicial self-government bodies include:

- 1) general assembly of appeal judges;
- 2) general assembly of circuit judges;
- 3) meeting of judges of a given 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 trainee 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 may not be judges, trainee 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.

**Article 9aa.** The powers of the Minister of Justice laid down in this act may be entrusted to a secretary of state or undersecretary of state in the Ministry of Justice, with the exception of the power to issue a decision on transferring a judge in cases referred to in Article 75(2).

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

## **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 the same 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 10a.** Commercial courts shall hear commercial cases and other matters of commercial and civil law within their jurisdiction under separate provisions. Commercial courts are departments of common courts, established for this purpose.

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

§ 2. A division is managed by the head of the division, that is the president or vice president of the court, or another judge. In duly justified cases, taking into consideration rational use of common court personnel and the needs arising from the workload, the function of head of the division may be assigned to a trainee judge.

§ 2a. A court referendary shall be the head of the land and mortgage register division, a commercial division for pledge registry and the commercial division for the National Court Register.

§ 3. The head of the division is appointed by the president of the given court. Prior to the appointment of the head of the division in the court of appeal, the president shall seek the opinion of the competent board of the court. Prior to the appointment of the head of the division in the circuit court or a district court, the president shall seek the opinion of the competent board of the circuit 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 board 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 board 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 a 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. If required by the volume or scope of tasks performed in the division, the president of the court may appoint a judge as a deputy head of the division. In the land and mortgage register division and the commercial division for registry matters, a court referendary is appointed to the office of deputy head of the division. Provisions of Article 11(3) and (3a) apply accordingly.

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

- 1) civil - for cases in the field of civil law, family and guardianship law, cases concerning demoralisation and juvenile delinquency, 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) penal - for cases in the field of penal law;
- 3) family and juvenile - for cases in the field of family and guardianship law, cases concerning demoralisation and juvenile delinquency, treatment of persons addicted to alcohol, narcotic drugs or psychotropic substances and cases falling within the competence of a guardianship court under separate acts;
- 4) labour, social insurance or labour and social insurance - for cases, accordingly, in the field of labour law or social insurance;
- 5) 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;
- 6) land and mortgage register - for keeping land and mortgage registers;
- 7) enforcement – to hear cases:
  - a) for granting an enforcement clause to enforcement titles referred to in art. 777 § 1 items 3-6 and art. 781(2) of the Act of 17 November 1964 - Code of Civil Procedure (Journal of Laws of 2018, item 155, as amended), including in the cases referred to in Articles 778<sup>1</sup>, 787, 787<sup>1</sup>, 788 and 789 of this Act, provided that the enforcement clause does not belong to the jurisdiction of commercial courts,
  - b) for granting an enforcement clause to an enforcement title, which is issued in the enforcement department of a decision of a court or of a court referendary, valid or subject to immediate execution,
  - c) arising from complaints about the actions of a court bailiff lodged on the basis of the provisions of the Act of 17 November 1964 - Code of Civil Procedure and cases in which these provisions apply accordingly,
  - d) pursuant to art. 759 (2) of the Act of 17 November 1964 - Code of Civil Procedure,
  - e) for the exclusion of a court bailiff,
  - f) for appointment of a guardian in enforcement proceedings,
  - g) for issuing a certificate for the enforcement titles referred to in art. 795<sup>1</sup> § 2 of the Act of November 17, 1964 - Code of Civil Procedure,
  - h) pursuant to art. 801<sup>1</sup> § 2, art. 807 (1), art. 813, art. 820<sup>2</sup> and art. 821<sup>1</sup> of the Act of November 17, 1964 - Code of Civil Procedure,
  - i) pursuant to art. 1153<sup>16</sup> and art. 1153<sup>18</sup> of the Act of November 17, 1964 - Code of Civil Procedure,
  - j) referred to in Titles II and III of Part Three of the Act of 17 November 1964 - Code of Civil Procedure, within the scope reserved for the jurisdiction of the court, with the exception of matters

- related to family and guardianship law and matters regarding the disclosure of property,
- k) for exemption from court costs before commencing proceedings, in the cases referred to in the preceding provisions, and for exemption from bailiff action costs.

§ 2. Examination of cases referred to in § 1 item 7, belonging to the jurisdiction of the district court in which no division responsible for such cases was established, shall be transferred by the Minister of Justice to another district court, in the manner specified in Article 20.

**Article 13.** (repealed)

**Article 14.** (repealed)

**Article 15.** (repealed)

**Article 16.** § 1. In the regional court, the following departments can be created:

- 1) civil - for matters in the field of civil law, family and guardianship law, cases related to the treatment of persons addicted to alcohol, narcotic drugs or psychotropic substances, cases falling within the competence of a guardianship court under separate acts and cases concerning demoralisation and juvenile punishable acts;
- 2) criminal - for cases related to criminal law and matters concerning the truthfulness of vetting statements;
- 3) labor, social insurance or labor and social insurance - for cases related to labour law or social insurance, as appropriate;
- 4) commercial - for commercial cases and other cases related to commercial and civil law falling within the competence of a commercial court on the basis of separate acts;
- 5) control of telecommunications, postal and Internet-related data - for cases associated with controlling the acquisition of telecommunications, postal and Internet-related data by the Police, the Internal Security Agency, the Border Guard, the Central Anti-Corruption Bureau, the State Protection Service, the Customs and Fiscal Service as well as the Office of Internal Surveillance.

§ 2. The Minister of Justice, by an ordinance, shall indicate the department of the regional court to consider legal remedies in e-proceedings by writ of payment.

**Article 16a.** § 1. A mediation coordinator acts in a regional court, performing duties that involve implementing mediation development measures, ensuring efficient communication between judges and mediators as well as permanent court mediators, and cooperates 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 coordinator for international cooperation and human rights in civil matters operates in a court circuit.

§ 2. As regards international cooperation, European law, and human rights in civil matters, in particular the rights of a child and the rights of a family, the coordinator for international cooperation and human rights in civil matters:

- 1) provides, at their request, information to judges, trainee judges, court referendaries, and assistants to judges:
- 2a) on the terms and manner of obtaining information on the law and practices of a foreign country,
- b) on working techniques and performing judicial administration activities essential for correct preparation of a legal assistance request and judgements subject to mutual recognition,
- c) on the terms and manner of cooperation within the European Judicial Network in civil and commercial matters,
- d) on the terms and manner of determining the competent foreign authority for executing a legal assistance request and provision of information concerning the status of implementation of said request,
- e) on the manner of obtaining information on the content of standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 (Journal of Laws of 1993, item 284, as amended);
- 2) supports persons serving as contact points of the European Judicial Network in civil and

commercial matters in their tasks;

- 3) informs the president of the competent court or the chief judge of the competent division on the purposefulness of organising a meeting of judges, trainee judges, and court referendaries, in particular to present problematic legal issues and matters with inconsistent case law, as well as to ensure the observance of standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, and may participate in it;
- 4) informs the president of the competent court on the need to analyse case law and potentially request the information referred to in Article 22(1)(2);
- 5) informs judges, trainee judges, court referendaries, and assistants to judges on current substantial case law of the Supreme Court and international bodies;
- 6) controls the timeliness of information posted on the court's website.

§ 3. The coordinator for international cooperation and human rights in civil matters performs the tasks referred to in Article 16b(2) in all courts located within the territorial jurisdiction of a given regional court.

§ 4. In order to perform the tasks referred to in Article 16b(2), the coordinator for international cooperation and human rights in civil matters is allowed to access case records.

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

§ 6. The president of a regional court appoints the coordinator for international cooperation and human rights in civil matters, through an order, from among the judges, trainee judges, or court referendaries of a given regional court or district courts within its area of competence, having particular expertise in international cooperation, European law, and human rights in civil matters, in particular the rights of a child, and the rights of a family, and having adequate proficiency in foreign languages.

**Article 16c.** The Minister of Justice, through an order, establishes and dissolves contact points of the European Judicial Network in civil and commercial matters.

**Article 16d.** § 1. A coordinator for international cooperation and human rights in criminal matters operates in a court circuit.

§ 2. As regards international cooperation, European law, and human rights in criminal matters, the coordinator for international cooperation and human rights in criminal matters:

- 1) provides, at their request, information to judges, trainee judges, court referendaries, and assistants to judges:
  - 2a) on the terms and manner of obtaining information on the law and practices of a foreign country,
  - b) on working techniques and performing judicial administration activities essential for correct preparation of legal assistance requests, European arrest warrants, and other judgements subject to mutual recognition,
  - c) on the terms and manner of cooperation within the European Judicial Network,
  - d) on the terms and manner of determining the competent foreign authority for executing a legal assistance request and provision of information concerning the status of implementation of said request,
  - e) on the terms and manner of determining the competent foreign authority for executing a European arrest warrant or other judgement subject to mutual recognition, or provision of information concerning the status of implementation of said warrant or judgement,
  - f) on the manner of obtaining information on the content of standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950;
- 2) informs the president of the competent court or the chief judge of the competent division on the purposefulness of organising a meeting of judges, trainee judges, and court referendaries, in particular to present problematic legal issues and matters with inconsistent case law, as well as to ensure the observance of standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, and may participate in it;
- 3) informs the president of the competent court on the need to analyse case law and potentially request the information referred to in Article 22(1)(2);
- 4) informs judges, trainee judges, court referendaries, and assistants to judges on current substantial case law of the Supreme Court and international bodies;

5) controls the timeliness of information posted on the court's website.

§ 3. The coordinator for international cooperation and human rights in criminal matters performs the tasks referred to in Article 16d(2) in all courts located within the territorial jurisdiction of a given regional court.

§ 4. In order to perform the tasks referred to in Article 16d(2), the coordinator for international cooperation and human rights in criminal matters is allowed to access case records.

§ 5. The president of a regional court appoints the coordinator for international cooperation and human rights in criminal matters, through an order, from among the judges, trainee judges, or court referendaries of a given regional court or district courts within its area of competence, having particular expertise in international cooperation, European law, and human rights, and having adequate proficiency in 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 court organisation, in particular by adapting the number, type and size of divisions to the caseload, the proper scale of workforce engaged, 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.

§ 1a. The establishment of enforcement departments shall also take into account the need for proper and efficient exercise of judicial oversight over court bailiffs, taking into account in particular:

- 1) the impact of the matters referred to in art. 12 (1) item 7;
- 2) the number of court bailiffs who would be subject to the judicial supervision of the created department;
- 3) the number of cases handled by court bailiffs who would be subject to the judicial supervision of the created department.

§ 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 way of regulation:

- 1) creates and abolishes courts and determines their seats, local areas of jurisdiction and the scope of the cases they hear,
- 2) may delegate to one regional court the authority to hear cases in the field of labour law or social insurance law from local competence areas, or parts thereof, 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 law from local competence areas, or parts thereof, 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 thereof, 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 thereof, 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 delinquency, 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 thereof, 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 thereof, 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 judgements of the Court of Justice of the European Union falling within the competence of other district courts,
  - 9) designates one regional court competent for hearing cases on protection of European trade marks and designs (European trade marks and designs court),
  - 10) may transfer the consideration of cases referred to in Article 12(1) item 7, from the jurisdiction or part of the jurisdiction area of other district courts, to one district court,
- 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 trainee 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) assigns the post to the given court or another court, if necessary after transforming it into a post of a judge or a trainee judge, or
- 2) abolishes the post.

§ 2a. In case of a planned vacancy of a post of a judge in a court operating within a given appeal court area by a judge who retires after attaining the required age, the president of the court of appeal informs the Minister of Justice of the fact not later than five months before the position becomes vacant. The provision of Article 20a(2), second sentence, applies correspondingly.

§ 2b. Should a trainee judge position be assigned, the Minister of Justice assigns the position to a division or divisions after consulting the president of the respective court. The provision of Article 22a(4) applies correspondingly.

§ 3. The position of trainee judge converts by virtue of law into a position of a judge at the moment of appointing the trainee judge occupying it to fulfil the office of a judge.

§ 4. The Minister of Justice announces vacant judicial posts in the Official Gazette of the Republic of Poland "Monitor Polski".

§ 5. A vacant post of a judge or a trainee judge is not announced if the vacancy is filled by way of an official transfer of a judge from an equivalent court or in accordance with the procedure provided for in Article 74 or by way of an official transfer of a trainee judge.

### Chapter 3 Bodies of Courts

**Article 21.** § 1. Court bodies include:

- 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 board of the court, and the court manager;
- 3) in a court of appeal - the president of the court, the board 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:
  - 2a) 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, trainee 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, trainee judges and court referendaries, unless the act provides otherwise;
- 2) analyses judicial decisions of the court they manage in terms of consistency and informs judges and trainee 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 this 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 the court of appeal in the court of appeal after consulting the board of the court of appeal, the president of the regional court in the regional court after consulting the board of the regional court and the president of the district court in the district court after consulting the board of the appropriate district court shall decide, by the end of November each year at the latest, the distribution of work which specifies:

- 1) decisions on assignment of judges, trainee judges, and court referendaries to court divisions,
- 2) the scope of duties of judges, trainee judges, and court referendaries, and the manner of their participation in the assignment of cases,
- 3) the work schedule and substitution schedule for judges, trainee judges, and court referendaries - taking into consideration the specialisation of judges and trainee judges in hearing specific types of cases, the need for an adequate distribution of judges, trainee judges and court referendaries in court divisions and balanced distribution of duties as well as the need to guarantee efficient court proceedings.

§ 1a. Trainee judges are assigned to divisions in accordance with the choice made pursuant to Article 33a para. 5 of the Act of 23 January 2009 on the National School of Judiciary and Public Prosecution (Journal of Laws of 2017, item 146 and 1139).

§ 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 trainee judges adjudicating in other divisions.

§ 4. The president of the court may at any time determine a new distribution of work, in full or in



part, if it is supported by particular reasons referred to in Article 22a(1). In the case of trainee judges referred to in Article 22a(1a), a change of responsibilities resulting in their transfer to another division of a court is possible in particularly justified cases, but not earlier than after one year of service and only once.

§ 4a. Transferring a judge to another division requires the judge's consent.

§ 4b. The judge's consent is not required for transferring to another division if:

- 1) the transfer takes place to a division which recognises matters concerning the same scope;
- 2) no other judge in the division from which the transfer is made has given consent for being transferred;
- 3) the transferred judge is assigned to the division referred to in Article 22a(2).

§ 4c. The provisions of Article 22a(4b)(1) and (2) do not apply to judges who have been transferred to another division within three years without their consent. After transferring a judge to another division without their consent, in the case referred to in Article 22a(4b)(2), the length of service of judges in the division from which the transfer is made is particularly taken into account.

§ 5. The judge or trainee judge, whose scope of duties was changed due to the change in work distribution, in particular the transfer to a different department of the court, may appeal to the National Council of the Judiciary, within seven days from the date of receipt of the new scope of duties. The appeal is not available in the case of:

- 1) transfer to the department in which matters from the same range are recognised;
- 2) entrusting the duties in the same department on the principles applicable to other judges, and in particular the cancellation of assignment to the section or another form of specialisation.

§ 6. The appeal referred to in paragraph 5, is lodged via the president of the court, which made the allocation of operations covered by the reference. The president of the court shall transmit the appeal to the National Council of the Judiciary within 14 days from the date of its receipt, together with the position in the case. The National Council of the judiciary shall take a resolution taking into account or rejecting the appeal of a judge, bearing in mind the considerations referred to in 22a(1). Resolution of the National Council of the judiciary on the appeal referred to in § 5, does not require justification. From the resolution of the National Council of the judiciary is not entitled to appeal. Until the resolution is adopted, the judge or the trainee judge continues to perform the duties hitherto performed.

**Article 22b.** § 1. The president of the court is substituted 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, trainee 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, trainee 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, trainee judges and court referendaries in the district court.

§ 6. Where there is a change in the number of posts of judges, trainee 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 determined again.

**Article 23.** § 1. The Minister of Justice appoints the president of the court of appeal from among appeal court judges or regional court judges. After appointing the president of the court of appeal, the Minister of Justice presents them to the competent general assembly of appeal judges.

§ 2. The Minister of Justice appoints the vice president of the court of appeal from among judges of a court of appeal or regional court, at the request of the president of said court.

**Article 24.** § 1. The Minister of Justice appoints the president of the regional court from among appeal court judges, regional court judges, or district court judges. After appointing the president of the regional court, the Minister of Justice presents them to the competent general assembly of circuit judges.

§ 2. The Minister of Justice appoints the vice president of the regional court from among appeal court judges, regional court judges, or district court judges, at the request of the president of said court.

**Article 25.** § 1. The Minister of Justice appoints the president of a district court from among judges of a regional court or a district court. After appointing the president of the district court, the Minister of Justice or the president of a superior court of appeal or a regional court presents them to the meeting of judges of a given district court.

§ 3. The Minister of Justice appoints the vice president of the district court from among judges of a regional court or a district court, at the request of the president of such a court.

**Article 25a.** (invalid)

**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 may not 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 may not 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 may not 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 Minister of Justice may dismiss the president and the vice president of the court during the term of office:

- 1) in the event of gross or persistent failure to perform professional duties;
- 2) if further performance of the function, for other reasons, cannot be reconciled with the interests of justice;
- 3) in the event of finding a particularly low efficiency of activities in the field of administrative supervision or work organisation in the court or lower courts;
- 4) in the event of resigning from the fulfilled function.

§ 2. Prior to the dismissal of the president or the vice president, the opinion of the National Council of the Judiciary is sought. The Minister of Justice announces the intention to dismiss the president or the vice president and presents a written statement of grounds thereof to the National Council of the Judiciary, with a view to obtaining an opinion.

§ 3. When seeking the opinion of the National Council of the Judiciary, the Minister of Justice may suspend a president or vice-president of a court in the performance of their duties. The provision of Article 22b(2) applies accordingly.

§ 4. A negative opinion of the National Council of the Judiciary concerning the dismissal of a president of a court is binding on the Minister of Justice if the resolution of the matter was taken by a majority of two-thirds.

§ 5. Failure to issue an opinion by the National Council of the Judiciary within thirty days from the date the Minister of Justice presents the intent to dismiss a president or vice president of a court does not preclude the dismissal.

§ 6. Should the president or the vice president of a court resign from the function held in the course of their term of office, the Minister of Justice dismisses them without obtaining the opinion referred to in Article 27(2).

§ 7. The president of the district court may also be dismissed by the Minister of Justice in the event of gross failure to fulfil his official duties in the scope of supervision of court bailiffs operating at that court. The provisions of § 2-5 shall apply accordingly.

**Article 28.** § 1. The board 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.

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

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

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

§ 5a. In justified cases, the chairman of the board may order voting by circulation.

§ 5b. If voting by circulation is conducted, secret voting cannot be ordered.

§ 5c. Voting by circulation is valid if at least half of the members of the board cast their votes within the time limit set for taking a stance.

§ 5d. Circulation voting shall not be conducted if at least one member of the board objects.

§ 6. The board 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 their own initiative or at the request of one-third of the board members.

§ 7. In the event referred to in Article 29(1)(3), the manager of the court of appeal participates in meetings of the board of the court of appeal in an advisory capacity.

§ 8. A board 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) the judge retiring or being retired;
- 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 board 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 board members expires.

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

- 1) presents an opinion on appointing a spokesperson or delegating the duties of a spokesperson in the court of appeal and presents an opinion on relieving of the function or pursued duties;
- 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 violate the principles 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 board of the regional court is composed of eight members, appointed by the general assembly of the circuit judges, including four regional court judges and four district court judges, acting in the same court circuit, and of the president of the regional court.

§ 2. Provisions of Article 28 apply accordingly to the board of the regional court, except that the chairman of the board of the regional court is the president of that court, and in his absence - the longest serving vice president of the regional court.

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

- 1) presents an opinion on appointing a spokesperson or delegating the duties of a spokesperson in a regional court and presents an opinion on relieving of the function or pursued duties;
- 2) considers applications resulting from court inspection and vetting procedures;
- 3) expresses an opinion on draft financial plans referred to in Article 178(1);

- 4) expresses an opinion on personnel matters related to regional court judges, district court judges and trainee judges acting in the court circuit;
- 4a) (repealed);
- 5) addresses the instances of behaviour of judges and trainee judges that violate the principles 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 board of the regional court may seek the opinion of judges of such a court, expressed at a meeting of judges.

§ 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 property of the Treasury, and internal audit within these areas;
- 3) acts as a superior to court employees and performs activities in the field of labour law and represents the court in this respect before court employees, with the exclusion of judges, trainee judges, court referendaries, court probation officers, assistants to judges, as well as the heads and members of court professionals advisory teams;
- 4) determines, after consulting the president of the court, the distribution and the number of particular posts in court divisions, filled in by court employees, with the exclusion of judges, trainee judges, court referendaries, court probation officers, and assistants to judges;
- 5) represents the Treasury within the scope of entrusted property and court tasks;
- 6) manages the deposit accounts of the Minister of Finance referred to in Article 83a para. 1 of the Act of 27 August 2009 on Public Finances, subject to Article 83a para. 2 of 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 scope of the tasks entrusted thereto, based on reports on the operation of regional or district courts prepared by directors of such courts, within the scope 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, 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 20 July 2018 - Law on Higher Education (Journal of Laws of 2018, item 1668, as amended);

- 3) has expertise in the field of managing public institutions, public finances, carrying out investments and managing the property of the Treasury;
- 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 judgement 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 para. 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, of 2012, item 1529, and of 2016, item 1020 and 1250);
- 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).

§ 10. (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 special allowance for a temporary increase in the duties or tasks, as well as an award for outstanding achievements at work to a court manager or a deputy court manager.

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

- 1) the amount of basic salary of the court manager and the deputy court manager,
  - 2) the method of determining the amount of 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 2015, item 1241, and of 2016, item 178 and 394) apply accordingly to the court manager and the deputy court manager. Rules laid down in provisions issued under Article 14 para. 1 of the Act of 18 December 1998 on Court and Public Prosecutor's 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 board 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 judge elected at the assembly is the chairperson of the general assembly of appeal

judges, during which the annual information about the activity of courts, referred to in Article 37h(1), is to be presented.

§ 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 are adopted by an absolute majority of votes. Voting is held by a secret ballot in matters referred to in art. 34 items 1 and 4, and also if such a request is made by at least one of the present assembly members.

§ 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 board of the court of appeal, the board 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) the judge retiring or being retired;
- 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 28(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 board 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. The representatives referred to in Article 33(7) and (11) are elected in a secret ballot. The attendance of at least a half of all members of the assembly or the meeting is required for the elections to be valid. In the event of an equal number of votes cast for at least two candidates, priority is given to a judge with the longest seniority as a judge.

**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).

**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 board 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 district judges are adopted by an absolute majority of votes. The vote is held by a secret ballot in matters referred to in art. 33 § 7 and art. 58 § 2, and also if such a request is made by at least one of the present assembly members.

§ 8. The general assembly of circuit judges meets at least once a year; the president of the regional court convenes the assembly meetings on their own initiative or at the request of the president of the court of appeal, the board 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. In the event of an equal number of votes cast for at least two candidates, priority is given to a judge with the longest seniority 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) the judge retiring or being retired;
- 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 board 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 also 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 this 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. Trainee 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 their 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 meeting of judges of a given court are adopted by an absolute majority of votes. The vote is held by a secret ballot if such a request is made by at least one of the present meeting members.

## **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 the court may entrust the duties of internal administrative supervision to an inspecting judge, as well as to the vice president of the court, the head of the division, and in justified cases, to another designated judge, trainee judge or court referendary, subject to Article 37c. Persons who exercise internal administrative supervision have the right to inspect all activities of the court, may demand explanations and address any defaults and attend hearings 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 they 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 trainee 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 trainee 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 trainee 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 trainee judge. If the objection of the judge or the trainee judge is accepted, documents concerning the written notice addressing the default are not placed in the personal files of the judge or the trainee judge and no entry is made in the official register referred to in Article 67(1).

§ 7. After the lapse of five years from the day of the written notice addressing the default, the president of the court orders the removal of documents referred to in Article 37(6) ex officio from the personal files of the judge or the trainee judge. When the documents are removed from the personal files, any data concerning the notice are removed from the official register referred to in Article 67(1). If, however, during that period another default is found within the scope of court proceedings efficiency, and as a result a written notice addressing the default is issued, or a default is pointed out pursuant to Article 40(1), only simultaneous removal of all documents and data from personal files is permissible.

§ 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 significant 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, trainee 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 particular court divisions are ordered by the president of the court, referred to in Article 37a(1) and (2), according to needs, having particular regard to the results of administrative supervision carried out.

§ 2. Inspections of divisions of a court of appeal are carried out by inspecting judges holding the post of an appeal court judge.

§ 2a. Inspections of divisions of a regional court are carried out by inspecting judges holding the post of an appeal court judge or a regional court judge.

§ 3. Inspections of divisions of a district court are carried out by inspecting judges holding the post of a regional court judge or a district court judge.

§ 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 trainee judges assigned to the division or who has such a legal or factual relationship with one of the judges or trainee 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 in the court of appeal is appointed by the president of the court of appeal, and in the regional court - the president of the regional court, for a period of four years, from among judges with at least seven years of service as a judge. Before the appointment of a judge to the post of an inspecting judge, the president of the competent court consults the Minister of Justice.

§ 2. When issuing the opinion, the Minister of Justice also takes into account organisational considerations, in particular the need for appointing an inspecting judge in a given court.

§ 3. If the Minister of Justice does not issue an opinion within thirty days from the date the president of the competent court presented the intention to appoint an inspecting judge, the opinion is considered to be positive.

§ 4. (repealed).

**Article 37e.** § 1. If the president of the court of appeal finds deficiencies within the scope of court management or internal administrative supervision, or pursuing other administrative activities, they may issue a written notice addressing the deficiency to the president or vice president of the court acting in the appeal court area.

§ 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 board 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.

§ 4. The right referred to in Article 37e(1) is also granted to the president of the court towards a judge or trainee judge serving as head of the division, trainee head of the division, or head of the section if a default is found within the scope of pursuing internal administrative supervision or performing other administrative tasks.

§ 5. The judge or trainee judge concerned, serving as head of the division, trainee head of the division, or head of the section, may, within fourteen days from the day of the notice, submit a written objection to the president of the competent court.

§ 6. The president or vice president of the court concerned may, within fourteen days from the day of the notice, submit a written objection to the president of the superior court.

§ 7. Should such an objection be submitted, the president of the competent court, within fourteen days from the day on which the objection was submitted, either quashes the notice or passes the case to the president of the superior court for consideration, notifying the judge or the trainee judge about the treatment of the objection. The president of the court of appeal passes the case to the Minister of Justice for consideration.

§ 8. Provisions of Article 37(6) and (7) apply accordingly.

§ 9. The notice may be joined with reducing the special allowance to a degree corresponding with the seriousness of the default, in the range of 15% to 50% of the amount of the allowance, for a period of one month up to six months. Should the notice be quashed, the allowance is aligned to the previous amount.

**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) evaluates annual information about the activity of courts 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 activities referred to in Article 37g(2), the Minister of Justice determines, for the president of the court of appeal, the scope of the activities and time limit for their performance. In justified cases, the Minister of Justice may order that such activities be performed by inspecting judges from a different appeal court area or by the supervision 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. (invalid).

**Article 37ga.** § 1. If the Minister of Justice finds deficiencies within the scope of court management or internal administrative supervision, or pursuing other administrative activities, they

may issue a written notice addressing the deficiency to the president or vice president of the court of appeal and demand the removal of its consequences.

§ 2. The president or vice president of the court of appeal concerned may, within fourteen days from the day of the notice, submit a written objection to the Minister of Justice.

§ 3. Should such an objection be submitted, the Minister of Justice, within fourteen days from the day on which the objection was submitted, either quashes the notice or passes the case to the National Council of the Judiciary for consideration, notifying the president or vice president of the court of appeal about the treatment of the objection.

§ 4. Provisions of Article 37(6) and (7) apply accordingly.

§ 5. The notice may be joined with reducing the special allowance to a degree corresponding with the seriousness of the default, in the range of 15% to 50% of the amount of the allowance, for a period of one month up to six months. Should the notice be quashed, the allowance is aligned to the previous amount.

**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 the regional court prepares annual information about the activity of courts acting in the court circuit, within the scope of tasks entrusted thereto, which, after an opinion thereon has been delivered by the general assembly of circuit judges, the president submits to the president of the court of appeal not later than by the end of February each year.

§ 1b. The president of the district court prepares annual information about the activity of the court, within the scope of tasks entrusted thereto, which, after an opinion thereon has been delivered by the meeting of judges of the given court, the president submits to the president of the regional court not later than by the end of January each year.

§ 2. (invalid).

§ 3. The information referred to in Article 37h(1) is subject to assessment by the Minister of Justice. The assessment is made by September of the year when the information was submitted.

§ 4. The information referred to in Article 37h(1a) and (1b) are subject to assessment by the presidents to whom they were submitted. The assessment is carried out within two months from the date the information was submitted. If a request was made to update the information, the assessment is carried out within a month from the date the information was updated.

§ 5. The assessment of annual information may be positive with a distinction, positive, positive with a reservation, or negative.

§ 6. Failure to fulfil the obligation referred to in Article 37h(1)-(1b) in time is considered as being equivalent to a negative assessment of the information, unless, for duly justified reasons, the deadline is prolonged by the body authorised to assess the information.

§ 7. The president of the court of appeal, whose information was assessed negatively, may, within fourteen days from the day of being notified of the fact, submit a written objection to the Minister of Justice.

§ 8. Should such an objection be submitted, the Minister of Justice, within a month from the day on which the objection was submitted, either changes the assessment or passes the case to the National Council of the Judiciary for consideration, notifying the president of the court about the treatment of the objection. The National Council of the Judiciary changes or maintains the assessment.

§ 9. The president of the regional court or district court, whose information was assessed negatively, may, within fourteen days from the day of being notified of the fact, submit a written objection to the president of the court to which the information was submitted.

§ 10. Should such an objection be submitted, the president of the court to which the information was submitted, within fourteen days from the day on which the objection was submitted, either changes the assessment or passes the case to the president of the superior court for consideration. The president of the court of appeal passes the case to the Minister of Justice for consideration. The president of the superior court or the Minister of Justice change or maintain the assessment.

§ 11. Making a negative assessment may be joined with reducing the special allowance to a degree corresponding with the seriousness of the default, in the range of 15% to 50% of the amount of the allowance, for a period of one month up to a year. Should the assessment be

changed, the allowance is aligned to the previous amount.

§ 11. Making a positive assessment with a distinction may be joined with increasing the special allowance up to 150% of the maximum amount of the allowance indicated in the implementing provisions issued pursuant to Article 91(8) for a period of up to a year.

§ 13. The body that carried out the assessment communicates a copy of the annual information of the president of the district or regional court, together with a copy of the assessment of such information, to the Minister of Justice.

**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 trainee 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 from the day of receipt of the decision pointing out a default, the judge or trainee judge adjudicating in the first instance may lodge an appeal against the decision to the Supreme Court.

§ 2b. The Supreme Court, after recognising the appeal, maintains the contested decision, or quashes it in whole or in part.

§ 3. A copy of the decision pointing out the default is placed in the personal files of the judge or the trainee judge. Explanations submitted and the appeal by the judge or the trainee judge are also placed in the personal files.

§ 4. After the lapse of five years from the day the decision pointing out the default becomes final and binding, the president of the court, ex officio, orders the removal of documents referred to in Article 40(3) from their personal files. When the documents are removed from the personal files, any data concerning the fact of pointing out the default are also removed from the official register referred to in Article 67(1). If, however, during that period another obvious violation of provisions is found during hearing a case by an appellate court, and such violation results in pointing out a default, or if a written notice addressing a default is issued in pursuance of Article 37(4), only simultaneous removal of all documents and data from personal files is permissible.

**Article 41.** § 1. The Minister of Justice, having consulted the National Council of the Judiciary, determines, by way of regulation, the rules of internal procedure for common courts, specifying:

- 1) internal organisation and courts operation procedure,
- 2) detailed principles of assigning cases, including:
  - 2 a) the manner of assigning cases at random,
  - b) the principles of setting up multi-person adjudicating panels,
  - c) (repealed),
  - d) the principles of reducing the assignment of cases due to functions performed and justified absences, and the grounds for temporary suspension of case assignment,
  - e) the conditions for participation in the assignment of only certain categories of cases recognised in the division,
  - f) the principles of fulfilling duty hours and types of cases to be assigned in accordance with the work schedule,
  - g) the principles of preparing the substitution plan and the types of activities undertaken under the substitution plan,
  - h) the rules of territorial division of local competence areas of family and minors courts and the assignment of these areas to judges,
  - i) (repealed),
- 3) the manner of carrying out tasks related to the operation of the European Judicial Network in

civil and commercial matters,

- 4) the procedure for court activities, the procedure for operation of court bodies and the performance of duties by judges, trainee judges, and court referendaries holding managerial posts, the administrative workflow in cases falling within the competence of courts, acceptable systems and the schedule of working time, the conditions and manner of disclosing and communicating case files and documents from case files, as well as the terms and conditions of providing access to premises to participants in proceedings, witnesses and other persons who stay in courts
- having regard to the principles of efficiency, rationality, economic and timely operation and the need to ensure the fair execution of the tasks entrusted to the courts, as well as the need to ensure an equal and objective distribution of workload among judges, trainee judges and court referendaries, to ensure similar probability of participation in a multi-person adjudicating panel, the use of ICT solutions for random assignment of cases and the use of other ways of random allocation of cases in the event of failure to use these solutions.

§ 1a. The Minister of Justice, having consulted the National Council of Judiciary and the competent general assembly of appeal judges, the general assembly of circuit judges, or the meeting of judges of a district court, may determine, by way of a regulation, in the scope referred to in Article 41(1), the regulations on the internal operation of common courts containing provisions other than those laid down in implementing provisions issued pursuant to Article 41(1), applied for a definite period of not more than two years, in no more than two district courts or two court circuits, or on an area of no more than two appeal court areas, having regard to the need to verify the practical operation of these regulations.

§ 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 trainee 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 commissioner of a court of appeal or a deputy disciplinary commissioner of a regional court shall be the Disciplinary Commissioner for Common Court Judges, and the authority competent to examine a complaint concerning the Disciplinary Commissioner for Common Court Judges shall be the National Council of the Judiciary.

§ 3b. The authority competent to examine a complaint concerning the activities of the Disciplinary Commissioner of the Minister of 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 request to hold a judge or an trainee judge responsible under disciplinary liability, shall be forwarded immediately to the competent disciplinary commissioner. Having first established the circumstances raised in the complaint, the commissioner may undertake investigation activities on his own initiative. The disciplinary commissioner 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 commissioner 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 judgements 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 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 a trainee judge performing actions assigned thereto may be replaced by a judge or a trainee judge of the same court, and also by a judge of another court delegated 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 trainee judge

or ex officio, to ensure the efficiency of proceedings.

§ 3. In cases recognised by a bench composed of one judge, the judge may entrust the trainee of the National School of the Judiciary and Public Prosecution, after 24 months of judicial training, with carrying out, under the supervision of the judge, individual duties during an open sitting or hearing, including asking questions to witnesses, court experts and parties, and other persons heard by the court, excluding the possibility of issuing judgements.

**Article 46.** § 1. Only one judge of another court may participate in the adjudicating panel of the court. A lower court judge may not be the chairman of a panel, with the exception of cases heard in the bench composed of one judge and two lay judges or in the composition of one judge.

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

**Article 47.** § 1. The president of the court may order the assignment of an additional judge or trainee judge to participate in a hearing if it is probable that the hearing will continue for a long time. If necessary, two additional judges or trainee judges may be designated, indicating the order in which they would take part in the deliberations and voting.

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

**Article 47a.** § 1. Cases are assigned to judges and trainee judges at random, within individual categories of cases, unless the case is assigned to a judge fulfilling duty hours.

§ 2. The assignment of cases within a category is equal, unless it has been reduced due to the function performed, participation in the assignment of cases of another category, or for other reasons laid down in this act.

§ 3. The provisions of Article 47a(1) and (2) apply accordingly to the assignment of cases to court referendaries.

§ 4. Cases concerning custody and juvenile law and other cases falling within the competence of a guardianship court may be assigned according to the territorial criterion. Special assignment rules may also be established with regard to pledge registry, land and mortgage cases, and those associated with the enforcement of judgements.

§ 5. In the case of assignment of a case requiring extraordinary work, the judge rapporteur may request the president of the court to suspend the assignment of further cases for a definite period of time. The president of the court recognizes the request immediately. The decision of the president of the court and the justification are served to the judge concerned and communicated to the judges of the court in question. The judge concerned and the group of at least 10% of the judges of the given court may appeal against the decision of the president of the court to the board of the court within seven days from the day of its receipt or communication. The resolution of the board of the court together with the justification are served to the judge concerned and communicated to all the judges of the court in question.

**Article 47b.** § 1. A change in the composition of the court may take place only if it is impossible to hear the case in the current composition or due to a long-term obstacle to the case being heard in the current composition. The provision of Article 47a applies accordingly.

§ 2. If it is necessary to take action in the case, in particular where it results from separate provisions, or supported by reasons of efficiency of court proceedings and the composition of the court to which the case has been assigned may not address it, the action is taken by the composition of the court designated in accordance with the substitution plan, and if the activity is not covered by the substitution plan, by the composition of the court designated in accordance with Article 47a.

§ 3. Decisions on matters referred to in Article 47b(1) and (2) are taken by the president of the court or by a judge authorized by them.

§ 4. Changing a judge's place of service or delegation to another court and end of delegation does not preclude any activity in cases assigned in the current place of service or place of performing service, until their termination.

§ 5. At the request of the judge or ex officio, the board of the court of the new place of service of the judge or place of their delegation may dismiss the judge from the obligation to hear a part or all cases, particularly in the event of a considerable distance from that court to the new place of service of the judge or place of their delegation, as well as taking into account the degree of advancement of heard cases. Prior to adopting a resolution, the board of the court consults the presidents of the competent courts.

§ 6. The provisions of Article 47b(4) and (5) apply correspondingly in the event of a transfer to

another division of the same court.

**Article 47c.** The presiding judge may check the personal data of persons present at the place of carrying out judicial activity on the basis of a personal identity card or other identity document. In the event of a refusal to undergo an identity check or a lack of any possibility of verifying it, the presiding judge may order said person to leave the place of carrying out judicial activity.

**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.

§ 3. The provisions of § 1 and 2 shall also apply if the act specified in § 1 was committed in a letter submitted to the court or via means of distance communication, provided there is certainty as to the person of the perpetrator.

**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, trainee judges, and lay judges adjudicating in the case and to the public prosecutor, the counsel for the General Counsel to the Republic of Poland 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 2015, items 615, 1064, 1224, 1255, and 1311, and of 2016, item 1579), 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 2016, items 233 and 1579), participating in the case.

**Article 51a.** § 1. The court determines and apply the applicable foreign law ex officio. The court may request the Minister of Justice to provide the text of the law and to clarify the foreign judicial practice.

§ 2. The court may also request the Minister of Justice for information on the existence of reciprocity in relations with a foreign country.

§ 3. To determine the contents of a foreign law or foreign judicial practice or the existence of



reciprocity, the court may also apply other measures, including the consultation of court experts.

**Article 51b.** In case of doubt about the existence of a privilege or immunity under international law, the court may request the minister competent for foreign affairs to provide information.

**Article 52.** A judge or a trainee 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 of Justice may order to be presented the case files of the case where the court has requested the text of a foreign law, clarification of foreign judicial practice, or information on the existence of reciprocity in relations with a foreign country.**

§ 2. The Minister of Justice may order to be presented the case files or the necessary information to perform the tasks related to representing the Republic of Poland in international courts, treaty committees, international organizations or international arbitration tribunals.

§ 3. The files of finished cases may be made available to organisational units conducting scientific or research and development activities for scientific and research purposes, as well as to the National School of the Judiciary and Public Prosecution 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 trainee judges**

### **Chapter 1 Appointment to the office of a judge**

**Article 55.** § 1. 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.

§ 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.

**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 his / her candidacy for a vacant judicial position in a common court may not, until the completion of the procedure regarding the appointment to the office of a judge in a common court, submit his / her candidacy for a vacant judicial position in the Supreme Court, the Supreme Administrative Court or a voivodship administrative court. Submission of a candidacy for a vacant judicial position in these courts results in termination of the proceedings regarding the appointment to the office of a judge in a common court.

§ 1b. A person who has submitted his / her candidacy for a vacant judicial position in the Supreme Court, the Supreme Administrative Court or a voivodship administrative court may not, until the completion of the proceedings regarding the appointment to the office of a judge in that court, submit his / her candidacy for a vacant judicial position in common 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 requires using a trusted ePUAP profile, data verified using a qualified certificate of an electronic signature, or an ID received in the court stating the candidate's identity.

*<Since 01.01.2020:*

*§ 5. Authentication in the ICT system requires the use of a trusted profile, personal profile, other means of electronic identification issued in the electronic identification system connected to the national electronic identification node referred to in Article 21a(1) item 2 letter a) of the Act of 5 September 2016 on trust and electronic identification services (Journal of Laws, item 1579 and of 2018, items 650 and 1544), adequately to the level of security of the electronic identification means required for services provided in this system, data verified by means of a qualified electronic signature certificate, if this data allows for the identification and authentication required to perform the online service, or the identifier received in court indicating the identity of the candidate.>*

§ 6. An applicant submitting his candidacy fills in an application sheet for a vacant post of a judge in the ICT system, affixes an electronic signature generated by the system, a trusted signature, a personal signature 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 2016, item 1721) or the information referred to in Article 7(3a) of 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, 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 way of 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 post of a judge holding the post of a common court judge, an administrative court judge or a military court judge shall attach to the application sheet a list of case file numbers of fifty court cases of various categories in the hearing of which he/she participated, and where the number of such cases is lower - a list of case file numbers of all cases.

§ 2. A candidate for a vacant post of a judge holding the post of a public prosecutor shall attach to the application sheet a list of case file numbers of fifty court cases in which he/she conducted or supervised preparatory proceedings, drew up indictments or legal remedies or appeared before the court or filed pleadings, and where the number of such cases is lower - a list of case file numbers of all cases.

§ 3. A candidate for a vacant post of a judge who pursues the profession of an advocate or a legal counsel or holds the post of a counsel for the General Counsel to the Republic of Poland attaches to the application sheet a list of case file numbers of fifty court cases of various categories in which he/she acted as a legal representative in litigation, and where he/she appeared in a smaller number of cases - a list of case file numbers of all cases, including the indication of the court before which the cases were or are pending, as well as copies of all, however not more than fifty, legal opinions and other documents prepared in relation to the application or drafting of the law; a senior counsel and counsel for the General Counsel to the Republic of Poland shall additionally attach their superior's opinion.

§ 4. A candidate for a vacant post of a judge who pursues the profession of a notary shall attach to the application form a list of fifty notarial deeds covering various categories of cases, and where the number of such deeds drawn up by the notary is lower - a list of all 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 law shall attach to the application sheet a list of publications along with opinions of reviewers and, 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 post of a judge who holds the post of a judge or public prosecutor, and who in the period preceding the announcement was delegated to perform administrative actions in the Ministry of Justice or another organisational unit under the authority or supervision of the Minister of Justice, the Chancellery of the President of the Republic of Poland, or an office supporting the minister competent for foreign affairs, shall attach to the application sheet a list of case file numbers of fifty court cases referred to in Article 57a(1) or (2) or cases registered in the candidate's unit or supervised by him/her during the delegation period, as well as a description of duties performed during the delegation period along with the superior's opinion.

§ 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 referred delegation occurred, and where such a unit is divided into departments, offices or other

equivalent organisational unit - the person in charge of such a unit. The superior of the person in charge of a given unit or organisational unit 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 General Counsel to the Republic of Poland 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. To a candidate for a vacant post of a judge who has pursued more than one of the professions listed in the provisions of Article 57a(1)-(5) and (10) the provisions of Article 57a(1)-(5) and (7) shall apply, however, the total number of case file numbers listed or copies of legal opinions and other documents referred to in the said provisions shall 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 generated by the system, a signature confirmed by a trusted ePUAP profile, or a qualified electronic signature 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 generated by the system, signature confirmed by a trusted ePUAP profile or qualified electronic signature, 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 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) failure to present 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.

§ 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. Should an application for a vacant post of a judge fail to meet the formal requirements referred to in Article 57(6) and (7) and Article 57a(1)-(5) and (7), the president of the competent court requests the candidate to complete the application within seven days.

§ 2. In the event that the application for a vacant post of a common court judge was filed by a person who does not meet the conditions for the post of a common court judge referred to in Article 61(1) items 1 and (3)-(7) or Article 61(2) and (5) or Articles 63 and 64, or where the application was filed after the expiry of the time limit referred to in Article 57(1), or the application has not been completed within the specified time limit or other proceedings concerning the appointment to the office of a judge are pending with respect to the applicant, the president of the competent court notifies the applicant, via the ICT system, of the fact that the application will not be considered, specifying the reason 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.

**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 2016, item 1506).

**Article 57ag.** The Minister of Justice, after consulting the National Council of the Judiciary, in consultation with the minister competent for computerization 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 board of the court of appeal, and then to the general assembly of appeal judges, to provide their opinion on the candidate. The president of the regional court presents the candidate for a vacant post of a district court judge along with the evaluation of qualifications and possible comments of the candidate for an opinion to the board of the regional court, and then to the general assembly of circuit judges, to provide their opinion on the candidate.

**Article 57b.** § 1. The evaluation of qualifications of a candidate holding the post of a common court judge, an administrative court judge, and a military court judge includes the review as to the merits of the judicial decisions as well as the efficiency and effectiveness of the actions taken and of work organisation when hearing cases or performing other tasks or functions they are entrusted with, taking into account the workload and the complexity of tasks, the implementation of professional improvement process, as well as the culture of service, including personal culture and work organisation culture, as well as respecting the rights of the parties to or participants in the proceedings when hearing cases or performing other tasks or functions they are entrusted with.

§ 2. The evaluation of qualifications referred to in Article 57b(1) is carried out on the basis of a review of case files of at least fifteen cases of various categories, randomly selected from among the cases included in the list referred to in Article 57a(1), and additionally the case files of at least ten other cases of various categories selected by the evaluating judge, not included in the list, as well as on the basis of data contained in court registers, including for the purpose of court statistics.

§ 3. The judge evaluating the qualifications of the candidate referred to in Article 57b(1) also reviews, ex officio, the case files of ten unfinished cases assigned to the candidate for hearing, not included in the list, in the instance of which the longest period has lapsed from the time of the first registration, as well as the case files of all cases in which the candidate acted as a referendary and in which, within the period of two years preceding the application for a vacant post of a judge, the ruling was amended or repealed and the case was remanded and 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 during the period of two years preceding the application the candidate referred to in Article 57b(1) did not perform tasks mentioned in Article 1(2) and (3), the provision of Article 57b(3) applies accordingly, however, the review shall include the most recent period of two years, during which such tasks were performed.

§ 6. The evaluation of qualifications of the candidate referred to in § 1 is accompanied by copies of final judgements imposing disciplinary penalties and documents concerning the written notice addressing a default or related to the pointing out of a default referred to in Article 37(4) and Article 40(1) of this act, as well as Article 65 of the Act of 23 November 2002 on the Supreme Court (Journal of Laws of 2016, item 1254, 2103, and 2261, and of 2017, item 38).

**Article 57c.** (repealed).

**Article 57d.** (repealed).

**Article 57e.** § 1. The evaluation of qualifications of a candidate who holds the post of a public prosecutor is carried out in terms of the accuracy and the merits, as well as the effectiveness of performance of professional duties assigned thereto, taking into consideration the workload and the complexity of tasks, 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. Provisions of Article 57b(2) and (4) apply accordingly. The judge evaluating the qualifications may also review the case files of cases which are not included in the list and request the presidents of courts or organisational units of the public prosecutor's office to indicate the case file numbers and present the case files of such cases.

§ 2. The evaluation of qualifications of the candidate referred to in Article 57e(1) is accompanied opinions of superiors, as well as copies of final judgements imposing disciplinary penalties or final decisions concerning the imposition of penalties of admonition for breach of order included in their personal files, as well as copies of final decisions of the superior of the public prosecutor including the fact of pointing out a default in the event of an obvious violation of the law,

unless the authorised body ordered such judgements or decisions be removed from personal files.

**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 counsel for the General Counsel to the Republic of Poland 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 evaluation of qualifications of a candidate who pursues the profession of an advocate or a legal counsel, or who holds the post of counsel for the General Counsel to the Republic of Poland is carried out on the basis of a review of case files of at least twenty-five cases of various categories or legal opinions and other documents drawn up in relation to the application or drafting of the law, randomly selected from among the case files included in the list referred to in Article 57a(3). The provision of Article 57b(4) applies accordingly. The judge evaluating the qualifications may also review the case files of cases in which the candidate acted as a legal representative in litigation and which are not included in the list and request the presidents of courts to indicate the case file numbers and present the case files of such cases.

§ 3. The evaluation of qualifications of a candidate who pursues the profession of a notary is carried out on the basis of a review of at least twenty-five notary deeds covering various categories of cases, randomly selected from among the deeds included in the list referred to in Article 57a(4). The provision of Article 57b(4) applies accordingly. The judge evaluating the qualifications may also review notary deeds not included in the list or case files of cases in which appeal was heard as regards the refusal to make an entry or refusal to perform an action, and request the presidents of courts to indicate the case file numbers and present the case files of such 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 counsel for the General Counsel to the Republic of Poland is accompanied by periodical qualification evaluations reports, 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 2016, item 1796, 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 General Counsel to the Republic of Poland 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 General Counsel to

the Republic of Poland, 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 of Justice, after consulting the National Council of the Judiciary, determines, by way of regulation, a detailed procedure and manner of evaluating the qualifications of a candidate for a vacant post of a judge, taking into account the need to comply with the methodology that takes into account the specificities of the profession pursued by the candidate or of the post they hold and the need to adjust the methodology to the scope of the analysis and the criteria laid down 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.

§ 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 board or the general assembly shall not be involved in the opinion-giving process of the board 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 Provincial 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 a trainee 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 board of the court and information obtained from the Provincial 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.

§ 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, a trainee 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 Provincial 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 Provincial 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) is exclusively a Polish citizen, enjoys full civil and full public rights and has not 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 recognized 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) holding the post of a trainee judge, carried out the duties of a judge 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 counsel at the General Counsel to the Republic of Poland - for at least three years.

§ 3. (repealed).

§ 4. (repealed).

§ 5. A person who held one of the posts specified in Article 61(2) items 2-4 during the period of five years preceding the application for a vacant post of judge may be appointed to the post of a district court judge.

§ 6. (repealed).

§ 7. (repealed).

**Article 62.** A professor or PhD in law 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 counsel for the General Counsel to the Republic of Poland - 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. A common court judge or a military court judge who held the post of a judge or a public prosecutor for a period of at least ten years may be appointed to the post of an appeal court judge.

§ 1a. Also, a public prosecutor who has held the post of a public prosecutor or a judge for a period of at least ten years may be appointed to the post of an 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) practised the profession of an advocate, a legal counsel or a notary for at least ten years; 1a) held the post of the President or vice president of, or counsel for the General Counsel to the Republic of Poland - for at least ten 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.** 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."

**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 stating 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 60 years of age (in case of a woman) or upon attaining 65 years of age (in case of a man), unless, not later than six months and not earlier than twelve months before attaining the said age, the judge declares to the Minister of Justice 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 Minister of Justice may agree to continue holding the position of judge, having regard to rational use of common court personnel and the needs arising from the workload of individual courts. Should the proceedings related to holding the position of a judge further after attaining the age referred to in Article 60(1) not be closed, the judge remains in office until the proceedings are closed.

§ 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.

§ 3. If the Minister of Justice expresses the permission referred to in Article 69(1b), the judge may hold the post not longer than until they attain 70 years of age. The judge has the right to retire giving a three-month notice, submitting an appropriate declaration to the Minister of Justice. The notice period is extended by the holiday leave to which the judge is entitled unused before the end of the notice period. At the request of the judge, the Minister of Justice may agree for the judge to retire before the end of the notice period.

**Article 70.** § 1. A judge retires at their own request or at the request of a competent board 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 board 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 board 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 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 board 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 board 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 is lodged through the National Council of the Judiciary, within one month following the date of delivering the decision to the applicant. The appeal may be lodged by a judge, the president of the competent court, and the Minister of Justice, and where the request was lodged by the board of the competent court - also by said board.

**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 retired for reasons referred to in Article 70(1) and Article 71(1) has the right to return to the post previously held or to a post of equal competence if the judge presents a certificate confirming their ability to perform the duties of a judge on account of the health condition issued by a certifying physician of the Social Insurance Institution.

§ 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) 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 board 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 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 of Justice publishes the intent to announce a vacant position of a judge in the Public Information Bulletin.

§ 2. A judge interested in being transferred to another place of service may submit a transfer request within seven days of the announcement referred to in § 1. The request is lodged solely through the ICT system.

§ 3. The Minister of Justice issues a decision on the request of a judge to transfer to another place of service, having regard to rational use of common court personnel and the needs arising from the workload of individual courts, and the circumstances arising from the justification of the request.

§ 4. The request of the judge to transfer to another place of service that does not meet the requirements referred to in Article 75b(2) shall be disregarded. If the request is not taken into account, the judge may submit another transfer request no earlier than after 3 years, unless the reason for not taking into account the request was merely the lack of sufficient number of vacant judicial posts in relation to the number of requests. A request lodged before this deadline shall be disregarded.

§ 5. The Minister of Justice may, ex officio, request a judge who has previously requested to be transferred to another place of service, to express consent to being transferred to the requested or other place of service.

§ 6. In the case of filling a vacant judicial post by transferring a judge to another place of service, the Minister of Justice announces the fact of 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) in the Chancellery of the President of the Republic of Poland - at the request of the President of

the Republic of Poland,

- 2b) in an office supporting the minister competent for foreign affairs - at the request of the minister competent for foreign affairs,
- 3) in the Supreme Court - at the motion of the First President of the Supreme Court or the President of the Supreme Court heading the Disciplinary chamber – with regard to the judges posted to that 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. A judge shall not act as an adjudicator and, at the same time, perform administrative actions in the Ministry of Justice or another organisational unit subordinate to the Minister of Justice, the Chancellery of the President of the Republic of Poland, or an office supporting the minister competent 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 of Justice, at the request of the Director of the National School of Judiciary and Public Prosecutor's Office, may delegate the judge, with their consent, to perform duties or a specific function, or hold a traineeship of more than one month, outside the borders of the Republic of Poland, within the framework of international co-operation of the National School of Judiciary and Public Prosecutions, in line with the judge's qualifications, for a definite period of not more than four years, with the possibility of being re-posted for another period not exceeding four years.

§ 4. A judge delegated under Article 77(1) item 2, for an indefinite period, may be dismissed from the delegation, or resign therefrom giving a three-month notice. In other events of a judge's delegation, the dismissal or resignation of a judge occurs without the 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:
  - 2a) 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 2016, item 1666) 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. (invalid).

§ 7b. (invalid)

§ 8. The president of the court of appeal, upon the consent of the judge and the board 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 board 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.

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

**Article 77a.** A judge delegated to perform professional duties in a town or city other than the town or city of the place of service or place of delegation referred to in Article 77(1)-(3a) is entitled to the amounts specified 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.

**Article 78.** § 1. A judge delegated to perform actions in the Ministry of Justice, the Chancellery of the President of the Republic of Poland, or an office supporting the minister competent for foreign affairs may be entrusted with the duties at official posts, with the exclusion of the post of the general director of the office.

§ 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 a judge demonstrating high-level legal expertise and thorough knowledge of issues within the scope of duties entrusted thereto may be delegated to the Ministry of Justice, the Chancellery of the President of the Republic of Poland, or an office supporting the minister competent for foreign affairs, or the National School of Judiciary and Public Prosecution.

§ 2. A judge delegated to perform administrative actions in the Ministry of Justice, the Chancellery of the President of the Republic of Poland, or an office supporting the minister competent for foreign affairs, or the National School of Judiciary and Public Prosecution as well as to conduct training sessions in the National School of Judiciary and Public Prosecution is entitled to a basic salary for the judicial post they hold and to a long-service allowance. Within the period of delegation, the judge receives a special duty allowance, specified in the implementing provisions

issued under Article 91(8).

§ 3. Within the period of delegation, on account of the nature and scope of tasks performed by the judge, the Minister of Justice may grant to the judge a special allowance in the amount not exceeding 40 percent of the total of the basic salary and the special duty allowance. The allowance is granted for a definite period, and in individual cases - also for an indefinite period. The allowance for judges delegated to the Chancellery of the President of the Republic of Poland and to the office supporting the minister competent for foreign affairs may be granted at the request of the President of the Republic of Poland or the minister competent for foreign affairs.

§ 4. In duly justified cases, such an allowance may exceed the amount referred to in Article 78(3).

§ 4a. During the delegation period to the Ministry of Justice, the Minister of Justice may direct the judge, with their consent, to participate in various forms of raising professional qualifications in matters relating to the duties entrusted to them.

4b. The costs of raising professional qualifications referred to in Article 78(4a) are covered from the "Justice" part of the budget managed by the Minister of Justice.

§ 5. The Minister of Justice, having consulted the National Council of the Judiciary, specifies, by regulation, the procedure and detailed terms and conditions for delegating judges to perform duties in the Ministry of Justice, the Chancellery of the President of the Republic of Poland, or an office supporting the minister competent for foreign affairs, as well as to perform administrative actions or conduct training sessions in the National School of Judiciary and Public Prosecution, as well as the procedure and detailed terms and conditions for executing the right to free accommodation and reimbursement for costs of accommodation in the place of delegation, including the maximum amount of the reimbursement for costs actually incurred and the amount of the monthly lump sum, taking into consideration the possibility to diversify the amount thereof depending on the town or city of the place of delegation, as well as the procedure, detailed terms and conditions for and the scope of other benefits, taking into account the scope of benefits to which employees on business travels and temporarily transferred employees are entitled.

**Article 78a.** § 1. A judge delegated under Article 77(3a) and (3b) is entitled to a basic salary for the judicial post they hold and to a long-service allowance, as well as to compensation benefits for accidents at work and for occupational diseases, if the event out of which the right to such benefits arises occurred during the performance of the duties or the function abroad. Within the period of delegation for the performance of the function, the judge receives a special duty allowance, specified in the implementing provisions 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:
  - 2a) 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 abroad, 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 request 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 an offence subject to imprisonment of up to at least 8 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 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. Prior to the issuance of the resolution, , the disciplinary court shall hear the disciplinary commissioner, the judge, a representative of the authority or the person who filed the motion, if present. The failure to appear on the part of the foregoing persons or on the part of the defence counsel does not withhold the consideration of 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 president 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.** (invalid)

**Article 80b.** (invalid)

**Article 80c.** (invalid)

**Article 80d.** (invalid)

**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, 1485, 1634, and 1707), the judge's acceptance of a penalty ticket or the payment of a fine, if the penalty ticket is not issued 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 2016, item 1713), is deemed as a consent of the judge to be held liable in this form.

§ 4. A consent of the judge to be held liable under criminal law as provided for in paragraph 3 excludes liability to disciplinary actions.

## **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. Having acceded to the first post of a judge, a judge who did not hold the post of a trainee judge, is subject to training in the scope of methodology of the work of a judge organised by the National School of Judiciary and Public Prosecution. The president of the court directs the judge for training at the earliest time foreseen in the training schedule of the National School of Judiciary and Public Prosecution for the given year.

§ 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. The judge, if possible at least three days before the start of training or other forms of professional development, notifies the president of the competent court if they will be staying more than one day outside the town being the seat of the court in which they perform service. The president of the district court notifies the president of the superior regional court of the fact, the president of the regional court notifies the president of the superior court of appeal, and the president of the court of appeal notifies the Minister of Justice.

**Article 82b.** A judge, upon their consent, may be entrusted with the obligation to hold patronage over the course of trainee practices in 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.** A judge who does not hold any function may also exercise the right to parental leave by reducing the assignment of cases by up to 50% while simultaneously reducing the basic salary to the same extent. The provisions on parental leaves apply accordingly to exercising the right to reduce the assignment of cases, however, the request to reduce the assignment of cases or change the scope of the reduction are to be lodged with at least two months' notice.

**Article 84.** § 1. A judge at a hearing and session in which the parties participate, held in the court building, wears the official clothing. 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 model 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 of 2016, item 1167). 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 law 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 law 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. (30) A commercial law company is understood as a commercial company, as well as another company to which commercial law applies, including a company under foreign law.

§ 3b. *[repealed]*.

§ 3c. *[repealed]*.

§ 3d. (33) The election or appointment to the authorities of the company, cooperative or foundation in violation of the prohibitions set out in § 3 points 1-3 are invalid by law and are not subject to entry in the relevant register.

§ 4. An appeal court judge and a regional court judge shall notify the presidents of relevant

courts of their intention to take up additional employment as referred to in Article 86(1), or another activity or gainful occupation, and the relevant court presidents shall notify the Minister of Justice. A district court judge shall submit the notification referred to in the first sentence to the president of the relevant 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 intent of 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.

§ 5. The president of the competent court in relation to the judge, and the Minister of Justice in relation to the president of the court of appeal and the president of the regional court, issues a decision to object to the intention to take up employment in a teaching, research or teaching or research position in a university, if he considers that it will interfere with the performance of the duties of a judge, and to undertake or continue another occupation that interferes with the performance of the duties of a judge, weakens confidence in his impartiality or brings resentment of the dignity of a judge's office.

§ 6. *[repealed]*.

**Article 87.** § 1. Judges and court directors, and their deputies, shall submit assets declarations. The assets declaration refers to personal assets and joint matrimonial assets. The declaration should include, in particular, information on the following:

- 1) held financial resources;
- 2) real properties and property tenures;
- 3) owned movable property with a unit value of over PLN 10,000;
- 4) stocks and shares in commercial companies
- 5) owned financial instruments within the meaning of the Act of 29 July 2005 on Trading in Financial Resources (Journal of Laws of 2016, item 1636, as amended) other than those referred to in item 4;
- 6) earnings subject to personal income tax, earned in the period of a year before the date on which the statement is made, if their total value exceeds PLN 10,000 and their sources, excluding income earned in connection with fulfilling the office of a judge or employment on the position of court manager or trainee court manager;
- 7) assets purchased, by way of tender, by the person submitting the declaration, or their spouse, from the Treasury, other state legal person, self-government authority, their associations, or self-governmental legal person;
- 8) pecuniary claims and obligations whose value exceeds PLN 10,000.

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

§ 2. Judges submit the declaration referred to in Article 87(1) to the president of the court of appeal of local competence, and the directors of courts and their deputies - to the Minister of Justice.

§ 3. A locally competent board of the court of appeal analyses the content of the declaration referred to in Article 87(1) by the end of June each year and presents the results to the general assembly of appeal judges. The Minister of Justice analyses the data contained in the statement referred to in Article 87(1) submitted by the court manager or deputy court manager no later than by 30 June each year.

§ 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 statement referred to in Article 87(1) is to be submitted within 30 days from the date of acceding the office a judge or appointment to the position of court manager or deputy court manager, as at the day of acceding the office or appointment, and thereafter every year by April 30, as at 31 December of the previous year, as well as within 30 days of leaving the office of judge or dismissal from the position of court manager or deputy court manager, as at the day of leaving the office or dismissal.

§ 5a. The statement submitted in connection with acceding the office of a judge or being appointed to the position of court manager or deputy court manager does not include the

information referred to in Article 87(1) item 6. The statement submitted in connection with leaving the office of the judge or dismissal from the position of court manager or deputy court manager includes the information referred to in Article 87(1) item 6 for the period starting on 1 January of the year of leaving the office or being dismissed until the day of leaving the office or being dismissed.

§ 6. The information contained in the statement referred to in Article 87(1), are open to the public, including first and last names, with the exception of address data, information about the location of real properties, as well as information that allow to identify movable property. At the request of the judge, the court manager or deputy court manager who submitted the statement, the entity authorized to receive the statement may decide on subjecting the information contained in the statement to protection for undisclosed information with a "restricted" clause, as set out in the provisions of the Act of August 5, 2010, on the Protection of Undisclosed Information if the disclosure of this information could cause a threat to the person submitting the statement or their close relatives and partners. The Minister of Justice is entitled to abolish this clause in respect to the statements referred to in Article 87(1), submitted by judges. In relation to this authority, the provision of Article 6(3) of the Act of 5 August 5, 2010, on the Protection of Undisclosed Information does not apply.

§ 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 assets declaration forwards one copy of the declaration to the tax office competent for the place of residence of the judge, court manager, or deputy court manager. The competent tax office is entitled to analyse the content of the declaration and to compare it against the content of declarations submitted in preceding years and against the content of annual tax returns (PIT). If the result of the analysis casts reasonable doubts as to the legitimacy of the source of the assets disclosed in the declaration, the tax office refers the case for appropriate proceedings, conducted under 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 of Justice determines, by way of regulation, the sample form of the statement referred to in Article 87(1), containing a detailed scope of information contained in the statement and the clause referred to in Article 87(9), having regard to the need to truthfully demonstrate the financial situation of people required to submit the statements.

**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. The provision of Article 89(1) does not apply to requests, applications, or complaints addressed by the judge directly to the National Council of the judiciary, the Commissioner for Human Rights, or the Minister of 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 2016, item 963, 1247, 1579, 1807, and 1810) applies accordingly to the calculation of the amount of due contributions adjusted under Article 91(11) item 2.

§ 13. The contribution referred to in Article 91(10) is not paid if the judge resigned from the office due to the appointment to the office of a public prosecutor. If the service relationship of the public prosecutor is then terminated or expires as referred to in Article 93 of the Act of 28 January 2016 - Law on Public Prosecution (Journal of Laws, item 177, as amended), the contribution due for the term of office at the judicial post is paid in accordance with the principles set out in Article 91(10)-(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 a trainee 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, within such a period, a disciplinary penalty other than a warning, a finding of default issued three times under the procedure referred to in Article 40 or a notice issued three times under the procedure referred to in Article 37(4) is imposed on the judge.

**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: trainee judges, trainee prosecutors, judges and public prosecutors, in the General Counsel to the Republic of Poland at the posts of: the President or vice president of, or counsel, 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. Jubilee award is paid on the day the judge retires, if on that day the judge has less than twelve months left to qualify to the work period, on which depends the acquisition of the right to the jubilee award.

**Article 93.** § 1. The judge may be granted paid health leave to undergo the prescribed treatment if the treatment requires to refrain from carrying out service.

§ 2. The health leave cannot exceed six months.

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

§ 4. In the event of a refusal to grant health leave, the judge may appeal within 14 days from the date of receipt of the refusal to the Supreme Court.

**Article 94.** § 1. During the period of absence from work due to illness, the judge receives 80% of salary, but not longer than for a period of a year. This period includes periods of previous interruption of service due to illness or paid leave for improvement of health, if the period of active duty did not exceed 60 days. After a year of further absence from work due to illness, the judge receives 50% of the salary.

§ 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

- the judge retains the right to receive 100 percent of the remuneration, not longer than for a year; the provision of Article 94(1) second and third sentence applies accordingly.

§ 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 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 2016, item 372, 960, 1265, and 1579) 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:
  - 2a) 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 2016, item 157) or a day-care 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 been 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 2015, item 1242 and 1442, and of 2016, item 1807).

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

§ 5. The 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 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 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 board 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 of Justice - for an accident at work or occupational disease of the president of the court of appeal or a judge delegated to perform actions in the Ministry of Justice, the Chancellery of the President of the Republic of Poland, or an office supporting the minister competent 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 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 of Justice refers to the examination the judge who did not perform service due to illness or paid health leave for a period of a year, determined in accordance with Article 94(1), second sentence, and requested a referral to an examination by a certifying physician of the Social Insurance Institution.

§ 2. The Minister of Justice may also refer the judge referred to in Article 94d(1) to an examination carried out by a certifying physician of the Social Insurance Institution ex officio.

§ 3. Should the certifying physician of the Social Insurance Institution issue a certificate on the further inability to perform the duties of a judge if the treatment or medical rehabilitation give a chance to regain the ability to work, the Minister of Justice grants the judge rehabilitation leave for a period from one month up to three months.

§ 4. During the rehabilitation leave, every month from the date of the certificate referred to in Article 94d(3), the judge is obliged to submit to a control examination carried out by a certifying physician of the Social Insurance Institution, who issues a certificate on the further inability to perform the duties of a judge or on the ability to perform the duties of a judge, unless the Minister of Justice, frees the judge of this obligation when granting rehabilitation leave.

§ 5. The certifying physician of the Social Insurance Institution serves the certificates referred to in Article 94d(3) and (4) to the judge concerned, as well as to the president of the regional court or the court of appeal, and the Minister of Justice.

§ 6. The judge has the right to an objection against the certificate of the certifying physician of the Social Insurance Institution, referred to in Article 94d(3) and (4), to the medical committee of the Social Insurance Institution within seven days from the delivery of the certificate.

§ 7. 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 Treasury from funds at the disposal of the Minister of Justice.

**Article 94e.** § 1. The list of certifying physician of the Social Insurance Institution, authorized to carry out the examinations referred to in Article 94d(1), (2), and (4), together with an indication of their specialization, is set out by the Minister of Justice in consultation with the President of the Social Insurance Institution.

§ 2. In the cases referred to in Article 94d(1), (2), and (4), the certifying physician is indicated

by the Minister of Justice from the list referred to in Article 94e(1), taking into account their specialization and having regard to the need to ensure immediate examination.

**Article 94f.** During the period of rehabilitation leave, the judge is entitled to 80% of salary.

**Article 94g.** § 1. The judge's failure to undergo examination carried out by the certifying physician of the Social Insurance Institution, referred to in Article 94d(4), results in reducing the salary to 50% of its value.

§ 2. If the judge or other person demonstrates that the failure to undergo the examination referred to in Article 94d(4) occurred for reasons beyond the control of the judge, the Minister of Justice orders payment of the equivalent of the unpaid portion of the salary.

**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. If the consent referred to in Article 95(2) is given, the judge is entitled to reimbursement for costs of travel from the place of residence to the seat of the court, branch division, and branch unit determined in accordance with the terms for determining amounts due to employees, for business travels within the territory of the country.

However, the judge is not entitled to the reimbursement for the costs referred to in Article 95(3) if the place of service changed as a result of a ruling imposing a disciplinary penalty referred to in Article 109(1) item 4 and a ruling of the disciplinary court on the transfer of the judge to a different place of service due to the authority of the post, unless the transfer was without fault on part of the judge.

**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 boards 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 no 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. A judge who has been retired, due to a change in courts organisation or a change in the boundaries of court circuits, until attaining the age of or 65 years, is entitled to receive an emolument in the amount equal to the remuneration the judge received at the most recent post.

§ 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-months' remuneration.

§ 4a. In the case referred to in Article 100(1), a retired judge receives the one-off severance payment upon attaining the age of 65 years.

§ 4b. If a judge who returned to the post previously held or an equal post as per Article 71c(4) or 74(1a) retires or is retired, they are entitled to a one-off severance payment in the amount being the difference between the severance payment calculated as at the date of retirement and the amount of the severance payment already paid. In the case referred to in Article 100(1), the severance payment is granted upon attaining the age of 65 years.

§ 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 a trainee 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 of Justice, in consultation with the minister competent for labour matters, specifies, by way of regulation, the principles and procedure for the determination and payment of retirement emoluments to retired judges and family emoluments to the family members of judges and retired judges as well as the time limits for the payment of contributions referred to in Article 91(10) and (11) to the Social Insurance Institution, taking into consideration, in particular, the need to ensure the continuity of livelihoods to the entitled persons and convenience of collecting the retirement and family emoluments.

**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 a judge's basic emolument 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 a penalty of deprivation of the right to retirement, together with the right to emolument has been imposed, the verdict results in the reduction of up to 50% of the emolument until the final termination of the disciplinary proceeding. In the event of the final termination of disciplinary proceedings by a decision of a penalty other than the penalty of deprivation of retirement and the right to emolument, the emolument shall be adjusted to the full amount.

§ 4. The conviction of a retired judge by final court judgement 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. The provisions of Article 84(3) and Article 86 apply accordingly to retired judges. To retired judges entrusted with the function of an inspecting judge also the provisions of Article 77(1), (6)-(6b) and (8), Article 79, Article 82, Article 82a, Article 83, Article 85, Articles 87-90 and Articles 94a and 94b apply accordingly. Retired judges entrusted with the function of inspecting judge are entitled to not providing work for a period corresponding to rest leave.

§ 2. A judge who retired in accordance with Article 69(1), (1b) , (2) and (2b) and a judge who was retired due to a change in courts organisation or a change in the boundaries of court circuits, upon their consent, may be entrusted with the function of an inspecting judge in the Ministry of Justice or in a court. In such an event, the retired judge is entitled to a special duty allowance in the amount provided for an inspecting judge. Provisions of Article 37d apply accordingly to the entrustment of the function of an inspecting judge. The function of an inspecting judge in the Ministry of Justice is entrusted by the Minister of Justice for a definite period, not longer than two years, or for an indefinite period. Provisions of Article 78 (2-4) apply accordingly.

§ 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 (repealed)**

**Article 106a.** (repealed).

**Article 106b.** (repealed).

**Article 106c.** (repealed).

**Article 106d.** (repealed).

**Article 106e.** (repealed).

**Article 106f.** (repealed).

**Article 106g.** (repealed).

## **Chapter 2b Trainee Judges**

**Article 106h.** § 1. The post of a trainee judge may be assigned to a person who:

- 1) meets the requirements pursuant to Article 61(1) items 1-4;
- 2) has completed judicial training in the National School of Judiciary and Public Prosecution;
- 3) has passed the judicial or prosecutor's exam.

**Article 106i.** § 1. Trainee judges are appointed by the President of the Republic of Poland for an indefinite period, on the basis of lists referred to in Article 33a(11) and Article 33b(9) of the Act of 23 January 2009 on the National School of the Judiciary and Public Prosecution.

§ 2. When appointing a trainee judge, the President indicates the place of service (the seat) of the trainee judge in accordance with their choice made pursuant to Article 33a(5) or Article 33b(6) of the Act of 23 January 2009 on the National School of the Judiciary and Public Prosecution.

§ 3. A trainee 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 trainee judge, to serve the Republic of Poland faithfully, to guard the law, to perform the duties of a trainee judge 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."

§ 4. The service relationship of a trainee judge becomes effective upon the delivery of the official notification of their appointment.

§ 5. A trainee judge appears for the accession to the post within fourteen days from the receipt of the official notification of their appointment.

§ 6. In the event of an unjustified failure to accede to the post of a trainee judge within the term referred to in Article 106i(5), the appointment becomes invalid. The fact is ascertained by the Minister of Justice.

§ 7. *(repealed)*.

§ 8. If the National Council of the Judiciary, within one month from the date of presenting the list and request, referred to in Article 106i(7), does not raise an objection, the trainee judge performs the duties of a judge for a period of 4 years from the date of the expiry of the monthly period and, in the case of an objection, from the date of quashing the resolution expressing an objection.

§ 9. *(repealed)*.

§ 10. *(repealed)*.

**Article 106j.** § 1. When exercising their function, a trainee judge is independent and is bound only by the Constitution and acts.

§ 2. A trainee 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 trainee judges.

§ 3. A trainee judge applying for the seat of a Sejm trainee 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. A trainee 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. Within the term of office, a trainee judge cannot be displaced.

§ 2. The service relationship of a trainee judge expires in the event of:

- 1) the notice of objection to performing the duties of a judge by a trainee judge - on the date when the resolution of the National Council of the Judiciary becomes final;
- 2) the trainee judge's failure to lodge a request to be appointed to the office of a judge - on the date the period referred to in Article 106i(8);
- 3) acceding to the office of a judge - on the day preceding the accession to the position of a judge;
- 4) the National Council of the Judiciary's failure to present the request to accede the trainee judge to the office of a judge - on the day the resolution of the National Council of the Judiciary becomes final.

§ 3. If a trainee judge resigns from their office, their service relationship is terminated under the law. The trainee 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 trainee judge, sets a different date. The Minister of Justice notifies the National Council of the Judiciary about the trainee judge's resignation from their office.

§ 3a. Withdrawal of the request to be acceded to the office of a judge by the trainee judge is considered as being equivalent to submitting a statement on resignation from the office.

§ 4. A final disciplinary court ruling concerning the removal of a trainee judge from the office and a final court ruling imposing a penalty in the form of deprivation of public rights or an interdiction preventing the holding of the post of a trainee judge results, under the law, in the loss of the office and post of a trainee judge; the service relationship of the trainee judge expires upon the ruling becoming final.

§ 5. The service relationship of a trainee judge expires as at the day when they lose Polish citizenship.

§ 6. The service relationship of a trainee judge expires if, due to an illness or physical incapacity, they have been deemed permanently unable to perform the duties of a trainee judge.

§ 7. The Minister of Justice notifies the trainee judge of the expiry or termination of their service

relationship.

**Article 106l.** § 1. (repealed).

§ 1a. A trainee judge may be transferred to another place of service at his request, in particularly justified cases and not earlier than after two years from the date of appointment.

§ 2. A trainee judge may be transferred to a different place of service may take place, also without their consent, in the event:

- 1) of cancellation of the post caused by a change in courts organisation, cancellation of a given court or branch division or a transfer of the seat of a given court;
- 2) of inadmissibility of holding the post of a trainee 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 board 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 decision concerning the transfer of a trainee judge is issued by the Minister of Justice, whereas the transfer of a trainee judge for reasons referred to in Article 106l(2) item 1 may occur if it is not possible to grant the trainee judge's request concerning a new place of service.

§ 4. In cases referred to in Article 106l(2) items 1 and 2, the trainee judge may appeal against the decision of the Minister of Justice to the Supreme Court.

**Article 106m.** § 1. In the event that a trainee judge is transferred to another place of service, they are not entitled to a cash equivalent for unused holiday leave. The trainee 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 a trainee judge is appointed to the post of a judge.

§ 3. Should a trainee 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 trainee judge. The Minister of Justice, in duly justified cases, may reimburse a trainee 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 expiry of 36 months of performing the duties of a judge, the trainee judge may submit to the president of the competent district court a request for the appointment to the position of judge of the district court. The provisions of Article 57(2)-(6), Article 57(1), Article 57ab(2), Article 57(ac)-57(af), and Article 58(4) apply accordingly.

§ 2. In case of submission of the application referred to in Article 106xa(1), the president of the district court, within not more than seven days from the date of the expiry of 36 months of the trainee judge performing the duties of a judge, orders the evaluation of qualifications of the trainee judge. The provisions of Article 57ah(3), Article 57b, Article 57i(1) and (3) and the implementing provisions issued pursuant to Article 57i(4) apply accordingly.

§ 3. The evaluation of the qualifications of the trainee judge is carried out by the inspecting judge indicated at random by the president of the competent court of appeal from among the judges of the given appeal court area, referred to in Article 37c(3), with the exception of judges of the district court, in whose circuit the court where the trainee judge performs service is established. If the trainee judge performed the duties of a judge in civil and criminal divisions, more than one inspecting judge is appointed.

§ 4. The president of the competent district court renders the evaluation of qualifications available to the trainee judge by placing it in the ICT system. The trainee judge may submit to said president comments regarding the evaluation of qualifications within 21 days from the date of placing the evaluation of qualifications in the ICT system.

§ 5. After the expiry of the deadline referred to in Article 106xa(4), or after the trainee judge submitting comments to evaluation of qualifications, the president of the district court presents the candidacy of the trainee judge for the vacant position of the judge of the district court for an opinion to the board of the district court, together with the evaluation of qualifications along potential comments of the trainee judge, and afterwards sets the date of the general assembly of circuit judges when the candidacy will be assessed.

**Article 106y.** § 1. The basic salary of a trainee 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. Should a trainee judge be entrusted with the function of head of the division, they are entitled to a special duty allowance indicated in the implementing provisions issued pursuant to Article 91(8).

§ 4. The remuneration of trainee 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 a trainee judge is determined by the scope of their duties.

§ 6. (repealed).

**Article 106z.** § 1. The trainee judge may be granted paid health leave to undergo the prescribed treatment if the treatment requires to refrain from carrying out service.

§ 2. The health leave cannot exceed six months.

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

§ 4. In the event of a refusal to grant health leave, the trainee judge may appeal within 14 days from the date of receipt of the refusal to the Supreme Court.

**Article 106za.** § 1. The official clothing of a trainee judge is the official clothing of a judge. The provision of Article 84(1) applies.

§ 2. a trainee judge receives an identity card specifying their post and place of service. The Minister of Justice specifies, by order, the model identity card of a trainee judge.

**Article 106zb.** (repealed).

**Article 106zc.** a trainee 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 trainee judge, or orders concerning the efficiency of court proceedings; they may, however, request the order to be issued in writing.

**Article 106zd.** § 1. a trainee 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 trainee 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 trainee 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 trainee judge. The president may order that the trainee 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 a trainee judge.

§ 3. A motion for the permission to hold a trainee 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 trainee judge to be held criminally liable if there arises a reasonable suspicion that the trainee judge has committed the offence. The resolution resolves the issue concerning the permission to hold the trainee judge criminally liable and includes the justification therefor.

§ 6. The disciplinary court considers the motion for the permission to hold the trainee 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 trainee judge who was arrested in flagrante delicto or an offence subject to imprisonment of up to at least 8 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 within 24 hours of its receipt by the disciplinary court. A resolution allowing criminal proceedings to be brought against an trainee judge or for their remand in custody shall be enforceable immediately.

§ 7. Prior to the issuance of the resolution, the disciplinary court shall hear the disciplinary commissioner, the trainee judge, a representative of the authority or the person who filed the motion, if present. Failure to appear on the part of the foregoing persons or on the part of the defence counsel shall not be an obstacle to considering the motion.

§ 8. The trainee 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 trainee 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 trainee 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 trainee judge to the effect that they file for the issuance of a resolution on the permission to hold them criminally liable.

**Article 106ze.** For minor offences, the trainee judge is liable to disciplinary actions exclusively, subject to Article 106ze(2).

§ 2. A trainee 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 trainee judge commits a minor offence referred to in Chapter XI of the Act of 20 May 1971 - the Code of Minor Offences, the trainee judge's acceptance of a penalty ticket or the payment of a fine, if the penalty ticket is not issued 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 is deemed as a consent of the judge to be held liable in this form.

§ 4. A consent of the trainee judge to be held liable under Article 81(3) excludes liability to disciplinary actions.

**Article 106zf.** § 1. a trainee judge shall constantly improve their professional qualifications.

§ 2. (repealed).

§ 3. a trainee 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.** § 1. The provisions of Article 67, Article 82, Article 83a, Articles 85-90, Article 95 and Article 97 apply accordingly to trainee judges.

### **Chapter 3 Disciplinary liability of judges and trainee 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).

§ 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.** a trainee 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), as well as for their conduct prior to the accession to the post if, due to such conduct, they appeared to be unworthy of holding the post of a trainee judge, in the same manner as a judge. The provisions of Article 108-133a apply accordingly.

**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) lowering the basic salary of a judge by five to fifty percent for a period from six months up to two years;
- 3) dismissal from the function held;
- 4) transfer to another place of service;
- 5) dismissal from the office of a judge.

§ 2. *[repealed]*

§ 3. The imposition of the penalty referred to in Article 109(1) item 2-4 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 board 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 – with respect to a district court judge;
- 2) to a regional court located in another appeal court jurisdiction – with respect to a regional court judge;
- 3) to another appeal court – with respect to an appeal court judge.

The region, appeal court jurisdiction or court shall be specified by the disciplinary court in its judgment.

§ 3b. 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 judge on whom the penalty was imposed, 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 this is necessary in order to safeguard legitimate private interest or if publishing the judgment is not necessary for the purpose of the disciplinary proceedings.

§ 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. The operative part of the judgment shall be published without the personal data of a natural person or other person if that is necessary for the purpose of protecting the legitimate interests of persons concerned.

**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 of Justice in the Official Gazette of the Republic of Poland *Monitor Polski*.

**Article 110.** § 1. The disciplinary cases against 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 in the matter of disciplinary misconduct that satisfies 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. To hear cases referred to in art. 37 (5) and art. 75(2) item 3, the place of jurisdiction is the disciplinary court in whose region the judge subject to the proceedings serves, and to hear cases referred to in art. 80, the place of jurisdiction is the disciplinary court in which the proceedings are conducted, and in urgent cases also another disciplinary court.

§ 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 commissioner.

§ 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 10 years of experience as a judge.

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:

- 1) of termination or expiry of the judge's service relationship;
- 2) when the judge retires or is retired;
- 3) of the imposition on a 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 the president of a disciplinary court shall last 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 interest of the judiciary;
- 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 of 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 Commissioner for Common Court Judges and Deputy Disciplinary Commissioners for Common Court Judges, as well as deputy disciplinary commissioners at appeal courts and deputy disciplinary commissioners 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 Commissioner for Common Court Judges and Deputy Disciplinary Commissioners 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 commissioner at an appeal court, and in cases of other district court judges and trainee judges, this shall be a deputy disciplinary commissioner at a regional court.

§3. The Disciplinary Commissioner for Common Court Judges and two Deputy Disciplinary Commissioners for Common Court Judges shall be appointed by the Minister of Justice for a four-year term of office.

§4. The National Council of the Judiciary shall ensure administrative support for the Disciplinary Commissioner for Common Court Judges and Deputy Disciplinary Commissioners for Common Court Judges by establishing a separate organisational unit within the Council's Office.

§5. The Disciplinary Commissioner for Common Court Judges, the Deputy Disciplinary Commissioner for Common Court Judges, the disciplinary commissioner at the appeal court, the deputy disciplinary commissioner at the appeal court, the disciplinary commissioner at the regional court and the deputy disciplinary commissioner at the regional court shall perform their duties until other persons are appointed to perform these functions in the next term of office.

§5a. There is one deputy disciplinary commissioner at the regional court. In a court of more than sixty judicial positions, the Disciplinary Commissioner of the Judges of Common Courts may, after obtaining the consent of the Minister of Justice, establish a larger number of deputy disciplinary commissioners operating at the regional court, if this is justified by the interests of justice. The Disciplinary Commissioner for the Judges of Common Courts informs the president of the competent regional court about the appointment of more deputy disciplinary commissioners operating at the regional court.

§ 6. No later than one month prior to the end of the term of office of the deputy disciplinary commissioner at the regional court, the general assembly of judges of the region shall present to the Disciplinary Commissioner for Common Court Judges three candidates for the post who received the highest number of votes, selected by the same assembly. In the event of establishing a larger number of deputy disciplinary commissioners operating at the regional court, the general assembly of judges from that region, at the latest within two months of the date on which the president of the competent regional court receives the information referred to in Article 112 (5a), third sentence, shall present to the Disciplinary Commissioner of Judges Common Courts six candidates for each post of deputy disciplinary commissioner at the regional court who obtained the highest number of votes, elected at the same assembly.

§ 7. Each judge participating in the 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 commissioner operating at the regional court. The vote shall be taken by secret ballot.

§ 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 shall be conducted with the candidates for each post of deputy disciplinary commissioner acting at the regional court who obtained the equal highest number of votes. The provision of paragraph 7 shall apply.

§ 9. The chair of the general assembly of judges of the region shall present the Disciplinary Commissioner for Common Court Judges with the minutes of the meeting that indicate the candidates selected for the post of deputy disciplinary commissioner at the regional court immediately after they are selected.

§ 10. If the term of office of a deputy disciplinary commissioner at the 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 Commissioner for Common Court Judges shall appoint one of the candidates presented under the procedure set forth in paragraphs 6 and 10, for each post of deputy disciplinary commissioner at the regional court, for a four-year term of office.

§ 12. If the required number of candidates for the position of deputy disciplinary commissioner acting at the regional court is not presented or if candidates for the position of deputy disciplinary commissioner acting at the regional court are not presented within the time-limit referred to in paragraphs 6 and 10, the Disciplinary Commissioner for Common Court Judges shall entrust the duties of the deputy disciplinary commissioner at the regional court to a judge of their choice or judges of his choice if the number of deputy disciplinary commissioners operating at the regional court has been set at more than one.

§ 13. The provisions of paragraphs 5a to 12 shall apply *mutatis mutandis* to the election and appointment of the deputy disciplinary commissioner (or commissioners) at the appeal court.

#### **Article 112a.**

§ 1. A disciplinary commissioner who is to conduct a disciplinary case shall be appointed in the order in which cases are received, according to the alphabetical list of disciplinary commissioners. Departure from this rule may occur only due to the illness of the disciplinary commissioner or for another important reason, which should be indicated in the order appointing the disciplinary commissioners.

§ 1a. The Disciplinary Commissioner for Common Court Judges and the Deputy Disciplinary Commissioner for Common Court Judges may take over the case conducted by a deputy disciplinary commissioner operating at a regional court, and may hand over the case to that commissioner.

§ 2. If a case cannot be conducted by any of the competent deputy disciplinary commissioners at the regional court, the Disciplinary Commissioner for Common Court Judges shall appoint a deputy disciplinary commissioner from another region to conduct the case.

§ 3. The provisions of paragraphs 1 and 2 shall apply *mutatis mutandis* to the deputy disciplinary commissioner at the appellate court, however, a case may be handed over to a deputy or another deputy may be assigned to the case only from among deputy disciplinary commissioners operating at the court of appeal.

**Article 112b.** § 1. The Minister of Justice may appoint the Disciplinary Commissioner of the Minister of Justice for the purpose of conducting a specific case relating to a judge. The appointment of the Disciplinary Commissioner of the Minister of Justice shall exclude any other commissioner from taking actions in the case.

§ 2. The Disciplinary Commissioner of the Minister of Justice shall be appointed from among common court judges or Supreme Court judges. With regard to disciplinary offenses meeting the criteria of intentional crimes prosecuted by public prosecution, the Disciplinary Spokesperson of the Minister of Justice may also be appointed from among prosecutors indicated by the National Prosecutor. In justified cases, in particular death or prolonged obstacle in performing the function of the Disciplinary Commissioner of the Minister of Justice, the Minister of Justice designates another judge instead of that person, or, in the case of a disciplinary offense, which meets the criteria of an intentional crime prosecuted by public prosecution, a judge or prosecutor.

§ 3. The Disciplinary Commissioner of the Minister of Justice may initiate proceedings upon the

request of the Minister of Justice or join pending proceedings.

§ 4. The appointment of the Disciplinary Commissioner of the Minister of Justice shall be equivalent to a request for initiating investigation proceedings or disciplinary proceedings.

§ 5. The appointment of the Disciplinary Commissioner of the Minister of 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 Commissioner of the Minister of Justice shall not preclude the Minister of Justice subsequently appointing a commissioner again for the same case.

**Article 112c.** The President of the Supreme Court directing the work of the Disciplinary Chamber has access to the actions of the first instance disciplinary court.

**Article 112d.** Whenever the provisions of this Act refer to the *disciplinary commissioner* it should be understood as the Disciplinary Commissioner of the Common Court Judges, Deputy Disciplinary Ombudsman of the Common Court Judges, Disciplinary Commissioner of the Minister of Justice, deputy disciplinary commissioner at the appellate court or deputy disciplinary commissioner at the 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 duties, 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 commissioner 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 board of the appeal court or the board of the regional court, the National Council of the Judiciary, or on their own initiative, after establishing the circumstances necessary to state that the criteria of disciplinary misconduct were satisfied. The investigation must be conducted within 30 days of being initiated by the disciplinary commissioner.

§ 2. As part of the investigation, the disciplinary commissioner 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 commissioner 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 commissioner shall initiate disciplinary proceedings and draw up the disciplinary charges in writing.

§ 4. Immediately after the disciplinary charges are drawn up, the disciplinary commissioner shall serve them on the defendant. When serving the charges, the disciplinary commissioner shall summon the defendant to present written explanations and any evidence within 14 days of service of the disciplinary charges. If this deadline is not satisfied, the disciplinary commissioner may leave evidence filed after the deadline unexamined, unless the defendant proves that the evidence was not known to them earlier.

§ 5. The disciplinary commissioner 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 commissioner shall not have a suspensive effect on further actions.

§ 7. When serving charges, the disciplinary commissioner 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 commissioner 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 designation of the act which is the subject matter of the proceedings, a list of evidence supporting the request and a statement of the grounds.

§ 9. If the disciplinary commissioner does not find any grounds for initiating disciplinary proceedings at the request of the authorised entity, the disciplinary commissioner 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 of Justice regarding further proceedings shall be binding on the disciplinary commissioner.

§ 10. If disciplinary proceedings gave no grounds for submitting a request to the disciplinary court to examine the disciplinary case, the disciplinary commissioner 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 commissioner shall immediately send or otherwise make available materials collected during the investigation or disciplinary proceedings.

§ 13. The appeal must be examined within two weeks of its filing with the court.';

**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 for evidence within 14 days of service of the summons.

§ 3. The disciplinary court may leave a motion for 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 may give a summary judgment if it establishes, on the basis of the material gathered by the disciplinary commissioner, that the circumstances of the offence and the fault of the defendant are beyond doubt and that it will suffice to impose the penalties laid down in subparagraphs 1 to 3 of Article 109(1).

2. The summary judgment shall be given by the disciplinary court adjudicating by a one-judge bench.

3. The penalty referred to in subparagraph 2a of Article 109(1) shall be imposed, by means of

a summary judgment, in the amount of 5 % to 10 % of the remuneration for a period of six months to one year.

4. Objections against the summary judgment may be submitted by the defendant, the disciplinary commissioner, the National Council of the Judiciary and the Minister for Justice.

5. Objections 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 of the judgment.

**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 judgement with respect to such misconduct only upon the consent of the disciplinary commissioner and of the accused or their defence counsel; should such consent not be granted, the disciplinary commissioner 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 General Counsel to the Republic of Poland, advocates' office or as a legal counsel or notary, the court sends the judgement to such an office, the President of the General Counsel to the Republic of Poland, 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 commissioner. If no disciplinary proceedings were initiated, the disciplinary commissioner undertakes disciplinary actions, even if a judgement of acquittal was rendered in the penal proceedings.

§ 2. If a final judgement 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 judgement 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 commissioner, the National Council of the Judiciary and the Minister of 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 the 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 circumstances referred to in Articles 435, 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 judgement 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 judgement 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 board of the said court.

§ 3. The Minister of Justice executes the judgement 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 judgement 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 judgment imposing the penalty referred to in Article 109(1)(1—4) becomes final, the Minister of Justice shall order that the copy of the judgment referred to in Article 109(5) be removed from the personal file of the judge, unless another convicting judgment was issued against the penalised person 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 of 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 judgement was rendered as a result of an offence, or if within five years from the discontinuation or rendering of the judgement, 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 commissioner.

**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. Judgements and decisions as well as orders closing the procedure to render a judgement 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.

**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 the disciplinary court issues a resolution authorising a retired judge to be held criminally responsible for an intentional crime prosecuted by public indictment, it will ex officio reduce the amount of his remuneration for the duration of the disciplinary proceedings, by 25% to 50%.

§ 4. Should the disciplinary proceedings be discontinued or should the judge be acquitted, all components of the judge's remuneration or emoluments shall be adjusted to the full amount.

**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 cases provided for in Article 75(2) item 3 and in the case of suspension of the judge in the performance of their professional duties or quashing the order concerning the break in the performance of their duties referred to in Article 130(1), the disciplinary court, having heard the disciplinary commissioner, and in the event referred to in Article 37(5) issues a resolution. The court also hears the judge if they appear at the session, and in the event referred to in Article 37(5) - also the president of the competent court.

§ 2. The National Council of the Judiciary and the board 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 may lodge a complaint against the resolution on the refusal to accept 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 commissioner 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 complaint is considered by the disciplinary court of the 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 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)**

### **Chapter 1 (repealed).**

**Article 134.** (repealed)

**Article 135.** (repealed)

**Article 136.** (repealed)

### **Chapter 2 (repealed).**

**Article 137.** (repealed)

**Article 138.** (repealed)

**Article 139.** (repealed)

**Article 140.** (repealed)

### **Chapter 3 (repealed).**

**Article 141.** (repealed)

**Article 142.** (repealed)

**Article 143.** (repealed)

**Article 144.** (repealed)

**Article 145.** (repealed)

**Article 145a.** (repealed)

**Article 146.** (repealed)

**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. Court referendaries and senior court referendaries, hereinafter referred to as “referendaries”, are employed in courts to perform duties specified in acts, falling within the competence of courts in the scope of legal protection other than administering 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 of Justice shall specify, by ordinance, the organisation and scope of duties of court secretariats and other departments of judicial administration, the manner of providing office services for court proceedings, including the registration devices used and division of cases into categories, and categories of court employees obliged to wear official clothing or identity cards and the terms for assignment thereof, taking into account the need to ensure proper administrative and clerical service to the courts and the need to introduce the division of cases into categories involving matters of a similar level of complexity and labor intensity.

§ 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 referendary, judicial, public prosecutor, notary, bar or legal counsel exam, or finished judicial training or public prosecutor's training.

§ 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.

§ 1a. The president of the court does not announce a competition if the vacancy or assigned

post is filled by transferring a court referendary.

§ 2. The Minister of Justice specifies, by way of 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 Provincial 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 as a referendary for the first time, a court referendary makes a solemn vow before the president of the regional court, and a referendary employed in an appeal court - before the president of that 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."

§ 4. Before working for the first time, a court referendary before the president of a regional court, and a referendary employed in an appeal court - before the president of that court, takes an oath according to the following rota:

**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 in the courts within the area of competence of the same regional court hold a meeting of regional (circuit) referendaries at least once a year. The meeting is convened by the president of the regional court.

§ 3. The meeting of regional (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 courts' bodies. The oldest referendary chairs the meeting of circuit referendaries, unless the meeting elects another chairman.

**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.

§ 1a. The Minister of Justice announces a vacant position of a court referendary in the Public Information Bulletin. A court referendary interested in being transferred to another place of service may submit a transfer request to the Minister of Justice within seven days. The request shall be made via the ICT system.

§ 1b. If one or more of the requests, referred to in Article 151a(1a), were submitted only by court referendaries employed within the appeal court area, in which the vacancy was announced, the Minister of Justice forwards the requests to the president of the competent court of appeal.

§ 1c. A court referendary employed for at least 3 years at the current place of service is transferred, in line with their request, by the Minister of Justice or the president of the court of appeal. They may refuse to accept the request, which concerns transfer to another court in the same location where the office of the referendary is located. Should more than one court referendary employed for at least 3 years at the current place submit a request to the same vacant position, the president of the court of appeal or the Minister of Justice transfers one of them, having

regard to rational use of common court personnel and the needs arising from the workload of individual courts, and the circumstances arising from the justification of the request.

§ 1d. If the vacant position is filled by transferring a court referendary to another place of service, the Minister of Justice announces the 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) when the transfer takes place to another court in the same place as the referendary's official place of service;
- 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 board of a competent 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 definite period of up to two years or for an indefinite period. The provisions of Article 78(1b), (4a), and (4b) apply accordingly.

§ 5a. The Minister of Justice may delegate the referendary, with his consent, at the request of the Chairman of the National Council of the Judiciary, to perform functions in the Office of that Council, for a definite period, not 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 six months, the referendary is entitled to an allowance amounting to ten 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 151 b(1) and (2) are extended by three years.

§ 2b. Apart from the basic salary, a court referendary is entitled to the long-service allowance referred to in Article 91(7) and the jubilee award subject to Article 92(3)-(6), as well as a one-off severance payment in the event of termination of the employment relationship upon retirement due to inability to work or old age, subject to the provisions on court and public prosecutor's office employees.

§ 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 seven 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. Provisions of Articles 45(1), 82a(1) and (3), Article 83a, Articles 87-89, Article 92(1) and (2), Article 93, as well as Article 97(1) and (2) apply accordingly to referendaries, however, the leave referred to in Article 93 is granted by the president of the competent court of appeal.

§ 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**

### **Judicial assistants**

**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) is an assistant who has held the post of an assistant to a judge for at least ten years and has received positive periodical evaluations, 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 way of 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.

Within the first year of their employment, an assistant to a judge completes, as part of the apprenticeship for assistants to judges, a training in the scope of methodology of the work of a judge organised by the National School of Judiciary and Public Prosecution. The president of the court directs the assistant for training at the earliest time foreseen in the training schedule of the National School of Judiciary and Public Prosecution for the given year.

**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 way of 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 definite period of up to two years or for an indefinite period. The provisions of Article 78(1b), (4a), and (4b) apply accordingly.

§ 2a. The Minister of Justice may delegate the assistant to the judge, with his consent, at the request of the Chairman of the National Council of the Judiciary, to perform functions in the Office

of this Council, for a specified period, not longer than two years, or for an indefinite period.

§ 3. If 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 2016, item 1822 and 1823);
- 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 judgement 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.

§ 1a. With regard to entry to the list of permanent mediators, the provisions of Part II, Chapter 14 of the Act of 14 June 1960 - Code of Administrative Procedure (Journal of Laws of 2018, item 2096 and Journal of Laws of 2019, items 60, 730 and 1133) shall apply.

§ 1b. The matter of entry on the list of permanent mediators shall be deemed to be resolved silently in full respect of the request of the party requesting entry on the list of permanent mediators if, within 14 days from the date of delivery of the application, the president of the regional court fails to issue the decisions or decisions referred to in art. 122a § 2 of the Act of 14 June 1960 - Code of

Administrative Procedure.

§ 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 judgement 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 way of 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 or secondary vocational 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, district or province 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 board 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 the Act of 27

October 2017 on Publicly Funded Healthcare Benefits (Journal of Laws of 2017, item 2217), 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 Provincial 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 judgement, 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 board 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 lay judge may be designated to participate in hearings during up to twelve days in a year. The number of days may be increased by the president of the court only due to important reasons, in particular in the event that it is necessary to close a case with the participation of the lay judge.

§ 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 the court may order the designation of an additional lay judge to a case if it is probable that the it will continue for a long time. Should it be necessary, two additional lay judges may be designated; in such an event, the order in which they would take part in deliberations and voting should be indicated.

§ 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 judgement, 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 amount of compensation for lay judges participating in the hearing of cases in common courts, due for one day of performance of duties of a lay judge, equals 2.64 percent of the basis for determining the basic salary of the judge referred to in Article 91 (1c).

§ 4a. Lay judge is entitled to a lump sum to cover travel costs to the court in order to perform duties in court by means of local communication, in the amount of 0.25 percent of the basis for determining the basic salary of the judge referred to in Article 91 (1c).

§ 4. The amount of compensation for lay judges participating in the hearing of cases in common courts, due for one day of performance of duties of a lay judge, equals 1.9 percent of the base for the basic salary of a judge referred to in Article 91(1c).

§ 5. (repealed)

§ 6. The costs of the compensations referred to in Article 172 (4) – (4a) are borne by the State Treasury.

**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 personal, telecommunications, postal, and Internet data, and computerisation of common courts**

**Article 175a.** § 1. Personal data controllers for:

- 1) judges and retired judges as well as trainee judges,
  - 2) court referendaries, assistants to judges, court directors and deputy directors, professional probation officers, judicial training trainees, probation trainees, court clerks and other court employees,
  - 3) court experts, court physicians, mediators and lay judges,
  - 4) candidates for the posts listed in items 1 and 2
- are presidents and directors of relevant courts and the Minister of Justice in the scope of performed tasks.

§ 2. (*repealed*)

§ 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.** To carry out the tasks specified in the act, the Minister of Justice acts as the coordinating body referred to in 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. EU L 205 of 7.08.2007, p. 63, as amended.) and provides the courts with access to data, including to the processing of personal data in this system.

**Article 175da.** The controllers of personal data processed in ICT systems supporting court proceedings, in ICT systems in which court registers are kept, and in ICT systems in which recording devices are operated (court ICT systems), are: courts as part of the administration of justice or the implementation of tasks from scope of legal protection, presidents of competent courts and the Minister of Justice as part of their tasks.

**Article 175db.** The controllers of personal data processed in court proceedings as part of the administration of justice or the implementation of tasks in the field of legal protection are the courts.

**Article 175dc.** § 1. For the processing of personal data in court proceedings, in court registers or in court ICT systems, the following provisions shall not apply: Article 15, Article 16 - to the extent that special provisions provide for a separate procedure for rectification, as well as Article 18 and

Article 19 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals 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) (Official Journal of the EU L 119 of 04/05/2016, p. 1, as amended), hereinafter referred to as "Regulation 2016/679".

§ 2. In connection with the processing of personal data in court proceedings, the performance of the obligations referred to in Article 13 of Regulation 2016/679, is carried out by placing information specified in Article 13 section 2 of Regulation 2016/679, in the Public Information Bulletin on the entity's website and in a visible place in the court building.

**Article 175dd.** § 1. Supervision over the processing of personal data whose administrators are the courts, in accordance with art. 175da and art. 175db, is performed in the field of court activities:

- 1) for district court – by president of a regional court;
- 2) for regional court – by president of the court of appeal;
- 3) for court of appeal – by the National Council of the Judiciary.

§ 2. As part of the supervision referred to in § 1, the competent authorities:

1) consider complaints of persons whose personal data are processed unlawfully;

2) take actions to disseminate, among supervised administrators and processors, the knowledge about the obligations arising from Regulation 2016/679 and the Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime (Journal of Laws of 2019 item 125);

3) cooperate with other authorities supervising the processing of personal data as part of proceedings conducted by courts and tribunals, as well as with supervisory authorities within the meaning of Art. 51 of Regulation 2016/679, including sharing information and providing mutual assistance, to ensure consistent application of Regulation 2016/679 and the Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime.

§ 3. The bodies referred to in paragraph 1 are entitled to:

1) ordering the controller or processor or their representatives to provide all information needed to carry out the tasks of that body;

2) notifying the controller or processor about suspected violation of Regulation 2016/679 or the Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime;

3) obtaining from the controller and the processor access to personal data and information necessary for the supervisory body to perform its tasks;

4) gaining access to the administrator's and processor's premises, including equipment and means for data processing;

5) issuing warnings to the controller or processor regarding the possibility of violating the provisions of Regulation 2016/679 or the Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime;

6) issuing reminders to the administrator or the processor in the event of a breach of the provisions of Regulation 2016/679 or the Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime;

7) requesting the administrator or the processing entity to adapt the data processing to the provisions of Regulation 2016/679 or the Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime.

§ 4. To the process of receiving and considering complaints related to the processing of personal data by courts as part of the administration of justice or the implementation of tasks in the field of legal protection, the provisions of Part I (Chapter 5a) shall apply accordingly.

**Article 175e.** § 1. The Minister of Justice may appoint a coordinator for the computerization of the common courts.

§ 2. The judge appointed to serve as the coordinator for the computerization of the common courts is entitled to a special duty allowance.

**Article 175f.** § 1. The Minister of Justice may, by way of a decision, grant to the Treasury the rights resulting from copyright to the computer software supporting court information systems, hereinafter referred to as the "computer software", to the extent necessary for the performance of court tasks.

§ 2. The decision referred to in Article 175f(1), may be issued if the performance or continuity of the operation of the computer software or ICT system using the computer software is threatened, or if ensuring the efficiency of their operation or continuity is of vital importance to the state or the good of the justice system, and the agreement in this respect with the person entitled to the copyright to the computer software, encounters obstacles.

§ 3. The decision referred to in Article 175f(1) defines:

- 1) scope of powers that may include:
  - 2a) use of the computer software,
- b) permanent or temporary reproduction of the computer software, in whole or in part, by any means and in any form,
- c) translation, adaptation, alteration of the layout of the computer software, or introduction of any other changes into it,
  - d) distribution, including lending or lease, of the computer software or its copies,
  - e) reproduction of the code or translation of its form;
- 2) the time of exercising the powers no longer than twenty years.

§ 4. In the decision referred to in Article 175f(1), the Minister of Justice may impose the obligation to provide the documentation and source codes of this software on the person who owns the copyright to the computer software, including the libraries and instructions necessary to obtain the resulting code. In this case, the decision may specify the format and the form of the provision of documentation and source codes.

§ 5. The decision referred to in Article 175f(1) may be made immediately enforceable.

**Article 175g.** § 1. The Minister of Justice determines, by way of a decision, after consultation with an expert, the amount of remuneration due to the person entitled to the copyright to the computer software, equivalent to the rights resulting from copyrights to this software acquired by the Treasury on the basis of the decision referred to in Article 175f(1).

§ 2. The decision referred to in Article 175g(1) may be appealed to a common court.

§ 3. The remuneration referred to in Article 175g(1) exhausts all claims of the person entitled to the copyright to the computer software with respect to the Treasury resulting from the transfer of the rights specified in the decision referred to in Article 175f(1) to the Treasury.

## **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 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 directors 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 directors of the courts of appeal on the basis of draft plans prepared by the directors 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. Directors 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 computerization 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**

**Article 180.** The Act of 17 November 1964 - the Code of Civil Procedure (Journal of Laws No 43, item 296, of 1965, No 15, item 113, of 1974, No 27, item 157, and No 39, item 231, of 1975, No 45, item 234, of 1982, No 11, item 82, and No 30, item 210, of 1983, No 5, item 33, of 1984, No 45, items 241 and 242, of 1985, No 20, item 86, of 1987, No 21, item 123, of 1988, No 41, item 324, of 1989, No 4, item 21, and No 33, item 175, of 1990, No 14, item 88, No 34, item 198, No 53, item 306, No 55, item 318, and No 79, item 464, of 1991, No 7, item 24, No 22, item 92, and No 115, item 496, of 1993, No 12, item 53, of 1994, No 105, item 509, of 1995, No 83, item 417, of 1996, No 24, item 110, No 43, item 189, No 73, item 350, and No 149, item 703, of 1997, No 43, item 270, No 54, item 348, No 75, item 471, No 102, item 643, No 117, item 752, No 121, items 769 and 770, No 133, item 882, No 139, item 934, No 140, item 940, and No 141, item 944, of 1998, No 106, item 668, and No 117, item 757, of 1999, No 52, item 532, of 2000, No 22, items 269 and 271, No 48, items 552 and 554, No 55, item 665, No 73, item 852, No 94, item 1037, No 114, items 1191 and 1193, No 122, items 1314, 1319 and 1322 and of 2001, No 4, item 27, No 49, item 508, No 63, item 635, and No 98, item 1069) is hereby amended as follows: (amendments omitted).

**Article 181.** The Act of 26 May 1982 - the Law on the Advocates' Profession (Journal of Laws No 16, item 124, and No 25, item 187, of 1983, No 5, item 33, of 1986, No 42, item 202, of 1990, No 36, item 206, of 1995, No 4, item 17, of 1996, No 77, item 367, of 1997, No 28, item 153, No 75, item 471, and No 141, item 943, of 1998, No 106, item 668, of 1999, No 75, item 853, and of 2000, No 39, item 439, and No 94, item 1037) is hereby amended as follows: (amendments omitted).

**Article 182.** The Act of 6 July 1982 on Legal Counsels (Journal of Laws No 19, item 145, of 1989, No 33, item 175, of 1996, No 106, item 496, of 1997, No 75, item 471, of 1998, No 106, item 668, of 1999, No 75, item 853, and No 83, item 931, and of 2000, No 48, item 545, and No 94, item 1037) is hereby amended as follows: (amendments omitted).

**Article 183.** The Act of 20 September 1984 on the Supreme Court (Journal of Laws of 1994, No 13, item 48, of 1995, No 34, item 63, of 1996, No 77, item 367, of 1997, No 75, item 471, No 98, item 604, No 106, item 679, and No 124, item 782, of 1999, No 75, item 853, and No 110, item 1255, and of 2001, No 49, item 508) is hereby amended as follows: (amendments omitted).

**Article 184.** The Act of 18 April 1985 on Hearing of Cases within the Scope of Labour Law or Social Insurance by Courts (Journal of Laws No 20, item 85, and of 1996, No 24, item 110) in Article 1(2) is replaced by the following wording: (amendments omitted).

**Article 185.** The Act of 20 June 1985 on Public Prosecution (Journal of Laws of 1994, No 19, item 70, No 105, item 509, of 1995, No 34, item 163, of 1996, No 77, item 367, of 1997, No 90, item 557, No 98, item 604, No 106, item 679, No 117, items 752 and 753, No 124, item 782, and No 141, item 944, of 1998, No 98, item 607, No 155, item 1016, and No 162, items 1123 and 1125, of 1999, No 60, item 636, No 75, item 853, and No 110, item 1255 and of 2000, No 48, item 553) is hereby amended as follows: (amendments omitted).

**Article 186.** The Act of 24 January 1991 on Veterans and Certain Other Victims of War and Post-war Repressions (Journal of Laws of 1997, No 142, item 950, of 1998, No 37, item 204, No 106, item 668, and No 162, item 1118, of 1999, No 38, item 360, and No 77, item 862, and of 2000, No 12, item 136) is hereby amended as follows: (amendments omitted).

**Article 187.** The Act of 14 February 1991 - the Law on Notaries (Journal of Laws No 22, item 91, of 1997, No 28, item 153, of 1999, No 101, item 1178, of 2000, No 48, item 551, No 94, item 1037, No 116, item 1216, and No 120, item 1268, and of 2001, No 63, item 635) in Article 11 item 3 is replaced by the following wording: (amendments omitted).

**Article 188.** In the Act of 11 May 1995 on the Supreme Administrative Court (Journal of Laws No 74, item 368, and No 104, item 515, of 1997, No 75, item 471, No 106, item 679, No 114, item 739, and No 144, item 971, of 1998, No 162, item 1126, of 1999, No 75, item 853, of 2000, No 2, item 5, No 48, item 552, No 60, item 704, and No 90, item 1008, and of 2001, No 49, items 508 and 509) the following Articles 12d and 12e are added after Article 12c: (amendments omitted).

**Article 189.** The Act of 1 August 1997 on the Constitutional Tribunal (Journal of Laws No 102, item 643, and of 2000, No 48, item 552, and No 53, item 638) is hereby amended as follows: (amendments omitted).

**Article 190.** The Act of 21 August 1997 - the Law on Military Courts Organisation (Journal of Laws No 117, item 753, and of 1999, No 75, item 853) is hereby amended as follows: (amendments omitted).

**Article 191.** In the Act of 29 August 1997 on Court Enforcement Officers and Enforcement

(Journal of Laws No 133, item 882, of 1999, No 110, item 1255, of 2000, No 48, item 554, and of 2001, No 98, item 1069) the previous wording of Article 16 is marked as paragraph 1 and the following paragraphs 2-7 are added: (amendments omitted).

**Article 192.** The Act of 17 December 1997 amending the act - the Law on Common Courts Organisation and certain other acts (Journal of Laws of 1998, No 98, item 607) in Article 9(3) is replaced by the following wording: (amendments omitted).

**Article 193.** The Act of 26 November 1998 on Public Finances (Journal of Laws No 155, item 1014, of 1999, No 38, item 360, No 49, item 485, No 70, item 778, and No 110, item 1255, of 2000, No 6, item 69, No 12, item 136, No 48, item 550, No 95, item 1041, No 119, item 1251, and No 122, item 1315, and of 2001, No 45, item 497, No 46, item 499, and No 88, item 961) is hereby amended as follows: (amendments omitted).Article 194.

**The Act of 3 December 1998 on the Disciplinary Liability of Judges who in the Years 1944-1989 Surrendered their Judicial Independence (Journal of Laws of 1999, No 1, item 1) in Article 1(1) is replaced by the following wording: (amendments omitted).**

**Article 195.** The Act of 18 December 1998 on Court and Public Prosecutor's Office Employees (Journal of Laws No 162, item 1125) is hereby amended as follows: (amendments omitted).

## **Chapter 2 Transitional and final provisions**

**Article 196.** Courts set up under the act referred to in Article 211 are common courts within the meaning of the act.

**Article 197.** Branch units and branch divisions of regional courts existing as at the date of entry into force of the act become, respectively, branch units and branch divisions of respective regional courts within the meaning of the act.

**Article 198.** § 1. As of the date of entry into force of the act, common court judges receive the base rate of the basic salary applicable to the post held and a long-service allowance, in accordance with the principles set forth in Article 91(7).

§ 2. As of 1 January 2003, judges who have worked at their post for at least seven years receive the first bonus rate of the basic salary.

§ 3. As of 1 January 2004, judges who have worked at a given post of a judge for at least fourteen years receive the second bonus rate of the basic salary.

§ 4. Where a judge has received the first bonus rate of the basic salary in accordance with Article 198(2), and did not meet the condition referred to in Article 198(3) as of 1 January 2004, the full period of employment on the given post of a judge exceeding 7 years is included in the period required under Article 91(4) to receive the second bonus rate of the basic salary.

§ 5. The provisions of Article 198(1)-(3) apply to the calculation of the amount of remuneration of common court judges for the purpose of determination of the emolument of military court judges in accordance with the rules set forth in Article 70(3) of the act referred to in the introductory sentence of Article 190.

**Article 199.** Judges of the Supreme Court who, as at 30 June 1990, fulfilled the conditions for retirement under Article 11(2) of the Act of 20 December 1989 amending the act - the Law on Common Court Organisation, on the Supreme Court, on the Supreme Administrative Court, on the Constitutional Tribunal, on Military Courts Organisation and the Law on Notaries (Journal of Laws, item 436) acquired the right to the emolument applicable to retired judges, calculated on the remuneration applicable to judges of the Supreme Court.

**Article 200.** § 1. Judges who, prior to 1 January 1998, retired due to old age or incapacity to work and acquired the right to the emolument are deemed retired judges within the meaning of the act, unless they have lost the right to such emolument.

§ 2. As at the date of entry into force of the act, emoluments of retired judges are fixed at the rate of 75 percent of total of the basic salary and seniority allowance that a judge would obtain upon retirement due to old age or incapacity to work or upon retirement from the office, according to the rules set forth in Article 198(1).

§ 3. Provisions of Article 100(2)-(8) hereof apply to former judges who acquired the right to an old age pension or a disability pension as of 1 January 1998, provided that they acquired such a right while holding the post of a judge. When determining the amount of the emolument, the basic salary along with the seniority allowance that the judge would obtain as at 1 January 1998 are taken into account, subject to the provision of Article 200(2).

§ 4. As of the date of entry into force of the act, the family emolument obtained after the death

or retirement of a judge to which entitlement arose after 1 January 1999 is increased, in accordance with the rules set forth in Article 102.

§ 5. The amount of emoluments of retired judges and former judges referred to in Article 200(3), as well as the amount of family emoluments is determined on the dates and in accordance with the rules set forth in Article 198(2) and (3), applying the period of work at the last post of a judge held as at the date of retirement from the office or retirement due to old age or due to incapacity to work, or as at the date of death of the judge in respect of whom family emolument entitlement is due.

**Article 201.** § 1. The terms of office of presidents and vice presidents of regional and appeal courts that have commenced prior to the date of entry into force of the act continue for six years, starting from the commencement thereof, unless within six weeks after the lapse of the period of appointment to perform their function a competent assembly of judges submits an objection. The terms of office of presidents and vice presidents performing one of the said functions for the second consecutive time end upon the lapse of the period for which they were appointed.

§ 2. Within three months from the date of entry into force of the act, general assemblies of judges adjust their composition in accordance with the act. The terms of office of general assemblies of judges continue until the end of the term of office of presidents of the courts.

§ 3. Within a month from the commencement of a new term of office of general assemblies of judges, elections of members of court boards are conducted, in accordance with the act.

§ 4. The provisions previously in force apply to the court training and to the training in a military court, as well as to the assistant training and the assistant training in a military court which commenced prior to the entry into force of the act. trainee judges and trainee judges in military courts appointed prior to the date of entry into force of the act may be trainee judges for a period exceeding three years, until they attain the age required to be appointed to the post of a district court judge or a military court judge.

**Article 202.** § 1. Within the period until 31 December 2003, a person who fulfils the requirements set forth in Article 61 may be appointed to the post of a district court judge, however, the required age is 28 years and the required period of work at the post of a trainee judge and a trainee prosecutor is two years.

§ 2. Within the period referred to in Article 202(1), a person who fulfils the requirements set forth in Article 22 of the act referred to in Article 190 may be appointed to the post of a military court judge, however, the required age is at least 28 years and the required period of work at the post of a trainee judge is two years.

**Article 203.** § 1. Directors referred to in Article 21(2) are to be employed as of 1 January 2002.

§ 2. Until directors of courts of appeal and regional courts and managers of financial departments of district courts are employed, their duties are performed by the presidents of appeal, regional or district courts, respectively.

**Article 204.** § 1. In cases concerning disciplinary misconduct of judges committed prior to the entry into force of the act, the provisions of this act apply, with the exception of Article 108, subject to Article 204(2)-(5).

§ 2. The Disciplinary Court and the Higher Disciplinary Court appointed on the basis of provisions previously in force operate until the proceedings concerning cases referred to in Article 204(3) and (4) are closed.

§ 3. Provisions previously in force apply to cases falling within the competence of disciplinary courts which were not closed in the first instance by the date of entry into force of the act.

§ 4. In cases referred to in Article 204(2) in which appeal was filed, the Higher Disciplinary Court adjudicates in the second instance, in accordance with the provisions previously in force.

§ 5. In the event that a ruling of the Higher Disciplinary Court is quashed and the case is remanded, provisions of the act apply.

§ 6. The case files of disciplinary cases conducted in accordance with the provisions previously in force are kept by the Supreme Court.

§ 7. Provisions of Article 204(1)-(6) also apply in cases concerning disciplinary misconduct of military court judges.

**Article 205.** Until 31 December 2002, court referendaries retain the remuneration established on the basis of the provisions previously in force.

**Article 205a.** Within the period until 31 December 2004, a person who fulfils the requirements set forth in Article 149(1) items 1, 2, 4 and 5 and has completed higher education in administration

may be appointed to the post of a court referendary.

**Article 206.** § 1. As of the date of entry into force of the act, public prosecutors in common organisational units of the public prosecutor's office receive the base rate of the basic salary applicable to the post held, as well as a long-service allowance in accordance with the rules set forth in Article 62(1g) of the act referred to in the introductory sentence of Article 185.

§ 2. As of 1 January 2003, public prosecutors who have held their post for at least seven years receive the first bonus rate of the basic salary.

§ 3. As of 1 January 2004, public prosecutors who have held the given post of a public prosecutor for at least fourteen years receive the second bonus rate of the basic salary.

§ 4. Where a public prosecutor has received the first bonus rate of the basic salary in accordance with Article 206(2), and did not meet the condition referred to in Article 206(3) as of 1 January 2004, the full period of work at the given public prosecutor's post exceeding seven years is included in the period required under Article 62(1d) of the act referred to in the introductory sentence of Article 185 to receive the second bonus rate of the basic salary.

§ 5. The provisions of Article 206(1)-(3) apply to the calculation of the amount of remuneration of public prosecutors in common organisational units of the public prosecutor's office for the purpose of determination of the emolument of public prosecutors in military organisational units of the public prosecutor's office in accordance with the rules set forth in Article 116(2) of the act referred to in the introductory sentence of Article 185.

§ 6. Provisions of Article 200 apply accordingly to public prosecutors, former public prosecutors, emoluments of retired public prosecutors and to family emoluments obtained after the death or retirement of public prosecutors.

§ 7. The provision of Article 201(4) applies to public prosecutor training and to trainee prosecutor training.

**Article 207.** § 1. The judges who obtained the consent of the National Council of the Judiciary to continue to hold their post despite having attained 65 years of age under the provisions previously in force, retire upon the lapse of the period in respect of which the National Council of the Judiciary granted the consent.

§ 2. The provision of Article 207(1) applies accordingly to public prosecutors who obtained the consent of the Public Prosecutor General to continue to hold their post.

§ 3. To matters pertaining to granting of the consent referred to in Article 207(1) and (2) which had not been closed as at the entry into force of the act, the provision of the second sentence of Article 69(3) applies.

**Article 208.** § 1. Until the act referred to in Article 154(2) enters into force, the provisions of Article 208(2)-(10) apply to court probation officers.

§ 2. A person who fulfils the following requirements may be appointed a professional probation officer:

- 1) is a Polish citizen and enjoys full civil and full public rights,
- 2) has not been convicted of an offence,
- 3) has not been deprived of parental rights,
- 4) attained the age of 24 years,
- 5) has completed higher education in law, pedagogy, psychology, sociology or rehabilitation or has completed secondary education and has performed duties related to prevention, rehabilitation or education on a professional or civil service basis,
- 6) has completed a one-year probation officer's apprenticeship,
- 7) has passed a probation officer exam.

§ 3. In duly justified cases, the Minister of Justice, upon the request of the president of the regional court may release a candidate for the post of a professional probation officer from the obligation to complete the apprenticeship and pass the exam, and deem that it is sufficient for the candidate to complete other higher education than listed in Article 208(2) item 5, provided that the scope of such education covers knowledge which is useful when performing the function of a professional probation officer.

§ 4. A professional probation officer is appointed and dismissed by the president of the regional court.

§ 5. The provisions of Articles 89, 92 and 93 apply accordingly to professional probation officers.

§ 6. The basic salary of professional probation officers is the multiple of the projected average



remuneration in the state budget sector, adequate as per the position of the post in the hierarchy.

§ 7. In matters not regulated herein, the provisions of the Act on Courts and Public Prosecutor's Office Employees apply accordingly to professional probation officers.

§ 8. The Council of Ministers specifies, by regulation, the amount of remuneration of professional probation officers, taking into account the respectability of the profession and the scope of employee duties, as well as the level of remuneration of court employees.

§ 9. The Minister of Justice lays down, by regulation:

- 1) detailed duties and rights, as well as the work organisation of professional probation officers in the court,
- 2) the scope of the exam, the composition of the examination board, the manner of appointment thereof and the procedure of the board, including the scope of practical knowledge, written and oral form of the exam, the significance of reasons for fixing a later date of the exam, the qualifications of members of the examination board, the principle of correctness of the course of the exam and of the accuracy of exam evaluations,
- 3) the procedure for appointment and dismissal of community service probation officers and the detailed scope of their duties and rights, taking into account the social nature of the function performed and the right to obtain an equivalent for the expenses borne in the performance thereof.

§ 10. The Minister of Justice, in consultation with the minister competent for labour matters, specifies, by regulation, the amount of remuneration of the members of the examination board referred to in Article 208(9) item 2, taking into consideration the scope of work and the workload of the members of the examination board during the exam.

**Article 209.** The provisions previously in force apply to the planning, adopting and implementation of the budget of the judiciary for 2002.

**Article 210.** Until 1 January 2003, municipal courts are also entrusted with the task of hearing cases concerning offences set forth in Article 178a of the Penal Code.

**Article 211.** § 1. The Act of 20 June 1985 on Common Courts Organisation (Journal of Laws of 1994, item 25, as amended) becomes invalid.

§ 2. Legal acts issued for the purpose of the execution of the act referred to in Article 211(1) remain in force, provided that they do not contradict the act.

**Article 212.** The act enters into force as of 1 October 2001, with the exception of:

- 1) article 91(2a), Article 151(1), Article 178, Article 193 and Article 195 item 2, which enter into force as of 1 January 2002;
- 2) article 13(2) item 4, Article 91(2), (3) and (4), Article 176, Article 177 and Article 179(1)-(4), which enter into force as of 1 January 2003.

#### Annex to the Act of 2 July 2001

##### 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