

Cross-Regional Court Performance Assessment – Country Report

📍 Poland



European Bank
for Reconstruction and Development

DENTONS



Key findings

Macro Data

Central Europe and Baltic States¹

EBRD region of operation

37,747,124 (2021)²

Population size

306,130.0³

Land area (sq.km.)

17,999.9 (2021)⁴

GDP per capita in USD

Among EBRD CoOs, Poland is a leader in the digitization of justice. It performs well in all examined dimensions.

Regarding **Policies and Infrastructure for E-justice**, Poland has higher than average scores for the level of development of e-governance and e-infrastructure, and justice system's digitalisation. Poland is a leader in terms of level of broadband internet access to citizens and has a high level of internet penetration. Electronic signatures and electronic documents are regulated and commonly used. There is a uniform CMS implemented across all courts of general jurisdiction in Poland. However, the country receives average scores for the level of digitization of court processes. Notably, Poland has better than average scores for stakeholder engagement.

Regarding **Commercial Dispute Resolution**, Poland has average scores. The country has a relatively high level of commercial dispute specialisation. There are specialised commercial departments in some courts and special procedural rules for commercial cases. While inception training is mandatory, only voluntary commercial law training

is provided on a regular basis to judges. The mediation legislative framework is generally adequate but there is no online portal for out-of-court settlement. The disposition time of commercial cases is more than 10% longer than the disposition time of general civil cases and has grown by more than 10% in the last three years, meaning that courts have been getting progressively slower in resolving commercial disputes.



Poland has slightly higher than average scores for **Uncontested Procedures for Enforcing a Claim**, owing mainly to the ease of filing of claims, and the efficient processing of applications. In Poland, the electronic writ of payment procedure with the E-court is centralised and all such applications are examined by one division of the common court in Lublin. The court usually takes between one and three months to act on the request for the issuance of an enforceable title. It should be noted that, in addition to the order for payment procedure with the E-court, a similar procedure can develop on paper with the competent court of general jurisdiction, and it is much less efficient.

¹See <https://www.ebrd.com/where-we-are.html>.

²See <https://data.worldbank.org/country/poland?view=chart>.

³See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=PL>.

⁴See <https://data.worldbank.org/country/poland?view=chart>.

Poland does not have strong linkages between the order for payment procedure and the litigious procedure that follows a statement of opposition but these are still stronger than in most of the examined jurisdictions.

Poland performs better than average in **Small Claims Procedures** compared to other EBRD CoOs. This is mainly due to the availability of meaningful procedural simplifications of the small claims procedure. Poland has introduced a number of simplified rules, including on evidence, hearings and appeal.

Overall, Poland has a relatively high level of readiness for the introduction of ODR. Key strengths include a high level of development in e-governance and e-infrastructure, as well as the digitalisation of the justice system. All three examined areas, namely commercial litigation, uncontested claims and small claims, might be good candidates for ODR initiatives with the E-court providing a particularly good model. However, the order for payment procedure which develops with the courts of general jurisdiction needs significant improvement, possibly with the goal of its ultimate replacement by the much more effective procedure at the E-court.



Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 1. Policies and Infrastructure for E-Justice			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		<p>There is a general strategy embedded within the governmental document “Integrated State Informatization Program for 2019-2022” (available in Polish under the following link: https://www.gov.pl/web/cyfryzacja/program-zintegrowanej-informatyzacji-panstwa). It defines the fundamental goals for the “development of Polish public administration with the use of modern digital technologies”. The appendix 2 to this document sets out detailed implementation list of programs of all ministries (including Ministry of Justice) to be updated once a year. In accordance with the current available version there are few actions to be implemented until December 2023:</p> <ul style="list-style-type: none"> - enabling the citizen/entrepreneur to contact the court with the use of supporting electronic tools for communication and digitization of the entire service process; - construction of the IT system of the National Criminal Register; - the improvement of the Electronic National Court Register (eKRS). <p>No separate document for e-justice is available apart from the general strategy of the Ministry of Justice (Directions and strategic goals of the Ministry of Justice to the Regulation of Minister of Justice 2021 on the definition of directions and strategic goals of the Ministry of Justice, Journal of Law of the Minister of Justice, item 155) available (in Polish) under the following link: https://www.gov.pl/web/sprawiedliwosc/po-co-strategia2 The indicated steps within e-justice are on track with no major postponements.</p>
	Which body is responsible for digitization of the judiciary?		Ministry of Justice

No.	Indicator Component	Score	Justification for the scoring and sources
	Which body is responsible for digitization in public administration?	Chancellery of Prime Minister	
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		Under the “Integrated State Informatization Program for 2019-2022” monitored by the Chancellery of Prime Minister.
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?	No.	
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		Judges can work remotely, but the access to the features of Case Management System of the courts from a distance is limited, e.g. the videoconference feature to conduct trials are available.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.1. Level of Development of E-governance and E-infrastructure			
1.1.1.	Level of internet penetration	3	83% according to https://data.worldbank.org/indicator/IT.NET.USER.ZS
1.1.2.	Level of development of electronic signatures	3	Legislation governing electronic signatures is present as well as the infrastructure is well-developed.
1.1.3.	Level of development of electronic documents	3	Electronic documents are regulated and commonly used for various administrative services.
1.1.4.	Level of development of national electronic identification	3	Electronic identification in Poland is issued based on the user's request by the identity provider. In practice it is done by banks.
1.1.5.	Level of online access to administrative services	3	There are numerous state and municipal services available online. The gateway is placed under the following link: https://epuap.gov.pl/wps/portal/english
1.1.6.	Level of broadband internet access	3	91,24 MbPs as per https://www.speedtest.net/global-index checked on 2 October 2022

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.2. Overall level of development of justice system digitalisation			
1.2.1.	Status of e-Justice strategy	3	Please refer to the description provided above within Dimension 1. Policies and Infrastructure for E-justice. The indicated steps within e-justice are on track with no major postponements.
1.2.2.	Case management system (CMS) deployment rate	3	100%. See https://rm.coe.int/en-poland-2018/16809fe2e9
1.2.3.	Level of integration of the Case Management System	2	There is a uniform CMS implemented across common courts in Poland. The case allocation algorithm is not publicly available though. However, the allocation reports of individual cases are available (since 22 October 2021) on the Informational Portal for Common Courts (Portal Informacyjny Sądów Powszechnych) after registration (https://portal.katowice.sa.gov.pl/#/). Within this portal the court system is divided into appellate circuits identified by the name of the city where the appellate court for a given circuit is located, e.g. Katowice (there are 11 appellate courts' jurisdictions).
1.2.4.	Official information about the justice system available over the internet	3	The following types of information about individual, open cases are available through the Informational Portal for Common Courts (https://prs.ms.gov.pl): (1) the status of the case, (2) dates of the court hearings, (3) actions performed by the court (including orders and judgments issued by the court); (4) documents in the case generated by the court in electronic form, (5) electronic protocol of the court hearing. Contact information and templates/ forms for various filings with the court are also available.
1.2.5.	Publication of court judgments and free online access to them	3	There is a unified justice portal providing searchable and free access to anonymized court judgments and decisions for all court instances for the courts of general jurisdiction. See https://orzeczenia.ms.gov.pl

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.3. Digitisation of court processes			
1.3.1.	Availability and use of e-filing	2	<p>According to Article 125 § 2(1) of the Code of Civil Procedure, it is permissible to file a claim online, which would be processed through a dedicated system utilizing a secured information and communications technology (ICT).</p> <p>As a practical matter, the availability of filing via the ICT system is dependent on technical conditions and solutions adopted by a specific court. Currently, appropriate ICT infrastructure allowing for e-filing is available in some, but not all courts with no general, unified ICT system supporting court proceedings and filing and docket management.</p> <p>Currently, e-filing is most commonly used, and obligatory, in two types of routine, mass cases: electronic writ of payment proceedings (elektroniczne postepowanie upominawcze) through the e-court website (System EPU – Elektroniczne Postępowanie Upominawcze (e-sad.gov.pl)) and in entity registration proceedings (postępowanie rejestrowe) which now can only be conducted in electronic form.</p> <p>Therefore, almost all filings in court disputes and other court proceedings are still made on paper.</p>
1.3.2.	Availability and use of electronic service of process (e-service)	3	<p>The Information Portal of the Common Courts had enabled the e-service of procedural documents in the civil court proceedings. E-service causes identical procedural consequences as specified in the Code of Civil Procedure for the traditional (i.e., not electronic) service of the court documents.</p> <p>Moreover, in practice it is possible to contact the departments of the Polish courts through email, however, this form of communication is informal and not regulated by law.</p> <p>Professional legal representatives of the parties are obliged to receive electronic service of process through Information Portal of the Common Courts.</p> <p>The requirement of e-service via the Informational Portal for Common Courts does not apply to court documents which are to be served together with copies of the parties' pleadings or other documents not originating from the court (e.g. the obligation to submit a reply to the lawsuit sent together with a copy of the lawsuit of the opposing party).</p>

No.	Indicator Component	Score	Justification for the scoring and sources
1.3.3.	Possibility to check case files and track case progress remotely	2	<p>Parties can track progress of the case and key procedural events remotely through their profiles on the IPCC. Access to the case, including access to information about court hearings in the case and access to court documents published on the Portal is awarded by the court after registering on the Portal and submitting an application for access to the case.</p> <p>It is not possible to check the entirety of case files remotely. The case files are not digitalized in civil proceedings with the exception of entity registration proceedings (note: this only applies to the register of entrepreneurs). The existing paper files in the registration proceedings are not digitized, and the files in the electronic version are not printed and attached to the paper files.</p>
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	3	<p>All three procedural codes (Civil, Administrative and Criminal) allow for hearings through videoconference (there is no consistency among the common courts with regard to the video system utilised and each court selects its own preferred system, but they are usually ones which are used for commercial purposes, e.g. zoom). In practice, the frequency of the e-hearings increases as the courts become equipped with adequate technology and judges gain technical experience in using videoconferencing tools more efficiently. That trend is clearly visible in judges scheduling remote or hybrid hearings increasingly often.</p> <p>During the COVID pandemic, hearings conducted through videoconference became widely adopted in various courts and were scheduled more often, including in certain criminal cases (e.g., in detention hearings).</p>
1.3.5.	Court fees	1	<p>Currently, there are no official online calculators for determining the amount of court fees due.</p> <p>There are no available means for online payment of court fees except for payments made in the electronic writ of payment proceedings and registration proceedings.</p> <p>In the electronic writ of payment proceeding, payments can only be made via the e-Card system.</p> <p>In entity registration proceedings motions can be paid for by using the court's ePayment system, through fast transfers, BLIK payments and card payments.</p> <p>However, payment through electronic wire transfer is generally allowed in court proceedings, and the party typically attaches the confirmation of transfer to their electronic filing (when done by email) as a proof of payment.</p>
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	1	<p>There is no legislation governing electronic enforceable titles and enforcement can only be initiated based on an enforceable title presented on paper.</p> <p>* With only one exception – e-Court can issue enforcement title electronically in relation to the writ of payment procedure.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.4. Stakeholder engagement			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	2	<p>Professional legal representatives of the parties are obliged to receive electronic service of process through Information Portal of the Common Courts.</p> <p>The requirement of e-service via the Informational Portal for Common Courts does not apply to court documents which are to be served together with copies of the parties' pleadings or other documents not originating from the court (e.g. the obligation to submit a reply to the lawsuit sent together with a copy of the lawsuit of the opposing party).</p>
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	3	<p>The court fee collected from the claim in cases conducted in the electronic writ of payment proceeding, i.e. in cases brought before the e-court constitutes one-fourth of the claim fee collected in the ordinary full stage proceedings. Therefore, instead of a court fee of 5% of the value of the claim, the claimant pays 1.25% of the value of the claim.</p>
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	2	<p>In the "Information about the portal" tab – available on the e-court website (System EPU – Elektroniczne Postępowanie Upominawcze (e-sad.gov.pl)) – the e- court provides the user with the guidelines and general information on how to use the portal and file a claim in electronic writ of payment proceeding.</p>
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	1	<p>Court user surveys are conducted by the courts/ the judicial system only sporadically.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 2. Commercial Dispute Resolution			
	<p>What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?</p>		<p>A “commercial case” is primarily the matter of civil relations between entrepreneurs in the field of their economic activity.</p> <p>Accordingly to the Article 458(1) of the Code of Civil Procedure the following commercial cases may be enumerated:</p> <ul style="list-style-type: none"> - concerning civil relation between entrepreneurs in the of their economic activity, - as above even if either of the parties has ceased to conduct business activity, - from relations of the company and claims referred in Article 291-300 and Article 479-300 of Polish Commercial Code, - against entrepreneurs for not infringing the environment and restoration to its previous condition, or for damages related and to prohibit or limit the activity environmentally hazardous, - from construction works contracts and contracts related to the construction process for the performance of construction works, - from leasing contracts, - against persons responsible for the entrepreneur’s debt, - between the bodies of a state enterprise, - between a state enterprise or its authorities and its founding body or governing body, - in the field of bankruptcy and restructuring law, - for granting an enforcement clause to the writ of execution, if there is a judgment of a commercial court that is final or subject to immediate execution or a settlement concluded before that court, - for deprivation of the enforceability of an enforceable title based on legally valid or immediately enforceable a judgement of a commercial court or a settlement concluded before that court. <p>A competent court to conduct a commercial case is the commercial court. Commercial courts are appointed departments of common courts. The general regulation of the court jurisdiction also applies in separate commercial case proceedings.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		The most significant reform in the last 3 years related to the introduction of detailed rules on e-justice in the Civil Procedure Code in 2020. These regulated e-filing and e-service of process. These rules did not relate to commercial cases in particular, but to all civil cases.
	What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?		COVID lockdowns significantly increased the use of e-filing in the form of introduction the e-service and remote court hearings. The use of qualified electronic signatures and e-mail court notifications have also gained popularity.
	Number of female/male judges in the country.	No disaggregated statistics	
	Number of female/male first-instance commercial judges in the country.	No disaggregated statistics	

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.1. Level of specialisation of commercial dispute resolution			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	2	There are commercial departments within district courts (entry point for commercial disputes below PLN 75.000) and within regional courts. But such commercial departments are not present in every court. In addition, several regional courts have been designated as courts with intellectual property (IP) divisions: specialized commercial divisions having jurisdiction in disputes concerning IP rights and/or unfair competition.
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	3	<p>The following modifications are available in respect of commercial cases (of Polish Civil Procedure Code):</p> <ul style="list-style-type: none"> - time limitations in invoking statements and evidence by the parties: the claimant is obliged to invoke all the statements and evidence in the lawsuit, and the defendant in response to the lawsuit, - evidence limitations consisting in the possibility of contractual exclusion of certain evidence by the parties in a case, - the acquisition, loss or change of the right of a party can only be proven by a document, - changes in the hierarchy of the importance of evidence: the primacy of evidence in the form of documents over witness testimonies. <p>Thus, two of the elements pointed out in the scoring definition are available – expedited processing and modifications of the rules on evidence.</p>
2.1.3.	Inception training in commercial law for commercial judges	3	<p>There is no special inception training programme for commercial judges. However, the mandatory inception training for all judges includes a course on commercial law.</p> <p>See the inception training program of the National School for Judiciary and Public Prosecution: https://www.kssip.gov.pl/angielski#INITIAL%20TRAINING</p>
2.1.4.	Continuous (regular) commercial law training for commercial judges	2	In general the judge has the duty to upgrade constantly its qualifications (Article 82a Paragraph 1 of the Act of System of Common Courts). The obligation means that the judge is obliged, if possible annually, to participate in training and professional development organized by the National School of Judiciary and Public Prosecution or in other forms of professional development to complement specialist knowledge and professional skills. However, it is not indicated how long the training shall take place. But the judge could be exposed to disciplinary proceedings if such a duty is not fulfilled (Article 107 of the Act of System of Common Courts).
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	3	Judicial assistants or other specialized court clerks have access to training programs.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.2. Use of mediation/ADR tools			
2.2.1.	Availability of mediation in civil/ commercial disputes	3	<p>In general, mediation is available for civil and commercial matters. In civil matters it usually encompasses cases for payment, division of assets, inheritance and neighborhood disputes whereas for commercial ones it combines payment claims, improper performance of the contract, contractual penalties and claims from construction work.</p> <p>Currently the Ministry of Justice is working on the project to establish a domestic list of mediators. The project is extended to the establishment of online mediation portal where the parties will be allowed to conduct various actions. No timeline of the project is available publicly.</p> <p>General information on court mediation is available under the following Ministry of Justice link: https://www.gov.pl/web/sprawiedliwosc/mediacje</p> <p>Judges are allowed to conduct mediation but they refrain from doing it so as not to be accused of being partial. In every district court there is a list of mediators attached to this court. The list is indicative (please see below). There is always necessity to obtain a consent from both parties to start mediations and the judge cannot simply order the parties to go into them without their approval.</p>
2.2.2.	Availability of an official register of mediators accessible online	3	<p>Each district court (there are currently 46 such) provides a list of so-called permanent mediators as well as the list of mediators recommended by NGOs and higher education institutions. The full list with links is available under the following link: https://www.gov.pl/web/sprawiedliwosc/jak-znalezc-mediatora</p>
2.2.3.	Availability of incentives for mediation	2	<p>The court ex officio reimburses the party $\frac{3}{4}$ of the fee paid for instituting the proceedings in the first instance and for the charges against the payment order, if in the course of the court proceedings a settlement was concluded before the mediator after the commencement of the trial (Article 79 Paragraph 1 and 2 point a of the Act on Court Costs in Civil Cases). However, the parties bear various costs associated with the work of mediator which may reduce the incentive to conclude such a settlement.</p> <p>Another incentive for mediation is of procedural nature: settlement offers and evidence presented in the course of court-ordered mediation are inadmissible at trial, should the mediation fail.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
2.2.4.	Enforceability of mediation settlement agreements	2	A mediation settlement agreement is directly enforceable and has the legal force of a court judgment, subject to the approval of the competent court.
2.2.5.	Availability and use of online solutions for out-of-court settlement	1	The mediation may be conducted remotely or in the hybrid mode but there is no centralized portal available and it depends on the parties and mediators' choice (there is no public/state platform available and the private ones are not yet developed). Please refer to 2.2.1. for additional information on potential online public mediation portal.

No.	Indicator Component	Score	Justification for the scoring and sources																
Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available)																			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	3	Year 2020: Clearance rate for commercial cases (adjudicated cases/new cases): 113%																
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/commercial cases	1	Year 2020: Disp. time for full trial commercial cases: 17.7 months Disp. time for writ-of-payment commercial cases: 15.2 months Year 2018 (last CEPEJ data available) Disp. time for full trial commercial cases: 14.9 months Disp. time for writ-of-payment commercial cases (including order for payment): 17.2 months CEPEJ median: 218 days (ca. 7.3 months).																
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	1	Year 2021: Disp. time (in months)																
			<table border="1"> <thead> <tr> <th></th> <th>Commercial cases</th> <th>General civ. cases</th> </tr> </thead> <tbody> <tr> <td>Full-trial</td> <td>19.9</td> <td>10.8</td> </tr> <tr> <td>Non-full trial</td> <td>2.25</td> <td>7.9</td> </tr> <tr> <td>Writ-of-payment (including order for payment, but excluding e-Court)</td> <td>5.6</td> <td>5.2</td> </tr> </tbody> </table>		Commercial cases	General civ. cases	Full-trial	19.9	10.8	Non-full trial	2.25	7.9	Writ-of-payment (including order for payment, but excluding e-Court)	5.6	5.2				
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2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	1	<table border="1"> <thead> <tr> <th></th> <th>2019</th> <th>2020</th> <th>2021</th> </tr> </thead> <tbody> <tr> <td>Full-trial</td> <td>17.356</td> <td>20.715</td> <td>19.916</td> </tr> <tr> <td>Non-full trial</td> <td>11.045</td> <td>1.500</td> <td>2.250</td> </tr> <tr> <td>Writ-of-payment (including order for payment, but excluding e-Court)</td> <td>4.226</td> <td>5.210</td> <td>5.640</td> </tr> </tbody> </table>		2019	2020	2021	Full-trial	17.356	20.715	19.916	Non-full trial	11.045	1.500	2.250	Writ-of-payment (including order for payment, but excluding e-Court)	4.226	5.210	5.640
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Dimension 3. Uncontested Procedures for Enforcing a Claim			
	What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.		<p>In general we could differentiate between two procedures: order for payment proceeding (postępowanie nakazowe) and writ of payment proceeding (postępowanie upominawcze). The latter could be conducted through common courts (civil, commercial and labour divisions of common courts) and e-Court which is the division of a common court whereas the former, i.e., order for payment procedure could be conducted by common courts only.</p> <p>For the purposes of this tool, only the electronic writ of payment procedure at the E-court is being scored.</p>
	Which authority is entrusted with examining claims that may be uncontested by the debtor?		E-court (for the electronic writ of payment procedure).
	If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?		The E-Court it is centralised within one division of common court in Lublin.
	What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?		<p>It is possible to pursue a monetary claim or a delivery of substitute compensation.</p> <p>In accordance with Article 485 of Code of Civil Procedure the claims can be pursued under the order of payment proceeding if the facts justifying the claim are proven by attachment to the lawsuit:</p> <ul style="list-style-type: none"> - official instrument, - call for payment and debtor's written acknowledgement of debt, - bill accepted by the debtor. <p>In addition, the court shall also issue an order for payment against the party liable under the correct bill of exchange, warrant or bill of debt whose authenticity and content do not raise any doubts. If rights under a bill of exchange, cheque, warrant or bill of debt are transferred to the plaintiff, in order to have an order for payment issued, the plaintiff shall be obliged to present documents in support of his claims, unless the transfer of such rights results directly from the bill of exchange, cheque, warrant or bill of debt. Moreover, the court issues an order for payment on the basis of a contract, proof of reciprocal non-cash performances and proof of delivery of a bill or invoice to the debtor enclosed with the complaint, if the plaintiff seeks payment of cash benefits or interest under commercial transactions specified in the Act on Payment Dates in Commercial Transactions of 12 June 2003 or the amount referred to in Article 10.1 of this Act as well as on the basis of documents confirming the incurred debt recovery costs, if the plaintiff also seeks recovery of the costs referred to in Article 10.2 of this Act.</p> <p>The court issues an order for payment in the writ of payment proceedings if the claim is not obviously arguable, factual statements are not questionable and the satisfaction of the claim doesn't depend on the mutual benefit.</p>
	Is there a monetary threshold for applying the uncontested claims procedure?		No minimum threshold is applicable to e-Court within the writ for payment procedure except that it is possible only to pursue up to PLN 100 million claim (above that threshold it falls into the relevant common court).

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.1. Ease of filing			
3.1.1.	Effective self-representation	2	Self-representation is allowed but in practice commercial parties and many individuals tend to engage an attorney-at-law in E-Court.
3.1.2.	Availability and use of forms for filing the claim	3	At the E-court there are mandatory electronic forms for filing the claim.
3.1.3.	Availability and use of online filing	3	E-filing is obligatory at the E-court.
3.1.4.	Level of court fees for filing a claim	3	The court fee collected from the claim in cases conducted in the electronic writ of payment proceeding, i.e. in cases brought before the e-court constitutes one-fourth of the claim fee collected in the ordinary full stage proceedings. Therefore, instead of a court fee of 5% of the value of the claim, the claimant pays 1.25% of the value of the claim.
3.1.5.	Simplified rules on attachment of evidence to the claim	2	No evidence is attached in the electronic writ of payment procedure.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.2. Efficient processing			
3.2.1.	Predictability of the timelines for pronouncement	2	An indicative timeline of 2 months is set in the law but it is not being complied with.
3.2.2.	Length of timelines for pronouncement	2	In case of e-court it usually takes up to one month, but in case there is a significant inflow of cases it may be longer. The general indicative timeline of 2 months is applicable, but it brings no legal consequences.
3.2.3	Availability of options for service to the debtor without proof of receipt	3	<p>The e-Court serves the order for payment on the defendant in paper form, via post (registered mail), together with instructions on how to file a statement of opposition – a legal remedy to challenge the effectiveness of the order for payment issued. In case the debtor does not collect the registered mail in due time which means for the first time (7 days) and after notifying him/her again (7 days) it is presumed that it has been delivered as long as the address to which the order has been sent is in line with the address indicated in the public identity registry called PESEL (every citizen is given PESEL number on his/her identity card and every citizen is under the obligation to inform the public registry if he/she moves to a new address). There are also other ways of delivering the order to the debtor apart from above, in particular to the debtor's apartment, at his/her workplace or wherever the addressee could be reached.</p> <p>If the delivering person does not find the addressee in the apartment, he/she may deliver the document to the adult household member, and if he/she is not there – to the house administration, the house caretaker or the village administration, if these persons are not opponents of the addressee in this case and have undertaken to hand over the letter to him. Moreover, if the debtor refuses to collect the order from the postman, it is deemed to be effected in accordance with Art. 139 paragraph 2 of the Polish Civil Procedure (in this case, the postman returns the order to the court with a note on the refusal to accept it).</p>
3.2.4.	Ease of debtor's objection	3	<p>Debtors can object without providing any explanation or justification in the writ of payment proceedings and they are provided with guidance as to the consequences of objecting/not objecting. The guidance is short and is contained in the standard form for order for payment documents.</p> <p>The defendant may bring charges against the order for payment in the order for payment proceedings.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition			
3.3.1.	Consequence of debtor's lack of objection	3	If the debtor does not object or objects only partially, an enforceable title is issued for part of the claim against which there has been no objection after certain lapse of time.
3.3.2.	Launching the litigious stage of the procedure	1	<p>If the debtor lodges a statement of objection in the writ of payment proceedings, the order of payment loses its force and the separate, summary procedure is terminated. The claimant wishing to pursue the claim further may then file it under the general procedure.</p> <p>If the debtor brings charges in the order of payment proceedings:</p> <ul style="list-style-type: none"> - if there are grounds for rejection of the claim or discontinuation of the proceedings, the court shall revoke the order for payment and issue an appropriate decision. <p>Otherwise, the court issues a judgment which maintains the order for payment in full or in part or revokes it and decides on the claim.</p>
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	3	A link present for a limited period of time. In case the electronic writ of payment order is contested by the debtor the creditor is obliged to lodge a claim other than within the electronic writ of payment procedure in 3 months after the decision of ceasing electronic writ of payment has been taken he/she must request the relevant common court to take into account that the 'electronic' fee has been already paid, but the creditor is still under the obligation to pay the difference if the fee is higher than in electronic writ of payment procedure. After the period of 3 months no link is present.
3.3.4.	Management of statements of opposition	1	No data available.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.		There is simplified procedure (postępowanie uproszczone), but it is not popular in Poland.
	Is there a special small claims court or a special court division examining small claims?	No.	
	What is the monetary threshold for the applicability of the procedure?	Not more than PLN 20.000 (c. EUR 4,250).	
	What claims is the procedure applicable to?		<p>The simplified procedure covers:</p> <ul style="list-style-type: none"> - contractual claims, if the value of the matter at issue does not exceed the monetary threshold, and - claims arising from a warranty, guarantee, quality guarantee or non-compliance of consumer goods with a consumer sales contract, if the value of the subject of the agreement does not exceed the same threshold. <p>Only one claim may be pursued with a single complaint. More than one claim may be contained in a single complaint only if they arise out of the same contract or more than one contract of the same type. If more than one claim is unduly contained in a single complaint, the presiding judge shall order that complaint to be returned. Modification of a complaint shall be inadmissible.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.1. Ease of filing			
4.1.1.	Effective self-representation	2	It is available, but business entities as well as many individual parties usually engage an attorney-at-law. A representation by professional counsel is mandatory in certain proceedings, including in particular before the Supreme Court, the Supreme Administrative Court and the Constitutional Tribunal.
4.1.2.	Existence of forms for filing the claim	2	Two forms are available: the lawsuit can be filed on an official form or without its use hence the use of the latter form is not obligatory.
4.1.3.	Availability and use of online filing	2	Not available in practice for most types of court actions.
4.1.4.	Guidance to self-represented litigants	1	No particular guidance available.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure			
4.2.1.	Statutory timelines in the small claims procedure	1	Not introduced except for general rules (indicative court timelines) to resolve the matter within 2 months from its lodgement.
4.2.2.	Simplified evidentiary rules	3	<p>Whenever the determination of the legitimacy of claim requires the use of special information, it is up to the discretion of the court to take an independent assessment or consult a court expert. The latter's opinion shall not be sought if its expected cost would exceed the value of the subject of the dispute, unless exceptional circumstances justify it.</p> <p>The testimony by a witness does not preclude him/her from being consulted as an expert, also as to the facts testified as a witness, even if he/she has previously drawn up an opinion at the request of an entity other than a court.</p> <p>The assigned score is 3 because in its treatment of expert assessments the Polish law both introduces a stricter relevance assessment with regard to admitting an expert opinion and eases the requirements to the expert and the assessment.</p>
4.2.3.	Simplified rules on hearings	3	In accordance with the Civil Procedure rules there is no need to conduct a preliminary hearing unless it could lead to the faster resolution. In general the simplified procedure can be conducted by the use of distance communication too without physical presence at the court's premises.
4.2.4.	Special rules on encouraging conciliation or mediation	1	No special rules are available.

No.	Indicator Component	Score	Justification for the scoring and sources
4.2.5.	Simplified content of the judgment	3	<p>If the court decides that it is impossible or excessively difficult to substantiate the amount of a claim, the court may award such amount as the court may deem fit, established by taking into consideration all the circumstances of a case.</p> <p>In cases where the value of the subject matter of the dispute does not exceed PLN 1.000 (c. EUR 230), the statement of reasons of the judgement is limited to explaining the legal basis with the provision of law. The extension of it depends on the court's discretion based on consideration of the circumstances of the case.</p>
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	3	<p>An appeal may be founded only on the following grounds:</p> <ul style="list-style-type: none"> - breach of substantive law by misinterpretation or misapplication, - infringement of the rules of the procedure, where such infringement could significantly affect the outcome of a case. <p>After the lapse of the time limit stipulated to file an appeal, no further allegations may be brought.</p> <p>An appeal shall be heard by a single judge.</p> <p>If the court of the second instance determines that a breach of substantive law has taken place, and the available evidence is not sufficient to vary the judgment, the court shall set aside the contested judgment and refer the case for reconsideration. When setting aside a contested judgment, the court of the second instance may refer the case for reconsideration without reference to the provisions on the simplified procedure even if the case falls under such procedure. The court of the second instance shall also dismiss an appeal if the contested judgment, despite being in breach of substantive law or the rules of procedure, is compliant with the law.</p> <p>If the court of the second instance did not conduct any evidentiary hearing, a statement of reasons for a judgment should present only the legal basis of the judgment and reference to relevant legal provisions. In proceedings conducted as a result of a complaint, the second instance court shall ex officio justify only decisions repealing the contested decision or order.</p>

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