European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

Response questionnaire project group Timeliness

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1. Judiciary systems and available statistics

1.1 The judiciary system

The judiciary system in Poland consists of common courts of law and courts-martial, which are subject to the jurisdictional supervision of the Supreme Court and administrative courts operating under supervision of the Supreme Administrative Court.

Organisation of the common judiciary system in Poland is regulated by the Act of 27 July 2001 – Law on the system of common courts in Poland (Journal of Laws No. 98, item 1070, as amended). The Act introduces a three-tier system based on the district courts, regional courts and courts of appeal.

Organisation of the courts-martial is laid down in the Act of 21 August 1997 – Law on the system of courts-martial (Journal of Laws No. 226, item 1676). The said courts are based on a two-instance system, namely garrison courts-martial and regional courts-martial.

Administrative supervision over common courts of law and courts-martial is exercised by the Minister of Justice (in cooperation with the Minister of National Defence with respect to the courts-martial).

The Supreme Court enjoys a special status in Poland. It acts as a court of cassation and operates in accordance with the rules laid down in the Act of 23 November 2002 on the Supreme Court (Journal of Laws No. 240, item 2052).

Administrative courts in Poland operate in accordance with separate rules specified in the Act of 25 July 2002 – Law on the system of administrative courts (Journal of Laws No. 153, item 1269). Just like the Supreme Court, from the administrative point of view they are not part of the system subject to the administrative supervision of the Minister of Justice.

Administrative judiciary system consists of voivodeship administrative courts and the Supreme Administrative Court which acts as a court of cassation.

Courts in Poland, which act pursuant to the regulations contained in the above mentioned Act – Law on the system of common courts in Poland, are established and liquidated by the Minister of Justice, who also determines, having consulted the National Council of the Judiciary, their seats and territorial jurisdiction.

The district court is established for a single basic unit of territorial division in Poland or for a number of communes; in certain justified cases there may be more than one district court established in a single commune.

The regional court is established in the territorial jurisdiction of at least two district courts.

The court of appellation is established in the territorial jurisdiction of at least two regional courts.

Courts are divided into divisions.

The district court is divided into the following divisions:

- **civil division** – responsible for the civil law matters,
- **criminal division** – responsible for the criminal law matters, including misdemeanour cases heard in second instance,
- **family and juvenile division** – responsible for the family and custody matters, matters concerning moral corruption and punishable acts committed by juveniles, matters concerning treatment of persons addicted to alcohol as well as intoxicant and psychoactive substances, matters concerning custody cases pursuant to separate regulations,
- **labour division** (labour court) – responsible for the labour law matters,
- **land and mortgage register division** – responsible for matters concerning land and mortgage registers, as well as other civil law issues in the area of the land and mortgage register proceedings.

The regional court is divided into the following divisions:

- **civil division** – responsible for hearing civil and family matters in the first instance, as well as to hear in the second instance civil matters and matters for which family courts are competent, with the exception of matters concerning punishable acts committed by juveniles if a corrective measure was applied to the juvenile or if the remedy includes a request to pronounce a corrective measure,

- **criminal division** – responsible for hearing criminal matters in the first and second instances, as well for matters heard in the second instance against juveniles who committed a punishable act, if a corrective measure was applied to the juvenile or if the appeal includes a request to pronounce a corrective measure,

- **penitentiary and supervision over enforcement of the criminal sentences division** – responsible for penitentiary matters and supervision over the court enforcement proceedings in the area of the criminal law,

- **labour division** (labour court) – responsible for the labour law matters,

- **social insurance division** (social insurance court) – responsible for the social insurance matters,

- **commercial division** (commercial court) – responsible for commercial matters.

Furthermore, there are the following divisions operating in the Warsaw regional court:

- a separate organisational unit responsible for matters in the area of the competition protection, regulation of the power industry, telecommunications and railway transportation (court for the protection of the competitions and consumers)

- a separate organisational unit responsible for registration issues vested in that court pursuant to separate regulations,

- a separate organisational unit responsible for the protection of the Community trademarks and Community industrial designs (court for the Community trademarks and industrial designs).

Finally, the court of appeal is divided into the following divisions:

- **civil division** – responsible for hearing matters in the area of the civil law, commercial, as well as family and custody law in the second instance,

- **criminal division** – responsible for hearing in the second instance matters in the area of the criminal law, as well as veracity of the vetting declarations,

- **labour and social insurance division** – responsible for hearing in the second instance matters in the area of labour and social insurance issues.

Depending on the needs, there may be other divisions established in the court, taking into account the type and number of cases filed with the court, number of judges and number of courts within the jurisdiction, as well as the necessity to ensure a correct performance of the supervision activities.

1.2 Statistics concerning courts, judges and cases

1.3 Statistical data on the length of the proceedings

2. Statistics, requirements and transparency

2.1 Which statistics are kept on a regular basis?

2.2 Are those statistics published?

Reply concerning items 2.1 and 2.2 jointly

The National Council of the Judiciary is a constitutional body whose purpose is to protect independence of the courts and the judges. The superior supervision over administrative operation of the common courts of law and courts-martial within the framework of the Polish legal system is exercised by the Minister of Justice personally, as well as via competent supervision services (art. 9 of the Act of 27 July 2001 – Law on the system of common courts – Journal of Laws No. 98, item 1070, as amended, and art. 5 § 2 of the Act of 21 August 1997 – Law on the system of courts-martial – Journal of Laws No. 226, item 1676).

Acting in accordance with the authorisation contained in art. 38 § 5 of the above mentioned Act – Law on the system of common courts of law, on 25 October 2002, the Minister of Justice, having consulted the National Council of the Judiciary, issued currently binding regulation on the procedure for exercising supervision over the administrative operation of the courts (Journal of Laws No. 187, item 1564, as amended). Pursuant to the said regulation, the personal supervision of the Minister of Justice, as well as the supervision carried out by competent supervision services established within the Ministry of Justice, are exercised, inter alia, on the basis of annual data concerning court operation and their analysis (§ 2.8 of the above mentioned regulation).

This purpose is, to a large extent, achieved thanks to the ministerial recording and IT systems which are a source of collected, stored and processed essential data concerning the supervision exercised by the Minister of Justice.

The legal basis for the organisation of court statistics is contained in section XV of the ordinance of the Minister of Justice of 12 December 2003 on the organisation and scope of responsibilities of the court secretariats and other departments of the court administration (Official Gazette of the Minister of Justice of 31 December 2003, No. 5, item 22, as amended).

The executive power body responsible for keeping public statistics is the Central Statistical Office.

At the end of 2008, the number of judges employed on a full-time basis amounted to:

- the Supreme Court – 86

- common courts of law

courts of appeal – 489

regional courts – 2681

district courts – 6723

- the Supreme Administrative Court – 84

- voivodeship administrative courts – 468

Courts-martial – no data available

- 10 531 judges in total (with the exception of the courts-martial) (source: www.ms.gov.pl and "Rzeczpospolita" 03-09-2010).

There are the following courts operating in Poland:

the Supreme Court

11 courts of appeal

45 regional courts

319 district courts

2 regional courts-martial

7 garrison courts-martial

the Supreme Administrative Court

16 voivodeship administrative courts

According to the data for 2008 (as there are no data for more recent periods), published on the website of the Ministry of Justice (www.ms.gov.pl), the number of filed and heard cases looked as follows:

1. the Supreme Court – 11 522 cases to be heard, of which 8890 cases filed,
2. the Supreme Administrative Court – 10 119 cases filed, 9 389 cases heard and closed in total,
3. voivodeship administrative courts –57 444 cases filed, 58 730 cases heard and closed,
4. common courts of law –12 889 400 cases to be heard in total, 11 155 200 cases heard and closed in total, including
5. 11 806 800 cases to be heard in district courts in total, 10 265 200 cases heard and closed, including

   - 2 514 800 cases filed in criminal and misdemeanour matters, 2 160 300 cases filed and closed

- 6 841 200 cases filed in civil matters, 5 891 900 cases filed and closed.

6. 987 700 cased filed in the regional courts in total, 801 000 cases heard and closed, including

   - 391 600 cases filed in criminal and misdemeanour matters, 347 700 cases heard and closed
   - 352 800 cases filed in civil matters, 264 300 cases filed and closed

7. 104 900 cases filed in total in the courts of appeal, 89 000 cases filed and closed, including

- 30 800 cases filed in criminal matters, 20 800 cases heard and closed
- 88 900 cases filed in civil matters, 26 000 cases heard and closed.

Data concerning the length of proceedings are not published.

The source for all the above shown statistics is the website of the Ministry of Justice at www.ms.gov.pl, as well as the website of the Central Statistical Office at www.stat.gov.pl.

Any statistical information concerning operation of the common courts of law in Poland comes from the Ministry of Justice. It is collected for the purpose of the public statistics pursuant to the provisions of art. 2 of the Act of 29 June 1995 on the public statistics (Journal of Laws No. 88, item 439, as amended). The Supreme Court and the Supreme Administrative Court provide annual reports on their operation, as well as information on the functioning of the first instance administrative courts in the case of the latter, to the President of the Republic of Poland, the National Council of the Judiciary, the Diet and the Senate. The said information contains statistical data concerning operation of those courts and are available on their websites.

2.3 Is hearing of an individual case transparent?

Proceedings in both common courts of law and courts-martial and administrative courts, as well as in the Supreme Court, are transparent within the framework of so called internal and external transparency rules, unless we are talking about cases whose hearing was closed to the public. Public nature of the cases heard before courts is guaranteed by art. 45 of the Constitution of the Republic of Poland which allows for closing hearing to the public exclusively on the grounds of morality, state security and public interest, as well as protection of private life or other major private interest. However, sentences are always pronounced in public.

Parties to the proceedings, defence counsels, proxies and statutory representatives enjoy full access to the case files. The same is true for social organisations admitted to a case.

The possibility to obtain information on the operation of courts and cases heard is also guaranteed by the regulations of the Act of 6 September 6 2001 on the access to the public information (Journal of Laws No.112, item 1198).

2.4 Is the time for hearing a case determined?

Art. 45.1 of the Constitution of the Republic of Poland stipulates that cases in courts should be heard without any unnecessary delays. Time for hearing is not specified in the majority of cases. In certain categories of cases (for instance, family and custody matters or election protests heard by the Supreme Court), legal regulations lay down deadlines to run some errands or take some actions. Furthermore, procedural rules specify the time for such actions as preparing justification of the sentence.

2.5 What are the consequences of exceeding the required / reasonable time to hear a case in the domestic legislation or established practice?

2.6 Can a party and other persons lodge a complaint about the length of the proceedings?

2.7 Are there any polls carried out concerning parties' opinions on the proceedings?

Reply concerning item 2.5 – 2.7 jointly

Consequences of exceeding the reasonable time for hearing a case has been regulated in the Polish judicial legislation by the Act of 17 June 2004 on complaints about violating the parties' right concerning examination of the case in the preparatory proceedings conducted by the public prosecutor, as well as in the court proceedings, without unjustified delay (Journal of Laws No. 179, item 1842, as amended). The act lays down rules and procedure for filing and examining complaints brought by parties whose rights concerning examination or hearing the case without unjustified delay was infringed as a result of an action or lack of action on the part of the court or public prosecutor's office conducting or supervising the preparatory proceedings.

Furthermore, in such cases general principles regulating the State Treasury liability for damages, laid down in the Civil code, may apply. The person (judge) responsible for exceeding the reasonable time necessary to hear or examine the matter may be also subject to disciplinary action.

Pursuant to art. 2 of the Act of 17 June 2004, a party may lodge a complaint requesting admission that the party's right concerning examination or hearing the case without unjustified delay was infringed in given proceedings, if the said proceedings takes more time than it is necessary in order to clarify factual and legal circumstances essential for settling the

case, or more time than it is necessary to complete enforcement proceedings or any other proceeding with respect to the exercise of a court judgment (lengthiness of the proceedings).

When admitting a complaint, the court confirms lengthiness of the proceedings which the complaint concerned.

The court recommends, at the request of the complaining party or ex officio, that the court hearing the case or the public prosecutor carrying out or supervising the preparatory proceedings take appropriate actions in a specified time limit, unless such recommendations are self-evidently unnecessary. Recommendations may not concern the factual and legal assessment of a given case.

When admitting a complaint, the court, at the request of the complaining party, awards damages in the amount ranging from PLN 2 000 to PLN 20 000 to be paid by the State Treasury or, in the case of a complaint concerning lengthiness of the proceedings conducted by a court enforcement officer, by that court enforcement officer.

The court delivers a copy of the judgment admitting the complaint about lengthiness of the proceedings to the president of the competent court. President of the court which received the said judgment is obliged to take supervision actions provided for in the Act of 27 July 2001 – Law on the system of common courts (Journal of Laws No. 98, item 1070, as amended). Within the framework of that supervisory competence, president of the said court, as well as the Minister of Justice, may point out, pursuant to the provisions of art. 37 § 4 of the Act of 27 July 2001 – Law on the system of common courts, negligence on the part of a given judge with respect to the lengthiness of the proceedings, the consequence of such a pointing out being extension of the period necessary to qualify for the next rise of the salary by three years if such a pointing took place for the second time (art. 91a § 6 of the above mentioned Act of 27 July 2001), as well as steps taken in order to initiate disciplinary proceedings for neglecting of the official duties by the judge responsible for the lengthiness of the proceedings.

There is no institution of a complaint about the duration of the proceedings as such. However, every party has the right to file a complaint to the president of the competent or a superior court in accordance with the procedure laid down in the Code of administrative proceedings (art. 227 and subs.), whose consequences are the same as in the case of delivering

to the court president of a copy of the judgment admitting the complaint about the lengthiness of the court proceedings.

The National Council of the Judiciary did not conduct any survey polls on the duration of the proceedings. Data in this respect are provided by the mass media, and the phenomenon itself may be assessed and evaluated on the basis of statistics prepared by the Minister of Justice and individual courts, as well as results of checks and inspections carried out.

3 Reduction of the delays and streamlining of the proceedings

3.1 What sort of measures are taken in order to reduce delays?

Both the civil and criminal procedure include institution of a so called preliminary examination, which is conducted by the Supreme Court. The Code of civil procedure allows the Supreme Court to dismiss a cassation if it fails to meet requirements laid down in art. 398^9 § 1 of the code, inter alia if it is evidently unjustified (art. 398^9 § 1.4 of the Code of civil procedure). Similarly, pursuant to art. 535 § 2 of the Code of criminal procedure, the Supreme Court shall dismiss a cassation should it be evidently unjustified. The civil procedure includes also an institution of limiting the possibility to appeal in the third instance on grounds of the value of the object of appeal or nature of the case (art. 398^2 § 1, 2 and 3 of the Code of civil procedure).

Also art. 523 of the Code of criminal procedure contains a sort of limitation in the above mentioned meaning as it provides for an inadmissibility of cassation filed exclusively on grounds of a disproportion between the guilt and sentence.

Another way of reducing delays and streamlining the proceedings is mediation (art. 183^1 – 183^{15} of the Code of civil procedure), as well as conciliation proceedings laid down in art. 184 – 186 of the Code of civil procedure, whose aim is to reach an agreement before the court generally competent for the agreement opponent. Merits of such an agreement are included in the minutes.

Mediation is also a part of the criminal procedure, both at the stage of preparatory proceedings and hearing (art. 23a of the Code of criminal procedure.), as well as of the proceedings before administrative courts (art. 115 – 118 of the Act on proceedings before administrative courts).

There is no legal basis within the process of reducing delays to "refer cases to other courts or other judges within the same court".

3.2 Are there any special and easily applicable procedures?

3.3 What facilitations are applied in the ordinary proceedings?

3.4 Please, name examples of practices used in the case of ordinary procedures in order to speed them up.

Reply concerning items 3.2 – 3.4 jointly

Special procedures which speed up court proceedings in civil matters include the above mentioned conciliation procedure, as well as the writ-of-payment procedure, in particular in the form of the electronic writ-of-payment procedure introduced as from 1 January 2010 (a so called e-court – Section VIII, Chapter 1 of the Code of civil procedure).

Measures aimed at quickening proceedings within the framework of the criminal procedure include summary proceedings applicable to minor offences, as well as the institution of a voluntary submission to the punishment in accordance with the provisions of art. 335 § 1 and art. 387 § 1 of the Code of criminal procedure.

In this context, it is also worth to mention shortening of the court proceedings allowed in art. 388 of the Code of criminal procedure, subject to the consent of the parties and undoubted testimonies given by the defendant who pleads guilty.

Pursuant to art. 349 of the Code of criminal procedure, president of the court may submit a case to session if, due to its complexity or other important reasons, he/she comes to a conclusion that this could contribute to a proper preparation and completion of the main trial.

The governing rule of Polish procedures applicable before common courts of law is that trials are oral. This results *in extenso* from the provisions of art. 365 the Code of criminal procedure and art. 210 of the Code of civil procedure. However, there are certain exceptions to the principle of oral trials, for instance the electronic writ-of-payment procedure mentioned before (so called e –court). It should also be underlined that the principal and questions place a minor role in the non-litigious proceedings, which has been reflected by the provision of art. 514 § 1 of the Code of civil procedure. The said regulation provides that the court may hear a

case without a trial at a closed-to-the-public session and may take into account explanations provided by the parties only in writing.

The above information should be complemented with reference to the written procedure in registration matters (the National Court Register – KRS).

There is a possibility for administrative courts to hear cases in the summary proceedings, provided that requirements laid down in art. 119.1 and art. 119.2, as well as in art. 55 § 2 in connection with art. 121 of the Act on proceedings before administrative courts are met. When hearing a case in the summary proceedings, the voivodeship administrative court, composed of one judge, examines it at a closed-to-the-public session – art. 121 of the Act on proceedings before administrative courts. There is also such a possibility for the Supreme Administrative Court hearing cassation appeals against court decisions, as well as in certain cases specified in art. 182 § 2 of the Act on proceedings before administrative courts, and against judgments.

4. Improving efficiency and procedures

4.1 Have you tried to shorten the time of proceedings by increasing the number of courts, judges or relocation of cases or judges?

- There is no legal basis, within the framework of the existing judiciary system in Poland, allowing judges not assigned permanently to a specific court to function. The basic act constituting system of the common courts in Poland, namely the Act of 27 July 2001 – Law on the system of common courts, contains art. 55 § 3 which stipulates that when appointing a judge, the President of the republic of Poland determines place of the judge service (seat), and art. 75 § 1 stipulating that relocating a judge to another place of service, that is other than the one indicated in the presidential appointment – may take place only subject to the consent of the judge. Therefore any potential assistance teams (support teams, "flying squads" or auxiliary judges), as suggested in the question, cannot operate in Poland.

- There is an institution of court clerks whose purpose is to reduce the number of judges handling individual cases. Court clerks carry out part of the task which were previously reserved exclusively for judges. The scope of jurisdictional competences of

court clerks has been laid down in legal regulations (art. 47^1 of the Code of civil procedure). Thus, the law gives the court clerks authority to issue, in the courts of first instance, decisions determining detailed costs incurred by parties (however, the rules governing trial costs to be incurred by the parties are determined by the court) – art. 108 § 1 of the Code of civil procedure. Also, pursuant to art. 353^1 § 2, the court clerk may issue a payment writ in the writ-of-payment procedure and electronic writ-of-payment procedure. He or she may also take actions in land register cases according to the provision of art. 509^1 § 1 of the Code of civil procedure, etc.

- Increasing the number of the judge appointments is not perceived as a method to reduce the time of proceedings

- The judge status laid down by the law does not allow a judge emeritus to adjudicate. However, pursuant to the provisions of art. 105 § 2 of the Act of 27 July 2001 – Law on the system of common courts, such a judge may act as an inspector in the court or in the Ministry of Justice. Practice of assigning inspection functions to judges emeritus, especially in courts, may make it possible to extend the scope of responsibilities of active judges who perform the inspection functions.

- Relocation of judges within the same court is possible as part of the process of changing the division of responsibilities. However, there might be a major obstacle to this resulting from the specialisation of judges, which is a common phenomenon in view of more and more complicates social and economic relationships regulated by the law. Relocation of judges to different courts is not possible without the consent of judges concerned. The very nature of the act of the judge appointment was already discussed above. The organisational system of the Polish judiciary, however, provides for a substitute of the relocation, namely delegating judges to perform functions in other courts. It is even possible to delegate a judge to another court without his or her consent. However, such a delegation may not exceed a period of 6 months and may not be repeated earlier than after lapse of three years – art. 77 § 7a of the Act of 27 July 2001 – Law on the system of common courts.

- Art. 22 § 1a of the Act of 27 July 2001 – Law on the system of common courts allows to transfer cases to less burdened judges. The article in question authorises president

of a court (regional one, court of appeal) to, inter alia, set rules governing assigning cases to individual judges and court clerks. However, there are court proceedings in which such an intervention of the court president is not possible because of a particular method of appointing the judge (judges) hearing the case. Thus, art. 351 § 1 of the Code of criminal procedure stipulates, for instance, that the judge or judges appointed to hear the case are determined in the order of cases file with the court and the list of judges working in a given court or division, such a list being available to the parties. Departure from that order may take exclusively form of passing over a judge because of his/her sickness or other important reason. It should be indicated in the decision establishing the trial date.

4.2 Have you tried to reduce the duration of proceedings by using delegated judges, judge trainees or judge assistants?

- Judge assistants play an important role in reducing duration of the proceedings. Their statutory scope of responsibilities allows them to provide a significant assistance in increasing efficiency and quality of the judge work as , pursuant to the provisions of § 3 of the regulation of the Minister of Justice of 5 November 2002 on the detailed scope and manner of performing actions by the judge assistants (Journal of Laws No. 192, item 1613), assistants independently carry out on their own court administration tasks as well as tasks linked with preparing cases for hearing, with the exception of actions reserved for heads of division pursuant to separate regulations. § 3.2 of the above mentioned regulation contains a detailed list of actions performed by judge assistants, which are as follows:

  - preparing draft judgments;

  - preparing draft justifications of judgments;

  - preparing drafts decisions in order to prepare cases to be heard;

  - preparing drafts decisions concerning formal conditions of the indictment;

  - checking efficiency, promptness and correctness of the exercise of judge decisions by the secretariat of the court division;

- addressing requests to persons and institutions concerning provision of data necessary to hear the case;

- checking promptness of the preparation of experts' opinions;

- preliminary analysis of the files of cases assigned to the judge;

- preliminary analysis of charges put forward in the appeals;

- taking check actions in suspended cases, as well as referring the state of cases which were not examined to the judge;

- filling in statistical sheets;

- collecting judicature and literature useful to hear court cases, as well as performing other actions linked with the judgment activity of judges an assistant cooperates with, which result from the specific nature of a given court division;

- preparing draft replies to letters concerning a given case, if they are not procedural motions;

- taking actions concerning enforcement of judgments in criminal and family matters.

It should also be noted that pursuant to the provisions of art. 3.3 of the regulation of the Minister of Justice of 5 November 2002 on the detailed scope and manner of performing actions by the judge assistants, at the request of judges, assistants take also other actions, not listed above, which have an impact on the efficiency and rationality of the proceedings.

Also judge trainees play a certain role in increasing efficiency of the work of common courts of law, in particular thanks to their cooperation with principal judges.

- Question of delegating judges was already discussed above. Their competences in the courts to which they were delegated are the same as competences of judges appointed to those courts, subject to the only limitation concerning the number of delegated judges in the composition of the court sitting or particular rules governing their chairing in cases heard by the court to which they were delegated (art. 46 § 1 of the Act of 27 July 2001 – Law on the system of common courts).

- In no case have judge trainees and judge assistants the right to examine and adjudicate in lesser cases heard by the court.

4.3 Have you tried to reduce duration of the proceedings by simplifying the procedures?

- Structure of each court consisting of divisions results in the judge specialisation. The widest scope of specialisation is possible in the case of the largest common courts of the lowest level.

- Duration of oral hearings may be limited thanks to the introduction of a system of recording actions using audio and visual techniques. The possibility to apply those techniques within the framework of the civil procedure has been provided for in art. 158 of the Code of civil procedure.

- The court procedure is based on the principle of oral hearing of cases. It is not possible to replace oral examinations with statements of witnesses. However, it is possible to hear a civil case in the absence of a party, if this is what that party requested in a procedural writing (art. 209 of the Code of civil procedure). In such a case, during the trial the chairing judge or a judge appointed by the chairing judge presents conclusions, statements and proofs of that party that were included in the case files (art. 211 of the Code of civil procedure). A similar situation may take place in the case of the criminal procedure, where it is possible within the writ proceedings. Thus, in cases concerning crimes to be judged in simplified proceedings, the court may come to a conclusion, on the basis of the evidence collected in the preparatory proceedings, that circumstances in which an act was committed and the guilt of the defendant give rise to no doubts in matters allowing to pronounce restricting of liberty or a fine or issue a penal order (art. 500 § 1 and 3 of the Code of criminal procedure).

- As a rule, Polish procedures do not require standardised letters. However, introduction of new IT techniques in the courts makes more and more breaks with this tradition. Pursuant to the provision of art. 187^1 of the Code of civil procedure, a plaintiff who is a service provider or a seller and who lays claims concerning certain typical contracts that were specifically listed in the act, is obliged to file the lawsuit on an official form.

Another example concerns civil procedure in cases concerning entry in the National Court Register, where it is necessary to file the request to the registration court electronically (art. 694^3 § 3 of the Code of civil procedure). Polish procedures do not refer to the system of precedents. Each and every case is examined integrally. Justifications prepared for other cases may be used exclusively as a form of support or repeating of the court's own view which must be expressed in every case. Access to judgments of other courts, including the Community judicature, is not limited. Courts of all types and instances use IT technologies and every judge, court clerk or judge assistant enjoys access to appropriate computer applications.

4.4 Have you tried to reduce duration of the proceeding by assigning secretaries or assistants to individual judges?

- The current level of financing the judiciary does not allow for the possibility to assign an assistant or a secretary to each and every judge. Rules governing assigning assistants to individual judges are separately laid down in individual courts. The same is true for secretaries. The system is constructed so as to ensure that each adjudicating judge should have an assistant. Problem of assigning secretaries to judges is regulated by organisational decisions of the court presidents who take into account personnel possibilities of their courts and the need for such an organisation of the work.

4.5 Have you tried to improve the procedure or increase efficiency of the court operation by implementing any scientific, experimental or technical projects?

- There are pilot projects implemented in selected courts, whose purpose is to increase efficiency of those courts. The following projects carried out by the Ministry of Justice may serve here as examples:

  - Modernising the way of providing justice services". The project's aim is to increase efficiency of the justice and optimise potential of the Ministry of Justice with a view to a correct exercise of administrative functions for the justice organisational units. The project will cover the whole justice department, in particular common courts of law. Results of diagnoses and analyses carried out under this project with respect to the organisational structure of those courts, as well as the state of affairs in

the area of managing the Ministry of Justice, will make it possible during further stages of the project to introduce changes into the organisational structure of common courts of law and to implement a comprehensive and long-term reform aimed at improvement of the operation of the Ministry of Justice. The result of those actions will be a better quality, effectiveness and efficiency of the work of both common courts of law and individual justice unit, taking into account a wider access to modern management solutions (inter alia, strategic management, organisation of the work of court officials and administrative units' employees, managing IT services). Implementation will be supported with appropriate trainings, as well as technological and IT improvements (concerning e-office, security policy and identity management).

- "Modernising HR management in common courts of law" – This is a typically scientific project which will be implemented between 2008 and 2013. Its main purpose is to collect information and develop management tools, including work standards for all groups of professionals in common courts, which will allow to increase efficiency of the use of human resources. The need for such a project results from the current allocation of human resources, which does not always correspond to the actual needs of the court organisational units, thus contributing to their inefficient usage.

- "Facilitating access to justice" – The general purpose of this project is to facilitate access of the public to justice through modernisation of the way in which courts provide their services to interested parties and an effective policy in the area of information and education. The following individual goals will pursued in order to achieve the above mentioned purpose:

1. intensification and introduction of attractive forms of information and education policy

2. facilitating access to the legal information

3. streamlining and increasing the quality of services provided by the courts to the interested parties

4. enhancing popularity of alternative methods of dispute settling.

- "Increasing effectiveness of accomplishment of tasks by the justice units" – The general purpose of this project is to streamline the process of handling cases by implementing modern IT and organisational solutions in courts and public prosecutor offices, particularly in the form of developing IT systems and networks streamlining the flow and access to information and supporting management and ongoing operation of the justice units. Implementation of the project will allow to introduce positive changes in this respect and to enhance the public opinion trust in justice, as well as to reinforce security and stability of the state.

5 Other initiatives

5.1 Have there been or are there any other initiatives considered to be taken with regard to the promptness issue?

- Generally speaking, there is a project under consideration whose aim is to reduce the number of courts by liquidation of the smallest ones as it turned out that a large number of small courts, despite the idea of "courts closer to citizens", negatively affects the general effectiveness of their operation. This is in particular visible when we compare the workload of small, medium and large courts. The system in which there is an excessive number of small courts also blocks possibilities of relocating judges in the case of different workloads of individual units. Developing a model of an optimum court size will be an essential condition required to increase efficiency of justice in terms of its prompt operation and ensuring the constitutional right of citizens to have their cases examined and heard without unjustified delays (art. 45.1 of the Constitution of the Republic of Poland).
- The National Council of the Judiciary constantly stresses importance of the efficiency of court proceedings, taking into particular account situation of the judges, giving opinions on draft legal regulations concerning remuneration of judges and normative acts on the judiciary and judges.