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National specialised courts

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Poland

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This section provides you with information on the organisation of specialised courts in Poland.

Courts that are not ordinary courts are one of the following: the Supreme Court, the Supreme Administrative Court or a provincial administrative court, or a military court (regional military court or garrison military court). An extraordinary court may be established in wartime.

The Supreme Court is a judicial body which supervises the adjudicatory activity of ordinary and military courts. The Supreme Court also performs other tasks defined in the Constitution and the statutes.

For detailed information on the activity of the Supreme Court, visit the following website:

http://www.sn.pl/osadzienajwyzszym/SitePages/Status_prawny.aspx

The Supreme Court is a judicial body appointed for the purpose of:

1. administering the dispensation of justice by ensuring the lawfulness and uniformity of the case-law of ordinary and military courts by examining appeals and adopting resolutions settling legal issues, as well as by exercising extraordinary control over court rulings in order to ensure their compatibility with the rule of law and social justice through the examining of extraordinary appeals;
2. examining disciplinary cases to the extent specified in this Act;
3. examining electoral disputes and validating elections to the Sejm and the Senate, to the office of President of the Republic of Poland and to the European Parliament and examining complaints about the validity of a national or constitutional referendum and confirming the validity of a referendum;
4. delivering opinions on draft statutes and other normative instruments which are to constitute the basis for the decision-making and the functioning of the courts and on other draft statutes affecting matters within the jurisdiction of the Supreme Court;
5. performing other activities provided for by statute.

The Supreme Court examines appeals in cassation, as well as other appeals against court judgements, and adopts resolutions aimed at clarifying legal provisions that raise doubts or the application of which causes disparities in judicial decision making. It also adopts resolutions settling legal questions referred to it in connection with specific cases.

Information on the case-law of the Supreme Court can be found in the 'Database of Rulings', available at: http://www.sn.pl/orzecznictwo/SitePages/Baza_orzeczen.aspx, which also has an English version.

Administrative courts

The system of administrative courts includes the Supreme Administrative Court and sixteen provincial administrative courts (one in each province).

In principle, the provincial administrative courts act as the first-instance courts, while the Supreme Administrative Court examines appeals in cassation submitted in respect of rulings handed down by the provincial administrative courts.

Administrative courts exercise control over the activities of public administration bodies. They verify the compatibility of those activities with the law. This includes the following:

- complaints against administrative decisions and decisions issued in administrative proceedings, as well as decisions in enforcement and security proceedings;
- adjudication on the compatibility with statutes of resolutions of local government bodies (municipalities, districts and provinces) and of normative acts of regional branches of central government administrative bodies. The basic act of law governing proceedings before administrative courts is the Act of 30 August 2002
- on proceedings before Administrative Courts (Journal of Laws 2023, item 259, as amended).

The Supreme Administrative Court and the provincial administrative courts publish their rulings and the grounds for them in the 'Central Database of Administrative Court Rulings', available at: <https://orzeczenia.nsa.gov.pl/>. The website is only available in Polish.

The tasks of the Supreme Administrative Court include:

1. examining appeals against rulings handed down by provincial administrative courts;
2. adopting resolutions aimed at clarifying legal provisions whose application has led to divergences in the case-law of administrative courts;
3. adopting resolutions settling legal issues giving rise to serious doubts in specific cases dealt with by administrative courts;
4. settling conflicts of jurisdiction between local government units and between local government appeals boards, unless separate statutes provide otherwise, as well as conflicts of jurisdiction between the authorities of these units and government administration authorities;
5. examining other cases within the jurisdiction of the Supreme Administrative Court pursuant to separate statutes.

The Polish Central Database of Administrative Court Rulings has been established to ensure that interested entities enjoy the fullest possible access to the content of rulings handed down by administrative courts. The Database contains rulings of the Supreme Administrative Court and of the provincial administrative courts handed down since January 2004, as well as selected rulings handed down by the Supreme Administrative Court before 2004. The Database is not an official publication and merely serves for information and education purposes. Link: <https://orzeczenia.nsa.gov.pl/>

Military courts consist of garrison military courts and military regional courts. The jurisdiction of military courts mainly covers cases concerning:

1. military personnel in active service, with the exception of territorial military service performed upon request, in the case of offences:
 1. against the obligation to perform military service, against military discipline, against rules concerning relations with subordinates, rules on handling arms and armed military equipment, rules for performing service, and against military property
 2. committed against a military authority or another soldier;
 3. committed during or in connection with the performance of service duties, within a military facility or at a designated place of stay, to the detriment of the army or in violation of an obligation arising from military service;
 4. committed abroad, while the Polish Armed Forces are used or deployed outside Polish territory within the meaning of the Act of 17 December 1998 on the rules for the use or deployment of the Polish Armed Forces outside Polish territory;
2. employees of the military in cases concerning offences:
 1. against the rules for performing service and against military property,
 2. committed abroad, while the Polish Armed Forces are used or deployed outside Polish territory within the meaning of the Act of 17 December 1998 on the rules for the use or deployment of the Polish Armed Forces outside Polish territory;
3. military personnel of foreign armed forces in Polish territory, as well as civilian personnel of foreign armed forces, in cases concerning offences committed in connection with the performance of service duties, unless an international agreement to which Poland is a party states otherwise.

The Polish legal system also includes two tribunals - the Constitutional Tribunal and the Tribunal of State.

Pursuant to Article 188 of the Polish Constitution, the Constitutional Tribunal adjudicates in cases concerning:

1. the compatibility with the Constitution of statutes and international agreements;
2. the compatibility of national legislation with ratified international agreements whose ratification is required prior to approval by the parliament;
3. the compatibility of legal provisions issued by central State bodies with the Constitution, ratified international agreements and statutes;
4. the compatibility with the Constitution of the objectives or activities of political parties;
5. constitutional complaints.

The Constitutional Tribunal also settles jurisdictional disputes between central State constitutional bodies.

The rulings of the Constitutional Tribunal and the grounds for these rulings are available on the Tribunal's website, which is also available in English. Link: <https://trybunal.gov.pl/>

The State Tribunal adjudicates cases concerning the responsibility of the President of Poland, the Prime Minister and the members of the Cabinet, the Chairman of the National Bank of Poland, the President of the Supreme Audit Office, the members of the National Broadcasting Council, persons to whom the Prime Minister has granted powers of management over a ministry, and the Supreme Commander of the Armed Forces for violations of the Constitution or of an act of law in connection with the office held or the performance of their duties.

To find about more visit <http://trybunalstanu.pl/>

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