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Court fees concerning European Payment Order procedure

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Poland



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Introduction

Fees in civil proceedings are governed by the *Court Costs (Civil Cases) Act of 28 July 2005* (consolidated text: Journal of Laws 2014, item 1025). As a rule, a fee is payable for any statement of claim lodged, including claims lodged as part of proceedings governed by Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 *creating a European order for payment procedure* ('the EOP'). The Court Costs (Civil Cases) Act (Title IV - Exemption from court costs) allows an application to be filed for exemption from such costs.

What fees are applicable?

The fees applicable in the case of the EOP are a fixed fee depending on the amount of the sum in dispute and a proportional fee payable if the amount of the sum in dispute is over PLN 20 000.

How much do I have to pay?

Fees in respect of applications for a European Order for Payment are determined based on the amount of the sum in dispute:

1. up to PLN 500: a fee of PLN 30;
2. between PLN 500 and PLN 1 500: a fee of PLN 100;
3. between PLN 1500 and PLN 4000: a fee of PLN 200;
4. between PLN 4000 and PLN 7500: a fee of PLN 400;
5. between PLN 7500 and PLN 10000: a fee of PLN 500;
6. between PLN 10000 and PLN 15000: a fee of PLN 750;
7. between PLN 15 000 and PLN 20 000: a fee of PLN 1000.

In cases concerning property rights, if the amount in dispute or the value at issue on appeal exceeds PLN 20 000, a proportional fee is payable in the amount of 5% of that amount or value, to a maximum of PLN 200 000.

In the case of a request for the EOP to be set aside, half of the fee is collected.

What happens if I do not pay the court fees on time?

Pursuant to Article 126² § of the Code of Civil Procedure of 17 November 1964 (Journal of Laws No 43, item 269, as amended), the court will not take any action in response to a procedural document for which the applicable fee has not been paid. In other words, either the fee must be paid when a procedural document (statement of claim) is filed with the court of appropriate jurisdiction or an application for exemption from court costs must be filed.

The procedural consequences of failing to pay fees for a procedural document are specified in [Article 130](#) and

[130²](#) of the Code of Civil Procedure and elsewhere.

Pursuant to Article 130 of the Code of Civil Procedure, if a procedural document (including a statement of claim) cannot be processed as a result of non-payment of the fee, the presiding judge calls on the party to make that payment within one week, failing which the procedural document is returned. If the procedural document has been lodged by a person living abroad who has no appointed representative in Poland, the presiding judge will specify a time limit for paying the fee, which may not be shorter than one month. If the fee is not paid within the specified time limit, the procedural document is returned to the party. If the fee is paid within the specified time limit, the procedural document produces legal effects from the date on which it was lodged.

Under Article 130² of the Code of Civil Procedure, a procedural document lodged by a lawyer or patent attorney without payment of the fee is returned without a call for payment if the fee is fixed or is proportional to the amount at dispute as specified by the party. However, if the fee for the procedural document is paid within one week of service of the decision to return the document, the document produces legal effects from the date on which it was lodged.

How do I pay the court fees?

The arrangements for paying court fees in civil cases are governed by the [Ordinance](#) of the Minister for Justice of 21 March 2016 setting out the arrangements for paying court fees in civil cases (Journal of Laws No 27, item 199), which constitutes legislation implementing the aforementioned Court Costs (Civil Cases) Act.

Court fees in civil cases can be paid in non-cash form into the current account of the court with jurisdiction (account details can be obtained directly from the court or its website or from the website of the Ministry of Justice), directly at the court cashier's office or in the form of court fee stamps which can be purchased at the court cashier's office.

What do I do after the payment?

Once the fees have been paid and any irregularities resolved, the court will issue a European Order for Payment.

■ Last update: 28/08/2024

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