

[Home](#) > ... > [Court Procedures](#) > [Judicial Auctions](#) > Poland

Judicial auctions

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Poland

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1. Notices and valuations relating to the sale of seized assets

Property valuations are carried out by an appraiser (appointed by a bailiff) who is authorised to value property pursuant to separate regulations. If, however, the property has been valued for the purpose of selling it on the market not more than six months prior to its seizure and that valuation meets the requirements relating to property valuation carried out for enforcement purposes, no new valuation is carried out. On the other hand, if significant changes in the condition of the property have occurred between the time when the description and valuation were carried out and the auction date, an additional description and valuation may be carried out at the creditor's or debtor's request.

Property that has been seized is sold by public auction. The auction may not be scheduled earlier than two weeks after the description and valuation have become final or before the judgment under which enforcement is initiated has become final.

The bailiff announces the date and object of the auction by way of a public notice, which is delivered to the parties to the proceedings, the municipal authority, the tax office in whose jurisdiction the property is located and the social security authorities.

The auction notice is also published at least two weeks before the auction date in the court building and on the premises of the municipal authority, in a daily newspaper that is widely read in the city/town/village in question and on the website of the National Bailiffs' Council ('*Krajowa Rada Komornicza*'). In addition, at the party's request and expense, the bailiff may order the notice to be published in another manner indicated by the party.

2. Third parties who may effect the sale

Auctions are carried out in public by a bailiff in the presence, and under the supervision, of a judge or judicial clerk ('*referendarz sądowy*'). Enforcement against property is carried out by a bailiff of the court in whose jurisdiction the property is located.

3. Types of auction to which the above rules may not fully apply

- enforcement against a fraction of a property;
- enforcement against the right of perpetual usufruct;
- enforcement against undeveloped land and property developed with a residential or commercial building if, at the time when the application for enforcement proceedings was filed, no notice was given of completion of the construction work or no application for an occupancy permit was submitted within the meaning of the Construction Act (*prawo budowlane*);
- enforcement against seagoing vessels entered in the shipping register;
- enforcement through the sale of an enterprise or farm;
- enforcement carried out in order to terminate co-ownership by way of a public sale.

4. National asset registers

Land and mortgage registers (*księga wieczysta*) are maintained by district courts (*sąd rejonowy*) in order to determine the legal status of property. These are established and maintained in an ICT system. Land and mortgage registers are public and comprise four sections:

- 1) the first section comprises a designation of the property and entries concerning the rights associated with ownership;
- 2) the second section comprises entries concerning ownership and perpetual usufruct;
- 3) the third section comprises entries concerning limited property rights, except for mortgages, restrictions on disposing of the property or perpetual usufruct, and entries concerning other rights and claims, except for claims relating to mortgages;
- 4) the fourth section comprises entries relating to mortgages.

In addition to land and mortgage registers, the second property register is the land and building register (*'ewidencja gruntów i budynków'*) governed by the Land Survey and Cartographic Act of 17 May 1989 (*'Prawo geodezyjne i kartograficzne'*) (consolidated text: Journal of Laws 2010/193, item 1287, as amended). Maintaining the land and building register is the responsibility of the district governor (*'starosta'*).

5. Databases that can be used by creditors to identify debtors' assets or receivables due to them

The databases described in point 4, i.e. land and mortgage registers and the land and building register, are available to creditors and serve to identify debtors' assets. In addition, land and mortgage registers allow creditors' receivables that are secured by mortgages to be identified.

6. On-line judicial auctions

Judicial auctions are not carried out on-line. Only auction notices are published on the website of the National Bailiffs' Council (as a statutory obligation) and customarily on the website of the bailiff conducting the auction in question.

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