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Digitalisation Regulation - Member State notifications

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Poland



Poland

This page contains information about the notifications done by the Member States pursuant to Regulation (EU) 2023/2844

1. National IT portals for communicating with courts or other authorities

Poland does not have any national IT portals that would offer functionalities equivalent to those envisaged for the European electronic access point established under Article 4 of Regulation 2023/2844 (EU) on digitalisation.

However, the ordinary courts have an information portal designed to make it easier for those authorised or entitled by the law, in particular parties to proceedings and their representatives, as well as judges and public prosecutors, to access information on the status of their case and actions taken in their case. The portal can also be used for delivering submissions and other documents in the case to the public prosecutor, to the advocates or attorneys at law who act as the defence counsels or legal representatives, or to the Prosecutor General, by uploading them to the information portal via the portal.

2. National law on videoconferencing in civil and commercial matters

The presiding judge may schedule a remote hearing of their own motion or at the request of a person who is to attend the hearing and has provided an e-mail address, if this is not precluded by the nature of the actions to be carried out at the hearing and if holding such a remote hearing safeguards the full procedural rights of the parties and the proper conduct of the proceedings. A remote hearing may be requested within seven days from the date of delivery of the notice of the hearing or of the summons to the hearing. When ordering a remote hearing, the presiding judge may require those who are to attend the remote hearing off the premises of the building where the court adjudicates the case to be present in a building of another court.

When summoned to a remote hearing, the participants are informed that they can appear in the courtroom in person or declare their intention to attend the hearing remotely, that they must provide notification of their intention at the latest three working days before the scheduled hearing date, and that this can be done using the specified method, i.e. by means of distance communication, as long as it provides assurance of the participant's identity and includes their e-mail address. At least 24 hours before the time of the hearing, the participants are also communicated the content of the provisions governing remote hearings, the address of the website with the technical software and hardware requirements necessary for attending a remote hearing, and guidance on how to join the remote hearing.

The obligation to declare the intention to attend a hearing remotely does not apply to a person deprived of liberty. The presiding judge may order that a person deprived of liberty participate in procedural actions only through a remote hearing. In such a case, when participating in a remote hearing in their place of detention, the person must be accompanied by a representative of the administration of the prison or the pre-trial detention centre, the person's legal representative, if appointed, and an interpreter, if summoned. The same rules apply to persons subject to therapeutic procedures.

A person who has not successfully requested a remote hearing or has not declared their intention to attend the hearing remotely is required to appear at the session in the building of the court conducting the proceedings without further summons.

A person participating in a remote session away from the court premises is required to inform the court of their location and to exercise due diligence to ensure that the conditions in that location are compatible with the dignity of the court and do not prevent the court from carrying out the procedural actions in which the person is involved. If the person refuses to provide the above information or if their conduct raises reasonable doubts as to whether the procedural actions in which they will be involved remotely can be properly carried out, the court may summon that person to appear in the courtroom.

The provisions on remote hearings do not apply when the session is held in camera, unless all the participants in the procedural actions are in the court building (this applies inter alia to cases for annulment of a marriage, for establishing the existence or non-existence of a marriage, for a divorce, and for legal separation at the request of either of the spouses involved, unless both parties request that the case be heard in public and the court considers that this will not prejudice morality). The examination of a case in camera in cases for annulment of a marriage, for establishing the existence or non-existence of a marriage, for a divorce, or for legal separation does not preclude evidence from being taken remotely if this significantly speeds up the proceedings or results in significant cost savings.

The provisions on remote hearings do not apply to a person who is the subject of an application for incapacitation, if they are to be heard, or to the participation of expert witnesses in these proceedings.

A mediator may hold a mediation session through technical devices that enable the session to be conducted remotely, if the parties give their consent.

The videoconferencing systems used for remote hearings are Jitsi (WebRTC) and Avaya Equinox (H.232, SIP, WebRTC).

The courts' websites provide further information on court hearings held remotely, including on how to test the connection, how to contact the support centre, and what steps to follow.

Remote hearings are also subject to the provisions that require court sessions to be recorded by means of sound recording devices or sound and image recording devices. Such recordings and the associated metadata are stored in an ICT system, which safeguards their confidentiality and integrity, and protects them against loss or destruction (see Regulation of the Minister for Justice of 2 March 2015 on the audio or video recording of public hearings in civil proceedings; Journal of Laws 2023, item 309). The parties and participants in proceedings have the right to receive the sound or image and sound recording stored in the case file.

Before and during a remote hearing, the party and the party's representative may also communicate via their own communication channels.

Speech-to-text technology is not used in videoconferencing.

The national infrastructure complies with the Web Content Accessibility Guidelines (WCAG) 2.1. for persons with reduced mobility, a hearing impairment or a visual impairment. The Jitsi and Avaya Equinox platforms are compatible with WCAG 2.1 9.

The court may check the personal details of the appearing persons against their identity card or other document confirming their identity. During a remote session, participants show their identity document to the camera.

The procedural actions carried out during a remote hearing by the parties and other participants who are not on the premises of the hearing court are effective, unless the law requires them to be completed in writing. The parties may question witnesses directly or through a representative they have appointed. A party may object to the examination of a witness outside the courtroom through a remote hearing, but no later than seven days after being notified of the intention for evidence to be taken in this way. If the objection is granted, the court will summon the witness to appear in person.

A foreign national testifies to the court in a language that they know. It does not necessarily have to be their mother tongue. The court may use an interpreter to hear a witness who does not have sufficient command of

Polish. Interpreters' fees are included in reimbursable judicial costs awarded by the court. The hearing of the parties is governed by the provisions on witnesses.

If the nature of the evidence does not preclude this, the adjudicating court may decide to take the evidence through a remote hearing. In the request for the taking of evidence, the party must identify the evidence in such a way as to enable it to be taken and specify the facts to be demonstrated by that evidence. The request may also indicate whether the party is seeking to have the evidence taken through a remote session.

When videoconferencing is used, any communication between the participants and the court infrastructure is encrypted by means of a TLS protocol. In addition, for each videoconference a secure link is generated for connection purposes.

3. National law on videoconferencing in criminal matters

The Polish law on criminal proceedings allows, in particular, for the remote examination of witnesses and defendants.

A witness may be heard through technical devices that make this possible remotely by transmitting the image and sound simultaneously in real time. In pre-trial proceedings, if the public prosecutor carries out a procedural action remotely, the witness must be accompanied at their location by a trainee prosecutor, a prosecutorial assistant or a public prosecution service clerk, while in judicial proceedings they must be accompanied by a trainee judge, a judicial clerk, a judicial assistant or a clerk employed by the court in whose jurisdiction the witness is located. If the witness is in prison or in a pre-trial detention centre, they may be heard in the presence of a representative of the prison or centre's administration, or, if the witness is a Polish national residing abroad, in the presence of a consular official. A witness who is unable to appear on summons due to illness, disability or other insurmountable obstacle may be examined at the place where they are staying. The rules on remote hearing of witnesses also apply to expert witnesses.

A witness may be examined remotely at any stage of the criminal proceedings. A court, a public prosecutor, but also any authority other than a public prosecutor conducting the pre-trial investigation, is therefore entitled to examine a witness remotely. In such a case, an official or other employee authorised by the head of the investigating authority takes part in the procedural action carried out at the witness's location. The technical conditions for examining a witness are to be ensured by the authority conducting the proceedings. Polish criminal procedure does not set out a list of grounds justifying the remote examination of a witness. Given that Polish law does not provide for any restrictions in this respect, a decision to examine a witness remotely may be issued by the authority conducting the proceedings on its own motion or at the request of the parties or the witness. This decision cannot be contested.

In pre-trial detention proceedings, the otherwise mandatory requirement to bring the suspect before the court may be waived, if the suspect's participation in the hearing can be ensured, in particular, that they testify, by means of technical devices that enable the examination to be conducted remotely by transmitting the image and sound simultaneously in real time. If the suspect is in prison or a pre-trial detention centre, a judicial clerk, a judicial assistant, or a representative of the prison or centre's administration must be present at the suspect's location for the hearing. The defence counsel joins such a remote hearing at the defendant's location, unless the counsel appears in the court to join the hearing, or the court obliges them to attend the hearing in the court building in order to preclude the risk of no decision being reached on the application of pre-trial detention before the time limit for detaining the defendant expires. Where the defence counsel attends the hearing at a location other than that of the defendant, the court may, if requested by the defendant or the counsel, order a recess of specific duration and allow the defence counsel and the defendant to confer on the phone, unless granting the request might interfere with the proper conduct of the hearing or gives rise to a risk of no decision being reached on the application of pre-trial detention before the time limit for detaining the defendant expires. The provision on the participation of a defendant in a remote hearing does not apply to a defendant who is deaf, dumb or blind. An interpreter may likewise join a remote hearing at the defendant's location.

If the defendant, a subsidiary prosecutor or a private prosecutor is deprived of liberty, the presiding judge may waive the obligation for them to attend in person, provided that they can participate in the hearing through technical devices that allow them to participate in the remote hearing by transmitting the image and sound simultaneously in real time. In such a case, the party must be accompanied at their location by a judicial clerk or

a judicial assistant employed at the court in whose jurisdiction the party is located, or, where applicable, by a representative of the administration of the prison or pre-trial detention centre where the party is being detained. The defendant's defence counsel may attend the hearing at the defendant's location or they may appear before the court in person (except in hearings where the defence counsel attends the hearing at a location other than that of the defendant, the court may, if requested by the defendant or the defence counsel, order a recess of a specific duration that allows the hearing to continue on the same day, so that the defence counsel and the defendant can confer on the phone, unless the request is a manifest abuse of the right of defence, in particular, when it seeks to disrupt or unjustifiably prolong the hearing). If an interpreter is needed during a remote hearing conducted through technical devices that allow the judicial acts to be conducted remotely by transmitting the image and sound simultaneously in real time, they will join the defendant at the defendant's location, unless the presiding judge orders otherwise.

In exceptional cases, where it is feared that the presence of the defendant might have an intimidating effect on the statements of a co-defendant or on the testimony of a witness or expert witness, the presiding judge may also opt for the examination to be held through technical devices that allow for examination to be conducted remotely by transmitting the image and sound simultaneously in real time. A judicial clerk, a judicial assistant or a court secretary must be present at the location from which the testimony is given.

In cases involving an intentional crime against life and health, or against liberty, or a crime involving violence or an unlawful threat punishable by a maximum term of imprisonment of at least eight years, where it is feared that the defendant's presence could have an intimidating effect on the victim, the presiding judge, at the victim's request, will order the defendant to leave the courtroom for the duration of the victim's questioning (except where this is inadvisable due to the need for the facts to be established accurately). Provided that this is not precluded by technical or organisational considerations, when ordering the defendant to leave the courtroom, the presiding judge will allow them to participate in the hearing through devices that enable remote attendance by transmitting the image and sound simultaneously in real time, in which case a judicial clerk, a judicial assistant or a court secretary must be present at the defendant's location

It is also possible for the defendant to be examined remotely in an expedited procedure. The otherwise mandatory requirement to bring the offender before the court may be waived, provided that it is ensured that the offender participates in all the judicial actions in which they are entitled to be involved - in particular, that they can give their statements - through technical devices that enable those actions to be carried out remotely by transmitting the image and sound simultaneously in real time. In such cases, a judicial clerk or a judicial assistant employed at the court in whose jurisdiction the offender is located must be present at the offender's location for all judicial actions carried out through technical devices that enable them to be conducted remotely. The appointed defence counsel participates in judicial activities through technical devices that enable those activities to be carried out remotely by joining the offender at their location. If an interpreter is needed, they will participate in court actions conducted by means of technical devices enabling them to be carried out remotely at the offender's location. During judicial actions in which the defendant participates through technical devices that enable those actions to be carried out remotely, the participants in the proceedings may choose to file requests and make other statements and perform procedural acts only orally for the record. The court must inform the defendant and their defence counsel of the content of all the procedural documents that have been received and attached to the case file since the action was placed before the court for examination. If requested by the defendant or by the defence counsel, the court must read out the content of such documents. Any procedural documents of the defendant and their defence counsel other than those that could not be filed with the court may be read out by them at the hearing. As soon as they have been read out, such documents take procedural effect as oral acts.

Remote hearings can also be employed in enforcement proceedings. If the court proceedings concern a convicted person deprived of liberty, the court hearing may be held through technical devices that enable the action to be carried out remotely by transmitting the image and sound simultaneously in real time. When participating in this action, the convicted person must be accompanied at their location by a representative of the administration of the prison or pre-trial detention centre, the defence counsel, if appointed by the convicted person or the court, and by an interpreter, if appointed.

If a child is examined as a witness, the summons is addressed to the parents or guardians. If the person questioned is under 18 years of age, the actions involving them should be carried out, as far as possible, in the presence of a legal guardian, a de facto guardian, or an adult designated by the person questioned, unless this

would prejudice the proceedings or is opposed by the person heard.

In practice, the parties to proceedings make arrangements with the court in writing or by e-mail and telephone. In order for the first submission to be formally sound, it must state the telephone number, fax number and e-mail address, or include a declaration that the party concerned does not have a telephone number, fax number and e-mail address. This renders such information verifiable during the exchange of correspondence.

The court may check the personal details of the appearing persons against their identity card or other document confirming their identity. During a remote session, participants show their identity document to the camera. If a person refuses to submit to an identity check or their identity cannot be verified, the presiding judge may order the person concerned to leave the place where the court action is being conducted. In addition, a person who attends a hearing held through technical devices that enable the hearing to be conducted by means of distance communication off court premises is required to provide, if requested by the presiding judge, information on their location and on the persons accompanying them.

The national infrastructure complies with the Web Content Accessibility Guidelines (WCAG) 2.1. for persons with reduced mobility, a hearing impairment or a visual impairment. The Jitsi and Avaya Equinox platforms are compatible with WCAG 2.1 9.

The videoconferencing systems used for remote hearings are Jitsi (WebRTC) and Avaya Equinox (H.232, SIP, WebRTC). The courts' websites provide further information on court hearings held via videoconferencing, including on how to test the connection, how to contact the support centre, and what steps to follow.

When videoconferencing is used, any communication between the participants and the court infrastructure is encrypted by means of a TLS protocol. In addition, for each videoconference a secure link is generated for connection purposes.

Speech-to-text technology is not used in videoconferencing.

The following are recorded through an image and sound capturing device:

- examination of a witness or expert witness, where it is feared that taking evidence from the person will not be possible in subsequent proceedings and where the hearing is held under a legal assistance procedure by another court;
- examination of a victim who is under 15 years of age at the time of the hearing, in cases for offences involving violence or an unlawful threat, or offences against liberty, offences against sexual freedom and decency, and offences against the family and guardianship;
- examination of a witness who is under 15 years of age at the time of the hearing, in cases for offences involving violence or an unlawful threat, or offences against sexual freedom and decency, and against the family and guardianship, as defined in the relevant chapters of the criminal code;
- examination of a victim in cases for the offences of rape and coercion into a sexual act, sexual exploitation of a state of insanity or of helplessness, and sexual exploitation of a relationship of dependence or critical life situation;
- examination of a witness with a mental or developmental disorder, impaired capacity to perceive or recreate perceptions (where there is a well-founded fear that interviewing the person in circumstances other than at a court hearing with the participation of an expert psychologist could affect their mental condition or would be considerably impeded).

In such cases, the image and sound recording of the examination is played and the minutes of the interview are read out at the main hearing.

In other cases, the court may have the hearing recorded by image and sound capturing devices, if this is feasible given the technologies available to the court.

Orders issued by the presiding judge at the main hearing may be appealed to the adjudicating panel, unless the case is heard by a single judge. Deficiencies in the conduct of procedural acts, including remote hearings, may also give rise grounds for appeal, if such deficiencies are likely to have prejudiced the ruling.

4. Fees for the procedures in civil and commercial matters

Regulation 1896/2006:

Application for a European order for payment:

- PLN 30 – claimed amount of up to PLN 500;
- PLN 100 – claimed amount of more than PLN 500 to PLN 1500;
- PLN 200 – claimed amount of more than PLN 1500 to PLN 4000;
- PLN 400 – claimed amount of more than PLN 4000 to PLN 7500;
- PLN 500 – claimed amount of more than PLN 7500 to PLN 10 000;
- PLN 750 – claimed amount of more than PLN 10 000 to PLN 15 000;
- PLN 1000 – claimed amount of more than PLN 15 000 to PLN 20 000;
- An application to set aside a European order for payment is subject to half of the above fees;
- PLN 300 – application for refusal of enforcement of a European order for payment.

Regulation 861/2007:

- PLN 100 – application in a case under the European Small Claims Procedure;
- PLN 300 – application for refusal of enforcement of a judgment given in the European Small Claims Procedure.

Regulation 655/2014:

- PLN 100 – application for the issue, modification, revocation, termination, modification of the enforcement, limitation of the enforcement or termination of the enforcement of a European Account Preservation Order;
- PLN 100 – request to obtain the financial information referred to in Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters.

Regulation 805/2004:

- PLN 50 – application for the issue or withdrawal of a European Enforcement Order certificate, or the issue of a certificate of the lack or limitation of enforceability of a European Enforcement Order certified as a European Enforcement Order;
- PLN 300 – application for refusal of enforcement of a judgment certified as a European Enforcement Order.

Regulation 1215/2012:

- PLN 300 – application for refusal of enforcement of a decision under Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;
- PLN 300 – application for refusal of recognition or for a declaration that there are no grounds for refusing recognition of a decision under Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;
- PLN 20 for every 10 pages started of the document issued – application for a certificate in connection with a judgment in civil or commercial matters.

Regulation 606/2013:

- PLN 300 – application for refusal of enforcement under Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters;
- PLN 300 – application for refusal of recognition under Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters;
- PLN 20 for every 10 pages started of the document issued – application for a certificate concerning

protection measures in civil matters.

Regulation 4/2009:

- PLN 300 – application for refusal of enforcement under Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations;
- PLN 20 for every 10 pages started of the document issued – application for a certificate concerning a decision on divorce, separation or marriage annulment.

As a general rule, a maintenance creditor is exempt from judicial costs, with the debtor bearing the costs as per Regulation 4/2009, the Code of Civil Procedure of 17 November 1964, and the Act of 28 July 2005 on judicial costs in civil cases.

Regulation 2016/1103:

- PLN 300 – application for a declaration of enforceability of a decision given in another Member State;
- PLN 300 – declaration that a decision of a foreign court or a decision of other foreign authority is or is not to be recognised.

Regulation 2019/1111:

- PLN 300 – application for a declaration that a decision of a foreign court or a decision of other foreign authority is or is not to be recognised;
- PLN 300 – application for a declaration of enforceability of a decision of a foreign court or of a decision of other foreign authority, or of a settlement concluded before that court or authority, or approved by that court or authority;
- PLN 300 – application for refusal of enforcement under Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction;
- PLN 300 – application for refusal of recognition or for a declaration that there are no grounds for refusal of recognition under Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction;
- PLN 600 – application for divorce and application for legal separation;
- PLN 100 – application for modification of a divorce or legal separation judgment in so far as it concerns parental responsibility;
- PLN 100 – application for the award, modification or revocation of a claim preservation order.

In cases for divorce, legal separation or annulment of a marriage, if maintenance is awarded to a spouse in a decision closing the proceedings at the instance concerned, a proportional fee is collected from the spouse liable for the awarded claim, and if an order for the eviction of one of the spouses or for the distribution of the spouses' joint property is issued, a fee equal to the amount chargeable on the action or application in such a case is also payable.

Regulation 650/2012:

- PLN 300 – application for a declaration that a decision of a foreign court or a decision of other foreign authority is or is not to be recognised;
- PLN 300 – application for a European Certificate of Succession;
- PLN 20 for every 10 pages started of the document issued – application for the certificates provided for by Regulation (EU) No 650/2012;
- PLN 300 – application for a declaration of enforceability of a decision of a foreign court.

Regulation 2015/848:

- the lodging of claims in insolvency proceedings by a foreign creditor is free of charge if effected within 30 days of the declaration of insolvency;
- a fee equivalent to 15% of the average monthly salary in the enterprise sector exclusive of performance bonuses paid out of profits in the third quarter of the previous year (in 2024 this is PLN 1 119.34) is charged on the lodging of a claim in insolvency proceedings by a foreign creditor after the lapse of the 30-

day period following the declaration of insolvency.

No fees are charged on communication between natural or legal persons or their representatives with the Central Authorities under Regulation (EC) No 4/2009 and Regulation (EU) 2019/1111 or competent authorities under Chapter IV of Directive 2003/8/EC.

Additional information on fees in civil and commercial matters:

- PLN 100 – application for service of a judgment or a reasoned decision on the substance of the case, if filed within one week of the date of publication or service of the decision;
- PLN 30 – application for service of a decision other than the above-mentioned decision, or of a reasoned order, if such application is filed within one week of the date of publication or service of that decision or order;
- PLN 20 for every 10 pages started of the document issued – application for the issue on the basis of the case file of: a certified copy, extract or excerpt, a copy of a decision with an attestation of its finality, a copy of a decision with an attestations of enforceability, a certificate;
- PLN 20 for every 20 pages started of the copy issued – an application for a copy of a document from the case file;
- PLN 20 for each computer storage device issued – an application for issue on the basis of an audio or a video and audio recording of a session.

5. Electronic payment methods

Court fees, whether in a cross-border or domestic case, are paid either on a non-cash basis to the bank account of the competent court or in cash at the court cash desk. Court fines, advance payments for experts' or witnesses' expenses may be paid in the same way. The relevant bank account numbers are posted on the websites of individual courts.

6. Notification on the early use of the decentralised IT-system

Poland will use the decentralised IT system on the date of application determined in accordance with Article 26(3), read in conjunction with Article 10(3), of Regulation 2023/2844.

7. Notification on the early use of videoconferencing in civil and commercial matters

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8. Notification on the early use of videoconferencing in criminal matters

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