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# Brussels I Regulation (recast)

Poland

Poland

## FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

### Article 65(3) - Information on how to determine, in accordance with national law, the effects of the judgments referred to in Article 65(2) of the Regulation

#### 1. How can third-party notice (TPN) be described in general?

In Poland, TPN is governed by Articles 84 and 85 of the Code of Civil Procedure. This concept is referred to in Polish as "przypozwanie". It consists in a party being able to call upon a future opponent to join the proceeding, as a decision which is unfavourable to the party could result in a claim (arising, for instance, from a guarantee agreement) being brought against the party by a third party. To this end, the party submits a pleading, which is served on the third party, which may then state that it is joining the case as an auxiliary intervening party.

#### 2. What are the main effects of judgments on persons who were given TPN?

TPN does not automatically result in making the person who is the subject of the request a party to the pending proceeding. Its entry into the proceeding takes the form of an auxiliary intervention (Articles 76-78 of the Code of Civil Procedure). With the agreement of the parties, the auxiliary intervening party may take the place of the party which it has joined. Otherwise, the judgment has direct effect (but, in the case of TPN, only if it is consistent with the nature of the contested relationship or the relevant legal provision).

#### 3. Is there a binding effect with regard to the legal assessment in the main proceeding?

If, despite being so requested, a third party does not join the proceeding, it forfeits the option of claiming misconduct of the first proceeding in any subsequent proceeding (Article 82 in conjunction with Article 85 of the Code of Civil Procedure).

#### 4. Is there a binding effect with regard to established facts which the third person could not challenge in the main proceeding e.g. because they were uncontested by the parties?

Giving a third party notice and requesting its participation is also in the third party's interest, because it can help achieve a positive outcome which might render any subsequent proceeding superfluous.

#### 5. Does TPN produce its effects irrespective of whether the third person did join in the main proceeding or not?

If, despite being so requested, a third party does not join the proceeding, it forfeits the option of claiming misconduct of the first proceeding in any subsequent proceeding (Article 82 in conjunction with Article 85 of the Code of Civil Procedure).

6. Does TPN affect the relation between the third party and the opponent of the notifying party?

If the person so requested joins the proceeding, it becomes an auxiliary intervening party and may, with the agreement of the parties, take the place of the party which it has joined.

#### Article 74 - Description of national rules and procedures concerning enforcement

Article 74 - Description of national rules and procedures concerning enforcement can be found in the Information Sheet [Procedury służące wykonaniu orzeczenia](#) (Procedures for enforcing a judgment).

#### Article 75 (a) – Names and contact details of the courts to which the applications are to be submitted pursuant to Articles 36(2), 45(4) and 47(1)

The regional court [sąd okręgowy] of the debtor's domicile or registered office or, in the absence of such a court, the regional court in whose region enforcement is pending or being carried out.

In the case of an application for refusal of recognition:

The regional court [sąd okręgowy] with jurisdiction for the case decided by the judgment or in whose region the district court [sąd rejonowy] with jurisdiction is located or, failing that, by Warsaw Regional Court.

#### Article 75 (b) – Names and contact details of the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2)

Court of appeal [sąd apelacyjny] via the regional court [sąd okręgowy].

#### Article 75 (c) – Names and contact details of the courts with which any further appeal is to be lodged pursuant to Article 50

Supreme Court [Sąd Najwyższy] via the court of appeal [sąd apelacyjny].

#### Article 75 (d) – Languages accepted for translations of the certificates concerning judgments, authentic instruments and court settlements

Not applicable

#### Article 76(1)(a) – Rules of jurisdiction referred to in Articles 5(2) and 6(2) of the Regulation

Article 1103<sup>7</sup>(4) of the Code of Civil Procedure and Article 1110 of the Code of Civil Procedure, insofar as they provide for jurisdiction for the Polish courts exclusively on the basis of one of the following circumstances concerning the applicant: Polish citizenship, domicile, habitual residence or registered office in Poland.

#### Article 76(1)(b) – Rules on third party notice referred to in Article 65 of the Regulation

Articles 84 and 85 of the Code of Civil Procedure concerning third-party notice.

#### Article 76(1)(c) – Conventions referred to in Article 69 of the Regulation

- the Convention between the People's Republic of Poland and the People's Republic of Hungary on Legal Assistance in Civil, Family and Criminal Matters, signed at Budapest on 6 March 1959,
- the Convention between the People's Republic of Poland and the Federal People's Republic of Yugoslavia on Legal Assistance in Civil and Criminal Matters, signed at Warsaw on 6 February 1960, currently in force between Poland and Slovenia and between Poland and Croatia,
- the Agreement between the People's Republic of Bulgaria and the People's Republic of Poland on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, signed at Warsaw on 4 December 1961,
- the Convention between the People's Republic of Poland and the Republic of Austria on Mutual Relations in Civil Matters and on Documents, signed at Vienna on 11 December 1963,
- the Convention between the People's Republic of Poland and the Hellenic Republic on Legal Assistance in

Civil and Criminal Matters, signed at Athens on 24 October 1979,

- the Treaty between the Czechoslovak Socialist Republic and the People's Republic of Poland on Legal Assistance and Regulation of Legal Relations in Civil, Family, Labour and Criminal Matters, signed at Warsaw on 21 December 1987, still in force in relations between Poland and the Czech Republic and between Poland and Slovakia,
- the Convention between the People's Republic of Poland and the Italian Republic on Legal Assistance and the Recognition and Enforcement of Judgments in Civil Matters, signed at Warsaw on 28 April 1989,
- the Agreement between the Republic of Poland and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters, signed at Warsaw on 26 January 1993,
- the Agreement between the Republic of Latvia and the Republic of Poland on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters, signed at Riga on 23 February 1994,
- the Convention between the Republic of Cyprus and the Republic of Poland on Legal Cooperation in Civil and Criminal Matters, signed at Nicosia on 14 November 1996,
- the Agreement between the Republic of Estonia and the Republic of Poland on Legal Assistance and Legal Relations in Civil, Labour and Criminal Matters, signed at Tallinn on 27 November 1998,
- the Treaty between Romania and the Republic of Poland on Legal Assistance and Legal Relations in Civil Matters, signed at Bucharest on 15 May 1999.

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