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# European payment order

Poland

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## 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 29(1)(a) - Courts with jurisdiction

The competent courts are district courts (*sądy rejonowe*) and regional courts (*sądy okręgowe*), whose territorial and subject-matter jurisdiction are defined in the Code of Civil Procedure (*Kodeks postępowania cywilnego*) of 17 November 1964 (Journal of Laws 2023, item 1550, as amended). Subject-matter jurisdiction is governed by Articles 16, 17 and 461(1)(1) in conjunction with Article 505(16)(1) of the Code of Civil Procedure, and territorial jurisdiction by Articles 27 to 46 and 461(1) in conjunction with Article 505(16)(1) of the Code.

Applications for refusal of enforcement within the meaning of Article 22 (Refusal of enforcement) of the Regulation are to be submitted, in accordance with Article 1153<sup>(23)</sup>(1) of the Code of Civil Procedure, to the regional court of the debtor's domicile or registered office or, in the absence of such a court, to the regional court in whose area of jurisdiction enforcement is pending or is being carried out. In accordance with Article 1153<sup>(23)</sup>(3), the respondent may present his position on the case within a time limit set by the court.

With reference to Article 23 (Stay or limitation of enforcement), on an application from the debtor the competent district court may, in accordance with Article 1153<sup>(20)</sup>(1) of the Code of Civil Procedure, stay enforcement proceedings being conducted on the basis of a European payment order. Also on an application from the debtor, this court may limit enforcement to protective measures or make enforcement conditional on the creditor lodging an appropriate security.

### Article 29(1)(b) - Review procedure

With reference to Article 20(1) of the Regulation, debtor protection takes the form of the reinstating of the time limit for submitting a statement of opposition to a European payment order. This area is governed by Part One, Title VI, Chapter 5 (Non-compliance with time limits and arrangements for reinstating them) (Articles 167-172) of the Code of Civil Procedure. Under these rules an application for the reinstating of the time limit must be lodged not later than one week after the reason for non-compliance with the time limit ceases to apply in the form of a letter to the court before which the proceedings were to take place. The letter must substantiate the circumstances justifying the application. At the same time as lodging the application for the reinstating of the time limit, the party should also take the procedural step of submitting an application for re-examination of the European payment order. If more than a year has passed since the time limit was not met, it may be reinstated only in special cases. As a rule, the fact of lodging an application for reinstatement does not cause proceedings or enforcement of a judgment to be suspended.

With regard to Article 20(2), where it is apparent that the order for payment was issued in error in view of the requirements of the Regulation or due to other exceptional circumstances, the rules laid down in Article 505(20)

of the Code of Civil Procedure shall apply. Applications must meet the requirements for written pleadings and indicate the grounds for annulling the European payment order. The competent court for examining such an application is the court which issued the order. Before annulling a European payment order the court must hear the applicant or require them to make a statement in writing.

#### Article 29(1)(c) - Means of communication

Applications for a European payment order and other pleadings in such proceedings may only be submitted in writing. Documents may be lodged with the competent court either in person or by post.

#### Article 29(1)(d) - Accepted languages

In accordance with Article 21(2)(b), the language accepted is Polish.

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