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European enforcement 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.

1. Procedures for rectification and withdrawal (Art. 10(2))

Rectification procedure: rectification in line with Article 350 of the Code of Civil Procedure in conjunction with Article 361 of the Code of Civil Procedure.

Article 350 § 1. The court may rectify of its own motion any inaccuracies, clerical or calculation errors or other obvious errors in the judgment.

§ 2. A note about the rectification shall be made on the original judgment and, at the request of the parties, also on the extracts provided to the parties. All subsequent copies and extracts shall take into account the rectification decision.

§ 3. If the case is pending before a court of second instance, this court may also rectify a first-instance judgment of its own motion.

Withdrawal procedure in line with Article 795(4) of the Code of Civil Procedure.

Article 795(4) § 1. Should it transpire that there are grounds for withdrawing a European Enforcement Order certificate under Regulation (EC) No 805/2004, the court which issued the certificate shall withdraw it upon application by the debtor.

§ 2. The application must be submitted within a month of the debtor's receipt of the decision to issue the certificate.

§ 3. If the application is not drafted using the form specified in Regulation (EC) No 805/2004, it should meet the requirements of a written pleading and state the grounds for the application.

§ 4. Before withdrawing the decision, the court shall hear the creditor.

§ 5. Decisions on withdrawing a European Enforcement Order certificate are subject to appeal.

Applications to withdraw a European Enforcement Order certificate are subject to a fee of PLN 50.

Article 361. The provisions on judgments shall apply mutatis mutandis to decisions, unless otherwise provided by the Code of Civil Procedure.

Article 13 § 2. The provisions on contentious proceedings shall apply mutatis mutandis to other types of proceedings regulated by the Code of Civil Procedure, unless specifically provided otherwise.

European Enforcement Order certificates are issued in the form of a judicial decision, in accordance with the procedure laid down in Article 795(1) of the Code of Civil Procedure.

2. Procedures for review (Art.19 (1))

Review procedure: extension of the time limit for lodging an appeal in line with Articles 168-172 of the Code of Civil Procedure.

Article 168 § 1. If the party has missed the time limit for performing a procedural act through no fault of their own, the court will reinstate the time limit upon their request. This decision may be issued in closed session.

§ 2. Reinstatement is not admissible, however, if the failure to meet the time limit has no adverse procedural consequences for the party.

Article 169 § 1. A pleading containing an application to reinstate the time limit is to be lodged with the court before which the act was to be carried out no more than one week after the reason for failing to meet the time limit ceases to apply.

Article 169 § 2. The circumstances justifying the application should be substantiated in the pleading.

Article 169 § 3. The party should perform the procedural act at the same time as it lodges the application.

Article 169 § 4. After one year from the missed time limit, it may be reinstated only in exceptional cases.

Article 172. The fact of lodging an application to reinstate a time limit does not cause the proceedings or the enforcement of a judgment to be suspended. The court may, however, depending on the circumstances, stay the proceedings or suspend the enforcement of the judgment. If the application is successful, the court may immediately proceed to hear the case.'

3. Accepted languages (Article 20(2)(c))

Languages accepted under Article 20(2)(c) of the Regulation: Polish.

4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

Authorities referred to in Article 25 of the Regulation: district courts ('sądy rejonowe'); the competent court is the district court in whose jurisdiction the authentic instrument was drawn up.

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