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Serving documents (recast)

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 3(1) - Transmitting agencies

The court conducting the proceedings (a district court (*sąd rejonowy*), regional court (*sąd okręgowy*) or court of appeal (*sąd apelacyjny*), or the Supreme Court (*Sąd Najwyższy*)).

Article 3(2) - Receiving agencies

The district court in whose jurisdiction the document is to be served.

Article 3(4)(c) - Means of receipt of documents

Documents may be sent by post.

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in Annex I

In addition to Polish, the forms may be completed in English or German.

Article 4 - Central body

Ministry of Justice, Department of International Cooperation and Human Rights

Al. Ujazdowskie 11, 00-950 Warsaw, tel.: +48 22 23 90 870

email: sekretariat.dwmpc@ms.gov.pl

Article 7 - Assistance in address enquiries

Detailed information to assist in determining an address pursuant to Article 7(2)(a), as read in conjunction with subparagraph (1)(c)

Home address in the case of natural persons:

an entity with a legal interest in verifying the address of a person to be served with a document may apply to any mayor of a municipality, town or city for information on the person's address. This information can be obtained by submitting an application. The application may be submitted to only one municipal authority and is

subject to a fee of PLN 31 (payable to the account of the municipal authority to which the application is submitted); proof of payment must be attached to the application. The applicant must also demonstrate the legal interest on the basis of which data from the register are to be made available. This interest can be demonstrated by means of a document establishing a legal obligation to act in a particular way (e.g. lawsuit, bailiff's letter, contract).

Addresses of businesses (general, limited-liability or investment-limited partnerships, limited-liability or joint-stock companies, cooperatives, state-owned enterprises, R&D entities, foreign enterprises and their branches, and mutuals):

these are available online in the register kept by the National Court Register (*Krajowy Rejestr Sądowy*). The register is kept in accordance with the principles of formal openness (i.e. everyone has the right to access the data in the register).

Information available online can be found via the following links:

- <http://bip.ms.gov.pl/rejestry-i-ewidencje/okrajowy-rejestr-sadowy/elektroniczny-dostepdo-krajowego-rejestru-sadowego/>
- search: <https://ems.ms.gov.pl/krs/wyszukiwaniepodmiotu>

Data on natural persons engaged in economic activity are collected in the Central Business Register (*Centralna Ewidencja i Informacja o Działalności Gospodarczej*), access to which is open to everyone.

- A search can be carried out via the following link: <https://prod.ceidg.gov.pl/ceidg.cms.engine/>.

Information referred to in Article 7(2)(c)

The authority which receives the application (the receiving agency in Poland) is not obliged and generally does not request the registers in question to determine an address if the one indicated by the receiving agency proves to be incorrect. In practice, if the authority considers it appropriate, it may assess whether there is an obvious error in the address or, if the transmitting agency indicates that the address has been taken from a publicly accessible register, check whether the address is up to date in accordance with the data in that register.

Article 8 – Transmission of documents

In addition to Polish, the form may be completed in English or German.

Article 12 – Refusal to accept a document

not applicable

Article 13 – Date of service

not applicable

Article 14 – Certificate of service and copy of the document served

The form may be completed in Polish, English or German.

Article 15 – Costs of service

Service through a bailiff is subject to a fixed fee of PLN 60.

The claimant is required to serve documents through a bailiff if the statement of claim or another document requiring a defendant who is a natural person to defend their rights is returned by post to the receiving agency after it has not been collected, unless the defendant has already collected a document sent to that address and pertaining to the same case before, there is no doubt that the address is correct or the claimant proves in writing that the defendant resides at that address (Article 139¹ of the Code of Civil Procedure).

However, if, in the situation described above, the claimant lives or has its registered office outside Poland and is not represented by a lawyer, legal adviser or patent agent practising in Poland, the receiving agency will

automatically order service of the document through a bailiff (Article 139² of the Code of Civil Procedure). In such cases, or if the application expressly requires service of the document through a bailiff, the receiving agency will request payment of the fee by sending 'form E' to the transmitting agency, indicating the bank account number for the payment of the fee.

Article 17 – Service by diplomatic agents or consular officers

Poland opposes service by diplomatic or consular agents within its territory, unless documents are to be served on nationals of the Member State transferring the document.

Article 19 – Electronic service

not applicable

Article 20 – Direct service

Poland opposes the method of service referred to in this Article within its territory.

Article 22 – Defendant not entering an appearance

An application for relief from the effects of the expiry of a deadline lodged one year after it expired is admissible only in exceptional cases.

Article 29 – Relationship with agreements or arrangements between Member States

not applicable

Article 33(2) – Notification on the early use of the decentralised IT-system

not applicable

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