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## National justice systems

Poland

This section provides you with an overview of the court system in Poland.

### Organisation of justice - judicial systems

Pursuant to Article 175 of the Polish Constitution, justice in Poland is administered by the Supreme Court, ordinary courts, administrative courts and military courts. An extraordinary court may be established in wartime.

Ordinary courts comprise district courts, regional courts and administrative courts.

Administrative courts comprise the Supreme Administrative Court and provincial administrative courts.

Military courts comprise military garrison courts and regional military courts.

The Supreme Court is a separate court, whose tasks include supervision of the adjudicatory activity of ordinary and military courts.

The Polish legal system also includes two tribunals - the Constitutional Tribunal and the Tribunal of State.

### Court administration

#### Types of courts

The system of ordinary courts in Poland includes district courts, regional courts and appeal courts. **Ordinary courts** administer justice in all cases, except cases statutorily reserved for other courts, i.e. administrative courts, military courts, the Supreme Court and (in wartime only) extraordinary courts.

The jurisdiction of ordinary courts includes criminal law, civil law, family and guardianship law, commercial law, and labour and social insurance law, except cases in which other (specialised) courts are competent (e.g. military courts). Furthermore, district courts maintain the land and mortgage register, as well as the pledge register and the National Court Register.

**The Supreme Court** is a separate judicial body, whose tasks include administering the dispensation of justice by ensuring the lawfulness and uniformity of the case-law of ordinary and military courts by examining appeals and adopting resolutions settling legal issues.

**Military courts** comprise regional military courts and military garrison courts. Military courts administer the dispensation of justice in the Polish Armed Forces in criminal cases to the extent provided for by statutes and also adjudicate in other matters included in their jurisdiction pursuant to separate legislation. In the cases provided for in statutes military courts administer justice in criminal matters in respect of persons who do not belong to the Polish Armed Forces.

**Administrative courts** comprise the Supreme Administrative Court and provincial administrative courts.

Administrative courts dispense justice by reviewing the activities of public administration bodies, which also includes adjudication on the compatibility of resolutions of local government bodies and of normative acts of regional branches of central government administrative bodies with the statutes, as well as resolving disputes over powers and jurisdiction between bodies of local government units, local government appeals boards and between these bodies and government administration bodies.

In the Polish legal system **the Constitutional Tribunal** is not regarded as an ordinary court. The Constitutional Tribunal rules on the following:

the constitutionality of national legislation and international agreements;

the compliance of national legislation with ratified international agreements whose ratification is required prior to approval by the parliament;

the compliance with the Constitution of legal regulations issued by central state authorities, ratified international agreements and legislative Acts;

the constitutionality of the objectives or activities of political parties;

constitutional complaints.

**The Tribunal of State** adjudicates cases in which people that occupy (or have occupied) the highest state positions are charged with violating the Constitution or other legislative Acts.

**Administrative supervision** (consisting in ensuring adequate technical and organisational - as well as property-related - conditions for the functioning of courts and for the performance by courts of tasks connected with the dispensation of justice) of the administrative activities of ordinary courts is exercised by the Minister for Justice, acting through the directors of courts.

Internal administrative supervision of the activity of ordinary courts in respect of the correct internal operating of the court directly linked to the court's exercise of tasks relating to administration of justice is exercised by presidents of courts, while external administrative supervision in the same area is exercised by the Minister for Justice, acting through a supervisory service consisting of judges and (in respect of the management of land and mortgage registers, the pledge register and the National Court Register) of officers of justice delegated to the Ministry of Justice.

The exercise of the Minister for Justice of administrative supervision over ordinary courts is governed by the principle that administrative supervision activities must not encroach on the area in which judges and trainee judges are independent.

In matters relating to adjudication, ordinary courts and military courts are supervised by the Supreme Court.

Ultimate supervision of military courts in matters relating to organisation and administrative activity is exercised by the Minister for Justice. Supervision concerning active military service of personnel serving in military courts is exercised by the Minister for National Defence.

The Supreme Administrative Court exercises supervision of the adjudicatory activity of provincial administrative courts.

Ultimate supervision of the administrative activity of administrative courts is exercised by the President of the Supreme Administrative Court.

### Hierarchy of courts

Ordinary courts are structured as follows:

**district courts** – in principle acting as first-instance courts;

**regional courts** – acting as appeal courts or as first-instance courts in specific cases;

**appeal courts** – acting as the appeal instance.

In the case of **military courts**, garrison military courts in principle adjudicate in the first instance, while regional military courts act as the appeal instance or the first instance in specific cases.

**The Supreme Court** exercises supervision of the adjudicatory activity of ordinary and military courts.

**Cases in the jurisdiction of administrative courts** are examined by provincial administrative courts in the first instance. The Supreme Administrative Court exercises supervision of the adjudicatory activity of provincial administrative courts in accordance with statutes. In particular, the Supreme Administrative

Court examines appeals submitted in respect of the rulings handed down by the provincial administrative courts, adopts resolutions clarifying legal issues and examines other cases that are included in the jurisdiction of the Supreme Administrative Court pursuant to other statutes.

#### **Legal databases**

Information about all ordinary courts, their websites and contact details (addresses, phone numbers, e-mails etc.) is available on the website of the Polish Ministry of Justice.

<https://www.gov.pl/web/sprawiedliwosc/znajdz-wybrany-sad-powszechny>

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