

## Introduction

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## Introduction

Fees in civil proceedings are governed by the Court Costs (Civil Cases) Act of 28 July 2005 (consolidated text: Journal of Laws 2014, item 1025). As a rule, a fee is payable for any statement of claim lodged, including claims lodged as part of proceedings governed by Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 *establishing a European Small Claims Procedure* (hereinafter: "SCP").

The Court Costs (Civil Cases) Act (Title IV – Exemption from court costs) allows an application to be filed for exemption from such costs.

### What fees are applicable?

A fixed fee applies to the SCP.

### How much shall I pay?

A fixed fee of PLN 100 is charged for statements of claim filed as part of the European Small Claims Procedure (Article 27b of the *Court Costs (Civil Cases) Act*). The same fee is charged for appeals (Article 18 in conjunction with Article 27b of the Act).

### What happens if I do not pay the court fees on time?

Pursuant to Article 1262 § 1 of the Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws No. 43, item 269, as amended), courts will not act on a procedural document unless the fee due has been paid. In other words, the fee must be paid when a procedural document (statement of claim) is filed with the court of appropriate jurisdiction or an application for exemption from court costs must be filed.

The procedural consequences of failing to pay fees for a procedural document are specified in [Articles 130](#) and [1302](#) of the Code of Civil Procedure, amongst others.

Pursuant to Article 130 of the Code of Civil Procedure, if a procedural document (including a statement of claim) cannot be processed as a result of non-payment of the fee, the presiding judge calls on the party to make that payment within one week, failing which the procedural document is returned. If the procedural document has been lodged by a person living abroad who has no appointed representative in Poland, the presiding judge will specify a time limit for paying the fee, which may not be shorter than one month. If the fee is not paid within the specified time limit, the procedural document is returned to the party. If the fee is paid within the specified time limit, the procedural document produces legal effects from the date on which it was lodged.

Under Article 1302 of the Code of Civil Procedure, Under Article 1302 of the Code of Civil Procedure, a procedural document lodged by a lawyer or patent attorney without paying the fee is returned without a call for payment if the fee is fixed or proportional to the amount of the dispute specified by the party. However, if the fee for the procedural document is paid within one week of service of the decision to return the document, the document produces legal effects from the date on which it was lodged.

### How can I pay the court fees?

The arrangements for paying court fees in civil cases are governed by the [Ordinance](#) of the Minister of Justice of 31 January 2006 *setting out the arrangements for paying court fees in civil cases* (Journal of Laws No 27, item 199), which implements the aforementioned *Court Costs (Civil Cases) Act*. Court fees in civil cases can be paid in non-cash form into the current account of the court with jurisdiction (account details can be obtained directly from the court or its website or from the website of the Ministry of Justice), directly at the court cashier's office or in the form of court fee stamps which can be purchased at the court cashier's office.

### What shall I do after the payment?

Once the fee has been paid and any missing documents have been submitted, the court will examine the case behind closed doors. The court may only schedule a hearing in the cases set out in Regulation 861/2007.

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