



Poland

## European payment order - Poland

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### **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 2014, item 101, as amended). Subject-matter jurisdiction is governed by Articles 16, 17 and 461(1)<sup>1</sup> in conjunction with Article 505<sup>16</sup>(1) of the Code of Civil Procedure, and territorial jurisdiction by Articles 27 to 46 and 461(1) in conjunction with Article 505<sup>16</sup>(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 region 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 rescheduling 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 rescheduling) (Articles 167-172) of the Code of Civil Procedure. Under these rules an application for rescheduling 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 rescheduling 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 rescheduled only in special cases. As a rule, the fact of lodging an application for rescheduling does not cause proceedings or enforcement of a judgment to be suspended.

As regards Article 20(2) of the Regulation, the rules laid down in Article 505<sup>20</sup> of the Code of Civil Procedure apply. Applications must meet the requirements of 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 him 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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