Court fees concerning Small Claims procedure

Pologne

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* ('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 126(1) of the Code of Civil Procedure of 17 November 1964 (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 for example in Article 130 and Article 130(2) of the Code of Civil Procedure.

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 representative in Poland, the presiding judge specifies a time limit for paying the fee, which cannot 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 130(2) 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 initially lodged.

How can I pay the court fees?

The arrangements for paying court fees in civil cases are governed by the regulation Regulation of the Minister for Justice of 21 March 2016 setting out the arrangements for paying court fees in civil cases (Journal of Laws 2023.923, consolidated text), 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 in a closed session. The court can schedule a hearing only in cases set out in Regulation 861/2007.

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