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Small claims

Poland

Article 25 1 (a) Competent courts

District courts (*sądy rejonowe*) or regional courts (*sądy okręgowe*).

(In principle, the district court has jurisdiction (at first instance). However, the regional court has jurisdiction (at first instance) for matters which, due to their nature, are within the subject-matter competence of regional courts irrespective of the value of the claim. These include, for example, property claims for copyright protection.)

Article 25 1 (b) Means of communication

Written pleadings in paper form.

Article 25 1 (c) Authorities or organisations providing practical assistance

Customer Service Offices (*Biura Obsługi Interesantów*) at the district and regional courts.

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

Electronic service [of court documents] is mandatory if the parties have opted to lodge pleadings in this way. Documents are not served electronically to e-mail addresses maintained by commercial services, but to mailboxes created specifically for the purposes of court proceedings. Article 1311 of the Code of Civil Procedure lays down the procedure for electronic service through an ICT system. The court serves documents through the ICT system if the addressee has submitted their document through the system or has opted to submit documents in this way. An addressee who has opted to submit documents through an ICT system may opt out of electronic service (Article 1311 (21)).

The legislature did not specify the manner in which the addressee should communicate their choice, so it can be done either in writing or orally, and it must be recorded in the minutes of the hearing.

In addition, as of 30 December 2023, it will be possible to serve court documents electronically to an e-mail address (Article 1312 of the Code of Civil Procedure). Where a civil court meets the relevant organisational and technical requirements, documents are served to the address for electronic service entered in the e-mail address database or to the 'qualified' e-mail address which was used to submit the document. This is permitted if the address for the electronic service of court documents provided by the party to the proceedings has not been entered in the e-mail address database.

On the other hand, court documents may be served on a natural person through the public electronic registered delivery service only if the addressee has either submitted the document from an e-mail address entered in the e-mail address database or from an e-mail address for electronic service linked to a qualified electronic registered delivery service, or has indicated that e-mail address as the address for service. This does not apply to the service of court documents on natural persons who are entrepreneurs entered in the Central Register and Information on Business Activity (*Centralna Ewidencja i Informacja o Działalności Gospodarczej, CEIDG*).

Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Article 132(1)3 of the Code of Civil Procedure provides for the electronic form of direct service between professional representatives. Professional legal representatives serve pleadings and attachments directly on each other only by electronic means, if they file unanimous statements to this effect with the court and notify the court of the contact details to be used for this purpose. In order to avoid any manipulation having an impact on the effectiveness of service and the speed of proceedings, a rule is introduced that such statements are irrevocable and any stipulations of a condition or a time-limit deemed non-existent. In justified cases, the court may order that such means of service be waived (in particular at the request of the parties). The above rule does not apply to documents submitted via the ICT system which are to be served on an advocate, attorney-at-law, patent agent and the General Counsel to the Republic of Poland where they opted to submit documents via the ICT system and have not revoked their decision.

Article 25 1 (f) Court fees and the methods of payment

– A set fee of PLN 100 is charged for applications in cases being heard under the European Small Claims Procedure. An identical fee is also charged for appeals.

– 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.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

Where the circumstances set out in Article 7(2) of the Regulation arise, the competent court delivers its judgment which may be appealed against by the party concerned at the court of second instance (i.e. judgments of the district court are appealed at the regional court and judgments of the regional court are appealed at the court of appeal). An appeal is lodged with the court that issued the judgment under appeal within 2 weeks of service of the judgment and the grounds on the applicant, and if the time limit for drawing up the grounds of the judgment has been extended, within 3 weeks of service of the judgment and the grounds on the applicant (Article 316(1), Article 367(1) and (2), in conjunction with Article 369, Article 50526 of the Code of Civil Procedure).

Where the circumstances set out in Article 7(3) of the Regulation arise, the court delivers a judgment by default. The defendant may file an objection against the judgment by default with the court which delivered the default judgment. In the event of an unfavourable outcome, the applicant has the right to appeal under general rules. (Articles 339(1), 342 and 344(1) of the Code of Civil Procedure)

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

Proceedings concerning an application to set aside a judgment are governed by Article 50527a of the Code of Civil Procedure. The court which delivered the judgment is competent to examine the application.

Article 25 1 (i) Accepted languages

Polish

Article 25 1 (j) Authorities competent for enforcement

Court bailiffs (*komornicy*) are the competent authorities for the enforcement of judgments handed down under the European Small Claims Procedure.

Complaints against the actions taken by the court bailiffs may be brought before the competent district court. Legal basis: Article 767(1) of the Code of Civil Procedure.

The competent authority to which applications for refusal of enforcement are submitted is the regional court of the debtor's domicile or registered office or, in the absence of such a court, the regional court in whose area of jurisdiction enforcement is pending or being carried out.

The competent district court is the authority responsible for implementing the measures under Article 23 of the Regulation. Legal basis: Article 115320(1) and (2) of the Code of Civil Procedure (in the case of enforcement carried out in Poland on the basis of a judgment handed down under the European Small Claims Procedure in another EU Member State) or Article 8202 of the Code of Civil Procedure (in the case of enforcement carried out in Poland on the basis of an enforceable title in the form of a judgment containing an enforceability clause handed down by a Polish court under the European Small Claims Procedure).

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