

Appendix to Announcement of the Speaker of the Sejm
of the Republic of Poland of 8 February 2013 (item 499)

ACT
of 23 November 2002
on the Supreme Court

Chapter 1
General Provisions

Art. 1. The Supreme Court shall be a judicial body appointed to perform the following tasks:

- 1) administer justice by means of:
 - a) ensuring, as part of its supervisory duties, compliance with the law and uniformity of judicial decisions of common and military courts by hearing final appeals (cassation) and other appeals,
 - b) adopting resolutions to adjudicate questions of law,
 - c) determining other cases specified in laws;
- 2) hear electoral petitions and ascertain the validity of the elections to the Sejm and Senate, the election of the President of the Republic of Poland as well as the validity of the national and constitutional referendum;
- 2a)¹⁾ hear electoral petitions concerning elections to the European Parliament;
- 3) give opinions on draft laws and other normative acts of law which form the basis for rendering decisions by the courts and their operations as well as other laws to the extent that it deems advisable;
- 4) perform other acts provided for by laws.

Art. 2. The Supreme Court shall have its seat in Warsaw.

Art. 3. § 1. The Supreme Court shall be divided into the following Chambers:

- 1) Civil Chamber;
- 2) Criminal Chamber;
- 3) Labour Law, Social Security and Public Affairs Chamber;
- 4) Military Chamber.

§ 2. The internal organisation of the Supreme Court, the allocation of particular cases to appropriate Chambers and the rules of internal procedure shall be set out by the Rules of the Supreme Court, which shall be adopted by the General Assembly of Justices of the Supreme Court.

§ 3. The Rules of the Supreme Court shall be published in *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski"* (Official Gazette of the Republic of Poland).

Art. 4. § 1. Every year, the First President of the Supreme Court shall provide the President of the Republic of Poland and the National Council of the Judiciary with information about the Supreme Court activities and about any material issues arising from them.

§ 2. The First President of the Supreme Court shall submit the information referred to in § 1 also to the Sejm and the Senate. The information shall not be put to the vote.

¹⁾ Added by Article 184 of the Act of 23 January 2004 - Elections to the European Parliament (Journal of Laws No. 25, item 219), which entered into force on 1 March 2004.

Art. 5. The First President of the Supreme Court shall present its remarks to competent bodies regarding any irregularities or lacunas revealed in the law which must be remedied in order to secure the coherence of the Polish legal system.

Art. 6. § 1. The minister in charge of public finance shall incorporate a draft of the Supreme Court's income and expenditure, in the wording adopted by the Board of the Supreme Court (Kolegium), in the draft state budget.

§ 2. As regards the implementation of the Supreme Court's budget, the First President of the Supreme Court shall have the powers of the minister in charge of public finance.

Art. 7. § 1. The Supreme Court shall publish a collection of its decisions.

§ 2. The title of the collection, "The Supreme Court Decisions", with the indicated Chamber, shall be protected by the law.

Art. 8. § 1. Any matters not regulated by the Act shall be governed accordingly by the Act of 27 July 2001 – Law on the Organisation of Common Courts (Journal of Laws of 2013 item 427).

§ 2. Any matters regarding the non-judicial employees of the Supreme Court, if not regulated by the Act, shall be governed accordingly by the Act of 16 September 1982 on the Employees of State Offices (Journal of Laws of 2013 item 269), and in any matters not regulated by that act - by the provisions of the Labour Code Act.

Chapter 2

The Supreme Court Bodies

Art. 9. The following shall be the Supreme Court bodies: the First President of the Supreme Court, a President of the Supreme Court, the General Assembly of the Justices of the Supreme Court, an assembly of the Justices of a Supreme Court Chamber, and the Board of the Supreme Court.

Art. 10. The First President of the Supreme Court shall be appointed by the President of the Republic of Poland from among active Justices of the Supreme Court for a six-year term of office.

Art. 11. § 1. The First President of the Supreme Court shall be the Supreme Court manager and representative; he/she shall perform the duties specified by the Act, the Rules and other normative acts.

§ 2. Acting upon a motion lodged by a President of the Supreme Court, the First President of the Supreme Court shall appoint or dismiss the heads of departments of the Chambers.

§ 3. The First President of the Supreme Court shall submit the draft information referred to in Art. 4. § 1 to the General Assembly of the Justices of the Supreme Court.

§ 4. In the absence of the First President of the Supreme Court, he or she shall be substituted by a President of the Supreme Court designated by the First President of the Supreme Court and, should such designation be impossible, he or she shall be substituted by the President of the Supreme Court with the longest period of service as a judge.

Art. 12. In proceedings before the Constitutional Tribunal the Supreme Court may be represented by the First President of the Supreme Court or by a person designated by him/her.

Art. 13. § 1. A President of the Supreme Court shall act as a deputy of the First President of the Supreme Court. A President of the Supreme Court shall be the manager of a particular Chamber.

§ 2. A President of the Supreme Court shall be appointed from among active Justices of the Supreme Court, or dismissed, by the President of the Republic of Poland, who shall act upon a motion lodged by the First President of the Supreme Court.

Art. 14. All active Justices of the Supreme Court shall constitute a self-government. Judges delegated to the Supreme Court to serve as Justices shall not be members of the self-government.

Art. 15. The following shall be the self-government bodies: the General Assembly of the Justices of the Supreme Court, an assembly of the Justices of a Supreme Court Chamber, and the

Board of the Supreme Court.

Art. 16. § 1. The powers of the General Assembly of the Justices of the Supreme Court shall be as follows:

- 1) to adopt the rules of procedure for the selection of candidates for Justices of the Supreme Court, candidates for the First President of the Supreme Court and the members of the National Council of the Judiciary;
- 2) to select candidates for Justices of the Supreme Court;
- 3) to select two candidates for the First President of the Supreme Court and put them forward to the President of the Republic of Poland;
- 4) to select two members of the National Council of the Judiciary;
- 5) to examine and approve the draft information of the First President of the Supreme Court concerning the Supreme Court activities and any material problems that might have arisen from current court decisions;
- 6) to adopt resolutions on other essential Supreme Court issues;
- 7) to examine other questions upon the initiative of the First President of the Supreme Court, Presidents of the Supreme Court, the Board of the Supreme Court or upon the initiative of at least ten Justices of the Supreme Court.

§ 2. The First President of the Supreme Court shall be the chairman of the General Assembly of the Justices of the Supreme Court.

§ 3. The General Assembly of the Justices of the Supreme Court shall adopt resolutions in the presence of at least 2/3 of the Justices of each Chamber. The resolutions shall pass if adopted by a simple majority of votes. The voting shall be secret if concerning the matters referred to in § 1 points 2 to 4 and if requested by at least one of the participant members of the General Assembly.

Art. 17. The First President of the Supreme Court shall invite the President of the Republic of Poland and the representatives of other public authorities to participate in the General Assembly of the Justices of the Supreme Court which has been convened in order to be presented with information about the Supreme Court activities and about any problems that might have arisen from its decisions.

Art. 18. § 1. The powers of an assembly of the Justices of a Supreme Court Chamber shall be as follows:

- 1) to discuss and approve draft annual information on the activities of the Chamber and on any material problems arising from the Chamber's decisions;
- 2) to give opinion on the candidates for a Justice;
- 3) to give opinion on the candidate for a President of the Supreme Court put forward by the First President of the Supreme Court;
- 4) to give opinion on the candidates for the heads of the departments, who are put forward by a President of the Supreme Court;
- 5) to select two members and a deputy member of the Board of the Supreme Court;
- 6) to examine other issues concerning the functioning of the Chamber.

§ 2. The President of the Supreme Court being the manager of a particular Chamber shall be the chairman of the assembly of the Justices of the Supreme Court Chamber.

§ 3. The provision of Article 16 § 3 shall apply accordingly provided that the vote is secret if concerning the matters referred to in § 1 points 2 to 5.

Art. 19. § 1. The Board of the Supreme Court shall be composed of: the First President of the Supreme Court, Presidents of the Supreme Court and the Justices selected by the assemblies of the Justices of the Supreme Court Chamber for the term of three years.

§ 2. The First President of the Supreme Court shall be the chairman of the Board of the Supreme

Court.

§ 3. Resolutions adopted by the Board of the Supreme Court shall pass if adopted by a simple majority of votes in the presence of at least 2/3 members of the Board. In the event that the numbers of the votes for and the votes against are equal, the casting vote shall be that of the chairman.

Art. 20. § 1. The Board of the Supreme Court shall elaborate its position on the issues related to the Supreme Court activities and shall co-operate with the First President of the Supreme Court to secure the proper functioning of the Supreme Court.

§ 2. The powers of the Board of the Supreme Court shall in particular be as follows:

- 1) to decide about the allocation of tasks in the Supreme Court;
- 2) to make decisions concerning the internal organisational structure of the Supreme Court;
- 3) to give opinion on the draft rules referred to in Art. 3 § 2 and Art. 16 § 1 point 1, and on the orders by the First President of the Supreme Court concerning the organisation and the scope of activity of the court secretariats and other Supreme Court administrative units;
- 4) to give opinion on the candidates for the Presidents of the Supreme Court;
- 5) to give opinion on the candidates for managerial posts in the administrative units referred to in point 3;
- 6) to adopt the rules of the drawing of lots referred to in Art. 53 § 3;
- 7) to adopt the organisational rules of the Chancellery of the First President of the Supreme Court and of the Supreme Court Research and Analyses Office.

Chapter 3

Establishment of the Function Based Relationship of a Justice, Its Change and Termination

Art. 21. A Justice shall be appointed to perform his or her function by the President of the Republic of Poland upon the motion of the National Council of the Judiciary.

Art. 22. § 1. The function of a Justice may be performed by a person who:

- 1) is a Polish citizen and enjoys full civil and full public rights;
- 2) is a person of integrity;
- 3) is a Polish university graduate with a background in law and has obtained a master's degree, or is a graduate of a foreign university with a background in law that has been recognised in Poland;
- 4) is distinguished by a high level of juridical knowledge;
- 5) is fit, as regards health condition, to perform the Justice's duties,
- 6)²⁾ has served, for at least ten years, as a judge, public prosecutor, president, vice-president, senior adviser or adviser to the General Public Prosecutor's Office of the State Treasury, or has worked for such period in Poland as an advocate, legal adviser or notary public.

§ 2. The requirements referred to in § 1 point 6 shall not apply to persons who were employed by Polish higher education institutions, the Polish Academy of Sciences, scientific research institutes or any other research establishments as professors or doctors habilitated of law.

Art. 23. The number of the Justices of the Supreme Court, including the number of the Presidents of the Supreme Court, shall be determined, by way of regulation, by the President of the Republic of Poland acting upon a motion of the General Assembly of the Justices of the Supreme

²⁾ In the wording determined by Article 6 of the Act of 18 August 2011 amending the Law on the Organisation of Common Courts and certain other laws (Journal of Laws No. 203, item 1192), which entered into force on 28 March 2012.

Court.

Art. 24. § 1. The First President of the Supreme Court shall announce, in *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski"* (Official Gazette of the Republic of Poland), the number of the posts to be occupied by Justices of the Supreme Court. The number of such posts shall be determined by the Board of the Supreme Court.

§ 2. Each person satisfying the requirements of the post of a Justice shall be entitled to propose their candidature within a month following the announcement referred to in § 1.

§ 3. The candidature shall be presented to the First President of the Supreme Court in the form of an application for the vacant post of a Justice; save where the candidate is a judge or a public prosecutor, such application shall be accompanied by information about the candidate issued by the National Criminal Record, and by a certificate confirming the candidate's ability to perform the tasks of a Justice, as far as the candidate's health is concerned.

§ 4. After ascertaining that the candidate satisfies prescribed requirements, the First President of the Supreme Court shall present the candidature, together with the evaluation of the candidate's qualifications, to the relevant Supreme Court Chamber.

§ 5. The First President of the Supreme Court shall fix the date of the General Assembly of the Justices of the Supreme Court at which the candidate shall be presented. If more than one candidate is put forward for one vacant post of a Justice, all candidatures shall be considered at the same meeting of the Assembly.

§ 6. The First President of the Supreme Court shall submit the results of the vote taken by the General Assembly of the Justices of the Supreme Court in order to select, no more than two, candidates for the vacant post of a Justice, to the National Council of the Judiciary.

Art. 25. Relatives, up to the second degree of kinship, or to the first degree of affinity, and spouses, shall not hold judicial posts in the same Supreme Court Chamber, neither shall they be members of the same bench or be directly subordinated to each other.

Art. 26. § 1. The function based relationship of a Justice shall be effective upon the delivery of the official notification of his/her appointment.

§ 2. A Justice should report for duty within fourteen days following the date of delivery the official notification of his/her appointment.

§ 3. In the event of an unjustified failure to assume the post within the time limit referred to in § 2, the appointment shall become invalid; such fact shall be ascertained by the First President of the Supreme Court.

Art. 27. § 1.³⁾ Upon his or her appointment, a Justice shall take a solemn oath before the President of the Republic of Poland, according to the following formula:

"I do solemnly vow, as a Justice of the Supreme Court, that I will faithfully serve the Republic of Poland, guard the law, conscientiously fulfil my judicial duties, administer justice without any bias, according to my conscience and to the rules of law, keep the secret protected by law, and act according to the principles of dignity and honesty"; the person taking this oath may finish it by adding the words "So help me God".

§ 2. A refusal to take the above oath shall be understood as the renouncement of the post of a Justice.

Art. 28. § 1. An appointed Justice shall take over the post at the Supreme Court Chamber that shall be specified by the General Assembly of the Supreme Court Justices.

§ 2. The number of the Justices of the Military Chamber, who at the posts referred to in Art. 22 § 1 point 6 and § 2 have not done the professional military service, shall not be higher than half the number of the Justices of that Chamber.

³⁾ In the wording determined by Article 147 of the Act of 5 August 2010 on the Protection of Classified Information (Journal of Laws No. 182, item 1228), which entered into force on 2 January 2011.

§ 3. The First President of the Supreme Court may, upon consent given by the assembly of the Justices of a Chamber, delegate a Justice, who has given his/her consent, to a post at another Chamber.

§ 4. The First President of the Supreme Court may designate a Justice to participate in hearing a particular case at another Chamber or, upon consent of that Justice, to render judicial decisions at another Chamber for a particular period of time. Such designation of a Justice for rendering judicial decisions at another Chamber, without his/her consent, may be for a period not exceeding 6 months in a year.

Art. 29. § 1. The function based relationship of a Justice shall expire in the event of:

- 1) his/her death;
- 2) renouncement of the office or the status of a retired Justice;
- 3) a valid judicial decision to impose a penalty on him/her in the form of depriving him/her of public rights or prohibiting him/her to occupy judicial positions;
- 4) a valid disciplinary court decision to dismiss him/her from the office;
- 5) the loss of nationality.

§ 2. The First President of the Supreme Court shall fix the date of expiration of the function based relationship in the events referred to in § 1 point 2. Such date may not fall later than three months after the date of the written statement of renouncement of the office or the status of a retired Justice. The First President of the Supreme Court shall notify the National Council of the Judiciary and the President of the Republic of Poland about the renouncement of the office by the Justice.

§ 3. The Justice who has renounced his office or the status of a retired Justice shall have the right to be entered on the list of advocates or legal advisers without the limitations referred to in the provisions of law on the Bar and legal advisers which apply to other judges.

Art. 30. § 1. A Justice shall retire upon reaching seventy years of age.

§ 2. A Justice shall retire at his/her request after:

- 1)⁴⁾ reaching 65 years of age, or on the day of reaching the age referred to in § 3;
- 2) reaching 60 years of age if he/she has worked as a Justice for a period not shorter than 9 years.

§ 3.⁵⁾ The age, the achievement of which results in the retirement of a Justice, for women born on or before 30 September 1973 and for men born on or before 30 September 1953, shall be equal to the lowest retirement age accordingly determined by Article 24 Section 1a points 61 to 84, Article 24 Section 1b and Article 27 Section 3 of the Act of 17 December 1998 on Old Age and Disability Pensions from the Social Insurance Fund (Journal of Laws of 2009 No. 153, item 1227, as amended⁶⁾).

§ 4.⁵⁾ The provision of § 2 point 2 shall apply to a Justice who met the required conditions by 31 December 2017.

Art. 31. § 1. A Justice may be transferred to retirement status at his/her request or upon the motion of the Board of the Supreme Court if due to illness or permanent loss of vital energy he or she has been certified by a certifying physician appointed by the Social Insurance Institution as being permanently unable to perform the duties of a Justice.

§ 2. The motion for examining the Justice's ability to perform his/her duties may be lodged by

⁴⁾ In the wording determined by Article 9 point 1 of the Act of 11 May 2012 amending the Act on Old Age and Disability Pensions from the Social Insurance Fund and certain other laws (Journal of Laws item 637), which entered into force on 1 January 2013.

⁵⁾ Added by Article 9 point 2 of the Act referred to in footnote 4.

⁶⁾ Amendments to the consolidated text of the aforementioned Act were published in the Journal of Laws of 2010 No. 40, item 224, No. 134, item 903, No. 238, item 1578 and No. 257, item 1726, of 2011 No. 75, item 398, No. 149, item 887, No. 168, item 1001, No. 187, item 1112 and No. 205, item 1203, of 2012 item 118, 251, 637, 664 and 1548 and of 2013 item 240.

the Justice concerned or by the Board of the Supreme Court.

§ 3. A Justice may be transferred to retirement status upon a motion of the Board of the Supreme Court if, due to illness or paid leave, he/she has not carried on his/her duties continuously for the period of one year. That period shall include previous interruptions of the service caused by an illness or paid leave for recuperation purposes if the period of his/her active service did not exceed thirty days.

§ 4. A Justice may be transferred to retirement status if, without giving the reasons, he/she has failed to undergo the examination referred to in § 2 if such examination was requested by the Board of the Supreme Court.

§ 5. Matters concerning the transfer of a Justice to the retirement status referred to in §§ 1, 3, and 4 shall be resolved by resolutions of the National Council of the Judiciary acting upon a motion of the Justice or the Board of the Supreme Court.

§ 6. The resolution of the National Council of the Judiciary concerning the matters referred to in § 5 may be appealed against to the Supreme Court.

§ 7.⁷⁾ If the motion for transferring the Justice to retirement status was lodged by the Board of the Supreme Court, the Board shall also have the right to make an appeal.

Art. 32. A Justice shall be transferred to retirement status on the date specified by the First President of the Supreme Court.

Art. 33. § 1. The Minister of Justice shall, upon a motion of the First President of the Supreme Court, be empowered to delegate a judge of a court of appeal or regional court, for a specified period not longer than two years, to carry out his or her judicial duties in the Supreme Court. Such delegation shall require consent from the judge concerned.

§ 2. The powers to delegate a judge which are referred to in § 1, as regards a judge of a military regional court, shall be vested in the Minister of Justice in consultation with the Minister of National Defence.

§ 3. The provisions of law specifying the rights and duties of a Justice shall apply to the judge delegated to carry out such duties during the period of his/her delegation in the Supreme Court.

§ 4. Upon a motion of the First President of the Supreme Court, the Minister of Justice shall be empowered to delegate a judge of a common court, for an unspecified period of time, to perform the function of an assistant to a Justice of the Supreme Court and to carry out other duties in the Supreme Court. Such delegation shall require consent from the judge concerned.

§ 5. After three months of the date of his/her delegation to carry out the duties referred to in § 1, during the remaining period of such delegation the judge of a court of appeal shall be entitled to receive remuneration at a base rate equal to that of a Justice of the Supreme Court, while the judge of a regional court shall be entitled to receive remuneration which shall be equal to that received by a judge of a court of appeal, unless the remuneration hitherto paid to him/her is higher than that to which he/she is entitled at the Supreme Court.

§ 6. The principles of remuneration referred to in § 5 shall apply to the judges delegated to perform the functions or carry out the duties referred to in § 4, with the reservation that the judge of a court of appeal shall be entitled to receive remuneration at a rate that shall be the next higher rate, excluding the remuneration of a Justice of the Supreme Court, while the judge of a district court shall be entitled to remuneration equal to that of the judge of a regional court.

§ 7. The power to delegate a judge which is referred to in § 4, as regards a judge of a military court, shall be vested in the Minister of Justice in consultation with the Minister of National Defence. The provisions of §§ 5 and 6 shall apply accordingly.

⁷⁾ In the wording determined by Article 49 of the Act of 12 May 2011 on the National Council of the Judiciary (Journal of Laws No. 126, item 714), which entered into force on 18 July 2011.

Chapter 4
The Rights and Duties of a Justice

Art. 34. § 1. A Justice shall follow the oath of a Justice.

§ 2. A Justice should guard the values relating to the exercise of the judicial power and avoid anything that could prejudice the dignity of the office or undermine trust in its independence.

Art. 35. § 1. A Justice shall maintain secrecy of the facts of the case that have been made known to him/her as a result of holding the judicial position otherwise than during an open court trial.

§ 2. The obligation to maintain secrecy shall survive the term of his/her function based relationship.

§ 3. The Justice's obligation to maintain secrecy shall cease while he/she is giving evidence before the court as a witness, unless disclosing the secret threatens the interests of the state or a material private interest that is not in conflict with the objectives of the administration of justice. In such cases, the First President of the Supreme Court may free a Justice from the obligation to maintain secrecy.

§ 4. Justices shall not undergo verification proceedings under the provisions of law concerning the protection of classified information.

Art. 36. The working hours of a Justice shall be determined according to his/her duties.

Art. 37. § 1. A Justice may not enter into another function based or employment relationship, except that of a teacher, academic teacher or researcher in the aggregate number of working hours not exceeding the number of working hours of a full time employee holding such a post.

§ 2. Neither may a Justice take up other jobs or gainful occupations that might interfere with the fulfilment of his/her duties of a Justice, undermine trust in his/her independence or bring discredit on the dignity of the office of a Justice.

§ 3. A Justice may not:

- 1) be a member of a management board, supervisory board or auditing committee of a commercial law company;
- 2) be a member of a management board, supervisory board or auditing committee of a cooperative;
- 3) be a member of a foundation conducting business activity;
- 4) hold more than 10% of shares in a commercial law company or more than 10% of its share capital;
- 5) conduct any business activity on his/her own account or jointly with other persons, or be a manager, representative or proxy in respect of such business operations.

§ 4. A Justice shall inform the First President of the Supreme Court of his/her intention to undertake and of the fact of undertaking another job or gainful occupation. The First President of the Supreme Court may issue a decision to oppose it if in his/her opinion undertaking or continuing such activities would interfere with the fulfilment of the duties of a Justice, undermine trust in his/her independence or bring discredit on the dignity of the office of a Justice.

§ 5. If the First President of the Supreme Court has issued the decision referred to in § 4, at the Justice's request the matter in question shall be resolved by the Board of the Supreme Court.

§ 6. The provisions of §§ 1 to 5 shall apply to retired Justices accordingly.

Art. 38. Justices shall submit the declaration of financial interests referred to in Article 87 of the Act of 27 July 2001 – Law on the Organisation of Common Courts to the First President of the Supreme Court, who shall analyse the data contained therein.

Art. 39. A Justice may adjudicate at the Supreme Court only.

Art. 40. § 1. A Justice may make demands, motions or complaints concerning matters related to his/her office only with a President of the Supreme Court or the First President of the Supreme

Court.

§ 2. A Justice may not refer to third institutions or third persons in this regard, nor make the matter in question public.

§ 3. Any disputes arising from or pertaining to the function based relationship of a Justice shall be resolved by labour courts.

Art. 41. A Justice shall immediately inform the First President of the Supreme Court about any pending court action in which he/she is involved as a party or a participant.

Art. 42.⁸⁾ § 1. The Justice's base remuneration shall be equal to the applicable remuneration basis multiplied by 4.13.

§ 2. The Justice's base remuneration for a given year shall be determined on the basis of the average remuneration applicable in the second quarter of the preceding year, which shall be published in *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski"* (Official Gazette of the Republic of Poland) by the President of the Central Statistical Office under Article 20 point 2 of the Act of 17 December 1998 on Old Age and Disability Pensions from the Social Insurance Fund, subject to § 3.

§ 3. If the average remuneration referred to in § 2 is lower than the published average remuneration for the second quarter of the preceding year, the Justice's base remuneration shall be determined on the basis of the existing amount.

§ 4. The Justice's remuneration shall be set at the base rate or at the bonus rate. The bonus rate shall be 115% of the base rate.

§ 5. Upon assuming his/her post, a Justice shall receive base remuneration at the base rate. After seven years of service, the Justice's remuneration shall be increased up to the bonus rate.

§ 6. As a result of performing his/her function, a Justice shall be entitled to receive a functional supplement which shall be determined using the multipliers of the assessment basis for the Justice's base remuneration referred to in § 2.

§ 7. The table of multipliers to be used in determining the amount of functional supplements is presented in an appendix hereto.

Art. 43. A Justice shall be entitled to receive a seniority allowance in the amount of 1% of his/her base remuneration for each year, which, however, shall not exceed 20% of such remuneration. The period of work taken into account in the calculation of said supplement shall include the period of the Justice's function based or employment relationship preceding his/her appointment as Justice, as well as his/her period of work as an advocate, legal adviser or notary public.

Art. 44. § 1. A Justice shall be entitled to receive a long-service bonus in the following amount:

- 1) 100% of the monthly remuneration – after twenty years of work;
- 2) 150% of the monthly remuneration – after twenty-five years of work;
- 3) 200% of the monthly remuneration – after thirty years of work;
- 4) 250% of the monthly remuneration – after thirty-five years of work;
- 5) 350% of the monthly remuneration – after forty years of work;
- 6) 400% of the monthly remuneration – after forty-five years of work.

§ 2. The period of work that entitles a Justice to receive the long-service bonus shall include all the previous periods of employment, also such as the period of work as an advocate, legal adviser or notary public, as well as other periods if by virtue of separate provisions of law they are included in the period of work that determines the employee's rights.

⁸⁾ In the wording determined by Article 6 point 1 of the Act of 20 March 2009 amending the Law on the Organisation of Common Courts and certain other laws (Journal of Laws No. 56, item 459), which entered into force on 22 April 2009; it applies to remuneration of the justices of the Supreme Court starting from 1 January 2009 under Article 8 of that law.

Art. 45. § 1. 1. A Justice shall be entitled to take an additional 12-working-day leave a year.

§ 2. A Justice may, at his/her request, be granted a paid leave for recuperation purposes.

§ 3. The leave for recuperation purposes may not be longer than six months.

§ 4. The leave for recuperation purposes may not be granted if the Justice has not performed his/her duties for a year due to illness. The annual period of absence from performing such duties due to illness shall include the previous periods of such absence and the period of the paid leave for recuperation purposes if the number of days of active service has not exceeded 30.

§ 5. A Justice shall receive his/her remuneration during the period of absence from work due to illness, not longer, however, than for a year.

§ 6. In the event that a Justice is unable to work for other reasons which entitle him/her to receive the performances specified in the provisions of law concerning pecuniary performances under the social insurance scheme, he/she shall be entitled to receive remuneration in the amount equal to the pecuniary performances under the social insurance scheme for the period specified in those provisions of law.

§ 7. Other justified absences of a Justice from work shall be paid.

§ 8. Where the employees covered by the social insurance scheme are entitled to receive benefits irrespective of their right to receive remuneration, the Justice shall be entitled to receive a pecuniary performance in the amount equal to the social insurance benefit.

Art. 46. § 1. A Justice who has been nominated, appointed or selected to perform a function in a state agency, diplomatic or consular service or a body of an international or supranational organisation operating under international agreements ratified by the Republic of Poland shall immediately renounce his/her office.

§ 2. The Justice who has renounced his/her office for the reasons specified in § 1 shall have the right to return to his/her post of a Justice if the period for which his/her performance of the duties of a Justice has been terminated is not longer than nine years, except when a Justice has performed judicial or public prosecutor's functions in international or supranational judicial bodies.

§ 3. In the events provided for in § 2, on the initiative of the person concerned, the National Council of the Judiciary shall submit a motion for his/her appointment as Justice to the President of the Republic of Poland.

§ 4. Should the submission of the motion referred to in § 3 be refused, the person concerned shall be entitled to lodge an appeal with the Supreme Court.

Art. 47. § 1. A Justice should reside in Warsaw. The First President of the Supreme Court may give his or her approval for a Justice's residence at another location.

§ 2. A Justice residing at another location shall be entitled to gratuitous lodging in Warsaw, reimbursement of his/her travel expenses and to a family separation allowance on the principles set forth in the provisions of law regarding the amounts and conditions of benefits granted to civil servants relocated to work at another location.

Art. 48. A retiring Justice shall be entitled to receive a one-time severance pay equal to his/her six-month remuneration.

Art. 49. § 1. A Justice may not be deprived of liberty or be held liable to criminal responsibility without permission from a disciplinary court. The above does not apply to apprehension *in flagranti delicto* if detaining a Justice is necessary for ensuring the proper course of procedure. Until adopting a resolution to allow a Justice to be held liable to responsibility, the acts to be performed shall only be those of utmost urgency.

§ 2. The fact of a Justice being detained shall be immediately made known to the First President of the Supreme Court, who may order his/her immediate release.

§ 3. Within the period of seven days following the date of service of the resolution refusing to give consent to holding a Justice liable to responsibility, the body or the person who has applied for

such consent, and the disciplinary commissioner, shall be entitled to lodge a complaint with a disciplinary court of second instance. Within the same time limit, the Justice concerned shall be entitled to lodge a complaint against the resolution giving consent to holding him/her liable to responsibility.

Art. 50. A retired Justice shall be entitled to receive a salary equal to 75% of the last collected base remuneration and seniority allowance. The aforementioned salary shall be subject to indexation on the dates and in the amounts correlated with the changes of the base remuneration of active Justices.

Art. 51. § 1. The Supreme Court shall employ assistants to Justices. The assistants shall have higher education in the field of law.

§ 2. The detailed scope and manner of acts to be performed by assistants to Justices shall be determined by the Rules of the Supreme Court.

Chapter 5

Disciplinary Responsibility

Art. 52. § 1. A Justice shall bear disciplinary responsibility for service-related misconduct and for any offence against the dignity of his/her office.

§ 2. A Justice shall also bear disciplinary responsibility for his/her conduct before assuming his/her current post if he/she has offended a duty of a civil servant or appeared to be unworthy of holding a judicial post.

§ 3. A Justice who has committed a petty offence may only bear disciplinary responsibility.

Art. 53. § 1. The following disciplinary courts shall hear disciplinary cases against Justices:

- 1) in the first instance – the Supreme Court bench of three Justices;
- 2) in the second instance – the Supreme Court bench of seven Justices.

§ 2. All Justices, except the First President of the Supreme Court, Presidents of the Supreme Court, the Supreme Court Disciplinary Commissioner and his/her deputy, are entitled to adjudicate as a disciplinary court.

§ 3. The composition of the disciplinary court shall be determined by the Board of the Supreme Court by drawing lots to select the Justices from the list of Justices, provided, however, that at least one of the disciplinary court Justices permanently adjudicates criminal cases. Such disciplinary court shall be presided over by the longest-serving Justice.

Art. 54. The Supreme Court Disciplinary Commissioner and his/her deputy shall be elected by the Board of the Supreme Court for a term of four years.

Art. 55. § 1. The disciplinary penalties shall be as follows:

- 1) admonition;
- 2) reprimand;
- 3) dismissal from post;
- 4) removal from office.

§ 2. The imposition of the penalty referred to in § 1 point 2 shall entail exclusion from participation in the Board of the Supreme Court, from adjudication as a disciplinary court member and from the performance of duties for a period of three years.

§ 3. The imposition of the disciplinary penalty referred to in § 1 point 3 shall result in the same as provided for in § 2 for a period of five years.

§ 4. The imposition of the penalty referred to in § 1 point 4 shall exclude reinstatement of the punished person in the post of a Justice.

§ 5. In the event of disciplinary misconduct or a petty offence of less gravity, the disciplinary

court may refrain from imposing a penalty.

Art. 56. § 1. The Supreme Court Disciplinary Commissioner shall act in this capacity on demand of the First President of the Supreme Court, the Board of the Supreme Court or on his/her own initiative, after preliminary clarification of the circumstances that will be indispensable for establishing the attributes of misconduct, and after the Justice has made his/her statement, unless making such statement is impossible.

§ 2. After the proceedings referred to in § 1, if there are grounds for instituting disciplinary proceedings, the Supreme Court Disciplinary Commissioner shall institute such disciplinary proceedings and shall present written charges to the Justice concerned. After being provided with the charges, within fourteen days, the defendant Justice shall be entitled to make his/her statement and to apply for hearing evidence.

§ 3. After the elapse of the period referred to in § 2 and, if necessary, after hearing further evidence, the Supreme Court Disciplinary Commissioner shall apply to the disciplinary court of first instance for hearing the disciplinary case in question. The application should specify the imputed act and the reasons for the application.

§ 4. Should the Supreme Court Disciplinary Commissioner not find sufficient grounds for instituting the disciplinary proceedings requested by an authorised body, he/she shall issue the decision to refuse their institution. Within seven days following service of such decision on the body that has requested the institution of disciplinary proceedings, the requesting body shall be entitled to lodge a complaint with a disciplinary court of first instance.

§ 5. The complaint should be heard within fourteen days following the date of its lodgement. Should the decision in question be revoked, the Supreme Court Disciplinary Commissioner shall be bound by the disciplinary court's instructions regarding further procedure.

§ 6. Disciplinary decisions shall not be subject to cassation.

Chapter 6

Proceedings before the Supreme Court

Art. 57. Unless the Act provides otherwise, the Supreme Court decisions shall be made by a bench of three Justices.

Art. 58. Only one judge delegated to perform judicial duties at the Supreme Court may be a member of a Supreme Court adjudicating bench. Such delegated judge may not be the chairman of the bench.

Art. 59. If, while hearing cassation or another appeal, the Supreme Court has serious doubts as regards the interpretation of law, it may adjourn the hearing of the case and submit the question of law for adjudication to a bench of seven Justices.

Art. 60. § 1. Should there be discrepancies between the decisions of common courts, military courts or the Supreme Court, the First President of the Supreme Court may request their adjudication by a Supreme Court bench of seven Justices or by another bench of that Court.

§ 2.⁹⁾ The request referred to in § 1 may also be submitted by the Ombudsman and the Public Prosecutor General, and, within his/her competence, by the Commissioner for Children's Rights, the Chairperson of the Polish Financial Supervision Authority and the Commissioner for the Insured.

Art. 61. § 1. If a Supreme Court bench decides that the submitted question requires clarification, and that the revealed discrepancies need to be adjudicated, it shall adopt a resolution. Otherwise, it

⁹⁾ In the wording determined by Article 9 of the Act of 24 September 2010 amending the Act on the Commissioner for Children's Rights and certain other laws (Journal of Laws No. 197, item 1307), which entered into force on 9 November 2010.

shall refuse to adopt it or, if the adoption of the resolution has become unnecessary, it shall discontinue the proceedings.

§ 2. If the bench of seven Justices finds it justified from the point of view of the court practice or the gravity of the doubts, it may submit the question of law or a request for the adoption of a resolution to a bench of a chamber, while the chamber may submit them to a bench of two or more chambers or to the entire Supreme Court bench.

§ 3.¹⁰⁾ A sitting of the entire Supreme Court bench or the bench of a chamber (chambers) shall be notified to the Public Prosecutor General. The participation of the Public Prosecutor General or his/her deputy in such sitting shall be obligatory. The sittings of other Supreme Court benches may be attended by a public prosecutor of the General Public Prosecutor's Office, while those of the Military Chamber may be attended by a public prosecutor of the Chief Military Public Prosecutor's Office.

§ 4. The sitting of a Supreme Court bench of seven Justices that is fixed to adjudicate a question of law submitted in a given case shall also be notified to defence counsels and attorneys such as advocates and legal advisers as well as to persons authorised to prepare cassation in civil law matters. A President of the Supreme Court may oblige such persons to submit written motions concerning the direction of the adjudication of the submitted question prior to the sitting.

§ 5. A decision to submit a question of law, a request for the adoption of a resolution and a resolution of the Supreme Court must be accompanied by a written statement of reasons.

§ 6. Upon their adoption, the resolutions of the entire Supreme Court bench, a bench of joint chambers or a bench of the entire chamber shall become legal principles. A bench of seven Justices may grant a resolution the power of a legal principle.

Art. 62. § 1. If any Supreme Court bench intends to depart from a legal principle, it shall submit the resulting question of law for adjudication to a bench of the entire chamber.

§ 2. Any departure from a legal principle adopted by a chamber, joint chambers or the entire bench of the Supreme Court shall accordingly require re-adjudication by resolution of the relevant chamber, joint chambers or the entire Supreme Court bench.

§ 3. If a bench of one Supreme Court chamber intends to depart from a legal principle adopted by another chamber, this shall be adjudicated by means of a resolution adopted by both chambers. The chambers may submit a question of law for hearing by the entire Supreme Court bench.

Art. 63. The Supreme Court may request the preparation of a statement of reasons for the decision if such statement is not presented in the decision appealed against.

Art. 64.¹¹⁾ Upon the motion of the Public Prosecutor General, the Supreme Court shall annul a valid decision concerning the case which at the moment of deciding did not fall under the jurisdiction of Polish courts on account of the person, or in which at the moment of deciding the suit was inadmissible, if such decision cannot be challenged in accordance with the procedure provided for in the laws on judicial proceedings.

Art. 65. § 1. If, while hearing a case, the Supreme Court ascertains that there has been an obvious violation of provisions, irrespective of its other rights it shall reproach the relevant court for such default. Prior to making such reproach for default, it may demand the relevant explanations. The ascertainment of and reproach for default shall not affect the result of the case.

§ 2. The Supreme Court shall notify the president of the relevant court of making a reproach for default.

¹⁰⁾ In the wording determined by Article 13 of the Act of 9 October 2009 amending the Act on the Public Prosecution Service and certain other laws (Journal of Laws No. 178, item 1375), which entered into force on 31 March 2010.

¹¹⁾ In the wording determined by Article 5 of the Act of 5 December 2008 amending the act - the Code of Civil Procedure and certain other laws (Journal of Laws No. 234, item 1571), which entered into force on 1 July 2009.

Chapter 7

**Chancellery of the First President of the Supreme Court
and the Supreme Court Research and Analyses Office**

Art. 66. The Supreme Court shall have the Chancellery of the First President of the Supreme Court and the Supreme Court Research and Analyses Office.

Art. 67. § 1. The Chancellery of the First President of the Supreme Court shall perform tasks relating to the duties of the First President of the Supreme Court in the area of the Supreme Court's operations, in particular its financial, personnel and administrative matters.

§ 2. The Chancellery of the First President of the Supreme Court shall be managed by the Head of the Chancellery of the First President of the Supreme Court, who shall be appointed or dismissed by the First President of the Supreme Court.

Art. 68. § 1. The Supreme Court Research and Analyses Office shall perform the tasks that in particular shall be related to the functions of the First President of the Supreme Court and the Supreme Court, such as supervision over the judicial decisions of common and military courts in terms of their compliance with the law and their uniformity, and assessment of the coherence and uniformity of the law applied by courts.

§ 2. The Supreme Court Research and Analyses Office shall be managed by the Director of the Supreme Court Research and Analyses Office, who shall be appointed or dismissed by the First President of the Supreme Court.

Art. 69. The tasks relating to labour law shall be performed by the First President of the Supreme Court or by a person authorised by him/her to do so.

Art. 70. § 1. (repealed).¹²⁾

§ 2. The remuneration of the Head of the Chancellery of the First President of the Supreme Court shall be determined in accordance with the provisions of law concerning remuneration of persons holding state managerial posts to the extent that they apply to a secretary of state.

§ 3. The remuneration of the non-judicial members of the Supreme Court Research and Analyses Office shall be equal to the base remuneration of a judge of the court of appeal at its base rate; such remuneration shall be increased by the amount of the obligatory social insurance premium.

§ 4. By virtue of his/her function, a member of the Supreme Court Research and Analyses Office shall be entitled to receive a functional supplement.

§ 5. The President of the Republic of Poland shall determine by regulation the rates of the functional supplement to be received by the members of the Supreme Court Research and Analyses Office.

Art. 71. (repealed).¹³⁾

Chapter 8

**Amendments to Applicable Provisions of Law;
Transitory and Final Provisions**

Art. 72. (omitted).¹⁴⁾

¹²⁾ By Article 11 point 1 of the Act of 19 November 2009 amending certain laws related to the implementation of budget expenditure (Journal of Laws No. 219, item 1706), which entered into force on 1 January 2010.

¹³⁾ By Article 53 of the Act of 27 August 2009 - Provisions Implementing the Act on Public Finance (Journal of Laws No. 157, item 1241, of 2010 No. 238, item 1578 and of 2011 No. 178, item 1061), which entered into force on 1 January 2010.

Art. 73. (omitted).¹⁴⁾

Art. 74. (omitted).¹⁴⁾

Art. 75. (omitted).¹⁴⁾

Art. 76. (omitted).¹⁴⁾

Art. 77. (omitted).¹⁴⁾

Art. 78. (omitted).¹⁴⁾

Art. 79. (omitted).¹⁴⁾

Art. 80. (omitted).¹⁴⁾

Art. 81. (omitted).¹⁴⁾

Art. 82. (omitted).¹⁴⁾

Art. 83. (omitted).¹⁴⁾

Art. 84. (omitted).¹⁴⁾

Art. 85. (omitted).¹⁴⁾

Art. 86. (omitted).¹⁴⁾

Art. 87. (omitted).¹⁴⁾

Art. 88. (omitted).¹⁴⁾

Art. 89. (omitted).¹⁴⁾

Art. 90. (omitted).¹⁴⁾

Art. 91. (omitted).¹⁴⁾

Art. 92. A Justice shall be granted the bonus rate referred to in article 42 § 2¹⁵⁾ according to the number of years he/she has worked at the post held on the effective date of the act.

Art. 93. The salary of Justices who retired before 1 January 2004 shall be determined according to their base remuneration rate and their seniority allowance.

Art. 94. § 1. The Justices of the Military Chamber shall be exempt from professional military service but shall keep the rights of the soldiers who have been released from that service for the reasons that do not result in losing those rights.

§ 2. The right to receive a military pension shall be suspended if the person referred to in § 1, after being released from professional military service, keeps the post of a Justice, is appointed as judge at another court or as public prosecutor, or if he/she is elected as member of the Constitutional Tribunal bench.

§ 3. The person appointed as Justice while doing professional military service shall be released from that service before assuming such post. The provisions of § 1 and § 2 shall apply accordingly.

§ 4. The provision of § 2 shall accordingly apply to the person entitled to receive a military pension who holds the post of a Justice on the effective date of the act, or to the person appointed to such post after the effective date of the act.

§ 5. In the event that the salary of a retired person coincides with his/her right to receive a military pension, such person shall receive only the higher of those benefits or the one that he/she wishes to choose.

§ 6. The exemption referred to in § 1 shall take place not later than before the lapse of six months following the effective date of the act.

Art. 95. Justices appointed to posts at the Supreme Court Military Chamber's Office of Extra-Instance Supervision shall, on the effective date of the act, become Justices delegated from their previous posts to perform other functions at the Supreme Court; they shall maintain their right to

¹⁴⁾ Placed in the announcement.

¹⁵⁾ Article 42 § 2 in its present wording does not refer to the bonus rate.

full pay. A justice recalled from such delegation upon a motion of the First President of the Supreme Court shall have the right to return to the previous post or to assume a post of equal status.

Art. 96. (repealed).¹⁶⁾

Art. 97. (omitted).¹⁴⁾

Art. 98. (omitted).¹⁴⁾

Art. 99. (omitted).¹⁴⁾

Art. 100. The Act on the Supreme Court of 20 September 1984 (Journal of Laws of 2002 No. 101, item 924, No. 153, item 1271 and No. 169, item 1387) shall cease to be in force.

Art. 101. This Act shall come into force on 1 January 2003. However, the provisions of Article 42 § 2, Article 70 § 1 and Article 93 as regards the remuneration referred to in Article 42 § 1 shall apply from 1 January 2004.

¹⁶⁾ By Article 11 point 2 of the Act referred to in footnote 12.

Appendix to the Act of 23 November 2002¹⁷⁾TABLE OF MULTIPLIERS TO BE USED IN DETERMINING THE AMOUNT OF
FUNCTIONAL SUPPLEMENTS

Item No.	Post	Multiplier
1	First President of the Supreme Court	1.2
2	President of the Supreme Court	1.0
3	Chairman of the Division, Disciplinary Commissioner	0.7
4	Spokesman, Deputy Chairman of the Division, Deputy Disciplinary Commissioner	0.5

¹⁷⁾ Added by Article 6 point 2 of the Act referred to in footnote 8.