

ACT

of 8 December 2017

on the Supreme Court

Chapter 1

General provisions

Article 1. The Supreme Court shall be a judiciary body responsible for:

- 1) the administration of justice by:
 - a) ensuring the legality and uniformity of the case law of common courts and military courts by examining appeals and passing resolutions resolving legal questions;
 - b) ¹extraordinary review of valid court judgments to ensure their consistency with the principle of a democratic state ruled by law implementing the principles of social justice by the examination of extraordinary appeals;
- 2) examining disciplinary cases to the extent defined by statute;
- 3) examining election protests and confirming the validity of elections to the Sejm and the Senate, the election of the President of the Republic of Poland, elections to the European Parliament, and examining protests concerning the validity of a national referendum or a constitutional referendum, and confirming the validity of a referendum;
- 4) issuing opinions on draft statutes and other normative acts under which courts adjudicate and function, as well as other draft statutes to the extent that they affect cases within the jurisdiction of the Supreme Court;
- 5) performing other actions defined by statute.

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

Article 3. The Supreme Court shall be divided into Chambers:

- 1) Civil Chamber;
- 2) Criminal Chamber;
- 3) Labour Law and Social Security Chamber;
- 4) Extraordinary Review and Public Affairs Chamber;
- 5) Disciplinary Chamber.

Article 4. The President of the Republic of Poland shall, after asking the opinion of the Supreme Court Board, define in a regulation the rules of the Supreme Court, which shall determine the number of positions of judges of the Supreme Court, not lesser than 120, including the number of such judges in each chamber, the internal organisation of the Supreme Court, the internal rules of procedure and the specific scope and procedure of functions performed by assistants, taking into account the need of ensuring effective functioning of the Supreme Court, its chambers and bodies, the specificity of proceedings before the Supreme Court, including disciplinary proceedings, as well as the number and type of examined cases.

Article 5. § 1. The First President of the Supreme Court shall report on an annual basis to the President of the Republic of Poland and the National Council of the Judiciary on the activity of the Supreme Court and major issues identified in connection therewith, including issues arising from the case law. Attached to the report of the First President of the Supreme Court shall be a report of the President of the Supreme Court heading the Disciplinary Chamber on the activity of the Disciplinary Chamber of the Supreme Court.

§ 2. The First President of the Supreme Court shall table the report referred to in § 1 also to the Sejm and the Senate. No vote shall be held on the report.

¹ In the wording laid down in Article 2(1) of the Act of 10 May 2018 amending the Act – Law on the common court system, the Act on the Supreme Court and certain other Acts (Journal of Laws, item 1045), which took effect on 16 June 2018.

Article 6. § 1. The First President of the Supreme Court shall present competent authorities with comments about identified legal irregularities or gaps which must be eliminated to ensure the rule of law, social justice and consistency of the legal system of the Republic of Poland.

§ 2. The President of the Supreme Court heading the Disciplinary Chamber shall present competent authorities with comments about identified legal irregularities or gaps which must be eliminated to ensure effective examination of cases within the jurisdiction of the Chamber or to reduce the number of disciplinary offences.

Article 7. § 1. The minister responsible for public finance shall include the draft revenue and expense statement of the Supreme Court in the wording approved by the Supreme Court Board in the draft state budget.

§ 2. The Supreme Court Board shall include the draft revenue and expense statement of the Disciplinary Chamber in the wording approved by the assembly of judges of the Disciplinary Chamber in the draft revenue and expense statement of the Supreme Court.

§ 3. To the extent of implementation of the budget of the Supreme Court, the First President of the Supreme Court shall have the powers of the minister responsible for public finance.

§ 4. To the extent of implementation of the budget of the Supreme Court concerning the functioning of the Disciplinary Chamber, the President of the Supreme Court heading the Disciplinary Chamber shall have the powers of the minister responsible for public finance.

§ 5.²⁾ Any reallocation of expenses resulting in a reduction of expenses concerning the functioning of the Disciplinary Chamber shall require the approval of the President of the Supreme Court heading the Disciplinary Chamber.

§ 6.²⁾ The President of the Supreme Court heading the Disciplinary Chamber shall implement the budget of the Supreme Court concerning the functioning of the Disciplinary Chamber.

Article 8.³⁾ The Supreme Court shall immediately publish its rulings and, after the preparation of the reasoning, also the reasoning of rulings in the Public Information Bulletin on the institutional website of the Supreme Court.

Article 9. The Supreme Court may publish compilations of its rulings. The name “Case Law of the Supreme Court” together with the name of the relevant chamber shall be protected by law.

Article 9a.⁴⁾ § 1. The Supreme Court shall be the controller of personal data processed in judicial proceedings.

§ 2. Article 15, Article 16 to the extent that specific regulations provide for a different rectification procedure, Article 18 and Article 19 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Legal Journal of the EU L 119 of 04.05.2016, p. 1, as amended⁵⁾), hereinafter “Regulation 2016/679”, shall not apply to the processing of personal data in judicial proceedings.

§ 3. In connection with the processing of personal data in judicial proceedings, the obligations referred to in Article 13 of Regulation 2016/679 shall be performed by publishing the information referred to in Article 13(2) of Regulation 2016/679 in the Public Information Bulletin on the institutional website and at an accessible location in the building of the Supreme Court.

Article 10. § 1. The provisions of the Act of 27 July 2001 – Law on the common court system (Journal of Laws of 2019, item 52, 55, 60 and 125) shall apply accordingly to the extent not governed by this Act.

§ 2. The provisions of the Act of 16 September 1982 on employees of public institutions (Journal of Laws of 2018, item 1915) shall apply accordingly to employees of the Supreme Court other than judges to the extent not governed by this Act, and the provisions of the Act of 26 June 1974 – Labour Code (Journal of Laws of 2018, item 917, as amended⁶⁾) shall apply to the extent not governed by the aforementioned Act.

Chapter 2

Bodies of the Supreme Court

Article 11. The bodies of the Supreme Court shall include the First President of the Supreme Court, Presidents of the Supreme Court, the General Assembly of Judges of the Supreme Court, the assembly of judges of chambers of the Supreme Court, and the Supreme Court Board.

² Added in Article 1(1) of the Act of 12 April 2018 amending the Act on the Supreme Court (Journal of Laws, item 847), which took effect on 9 May 2018.

³ In the wording laid down in Article 93(1) of the Act of 14 December 2018 on the protection of personal data processed in connection with the prevention and combatting of crimes (Journal of Laws of 2019, item 125), which took effect on 6 February 2019.

⁴ Added in Article 93(2) of the Act referred to in footnote 3.

⁵ The amendment of the Regulation was published in the Official Journal of the EU, L 127 of 23.05.2018, p. 2.

⁶ The amendments to the consolidated text of the Act were published in the Journal of Laws of 2018, item 1000, 1076, 1608, 1629, 2215, 2244, 2245, 2377 and 2432.

Article 12. § 1. The First President of the Supreme Court shall be appointed by the President of the Republic of Poland for a term of six years from amongst five candidates nominated by the General Assembly of Judges of the Supreme Court and may be re-elected only once. The person appointed the First President of the Supreme Court may remain in that position only until voluntary retirement, mandatory retirement or termination of the official relationship of a judge of the Supreme Court.

§ 2. The General Assembly of Judges of the Supreme Court shall nominate candidates for the position of the First President of the Supreme Court from amongst active judges of the Supreme Court, no later than six weeks before the end of the term of the First President of the Supreme Court or within 14 days after voluntary retirement, mandatory retirement or termination of the official relationship of a judge of the Supreme Court or resignation from the position of the First President of the Supreme Court.

Article 13. § 1. The General Assembly of Judges of the Supreme Court responsible for the nominations referred to in Article 12 § 2 shall be chaired by the First President of the Supreme Court or, if that is not possible or if such person is proposed as a candidate, by the President of the Supreme Court most senior as a judge. If the President of the Supreme Court most senior as a judge is also proposed as a candidate for the First President of the Supreme Court, the General Assembly of Judges of the Supreme Court shall be chaired by the judge of the Supreme Court most senior as a judge who is not proposed as a candidate.

§ 2. Resolutions of the General Assembly of Judges of the Supreme Court proposing candidates for the position of the First President of the Supreme Court shall be passed in the presence of at least 2/3 of judges of each Chamber. If a resolution is not passed in the absence of the required quorum, the resolution shall be passed at the next meeting in the presence of at least 3/5 of judges of the Supreme Court.

§ 3. Each judge participating in the vote shall only cast one vote. The vote shall be held by a secret ballot.

§ 4. Candidates for the position of the First President of the Supreme Court nominated by the General Assembly of Judges of the Supreme Court shall be those candidates who receive the most votes. If two or more candidates for the position of the First President of the Supreme Court receive the same number of votes so five candidates cannot be nominated, another vote shall be held concerning only such candidates. The provisions of § 3 shall apply.

§ 5. ⁷⁾ Immediately after the nomination of candidates for the position of the First President of the Supreme Court, the judge chairing the General Assembly of Judges of the Supreme Court or another person named by the General Assembly of Judges of the Supreme Court shall table the resolution referred to in § 2 and the voting record to the President of the Republic of Poland.

Article 14. § 1. The First President of the Supreme Court shall head the work of the Supreme Court and represent the Supreme Court, including without limitation:

- 1) appointing and dismissing, at the request of the President of the Supreme Court heading a chamber, the presidents of departments of such chamber;
- 2) representing the Supreme Court before the Constitutional Tribunal and in the work of Sejm and Senate committees, or naming another person to represent the Supreme Court;
- 3) ⁷⁾issuing opinions on and presenting to the President of the Republic of Poland candidates for the position of a President of the Supreme Court nominated by the assembly of judges of a chamber of the Supreme Court;
- 4) (repealed)⁹⁾
- 5) tabling the draft report referred to in the first sentence of Article 5 § 1 to the General Assembly of Judges of the Supreme Court;
- 6) defining, after asking the opinion of the Supreme Court Board, in a regulation, the rules of the Chancellery of the First President of the Supreme Court, the organisation and scope of responsibilities of court secretariats and other administrative units of the Supreme Court, the rules of the Supreme Court Research and Analyses Office, and the work and remuneration regulations of employees of the Supreme Court other than judges;
- 7) performing the actions defined in statutes concerning the election of lay judges of the Supreme Court;
- 8) performing other actions defined in statutes, the rules of the Supreme Court and other normative acts.

§ 2. In his or her absence, the First President of the Supreme Court shall be replaced by a President of the Supreme Court named by the First President of the Supreme Court and if such President of the Supreme Court cannot be named, then by the President of the Supreme Court most senior as a judge.

Article 15. § 1. Presidents of the Supreme Court shall head the work of chambers.

⁷⁾ Amended under Article 1(3) of the Act referred to in footnote 2.

§ 2.⁸⁾ President of the Supreme Court shall be appointed by the President of the Republic of Poland after having asked the opinion of the First President of the Supreme Court for a term of three years from amongst three candidates nominated by the assembly of judges of a chamber of the Supreme Court and may be re-elected only twice. The person appointed a President of the Supreme Court may remain in that position only until voluntary retirement, mandatory retirement or termination of the official relationship of a judge of the Supreme Court.

§ 3. Article 12 § 2 and Article 13 shall apply accordingly to candidates for the position of a President of the Supreme Court and their nomination by the general assembly of judges of a chamber of the Supreme Court.

Article 16. § 1. The self-governance system of judges of the Supreme Court shall comprise all active judges of the Supreme Court. The self-governance system shall not include judges delegated to exercise responsibilities of judges in the Supreme Court.

§ 2. The self-governance bodies of judges of the Supreme Court shall include the General Assembly of Judges of the Supreme Court, assemblies of judges of chambers of the Supreme Court, and the Supreme Court Board.

Article 17. § 1. The responsibilities of the General Assembly of Judges of the Supreme Court shall include:

- 1) nominating five candidates for the position of the First President of the Supreme Court and presenting the candidates to the President of the Republic of Poland;
- 2) reviewing and accepting draft reports referred to in the first sentence of Article 5 § 1;
- 3) reviewing other matters by the initiative of the First President of the Supreme Court, Presidents of the Supreme Court, the Supreme Court Board or at least five judges of the Supreme Court;
- 4) passing resolutions in other important matters concerning the Supreme Court.

§ 2. The General Assembly of Judges of the Supreme Court shall be chaired by the First President of the Supreme Court, subject to Article 13 § 1 and Article 14 § 2.

§ 3. Resolutions of the General Assembly of Judges of the Supreme Court shall be passed in the presence of at least 2/3 of judges of each chamber. Resolutions shall be passed by an ordinary majority of votes. Voting shall be held in a secret ballot if so requested by at least three judges amongst members of the assembly present at the meeting.

Article 18. The First President of the Supreme Court shall invite the President of the Republic of Poland and representatives of other public bodies to attend a General Assembly of Judges of the Supreme Court called to present reports referred to in Article 5 § 1.

Article 19. § 1. The powers of the assembly of judges of a chamber of the Supreme Court shall include:

- 1) nominating three candidates for the position of the President of the Supreme Court heading the chamber;
- 2) reviewing and accepting draft reports on the activity of the chamber and major issues identified in this connection, including issues arising from the case law of the chamber;
- 3) issuing opinions on candidates for the position of the president of a department of the chamber presented by the President of the Supreme Court;
- 4) electing two members and one substitute member of the Supreme Court Board;
- 5) reviewing other issues concerning the functioning of the chamber.

§ 2. The assembly of judges of a chamber of the Supreme Court shall be chaired by the President of the Supreme Court heading the chamber.

§ 3. Resolutions of the assembly of judges of a chamber of the Supreme Court shall be passed in the presence of at least 2/3 of judges of the Chamber. Resolutions shall be passed by an ordinary majority of votes. Voting shall be held in a secret ballot if so requested by any of the members of the assembly present at the meeting.

Article 20. To the extent concerning the Disciplinary Chamber and judges of the Disciplinary Chamber, the powers of the First President of the Supreme Court defined in:

- 1) ⁹⁾Article 14 § 1 (1) and (7), Article 31 § 1, Article 35 § 2, Article 36 § 6, Article 40 § 1 and § 4, Article 51 § 7 and § 14 shall be performed by the President of the Supreme Court heading the Disciplinary Chamber;
- 2) Article § 14 § 1 (2) and the second sentence of Article 55 § 3 shall be performed by the First President of the Supreme Court in co-ordination with the President of the Supreme Court heading the Disciplinary Chamber.

⁸ Amended under Article 1(4) of the Act referred to in footnote 2.

¹¹ Amended under Article 1(2) of the Act referred to in footnote 9.

Article 21. § 1. The Supreme Court Board shall be comprised of the First President of the Supreme Court, the Presidents of the Supreme Court and judges elected by the assembly of judges of a chamber of the Supreme Court for a term of three years.

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

§ 3. Resolutions of the Supreme Court Board shall be passed in the presence of at least 2/3 of its members. Resolutions shall be passed by an ordinary majority of votes. In the event of an equal number of votes, the chairman shall have the casting vote.

Article 22. § 1. The Supreme Court Board shall draft positions in matters concerning the functioning of the Supreme Court and co-operate with the First President of the Supreme Court in order to ensure the proper functioning of the Supreme Court.

§ 2. The responsibilities of the Supreme Court Board shall include without limitation:

- 1) issuing opinions of draft acts referred to in Article 4, Article 14 § 1 (6) and Article 98 § 2 and § 3;
- 2) (repealed)¹⁰⁾
- 3) issuing opinions on candidates for managerial positions in administrative units of the Supreme Court;
- 4) approving the draft revenue and expense statement of the Supreme Court;
- 5) determining the number of lay judges of the Supreme Court;
- 6) appointing the Disciplinary Prosecutor of the Supreme Court and the Deputy Disciplinary Prosecutor of the Supreme Court.

Chapter 3

Jurisdiction of chambers of the Supreme Court

Article 23. The jurisdiction of the Civil Chamber shall include civil, commercial, family and guardianship law cases, as well as cases concerning business registration and pledge registration.

Article 24. The jurisdiction of the Criminal Chamber shall include cases examined under the Act of 6 June 1997 – Code of Criminal Procedure (Journal of Laws of 2018, item 1987 and 2399, and of 2019, item 150), the Act of 10 September 1999 – Fiscal Penal Code (Journal of Laws of 2018, item 1958, 2192, 2193, 2227 and 2354), the Act of 24 August 2001 – Code of Procedure in Cases of Offences (Journal of Laws of 2018, item 475, as amended¹¹⁾), as well as other cases to which the Act of 6 June 1997 – Code of Criminal Procedure applies and cases in the jurisdiction of military courts.

Article 25. The jurisdiction of the Labour Law and Social Security Chamber shall include labour law and social security cases, cases concerning financial claims of developers of inventions, utility models, industrial designs and topographies of semiconductor products, registration cases other than business registration and pledge registration.

Article 26. The jurisdiction of the Extraordinary Review and Public Affairs Chamber shall include the examination of extraordinary appeals, the examination of election protests and protests concerning the validity of a national referendum or a constitutional referendum, and confirming the validity of elections or a referendum, as well as other public law cases including competition protection, energy, telecommunication and railway transport regulation cases, as well as cases where an appeal is lodged against a decision of the Chairman of the National Broadcasting Council and cases concerning prolonged proceedings before common and military courts and the Supreme Court.

Article 27. § 1. The jurisdiction of the Disciplinary Chamber shall include the following cases:

- 1) disciplinary cases:
 - a) of judges of the Supreme Court,
 - b) examined by the Supreme Court in connection with disciplinary proceedings pending under the following Acts:
 - Act of 26 May 1982 – Law on legal attorneys (Journal of Laws of 2018, item 1184, 1467, 1669 and 2193),
 - Act of 6 July 1982 on legal counsels (Journal of Laws of 2018, item 2115 and 2193),
 - Act of 14 February 1991 – Law on notaries (Journal of Laws of 2019, item 540),

¹⁰ In Article 1(3) of the Act referred to in footnote 9.

¹¹ The amendments to the consolidated text of the Act were published in the Journal of Laws of 2018, item 1039, 1387, 1467, 1481 and 2077, and of 2019, item 76.

- Act of 21 August 1997 – Law on the military court system (Journal of Laws of 2018, item 1921 and of 2019, item 125),
- Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws of 2018, item 2032 and 2529, and of 2019, item 131),
- Act of 27 July 2001 – Law on the common court system,
- Act of 28 January 2016 – Law on the prosecution service (Journal of Laws of 2017, item 1767, of 2018, item 5, 1000, 1443 and 1669, and of 2019, item 125),
- ¹² Act of 22 March 2018 on court bailiffs (Journal of Laws item 771, 1443, 1669 and 2244, and of 2019, item 55);

- 2) labour law and social security cases concerning judges of the Supreme Court;
- 3) concerning mandatory retirement of judges of the Supreme Court.

§ 2. The Disciplinary Chambers shall be comprised of:

- 1) First Department;
- 2) Second Department.

§ 3. The First Department shall examine the following cases without limitation:

- 1) cases of judges of the Supreme Court;
- 2) cases of judges and prosecutors concerning disciplinary offences which meet the criteria of deliberate crimes prosecuted by public indictment and offences specified in referrals referred to in Article 97 § 3.

§ 4. The Second Department shall examine the following cases without limitation:

- 1) appeals against judgments of disciplinary courts of first instance in cases of judges and prosecutors and against decisions and orders closing the option of a ruling;
- 2) cassations concerning disciplinary rulings;
- 3) appeals against resolutions of the National Council of the Judiciary.

Article 28. § 1. If a President of the Supreme Court decides that a case does not fall within the jurisdiction of the chamber headed by him or her, he or she shall refer the case to the appropriate chamber.

§ 2. The President of the Supreme Court heading the chamber to which such case is referred, who decides that the case does not fall within the jurisdiction of that chamber, shall request the First President of the Supreme Court to name the appropriate chamber. The First President of the Supreme Court may refuse to refer the case to another chamber. The President of the Supreme Court heading the Disciplinary Chamber shall decide whether to refer a case to or from the Disciplinary Chamber.

Chapter 4

Establishment, modification, expiration of the official relationship of a judge of the Supreme Court

Article 29. Judges of the Supreme Court shall be appointed for office by the President of the Republic of Poland at the request of the National Council of the Judiciary.

Article 30. § 1. Eligible to be appointed for office in the position of a judge of the Supreme Court shall be any person who:

- 1) holds only Polish nationality and is capable of fully exercising his or her civil and public rights;
- 2) has not been sentenced in a valid judgment for a deliberate crime prosecuted by public indictment or a deliberate fiscal crime and has not been subject to a legal judgment conditionally staying criminal proceedings in cases of a deliberate crime prosecuted by public indictment or a deliberate fiscal crime;
- 3) is more than 40 years of age;
- 4) is of impeccable moral character;

¹² Eighth indent added in Article 279 of the Act of 22 March 2018 on court bailiffs (Journal of Laws, item 771 and 1443), which took effect on 1 January 2019.

- 5) has completed university education in law in the Republic of Poland and holds an MA degree or has completed university education in law abroad recognised in the Republic of Poland;
- 6) is recognised for high legal expertise;
- 7) is capable, in view of his or her health status, to perform the functions of a judge;
- 8) has at least ten years of experience as a judge, prosecutor, President of the General Counsel to the Republic of Poland, Deputy President of the General Counsel to the Republic of Poland, counsel o the General Counsel of the Republic of Poland, or has performed the profession of an attorney-at-law, legal counsel or notary in Poland for at least ten years;
- 9) was not an officer, employee or associate of state security institutions referred to in Article 5 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation.

§ 2. The requirements referred to in § 1 (8) shall not apply to persons holding the scientific title of professor or the scientific degree of PhD hab. in law who have worked in a Polish higher school, the Polish Academy of Sciences, a science and research institute or other science institution.

§ 3. The seniority or professional activity referred to in § 1 (8) shall be counted in aggregate if different positions were held or different professions were performed.

§ 4. The requirements referred to in § 1 (9) shall apply to persons born before 1 August 1972.

Article 31. § 1. The President of the Republic of Poland shall, after asking the opinion of the First President of the Supreme Court, publish in the Official Journal of the Republic of Poland “Monitor Polski” the number of vacant judicial positions to be filled in each chamber of the Supreme Court.

§ 2. Any person who meets the conditions to take up the position of a judge of the Supreme Court may propose their candidature to the National Council of the Judiciary within one month after the publication referred to in § 1.

§ 3. Candidatures shall be proposed by submitting the form proposing a candidate for a vacant position of a judge of the Supreme Court in the chamber named in the publication accompanied – unless the candidate is a judge or prosecutor – by a statement from the National Criminal Records concerning the candidate and a statement to the effect that he or she is capable, in view of his or her health status, to perform the functions of a judge.

§ 3a.¹³⁾ Candidates may attach to the form proposing a candidate for a vacant position of a judge of the Supreme Court other documents confirming their qualifications, in particular information concerning their academic record, a list of publications, opinions of superiors and recommendations.

§ 3b.¹⁵⁾ Candidates born before 1 August 1972 shall present in writing the certificate referred to in Article 7(1) of the Act of 18 October 2006 on disclosure of information concerning state security institution documents from 1944-1990 and their content (Journal of Laws of 2019, item 430, 399, 447 and 534) or the information referred to in Article 7(3a) of that Act.

§ 3c.¹⁵⁾ If persons who do not meet the conditions of appointment to the position of a judge of the Supreme Court, referred to in Article 30 § 1 (1)-(3), (5) and (7)-(9) and § 2, propose their candidatures to a vacant position of a judge of the Supreme Court, a candidate is proposed after the time limit or the candidate does not meet the formal requirements, the National Council of the Judiciary shall not examine such candidatures. No appeals shall be lodged against resolutions not to examine candidatures.

§ 3d.¹⁵⁾ The President of the National Council of the Judiciary shall, after determining that a candidate meets the conditions and the formal criteria, appoint the team referred to in Article 31(1) of the Act of 12 May 2011 on the National Council of the Judiciary (Journal of Laws of 2019, item 84 and 609).

§ 4. The President of the Republic of Poland shall define, in a regulation, the template form proposing a candidate for a vacant position of a judge of the Supreme Court taking into consideration the requirements of ensuring transparent and efficient proceedings concerning the appointment of a candidate to the position of a judge of the Supreme Court.

Article 32. Persons in a relationship of consanguinity to the second degree or affinity of the first degree as well as spouses shall not be judges of the Supreme Court at the same time.

Article 33. § 1. The official relationship of a judge of the Supreme Court shall be established when the appointment is served. Refusal to accept the appointment shall be tantamount to relinquishment of office in the position of a judge of the Supreme Court.

§ 2. A judge shall report to take office within 14 days after the acceptance of the appointment.

¹³ Added in Article 8(1) of the Act of 20 July 2018 amending the Act – Law on the common court system and certain other Acts (Journal of Laws, item 1443), which took effect on 10 August 2018; it took effect on 27 July 2018.

§ 3. In the event of unjustified failure to take office within the time limit referred to in § 2, the appointment shall become null and void. Such circumstances shall be determined by the First President of the Supreme Court.

Article 34. § 1. On appointment, judges of the Supreme Court shall swear an oath before the President of the Republic of Poland in the following wording:

“I solemnly swear as a judge of the Supreme Court to loyally serve the Republic of Poland, to be a guardian of law and the rule of law, to perform the obligations of a judge with diligence, to administer justice in accordance with the law and principles of fairness, impartially, in accordance with my conscience, to keep secrets protected by law, and to follow the principles of dignity and integrity in my conduct.”

§ 2. The oath may be followed by the phrase: “So help me God.”

§ 3. Refusal to swear an oath shall be tantamount to relinquishment of office in the position of a judge of the Supreme Court.

Article 35. § 1. Judges shall take office in the chamber of the Supreme Court indicated by the judge in the form proposing a candidate referred to in Article 31 § 3.

§ 2. Judges may, with his or her consent, be transferred by the First President of the Supreme Court to a position in another chamber.

§ 3. Judges may be assigned by the First President of the Supreme Court to participate in the examination of a specific case in another chamber and, with the consent of the judge, to adjudicate for a specific period of time in another chamber. Judges may be assigned to adjudicate in another chamber without their consent for up to six months in a year. After the end of the period of assignment of a judge to adjudicate in another chamber, the judge shall perform functions in cases assigned to him or her in such chamber until the cases are closed. Assignment of a judge of the Supreme Court adjudicating in the Disciplinary Chamber to participate in the examination of a specific case or to adjudicate for a specific period of time in another chamber shall additionally require the consent of the President of the Supreme Court heading the Disciplinary Chamber.

Article 36. § 1. The official relationship of a judge of the Supreme Court shall expire in the case of:

- 1) death;
- 2) resignation from office in the position of a judge of the Supreme Court or waiver of the status of retired judge;
- 3) valid judgment convicting the judge for a deliberate crime prosecuted by public indictment or a deliberate fiscal crime or conditionally staying criminal proceedings in cases of a deliberate crime prosecuted by public indictment or a deliberate fiscal crime;
- 4) valid imposition of a penalty by a court consisting in deprivation of public rights or prohibition of performing the position of a judge;
- 5) valid decision of a disciplinary court removing the judge from office;
- 6) loss of Polish nationality;
- 7) acquisition of foreign nationality unless the judge renounces such nationality within 30 days after its acquisition;
- 8) determination that the judge was an officer, employee or associate of state security institutions referred to in Article 5 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation.

§ 2. A judge of the Supreme Court affected by circumstances referred to in § 1 (2)-(7) shall immediately notify the President of the Republic of Poland thereof through the First President of the Supreme Court. If such circumstance affects the First President of the Supreme Court, the First President of the Supreme Court shall notify the President of the Republic of Poland.

§ 3. The date of expiration of the official relationship of a judge of the Supreme Court shall be determined by the President of the Republic of Poland within three months after:

- 1) the occurrence of the circumstances referred to in § 1 (1);
- 2) obtaining information about the occurrence of the circumstances referred to in § 1 (2)-(8).

§ 4. The occurrence of the circumstances referred to in:

- 1) the first sentence of § 2, shall be notified by the First President of the Supreme Court to the National Council of the Judiciary and the President of the Republic of Poland;
- 2) the second sentence of § 2, shall be notified by the President of the Republic of Poland to the National Council of the Judiciary.

§ 5. The provisions of § 1 (8) shall apply to persons born before 1 August 1972.

§ 6. In order to determine the occurrence of circumstances referred to in § 1 (8), the First President of the Supreme Court shall request the President of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation to provide a report of the Director of the Vetting Department of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation to such extent. The President of the Republic of Poland shall request a report concerning the First President of the Supreme Court.

§ 7. If the presented report confirms the occurrence of circumstances referred to in § 1 (8), the Director of the Vetting Department of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation shall specify that such circumstances arise from:

- 1) a statement concerning having been an officer, employee or associate of state security institutions in the period from 22 July 1944 to 31 July 1990 referred to in Article 7(1) of the Act of 18 December 1998 on disclosure of information concerning state security institution documents from 1944-1990 and their content;
- 2) a valid decision of a regional court referred to in Article 17 of the Act of 18 October 2006 on disclosure of information concerning state security institution documents from 1944-1990 and their content, determining that the person subject to the vetting procedure presented an untrue statement concerning having been an officer, employee or associate of state security institutions in the period from 22 July 1944 to 31 July 1990, referred to in Article 21a(2) of that Act.

§ 8. If the President of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation or the Director of the Vetting Department of the Institute obtains information confirming the circumstances referred to in § 1 (8), he shall forward it immediately to the First President of the Supreme Court and the President of the Supreme Court heading the Disciplinary Chamber. The provisions of the Act of 18 October 2006 on disclosure of information concerning state security institution documents from 1944-1990 and their content shall apply accordingly.

§ 9. Judges of the Supreme Court who resign from office in the position of a judge of the Supreme Court or relinquish the status of a retired judge may be entered into the list of attorneys-at-law or legal counsels or appointed as a notary without having to meet the requirements set out for other judges in the Act of 26 May 1982 – Law on legal attorneys, the Act of 6 July 1982 on legal counsels and the Act of 14 February 1991 – Law on notaries.

Article 37. § 1.¹⁴⁾ Judges of the Supreme Court shall retire at the age of 65 years.

§ 1a. (repealed)¹⁵⁾

§ 1b. (repealed)¹⁷⁾

§ 2. (repealed)¹⁶⁾

§ 3. (repealed)¹⁸⁾

§ 4. (repealed)¹⁸⁾

§ 5. Women judges of the Supreme Court may retire at the age of 60 years by submitting a declaration to the First President of the Supreme Court who shall immediately forward it to the President of the Republic of Poland. The First President of the Supreme Court shall present such declaration directly to the President of the Republic of Poland.

Article 38. § 1. Judges of the Supreme Court shall be retired at their own request or at the request of the Supreme Court Board if a judge is, due to illness or loss of ability, declared by an expert physician of the Social Security Institution (ZUS) to be permanently unfit for the duties of a judge.

§ 2. A request to examine fitness for duty may be lodged by the concerned judge and the Supreme Court Board.

§ 3. Judges of the Supreme Court may be retired if they fail to undergo the examination referred to in § 2 without reason where the Supreme Court Board requests such examination.

§ 4. Resolutions concerning the retirement of judges of the Supreme Court referred to in § 1 and § 3 shall be passed by the National Council of the Judiciary at the request of the concerned judge or of the Supreme Court Board.

§ 5. Appeals may be lodged against resolutions of the National Council of the Judiciary with the Supreme Court in cases referred to in § 4 by the concerned judge or, where the Supreme Court Board requests the retirement of a judge of the Supreme Court, by the Board.

¹⁴ In the wording laid down in Article 1(4)(a) of the Act referred to in footnote 9.

¹⁵ Added in Article 2(2)(b) of the Act referred to in footnote 1; revoked in Article 1(4)(b) of the Act referred to in footnote 9.

¹⁶ In Article 1(4)(b) of the Act referred to in footnote 9.

Article 39. The date of voluntary or mandatory retirement of a judge of the Supreme Court shall be determined by the President of the Republic of Poland.

Article 40. § 1. The Minister of Justice may, at the request of the First President of the Supreme Court, delegate for a fixed period of time not exceeding two years a judge who has at least ten years of experience in the position of a judge, with his or her consent, to exercise the responsibilities of a judge in the Supreme Court.

§ 2. The provisions which lay down the rights and obligations of judges of the Supreme Court shall apply to such judge in the period of delegation to exercise the responsibilities referred to in § 1.

§ 3. The number of judges delegated to exercise the responsibilities of a judge in the Supreme Court shall not exceed 30% of the total number of positions of judges of the Supreme Court.

§ 4. The Minister of Justice may, at the request of the First President of the Supreme Court, delegate for an undetermined period of time a judge, with his or her consent, to perform the functions of an assistant of the Supreme Court and to exercise other responsibilities in the Supreme Court.

§ 5. Judges delegated to exercise the responsibilities referred to in § 1 shall be paid a remuneration at the basic rate of a judge of an appeal court.

§ 6. After three months of delegation to exercise the responsibilities referred to in § 1, for the remaining period of the delegation, judges of an appeal court shall be paid a remuneration at the basic rate of a judge of the Supreme Court unless previous remuneration is higher than paid in the Supreme Court.

§ 7. The terms and conditions of remuneration referred to in § 6 shall apply to judges delegated to perform functions or exercise responsibilities referred to in § 4 provided that judges of an appeal court shall be paid a remuneration at a rate directly higher than their rate, excluding the remuneration of judges of the Supreme Court, and judges of a district court shall be paid a remuneration of judges of regional courts.

Chapter 5

Obligations and rights of judges of the Supreme Court

Article 41. § 1. Judges shall follow the judicial oath in their conduct.

§ 2. Judges shall protect the values associated with the judicial authority and avoid any and all things that could harm the dignity of the office or undermine trust in judicial impartiality.

Article 42. § 1. Judges shall keep secret all circumstances of cases which come to their attention due to the position of a judge outside of open hearings.

§ 2. The secrecy obligation shall survive the termination of the official relationship.

§ 3. The secrecy obligation shall expire where the judge testifies as a witness before the court, unless disclosure of such secret contravenes interests of the state or important private interests which are not contradictory to the objectives of the judiciary. In such cases, the judge may be relieved of the secrecy obligation by the First President of the Supreme Court. The First President of the Supreme Court may be relieved of the secrecy obligation referred to herein by the President of the Republic of Poland.

§ 4. Judges shall not be subject to the vetting procedure under the Act of 5 August 2010 on the protection of classified information.

Article 43. The working time of judges shall be defined by their scope of responsibilities.

Article 44. § 1. Judges of the Supreme Court shall not be in any other official relationship or take up additional employment other than employment as a research and teaching employee, a teaching employee or a research employee with one employer provided that the total work time does not exceed full-time employment of employees so employed, unless this should hinder the performance of duties of a judge of the Supreme Court.

§ 2. Judges of the Supreme Court shall not take up any other activities, for profit or otherwise, which would hinder their performance of duties of a judge of the Supreme Court, harm the dignity of the office or undermine trust in judicial impartiality or independence.

§ 3. A judge taking office in the Supreme Court shall notify the First President of the Supreme Court of any intention to take up or continue employment or other activities referred to in § 1 and § 2. The First President of the Supreme Court shall refuse in writing if the First President of the Supreme Court decides that taking up or continuing employment or other activities would hinder the performance of duties, harm the dignity of the office of a judge of the Supreme Court or undermine trust in judicial impartiality or independence.

§ 4. The First President of the Supreme Court shall notify the President of the Republic of Poland of any intention of judge taking office of the First President of the Supreme Court to take up or continue employment or other activities referred to in § 1 and § 2. The President of the Republic of Poland shall refuse in writing if the President of the Republic of Poland decides that taking up or continuing employment or other activities would hinder the performance of duties, harm the dignity of the office of the First President of the Supreme Court or undermine trust in judicial impartiality or independence.

§ 5. Judges of the Supreme Court shall not:

- 1) be a member of the management board, the supervisory board or the audit committee of a commercial law company;
- 2) be a member of the management board, the supervisory board or the audit committee of a co-operative;
- 3) be a member of the management board of a for-profit foundation;
- 4) hold more than 10% of shares representing more than 10% of the share capital of a commercial law company;
- 5) carry out economic activities for own account or jointly with others or manage such activities or act as a representative or proxy in such activities.

§ 6. A commercial law company shall be understood as a commercial company or partnership or other company or partnership subject to commercial law, including a company or partnership under foreign law.

§ 7. Judges of the Supreme Court shall transfer any profits from shares held in a public law company referred to in § 5 (4) for a charitable purpose of their choice or to a separate bank account managed by a bank named by the First President of the Supreme Court no later than 31 March of the year following the year when such profits are earned. Judges of the Supreme Court may use profits deposited in such bank account after retirement.

§ 8. Any failure to comply with the obligation referred to in § 7 shall be tantamount to relinquishment of office in the position of a judge of the Supreme Court.

§ 9. Any election or appointment to authorities of a company, co-operative or foundation in breach of the prohibitions laid down in § 5 (1)-(3) shall be invalid by law and shall not be entered into the relevant register.

§ 10. The provisions of § 1 - § 3, § 5, § 6 and § 9 shall apply accordingly to retired judges of the Supreme Court.

§ 11.¹⁷⁾ Judges of the Supreme Court adjudicating in the Disciplinary Chamber shall not be in any other official relationship or take up additional employment or other activities referred to in § 1 and § 2 other than employment of a judge holding the scientific degree of PhD hab. or the title of professor as a research and teaching employee or a research employee with one employer provided that the total work time does not exceed full-time employment of employees so employed, and with the exception of participation in conferences and training for which the judge is paid no remuneration. Employment as a research and teaching employee or a research employee and participation in conferences and training shall be subject to the approval of the President of the Supreme Court heading the Disciplinary Chamber.

Article 45. § 1. Judges of the Supreme Court shall present declarations of assets held, referred to in Article 87 of the Act of 27 July 2001 – Law on the common court system, to the First President of the Supreme Court.

§ 2. Data contained in declarations of assets held submitted by judges of the Supreme Court shall be reviewed by the First President of the Supreme Court. The First President of the Supreme Court shall notify any identified irregularities to the President of the Republic of Poland.

Article 46. § 1. Judges shall file any requests, applications and complaints in connection with their office with the President of the Supreme Court heading the chamber in which they adjudicate or with the First President of the Supreme Court.

§ 2. Judges shall not approach third-party institutions or persons or publish any of the matters referred to in § 1.

Article 47. Judges shall immediately notify the First President of the Supreme Court and the President of the Supreme Court heading the Disciplinary Chamber of any pending litigation in which they are a party to or participant of the proceedings.

Article 48. § 1. The basic remuneration of judges of the Supreme Court shall be equal to a multiple of the basis of such remuneration times a multiplier of 4.13.

§ 2. The basic remuneration of judges of the Supreme Court in each year shall be determined on the basis of the average remuneration in the second quarter of the preceding year, published in the Official Journal of the Republic of Poland “Monitor Polski” by the President of the Central Statistical Office (GUS) according to Article 20(2) of the Act of 17 December 1998 on old-age and disability pensions paid from the Social Insurance Fund (FUS) (Journal of Laws of 2018, item 1270 and 2245, and of 2019, item 39).

§ 3. If the average remuneration referred to in § 2 is lower than the published average remuneration in the second quarter of the preceding year, the basis of the basic remuneration of judges of the Supreme Court shall remain unchanged.

§ 4. Remuneration of judges of the Supreme Court shall be expressed at the basic or the promotion rate. The promotion rate shall be equal to 115% of the basic rate.

§ 5. Judges of the Supreme Court taking office shall receive the basic remuneration at the basic rate. The basic remuneration of judges of the Supreme Court shall be increased to the promotion rate after seven years of service in the Supreme Court.

¹⁷ In the wording laid down in Article 8(2) of the Act referred to in footnote 15; it took effect on 27 July 2018.

§ 6. In connection with the function held, judges of the Supreme Court shall be entitled to a duty allowance in an amount determined by using the multipliers of the basis of the remuneration referred to in § 2.

§ 7. Judges of the Supreme Court adjudicating in the Disciplinary Chamber and judges delegated to exercise responsibilities in the Disciplinary Chamber shall, in connection with the prohibition of employment laid down in Article 44 § 11, be entitled to an allowance at 40% of the basic remuneration and duty allowance in aggregate. Such allowance shall not be due for any period of absence from work due to the judge's illness unless the total period of such absence is no more than 30 days in the calendar year. Such allowance shall not be due if the judge takes up employment as a research and teaching employee or a research employee, for the period from the start date of work in such position to the end date of employment.¹⁸⁾

§ 8. The table of multipliers used to determine the amount of the duty allowance is presented in an annex hereto.

Article 49. Judges of the Supreme Court shall be entitled to a long service allowance at 1% of the basic remuneration for each year of service but no more than 20% of the basic remuneration. The period of service used to determine the amount of the allowance shall include the period of official relationships or employment relationships before the appointment to the office of a judge of the Supreme Court and the period of work in the profession of attorney-at-law, legal counsel or notary.

Article 50. § 1. Judges of the Supreme Court shall be entitled to jubilee bonuses in the following amount:

- 1) after 20 years of service - 100% of the monthly remuneration;
- 2) after 25 years of service - 150% of the monthly remuneration;
- 3) after 30 years of service - 200% of the monthly remuneration;
- 4) after 35 years of service - 250% of the monthly remuneration;
- 5) after 40 years of service - 350% of the monthly remuneration;
- 6) after 45 years of service - 400% of the monthly remuneration.

§ 2. The period of service which entitles a judge to a jubilee bonus shall include all previous periods of service and employment, including the period of work in the profession of attorney-at-law, legal counsel or notary, as well as other periods if they shall be included in the period of work used to determine employee entitlements under other regulations.

Article 51. § 1. Judges of the Supreme Court shall be entitled to an additional annual holiday of 12 working days.

§ 2. Judges may, at their request, be granted a paid health leave.

§ 3. A health leave shall be no more than six months.

§ 4. In the period of absence due to illness, judges shall receive 80% of the remuneration but no longer than for one year. That period shall include periods of previous absences from service due to illness or health leave provided that the period of active service is no more than 30 days. After one year of absence due to illness, judges shall receive 50% of the remuneration.

§ 5. If a judge is absent due to:

- 1) an accident at work or on the way to or from work;
- 2) an illness in the pregnancy period;
- 3) an illness suffered in connection with specific characteristics or conditions of exercising the responsibilities of a judge;
- 4) an illness suffered due to a deliberate offence of another person in connection with exercising the responsibilities of a judge, certified by an authorised body;
- 5) undergoing necessary medical examinations for candidates for donors of cells, tissues and organs and undergoing surgery to collect cells, tissues and organs;

then the judge shall be entitled to receive 100% of the remuneration but no longer than for one year.

§ 6. The second and third sentence of § 4 shall apply to absences of judges for reasons referred to in § 5.

§ 7. If there is reasonable suspicion that an illness of a judge is suffered in connection with specific characteristics or conditions of exercising the responsibilities of a judge, the First President of the Supreme Court shall refer the judge, *ex officio* or at the request of the judge, to an expert physician of the Social Security Institution. The judge may lodge an appeal against the decision of the expert physician with the medical committee of the Social Security Institution within 14 days after the delivery of the decision.

¹⁸ The third sentence added in Article 8(3) of the Act referred to in footnote 15; it took effect on 27 July 2018.

§ 8. An illness suffered in connection with specific characteristics or conditions of exercising the responsibilities of a judge shall be understood as an illness suffered due to harmful factors occurring at the place where the judge exercises the responsibilities of a judge.

§ 9. The cost of an examination and a decision of the expert physician and the medical committee of the Social Security Institution shall be paid by the State Treasury from the budget managed by the First President of the Supreme Court.

§ 10. If a judge is unable to perform official duties for other reasons which entitle the judge to receive benefits defined in the Act of 25 June 1999 on social security payments in the event of illness or maternity (Journal of Laws of 2017, item 1368, as amended¹⁹), the judge shall be entitled to receive a remuneration in the amount of such benefits and for the period of time laid down in that Act.

§ 11. The period of absence due to an illness and inability to perform official duties, referred to in § 10, shall be confirmed in a medical certificate issued according to Article 55(1) and Article 55a(7) of the Act of 25 June 1999 on social security payments in the event of illness or maternity or a printout of a medical certificate referred to in Article 55a(6) of that Act and in the event:

- 1) of undergoing necessary medical examinations for candidates for donors of cells, tissues and organs and inability to work due to undergoing surgery to collect cells, tissues and organs – a certificate issued by a physician in the ordinary form, according to Article 53(3) of the Act of 25 June 1999 on social security payments in the event of illness or maternity;
- 2) referred to in Article 6(2)(1) of the Act of 25 June 1999 on social security payments in the event of illness or maternity – a decision issued by the competent authority or authorised body according to the Act of 5 December 2008 on the prevention and combatting of human infections and infectious diseases (Journal of Laws of 2018, item 151 and 1669);
- 3) of a maternity leave – a medical certificate issued in the ordinary form, which shall specify the expected date of birth – for the period before birth, and a summary birth certificate of the child or a copy thereof – for the period after birth;
- 4) of the judge being required to personally take care of a child of the judge or of the judge's spouse, an adopted child, a child adopted into custody, before the child is 8 years of age, in the event of:
 - a) an unexpected closing of a creche, children's club, kindergarten or school attended by the child and in the event of an illness of a nanny who signed an activation agreement with the parents as referred to in Article 50 of the Act of 4 February 2011 on child care for children up to 3 years of age (Journal of Laws of 2019, item 409) or a baby-sitter taking care of the child;
 - b) birth or an illness of the judge's spouse or a parent of the judge's child who permanently takes care of the child where such birth or illness prevents such spouse or parent from taking care of the child;
 - c) a stay of the judge's spouse or a parent of the judge's child who permanently takes care of the child in a hospital or other medical facility of a medical service provider which provides medical services including round-the-clock hospital health care

- a declaration of the judge.

§ 12. Medical certificates shall be delivered using the information profile referred to in Article 58(1) of the Act of 25 June 1999 on social security payments in the event of illness or maternity on the terms and conditions set out therein. The First President of the Supreme Court shall use or create an information profile referred to in Article 58(1) of that Act.

§ 13. Printouts of medical certificates referred to in Article 55a(6) of the Act of 25 June 1999 on social security payments in the event of illness or maternity, medical certificates referred to in Article 55a(7) of that Act, certificates issued by the physician in the ordinary form in the cases referred to in § 11 (1) and (3), decisions and summary birth certificates of a child or copies thereof shall be delivered by judges to the First President of the Supreme Court within 7 days of receipt.

§ 14. Judges shall present the First President of the Supreme Court with a declaration of occurrence of circumstances referred to in § 11 (4) within 7 days of their occurrence.

§ 15. In the case of any failure to comply with the obligations referred to in § 13 and § 14, absence shall be deemed unjustified unless the failure to deliver a certificate, decision, summary birth certificate of a child or copy thereof or the failure to present a declaration is due to circumstances beyond the judge's control.

§ 16. Judges shall be entitled to remuneration in the case of other justified absence.

§ 17. In cases where employees covered by social security are entitled to benefits irrespective of their right to remuneration, judges shall be entitled to payments in the amount of social security benefits.

§ 18. Judges may be granted a rehabilitation leave on the terms and conditions laid down in Article 94d – Article 94g of the Act of 27 July 2001 – Law on the common court system.

¹⁹ The amendments to the consolidated text of the Act were published in the Journal of Laws of 2018, item 1076, 1544, 1629, 1669, 1925 and 2244, and of 2019, item 60 and 303.

Article 52. § 1. Judges of the Supreme Court nominated, appointed or elected to functions in state bodies, in the diplomatic or consular service or in bodies of international or transnational organisations functioning under international treaties ratified by the Republic of Poland shall immediately resign from office.

§ 2. Judges who resign from office for reasons referred to in § 1 may return to office in the position of a judge of the Supreme Court provided that the interruption in serving the duties of a judge is no more than 9 years unless they perform the functions of a judge or public prosecutor in international or transnational judicial bodies.

§ 3. In the case referred to in § 2, the National Council of the Judiciary shall, by the initiative of the concerned person, table a request for appointment to office in the position of a judge of the Supreme Court to the President of the Republic of Poland.

§ 4. If the tabling of a request referred to in § 3 is refused, the concerned person may lodge an appeal with the Supreme Court.

Article 53. § 1. Judges of the Supreme Court whose permanent place of residence is outside Warsaw shall be entitled to free-of-charge accommodation in Warsaw and the reimbursement of the cost of the travel as well as an expatriation allowance on the terms and conditions laid down in implementing regulations issued under Article 26(2a) of the Act of 16 September 1982 on employees of public institutions.

§ 2. The benefits and payments referred to in § 1 shall not be due if the distance between the permanent place of residence of a judge of the Supreme Court and Warsaw is no more than 60 km unless the First President of the Supreme Court decides, at the request of the judge of the Supreme Court, that it would be appropriate due to the scope of responsibilities and the conditions of the travel.

Article 54. Judges of the Supreme Court who retire shall be entitled to a one-off severance pay equal to six months' remuneration.

Article 55. § 1. Judges of the Supreme Court shall not be deprived of liberty or held criminally responsible without an approval of a disciplinary court. The foregoing shall not apply to being apprehended in the commission of an offence if the apprehension of the judge is necessary to ensure the proper course of the procedure. Only urgent actions shall be taken until a resolution is issued allowing for the judge to be held criminally responsible.

§ 2. If a request for allowing criminal responsibility or temporary detention concerns a judge who is apprehended in the commission of a crime or an offence subject to the penalty of deprivation of liberty up to at least 8 years, an offence referred to in Article 177 § 1 of the Act of 6 June 1997 – Criminal Code (Journal of Laws of 2018, item 1600 and 2077) in conjunction with Article 178 § 1 of that Act, and in Article 178a § 1 or § 4 of the Act of 6 June 1997 – Criminal Code, and the judge remains detained, a disciplinary court shall pass a resolution concerning such request immediately, no later than 24 hours after its delivery to the disciplinary court. Resolutions allowing criminal responsibility or temporary detention of a judge shall be immediately enforceable.

§ 3. Detention of a judge shall immediately be notified to the First President of the Supreme Court and the President of the Supreme Court heading the Disciplinary Chamber. The First President of the Supreme Court may order immediate release of the detained.

§ 4. The body or person requesting release and the Disciplinary Prosecutor of the Supreme Court may lodge an appeal with a disciplinary court of second instance within 7 days after the delivery of a resolution refusing to allow for a judge to be held criminally responsible. The concerned judge may lodge an appeal against a resolution allowing for him or her to be held criminally responsible within the same time limit.

Article 56. Retired judges of the Supreme Court shall be entitled to a remuneration equal to 75% of the basic remuneration and a long service allowance received in the position last held. Such remuneration shall be adjusted at dates and in amounts applicable to modifications of the basic remuneration of active judges of the Supreme Court.

Article 57. The Supreme Court may employ assistants for judges. Assistants shall have university education in law.

Article 58. No person in a relationship with a judge of the Supreme Court authorising such person to refuse to testify under Article 261 § 1 of the Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws of 2018, item 1360, as amended²⁰) shall be employed in the Supreme Court.

Chapter 6

Lay judges of the Supreme Court

²⁰ The amendments to the consolidated text of the Act were published in the Journal of Laws of 2018, item 1467, 1499, 1544, 1629, 1637, 1693, 2385 and 2432, and of 2019, item 55 and 60.

Article 59. § 1. Lay judges of the Supreme Court shall participate in the examination of extraordinary appeals, cases referred to in Article 27 § 1 (1) and other disciplinary proceedings in which the Supreme Court has jurisdiction under other statutes.

§ 2. Unless statutes provide otherwise, the Supreme Court shall adjudicate in cases referred to in § 1 in a panel of two judges of the Supreme Court and one lay judge of the Supreme Court.

§ 3. Eligible as lay judges of the Supreme Court shall be any person who:

- 1) holds only Polish nationality and is capable of fully exercising his or her civil and public rights;
- 2) is of impeccable moral character;
- 3) is more than 40 years of age;
- 4) is no more than 60 years of age at the date of appointment;
- 5) is capable, in view of his or her health status, to perform the functions of a lay judge of the Supreme Court;
- 6) has at least secondary or vocational secondary education.

Article 60. Eligible as lay judges of the Supreme Court shall be no person who:

- 1) is employed by the Supreme Court or other courts or the prosecution service;
- 2) is a member of any body whose decision may be taken to court;
- 3) is a lay judge in a common court or military court;
- 4) is a police officer or employee of law enforcement services;
- 5) is an employee of institutions supporting central state authorities;
- 6) carries out a profession for which the Supreme Court may have jurisdiction in disciplinary cases;
- 7) is an attorney-at-law or trainee attorney;
- 8) is a legal counsel or trainee legal counsel;
- 9) is a notary, deputy notary or trainee notary;
- 10) is a clergyman;
- 11) is a soldier in active military service;
- 12) is a Prison Guard officer;
- 13) is a member of the Sejm or Senate, a member of the European Parliament, a councillor of a municipality, district or region;
- 14) was an officer, employee or associate of state security institutions referred to in Article 5 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation;
- 15) is a member of a political party.

Article 61. § 1. The number of lay judges of the Supreme Court shall be determined by the Supreme Court Board.

§ 2.²¹⁾ Lay judges shall be appointed by the Senate in an open ballot.

§ 3. The mandate of lay judges of the Supreme Court shall be four calendar years after the year of appointment. The function of a lay judge of the Supreme Court appointed during a current mandate shall expire on the expiry of the mandate of all lay judges of the Supreme Court.

§ 4. After the expiry of a mandate, lay judges of the Supreme Court shall only participate in the examination of cases previously opened with their participation until such cases are closed.

§ 5. Lay judges of the Supreme Court shall be appointed no later than October of the calendar year when the mandate of previous lay judges of the Supreme Court expires.

Article 62. § 1. Candidates for lay judges of the Supreme Court shall be proposed to the Speaker of the Senate. The First President of the Supreme Court shall provide the number of lay judges of the Supreme Court determined by the Supreme

²¹ In the wording laid down in Article 1(5) of the Act referred to in footnote 2.

Court Board for information of the Speaker of the Senate no later than 30 days before the time limit for the nomination of candidates.

§ 2. Candidates for lay judges of the Supreme Court may be proposed by associations, other civic and professional organisations, registered under separate regulations, other than political parties, and at least 100 citizens holding the right to vote, no later than 30 June of the calendar year when the mandate of previous lay judges of the Supreme Court expires.

§ 3. The Speaker of the Senate shall request the Commander in Chief of the Police to provide information about candidates for lay judges of the Supreme Court. Information about candidates for lay judges of the Supreme Court shall be obtained and prepared on the terms and conditions applicable to information about candidates for the position of a judge of a common court.

§ 4. Specific rules of conduct with regard to documents presented to the Speaker of the Senate when proposing candidates for lay judges of the Supreme Court shall be laid down in the rules of the Senate.

§ 5. The template form for proposing candidates for lay judges of the Supreme Court and the terms and conditions of its distribution shall be determined in a regulation by the Speaker of the Senate. The regulation of the Speaker of the Senate shall be published in the Official Journal of the Republic of Poland "Monitor Polski".

Article 63. § 1. A list of appointed lay judges of the Supreme Court and the documents referred to in Article 62 § 4 shall be provided by the Speaker of the Senate immediately to the First President of the Supreme Court.

§ 2. The First President of the Supreme Court shall present the appointment to lay judges of the Supreme Court and swear them according to an oath in the following wording:

"I solemnly swear as a lay judge of the Supreme Court to loyally serve the Republic of Poland, to be a guardian of law and the rule of law, to perform the obligations of a lay judge with diligence, to administer justice in accordance with the law and principles of fairness, impartially, in accordance with my conscience, to keep secrets protected by law, and to follow the principles of dignity and integrity in my conduct."

§ 2. The oath may be followed by the phrase: "So help me God."

§ 3. Refusal to swear an oath shall be tantamount to relinquishment of the function of a lay judge of the Supreme Court.

§ 5. After swearing them in, the First President of the Supreme Court shall enter lay judges in the list of lay judges of the Supreme Court who may be assigned to adjudicate and issue an identity card to the lay judges.

§ 6. The First President of the Supreme Court shall organise training for lay judges of the Supreme Court in extraordinary appeals and disciplinary proceedings. The participation of lay judges of the Supreme Court in training shall be mandatory.

Article 64. § 1. The function of lay judges of the Supreme Court shall expire if the lay judge is sentenced in a valid judgment for a deliberate crime prosecuted by public indictment or a deliberate fiscal crime or is found to have been an officer, employee or associate of state security institutions referred to in Article 5 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation. The Speaker of the Senate shall determine the expiration of the function on such grounds and notify the First President of the Supreme Court thereof.

§ 2. The provisions of Article 36 § 5 - § 8 shall apply accordingly to lay judges of the Supreme Court.

Article 65. Lay judges of the Supreme Court shall not be assigned to duties where:

- 1) circumstances are identified which would have prevented their appointment;
- 2) proceedings are opened to have a lay judge of the Supreme Court dismissed, until the Senate passes a resolution concerning such dismissal;
- 3) proceedings are opened against a lay judge of the Supreme Court concerning a deliberate crime prosecuted by public indictment or a deliberate fiscal crime, until the case is closed with a valid decision.

Article 66. Wherever required, in particular due to a reduction of the number of lay judges of the Supreme Court during their mandate, the Senate shall, at the request of the First President of the Supreme Court, carry out by-elections. The provisions of Article 62 shall apply accordingly.

Article 67. § 1. When adjudicating, lay judges of the Supreme Court shall be independent and subject only to the Constitution and statutes.

§ 2. Lay judges of the Supreme Court shall not chair hearings or sessions or exercise any responsibilities of a judge outside of a hearing, unless statutes provide otherwise.

Article 68. § 1. Lay judges of the Supreme Court may be assigned to participate in hearings for no more than 20 days per year. The number of days may be increased by the First President of the Supreme Court only for compelling reasons, in particular where a hearing with the participation of a lay judge of the Supreme Court needs to be closed.

§ 2. Lay judges of the Supreme Court shall be paid an allowance for the time when they exercise responsibilities in court, including participation in a hearing or sitting, participation in a session before passing a ruling, preparation of a reasoning, participation in mandatory training organised by the First President of the Supreme Court and participation in a meeting of the Council of Lay Judges of the Supreme Court if elected to the Council.

§ 3. The amount of allowances for lay judges of the Supreme Court participating in the examination of cases in the Supreme Court for each day of exercising the responsibilities of lay judges of the Supreme Court shall be equal to 5% of the average remuneration in the national economy in the previous calendar year published in the Official Journal of the Republic of Poland "Monitor Polski" by the President of the Central Statistical Office (GUS) according to Article 20(1)(a) of the Act of 17 December 1998 on old-age and disability pensions paid from the Social Insurance Fund (FUS).

Article 69. Lay judges of the Supreme Court whose permanent place of residence is outside Warsaw shall be paid a per diem and reimbursed for the cost of travel and accommodation on the terms and conditions applicable to judges of common courts.

Article 70. § 1. Lay judges of the Supreme Court shall elect the Council of Lay Judges of the Supreme Court, its Chairman and Deputy Chairmen from amongst themselves.

§ 2. The responsibilities of the Council of Lay Judges of the Supreme Court shall include, without limitation, to improve the quality of work of lay judges of the Supreme Court, to represent them and to foster educational functions of lay judges of the Supreme Court among the general public.

§ 3. The President of the Republic of Poland shall determine, in a regulation, the election procedure, the composition and organisation, the operating procedures and specific responsibilities of the Council of Lay Judges of the Supreme Court taking into consideration to obligatory nature of the Council of Lay Judges of the Supreme Court as a self-governance system of lay judges representing lay judges of the Supreme Court, the scope of co-operation with the First President of the Supreme Court and the President of the Supreme Court heading the Disciplinary Chamber, the required appointment of its Chairman and Deputy Chairmen within its organisation and the definition of their responsibilities.

Article 71. The provisions of Division IV Chapter 7 of the Act of 27 July 2001 – Law on the common court system applicable to lay judges shall apply accordingly to lay judges of the Supreme Court in matters not governed by this Chapter.

Chapter 7

Disciplinary liability

Article 72. § 1. Judges of the Supreme Court shall have disciplinary liability for professional misconduct and negligent performance of the state office.

§ 2. Judges shall have disciplinary liability for their conduct before taking office in the event of negligent performance of a held state office or being unworthy of the office of a judge.

§ 3. Judges shall only have disciplinary liability for offences.

§ 4. Judges may accept being held criminally responsible for offences referred to in Chapter XI of the Act of 20 May 1971 – Code of Offences (Journal of Laws of 2018, item 618, 911, and 2077, and of 2019, item 53). Acceptance shall mean that the judge accepts a penalty or pays a fine in the event of being issued a deferred penalty referred to in Article 98 § 1 (3) of the Act of 24 August 2001 – Code of Procedure in Cases of Offences.

§ 5. Acceptance of being held criminally responsible by a judge according to § 4 shall exclude disciplinary liability.

Article 73. § 1. Disciplinary courts in disciplinary cases of judges of the Supreme Court shall include:

- 1) in first instance – the Supreme Court in a panel of two judges of the Disciplinary Chamber and one lay judge of the Supreme Court;
- 2) in second instance – the Supreme Court in a panel of three judges of the Disciplinary Chamber and two lay judges of the Supreme Court.

§ 2. (repealed)²²⁾

Article 74. The Disciplinary Prosecutor of the Supreme Court and the Deputy Disciplinary Prosecutor of the Supreme Court shall be appointed by the Supreme Court Board for a term of four years.

Article 75. § 1. Disciplinary penalties shall include:

- 1) warnings;

²² In Article 1(6) of the Act referred to in footnote 2.

- 2) reprimands;
- 3) reduction of the basic remuneration of the judge by 5%-50% for a period from 6 months to 2 years;
- 4) removal from the function held;
- 5) removal of the judge from office.

§ 2. The court shall publish a valid disciplinary judgment by posting it on the website of the Supreme Court. The operative part of a judgment shall be published with the exception of the identification data of natural persons or other persons if necessary to protect their legitimate interests.

§ 3. The court shall provide a valid disciplinary judgment to the President of the Republic of Poland for information.

§ 4. A penalty referred to in § 1 (2)-(4) shall result in exclusion, for a period of five years, from participation in the Supreme Court Board, adjudication in a disciplinary court and holding of functions in the Supreme Court. A judge adjudicating in the Disciplinary Chamber who is sanctioned with a disciplinary penalty referred to in the first sentence shall be assigned by the First President of the Supreme Court to examine cases in another chamber for a period of five years.

§ 5. A penalty referred to in § 1 (5) shall exclude the sanctioned person from being re-appointed to the office of a judge.

§ 6. The disciplinary court may waive a penalty in the case of a minor disciplinary or other offence.

Article 76. § 1. The Disciplinary Prosecutor of the Supreme Court shall initiate investigative actions at the request of the First President of the Supreme Court, the President of the Supreme Court heading the Disciplinary Chamber, the Supreme Court Board, the Prosecutor General, the Chief State Prosecutor or by own initiative, following preliminary clarification of circumstances necessary to establish an offence and clarifications provided by the judge, unless such clarifications cannot be presented. Investigative actions shall be carried out within 30 days after the first action is taken by the Disciplinary Prosecutor of the Supreme Court.

§ 2. After investigative actions, if there are grounds to open disciplinary proceedings, the Disciplinary Prosecutor of the Supreme Court shall open disciplinary proceedings and present the judge with written charges. After the presentation of the charges, the accused may present clarifications and present motions for evidence within 14 days.

§ 3. After the time limit referred to in § 2 and, if necessary, after obtaining further evidence, the Disciplinary Prosecutor of the Supreme Court shall file an application for the examination of a disciplinary case with a disciplinary court of first instance. The application shall contain a precise description of the action subject to the proceedings, a list of evidence substantiating the application, as well as a reasoning.

§ 4. If the Disciplinary Prosecutor of the Supreme Court finds no grounds to open disciplinary proceedings at the requests of a competent authority, the Disciplinary Prosecutor of the Supreme Court shall issue a decision refusing to open such proceedings. A copy of the decision shall be delivered to the authorities referred to in § 1 and the President of the Republic of Poland. Any authority referred to in § 1 may lodge an appeal with the disciplinary court of first instance within 30 days of delivery of such decision.

§ 5. If the Disciplinary Prosecutor of the Supreme Court finds no grounds to file an application for the examination of a disciplinary case, the Disciplinary Prosecutor of the Supreme Court shall issue a decision discontinuing the disciplinary proceedings. A copy of the decision shall be delivered to the accused, the authorities referred to in § 1 and the President of the Republic of Poland. Any authority referred to in § 1 may lodge an appeal with the disciplinary court of first instance within 30 days of delivery of such decision.

§ 6. Appeals shall be examined within 14 days of submission to the court. If the contested decision is revoked, the guidance of the disciplinary court concerning further course of action shall be binding to the Disciplinary Prosecutor of the Supreme Court.

§ 7. No cassation can be lodged against disciplinary rulings.

§ 8. The President of the Republic of Poland may appoint an Extraordinary Disciplinary Prosecutor from amongst judges of the Supreme Court, judges of common courts or judges of military courts in order to handle a specific case concerning a judge of the Supreme Court. In cases of disciplinary offences which meet the criteria of a deliberate crime prosecuted by public indictment or a deliberate fiscal crime, the President of the Republic of Poland may appoint an Extraordinary Disciplinary Prosecutor also from amongst prosecutors of the State Prosecution Service nominated by the Chief State Prosecutor. The appointment of an Extraordinary Disciplinary Prosecutor shall be tantamount to a request for the opening of investigative actions. An Extraordinary Disciplinary Prosecutor may open disciplinary proceedings or join pending proceedings. The appointment of an Extraordinary Disciplinary Prosecutor shall exclude the Disciplinary Prosecutor of the Supreme Court or the Deputy Disciplinary Prosecutor of the Supreme Court from taking actions in the case. In justified cases, including without limitation in the event of death or persisting obstacles to the performance of the functions of an Extraordinary Disciplinary Prosecutor, the President of the Republic of Poland shall appoint another judge or prosecutor in their place. The provisions of § 1 - § 6 shall apply accordingly to actions taken by an Extraordinary Disciplinary Prosecutor.

The function of an Extraordinary Disciplinary Prosecutor shall expire when a decision refusing to open disciplinary proceedings becomes valid, disciplinary proceedings are discontinued, or a ruling closing disciplinary proceedings becomes valid.

§ 9. If the President of the Republic of Poland appoints no Extraordinary Disciplinary Prosecutor referred to in § 8 in cases of disciplinary offences which meet the criteria of a deliberate crime prosecuted by public indictment or a deliberate fiscal crime within 30 days of the request referred to in § 1, the Minister of Justice shall notify the President of the Republic of Poland of the intention, if any, to appoint an Extraordinary Disciplinary Prosecutor. If the President of the Republic of Poland appoints no Extraordinary Disciplinary Prosecutor within 30 days of the receipt of such notification from the Minister of Justice, the Minister of Justice may appoint an Extraordinary Disciplinary Prosecutor.

§ 10. After investigative actions are carried out or a request for the examination of a disciplinary case is lodged with a disciplinary court in the case of disciplinary offences which meet the criteria of a deliberate crime prosecuted by public indictment or a deliberate fiscal crime, if it transpires that the act may be classified under other legal provisions within the limits of indictment and an Extraordinary Disciplinary Prosecutor already appointed by the President of the Republic of Poland is a prosecutor, the President of the Republic of Poland shall appoint an Extraordinary Disciplinary Prosecutor from amongst judges of the Supreme Court, judges of common courts or judges of military courts in order to handle the case of a judge of the Supreme Court. Investigative actions carried out and evidence presented before the request for the examination of a disciplinary case is lodged with the disciplinary court shall not be carried out or presented again.

§ 11. After investigative actions are carried out or a request for the examination of a disciplinary case is lodged with a disciplinary court in the case of disciplinary offences which meet the criteria of a deliberate crime prosecuted by public indictment or a deliberate fiscal crime, if it transpires that the act may be classified under other legal provisions within the limits of indictment and an Extraordinary Disciplinary Prosecutor already appointed by the Minister of Justice is a prosecutor, the Minister of Justice shall appoint an Extraordinary Disciplinary Prosecutor from amongst judges of the Supreme Court, judges of common courts or judges of military courts in order to handle the case of a judge of the Supreme Court. Investigative actions carried out and evidence presented before the request for the examination of a disciplinary case is lodged with the disciplinary court shall not be carried out or presented again.

Chapter 8

Proceedings before the Supreme Court

Article 77. § 1. The Supreme Court shall adjudicate in a panel of three judges, unless statutes provide otherwise.

§ 2. The Disciplinary Chamber of the Supreme Court shall adjudicate in a panel of one judge in cases where statutes proscribe no court composition, unless the President heading the Disciplinary Chamber orders that the case shall be adjudicated in a panel of three judges.

Article 78. Cases referred to in Article 55 § 1 and § 2 shall be adjudicated by a disciplinary court in a panel of three judges of the Disciplinary Chamber of the Supreme Court.

Article 79. Labour law and social security cases concerning judges of the Supreme Court and cases concerning mandatory retirement of judges of the Supreme Court shall be adjudicated:

- 1) in first instance – by the Supreme Court in a panel of one judge of the Disciplinary Chamber;
- 2) in second instance – by the Supreme Court in a panel of three judges of the Disciplinary Chamber.

Article 80. § 1. Cases shall be assigned and panels shall be appointed by the President of the Supreme Court heading the relevant chamber.

§ 2. Cases shall be examined in the order they are lodged with the Supreme Court unless specific provisions require otherwise. In specially justified cases, the President of the Supreme Court heading the relevant chamber may order that a case should be examined as a priority.

Article 81. Only one judge delegated to exercise responsibilities of a judge in the Supreme Court may participate in an adjudicating panel of the Supreme Court. Delegated judges shall not preside adjudicating panels.

Article 82. If the Supreme Court examines a cassation or other appeal and has serious doubts as to the interpretation of the law underlying the decision issued, the Supreme Court may defer the examination of the case and put a legal question to a panel of seven judges of the Supreme Court.

Article 83. § 1. If any divergences arise in the interpretation of laws underlying the case law of common courts, military courts or the Supreme Court, the First President of the Supreme Court or a President of the Supreme Court may, in order to ensure consistency of the case law, put a legal question to the Supreme Court in a panel of seven judges or other relevant panel.

§ 2.²³⁾ Questions referred to in § 1 may also be put by the Prosecutor General, the Ombudsman and, within their jurisdiction, by the President of the General Council to the Republic of Poland, the Ombudsman for Children, the Ombudsman for Patients, the President of the Social Dialogue Council, the President of the Polish Financial Supervision Authority, the Financial Ombudsman and the Ombudsman for SMEs.

Article 84. Decisions to put a legal question and resolutions of the Supreme Court shall be reasoned in writing.

Article 85. § 1. The Prosecutor General shall be notified of sessions of the full panel of the Supreme Court or the panel of a chamber or combined chambers.

§ 2. Defence counsels and proxies including attorneys-at-law and legal counsel as well as persons authorised to lodge cassation appeals in civil cases shall also be notified of sessions of the Supreme Court called to resolve a legal question.

§ 3. A Deputy Prosecutor General, a prosecutor of the State Prosecution Service or a prosecutor of another organisational unit of the prosecution service delegated to exercise responsibilities in the State Prosecution Service, appointed by the Prosecutor General or a Deputy Prosecutor General to participate in sessions of the Supreme Court, may participate in sessions as a substitute to the Prosecutor General.

§ 4. Any absence of persons referred to in § 1 - § 3 at a session shall not stay the proceedings provided that they are properly notified.

§ 5. A President of the Supreme Court may require entities notified of a session to present written suggestions concerning the expected resolution of the legal question before the session.

Article 86. § 1. If a panel of the Supreme Court decides that a legal question must be clarified and divergences must be resolved, it shall pass a resolution; otherwise, it shall refuse to pass a resolution and, if a resolution is no longer required, it shall discontinue the proceedings.

§ 2. If a panel of seven judges of the Supreme Court finds grounds to do so due to relevance to judicial practice or gravity of doubts, it may put a legal question or lodge a request for a resolution to the full panel of a chamber and a chamber may do so in relation to the panel of two or more combined chambers or the full panel of the Supreme Court.

Article 87. § 1. Resolutions of the full panel of the Supreme Court, the panel of combined chambers or the full panel of a chamber shall become legal principles when passed. A panel of seven judges may decide that a resolution shall have the effect of a legal principle.

§ 2. Resolutions which have the effect of a legal principle shall be published together with their reasoning in the Public Information Bulletin on the institutional website of the Supreme Court.

Article 88. § 1. If a panel of the Supreme Court intends to derogate from a legal principle, it shall put the arising legal question to the full panel of the chamber for resolution.

§ 2. Any derogation from a legal principle approved in a resolution of a chamber, combined chambers or the full panel of the Supreme Court shall require a decision approved in a resolution of the relevant chamber, combined chambers or the full panel of the Supreme Court, respectively.

§ 3. If a panel of a chamber of the Supreme Court intends to derogate from a legal principle approved in a resolution by another chamber, this shall be decided in a resolution of both chambers. The chambers may put the legal question to the full panel of the Supreme Court for examination.

Article 89. § 1.²⁴⁾ If necessary to ensure compliance with the principle of a democratic state ruled by law implementing the principles of social justice, extraordinary appeals may be lodged against valid judgments of a common court or military court closing the proceedings in the case provided that:

- 1) such judgment is in violation of the principles or human and civil rights and freedoms laid down in the Constitution;
 - or
 - 2) such judgment is in gross violation of the law due to wrong interpretation or misapplication of the law; or
 - 3) relevant findings of the court are in evident contradiction with evidence presented in the case
- and the judgment cannot be revoked or amended under other extraordinary remedies.

§ 2.²⁵⁾ Extraordinary appeals may be lodged by the Prosecutor General, the Ombudsman and, within their jurisdiction, by the President of the General Council to the Republic of Poland, the Ombudsman for Children, the Ombudsman for Patients, the President of the Polish Financial Supervision Authority, the Financial Ombudsman, the Ombudsman for SMEs and the President of the Competition and Consumer Protection Office.

²³ In the wording laid down in Article 186(1) of the Act of 6 March 2018 – Implementing provisions for the Act – Company law and other Acts on economic activity (Journal of Laws, item 650), which took effect on 30 April 2018.

²⁴ In the wording laid down in Article 2(3)(a) of the Act referred to in footnote 1.

²⁵ In the wording laid down in Article 186(2) of the Act referred to in footnote 25.

§ 3. Extraordinary appeals shall be lodged within five years after the contested judgment becomes valid and, if a cassation or cassation appeal has been lodged against such judgment, then within one year after their examination. Extraordinary appeals shall not be accepted to the disadvantage of the accused if lodged later than one year after the judgment becomes valid and, if a cassation or cassation appeal has been lodged against such judgment, then later than six months after their examination.

§ 4.²⁶⁾ If the criteria referred to in § 1 are met and the contested judgment has caused irreversible legal effects, in particular it has been more than five years since the contested judgment became valid, or if the revocation of such judgment would violate international obligations of the Republic of Poland, the Supreme Court shall only pronounce the contested judgment to have been passed in violation of the law and specify the circumstances under which it has so decided, unless the principles or human and civil rights and freedoms laid down in the Constitution require that a judgment referred to in Article 91 § 1 be issued.

Article 90. § 1. Extraordinary appeal may only be lodged once against one judgment in the interest of the same party.

§ 2. Extraordinary appeals shall not be supported by pleas which were considered when examining a cassation appeal or cassation admitted for examination by the Supreme Court.

§ 3. No extraordinary appeal shall be admitted against a judgment determining the non-existence of marriage, invalidating marriage or granting divorce if either party gets married after such judgment becomes valid, or against an adoption decision.

§ 4. No extraordinary appeal shall be admitted in cases of offences and fiscal offences.

Article 91. § 1.²⁷⁾ If an extraordinary appeal is admitted, the Supreme Court shall revoke the contested judgment in whole or in part and, depending on the outcome of the proceedings, adjudicate on the merits of the case or refer the case for re-examination to the competent court and, if required, revoke the judgment of the court of first instance or discontinue the proceedings. The Supreme Court shall dismiss an extraordinary appeal if it finds no grounds to revoke the contested judgment.

§ 2. If the Supreme Court examines an extraordinary appeal and decides that the principles or human and civil rights and freedoms laid down in the Constitution were violated due to a conflict between a statute and the Constitution, the Supreme Court shall put a legal question to the Constitutional Court. The Supreme Court may suspend proceedings *ex officio* if the decision in the case depends on the outcome of proceedings pending before the Constitutional Court.

Article 92. The Supreme Court may require a reasoning to be prepared if the contested judgment contains no reasoning.

Article 93. § 1. If the First President of the Supreme Court or a President of the Supreme Court finds grounds to do so due to protection of the rule of law and social justice, in particular when examining an extraordinary appeal, they may appoint a participant to the proceedings acting in general interest, in particular a person who meets the requirements to hold office in the position of a judge of the Supreme Court. A person acting in general interest shall pursue the principles of the rule of law and social justice.

§ 2. Persons acting in general interest shall be notified of a sitting of the Supreme Court in the case for which they are appointed. Persons acting in general interest may present written statements, participate in proceedings, and speak.

Article 94. § 1. Extraordinary appeals shall be examined by the Supreme Court in a panel of two judges of the Supreme Court adjudicating in the Chamber of Extraordinary Review and Public Affairs and one lay judge of the Supreme Court.

§ 2.²⁸⁾ If an extraordinary appeal concerns a judgment passed as a result of proceedings in which the Supreme Court passed a judgment, the case shall be examined by the Supreme Court in a panel of five judges of the Supreme Court adjudicating in the Chamber of Extraordinary Review and Public Affairs and two lay judges of the Supreme Court.

§ 3. If a panel of the Supreme Court referred to in § 1 or § 2 intends to derogate from a legal principle approved in a resolution by a chamber of the Supreme Court, the arising legal question shall be put for decision to:

- 1) the full panel of the Chamber of Extraordinary Review and Public Affairs – if it intends to derogate from a legal principle approved in a resolution by a panel of the Chamber of Extraordinary Review and Public Affairs; the decision shall be passed in a resolution of the full panel of the chamber;
- 2) a panel of the Chamber of Extraordinary Review and Public Affairs and the chamber which approved the legal principle – if it intends to derogate from a legal principle approved in a resolution by a panel of a chamber other than the Chamber of Extraordinary Review and Public Affairs; the decision shall be passed in a resolution of the full panels of both chambers.

§ 4. The second sentence of Article 88 § 3 shall apply accordingly in the case referred to in § 3 (2).

²⁶ In the wording laid down in Article 2(3)(b) of the Act referred to in footnote 1.

²⁷ Amended in Article 1(7) of the Act referred to in footnote 2.

²⁸ In the wording laid down in Article 2(4) of the Act referred to in footnote 1.

Article 95. To the extent not governed by statutes, extraordinary appeals, including extraordinary appeal proceedings, shall be governed by:

- 1) the provisions of the Act of 17 November 1964 – Code of Civil Procedure concerning cassation appeals, with the exception of Article 398⁴ § 2 and Article 398⁹ – in civil cases;
- 2) the provisions of the Act of 6 June 1997 – Code of Criminal Procedure concerning cassation appeals – in criminal cases.

Article 96. § 1. The Supreme Court shall, at the request of the Prosecutor General, invalidate a valid judgment issued in a case which, at the time that the judgment was passed, was not in the jurisdiction of Polish courts due to the person concerned or in which, at the time that the judgment was passed, judicial proceedings were inadmissible, unless the judgment may be challenged in proceedings laid down in statutes governing judicial proceedings.

§ 2. Such requests shall meet the requirements for pleadings and contain:

- 1) the identifier of the judgment concerned and the scope of the appeal;
- 2) the basis for the request and the reasoning;
- 3) arguments to the effect that the contested judgment may not be challenged in proceedings laid down in statutes governing judicial proceedings;
- 4) a request for the contested judgment to be annulled and, if the judgment was passed by a court of second instance, also a request for the preceding judgment of the court of first instance to be annulled.

§ 3. Requests of the Prosecutor General shall be accompanied by copies to be served to persons participating in the case as well as two copies for the records of the Supreme Court.

§ 4. The Supreme Court shall examine requests in public sessions unless the Prosecutor General requests that a request be examined at a hearing or for other compelling reasons.

§ 5. After examining the case, the Supreme Court shall dismiss the request or annul the contested judgment. If a request is accepted, where the judgment was passed by a court of second instance, the Supreme Court shall also annul the judgment of the court of first instance.

§ 6. Decisions of the Supreme Court with reasoning shall be delivered to the Prosecutor General and the parties to or participants of the proceedings in which the contested judgment was passed.

§ 7. The provisions of the Act of 17 November 1964 – Code of Civil Procedure concerning cassation appeals and the provisions of the Act of 6 June 1997 – Code of Criminal Procedure concerning cassation shall apply accordingly to proceedings concerning the annulment of a judgment in cases not governed by § 1 - § 6.

Article 97. § 1. If the Supreme Court examines a case and finds a manifest violation of the law, it shall censure the relevant court for misconduct, irrespective of other competences. Before it censures the court for misconduct, it shall instruct the judge or judges in the adjudicating panel that they may present written explanations within 7 days. The identification of misconduct and the censure shall not affect the decision in the case.

§ 2. The Supreme Court shall notify the president of the relevant court of the censure for misconduct.

§ 3. If the Supreme Court censures a misconduct, it may refer a disciplinary case to a disciplinary court. The Supreme Court shall be the disciplinary court of first instance.

Article 97a.²⁹ § 1. The National Council of the Judiciary shall supervise the processing of personal data in judicial proceedings.

§ 2. The provisions of Article 175dd § 2 and § 3 and Division I Chapter 5a of the Act of 27 July 2001 – Law on the common court system shall apply accordingly to the supervision referred to in § 1.

Chapter 9

The Chancellery of the First President of the Supreme Court, the Chancellery of the President of the Supreme Court heading the Disciplinary Chamber, the Supreme Court Research and Analyses Office

Article 98. § 1. The Chancellery of the First President of the Supreme Court, the Chancellery of the President of the Supreme Court heading the Disciplinary Chamber, and the Supreme Court Research and Analyses Office shall function in the Supreme Court.

§ 2. The rules of the Chancellery of the First President of the Supreme Court and the Supreme Court Research and Analyses Office shall be defined by the First President of the Supreme Court after asking the opinion of the Supreme Court Board.

²⁹ Added in Article 93(3) of the Act referred to in footnote 3.

§ 3. The rules of the Chancellery of the President of the Supreme Court heading the Disciplinary Chamber shall be defined by the President heading the Disciplinary Chamber after asking the opinion of the Supreme Court Board.

Article 99. § 1. The Chancellery of the First President of the Supreme Court shall perform functions in connection with the responsibilities exercised by the First President of the Supreme Court in relation to the functioning of the Supreme Court, including without limitation financial, human resources, administrative and economic matters.

§ 2. The Chancellery of the First President of the Supreme Court shall be headed by the Head of the Chancellery of the First President of the Supreme Court appointed and dismissed by the First President of the Supreme Court.

Article 100. § 1. The Chancellery of the President of the Supreme Court heading the Disciplinary Chamber shall perform functions in connection with the responsibilities exercised by the President of the Supreme Court heading the Disciplinary Chamber in relation to the functioning of the Disciplinary Chamber, including without limitation financial, human resources, administrative and economic matters.

§ 2. The Chancellery of the President of the Supreme Court heading the Disciplinary Chamber shall be headed by the Head of the Chancellery of the President of the Supreme Court heading the Disciplinary Chamber appointed and dismissed by the President of the Supreme Court heading the Disciplinary Chamber.

Article 101. § 1. The Supreme Court Research and Analyses Office shall perform functions in connection with the responsibilities exercised by the First President of the Supreme Court and by the Supreme Court concerning supervision of the legality and uniformity of the case law of common courts and military courts and the evaluation of the consistency and uniformity of the law applied by courts, including in disciplinary case law.

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

Article 102. § 1. Any actions in matters subject to labour law shall be taken by the First President of the Supreme Court or a person authorised by the First President of the Supreme Court.

§ 2. Any actions in matters subject to labour law concerning persons performing official duties at the Chancellery of the President of the Supreme Court heading the Disciplinary Chamber shall be taken by the President of the Supreme Court heading the Disciplinary Chamber or a person authorised by the President of the Supreme Court heading the Disciplinary Chamber.

Article 103. § 1. The remuneration of the Head of the Chancellery of the First President of the Supreme Court and the Head of the Chancellery of the President of the Supreme Court heading the Disciplinary Chamber shall be determined according to regulations governing the remuneration of persons in state management positions at the level of secretary of state.

§ 2. The remuneration of members of the Supreme Court Research and Analyses Office other than judges shall be equal to the basic remuneration of judges of appeal courts at the basic rate but such remuneration shall be increased by the amount of social security contributions paid by employees.

§ 3. Persons referred to in § 2 may take up additional employment or other activity or source of income only with the approval of the First President of the Supreme Court. Such approval may be revoked at any time.

§ 4. Members of the Supreme Court Research and Analyses Office shall be entitled to a duty allowance in connection with held functions.

§ 5. The President of the Republic of Poland shall determine, in a regulation, the rates of the duty allowance of members of the Supreme Court Research and Analyses Office taking into consideration the type and scope of responsibilities in connection with held functions.

Chapter 10

Amendments

Article 104-110. (omitted)³⁰⁾

Chapter 11

Transitional and harmonising provisions

Article 111. § 1. (repealed)³¹⁾

³⁰ Published in the announcement.

³¹ In Article 1(5)(a) of the Act referred to in footnote 9.

§ 1a. (repealed)³²⁾

§ 1b. (repealed)

§ 2. A judge of the Supreme Court may retire within six months after the effective date of this Act by submitting a statement to the President of the Republic of Poland through the mediation of the First President of the Supreme Court.

§ 3. Judges adjudicating in the Military Chamber shall retire at the effective date of this Act.

§ 4.³³⁾ If the position of the First President of the Supreme Court or a President of the Supreme Court is vacated after the effective date of this Act, the President of the Republic of Poland shall appoint a judge of the Supreme Court to head the Supreme Court or the chamber until the First President of the Supreme Court or a President of the Supreme Court is appointed.

§ 5. (repealed)³⁴⁾

Article 111a.³⁵⁾ A judge of the Supreme Court appointed by the President of the Republic of Poland to head the Supreme Court or a chamber according to Article 111 § 4 shall exercise the duties and powers of the First President of the Supreme Court or a President of the Supreme Court defined by statute.

Article 112.³⁶⁾ Provisions issued under Article 4 shall not require an opinion of the Supreme Court Board within 12 months after the effective date of this Act.

Article 112a.³⁷⁾ The President of the Republic of Poland may publish the number of vacant positions of judges to be filled in each chamber of the Supreme Court in the Official Journal of the Republic of Poland “Monitor Polski” without asking the opinion of the First President of the Supreme Court within 12 months after the effective date of this Act.

Article 113.³⁸⁾ Proceedings concerning appointments for office in the position of a judge of the Supreme Court which are opened but not closed before the effective date of this Act shall be discontinued unless the National Council of the Judiciary tables a request for appointment to office in the position of a judge of the Supreme Court to the President of the Republic of Poland.

Article 114. The Minister of Justice may, at the request of a judge heading the Supreme Court or a chamber of the Supreme Court appointed by the President of the Republic of Poland according to Article 111 § 4, delegate a judge of a common court with at least 10 years of experience to exercise responsibilities in the Supreme Court.

Article 115. § 1. Extraordinary appeals may be lodged against valid judgments closing proceedings in cases which became valid after 17 October 1997 within three years after the effective date of this Act. The provisions of the first sentence of Article 89 § 3 shall not apply.

§ 1a.³⁹⁾ Extraordinary appeals against valid judgments closing proceedings in cases which became valid before the effective date of this Act may be lodged by the Prosecutor General or the Ombudsman. The provisions of Article 89 § 2 shall not apply.

§ 2.⁴⁰⁾ If the criteria referred to in Article 89 § 1 are met and the contested judgment has caused irreversible legal effects, in particular it has been more than five years since the contested judgment became valid, or if the revocation of such judgment would violate international obligations of the Republic of Poland, the Supreme Court shall only pronounce the contested judgment to have been passed in violation of the law and specify the circumstances under which it has so decided, unless the principles or human and civil rights and freedoms laid down in the Constitution require that a judgment referred to in Article 91 § 1 be issued.

Article 116. § 1. The mandate of disciplinary prosecutors of judges of common courts, disciplinary prosecutors of judges of military courts and their deputies, appointed under the Act amended in Article 106 and the Act amended in Article 108, in the previous wording, shall expire 30 days after the effective date of this Act.

³²⁾ Added in Article 8(4) of the Act referred to in footnote 15; it took effect on 27 July 2018; revoked in Article 1(5)(a) of the Act referred to in footnote 9.

³³⁾ In the wording laid down in Article 1(8)(a) of the Act referred to in footnote 2; amended in Article 1(5)(b) of the Act referred to in footnote 9.

³⁴⁾ Added in Article 1(8)(b) of the Act referred to in footnote 2; revoked in Article 1(5)(c) of the Act referred to in footnote 9.

³⁵⁾ Added in Article 1(9) of the Act referred to in footnote 2.

³⁶⁾ In the wording laid down in Article 1(10) of the Act referred to in footnote 2.

³⁷⁾ Added in Article 1(11) of the Act referred to in footnote 2.

³⁸⁾ In the amended wording laid down in Article 1(12) of the Act referred to in footnote 2.

³⁹⁾ Added in Article 2(5)(a) of the Act referred to in footnote 1.

⁴⁰⁾ In the wording laid down in Article 2(5)(b) of the Act referred to in footnote 1.

§ 2. Disciplinary prosecutors and their deputies, referred to in § 1, shall exercise their responsibilities until disciplinary prosecutors and their deputies are appointed under the Act amended in Article 106 and the Act amended in Article 108 in the wording laid down in this Act.

Article 117. § 1. Judges or trainee judges who do not meet the criterion of holding only Polish nationality as at the effective date of this Act shall renounce the foreign nationality within six months after the effective date of this Act.

§ 2. The official relationship of a judge or trainee judge shall expire in case the requirement laid down in § 1 is not met within the time limit referred to therein.

§ 3.⁴¹⁾ Judges or trainee judges who do not meet the criterion of holding only Polish nationality as at the effective date of this Act may request the National Council of the Judiciary, within the time limit referred to in § 1, to approve them in the position of a judge despite holding a foreign nationality.

§ 4.⁴³⁾ The National Council of the Judiciary may approve a judge or trainee judge in the position of a judge or trainee judge despite holding a foreign nationality, referred to in § 1, in particular taking into consideration circumstances connected with the acquisition of nationality and the consequences of renouncing such nationality. The National Council of the Judiciary shall pass a resolution within three months after receipt of the request. No appeal shall be lodged against such resolution of the National Council of the Judiciary.

§ 5.⁴³⁾ If a request referred to in § 3 is lodged and the National Council of the Judiciary passes a resolution refusing to approve a judge or trainee judge in the position of a judge despite holding a foreign nationality, such judge or trainee judge shall present the National Council of the Judiciary, within two months after such resolution is passed, with documents confirming actions taken to renounce the foreign nationality. The official relationship of such judge or trainee judge shall expire in case that requirement is not met within the time limit referred to herein.

Article 118. The provisions of Article 36 § 1 (3) and (8) shall apply to persons appointed to office in the position of a judge of the Supreme Court after the effective date of this Act.

Article 119. The provisions of Article 91a § 6 of the Act amended in Article 108 in the previous wording shall, until their effect expires, apply to judges who are sanctioned with disciplinary penalties or admonished twice according to Article 37 § 4 of the Act amended in Article 108 or censured twice according to Article 40 of the Act amended in Article 108 before the effective date of this Act.

Article 120. Provisions concerning the statute of limitation of disciplinary liability in the wording laid down herein shall apply to acts committed before the effective date of this Act unless the statute of limitation expires before the effective date of this Act.

Article 121. Provisions concerning disciplinary liability in the wording laid down herein shall apply to acts committed before the effective date of this Act unless the time limit for the lodgement of cassation expires before the effective date of this Act.

Article 122. Previously applicable provisions shall apply to disciplinary proceedings pending according to:

- 1) Act of 26 May 1982 – Law on legal attorneys;
- 2) Act of 6 July 1982 on legal counsels;
- 3) Act of 21 December 1990 on the veterinary profession and veterinary chambers (Journal of Laws of 2016, item 1479);
- 4) Act of 14 February 1991 – Law on notaries;
- 5) Act of 19 April 1991 on pharmacy chambers (Journal of Laws of 2016, item 1496);
- 6) the Act amended in Article 106;
- 7) the Act amended in Article 107;
- 8) Act of 11 April 2001 on patent attorneys (Journal of Laws of 2017, item 1314 and 2201);
- 9) the Act amended in Article 108;
- 10) Act of 27 July 2001 on diagnostic laboratories (Journal of Laws of 2016, item 2245, and of 2017, item 1524);
- 11) Act of 2 December 2009 on medical chambers (Journal of Laws of 2016, item 522 and 2020, and of 2017, item 836);

⁴¹⁾ Added in Article 8(5) of the Act referred to in footnote 15; it took effect on 27 July 2018.

12) Act of 1 July 2011 on nurse and midwife self-governance (Journal of Laws, item 1038, as amended⁴²⁾);

13) the Act amended in Article 110;

14) Act of 25 September 2015 on physiotherapists (Journal of Laws, item 1994, and of 2017, item 599);

- until the investigative proceedings or proceedings in the current instance are closed.

Article 123. Actions taken in disciplinary proceedings before the effective date of this Act shall remain in force and effect provided that they are taken in compliance with previously applicable provisions.

Article 124. § 1. Disciplinary proceedings closed with a valid judgment issued by a disciplinary prosecutor before the effective date of this Act may be reopened at the request of the Minister of Justice if a crime was committed in connection with such proceedings and there are reasonable grounds to believe that it could have affected the content of the judgment or if new factual circumstances or evidence become available after the judgment is passed.

§ 2. Appeals may be lodged with a disciplinary court of second instance against decisions dismissing a request or leaving a request unexamined.

§ 3. A disciplinary court which revokes a decision referred to in § 2 shall specify the grounds for the revocation and, if required, the circumstances to be clarified or actions to be taken. Such guidance shall be binding to the disciplinary prosecutor.

Article 125. The Prime Minister shall, in a regulation, reallocate revenues and expenses planned in the budget, including remunerations, from the part of the budget allocated to common courts and common organisational units of the prosecution service to the part allocated to the Supreme Court for the purposes of establishment and functioning of the new chambers of the Supreme Court, the appointment of judges of the Supreme Court to such chambers, and the appointment and functioning of lay judges of the Supreme Court.

Article 126. § 1. Lay judges of the Supreme Court of the first term shall be appointed by the Senate within three months after the effective date of this Act.

§ 2. The First President of the Supreme Court or a judge of the Supreme Court appointed by the President of the Republic of Poland to head the Supreme Court according to Article 111 § 4 shall determine the number of lay judges of the Supreme Court within one month after the effective date of this Act.

§ 3. The First President of the Supreme Court or a judge appointed by the President of the Republic of Poland to head the Supreme Court according to Article 111 § 4 shall present the number of lay judges of the Supreme Court to the Speaker of the Senate for information no later than the day following the date of such determination.

§ 4. The first mandate of lay judges of the Supreme Court shall start on the day of swearing in the lay judges of the Supreme Court and end on 31 December 2021.

Article 127. § 1.⁴³⁾ The duties of lay judges of the Supreme Court shall be performed by lay judges appointed by the First President of the Supreme Court or a judge of the Supreme Court appointed by the President of the Republic of Poland to head the Supreme Court according to Article 111 § 4 from amongst lay judges of the District Court of Warsaw and the District Court of Warsaw-Praga in Warsaw who volunteer to adjudicate in the Supreme Court until the first mandate of lay judges of the Supreme Court starts. The powers of the First President of the Supreme Court or a judge of the Supreme Court appointed by the President of the Republic of Poland to head the Supreme Court according to Article 111 § 4 to appoint lay judges to adjudicate in proceedings referred to in Article 27 § 1 (1) shall be exercised by the judge referred to in § 130.

§ 2.⁴⁴⁾ The President of the District Court of Warsaw and the President of the District Court of Warsaw-Praga in Warsaw shall notify the lay judges of the District Court of Warsaw and the District Court of Warsaw-Praga in Warsaw that they may adjudicate in disciplinary proceedings in the Supreme Court on the day following the effective date of this Act. The lay judges of the district courts referred to in the first sentence may volunteer to adjudicate in disciplinary cases with the First President of the Supreme Court or a judge of the Supreme Court appointed by the President of the Republic of Poland to head the Supreme Court according to Article 111 § 4 within 30 days after the effective date of this Act.

§ 3.⁴⁵⁾ The First President of the Supreme Court or a judge of the Supreme Court appointed by the President of the Republic of Poland to head the Supreme Court according to Article 111 § 4 and the judge referred to in Article 130 shall appoint the lay judges referred to in § 1 in co-operation with the President of the District Court of Warsaw and the President of the District Court of Warsaw-Praga in Warsaw in order to avoid any interference with actions taken with the participation of such lay judges in the District Court of Warsaw and the District Court of Warsaw-Praga in Warsaw, respectively.

⁴² The amendments to the Act were published in the Journal of Laws of 2013, item 779, 1247 i 1650, of 2014, item 1004, of 2015, item 1640, and of 2017, item 836.

⁴³ In the wording laid down in Article 1(13)(a) of the Act referred to in footnote 2.

⁴⁴ Amended in Article 1(13)(b) of the Act referred to in footnote 2.

⁴⁵ Amended in Article 1(13)(c) of the Act referred to in footnote 2.

§ 4. The provisions of Article 63 § 6 shall apply accordingly to lay judges referred to in § 1.

§ 5. Lay judges referred to in § 1 may, after the mandate of lay judges of the Supreme Court starts, only participate in the examination of cases previously opened with their participation until such cases are closed.

Article 128. Whenever other provisions refer to:

- 1) the Labour Law, Social Security and Public Affairs Chamber of the Supreme Court – this shall be understood, respectively, to mean the Labour Law and Social Security Chamber or the Extraordinary Review and Public Affairs Chamber of the Supreme Court;
- 2) the Military Chamber of the Supreme Court – this shall be understood to mean the Criminal Chamber of the Supreme Court.

Article 129. Previous implementing provisions issued under:

- 1) Article 23 of the Act amended in Article 135 shall remain in force and effect until the effective date of implementing provisions issued under Article 4 hereof;
- 2) Article 70 § 5 of the Act amended in Article 135 shall remain in force and effect until the effective date of implementing provisions issued under Article 103 § 5 hereof;

but no longer than 12 months after its effective date.

Article 129a.⁴⁶⁾ § 1. The provisions of Article 37 § 1 shall apply to judges of the Supreme Court who take up the position of a judge of the Supreme Court after the effective date of the Act of 21 November 2018 amending the Act on the Supreme Court (Journal of Laws, item 2507).⁴⁷⁾

§ 2. The provisions of Article 30 of the Act annulled in Article 135 shall apply to judges of the Supreme Court who take up the position of a judge of the Supreme Court before the effective date of the Act of 21 November 2018 amending the Act on the Supreme Court (Journal of Laws, item 2507).⁴⁹⁾

Article 130. The duties of the President of the Supreme Court heading the Disciplinary Chamber shall be exercised by the oldest judge appointed to the position of a judge of the Supreme Court adjudicating in the Disciplinary Chamber until the President of the Supreme Court heading the Disciplinary Chamber is appointed.

Article 131.⁴⁸⁾ Judges who hold positions in other chambers of the Supreme Court at the effective date of this Act may be transferred to positions in the Disciplinary Chamber. Judges who hold positions in other chambers of the Supreme Court shall lodge requests for a transfer to a position in the Disciplinary Chamber with the National Council of the Judiciary, with the consent of the First President of the Supreme Court and the President of the Supreme Court heading the Disciplinary Chamber and the President of the Supreme Court heading the chamber in which the judge requesting the transfer holds a position, until all positions of judges of the Supreme Court in the Disciplinary Chamber are filled for the first time. Judges shall be appointed to office in the position of a judge of the Supreme Court in the Disciplinary Chamber by the President of the Republic of Poland at the request of the National Council of the Judiciary until all positions in the Disciplinary Chamber are filled for the first time.

Article 132. The Supreme Court shall publish judgments and their reasoning issued by the Supreme Court before the effective date of this Act in the Public Information Bulletin on the institutional website of the Supreme Court immediately but no later than two years after the effective date of this Act.

Article 133. § 1. The Labour Law, Social Security and Public Affairs Chamber and the Military Chamber shall be discharged at the effective date of this Act.

§ 2. The Labour Law and Social Security Chamber, the Extraordinary Review and Public Affairs Chamber and the Disciplinary Chamber shall be established at the effective date of this Act.

§ 3. Cases opened but not closed before the effective date of this Act pending before the Labour Law, Social Security and Public Affairs Chamber and the Military Chamber shall be taken over and handled by the chambers with jurisdiction in such cases under Articles 23 – 27.

Article 134. Judges of the Supreme Court adjudicating in the Labour Law, Social Security and Public Affairs Chamber shall become judges adjudicating in the Labour Law and Social Security Chamber at the effective date of this Act.

Chapter 12

⁴⁶⁾ Added in Article 1(6) of the Act referred to in footnote 9.

⁴⁷⁾ The Act took effect on 1 January 2019.

⁴⁸⁾ In the wording laid down in Article 1(14) of the Act referred to in footnote 2.

Final provisions

Article 135. The Act of 23 November 2002 on the Supreme Court (Journal of Laws of 2016, item 1254, 2103 and 2261, of 2017, item 38 and 1452, and of 2018, item 3) shall become null and void.

Article 136. This Act shall come into force three months after its promulgation.⁴⁹⁾

⁴⁹⁾ The Act was promulgated on 2 January 2018.

TABLE OF MULTIPLIERS USED TO DETERMINE THE DUTY ALLOWANCE AMOUNT

No.	Position	Multiplier
1	First President of the Supreme Court	1.2
2	President of the Supreme Court	1.0
3	President of Department, Disciplinary Prosecutor of the Supreme Court, Extraordinary Disciplinary Prosecutor	0.7
4	Press Officer, Deputy President of Department, Deputy Disciplinary Prosecutor of the Supreme Court	0.5