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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

POLAND

ACT

ON THE SUPREME COURT

of 8 December 2017

with amendments of 20 December 2019

() Unofficial translation*

SUPREME COURT ACT

of 8 December 2017

Chapter 1 General provisions

Article 1. The Supreme Court shall be a judicial body appointed for the purpose of:

- 1) administering the dispensation of justice by:
 - a) ensuring the lawfulness and uniformity of the case-law of common and military courts by examining appeals and adopting resolutions settling legal issues,
 - b) exercising extraordinary control over final court rulings in order to ensure their compliance with the principle of a democratic state ruled by law and implementing the principles of social justice; it shall do this by examining extraordinary appeals;
- 2) examining disciplinary cases to the extent specified in this Act;
- 3) examining electoral disputes and validating elections to the Sejm and the Senate, to the office of President of the Republic of Poland and to the European Parliament and examining complaints about the validity of a national or constitutional referendum and confirming the validity of a referendum;
- 4) delivering opinions on draft statutes and other normative instruments which are to constitute the basis for the decision-making and the functioning of the courts and on other draft statutes affecting matters within the jurisdiction of the Supreme Court;
- 5) performing other activities provided for by statute.

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

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

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

Article 4. The President of the Republic, having consulted the College of the Supreme Court, shall lay down, by means of an ordinance, the Supreme Court's rules of procedure, establishing the total number of posts for Supreme Court judges, including the number thereof in individual chambers, at not less than 120, the internal organisation of the Supreme Court, the rules of internal procedure and the detailed job description for judges' assistants, taking into account the need to ensure the smooth functioning of the Supreme Court, its chambers and bodies and orderly examination of cases and the specific nature of proceedings before the

Supreme Court, the specific nature of proceedings before the Supreme Court, including disciplinary proceedings, and the number and type of cases heard.

Article 5. 1. Each year the First President of the Supreme Court shall submit to the President of the Republic of Poland and the National Council of the Judiciary a report on the Supreme Court's activities and any material problems encountered in the course of these activities, including problems arising from case-law. The First President of the Supreme Court shall annex to this report a report from the President of the Supreme Court heading the Supreme Court's Disciplinary Chamber on the Chamber's activities.

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

Article 6. 1. The First President of the Supreme Court shall provide the competent authorities with observations on irregularities or gaps in the law that must be remedied in order to ensure the rule of law, social justice and the coherence of the Polish legal system.

2. The President of the Supreme Court responsible for the functioning of the Disciplinary Chamber shall provide the competent authorities with observations on irregularities or gaps in the law the remedying of which is essential to ensure the proper examination of cases within that Chamber's jurisdiction or reduce the number of breaches of discipline.

Article 7. 1. The minister competent for the public finances shall include in the draft state budget draft estimates of the Supreme Court's income and expenditure, in the wording approved by the College of the Supreme Court.

2. The College of the Supreme Court shall include in the draft estimates of the Supreme Court's income and expenditure draft estimates of income and expenditure relating to the functioning of the Disciplinary Chamber, in the wording approved by the Assembly of Judges of the Disciplinary Chamber.

3. In matters of the execution of the Supreme Court's budget, the First President of the Supreme Court shall enjoy the prerogatives of the minister competent for the public finances.

4. In matters of the execution of the Supreme Court's budget relating to the functioning of the Disciplinary Chamber, the prerogatives of the minister competent for the public finances shall be exercised by the President of the Supreme Court heading the Disciplinary Chamber.

5. Reallocations of expenditure resulting in a reduction of expenditure relating to the functioning of the Disciplinary Chamber shall require the approval of the President of the Supreme Court heading the Disciplinary Chamber.

6. The President of the Supreme Court heading the Disciplinary Chamber shall implement the budget of the Supreme Court within the scope relating to the functioning of the Disciplinary Chamber.

Article 8. Taking account of the Protection of Classified Information Act of 5 August 2010 (Journal of Laws 2016, items 1167 and 1948 and 2017, item 935) and the Personal Data Protection Act of 29 August 1997 (Journal of Laws 2016, item 922), the Supreme Court shall publish without delay its decisions and, after they have been drawn up, the grounds for these decisions, in the Public Information Bulletin on the Supreme Court's website.

Article 9. The Supreme Court may publish a collection of its case-law. The title 'Case-law of the Supreme Court', indicating the name of the relevant chamber, shall be protected by law.

Article 10. 1. In matters not governed by this Act, the Common Courts Organisation Act of 27 July 2001 (Journal of Laws 2016, item 2062, as amended) shall apply mutatis mutandis.

2. In matters not governed by this Act, the Employees of State Offices Act of 16 September 1982 (Journal of Laws 2017, items 2142 and 2203) shall apply mutatis mutandis to Supreme Court employees who are not judges; in matters not regulated by the latter Act either, the Labour Code of 26 June 1974 (Journal of Laws 2016, items 1666, 2138 and 2255; 2017, items 60 and 962) shall apply.

Chapter 2

Supreme Court Bodies

Article 11. The Supreme Court's bodies shall be: the First President of the Supreme Court, the President of the Supreme Court, the General Assembly of Supreme Court Judges, the assembly of judges of a Supreme Court chamber and the College of the Supreme Court.

Article 12. 1. The First President of the Supreme Court shall be appointed by the President of the Republic for a six-year term of office from among 5 candidates elected by the General Assembly of Supreme Court Judges and may be re-appointed once only. The person appointed to the post of First President of the Supreme Court may occupy this post only until they retire, they are retired or their service relationship as a Supreme Court judge expires.

2. The General Assembly of Supreme Court Judges shall elect candidates for the post of First President of the Supreme Court from among the active judges of the Supreme Court at least six weeks before the expiry of the First President of the Supreme Court's term of office or no more than 14 days after the day on which the Supreme Court judge retires, is retired, sees their service relationship terminated or resigns from the post of First President of the Supreme Court.

~~**Article 13.** 1. In the case referred to in Article 12(2), the General Assembly of Supreme Court Judges shall be chaired by the First President of the Supreme Court or, if this is impossible or if the First President has been nominated as a candidate, by the most senior President of the Supreme Court. If the most senior President of the Supreme Court has also been nominated as a candidate for the post of First President of the Supreme Court, the General Assembly of Supreme Court Judges shall be chaired by the most senior Supreme Court judge who has not been nominated as a candidate.~~

~~2. At least 2/3 of the judges of each chamber must be present in order for the General Assembly of Supreme Court Judges to adopt resolutions on the election of candidates for the post of First President of the Supreme Court. If a resolution was not adopted because the requisite quorum was not present, at least 3/5 of Supreme Court judges must be present at the following meeting to adopt a resolution.~~

~~3. Each judge participating in voting may cast only one vote. Voting shall be secret.~~

~~4. The candidates for the post of First President of the Supreme Court elected by the General Assembly of Supreme Court Judges shall be the candidates who obtained the largest number of votes. If 2 or more candidates for the post of First President of the Supreme Court have obtained the same number of votes and, as a result, it is impossible to select 5 candidates, another vote shall take place with those candidates only. Paragraph 3 shall apply.~~

~~5. Immediately after the election of candidates for the post of First President of the Supreme Court, the Chair of the General Assembly of Supreme Court Judges or another person appointed by the General Assembly of Supreme Court Judges shall send the President of the Republic of Poland the resolution referred to in paragraph 2 together with a record of the vote.~~

" § . Each judge of the Supreme Court has the right to propose one candidate for the position of First President of the Supreme Court.

§ 2. The candidate shall be proposed to the President of the General Assembly of Judges of the Supreme Court making the election referred to in Article 12 § 2 immediately after its commencement.

§ 3. The General Assembly of Supreme Court Judges making the choice referred to in Article 12 § 2 shall be chaired by the First President of the Supreme Court or, where this is not possible or his candidacy is put forward, – by a judge of the Supreme Court whose candidacy was not proposed, and who has been appointed by the President of the Republic of Poland.

§ 4. The presence of at least 84 members of the General Assembly of Supreme Court Judges is required to select candidates for the position of First President of the Supreme Court. If the election is not made due to lack of the required quorum, at least 75 members of the General Assembly of Supreme Court Judges are required to attend the next meeting. If also at this meeting, the election is not carried out because the quorum is not met, the election may be carried out at the next meeting if at least 32 members of the General Assembly of Judges of the Supreme Court are present. The meetings referred to in the second and third sentences shall be convened on a date falling no later than 5 days after the previous meeting.

§ 5. Each judge participating in the vote can only cast one vote. The vote shall be secret.

§ 6. The candidates for the position of First President of the Supreme Court elected by the General Assembly of Supreme Court Judges are the candidates who received the highest number of votes. If two or more candidates for the position of First President of the Supreme Court have received an equal number of votes, as a result of which it is not possible to elect five candidates, a vote is held again with the participation of those candidates only. The provision of § 5 shall apply.

§ 7. Immediately after the election of the candidates for the post of First President of the Supreme Court, the President of the General Assembly of Supreme Court Judges or another person indicated by the General Assembly of Supreme Court Judges shall forward to the President of the Republic of Poland a list of candidates for the post of First President of the Supreme Court elected by the General Assembly of Supreme Court Judges, together with the minutes of the vote.

§ 8. After the President of the Republic of Poland has received the list of candidates for the post of the First President of the Supreme Court elected by the General Assembly of Supreme Court Judges, together with the minutes of the vote, it is not permissible to convene the General Assembly of Supreme Court Judges to elect candidates for the post of the First President of the Supreme Court;

"Article 13a. § 1 If the candidates for the position of the First President of the Supreme Court are not elected in accordance with the rules set forth in the Act, the President of the Republic of Poland immediately entrusts the performance of the duties of the First President of the Supreme Court to a judge of the Supreme Court designated by him.

§ 2. Within a week from the date on which the performance of the duties of the First President of the Supreme Court is entrusted, the judge to whom these duties are entrusted shall convene the General Assembly of Supreme Court Judges, which he chairs, to select candidates for the position of the First President of the Supreme Court.

§ 3. The presence of at least 32 members of the General Assembly of Supreme Court Judges is required to select candidates for the position of First President of the Supreme Court by the General Assembly of Supreme Court Judges. The provisions of Article 13 § 1, 2 and 5-7 shall apply;

Article 14. 1. The First President of the Supreme Court shall manage and represent the Supreme Court externally, and in particular:

- 1) appoint and dismiss, at the request of the President of the Supreme Court heading a chamber, the heads of that chamber's divisions.
- 2) represent the Supreme Court before the Constitutional Tribunal or in the work of Sejm and Senate committees or designate another person representing the Supreme Court;
- 3) give an opinion on and present to the President of the Republic of Poland candidates for the post of President of the Supreme Court elected by the assembly of judges of a Supreme Court chamber;
- 4) (repealed);

- 5) submit the draft report referred to in the first sentence of Article 5(1) to the General Assembly of Supreme Court Judges;
- 6) having consulted the College of the Supreme Court, lay down, by way of an ordinance, the rules of procedure of the Office of the First President of the Supreme Court, the organisation and the scope of activities of court offices and other administrative units of the Supreme Court, the rules of procedure of the Supreme Court's Research and Analysis Bureau and the rules of procedure and remuneration for Supreme Court employees who are not judges;
- 7) perform the tasks laid down in this Act concerning the selection of the Supreme Court's lay judges;
- 8) perform the other activities specified by this Act, the Rules of Procedure of the Supreme Court and other normative instruments.

2. If the First President of the Supreme Court is absent, a president of the Supreme Court designated by the First President of the Supreme Court shall deputise for them; if designation is not possible, the president of the Supreme Court with the longest service as a judge shall deputise.

Article 15. 1. A President of the Supreme Court shall be responsible for the functioning of a chamber.

2. A President of the Supreme Court shall be appointed by the President of the Republic of Poland, after the First President of the Supreme Court has been consulted, for a three-year term of office from among 3 candidates elected by the assembly of judges of a Supreme Court chamber and may be re-appointed twice only. The person appointed to the post of President of the Supreme Court may occupy this post only until they retire, they are retired or their service relationship as a Supreme Court judge expires.

3. Articles 12(2) and 13 shall apply *mutatis mutandis* to candidates for the post of President of the Supreme Court and their election by an assembly of judges of a Supreme Court chamber.

Article 16. 1. All active Supreme Court judges shall constitute the self-governing body of Supreme Court judges. Judges seconded to perform the activities of Supreme Court judges shall not be members of the self-governing body.

2. The self-governing bodies of Supreme Court judges shall be: the General Assembly of Supreme Court Judges, the assembly of judges of a Supreme Court chamber and the College of the Supreme Court.

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

- 1) electing 5 candidates for the post of First President of the Supreme Court and proposing them to the President of the Republic of Poland;
- 2) examining the draft report referred to in the first sentence of Article 5(1) and adopting that report;
- 3) examining other matters at the initiative of the First President of the Supreme Court, a President of the Supreme Court, the College of the Supreme Court or at least 5 Supreme Court judges.
- 4) adopting resolutions on other issues concerning the Supreme Court.

2. Subject to ~~Articles 13(1)~~ **Article 13 § 3, Article 13a § 2 and** 14(2), the General Assembly of Supreme Court Judges shall be chaired by the First President of the Supreme Court.

“§ 2a. The First President of the Supreme Court shall notify the judges of the Supreme Court of the date and agenda of the General Assembly of Judges of the Supreme Court no later than 7 days before the date of the meeting, taking into account the fourth sentence of Article 13 § 4 and Article 13a § 2 ;”

3. At least 2/3 of the judges of each chamber must be present in order for the General Assembly of Supreme Court Judges to adopt resolutions. Resolutions shall be passed by a simple majority of votes. Voting shall be secret if at least three judges among the members of the assembly present at the meeting so request.

Article 18. The First President of the Supreme Court shall invite the President of the Republic of Poland and representatives of other public authorities to take part in a meeting of the General Assembly of Supreme Court Judges convened for the purpose of presenting the reports referred to in Article 5(1).

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

- 1) electing 3 candidates for the post of the President of the Supreme Court heading that chamber;
- 2) examining the draft report on the activities of the chamber and any material problems encountered in the course of these activities, including problems arising from its case-law, and adopting that report;
- 3) giving opinions on candidates for the posts of heads of division proposed by the President of the Supreme Court;
- 4) electing 2 members and 1 deputy member to the College of the Supreme Court;
- 5) examining other problems concerning the functioning of a chamber.

2. The President of the Supreme Court heading the chamber shall chair the assembly of judges of a Supreme Court chamber.

3. At least 2/3 of the judges of a Supreme Court chamber must be present in order for that chamber's assembly of judges to adopt resolutions. Resolutions shall be passed by a simple majority of votes. Voting shall be secret if 1 of the members of the assembly of judges present at the meeting so requests.

Article 20. As regards the Disciplinary Chamber and the judges adjudicating in the Disciplinary Chamber, the powers of the First President of the Supreme Court laid down in:

1) Articles 14(1)(1) and (7), 31(1), 35(2), 36(6), 40(1) and (4), 51(7) and (14) shall be exercised 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 exercised by the First President of the Supreme Court in consultation with the President of the Supreme Court heading the Disciplinary Chamber.

Article 21. 1. The College of the Supreme Court shall comprise the First President of the Supreme Court, Supreme Court presidents and judges elected by the assemblies of Supreme Court chambers for a period of 3 years.

2. The First President of the Supreme Court shall chair the College of the Supreme Court.

3. At least 2/3 of the members of the College of the Supreme Court must be present in order for the College to adopt resolutions. Resolutions shall be passed by a simple majority of votes. In the event of an equal number of votes, the chair shall have a casting vote.

Article 22. 1. The College of the Supreme Court shall draw up opinions on matters relating to the activities of the Supreme Court and cooperate with the First President of the Supreme Court to ensure the proper functioning of the Supreme Court.

2. The College of the Supreme Court shall in particular :

- 1) deliver an opinion on drafts of the instruments referred to in Articles 4, 14(1)(6) and 98(2) and (3);
- 2) (repealed);
- 3) deliver opinions on candidates for management posts in administrative units of the Supreme Court;
- 4) approve the draft estimates of the Supreme Court's income and expenditure;
- 5) establish the number of the Supreme Court's lay judges;
- 6) elect the Disciplinary Officer of the Supreme Court and their deputy.

Chapter 3

Jurisdiction of Supreme Court chambers

Article 23. The Civil Chamber shall have jurisdiction over cases concerning civil, economic, family and guardianship law, and cases concerning the registration of undertakings and the registration of liens.

Article 24. The Civil Chamber shall have jurisdiction over cases examined under the Code of Criminal Procedure of 6 June 1997 (Journal of Laws 2017, items 1904 and ...), the Fiscal Criminal Code of 10 September 1999 (Journal of Laws 2017, item 2226), the Code of Procedure for Minor Offences of 24 August 2001 (Journal of Laws 2016, item 1713, as amended¹), other cases to which the Code of Criminal Procedure applies and cases subject to adjudication by military courts.

Article 25. The Labour and Social Security Chamber shall have jurisdiction over cases concerning labour law, social security, cases concerning claims for remuneration from the authors of inventions, utility models, industrial models and integrated circuits, registry claims, save for cases concerning the registration of undertakings and the registration of liens.

Article 26. § 1 The Extraordinary Control and Public Affairs Chamber shall have jurisdiction over the examination of extraordinary appeals, the examination of electoral disputes and disputes about the validity of a national or constitutional referendum and the confirmation of the validity of elections and referendums, other cases of public law, including cases concerning the protection of competition, the regulation of energy, telecommunications and rail transport and cases in which an appeal has been lodged against a decision of the Chair of the National

¹ Amendments to the consolidated text of this Act were published in Journal of Laws 2016, item 1948; 2017, items 708, 962, 966, 1477, 1543 and ...

Broadcasting Council, and appeals concerning the excessive duration of proceedings before common and military courts and the Supreme Court.

"§ 2. The competence of the Extraordinary Chamber of Control and Public Affairs includes consideration of motions or statements concerning the exclusion of a judge or the designation of the court before which proceedings are to be conducted, including the allegation of lack of independence of the court or lack of impartiality of the judge. The court examining the case shall immediately forward the motion to the President of the Chamber of Extraordinary Control and Public Affairs in order to give it further course of action under the rules specified in separate regulations. The submission of the motion to the President of the Chamber of Extraordinary Control and Public Affairs does not stop the ongoing proceedings.

§ 3. The motion referred to in § 2 shall be left unprocessed if it involves determining and assessing the legality of the appointment of a judge or his authority to perform judicial tasks;

§ 4. The competence of the Chamber of Extraordinary Control and Public Affairs includes examining complaints about the illegality of a final decision of the Supreme Court, common courts, military courts and administrative courts, including the Supreme Administrative Court, if the illegality consists in undermining the status of a person appointed to hold office as a judge who issued a decision in a case.

§ 5. The proceedings in the cases referred to in § 4 shall be governed by the relevant provisions on the declaration of illegality of final decisions, and in criminal cases by the provisions on the resumption of court proceedings which have been concluded by a final decision. It is not necessary to substantiate or cause damage resulting from the issuance of the decision to which the complaint relates.

§ 6. An action for declaring the final decision referred to in § 4 illegal may be brought to the Supreme Court - Chamber of Extraordinary Control and Public Affairs, without the court which issued the contested decision, and also in the event of a party's failure to exercise its legal remedies, including an extraordinary appeal to the Supreme Court."

Article 27. 1. The Disciplinary Chamber shall have jurisdiction over:

1) disciplinary cases:

- a) involving Supreme Court judges,
- b) heard by the Supreme Court in connection with disciplinary proceedings conducted on the basis of:
 - the Act of 26 May 1982 on advocates (Journal of Laws, 2016, items 1999 and 2261; 2017, item 1139);
 - the Act of 6 July 1982 on legal advisers (Journal of Laws, 2017, item 1870);
 - the Act of 14 February 1991 on notaries (Journal of Laws, 2016, items 1796, 1948, 2175 and 2261);
 - the Military Courts Organisation Act of 21 August 1997 (Journal of Laws, 2017, items 2243 and ...);
 - the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws, 2016, item 1575 and);
 - the Common Courts Organisation Act of 27 July 2001;

- the Public Prosecutor's Office Act of 28 January 2016 (Journal of Laws, 2017, items 1767 and ...);

1. a. "for permission to hold judges, trainee judges, prosecutors and trainee prosecutors criminally responsible or to detain them;"

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

2. The Disciplinary Chamber shall comprise:

- 1) the First Division;
- 2) the Second Division.

3. The First Division shall examine in particular cases:

- 1) involving Supreme Court judges;
- 2) involving judges and public prosecutors concerning disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment and the misconduct referred to in the request referred to in Article 97(3).

2) Judges, court assessors, prosecutors and prosecutors' assessors concerning:

(a) disciplinary offences, to be decided at first instance by the Supreme Court,

(b) authorisation for criminal prosecution or provisional detention.

4. The Second Division shall examine in particular:

- 1) appeals against judgments issued by the disciplinary courts of first instance in cases involving judges and public prosecutors **judges, trainee judges, prosecutors and trainee prosecutors** and against decisions and ordinances that foreclose the issuance of a judgement;
- 2) appeals in cassation against disciplinary judgments;
- 3) appeals against decisions of the National Council for the Judiciary.

Article 28. 1. Where a President of the Supreme Court considers a case to be outside the jurisdiction of the chamber they head, they shall transfer the case to the competent chamber.

2. If the President of the Supreme Court heading the chamber to which a case has been transferred considers the case to be outside their chamber's jurisdiction, they shall ask the First President of the Supreme Court to indicate the competent chamber. The First President of the Supreme Court may refuse to transfer a case to another chamber. Decisions concerning the transfer of cases to or from the Disciplinary Chamber shall be taken by the President of the Supreme Court heading that Chamber.

Chapter 4

Establishing, amending and ending a Supreme Court judge's service relationship

Article 29. A judge shall be appointed to the Supreme Court by the President of the Republic of Poland at the request of the National Council of the Judiciary.

"§ 1. A judge of the Supreme Court is a person appointed by the President of the Republic of Poland, who has taken an oath to the President of the Republic of Poland.

§ 2. As part of the activities of the Supreme Court or its organs, it is unacceptable to question the authority of courts and tribunals, constitutional state bodies and law enforcement and control bodies.

§ 3. It is unacceptable for the Supreme Court or any other authority to determine or assess the compliance of the appointment of a judge or the authority to perform tasks in the field of justice resulting from this appointment;

Article 30. 1. A person may be appointed to the office of Supreme Court judge if they:

- 1) have only Polish nationality and enjoy full civil and public rights;
- 2) have not been convicted or conditionally discharged of an intentional crime prosecuted by public indictment or an intentional fiscal crime;
- 3) have reached the age of 40;
- 4) are of good character;
- 5) have completed higher education in law in the Republic of Poland and obtained a Master's degree or foreign qualification in law recognised in the Republic of Poland;
- 6) are distinguished by a high level of legal knowledge;
- 7) are fit, as regards their state of health, to perform a judge's duties;
- 8) have at least ten years' professional experience as a judge or prosecutor, as President, deputy president or counsel of the Prosecutor-General's Office of the Republic of Poland or have practised for at least ten years as an advocate, legal adviser or notary public;
- 9) have not served in, worked for or cooperated with the state security bodies 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 paragraph 1(8) shall not apply to professors or doctors of law employed at a Polish higher education establishment, the Polish Academy of Sciences or another academic or research establishment.

3. The professional experience or practice referred to in paragraph 1(8) shall be calculated cumulatively if a person has occupied different posts or exercised different professions.

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

Article 31. 1. The President of the Republic of Poland, having consulted the First President of the Supreme Court, shall announce the number of vacancies for judges in specific chambers of the Supreme Court in the Official Gazette of the Republic of Poland 'Monitor Polski'.

2. Any person satisfying the conditions for the post of Supreme Court judge may submit their application to one vacant judicial post to the National Council of the Judiciary within one month of the announcement referred to in paragraph 1.

2a. The candidate may attach to the application form for candidates for a vacant post of Supreme Court judge also other documents confirming his or her qualifications, in particular information concerning the academic record, list of publications, opinions of supervisors and recommendations.

3. A person shall apply by submitting the application form for candidates for a vacant post of Supreme Court judge in the chamber specified in the announcement together with - save where the candidate is a judge or a prosecutor - information about the candidate from the National Criminal Register and a certificate confirming that the candidate's state of health enables them to perform a judge's duties.

3a. Candidates may also attach to the application form for a vacant Supreme Court judge's post other documents evidencing their qualifications, in particular information on their academic achievements, a list of publications, references from superiors and recommendations.',

3b. Applicants born before 1 August 1972 shall submit, on paper, the declaration referred to in Article 7(1) of the Act of 18 October 2006 on the disclosure of information on documents of state security bodies from the years 1944-1990 and the content of those documents (Journal of Laws 2017, item 2186) or the information referred to in Article 7(3a) of that Act.

3c. If an application to a vacant Supreme Court judge's post was submitted by a person who does not meet the requirements for the post of Supreme Court judge set out in Article 30(1), points 1-3, 5 and 7-9, and Article 30(2), or if the application was filed after the deadline or does not meet the formal requirements, the National Council of the Judiciary shall leave the application unexamined. Resolutions on leaving an application unexamined may not be appealed.

§ 3d. After finding that a candidate meets the conditions and formal requirements for applying, the Chair of the National Council of the Judiciary shall designate the team referred to in Article 31(1) of the National Council of the Judiciary Act of 12 May 2011 (Journal of Laws 2018, items 389, 848, 1045 and ...).4. The President of the Republic of Poland shall lay down, by means of an ordinance, a sample application form for candidates for a vacant Supreme Court judge's post, taking into account the need to ensure transparency and efficiency of the selection of a candidate for the post of Supreme Court judge.

Article 32. Persons linked by up to the second degree of kinship, the first degree of affinity or marriage must not be judges of the Supreme Court at the same time.

~~**Article 33.** 1. A judge's service relationship shall commence after they are served with their letter of appointment. Refusal to accept the letter of appointment shall be equivalent to resigning from the office of Supreme Court judge.~~

~~2. Judges must present themselves for the purpose of taking up their post within 14 days of accepting their letter of appointment.~~

~~3. In the event of an unjustified failure to take up the post within the time limit referred to in paragraph 2, the appointment shall be void. This fact shall be confirmed by the First President of the Supreme Court.~~

Article 34. 1. Upon appointment, a judge shall swear the following oath before the President of the Republic of Poland:

'I solemnly swear as a Supreme Court judge that I will faithfully serve the Republic of Poland, uphold the law and the rule of law, conscientiously perform a judge's duties, dispense justice in accordance with the law and principles of equity, my conscience and without partiality, preserve the confidentiality of information protected by law and be guided by the principles of integrity and dignity'.

2. The oath may be ended with the words: 'So help me God'.

3. Refusal to take the oath shall be equivalent to resigning from the office of Supreme Court judge.

Article 35. 1. A judge shall take up a post in the Supreme Court chamber specified by the judge in the application form for candidates referred to in Article 31(3).

2. The First President of the Supreme Court may transfer a judge, with that judge's consent, to a post at another chamber.

3. The First President of the Supreme Court may designate a judge to take part in the examination of a specific case in another chamber or, with the judge's consent, to adjudicate in another chamber for a specific period of time. A judge may be designated, without their consent, to adjudicate in another chamber for a period of no more than six months a year. After the period of their designation to adjudicate in another chamber expires, a judge shall take measures in cases assigned them in that chamber until these cases have been completed. Designation of a Supreme Court judge adjudicating in the Disciplinary Chamber to take part in the examination of a specific case in another chamber or to adjudicate in another chamber for a specific period of time shall require the consent of the President of the Supreme Court heading the Disciplinary Chamber.

Article 36. 1. A judge's service relationship shall end in the event of:

- 1) their death;
- 2) their resignation from the office of Supreme Court judge or the status of retired judge;
- 3) a final judgment convicting or conditionally discharging them of an intentional crime prosecuted by public indictment or an intentional fiscal crime;
- 4) a final judicial decision imposing a criminal penalty depriving them of their public rights or banning them from holding the post of judge;
- 5) a final disciplinary court decision dismissing them from office;
- 6) the loss of their Polish citizenship;
- 7) the acquisition of the citizenship of a foreign country, unless it is renounced within 30 days after its acquisition;
- 8) their being found to have served in, worked for or cooperated with the state security bodies 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. In the event of the circumstances referred to in paragraph 1(2) to (7), the Supreme Court judge concerned shall immediately notify the President of the Republic of Poland of these circumstances via the First President of the Supreme Court. If the circumstances concern the First President of the Supreme Court, the latter shall notify the President of the Republic of Poland.

3. The President of the Republic of Poland shall determine the date of termination of a Supreme Court judge's service relationship no later than 3 months after:

- 1) the occurrence of the circumstance referred to in paragraph 1(1);
- 2) being informed that circumstances referred to in paragraph 1(2) to (8) have occurred.

4. The occurrence of the circumstances referred to in paragraph 2:

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

5. Paragraph 1(8) shall apply to persons born before 1 August 1972.

6. In order to establish whether the circumstances specified in paragraph 1(8) apply, the First President of the Supreme Court shall ask the President of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation to provide a report from the Head of the Lustration Office of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation on this matter. The request for a report on the First President of the Supreme Court shall be made by the President of the Republic of Poland.

7. If the report provided confirms the circumstances referred to in paragraph 1(8), the Head of the Lustration Office at the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation shall indicate that the circumstances result from:

- 1) a statement to the effect that the person concerned worked for, served in, or cooperated with the state security bodies referred to in Article 7(1) of the Act of 18 October 2006 on the disclosure of information on the documents of the state security organs from the years 1944–1990 and of the contents of those documents between 22 July 1944 and 31 July 1990 (Journal of Laws 2017, item 2186);
- 2) a final judicial ruling of a regional court referred to in Article 17 of the Act of 18 October 2006 on the disclosure of information on the documents of the state security organs from the years 1944–1990 and of the contents of those documents, confirming that the person verified made a false statement concerning work for, service in, or cooperation with those state security bodies between 22 July 1944 and 31 July 1990 as referred to in Article 21a(2) of the Act.

8. If the President of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation or the Head of the Lustration Office becomes aware of information confirming the circumstances referred to in paragraph 1(8), they shall immediately notify the First President of the Supreme Court and the President of the Supreme Court heading the Disciplinary Chamber. The Act of 18 October 2006 on the disclosure of information on the documents of the state security organs from the years 1944-1990 and of the contents of those documents shall apply *mutatis mutandis*.

9. A Supreme Court judge who has resigned from the office of Supreme Court judge or the status of retired judge shall be entitled to apply for admission to the list of advocates or legal advisers or to be appointed to a post as notary without having to satisfy the requirements laid down for other judges in the Act of 26 May 1982 on advocates, the Act of 6 July 1982 on legal advisers and the Act of 14 February 1991 on notaries.

Article 37. 1. A Supreme Court judge shall retire on the date of reaching the age of 65.

1a. (repealed)

1b. (repealed)

2. (repealed)

3. (repealed)

4. The approval referred to in paragraph 1 shall be granted for a period of three years and no more than twice. Paragraph 3 shall apply *mutatis mutandis*. A judge who has obtained consent to continue occupying the post of Supreme Court judge may retire at any time on reaching the age of 65 by submitting a declaration to the First President of the Supreme Court, who shall immediately send it to the President of the Republic of Poland. The First President of the Supreme Court shall submit the declaration directly to the President of the Republic of Poland.

5. A Supreme Court judge who is a woman may retire on her 60th birthday by submitting a declaration to the First President of the Supreme Court, who shall immediately send it to the President of the Republic of Poland. The First President of the Supreme Court shall submit the declaration direct to the President of the Republic of Poland.

Article 38. 1. A Supreme Court judge shall retire at their request or that of the College of the Supreme Court, if, for reasons of illness or infirmity, they have been found permanently incapable of performing a judge's duties by a Social Insurance Institution medical examiner.

2. A request for the examination of a judge's capacity to perform their duties may be lodged by the judge concerned or by the College of the Supreme Court.

3. A Supreme Court judge may be retired if they have failed, without good reason, to undergo the examination referred to in paragraph 2 at the request of the College of the Supreme Court.

4. In matters relating to the retirement of a Supreme Court judge under paragraphs 1 and 3, the National Council of the Judiciary shall adopt a resolution at the request of the judge concerned or the College of the Supreme Court.

5. Appeals against resolutions of the National Council of the Judiciary in the cases referred to in paragraph 4 may be brought before the Supreme Court by the judge concerned or by the College of the Supreme Court if a request for the retirement of a supreme Court judge has been brought by the College.

Article 39. The date on which a Supreme Court judge retires or is retired shall be determined by the President of the Republic of Poland.

Article 40. 1. At the request of the First President of the Supreme Court, the Minister for Justice may, with the consent of the judge concerned, second a common court judge with at least ten years of experience as a judge to perform a judge's duties at the Supreme Court for a fixed term of up to 2 years.

2. For the duration of their secondment to perform the duties referred to in paragraph 1, the provisions governing the rights and duties of a Supreme Court judge shall apply to the judge *mutatis mutandis*.

3. The number of judges seconded to perform a judge's duties at the Supreme Court may not exceed 30% of the number of Supreme Court judges.

4. At the request of the First President of the Supreme Court, the Minister for Justice may, with the consent of the judge concerned, indefinitely second a common court judge to perform the function of assistant to a Supreme Court judge and other activities at the Supreme Court.

5. A judge seconded to perform the activities referred to in paragraph 1 shall be entitled to remuneration at the basic rate of an appeal court judge.

6. After 3 months of secondment to perform the activities referred to in paragraph 1, an appeal court judge shall be entitled for the rest of their secondment to be remunerated at the same basic rate as a Supreme Court judge, unless their previous remuneration is higher than at the Supreme Court.

7. The rules on remuneration referred to in paragraph 6 shall apply to judges seconded to perform the functions and activities referred to in paragraph 4, save that an appeal court judge shall be entitled to remuneration at the rate immediately above their current rate, except for the remuneration of a Supreme Court judge, while a district court judge shall be entitled to the same remuneration as a regional court judge.

Chapter 5

The rights and duties of a Supreme Court judge

Article 41. 1. A judge shall be obliged to act in accordance with the oath taken.

2. A judge shall uphold values relating to the exercise of judicial power and avoid anything that might compromise the dignity of the office or undermine confidence in its impartiality.

Article 42. 1. A judge shall be obliged to keep secret the facts of a case made known to them in their capacity as judge other than in an open hearing.

2. The duty of secrecy shall continue after their service relationship is terminated.

3. The judge's duty of secrecy shall be waived when a judge is testifying as a witness before a court, unless disclosure is detrimental to the good of the State or a material private interest that is not contrary to the purposes of the dispensation of justice. In such cases, the First President of the Supreme Court may release a judge from their duty of secrecy. The President of the Republic of Poland may release the First President of the Supreme Court from the duty of secrecy referred to in this Article.

4. Judges shall not be subject to vetting under the Protection of Classified Information Act of 5 August 2010.

Article 43. A judge's working hours shall be determined by their duties.

Article 44. 1. A Supreme Court judge must have no other service relationship or take up any additional employment, save as a scholar-teacher, teacher or scholar with a single employer, for a total amount of time not exceeding the full-time working hours of such employees, and provided that this does not hinder performance of their duties as a Supreme Court judge.

2. A Supreme Court judge must not take up another occupation, whether paid or unpaid, that might hinder performance of their duties as a Supreme Court judge, compromise the dignity of their office or undermine trust in their impartiality or independence.

3. A Supreme Court judge intending to take up or continue employment or another occupation referred to in paragraphs 1 and 2 shall inform the First President of the Supreme Court of their intention. The First President of the Supreme shall give written notification of their opposition if they consider that taking up or continuing employment or another occupation would hinder performance of the judge's duties, compromise the dignity of the office of Supreme Court judge or undermine trust in the judge's impartiality or independence.

4. If the First President of the Supreme Court intends to take up or continue employment or another occupation referred to in paragraphs 1 and 2, they shall inform the President of the Republic of Poland of their intention. The President of the Republic of Poland shall give written notification of their opposition if they consider that taking up or continuing employment or another

occupation would hinder performance of the First President's duties, compromise the dignity of the office of First President of the Supreme Court or undermine trust in their impartiality or independence.

5. A Supreme Court judge shall not:

- 1) be a member of the management board, supervisory board or audit committee of a commercial company;
- 2) be a member of a cooperative's management board, supervisory board or audit committee;
- 3) be a member of the management board of a foundation engaging in an economic activity;
- 4) hold more than 10 % of shares or more than 10 % of the starting capital of a commercial company;
- 5) engage in an economic activity on a self-employed basis or jointly with others, manage such an activity or be a representative or agent in the exercise of such an activity.

6. 'Commercial company' shall mean a commercial company and any other company subject to commercial law, including a company under foreign law.

7. A Supreme Court judge shall assign profits from ownership of shares or capital, referred to in paragraph 5(4), in a commercial company to public purposes of their choice or transfer them to a separate bank account at a bank indicated by the First President of the Supreme Court by 31 March of the year following the year in which they were earned. A Supreme Court judge may use the funds accumulated on the bank account after retiring.

8. Failure to perform the obligation referred to in paragraph 7 shall be equivalent to resigning from office as a Supreme Court judge.

9. Election or appointment to the management of a company, cooperative or foundation contrary to paragraph 5(1)-(3) shall be void *ipso jure* and shall not be subject to entry in the relevant register.

10. Paragraphs 1, 2, 3, 5, 6 and 9 shall apply *mutatis mutandis* to retired judges of the Supreme Court.

11. A Supreme Court judge adjudicating in the Disciplinary Chamber may not have another service relationship or take up additional employment or another activity referred to in sections 1 and 2, except for employment of a judge holding the academic degree of *doktor habilitowany* or having the title of professor as a scholar-teacher or scholar with a single employer, for a total amount of time not exceeding the full-time working hours of such employees, and except for participation in conferences or training courses, for which they shall not be remunerated. Employment as a scholar-teacher or scholar and participation in conferences or training courses shall require the approval of the President of the Supreme Court heading the Disciplinary Chamber.

Article 45. 1. Supreme Court judges shall submit the asset declaration referred to in Article 87 of the Common Courts Organisation Act of 27 July 2001 to the First President of the Supreme Court.

2. The First President of the Supreme Court shall examine the contents of the asset declaration submitted by a Supreme Court judge. The First President of the Supreme Court shall report any irregularities found to the President of the Republic of Poland.

The law of 20 December 2019 states: "the following § 3 shall be added to Article 45" without mentioning the § to be added.

Article 46. 1. A judge may file requests, motions or complaints concerning the office they hold only with the President of the Supreme Court heading the chamber in which they adjudicate or the First President of the Supreme Court.

2. In the matters referred to in paragraph 1, a judge shall not have recourse to third institutions or third persons or make these matters public.

Article 47. A judge shall immediately notify the First President of the Supreme Court and a President of the Supreme Court responsible for the functioning of the Disciplinary Chamber of any court action in which they are a party or a participant.

Article 48. 1. The base remuneration of a Supreme Court judge shall be 4.13 times the base figure used to determine such remuneration.

2. The base figure used to determine the basic remuneration of Supreme Court judges in a given year shall be the average remuneration in the second quarter of the preceding year published in the Official Gazette of the Republic of Poland 'Monitor Polski' by the President of the Central Statistical Office pursuant to Article 20(2) of the Retirement and Other Pensions provided by the Social Insurance Fund Act of 17 December 1998 (Journal of Laws 2017, items 1383, 1386 and 2120).

3. If the average remuneration referred to in paragraph 2 is lower than the average remuneration published for the second quarter of the preceding year, the base figure for determining the basic remuneration of judges of the Supreme Court shall remain at its existing level.

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

5. On taking up their post, a Supreme Court judge shall be remunerated at the base rate. After 7 years of service at the Supreme Court, a Supreme Court judge's remuneration shall be increased to the bonus rate.

6. In connection with the function performed, a Supreme Court judge shall be entitled to a post allowance, the amount of which shall be established by applying multiplication factors to the base figure for determining the remuneration referred to in paragraph 2.

7. The allowance shall not be payable if a judge takes up employment as a scholar-teacher or scholar, for the period between the start date of work in that post and the date of termination of employment.

8. The table of multipliers for establishing the amount of post allowances shall be laid down in an annex to this Act.

Article 49. A Supreme Court judge shall be entitled to a length-of-service allowance of 1 % of their basic remuneration for each year of service, up to a maximum of 20 % of that remuneration. The period of a judge's service or employment relationship prior to their appointment as a Supreme

Court judge and the duration of their exercise of the profession of advocate, legal adviser or notary public shall apply towards the period determining the amount of the allowance.

Article 50. 1. A Supreme Court judge shall be entitled to the following anniversary bonuses:

1) after 20 years of service - 100 % of their monthly remuneration;

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

2. All previous periods of service and employment, including the duration of their exercise of the profession of advocate, legal adviser or notary public, and other periods counted as work for the purposes of the employee's rights under separate provisions, shall apply towards the period of service entitling a judge to an anniversary bonus.

Article 51. 1. A Supreme Court judge shall be entitled to additional leave of 12 working days a year.

2. At their request, a judge may be granted paid convalescent leave.

3. The convalescent leave may not exceed 6 months.

4. While absent for reasons of illness, a judge shall receive 80 % of their remuneration, but for no longer than one year. Previous interruptions in service for reasons of illness or convalescent leave shall count towards this period if the period of active service has not exceeded 30 days. After one year of absence for reasons of illness, a judge shall receive 50 % of their remuneration.

5. If a judge's absence is the result of:

- 1) an accident at work or on the way to or from work,
- 2) an illness during pregnancy,
- 3) an illness resulting from the specific nature or conditions of a judge's activities,
- 4) an illness caused by another person's commission of a deliberate crime, attested by the delivery of a judgment by the competent authority, in connection with the performance of a judge's activities,
- 5) undergoing the medical examinations necessary for potential donors of cells, tissues and organs and undergoing procedures for the taking of cells, tissues and organs,

the judge shall retain their entitlement to 100 % of their remuneration, but for no longer than one year.

6. The second and the third sentences of paragraph 4 shall apply to a judge's absence for the reasons referred to in paragraph 5.

7. Where a judge falls ill and the illness is suspected to have been caused by the specific characteristics or conditions of a judge's activity, the First President of the Supreme Court shall refer the judge, at the First President's own motion or at the request of the judge, to a Social Insurance Institution medical examiner. The judge shall be entitled to object to a Social Security Institution medical committee against the medical examiner's decision within 14 days of service of the decision.

8. An illness caused by health stressors at the place of performance of a judge's duties shall be recognised as an illness caused by the specific characteristics or conditions of a judge's activity.

9. The costs of an examination and the issuing of a decision by a medical examiner and a Social Security Institution medical committee shall be covered by the State Treasury from the funds at the disposal of the First President of the Supreme Court.

10. If a judge is unable to perform his duties for other reasons entitling them to receive the benefits specified in the Act of 25 June 1999 on social insurance benefits in cash in the event of sickness or maternity (Journal of Laws 2017, item 1368), they shall be entitled to remuneration in the amount of the social insurance benefits for the period provided for in that Act.

11. The duration of absence for reasons of illness and incapacity to perform the duties referred to in paragraph 10 shall be confirmed by a medical certificate issued in accordance with Articles 55(1) and 55a(7) of the Act of 25 June 1999

on social insurance benefits in cash in the event of sickness or maternity or a printout of the medical certificate referred to in Article 55a(6) of that Act, save in the case:

- 1) of undergoing the medical examinations necessary for potential donors of cells, tissues and organs and incapacity to work resulting from the taking of cells, tissues and organs, for which a judge shall present a certificate issued by a doctor on the standard form prescribed in Article 53(3) of the Act of 25 June 1999 on social insurance benefits in cash in the event of sickness or maternity;
- 2) referred to in Article 6(2)(1) of the Act of 25 June 1999 on social insurance benefits in cash in the event of sickness or maternity, for which a judge shall present a decision issued by a competent authority or qualified body under the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans (Journal of Laws 2016, items 1866, 2003 and 2173; 2017, item 2217);
- 3) of maternity leave, for which a judge shall present a medical certificate made out on the standard form specifying, prior to delivery, the expected date of birth and, after delivery, a short-form birth certificate for the child or a copy thereof;
- 4) of the need for the judge to take personal care of their own child or that of their spouse, an adopted child or a fostered child under eight years of age in the event of:
 - a) the unforeseen closure of a crèche, kids' club, preschool or school attended by the child or of the illness of a nanny with whom the parents have concluded the formal agreement referred to in Article 50 of the Care for Children under the Age of Three Act of 4 February 2011 (Journal of Laws 2016, item 157; 2017, items 60 and 1428) or child-minder caring for the child;
 - b) the pregnancy or illness of the judge's spouse or the parent of the judge's child who usually takes care of the child where such pregnancy or illness prevents that spouse or parent from caring for the child,
 - c) the stay of the judge's spouse or the parent of the judge's child who usually takes care of the child in a hospital or other medical facility providing round-the-clock inpatient healthcare,

for which the judge shall present a declaration.

12. The medical certificate shall be submitted using the computer profile referred to in Article 58(1) of the Act of 25 June 1999 on social insurance benefits in cash in the event of

sickness or maternity, under the rules laid down in that Act. The First President of the Supreme Court shall use or create the computer profile referred to in Article 58(1) of that Act.

13. The printout of the medical certificate referred to in Article 55a(6) of the Act of 25 June 1999 on social insurance benefits in cash in the event of sickness or maternity, the medical certificate referred to in Article 55a(7) of that Act, a certificate made out by a doctor in the standard form in the cases referred to in paragraph 11(1) and (3), the decision and the short-form birth certificate or a copy thereof must be submitted to the First President of the Supreme Court within 7 days of receipt.

14. A judge must declare the circumstances referred to in paragraph 11(4) to the First President of the Supreme Court within 7 days of their occurring.

15. Where the obligations referred to in paragraphs 13 and 14 is not fulfilled, any absence shall be considered unjustified, unless the failure to provide the certificate, decision, short-form birth certificate or copy thereof or make the declaration occurred for reasons beyond the judge's control.

16. A judge shall be entitled to remuneration for other justified absences.

17. Where employees covered by the social insurance system are entitled to receive benefits irrespective of their right to remuneration, a judge shall be entitled to a cash benefit of an amount equal to the social insurance benefit.

18. Judges may be granted convalescent leave in accordance with the rules laid down in Article 94d-94g of the Common Courts Organisation Act of 27 July 2001.

Article 52. 1. A Supreme Court judge nominated, appointed or elected to perform a function in a state agency, diplomatic or consular service or a body of an international or supranational organisation acting under international agreements ratified by the Republic of Poland shall immediately resign from office.

2. A judge who has resigned from office for the reasons specified in paragraph 1 shall have the right to return to the post of Supreme Court judge, if the interruption in the performance of a judge's duties is no longer than 9 years, save where a judge has performed the functions of judge or prosecutor in international or supranational judicial bodies.

3. In the case referred to in paragraph 2, the National Council of the Judiciary shall, at the initiative of the person in question, submit a request to the President of the Republic of Poland for authorisation to perform the office of Supreme Court judge

4. If the request referred to in paragraph 3 is refused, the person in question shall be entitled to appeal to the Supreme Court.

Article 53. 1. Supreme Court judges who are permanently resident outside Warsaw shall be entitled to free accommodation in Warsaw, reimbursement of travel expenses and a separation from family allowance in accordance with the rules laid down in the provisions issued on the basis of Article 26(2a) of the Employees of State Agencies Act of 16 September 1982.

2. The judge shall not be entitled to the benefits and receivables referred to in paragraph 1 if the distance between the place of permanent residence and Warsaw is no more than 60 kilometres, unless the First President of the Supreme Court considers, at the request of the Supreme Court judge concerned, that it is reasonable due to the scope of responsibilities and commuting conditions.

Article 54. A retiring judge shall be entitled to a single severance payment equal to six months' remuneration.

Article 55. 1. A Supreme Court judge may not be deprived of liberty or be the subject of criminal proceedings without the permission of a disciplinary court. The above shall not apply if a judge is arrested in flagrante delicto and their detention is necessary for the proper conduct of proceedings. Pending a resolution allowing criminal proceedings to be brought against a judge only urgent acts may be performed.

2. If a motion for criminal proceedings to be brought against a prosecutor or for remand in custody refers to a judge who was arrested in flagrante delicto committing a crime or an offence for which the maximum term of imprisonment is at least eight years, an offence referred to in Article 177(1) of the Criminal Code of 6 June 1997 (Journal of Laws 2017, item 2204) in conjunction with Article 178(1) of the Criminal Code, and in Article 178a(1) or (4) of the Criminal Code and who remains in custody, a disciplinary court shall adopt a resolution on the motion without delay, no later than within 24 hours of its receipt by the disciplinary court. A resolution allowing criminal proceedings to be brought against a judge or a judge to be remanded in custody shall be enforceable immediately.

3. The First President of the Supreme Court and the President of the Supreme Court responsible for the functioning of the Disciplinary Chamber shall be notified of a judge's detention immediately. The First President of the Supreme Court may order that the detainee be released immediately.

4. No more than 7 days after the date of service of a resolution refusing consent for criminal proceedings against a judge, the authority or person seeking consent and the Disciplinary Officer of the Supreme Court shall be entitled to appeal to the second-instance disciplinary court. The judge in question shall have the same number of days to appeal against a resolution consenting to criminal proceedings against them.

Article 56. A retired Supreme Court judge shall be entitled to emoluments equalling 75 % of the base remuneration and seniority allowance for the last post they occupied. These emoluments shall be indexed on the dates and in the amounts of changes in the base remuneration of serving judges.

Article 57. The Supreme Court may employ judges' assistants. A person with higher legal qualifications may be a judge's assistant.

Article 58. A person whose relationship with a Supreme Court judge would entitle them to refuse to testify under Article 261(1) of the Code of Civil Procedure of 17 November 1964 (Journal of Laws 2016, item 1822, as amended²) shall not be employed at the Supreme Court.

Chapter 6

Lay judges of the Supreme Court

Article 59. 1. Lay judges of the Supreme Court shall take part in the examination of extraordinary appeals, the cases referred to in Article 27(1)(1) and in other disciplinary proceedings for which the Supreme Court is competent under the provisions of separate acts.

2. Unless this Act stipulates otherwise, in the cases referred to in paragraph 1, the Supreme Court shall adjudicate by a bench of 2 judges of the Supreme Court and 1 lay judge of the Supreme Court.

3. A person may be a lay judge of the Supreme Court if they:

² Amendments to the consolidated text of this Act were published in Journal of Laws 2016, items 1823, 1860, 1948, 2138, 2199, 2260 and 2261; 2017, items 67, 85, 187, 768, 933, 1133, 1136, 1452, 1474, 1596, 1727, 1833, 2180, 2245 and ...

- 1) have only Polish nationality and enjoy full civil and public rights;
- 2) are of good character;
- 3) have reached the age of 40;
- 4) are under 60 years of age on the day of election;
- 5) are fit, as regards their state of health, to perform the duties of a lay judge of the Supreme Court;
- 6) have completed general secondary education or technical secondary education.

Article 60. A person may not be a lay judge of the Supreme Court if they:

- 1) are employed at the Supreme Court, another court or a prosecutor's office;
- 2) are members of bodies against whose decisions court actions may be brought;
- 3) are a lay judge at a common or military court;
- 4) are a police officer and work in services involving the prosecution of crimes and minor offences;
- 5) work in central government agencies;
- 6) exercise a profession for which the Supreme Court may be the competent disciplinary court;
- 7) are an advocate or trainee advocate;
- 8) are a legal adviser or trainee legal adviser;
- 9) are a notary, assistant notary or trainee notary;
- 10) are a cleric;
- 11) are a soldier in active military service;
- 12) are an officer of the Prison Service;
- 13) are a deputy, senator, MEP or member of a municipal, district or provincial council;
- 14) have served in, worked for or cooperated with the state security bodies 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) belong to a political party.

Article 61. 1. The number of lay judges of the Supreme Court shall be established by the College of the Supreme Court.

2. The Senate shall elect lay judges by open ballot.

3. The term of office of lay judges of the Supreme Court shall run for 4 calendar years after the year in which they were elected. The function of a lay judge of the Supreme Court elected during the term of office shall terminate on expiry of the general term of office of lay judges of the Supreme Court.

4. After the term of office expires, a lay judge of the Supreme Court may take part only in examining a case initiated earlier with their participation, until the case is closed.

5. The election of lay judges to the Supreme Court shall take place no later than in October of the calendar year in which the term of office of the previous lay judges of the Supreme Court expires.

Article 62. 1. Candidates to be lay judges of the Supreme Court shall be nominated to the Marshal of the Senate. The First President of the Supreme Court shall communicate the number of lay judges of the Supreme Court established by the College of the Supreme Court to the Marshal of the Senate at least 30 days before the expiry of the time-limit for nominating candidates.

2. Candidates to be lay judges of the Supreme Court may be nominated by associations, other social and professional organisations registered under separate provisions, with the exception of political parties, and at least 100 citizens eligible to vote by 30 June of the calendar year in which the term of office of the previous lay judges of the Supreme Court expires.

3. The Marshal of the Senate shall seek reports on candidates to be lay judges of the Supreme Court from the Commander-in-Chief of the Police. The report on a candidate to be a lay judge of the Supreme Court shall be obtained and drawn up in accordance with the rules laid down for candidates for the post of judge at a common court.

4. Detailed arrangements for handling documents submitted to the Marshal of the Senate when nominating candidates to be lay judges of the Supreme Court shall be laid down in the Senate's Rules of Procedure.

5. The Marshal of the Senate shall lay down, by means of an order, the model for nomination papers for candidates to be lay judges of the Supreme Court and the means of obtaining them. The order of the Marshal of the Senate shall be published in the Official Gazette of the Republic of Poland 'Monitor Polski'.

Article 63. 1. The Marshal of the Senate shall immediately send the list of elected lay judges of the Supreme Court and the documents referred to in Article 62(4) to the First President of the Supreme Court.

2. The First President of the Supreme Court shall notify the lay judges of the Supreme Court of their election and have them take the following oath: 'I solemnly swear as a lay judge of the Supreme Court that I will faithfully serve the Republic of Poland, uphold the law and the rule of law, conscientiously perform a lay judge's duties, adjudicate in accordance with the law and principles of equity, my conscience and without partiality, preserve the confidentiality of information protected by law and be guided by the principles of integrity and dignity'.

3. The oath may be ended with the words: 'So help me God'.

4. Refusal to take the above oath shall be equivalent to resigning from the office of lay judge of the Supreme Court.

5. After the oath has been taken, the First President of the Supreme Court shall enter the lay judge of the Supreme Court on the list of lay judges of the Supreme Court who may be designated to adjudicate and issue the lay judge with a service card.

6. The First President of the Supreme Court shall organise training for lay judges of the Supreme Court on the extraordinary appeal and disciplinary proceedings. Lay judges of the Supreme Court shall be obliged to attend the training.

Article 64. 1. The function of a lay judge of the Supreme Court shall be terminated if they are finally convicted of an intentional crime prosecuted by public indictment or an intentional fiscal crime or if they are found to have served in, worked for or cooperated with the state security bodies 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 Marshal of the Senate shall determine the termination of the function for this reason and notify the First President of the Supreme Court thereof.

2. Article 36(5) to (8) shall apply mutatis mutandis to lay judges of the Supreme Court.

Article 65. A lay judge of the Supreme Court shall not be assigned to perform duties if:

- 1) circumstances emerge that would have prevented their election;
- 2) proceedings are initiated for the dismissal of the lay judge of the Supreme Court, pending the adoption by the Senate of a resolution on dismissal;
- 3) proceedings are initiated against the lay judge of the Supreme Court for an intentional crime prosecuted by public indictment or an intentional fiscal crime, pending a final judgment in the case.

Article 66. If necessary, especially if there is a reduction in the number of lay judges of the Supreme Court during their term of office, the Senate, at the motion of the First President of the Supreme Court, shall conduct by-elections. Article 62 shall apply mutatis mutandis.

Article 67. 1. Lay judges of the Supreme Court shall adjudicate independently and be subject only to the Constitution and statutes.

2. A lay judge of the Supreme Court shall not chair a hearing or deliberations or perform a judge's activities outside a hearing, unless the law provides otherwise.

Article 68. 1. A lay judge of the Supreme Court may be assigned to take part in hearings up to 20 days a year. The number of days may be increased by the First President of the Supreme Court only for important reasons, and in particular if it is necessary to complete a hearing in which that lay judge of the Supreme Court is participating.

2. A lay judge of the Supreme Court shall receive financial compensation for the time spent on their activities at the court, namely: taking part in a hearing or session, taking part in deliberations on a judgment, drafting grounds, attending compulsory training courses organised by the First President of the Supreme Court or attending meetings of the Lay Council of the Supreme Court, if they have been elected to that Council.

3. The amount of compensation for lay judges of the Supreme Court taking part in the examination of cases at the Supreme Court shall amount to 5 % of the average remuneration in the national economy in the preceding calendar year published in the Official Gazette of the Republic of Poland 'Monitor Polski' by the President of the Central Statistical Office pursuant to Article 20(1)(a) of the Retirement and Other Pensions provided by the Social Insurance Fund Act of 17 December 1998 per day of performance of the duties of a lay judge of the Supreme Court.

Article 69. Lay judges resident outside Warsaw shall be entitled to a daily allowance and the reimbursement of travel and overnight accommodation expenses in accordance with the rules laid down for judges of the common courts.

Article 70. 1. Lay judges of the Supreme Court shall elect from among their members a Lay Council of the Supreme Court, its chair and deputies.

2. The tasks of the Lay Council of the Supreme Court shall in particular include raising awareness of the work of lay judges of the Supreme Court and representing them and promoting the educational work of lay judges of the Supreme Court in society.

3. The President of the Republic of Poland shall lay down, by means of an ordinance, the method for the election, the composition and organisational structure, rules of procedure and specific tasks of the Lay Council of the Supreme Court, taking account of the mandatory nature of the Lay Council of the Supreme Court as the self-governing body representing lay judges of the Supreme Court, the scope of cooperation with the First President of the Supreme Court and the President of the Supreme Court heading the Disciplinary Chamber, the need to include in its structure a chair and deputies and the definition of their tasks.

Article 71. In cases not regulated by this chapter, the provisions of Part IV, Chapter 7 of the Common Courts Organisation Act of 27 July 2001 concerning lay judges shall apply mutatis mutandis to lay judges of the Supreme Court.

Chapter 7

Disciplinary liability

Article 72. 1. ~~A Supreme Court judge shall bear disciplinary liability for misconduct in service and for compromising the dignity of their office.~~

"§ 1. A judge of the Supreme Court shall be liable to disciplinary action for official (disciplinary) misconduct, including for:

- 1) an obvious and gross contempt for provisions of law ;**
- 2) acts or omissions that may prevent or significantly hinder the functioning of an organ of the justice system;**
- 3) acts that question the existence of the official tenure of a judge or the effectiveness of his or her appointment, or the constitutional mandate of an organ of the Republic of Poland**
- 4) public activity which is irreconcilable with the principles of the independence of courts and the impartiality of judges;**
- 5) violation of the dignity of the office. ";**

2. A judge shall also be liable to disciplinary proceedings for their conduct before they took up office, if they failed to discharge the duties of State office or showed themselves to be unsuitable for the office of judge.

3. For minor offences, a judge shall be liable only to disciplinary proceedings.

4. A judge may agree to be held liable under criminal law for the offence referred to in Chapter XI of the Code of Administrative Offences of 20 May 1971 (Journal of Laws 2015, items 1094, 1485, 1634 and 1707; 2017, item 966 and 1941). Acceptance by the judge of a penalty notice or payment of a fine, when a penalty notice in absentia is issued as referred to in Article 98(1)(3) of the Code of Procedure for Minor Offences of 24 August 2001 shall be deemed to constitute consent.

5. Where a judge accepts being held liable under criminal law as provided for in paragraph 4, they shall be relieved of disciplinary liability.

Article 73. 1. The disciplinary courts for disciplinary cases against Supreme Court judges shall be:

- 1) in the first instance, the Supreme Court, adjudicating by a bench of 2 judges of the Disciplinary Chamber and 1 lay judge of the Supreme Court;

- 2) in the second instance, the Supreme Court, adjudicating by a bench of 3 judges of the Disciplinary Chamber and 2 lay judges of the Supreme Court.

2. (repealed)

Article 74. The Disciplinary Officer of the Supreme Court and their deputy shall be elected by the College of the Supreme Court for a period of 4 years.

Article 75. 1. The disciplinary penalties shall be as follows:

- 1) a warning;
- 2) a reprimand;
- 3) reduction of a judge's basic remuneration by 5 % to 50 % for a period of 6 months to 2 years;

3a) a financial penalty in the amount of one month's basic salary plus the judge's allowance for long-term work, functional allowance and the allowance referred to in Article 48 § 7 to be paid for the month preceding the issue of a final conviction;

- 4) dismissal from the function occupied,
- 5) a judge's removal from office.

"§ 1a. For the disciplinary offence defined in Art. 72 § 1 items 2-4, the penalty referred to in § 1 item 5 shall be imposed, and in the event of a lesser seriousness - the penalty referred to in § 1 item 3, 3a or 4"

2. The court shall publish a final disciplinary judgment by posting it on the Supreme Court's website. If required for the purpose of protecting legitimate interests of persons concerned, the operative part of the judgment shall be published without particulars identifying a natural person or other person.

3. The court shall send the final disciplinary judgment to the President of the Republic of Poland.

4. The imposition of the disciplinary penalty referred to in paragraph 1(2) to (4) shall disqualify a judge from sitting in the College of the Supreme Court, adjudicating in a disciplinary court and performing their function in the Supreme Court for 5 years. The First President of the Supreme Court shall designate a judge adjudicating in the Disciplinary Chamber on whom the disciplinary penalty referred to in the first sentence has been imposed to adjudicate in another chamber for a period of 5 years.

5. The imposition of the disciplinary penalty referred to in paragraph 1(5) shall disqualify a person from re-appointment to the office of judge.

6. In the case of disciplinary misconduct or a minor offence, the disciplinary court may waive the imposition of a penalty.

Article 76. 1. The Disciplinary Officer of the Supreme Court shall conduct investigation activities at the request of the First President of the Supreme Court, the President of the Supreme Court heading the Disciplinary Chamber, the College of the Supreme Court, the Prosecutor-General, the National Prosecutor, or on their own initiative, after conducting a preliminary investigation of the circumstances necessary to establish the elements of misconduct and obtaining the judge's explanations, unless it is impossible to obtain them. The investigation activities must be conducted within 30 days of the first action being taken by the Disciplinary Officer of the Supreme Court.

2. After the investigation activities have been carried out, if there are grounds for initiating disciplinary proceedings, the Disciplinary Officer of the Supreme Court shall initiate disciplinary proceedings and present the judge with written charges. After the charges have been presented, the defendant shall have 14 days to submit explanations and requests for evidence to be taken.

3. On expiry of the time-limit referred to in paragraph 2, and - if necessary - after further evidence has been taken, the Disciplinary Officer of the Supreme Court shall submit a request for the disciplinary case to be examined by a disciplinary court of first instance. The request should include the precise indication of the act that is the subject matter of proceedings, a list of evidence supporting the request and a statement of the grounds.

4. If the Disciplinary Officer of the Supreme Court does not find any grounds for initiating disciplinary proceedings at the request of the authorised entity, they shall issue a decision refusing to initiate such proceedings. A copy of the decision shall be delivered to the authorities referred to in paragraph 1 and to the President of the Republic of Poland. Each of the authorities referred to in paragraph 1 may complain to the disciplinary court of first instance within 30 days of service of the decision .

5. If the Disciplinary Officer of the Supreme Court does not find any grounds for filing a request for a disciplinary case to be examined, they shall issue a decision discontinuing disciplinary proceedings. A copy of the decision shall be delivered to the defendant, to the authorities referred to in paragraph 1 and to the President of the Republic of Poland. Each of the authorities referred to in paragraph 1 may complain to the disciplinary court of first instance within 30 days of service of the decision .

6. The complaint should be examined within 14 days of the date of its submission to the court. If the contested decision is repealed, the disciplinary court's instructions as to further proceedings shall be binding on the Disciplinary Officer of the Supreme Court.

7. Disciplinary rulings shall not be subject to appeal in cassation.

8. The President of the Republic may appoint, from among Supreme Court judges, common court judges or military court judges, an Extraordinary Disciplinary Officer to conduct a specific case concerning a Supreme Court judge. In cases of disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment or an intentional fiscal offence, the President of the Republic of Poland may also appoint an Extraordinary Disciplinary Officer from among prosecutors indicated by the State Prosecutor. The appointment of an Extraordinary Disciplinary Officer shall be equivalent to requesting that investigation activities be initiated. The Extraordinary Disciplinary Officer may initiate disciplinary proceedings or join pending proceedings. The appointment of an Extraordinary Disciplinary Officer shall cause the exclusion of the Disciplinary Officer of the Supreme Court or their deputy from taking action in the case. In justified circumstances, in particular if the Extraordinary Disciplinary Officer dies or is unable to perform their duties for a prolonged period, the President of the Republic of Poland shall appoint as replacement another judge or prosecutor. Paragraphs 1 to 6 shall apply mutatis mutandis to action undertaken by the Extraordinary Disciplinary Officer. The function of the Extraordinary Disciplinary Officer shall expire as soon as a ruling refusing to initiate disciplinary proceedings, discontinuing disciplinary proceedings or closing disciplinary proceedings becomes final.

9. If the President of the Republic has not appointed the Extraordinary Disciplinary Officer referred to in paragraph 8 in a case of disciplinary misconduct that satisfies the criteria of an intentional crime prosecuted by public indictment or intentional fiscal offence within 30 days of submission of the request referred to in paragraph 1, the Minister for Justice shall notify the President of the Republic of Poland that they intend to appoint an Extraordinary Disciplinary Officer if that is the case. If the President of the Republic of Poland fails to appoint an Extraordinary Disciplinary Officer within 30 days of receipt of the notification from the Minister for Justice, the Minister for Justice may proceed with the appointment.

10. If, after the conduct of investigation activities or submission of a request for examination by a disciplinary court of a case of disciplinary misconduct that satisfies the criteria of an intentional crime prosecuted by public indictment or an intentional fiscal offence, it transpires that, without extending the scope of the indictment, the crime or offence can come under a different legal provision, and if the Extraordinary Disciplinary Officer appointed earlier by the President of the Republic of Poland is a prosecutor, the President of the Republic of Poland shall appoint an Extraordinary Disciplinary Officer from among Supreme Court judges, common court judges or military court judges to conduct the case concerning the Supreme Court judge. The investigation activities carried out and evidence adduced before submission of the request for the case to be examined by a disciplinary court shall not be repeated.

11. If, after the conduct of investigation activities or submission of a request for examination by a disciplinary court of a case of disciplinary misconduct that satisfies the criteria of an intentional crime prosecuted by public indictment or an intentional fiscal offence, it transpires that, without extending the scope of the indictment, the crime or offence can come under a different legal provision, and if the Extraordinary Disciplinary Officer appointed earlier by the Minister for Justice is a prosecutor, the Minister for Justice shall appoint an Extraordinary Disciplinary Officer from among Supreme Court judges, common court judges or military court judges to conduct the case concerning the Supreme Court judge. The investigation activities carried out and evidence adduced before submission of the request for the case to be examined by a disciplinary court shall not be repeated.

Chapter 8

Proceedings before the Supreme Court

Article 77. 1. Unless this Act provides otherwise, the Supreme Court shall adjudicate by a bench of 3 judges.

2. In cases in which the Act does not specify a bench, the Supreme Court shall adjudicate in its Disciplinary Chamber by a bench of 1 judge unless the President heading the Chamber orders the case to be examined by a bench of 3 judges.

Article 78. In the cases referred to in Article 55(1) and (2) the disciplinary court shall adjudicate by a bench of 3 judges of the Disciplinary Chamber of the Supreme Court.

Article 79. Cases concerning labour law and social security involving Supreme Court judges and cases concerning the retirement of Supreme Court judges shall be adjudicated by:

- 1) in the first instance, the Supreme Court, adjudicating by a bench of 1 judge of the Disciplinary Chamber;
- 2) in the second instance, the Supreme Court, adjudicating by a bench of 3 judges of the Disciplinary Chamber.

Article 80. 1. The President of the Supreme Court heading a specific chamber shall assign cases and appoint a bench.

2. Cases shall be examined in chronological order, save where there are specific provisions to the contrary. In particularly justified circumstances, the President of the Supreme Court may order cases to be heard in non-chronological order.

Article 81. A Supreme Court bench shall not include more than 1 judge seconded to perform a judge's duties at the Supreme Court. The seconded judge shall not preside over the adjudicating bench.

Article 82. § 1 If, when hearing an appeal in cassation or another appeal, the Supreme Court has serious doubts as to the interpretation of the law underpinning its ruling, it may adjourn the hearing and refer the legal issue for settlement by a bench of 7 judges.

§ 2. The Supreme Court, when recognizing a case in which there is a legal issue concerning the impartiality of a judge or the independence of the court, postpones its consideration and presents this issue for decision to the panel of the entire Supreme Court Chamber of Extraordinary Control and Public Affairs.

§ 3. If the Supreme Court, when examining the motion referred to in Article 26 § 2, raises serious doubts as to the interpretation of the provisions of law to be the basis for the ruling, it may postpone examination of the motion and present the legal issue for decision to the panel of the entire Chamber of Extraordinary Control and Public Affairs of the Supreme Court.

§ 4. When adopting a resolution referred to in § 2 or 3, the Extraordinary Chamber of Control and Public Affairs is not bound by a resolution of another Supreme Court, even if it becomes a legal rule.

§ 5. A resolution of the entire Chamber of Extraordinary Control and Public Affairs of the Supreme Court adopted under § 2 or 3 shall be binding on all members of the Supreme Court. A resolution that has the force of a legal principle must be reopened by a resolution of the entire Supreme Court, which requires the presence of at least 2/3 of the number of judges in each chamber. The provision of Article 88 shall not apply.

Article 83. 1. If there are discrepancies between the interpretation of the law underpinning rulings in the case-law of the common courts, military courts or the Supreme Court, the First President of the Supreme Court may, with a view to ensuring the uniformity of case-law, request their settlement by the Supreme Court in a bench of 7 judges or another appropriate configuration.

2. The request referred to in paragraph 1 may also be lodged by the Prosecutor-General, the Ombudsman and, to the extent of their competence, by the President of the General Counsel to the Republic of Poland, the Children's Ombudsman, the Ombudsman for Patients' Rights, the President of the Social Dialogue Council, the President of the Financial Supervision Authority and the Financial Ombudsman.

Article 84. A decision referring a legal issue and a resolution of the Supreme Court must be accompanied by a written statement of the grounds.

Article 85. 1. The Prosecutor-General shall be notified of sessions of the entire Supreme Court bench or the bench of a chamber or joint chambers.

2. Defenders and counsel in the person of advocates and legal advisers and persons authorised to prepare appeals in cassation in civil matters shall also be notified of a Supreme Court session designated to settle a legal issue.

3. The session may be attended by the deputy Prosecutor-General, a prosecutor from the National Prosecutor's Office or from another organisational entity of a prosecutor's office seconded to carry out actions at the National Prosecutor's Office and designated by the Prosecutor-General or their deputy to take part in sessions instead of the Prosecutor-General.

4. Failure on the part of the persons referred to in paragraphs 1 to 3 to attend the session shall not cause proceedings to be suspended provided that proper notification has been given.

5. A President of the Supreme Court may oblige the authorities informed of the session to submit, before the session, written motions concerning the tenor of the settlement of the issue referred.

Article 86. 1. If a Supreme Court bench considers that the issue submitted requires clarification and that the discrepancies need to be settled, it shall adopt a resolution, otherwise it shall refuse to adopt a resolution or, if taking a resolution has become irrelevant, it shall discontinue the proceedings.

2. If a bench of seven Supreme Court judges considers it justified from the point of view of judicial practice or the gravity of the doubts, it may refer the legal issue or the motion for a resolution to a full chamber, and a chamber may do the same to a bench of two or more joined chambers or to the entire Supreme Court bench.

Article 87. 1. Upon their adoption, resolutions of the entire Supreme Court bench, of a joint bench of chambers or of the bench of an entire chamber shall become legal principles. A bench of 7 judges may invest a resolution with the force of a legal principle.

2. Resolutions which are invested with the force of a legal principle shall be published together with an explanatory memorandum in the Public Information Bulletin on the Supreme Court website.

Article 88. 1. If any Supreme Court bench intends to depart from a legal principle, it shall refer the legal issue to the entire bench of a chamber for settlement.

2. A departure from a legal principle adopted by a chamber, by joint chambers or by the entire bench of the Supreme Court shall require a new settlement in the form of a resolution of the relevant chamber, joint chambers or the full bench of the Supreme Court.

3. If a bench of one Supreme Court chamber intends to depart from a legal principle adopted by another chamber, settlement shall take the form of a resolution of both chambers. Chambers may refer a legal issue for examination by the full bench of the Supreme Court.

Article 89. 1. If it is necessary in order to ensure compliance with the principle of a democratic state ruled by law and implementing the principles of social justice, an extraordinary appeal may be lodged against a final ordinary court or military court ruling closing proceedings in the case provided that:

- 1) the ruling violates the principles or the rights and freedoms of persons and citizens enshrined in the Constitution; or
- 2) the ruling is a flagrant breach of the law on the grounds of misinterpretation or misapplication; or
- 3) there is an obvious contradiction between the court's findings and the evidence collected;

and the ruling cannot be repealed or amended by way of other extraordinary remedies.

2. An extraordinary appeal may be lodged by the Prosecutor-General, the Ombudsman and, to the extent of their competence, by the President of the General Counsel to the Republic of Poland, the Children's Ombudsman, the Ombudsman for Patients' Rights and the President of the Financial Supervision Authority, the Financial Ombudsman and the President of the Office of Competition and Consumer Protection.

3. Extraordinary appeals shall be lodged no more than 5 years after the contested ruling becomes final and if the cassation has been lodged, or, if an appeal in cassation has been lodged against the ruling, no more than 1 year after it is examined. Extraordinary appeals to the detriment of the defendant which are lodged more than 1 year after the ruling becomes final shall be deemed inadmissible; if an appeal in cassation has been lodged against the ruling, the same shall appeal 6 months after it is examined.

4. If the conditions specified in paragraph 1 have been met but the ruling has had irreversible legal effects, in particular if 5 years have elapsed since the contested ruling became final, and if repealing the ruling would infringe international obligations of the Republic of Poland, the Supreme Court shall confine itself to confirming that the contested ruling is in breach of the law and indicating the circumstances which led it to issue such a decision, unless the principles or the rights and freedoms of persons and citizens enshrined in the Constitution warrant the issuing of a decision as referred to in Article 91(1).

Article 90. 1. On behalf of the same party, an extraordinary appeal may be lodged only once against a given ruling.

2. An extraordinary appeal may not be based on pleas which were examined in cassation or in cases referred to the Supreme Court for review.

3. Extraordinary appeals against a judgment establishing the nullity of a marriage, annulling a marriage or pronouncing a divorce shall be inadmissible if one or both of the parties remarries after the ruling becomes final; extraordinary appeals against adoption orders shall also be inadmissible.

4. Extraordinary appeals may not be lodged against minor offences and minor tax offences.

Article 91. 1. If an extraordinary appeal is upheld, the Supreme Court shall repeal the contested ruling in whole or in part and, in the light of the results of the proceedings, issue a ruling on the merits of the case or refer the case back to the court with jurisdiction, if necessary also repealing the ruling of the court of first instance, or discontinue the proceedings. The Supreme Court shall dismiss an extraordinary appeal if it finds no grounds for repealing the contested ruling.

2. If, when examining an extraordinary appeal, the Supreme Court finds that the reason why the ruling violates the principles or the rights and freedoms of persons and citizens enshrined in the Constitution is that the Act is incompatible with the Constitution, it shall submit a legal question to the Constitutional Tribunal. The Supreme Court may stay proceedings ex officio if the resolution of the case depends on the outcome of the proceedings pending before the Constitutional Court.

Article 92. The Supreme Court may demand that a statement of grounds be drawn up where the contested ruling contains none.

Article 93. 1. If the First President of the Supreme Court or the President of the Supreme Court deems it necessary to do so in order to protect the rule of law or social justice, particularly when examining an extraordinary appeal, they may appoint a party to act as public interest spokesman and, more specifically, a person who complies with the requirements to hold office as a Supreme Court judge. The public interest spokesman shall aim to put the principles of the rule of law and social justice into practice.

2. The public interest spokesman shall be notified of the Supreme Court session in the case for which they have been appointed. The public interest spokesman may make representations in writing, attend the session and express their opinion.

Article 94. 1. Extraordinary appeals shall be heard by the Supreme Court, adjudicating by a bench of 2 Supreme Court judges forming part of the Extraordinary Control and Public Affairs Chamber and 1 lay judge of the Supreme Court.

2. If the extraordinary appeal concerns a ruling in proceedings in which the Supreme Court issued a ruling, the case shall be heard by the Supreme Court, adjudicating by a bench of 5 Supreme Court judges forming part of the Extraordinary Control and Public Affairs Chamber and 2 lay judges of the Supreme Court.

3. If the Supreme Court bench referred to in paragraph 1 or 2 intends to depart from a legal principle adopted by a Supreme Court chamber, it shall refer the legal issue for settlement:

- 1) to the entire bench of the Extraordinary Control and Public Affairs Chamber - if it intends to depart from a legal principle adopted by the bench of the Extraordinary Control and Public Affairs Chamber; settlement shall take the form of a resolution by the entire bench of the Chamber;
- 2) to the Extraordinary Control and Public Affairs Chamber and to the chamber which adopted the legal principle - if it intends to depart from a legal principle adopted by the bench of a chamber other than the Extraordinary Control and Public Affairs Chamber; settlement shall take the form of a resolution by the entire bench of both chambers.

4. In the case referred to in paragraph 3(2) the second sentence of Article 88(3) shall apply *mutatis mutandis*.

Article 95. In cases not caught by this Act, the extraordinary appeal, including extraordinary appeal proceedings, shall be governed:

- 1) as regards civil cases, *mutatis mutandis* by the provisions of the Code of Civil Procedure of 17 November 1964 on appeals in cassation, with the exception of Articles 398⁴(2) and 398⁹;
- 2) as regards criminal cases, by the provisions of the Code of Criminal Procedure of 6 June 1997 on cassation.

Article 96. 1. At the motion of the Prosecutor-General, the Supreme Court shall annul a final ruling in a case which, owing to the person or the subject matter, was outside the jurisdiction of the Polish courts or inadmissible at the time the ruling was issued, if such ruling cannot be repealed under the procedure provided for in the acts on judicial proceedings.

2. The motion must satisfy the requirements laid down for procedural documents and contain:

- 1) a reference to the ruling against which it is filed, indicating the scope of the appeal;
- 2) the basis for the motion and its grounds;
- 3) the demonstration that the annulment of the contested ruling is not possible under the relevant act on court proceedings;
- 4) a motion for the annulment of the contested decision and, if the ruling was issued by the court of second instance, a motion for the annulment of the preceding ruling of the court of first instance.

3. In addition to copies for service on the parties to the case, the Prosecutor-General shall annex to the motion two copies for the files of the Supreme Court.

4. The Supreme Court shall examine the motion *in camera*, unless the Prosecutor-General has asked for the motion to be examined at a hearing or there are other compelling reasons for doing so.

5. After examining the matter, the Supreme Court shall reject the motion or annul the contested ruling. Where a motion is granted, if a ruling was issued by a court of second instance, the Supreme Court shall also annul the preceding ruling of the court of first instance.

6. The decision of the Supreme Court and the grounds shall be served on the Prosecutor-General and the parties or participants in the proceedings in which the contested ruling was issued.

7. In cases not governed by paragraphs 1 to 6, proceedings for the annulment of a ruling shall be governed *mutatis mutandis* by the provisions of the Code of Civil Procedure of 17 November 1964 concerning appeals in cassation or of the Code of Criminal Procedure 6 June 1997 concerning cassation.

Article 97. 1. If the Supreme Court discovers an obvious breach of the law when examining a case, regardless of its other prerogatives, it shall issue a finding of error to the relevant court. Before issuing a finding of error, it must inform the judge or judges on the bench of the adjudicating court that they have 7 days in which they may submit written explanations. The detection of an error and the issue of a finding of error shall not affect the outcome of the case.

2. The Supreme Court shall notify the president of the relevant court of the finding of error.

3. Whenever a finding of error is issued, the Supreme Court may file a request for a disciplinary case to be examined by a disciplinary court. The Supreme Court shall be the disciplinary court of first instance.

Chapter 9

The Office of the First President of the Supreme Court, the Office of the President of the Supreme Court responsible for the functioning of the Disciplinary Chamber and the Supreme Court's Research and Analysis Bureau

Article 98. 1. The Office of the First President of the Supreme Court, the Office of the President of the Supreme Court heading the Disciplinary Chamber and the Supreme Court's Research and Analysis Bureau shall operate in the Supreme Court.

2. The rules of procedure for the Office of the First President of the Supreme Court and the Supreme Court's Research and Analysis Bureau shall be set by the First President of the Supreme Court after consultations with the College of the Supreme Court.

3. The rules of procedure for the Office of the President of the Supreme Court heading the Disciplinary Chamber shall be set by the President heading the Chamber after consultations with the College of the Supreme Court.

Article 99. 1. The Office of the First President of the Supreme Court shall perform tasks connected with the performance of the First President of the Supreme Court's activities in relation to the functioning of the Supreme Court, in particular financial, personnel and administrative tasks.

2. The Office of the First President of the Supreme Court shall be managed by the Head of the Office of the First President of the Supreme Court, who shall be appointed and dismissed by the First President of the Supreme Court.

Article 100. 1. The Office of the President of the Supreme Court heading the Disciplinary Chamber shall perform tasks connected with the performance by the President heading the Chamber of activities in relation to the functioning of the Chamber, in particular financial, personnel and administrative matters.

2. The Office of the President of the Supreme Court heading the Disciplinary Chamber shall be managed by the Head of the Office of the President of the Supreme Court heading the

Disciplinary Chamber, who shall be appointed and dismissed by the President heading the Chamber.

Article 101. 1. The Supreme Court's Research and Analysis Bureau shall in particular perform tasks connected with the performance by the First President of the Supreme Court and the Supreme Court of functions involved in ensuring the lawfulness and uniformity of the case-law of common and military courts and assessing the coherence and uniformity of the law applied by the courts, including in the field of disciplinary case-law.

2. The Supreme Court's Research and Analysis Bureau shall be managed by the Director of the Supreme Court's Research and Analysis Bureau, who shall be appointed and dismissed by the First President of the Supreme Court.

Article 102. 1. Activities in matters of labour law shall be performed by the First President of the Supreme Court or a person authorised by them.

2. Activities in matters of labour law with respect to persons serving in the Office of the President of the Supreme Court heading the Disciplinary Chamber shall be performed by the President heading the Chamber or a person authorised by them.

Article 103. 1. The remuneration of the Head of the Office of the First President of the Supreme Court and of the Head of the Office of the President of the Supreme Court heading the Disciplinary Chamber shall be fixed in accordance with the provisions on the remuneration of senior state officials applicable to a state secretary.

2. The remuneration of members of the Supreme Court's Research and Analysis Bureau who are not judges shall be equal to the basic remuneration of a court of appeal judge at the base rate; such remuneration shall be increased by the amount of the obligatory social insurance premium payable by an employee.

3. The persons referred to in paragraph 2 may take up additional employment or another activity or gainful occupation only with the consent of the First President of the Supreme Court. Consent may be withdrawn at any time.

4. By virtue of their function, a member of the Supreme Court's Research and Analysis Bureau shall be entitled to a post allowance.

5. The President of the Republic of Poland shall specify, by means of an ordinance, the rates of the post allowance for members of the Supreme Court's Research and Analysis Bureau, taking into consideration the nature and scope of related tasks.

Chapter 10

Amending provisions

Article 104. The law of 17 November 1964 – Code of Civil Procedure (Journal of Laws of 2016, item 1822 with amendments) is amended as follows:

/omitted/

Article 105. The law of 6 June 1997 – the Code of Criminal Procedure (Journal of Laws of 2017, items 1904 and 2405) is amended as follows:

/omitted/

Article 106. Article 53 of the law of 21 August 1997 – the Military Courts Organisation (Journal of Laws of 2017 items 2243 and 2265 as well as of 2018 item 3) is amended as follows:

/omitted/

Article 107. The law of 18 December 1998 on the National Remembrance Institute – the Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws of 2016, item 1575) is amended as follows:

/omitted/

Article 108. The Common Courts Organisation Act of 27 July 2001 (Journal of Laws 2017, items 2142 and 2203) is amended as follows:

- 1) in Article 41b, the following paragraphs 3a and 3b are added after paragraph 3:

'3a. The authority competent to examine a complaint concerning the activities of a deputy disciplinary officer of an appeal court or a deputy disciplinary officer of a regional court shall be the Disciplinary Officer for Ordinary Court Judges, and the authority competent to examine a complaint concerning the Disciplinary Officer for Ordinary Court Judges shall be the National Council of the Judiciary.

3b. The authority competent to examine a complaint concerning the activities of the Disciplinary Officer of the Minister for Justice shall be the Minister for Justice.';

- 2) Article 41d is replaced by the following:

'Article 41d. The complaint, to the extent it includes a motion for disciplinary proceedings to be brought against a judge or an assistant judge, shall be forwarded immediately to the competent disciplinary officer. Having first established the circumstances raised in the complaint, the officer may undertake investigation activities on their own initiative. The disciplinary officer shall notify the complainant and the authority that forwarded the complaint of the manner in which the complaint will be handled. In the event of disciplinary proceedings being instituted and a request being submitted to the disciplinary court for a disciplinary case to be examined, the disciplinary officer shall notify the complainant of such actions. Article 114(9), (11) and (13) shall not apply.';

- 3) Article 61(1)(1) is replaced by the following:

'1) shall hold exclusively Polish citizenship and enjoy full civil and full public rights and must not have been convicted for an intentional crime prosecuted by public indictment or an intentional fiscal crime.';

- 4) Article 68(2) is replaced by the following:

'2. A final judgment of the disciplinary court concerning a judge's removal from office and a final court ruling imposing a criminal penalty depriving them of their public rights or banning them from holding the post of judge shall, ipso jure, result in the loss of office and post of judge; the service relationship of the judge shall expire when the ruling or judgment becomes final.';

- 5) Article 77(1)(3) is replaced by the following:

'3) in the Supreme Court - at the motion of the First President of the Supreme Court or, as regards judges seconded to the Disciplinary Chamber, the President of the Supreme Court heading the Disciplinary Chamber';

- 6) in Article 80:

- a) paragraph 2d is replaced by the following:

'2d. The disciplinary court shall examine a motion for criminal proceedings to be brought against a judge within 14 days of its receipt by the disciplinary court.'

- b) the following paragraph 2da is added after paragraph 2d:

'2da. If a motion for criminal proceedings or for remand in custody refers to a judge who was arrested in flagrante delicto or for an offence subject to imprisonment of up to at least eight years, an offence referred to in Article 177(1) of the Criminal Code in conjunction with Article 178(1) of the Criminal Code and in Article 178a(1) or (4) of the Criminal Code and who remains in custody, the disciplinary court shall adopt a resolution on the motion without delay, within 24 hours of its receipt by the disciplinary court. A resolution allowing criminal proceedings to be brought against a judge or for their remand in custody shall be enforceable immediately.'

- c) paragraph 2e is replaced by the following:

'2e. Before issuing a resolution, the disciplinary court shall hear the disciplinary officer, the judge, a representative of the authority or the person who filed the motion, if present. Failure to appear on their part or on the part of the defence counsel shall not be an obstacle to considering the motion.'

- d) in paragraph 2g, the word '*przewodniczący*' is replaced by the word '*prezes*';

- 7) Article 81(4) is replaced by the following:

'4. Where a judge accepts being held liable under criminal law as provided for in paragraph 3, they shall be relieved of disciplinary liability.'

- 8) the following Article 82c is added after Article 82b:

'Article 82c. A judge is required to perform the activities relating to the duties entrusted to them of a disciplinary court judge at an appeal court.'

- 9) in Article 86:

- a) the following paragraphs 3a to 3d are added after paragraph 3:

'3a. 'Commercial company' shall mean a commercial company and any other company subject to commercial law, including a company under foreign law.

3b. A judge shall assign profits from ownership of shares or capital, referred to in paragraph 3(4), in a commercial company to public purposes of their choice or transfer them to a separate bank account at a bank indicated by:

- 1) the president of the competent court, in the case of a district court judge, regional court judge or appeal court judge;
- 2) the president of the appeal court, in the case of a district court president or regional court president;
- 3) the President of the Supreme Court heading the Disciplinary Chamber, in the case of an appeal court president,

by 31 March of the year following the year in which they were earned. A judge may use the funds accumulated on the bank account after retiring.

3c. Failure to perform the obligation referred to in paragraph 3b shall be equivalent to resigning from office as a judge.

* Translator's note: This change is not relevant in English as both words are generally translated as 'president'.

3d. Election or appointment to the management of a company, cooperative or foundation contrary to paragraph 3(1)-(3) shall be void ipso jure and shall not be subject to entry in the relevant register.'

b) paragraph 6 is repealed;

10) Article 91a(6) is replaced by the following:

'6. The period of employment referred to in paragraph 3 shall be extended by three years if, during that period, a judge has been the object of a disciplinary penalty other than a warning, findings of error under the procedure referred to in Article 40 on three occasions or notices issued under the procedure referred to in Article 37(4) on three occasions.'

11) in Article 104(3), the following subparagraph 2a is added after subparagraph 2:

'2a) reduction of emoluments by 5 % to 50 % for a period of six months to two years';

12) in Article 106zd:

a) the following paragraph 6a is added after paragraph 6:

'6a. If a motion for criminal proceedings or for remand in custody refers to an assistant judge who was arrested in flagrante delicto or for an offence subject to imprisonment of up to at least eight years, an offence referred to in Article 177(1) of the Criminal Code in conjunction with Article 178(1) of the Criminal Code and in Article 178a(1) or (4) of the Criminal Code and who remains in custody, the disciplinary court shall adopt a resolution on the motion without delay, within 24 hours of its receipt by the disciplinary court. A resolution allowing criminal proceedings to be brought against an assistant judge or for their remand in custody shall be enforceable immediately.'

b) paragraph 7 is replaced by the following:

'7. Before issuing a resolution, the disciplinary court shall hear the disciplinary officer, the assistant judge, a representative of the authority or the person who filed the motion, if present. Failure to appear on their part or on the part of the defence counsel shall not be an obstacle to considering the motion.'

c) in paragraph 9, the word '*przewodniczący*' is replaced by the word '*prezes*';

13) in Article 108:

a) paragraph 3 is repealed,

b) the following paragraph 5 is added after paragraph 4:

'5. Time-barring for disciplinary cases shall be suspended for the period of disciplinary proceedings, starting from the date on which a motion is filed with the disciplinary court to the date on which the disciplinary proceedings are finally closed. This does not apply to any case where the subject matter of the motion is disciplinary liability of a judge for a minor offence or minor tax offence.'

14) in Article 109:

a) in paragraph 1, subparagraph 2a is replaced by the following:

'2a) reduction of basic remuneration by 5 % to 50 % for a period of six months to two years;'

- b) paragraph 2 is repealed,
- c) the following paragraphs 3a to 3c are added after paragraph 3:

'3a. The penalty specified in paragraph 1(4) shall consist in changing the place of service of a judge:

- 1) to a district court located in another appeal court jurisdiction - in the case of a district court judge;
- 2) to a regional court located in another appeal court jurisdiction - in the case of a regional court judge;
- 3) to another appeal court - in the case of an appeal court judge.

3b. The region, appeal court jurisdiction or court referred to in paragraph 3a shall be specified by the disciplinary court in its judgment.

3c. If specifying the place of service pursuant to paragraph 3a(1) or (2) would be counterproductive in the light of the specific circumstances of the person being punished, the disciplinary court may specify a new place of service in a court within the same appeal court jurisdiction.';

- 15) the following Articles 109a and 109b are added after Article 109:

'Article 109a. 1. A final judgment of the disciplinary court convicting the defendant shall be made public.

2. The disciplinary court may refrain from publishing the judgment, if it is unnecessary for the purpose of the disciplinary proceedings or vital in order to safeguard legitimate private interest.

3. A final judgment of the disciplinary court acquitting the defendant judge shall be published at that judge's request filed with the disciplinary court of first instance within 14 days after the judgment becomes final.

4. The disciplinary court shall publish the judgment by posting it on the Supreme Court's website. If required for the purpose of protecting legitimate interests of persons concerned, the operative part of the judgment shall be published without particulars identifying a natural person or other person.

Article 109b. Information about a final transfer of a judge to another place of service and about the judge's removal from office shall be published by the Minister for Justice in the Official Gazette of the Republic of Poland "Monitor Polski".';

- 16) in Article 110:

- a) paragraph 1 is replaced by the following:

'1. Disciplinary cases of judges shall be heard:

- 1) in the first instance:
 - a) by disciplinary courts at appeal courts by a bench of three judges;

- b) by the Supreme Court by a bench of two judges of the Disciplinary Chamber and one lay judge of the Supreme Court for cases of disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment or an intentional fiscal offence or in cases in which the Supreme Court has requested that a disciplinary case be examined and a finding of error be issued;
 - 2) in the second instance, by the Supreme Court, adjudicating by a bench of two judges of the Disciplinary Chamber and one lay judge of the Supreme Court.';
 - b) paragraph 3 is replaced by the following:

'3. The disciplinary court in the region in which the judge who is subject to disciplinary proceedings performs their service shall be excluded from hearing cases referred to in paragraph 1(1)(a). The disciplinary court competent to hear the case shall be specified by the President of the Supreme Court heading the Disciplinary Chamber at the request of the disciplinary officer',
 - c) paragraph 4 is repealed;
- 17) the following Articles 110a to 110c are added after Article 110:
- Article 110a. 1. The Minister for Justice, having consulted the National Council of the Judiciary, shall entrust the duties of a disciplinary court judge at an appeal court to a common court judge with at least ten years of experience as a judge.
2. The performance of the duties of a disciplinary court judge at an appeal court shall be independent of the performance of duties related to the place of service of the judge.
3. The term of office of a disciplinary court judge at an appeal court shall be six years.
4. After the term of office expires, a disciplinary court judge at an appeal court may still take part in examining cases initiated earlier with that judge's participation, until they are closed.
5. The term of office of a disciplinary court judge at an appeal court shall expire before its end in the event of:
- 1) termination or expiry of the judge's service relationship;
 - 2) retirement of the judge;
 - 3) the imposition on the judge of a disciplinary penalty specified in subparagraphs 2 to 4 of Article 109(1).
- Article 110b. 1. The president of a disciplinary court at an appeal court shall be appointed from among disciplinary court judges by the President of the Supreme Court heading the Disciplinary Chamber. The term of office of a disciplinary court president at an appeal court shall be three years.
2. The president of a disciplinary court at an appeal court may be dismissed by the President of the Supreme Court heading the Disciplinary Chamber during their term of office if:
- 1) they seriously or persistently fail to fulfil their official duties;
 - 2) other reasons render their remaining in office incompatible with the sound

dispensation of justice;

3) they resign from office.

3. In the absence of the president of a disciplinary court at an appeal court, the president's duties shall be performed by the longest-serving judge of the court.

4. The president of the appeal court shall ensure adequate facilities and technical conditions and administrative and financial support for the disciplinary court.

Article 110c. The Minister for Justice shall specify, by means of an ordinance, the number of judges in disciplinary courts at appeal courts, taking into consideration organisational aspects and the need to ensure efficient proceedings in disciplinary cases.';

18) Article 112 is replaced by the following:

'Article 112. 1. The following persons may act as prosecutors before disciplinary courts: the Disciplinary Officer for Common Court Judges and Deputy Disciplinary Officers for Common Court Judges, as well as deputy disciplinary officers at appeal courts and deputy disciplinary officers at regional courts.

2. In cases of appeal court judges and presidents and vice-presidents of appeal courts and regional courts, the following persons may act as prosecutors before disciplinary courts: the Disciplinary Officer for Common Court Judges and Deputy Disciplinary Officers for Common Court Judges. In cases of other regional court judges and presidents and vice-presidents of district courts, the person authorised to act as a prosecutor shall be a deputy disciplinary officer at an appeal court, and in cases of other district court judges and assistant judges, this shall be a deputy disciplinary officer at a regional court.

3. The Disciplinary Officer for Common Court Judges and two Deputy Disciplinary Officers for Common Court Judges shall be appointed by the Minister for Justice for a four-year term of office.

4. The National Council of the Judiciary shall ensure administrative support for the Disciplinary Officer for Common Court Judges and Deputy Disciplinary Officers for Common Court Judges by establishing a separate organisational unit within the Bureau of the National Council of the Judiciary.

5. The Disciplinary Officer for Common Court Judges, Deputy Disciplinary Officer for Common Court Judges, deputy disciplinary officer at an appeal court and deputy disciplinary officer at a regional court shall perform their duties until other persons are appointed to perform these functions in the next term of office.

6. No later than one month prior to the end of the term of office of the deputy disciplinary officer at a regional court, the general assembly of judges of the region shall present to the Disciplinary Officer for Common Court Judges three candidates for the post who received the highest number of votes, selected by the same assembly.

7. Each judge voting on the candidates referred to in paragraph 6 may cast only one vote for a candidate of their choice. Voting shall be secret.

8. If after the vote referred to in paragraph 7 it is impossible, given the division of votes, to select three candidates, another vote is conducted to select a candidate from the candidates who received the equal highest number of votes. The provision of paragraph 7 shall apply.

9. The chair of the general assembly of judges of the region shall present the Disciplinary Officer for Common Court Judges with the minutes of the meeting that indicate

the candidates selected for the post of deputy disciplinary officer at the regional court immediately after they are selected.

10. If the term of office of a deputy disciplinary officer at a regional court expires prior to its end, paragraph 6 shall apply mutatis mutandis, however, the time-limit for presenting candidates for the post shall be two months from the date of expiry of the term of office. Paragraphs 7 to 9 shall apply.

11. The Disciplinary Officer for Common Court Judges shall appoint one of the candidates presented under the procedure set forth in paragraphs 6 and 10 to perform the function of deputy disciplinary officer at the regional court for a four-year term of office.

12. If the required number of candidates is not presented or if candidates are not presented within the time-limit referred to in paragraphs 6 and 10, the Disciplinary Officer for Common Court Judges shall entrust the duties of deputy disciplinary officer at the regional court to a judge of their choice.

13. The provisions of paragraphs 6 to 12 shall apply mutatis mutandis to the election and appointment of the deputy disciplinary officer at the appeal court.;

19) the following Articles 112a to 112d are added after Article 112:

'Article 112a. 1. The Disciplinary Officer for Common Court Judges and Deputy Disciplinary Officer for Common Court Judges may take over a case conducted by a deputy disciplinary officer at a regional court or hand over a case to that officer.

2. If a case cannot be conducted by the competent deputy disciplinary officer at the regional court, the Disciplinary Officer for Common Court Judges shall appoint a deputy disciplinary officer from another region to conduct the case.

3. Paragraphs 1 and 2 shall apply mutatis mutandis to the deputy disciplinary officer at an appeal court, save that a case may be handed over to a deputy or another deputy may be assigned to the case only from among deputy disciplinary officers at appeal courts.

Article 112b. 1. The Minister for Justice may appoint the Disciplinary Officer of the Minister for Justice for the purpose of conducting a specific case relating to a judge. The appointment of the Disciplinary Officer of the Minister for Justice shall exclude any other officer from taking action in the case.

2. The Disciplinary Officer of the Minister for Justice shall be appointed from among common court judges or Supreme Court judges. In cases of disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment, the Disciplinary Officer of the Minister for Justice may also be appointed from among prosecutors indicated by the State Prosecutor. In duly justified circumstances, in particular if the Disciplinary Officer of the Minister for Justice dies or is unable to perform their duties for a prolonged period, the Minister for Justice shall appoint as replacement another judge or, in cases of disciplinary misconduct that satisfy the criteria of an intentional crime prosecuted by public indictment, a judge or a prosecutor.

3. The Disciplinary Officer of the Minister for Justice may initiate proceedings upon a request of the Minister for Justice or join pending proceedings.

4. The appointment of the Disciplinary Officer of the Minister for Justice shall be equivalent to requesting that investigation proceedings or disciplinary proceedings be initiated.

5. The function of the Disciplinary Officer of the Minister for Justice shall expire as soon as a ruling refusing to initiate disciplinary proceedings, discontinuing disciplinary

proceedings or closing disciplinary proceedings becomes final. The expiry of the function of the Disciplinary Officer of the Minister for Justice shall not preclude the Minister for Justice subsequently appointing the Disciplinary Officer of the Minister for Justice again for the same case.

Article 112c. The President of the Supreme Court heading the Disciplinary Chamber may oversee the activities of the first-instance disciplinary court.';

Article 112d. For the purposes of this Act, 'disciplinary officer' shall mean the Disciplinary Officer for Common Court Judges, Deputy Disciplinary Officer for Common Court Judges, deputy disciplinary officer at an appeal court and deputy disciplinary officer at a regional court.';

20) Article 113 is replaced by the following:

'Article 113. 1. The defendant may appoint a defence counsel from among judges, public prosecutors, advocates or legal advisers.

2. If the defendant is unable to participate in proceedings before the disciplinary court for reasons of illness, the president of the disciplinary court or the disciplinary court shall appoint, at the reasoned request of the defendant, a public defender from among advocates or legal advisers. In the request, the defendant must prove that their health prevents them from taking part in disciplinary proceedings by submitting a medical certificate issued by a court-appointed physician.

3. In exceptional circumstances, when a defendant has failed to submit a request for reasons beyond their control, a public defender may be appointed without the request referred to in paragraph 2.

4. After the reasons for the defendant's inability to take part in disciplinary proceedings cease to apply, the president of the disciplinary court or the disciplinary court shall release the public defender from their obligations, unless there are any other circumstances justifying the participation of the public defender in the proceedings.';

21) the following Articles 113a and 113b are added after Article 113:

'Article 113a. Activities related to the appointment of a public defender and their taking up of the defence shall not have a suspensive effect on the course of proceedings.

Article 113b. In cases regulated by this chapter, Article 117(2) of the Code of Criminal Procedure shall not apply, unless the law requires that the participant be informed of the date of a procedural activity and there is no proof that they have been informed of it.';

22) Articles 114 and 115 are replaced by the following:

'Article 114. 1. The disciplinary officer shall initiate an investigation at the request of the Minister for Justice, the president of the appeal court or the president of the regional court, the college of the appeal court or the college of the regional court, the National Council of the Judiciary, or on their own initiative, after first establishing that the disciplinary misconduct criteria were satisfied. The investigation must be conducted within 30 days of being initiated by the disciplinary officer.

2. As part of the investigation, the disciplinary officer may request that the judge submit a written statement on the subject matter of the investigation within 14 days of receipt of the request. The disciplinary officer may also accept an oral statement from the judge. The judge's failure to submit the statement shall not have a suspensive effect on the course of proceedings.

3. If, after the investigation has been carried out, there are grounds for initiating disciplinary proceedings, the disciplinary officer shall initiate disciplinary proceedings and draw up the disciplinary charges in writing.

4. Immediately after the disciplinary charges are drawn up, the disciplinary officer shall serve them on the defendant. When serving the charges, the disciplinary officer shall summon the defendant to present written explanations and any motions concerning evidence within 14 days of service of the disciplinary charges. If this deadline is not satisfied, the disciplinary officer may leave motions concerning evidence that were filed after the deadline unexamined, unless the defendant proves that the evidence was not known to them earlier.

5. The disciplinary officer may also, and shall at the request of the defendant, accept explanations by means of a hearing.

6. Failure to provide explanations within the time-limit specified in paragraph 4 or failure to appear at a hearing on the date set by the disciplinary officer shall not have a suspensive effect on further actions.

7. When serving charges, the disciplinary officer shall request that the President of the Supreme Court heading the Disciplinary Chamber designate a disciplinary court to examine the case at first instance. The President of the Supreme Court heading the Disciplinary Chamber shall assign the case to a court within seven days of receipt of the request.

8. On expiry of the time-limit referred to in paragraph 4, and – if necessary – after taking further evidence, the disciplinary officer shall submit a request to the disciplinary court specified pursuant to paragraph 7 for the disciplinary case to be examined. The request should include the precise indication of the act that is the subject matter of proceedings, a list of evidence supporting the request and a statement of the grounds.

9. If the disciplinary officer does not find any grounds for initiating disciplinary proceedings at the request of the authorised entity, the disciplinary officer shall issue a decision refusing to initiate proceedings. A copy of the decision shall be served on the entity which requested that proceedings be initiated, the college of the relevant regional court or appeal court, and the defendant. A copy of the decision shall also be served on the Minister for Justice, who may file an objection within 30 days. Filing an objection shall be equivalent to an obligation to initiate disciplinary proceedings and any instructions of the Minister for Justice regarding further proceedings shall be binding on the disciplinary officer.

10. If disciplinary proceedings gave no grounds for submitting a request to the disciplinary court to examine the disciplinary case, the disciplinary officer shall issue a decision discontinuing the disciplinary proceedings.

11. The defendant, the authority which submitted the request to initiate disciplinary proceedings and the relevant college may appeal to the disciplinary court within seven days of service of the decision referred to in paragraph 10.

12. At the request of the authority entitled to submit an appeal or objection, the disciplinary officer shall immediately send or otherwise make available materials collected during the investigation or disciplinary proceedings.

13. The appeal must be examined within 14 days of its filing with the court.

Article 115. 1. The disciplinary court shall examine disciplinary cases at a hearing, unless it is sufficient to examine the case at a session.

2. When serving summons to a hearing, the disciplinary court shall call upon the parties to submit motions concerning evidence within 14 days of service of the summons.

3. The disciplinary court may leave a motion concerning evidence filed after the expiry of the time-limit referred to in paragraph 2 unexamined, unless the party proves that the motion could not have been filed within the time-limit for reasons beyond their control.

4. The disciplinary court shall also request that, within the time-limit referred to in paragraph 2, the defendant provide explanations in writing and specify the defence counsel, if appointed. Failure to provide explanations within the time-limit shall not have a suspensive effect on further proceedings.';

23) the following Articles 115a to 115c are added after Article 115:

'Article 115a. 1. The unjustified failure of the notified defendant or their defence counsel to appear at a hearing or a session shall not have a suspensive effect on the examination of the case.

2. If the case cannot be examined for reasons of justified absence of the defendant and the defendant has no defence counsel, the disciplinary court shall appoint a public defender and set a time-limit for the defender to become acquainted with case materials.

3. The disciplinary court shall continue the proceedings regardless of the justified absence of the notified defendant or the defendant's defence counsel, unless this runs counter to the interest of the disciplinary proceedings.

Article 115b. 1. The disciplinary court, considering, on the basis of the material gathered by the disciplinary officer, that the circumstances of the act and the fault of the defendant are undisputed and imposing penalties laid down in Article 109(1)-(3) will suffice, may give a summary judgment.

2. The summary judgment shall be given by the disciplinary court adjudicating by a one-judge bench.

3. The penalty referred to in Article 109(1)(2a) shall be imposed, by means of a summary judgment, in the amount of 5 % to 10 % of the basic remuneration for a period of six months to one year.

4. Objections against the summary judgment may be submitted by the defendant, the disciplinary officer, the National Council of the Judiciary and the Minister for Justice.

5. The objection shall be filed with the disciplinary court which gave the summary judgment within the final time limit of seven days from the day of service thereof.

Article 115c. Evidence obtained for the purpose of criminal proceedings pursuant to the provisions of Articles 168b, 237 or 237a of the Code of Criminal Procedure or as a result of operational surveillance may be used in the course of disciplinary proceedings.';

24) Articles 121 and 122 are replaced by the following:

'Article 121. 1. The defendant, the disciplinary officer, the National Council of the Judiciary and the Minister for Justice may appeal against a judgment issued by the disciplinary court of first instance, as well as against decisions and instructions that make it impossible to hand down a judgment. The appeal shall be filed within 30 days and this time-limit for each entitled party shall start running on the date of service of the ruling or instruction.

2. The appeal shall be examined within two months of the date of its receipt by the disciplinary court of second instance.

3. In appeal proceedings, Article 454 of the Code of Criminal Procedure shall not apply.

4. The court of appeal shall examine the case within the scope of appeal, and, if the appeal measure specifies objections to the decision, also within the scope of those objections. The court of appeal shall examine the case in a wider scope in the circumstances referred to in Article 435, Article 439(1) and the first sentence of Article 455 of the Code of Criminal Procedure, or if it finds the ruling to be manifestly unjust.

5. If the disciplinary court of first instance examined a disciplinary case at a session, the court of appeal shall also examine the case at a session, unless it is necessary for the proper examination of the case to take evidence during a hearing directly from the defendant's explanations, witness testimonies, opinions of expert witnesses or other significant evidence.

6. The court of appeal shall examine a disciplinary case at a hearing on the basis of evidence included in the case file, unless it decides that it is necessary for the proper examination of the case to take evidence directly from the defendant's explanations, witness testimonies, opinions of expert witnesses or other significant evidence.

Article 122. 1. A judgment of the disciplinary court may not be appealed against in cassation.

2. A judgment of the disciplinary court of second instance may be appealed against to a different bench of the same court if the judgment sentenced the defendant to a disciplinary penalty despite the previous judgment of the disciplinary court of first instance acquitting the defendant or discontinuing the proceedings.

3. The judgment referred to in paragraph 2 shall become final after the time-limit for filing an appeal with a different bench of the disciplinary court of second instance has expired without an appeal having been brought.

4. The time-limit for submitting an appeal against a judgment with a different bench of the disciplinary court of second instance shall be 30 days from the service of the judgment. The provisions concerning the proceedings before the disciplinary court of second instance shall apply *mutatis mutandis* to the appeal proceedings before a different bench of the disciplinary court of second instance.;

25) in Article 123(2), the word *'przewodniczący'* is replaced by the word *'prezes'*;

26) Article 124 is replaced by the following:

'Article 124. 1. A copy of a final judgment sentencing to a disciplinary penalty and referred to in Article 109(5) shall be added to the personal file of the judge.

2. Five years after the day on which the judgment imposing the penalty referred to in Article 109(1)(1)-(4) and the judgment specified in Article 109(5) become final, the Minister for Justice shall order that the copy of the judgment be removed from the personal file of the judge, unless another conviction has been handed down against the judge within the same period. In such circumstances, it shall be possible only to remove copies of all judgments from the judge's personal file at the same time.

3. The court president responsible for keeping the personal file of the judge shall notify the Minister for Justice immediately of the circumstances referred to in the first sentence of paragraph 2.'

27) In Article 162:

a) paragraph 7 is replaced by the following:

'7. The cost of the fee for access to information from the National Criminal Register shall be borne by the State Treasury.'

b) the following paragraph 7a is added after paragraph 7:

'7a. The cost of the medical test and of issuing a doctor's certificate shall be borne by the candidate lay judge.'

c) paragraph 8 is replaced by the following:

'8. The cost of the fee for issuing an up-to-date extract from the National Court Register or an extract or certificate from another relevant register or record shall be borne by the State Treasury'.

Article 109. The law of 24 August 2001 – the Code of Procedure in Misdemeanour Cases (Journal of Laws of 2016 item 1713 with amendments) is amended as follows:

/omitted/

Article 110. The law of 28 January 2016 – the Law on Public Prosecutor's Office (Journal of Laws of 2017 item 1767) is amended as follows:

/omitted/

Chapter 11

Transitional and adjusting provisions

Article 111. 1. (repealed)

1a. (repealed)

2b. (repealed)

2. Within six months of the entry into force of this Act, a Supreme Court judge may retire, submitting a statement to the President of the Republic of Poland via the First President of the Supreme Court.

3. Judges adjudicating in the Military Chamber shall retire on the day of entry into force of this Act.

4. If the post of First President of the Supreme Court becomes vacant after this Act enters into force, the President of the Republic of Poland shall entrust the running of the Supreme Court or chamber of the Supreme Court to a selected Supreme Court judge until a First President of the Supreme Court or a President of the Supreme Court is appointed.

5. The General Assembly of judges of the Supreme Court shall select and present to the President of the Republic of Poland the candidates referred to in Article 12(1) immediately after 2/3 of the total number of judges' posts at the Supreme Court indicated by the President of the Republic in the ordinance referred to in Article 4 have been filled. The assembly of judges of a chamber of the Supreme Court shall elect and present to the President of the Republic of Poland the candidates referred to in Article 15(2) after the First President of the Supreme Court has been appointed by the President of the Republic of Poland.

Article 111a. The Supreme Court judge who has been entrusted with the running of the Supreme Court or chamber of the Supreme Court by the President of the Republic of Poland in accordance with Article 111(4) shall perform the statutory duties and powers of the First President of the Supreme Court or of the President of the Supreme Court.

Article 112. Provisions issued under Article 4 within 12 months of this Act entering into force shall not require consultation of the College of the Supreme Court.

Article 112a. Within 12 months of this Act entering into force, the President of the Republic of Poland may announce, in the Monitor Polski Official Gazette, the number of vacancies for judges in specific chambers of the Supreme Court, without consulting the First President of the Supreme Court.

Article 113. Proceedings concerning an appointment to the post of Supreme Court judge instituted and not completed prior to the date of the entry into force of this Act shall be discontinued, unless the National Council of the Judiciary has submitted a request to the President of the Republic for appointment to the office of Supreme Court judge.

Article 114. The Minister for Justice, at the request of the judge heading the Supreme Court or a chamber of the Supreme Court appointed by the President of the Republic of Poland pursuant to Article 111(4), may second a common court judge with at least ten years of professional experience to perform duties at the Supreme Court.

Article 115. 1. For a three-year period following this Act's entry into force an extraordinary appeal may be filed against final rulings closing proceedings in cases that became final after 17 October 1997. The first sentence of Article 89(3) shall not apply.

1a. An extraordinary appeal against a final ruling closing proceedings in a case that became final before the entry into force of this Act may be brought by the Prosecutor-General or the Ombudsman. Article 89(2) shall not apply.

2. If the conditions specified in Article 89(1) have been met but the ruling has had irreversible legal effects, in particular if 5 years have elapsed since the contested ruling became final, and if repealing the ruling would infringe international obligations of the Republic of Poland, the Supreme Court shall confine itself to confirming that the contested ruling is in breach of the law and indicating the circumstances which led it to issue such a decision, unless the principles or the rights and freedoms of persons and citizens enshrined in the Constitution warrant the issuing of a decision as referred to in Article 91(1).

Article 116. 1. The terms of office of disciplinary officers for common court judges, disciplinary officers for military court judges and their deputies appointed under the Acts referred to in Articles 106 and 108, as currently worded, shall expire 30 days after the entry into force of this Act.

2. The disciplinary officers and their deputies referred to in paragraph 1 shall perform their duties until disciplinary officers and their deputies are appointed under the Acts amended in Articles 106 and 108, as amended by this Act.

Article 117. 1. A judge or assistant judge who, on the day of the entry into force of this Act, does not satisfy the condition that they hold exclusively Polish citizenship shall renounce the foreign citizenship within six months of the entry into force of this Act.

2. If the time-limit referred to in paragraph 1 expires without the requisite action having been taken, the service relationship of the judge or assistant judge shall be terminated.

3. A judge or an assistant judge who does not meet the requirement of possessing only the Polish citizenship referred to in paragraph 1 on the day of entry into force of this law, may lodge

with the National Council for the Judiciary a request for obtaining a consent to continue to occupy the judicial posts in spite of possessing a citizenship of a foreign state.

4. The National Council for the judiciary may consent to continue to occupy the judicial post by the judge in spite of his or her possessing of the citizenship of a foreign state referred to in paragraph 1, taking into account in particular circumstances related to the assumption of the citizenship as well as to consequences resulting from its renouncement. The National Council for the Judiciary shall issue a resolution within three months from the request being lodged. The resolution of the National Council for the Judiciary shall not be subject to appeal.

5. If the request referred to in paragraph 1 has been lodged and if the National Council for the Judiciary adopts a resolution refusing the consent to continue to occupy judicial post in spite of possessing a citizen of a foreign state, the judge or assistant judge shall present to the National Council for the Judiciary, within two months from adoption of the resolution, documents stipulating the undertaking of actions aimed at renouncing the foreign citizenship. In case of ineffective expiry of this deadline, the service relationship of the judge or the assistant judge shall expire.

Article 118. Subparagraphs 3 and 8 of Article 36(1) shall apply to persons appointed to the office of Supreme Court judge after the entry into force of this Act.

Article 119. Article 91a(6), as currently worded, of the Act referred to in Article 108 shall apply to a judge who, prior to the entry into force of this Act, was the subject of a disciplinary penalty or two notices issued under the procedure laid down in Article 37(4) of the Act referred to in Article 108 or two findings of error under the procedure laid down in Article 40 of the Act referred to in Article 108, until the effect defined therein ends.

Article 120. The provisions concerning the limitation periods for the punishment of disciplinary misconduct introduced by this Act shall apply to acts committed prior to the entry into force of this Act, unless the limitation period expired prior to the entry into force of this Act.

Article 121. The provisions concerning disciplinary liability introduced by this Act shall apply to acts committed prior to the entry into force of this Act, unless the time-limit for filing an appeal in cassation expired prior to the entry into force of this Act.

Article 122. Disciplinary proceedings conducted under:

- 1) the Advocates Act of 26 May 1982,
- 2) the Legal Advisers Act of 6 July 1982,
- 3) the Veterinary Profession and Chambers of Veterinary Surgeons Act of 21 December 1990 (Journal of Laws 2016, item 1479),
- 4) the Notaries Act of 14 February 1991,
- 5) the Chambers of Pharmacists Act of 19 April 1991 (Journal of Laws 2016, item 1496),
- 6) the Act amended in Article 106,
- 7) the Act amended in Article 107,
- 8) the Patent Agents Act of 11 April 2001 (Journal of Laws 2017, item 1314),
- 9) the Act amended in Article 108,
- 10) the Laboratory Diagnosis Act of 27 July 2001 (Journal of Laws 2016, item 2245; 2017, item 1524),

11) the Chambers of Physicians Act of 2 December 2009 (Journal of Laws 2016, items 522 and 2020; 2017, item 836),

12) the Nursing and Midwifery Self-Regulation Act of 1 July 2011 (Journal of Laws 2011, item 1038, as amended³),

13) the Act amended in Article 110,

14) the Physiotherapy Profession Act of 25 September 2015 (Journal of Laws 2015, item 1994; 2017, item 599)

- shall be governed by the existing provisions until investigations or proceedings before the current instance are ended.

Article 123. Actions taken in disciplinary proceedings prior to the entry into force of this Act shall remain in force, provided they were taken in compliance with the existing provisions.

Article 124. 1. Disciplinary proceedings ended by a final ruling issued by a disciplinary officer prior to the entry into force of this Act may be re-opened at the request of the Minister for Justice if a crime has been committed in relation to the proceedings and there are reasonable grounds for assuming that it might have affected the substance of the ruling or if new facts or evidence come to light after the ruling was issued.

2. Appeals against decisions dismissing a motion or leaving a motion unexamined may be brought before the disciplinary court of second instance.

3. When revoking a decision referred to in paragraph 2, the disciplinary court shall specify the reasons for revocation and, if necessary, the circumstances that need to be clarified or actions that need to be taken. Such instructions shall be binding on a disciplinary officer.

Article 125. The Prime Minister shall, by means of an ordinance, transfer planned budgetary income and expenditure, including remuneration, from the part of the budget allocated to the common courts and general organisational entities of a public prosecutor's office to the part allocated to the Supreme Court to be used for the setting up and functioning of the Supreme Court's new chambers, the appointment of Supreme Court judges to these chambers and the election and functioning of lay judges of the Supreme Court.

Article 126. 1. The Senate shall conduct the election for the first term of office of lay judges of the Supreme Court within three months of the entry into force of this Act.

2. The First President of the Supreme Court or the Supreme Court judge to whom the President of the Republic of Poland has entrusted the running of the Supreme Court under Article 111(4) shall fix the number of lay judges of the Supreme Court within one month of the entry into force of this Act.

3. The First President of the Supreme Court or the judge running the Supreme Court, appointed by the President of the Republic of Poland under Article 111(4), shall communicate the number of lay judges of the Supreme Court to the Marshal of the Senate no later than the day after that number is fixed.

4. The first term of office of lay judges of the Supreme Court shall start on the day on which the lay judges of the Supreme Court are sworn in and end on 31 December 2021.

Article 127. 1. Pending the start of the first term of office of lay judges of the Supreme Court the duties of lay judges of the Supreme Court shall be performed by lay judges indicated,

³ Amendments to this Act were published in Journal of Laws 2013, items 779, 1247 and 1650; 2014, item 1004; 2015, item 1640 and 2017, item 836.

by the First President of the Supreme Court or by the Supreme Court judge who has been entrusted with the running of the Supreme Court by the President of the Republic of Poland in accordance with Article 111(4), from among the lay judges of the Warsaw Regional Court and the Warsaw-Praga Regional Court who have declared their readiness to adjudicate at the Supreme Court. The powers of the First President of the Supreme Court or of the Supreme Court judge who has been entrusted with the running of the Supreme Court by the President of the Republic of Poland in accordance with Article 111(4) as regards the selection of lay judges adjudicating in the proceedings referred to in Article 27(1)(1) shall be exercised by the judge referred to in Article 130.

2. The day after this Act's entry into force the President of the Warsaw Regional Court and the President of the Warsaw-Praga Regional Court shall notify lay judges of the Warsaw Regional Court and the Warsaw-Praga Regional Court of the opportunity for them to adjudicate in disciplinary cases at the Supreme Court. Within 30 days of the entry into force of this Act lay judges of the regional courts indicated in the first sentence may declare their readiness to adjudicate in disciplinary cases to the First President of the Supreme Court or to the Supreme Court judge who has been entrusted with the running of the Supreme Court by the President of the Republic of Poland in accordance with Article 111(4).

3. When designating the lay judges referred to in paragraph 1, the First President of the Supreme Court or the Supreme Court judge who has been entrusted with the running of the Supreme Court by the President of the Republic of Poland in accordance with Article 111(4), and the judge referred to in Article 130 shall cooperate with the President of the Warsaw Regional Court and the President of the Warsaw-Praga Regional Court in order to avoid interfering with activities involving these lay judges at, respectively, the Warsaw Regional Court or the Warsaw-Praga Regional Court.

4. Article 63(6) shall apply *mutatis mutandis* to the lay judges referred to in paragraph 1.

5. After the term of office of lay judges of the Supreme Court starts, a lay judge referred to in paragraph 1 may take part only in examining a case initiated earlier with their participation, until the case is closed.

Article 128. Wherever separate provisions refer to:

- 1) the Labour, Social Security and Public Affairs Chamber of the Supreme Court, this shall be understood as meaning, as applicable, either the Labour and Social Security Chamber or the Extraordinary Control and Public Affairs Chamber of the Supreme Court;
- 2) the Military Chamber of the Supreme Court, this shall be understood as meaning the Criminal Chamber of the Supreme Court.

Article 129. The existing implementing provisions issued pursuant to:

- 1) Article 23 of the Act repealed in Article 135 shall remain in force until the implementing provisions issued pursuant to Article 4 of this Act enter into force,
- 2) Article 70(5) of the Act repealed in Article 135 shall remain in force until the implementing provisions issued pursuant to Article 103(5) of this Act enter into force

- but for no longer than 12 months after this Act enters into force.

Article 129a. 1. Article 37(1) shall apply to Supreme Court judges who took up a Supreme Court judge's post after the date of entry into force of the Act of 21 November 2018 amending the Supreme Court Act (Journal of Laws, item ...).

2. Article 30 of the Act repealed in Article 135 shall apply to Supreme Court judges who took up a Supreme Court judge's post before the date of entry into force of the Act of 21 November 2018 amending the Supreme Court Act (Journal of Laws, item ...).

Article 130. Pending the appointment of the President of the Supreme Court heading the Disciplinary Chamber, the duties of that president shall be carried out by the oldest judge appointed to the post of Supreme Court adjudicating in the Disciplinary Chamber.

Article 131. Judges occupying posts in other Supreme Court chambers on the day this Act enters into force may be transferred to posts in the Disciplinary Chamber. Until all posts for Supreme Court judges in the Disciplinary Chamber have been filled for the first time, a judge occupying a post in another Supreme Court chamber shall submit an application for transfer to the Disciplinary Chamber to the National Council of the Judiciary after receiving the approval of the First President of the Supreme Court, the President of the Supreme Court heading the Disciplinary Chamber and the chamber in which the judge submitting the application for transfer occupies a post. Until all the posts for Supreme Court judges in the Disciplinary Chamber have been filled for the first time, appointments to posts for Supreme Court judges in the Disciplinary Chamber shall be made by the President of the Republic of Poland further to an application lodged by the National Council of the Judiciary.

Article 132. Without delay and no later than two years after the entry into force of this Act, the Supreme Court shall publish in the Public Information Bulletin on the Supreme Court's website rulings and grounds delivered by the Supreme Court prior to the entry into force of this Act.

Article 133. 1. The Labour, Social Security and Public Affairs Chamber and the Military Chamber shall be abolished on the day of entry into force of this Act.

2. On the day of entry into force of this Act a Labour and Social Security Chamber, an Extraordinary Control and Public Affairs Chamber and a Disciplinary Chamber shall be created

3. Cases being examined by the Labour, Social Security and Public Affairs Chamber and the Military Chamber that have been instituted but not yet completed before the day of entry into force of this Act shall be taken over and conducted by the chambers competent for such cases on the basis of Articles 23 to 27.

Article 134. On the day of entry into force of this Act Supreme Court judges adjudicating in the Labour, Social Security and Public Affairs Chamber shall become judges adjudicating in the Labour and Social Security Chamber.

Chapter 12

Final provisions

Article 135. The Supreme Court Act of 23 November 2002 (Journal of Laws 2016, items 1254, 2103 and 2261; 2017, item 38 and 1452) is hereby repealed.

Article 136. This Act shall enter into force three months after the date of its publication.

Annex to the Act
of 8 December 2017
(item ...)

Table of multipliers for establishing the amount of post allowances

No	Post	Multiplier
1.	First President of the Supreme Court	1.2
2.	President of the Supreme Court	1.0
3.	Head of division, Disciplinary Officer of the Supreme Court, Extraordinary Disciplinary Officer	0.7
4.	Press Officer, deputy head of division, Deputy Disciplinary Officer of the Supreme Court	0.5