



KPP V.0720.12.2026

Report on the rule of law in 2025 – targeted consultation with interested parties

I. Justice System

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

No legislative changes were noted in 2025 with regard to issues related to the appointment and selection of judges and court presidents. However, the legal situation changed as a result of a number of rulings by the Constitutional Tribunal.

With regard to judicial review of judicial appointments, on 26 November 2025, the Constitutional Tribunal examined a request from the First President of the Supreme Court to review the constitutionality of Article 189 of the Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws of 2024, item 1568, as amended) to the extent that the court determines the existence or non-existence of a legal relationship or right by establishing a service relationship with a judge as a result of his or her appointment by the President of the Republic of Poland at the request of the National Council of the Judiciary. The Tribunal ruled that the provision referred to in this respect was inconsistent with Articles 179 and 180(1) and (2) of the Constitution of the Republic of Poland. The effect of the ruling is that it is inadmissible to pursue issues related to the appointment of a judge and his or her jurisdiction through civil proceedings. As a result of the ruling, common courts gained a direct basis for rejecting a claim for a declaration of the validity or invalidity of a judge's appointment based on Article 189 of the Code of Civil Procedure, which means that it is not necessary to consider *on a case-by-case basis* whether individual cases in this regard may be pursued by way of an action for a declaratory judgment (see <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=K%2024/20> [accessed on 12 February 2026]).

The issue of judicial status is also linked to the issue of excluding certain judges whose appointment is in doubt, pursuant to Article 48 of the Code of Civil Procedure. The Constitutional Tribunal ruled on this matter in its judgment of 25 November 2025, P 7/23, unanimously ruling that Article 48 § 1(1) of the Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws of 2024, item 1568, as amended), understood to mean that the prerequisite for the exclusion of a judge by virtue of the Act itself is a circumstance related to the appointment of that judge by the President of the Republic of Poland at the request of the National Council of the Judiciary to hold office, is inconsistent with Article 179 in conjunction with Article 144(3)(17) and Article 190(1) of the Constitution of the Republic of Poland (see

<https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=P%207/23> [accessed on 12 February 2026]).

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissals and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

In 2025, pursuant to the Act of 6 March 2025 amending the Act – Law on the Common Courts and the Act – Law on the Military Courts (Journal of Laws of 2025, item 526), a legislative change was made consisting in the amendment of Article 77 § point 1 of the Law on Common Courts. The provision stipulates that the Minister of Justice has the power to delegate a judge, with their consent, to perform the duties of a judge or administrative activities in another court of equal or lower rank, and in particularly justified cases in a higher court. The criterion of "rational use of the personnel of the common courts and the needs resulting from the workload of individual courts" has been deleted from the provision. At the same time, new provisions §§ 3c-3d have been added. They stipulate that a judge may be delegated to perform the duties of a judge in another court in the event of justified needs of that court, in particular when this is justified by the number and type of cases brought before the court, the degree of control over the inflow of cases and the average size of a judge's or assistant judge's office in relation to the value of these parameters in other courts, taking into account the number of filled judge and assessor positions, long-term absences of judges and assessors, and planned vacancies of judge positions in the court to which the delegation is to take place (Article 77 § 3c Law on Common Courts). The following provision adds that when delegating a judge to perform the duties of a judge in another court, particular consideration shall be given to the length of service as a judge, including in the position held, experience in hearing cases in a specific field, efficiency in conducting cases, and an assessment of the impact of the secondment on the work of the court where the judge is based (Article 77 § 3d Law on the Common Courts). Article 77 § 4 *in fine* Law on the Common Courts adds a provision requiring justification for the dismissal of a judge from secondment to perform duties in another court. The provision of Article 77 § 4a Law on the Common Courts

introduced by the same act requires the Minister of Justice to announce in the Public Information Bulletin every delegation of a judge made by him and every dismissal or resignation from delegation. The announcement shall indicate the reasons for the delegation or dismissal.

The Act of 9 October 2025 amending the Act – Law on the Common Courts (Journal of Laws of 2025, item 1609) in its Article 2 granted the presidents of district courts the right to transfer a court assessor, with his or her consent, to the family and juvenile division. The exercise of this right does not preclude the possibility of changing the scope of duties of a judicial assessor, resulting in a transfer to another division on the basis of the existing provisions.

Changes in the legal status have also taken place with regard to the retirement of Supreme Court judges. On 26 November 2025, the Constitutional Tribunal ruled that Article 37 § 1 in conjunction with Article 129a § 1 of the Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2024, item 622) and Article 129a § 2 of the Act on the Supreme Court, in the part containing the words "who took up the position of a judge of the Supreme Court before the date of entry into force of the Act of 21 November 2018 amending the Act on the Supreme Court (Journal of Laws, item 2507)", are inconsistent with Article 32 sec. 1 of the Constitution of the Republic of Poland (the principle of equality before the law). In practice, this means that the distinction in the age at which a Supreme Court judge retires – 65 for judges appointed after 21 November 2018 and 70 for judges appointed before that date – no longer applies. According to the Tribunal's decision, all Supreme Court judges should retire after reaching the age of 70 (see <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=K%205/25> [accessed on 12 February 2026]).

Promotion of judges and prosecutors (incl. judicial review)

In 2025, there were no legislative changes concerning the promotion of judges and prosecutors.

Allocation of cases in courts

In 2025, a controversial amendment was made to the Regulation of the Minister of Justice of 18 June 2019 – Rules of Procedure of Common Courts (consolidated text: Journal of Laws of 2024, item 867). This amendment was made twice: first by way of an amending regulation of 31 December 2024 (Journal of Laws of 2025, item 2), and the second time in the regulation of 29 September 2025 (Journal of Laws of 2025, item 1325).

The first of the above-mentioned amending regulations was challenged by the First President of the Supreme Court, as we reported in last year's questionnaire (see

<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=959-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2023> [accessed on 11 February 2026]).

The second regulation concerns the manner of assigning cases to judges adjudicating in common courts. The amendments interfere with the principle of assignment by order (new § 49(3a); repeal of § 49(4)). First of all, § 50 of the regulation contains a new paragraph 1a, according to which the head of the division may decide, if necessary to improve the efficiency of the division's work, that cases heard by a panel of three SLPS judges will be assigned to rapporteurs, and the remaining two members of the panel will be appointed by the head of the division according to the rules laid down by the president of the court after consulting the collegium of the competent court. In addition to the power to order an additional draw of a judge for a given case, a second alternative clause "or additionally appoints" has been added, thus allowing for the arbitrary assignment of cases by the head of the division (see § 53(2) and (3); cf. § 67(4)).

In its ruling of 12 November 2025, U 4/25, the Constitutional Tribunal ruled on the constitutionality of the Minister of Justice's regulation amending the Rules of Procedure of Common Courts. The Tribunal decided that: 1) § 1 points 5 and 7, § 2 and § 3 of the Regulation of the Minister of Justice of 29 September 2025 amending the Regulation – Rules of Procedure of Common Courts (Journal of Laws, item 1325) are inconsistent with Article 41 § 1 of the Act of 27 July 2001 – Law on the Common Courts (Journal of Laws of 2024, item 334, as amended) in conjunction with Article 92(1) in conjunction with Article 7 Constitution of the Republic of Poland; 2) § 1(2) and (3) of the Regulation referred to in point 1 are inconsistent with Article 47a of the Act referred to in point 1 in conjunction with Article 92(1) of the Constitution; 3) § 1(6)(b) of the Regulation referred to in point 1 is inconsistent with Article 47b of the Act referred to in point 1 in conjunction with Article 92(1) of the Constitution (see <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=U%204/25> [accessed on 12 February 2026]).

The assignment of cases and the formation of adjudicating panels were also addressed in the judgment of the Constitutional Tribunal of 15 July 2025, K 8/23. In the Tribunal's opinion, Article 37(2), first sentence, of the Act of 30 November 2016 on the organisation and procedure before the Constitutional Tribunal (Journal of Laws of 2019, item 2393), by depriving the Constitutional Tribunal of the power conferred on it by the constitutional legislator to adjudicate in a panel of all judges who are not subject to any factual or legal obstacles to adjudication and who perform their legal obligation to participate in adjudication, is inconsistent with Articles 188, 189 and 197 Constitution of the Republic of Poland and with the principle of reliability and efficiency of public institutions, expressed in its preamble – in conjunction with Article 8(1) and Article 7 Constitution of the Republic of Poland (see <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=K%208/23> [accessed

on 12 February 2026]). This provision stipulates that a case must be heard by the full bench, which requires the participation of at least eleven (out of fifteen) judges of the Tribunal. The provision has not been amended, but the political context surrounding the appointment of judges to the Constitutional Tribunal has made it impossible for cases to be heard by the full bench. The Sejm remains passive on the issue of electing new judges to the Constitutional Tribunal () (the current number of judges in the Constitutional Tribunal is nine, see <https://trybunal.gov.pl/o-trybunale/sedziowie-trybunalu> [accessed on 12 February 2026]).

Independence (including the composition and nomination and dismissal of members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary).

On 29 December 2025, the Sejm received a government bill on restoring the right to an independent and impartial court established by law by regulating the effects of resolutions of the National Council of the Judiciary adopted in 2018-2025 (Sejm document No. 2107), which is still being debated in parliament. The subject of the draft is the declared restoration of the right to an independent and impartial court established by law by regulating the effects of resolutions in individual cases adopted by the National Council of the Judiciary, operating in the period from 7 March 2018 to 13 May 2026. The composition of the National Council of the Judiciary during the above-mentioned period was determined on the basis of the Act of 8 December 2017 amending the Law on the National Council of the Judiciary and certain other acts (see Justification, p. 1) and the implementation of the conclusions of international court rulings in this regard (see ECHR judgment of 23 November 2023, *Lech Wałęsa v. Poland*, application no. 50849/21).

On the same day, the Sejm received a government bill amending the Law on the National Council of the Judiciary and the Electoral Code (print no. 2108). The bill specifies the manner of electing members of the National Council of the Judiciary who are representatives of the judiciary. In accordance with the declared objective of the drafters, it should therefore be autonomous, pluralistic and implemented by the judiciary, without the possibility of active participation by the legislative and executive authorities. The proposed solution is that judges who are members of the National Council of the Judiciary, as representatives of the judiciary, should be elected by judges. The elections are to be direct and secret. A solution has been proposed whereby all judges (of the Supreme Court, common courts, administrative courts and military courts) will be represented in the KRS. The aim of these regulations is to ensure the widest possible representation of judges. These regulations are still being debated in parliament.

An important event from the point of view of the rule of law was the adoption on 3 December 2025 of a resolution by the joint panels of the Extraordinary Control and Public Affairs Chamber and the Labour and Social Insurance Chamber, I NZP 7/25, on the withdrawal from

the legal principle expressed in the resolution of 24 September 2025 by a panel of seven judges of the Labour and Social Insurance Chamber, III PZP 1/25. The resolution of 3 December 2025 ruled that no court or other public authority is entitled to disregard a Supreme Court ruling and ignore its effects, even if this were to be done with reference to European Union law. It was also stated that the Republic of Poland had not transferred to the European Union or any other international organisation the competence to lay down rules governing the organisation and functioning of the national judiciary, or to determine the scope in which they may be applied. These powers are vested exclusively in the constitutional authorities of the Republic of Poland and cannot be transferred under Article 90(1) of the Constitution of the Republic of Poland. Consequently, Article 91(2) and (3) in conjunction with Article 87 of the Constitution of the Republic of Poland does not apply in this respect. The adoption of a resolution by the joint Chambers was initiated by a decision of the Supreme Court of 15 October 2025, II NSNc 192/24, which presented a legal issue aimed at making a binding decision on all panels of judges of the Supreme Court regarding the effectiveness of the Supreme Court's rulings in the Extraordinary Control and Public Affairs Chamber, overturning the rulings of common courts and referring the case for re-examination as a result of an extraordinary review, by a panel including a judge appointed at the request of the National Council of the Judiciary, formed in accordance with the provisions of the currently applicable Act on the National Council of the Judiciary (u.KRS). The Supreme Court also pointed out that granting the Sejm of the Republic of Poland the power to elect judges to the National Council of the Judiciary cannot constitute a violation of constitutional provisions, as the Constitution of the Republic of Poland does not specify the method of electing the judicial members of the National Council of the Judiciary, and this act grants exclusive competence in this respect to the ordinary legislator (as confirmed by the judgment of the Constitutional Tribunal of 25 March 2019, K 12/18). Therefore, it is not possible to raise reasonable objections to the correctness of the appointment of Supreme Court judges on the basis of proposals made by the National Council of the Judiciary acting in accordance with the currently applicable Law on the National Council of the Judiciary.

In its judgment of 20 November 2025, Kp 2/24, the Constitutional Tribunal ruled on the President of the Republic of Poland's request to examine the constitutionality of the Act amending the Act on the National Council of the Judiciary. It ruled that: 1) Article 2(2) of the Act of 12 July 2024 amending the Act on the National Council of the Judiciary is inconsistent with Article 187(1)(2) and (4) in conjunction with Article 32, Article 179 in conjunction with Article 144(3)(17) and in conjunction with Article 10(1), Article 178(1), Article 173 and Article 7 of the Constitution of the Republic of Poland; 2) Article 3 of the Act referred to in point 1 is inconsistent with Article 2 and Article 187(3 in conjunction with Article 187(1)(2) of the Constitution of the Republic of Poland; 3) Article 1(3) of the Act referred to in point 1, in the scope of the added Article 11l(8)-(10) and Article 11t of the Act of 12 May 2011 on the National Council of the Judiciary (Journal of Laws of 2021, item 269, as amended), is inconsistent with Article 184 in conjunction with Article 177 and in conjunction with Article 183(2) and Article 45(1) in conjunction with Article 31(3) of the Constitution of the Republic of

Poland; 4) the Act referred to in point 1 is inconsistent with Article 7 in conjunction with Article 4(2) in conjunction with Article 104(1) in conjunction with Article 96(1) of the Constitution of the Republic of Poland. As a result of the ruling issued under preventive review, the President of the Republic of Poland was obliged to refrain from signing the adopted and contested Act. In turn, the examination of substantive legal objections and the finding of unconstitutionality of individual provisions of the reviewed Act (points 1-3 of the operative part) means that the legislator, when regulating issues related to the procedure for selecting judges to the National Council of the Judiciary in the future, should refrain from replicating normative solutions that have been found by this judgment to violate constitutional standards. The Tribunal pointed to the defectiveness of the procedure for enacting the act, as it took place in the absence of two members of the Sejm. The contested act contained new regulations concerning the manner of determining the new composition of the National Council of the Judiciary (see <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=Kp%202/24> [accessed on 12 February 2026]).

No other changes were noted in terms of the independence and powers of the National Council of the Judiciary.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

In 2025, no legislative changes were made to the accountability of judges and prosecutors.

As a side note on the issue of judicial immunity, it is worth mentioning that in a motion dated 21 December 2022, the First President of the Supreme Court asked the Constitutional Tribunal to examine the constitutionality of the provisions on the obligation of judges and assistant judges to submit and disclose their financial statements. He alleged that they violated Article 47 Polish Constitution (right to privacy), Article 51(2) Polish Constitution (information autonomy), Article 31(3) Polish Constitution (principle of proportionality) and Article 18 of the Polish Constitution (protection of marriage and family). The proceedings before the Tribunal ended with a decision on the motion on 2 December 2025, ref. no. K 2/23. The Tribunal recognised the validity of the doubts raised. In particular, it stated that the usefulness of disclosure alone does not determine its necessity or the maintenance of appropriate proportions. The effectiveness of the anti-corruption system is primarily a function of the quality and intensity of institutional control, rather than the degree of "networking" of data publication. The Court found no grounds to conclude that the particularly painful interference with the privacy of judges and their families was offset by a demonstrable, significant increase in public confidence in the judiciary or by greater effectiveness in the fight against corruption. *Online* publication – due to the permanence of circulation and the loss of real control over the further dissemination of information –

significantly increases the intensity of the interference, which the legislator has not countered with adequate restrictions and safeguards, especially with regard to persons not holding public office. Therefore, the Court ruled that such broad disclosure of the financial statements of judges and assessors is unconstitutional (see <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=K%202/23> [accessed on 12 February 2026]).

Independence/autonomy of the prosecution service

NOT APPLICABLE

Independence of the Bar (chambers/associations of lawyers) and of lawyers

NOT APPLICABLE

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

With regard to the public perception of the judiciary, it should be recalled that the protracted political crisis concerning the judiciary in Poland continues to have a negative impact on the reputation of courts and judges. Various legal issues raised in public debate are often exploited for political purposes, which is not conducive to a substantive discussion on how to remedy the situation surrounding the Polish judiciary. These comments were already raised extensively in last year's edition of the questionnaire.

The public debate on the state of the Polish judiciary, and more broadly, the justice system, is being conducted at a pace set by new legislative initiatives (see above) and rulings issued by Polish (see above) and international courts and tribunals.

Among the cases that met with a strong reaction from the First President of the Supreme Court were:

- incorrect or distorted information about proceedings pending before the Supreme Court (see <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1053-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Events&year=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1125-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]), sometimes even in matters far removed from political disputes (see

<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1056-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Events&year=2025> [accessed on 12 February 2026]);

- actions aimed at terminating the term of office of the Disciplinary Ombudsman for Common Court Judges (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1070-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Events&year=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1073-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]);

- participation of judges in legislative work (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1078-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]);

- challenging the constitutionality of the constitution of the chambers of the Supreme Court and the correctness of the appointment of judges of the Supreme Court and common courts by the executive (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1088-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Events&year=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1104-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1112-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1121-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1135-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1137-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1138-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1153-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1158-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]), and by some Supreme Court judges (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1100-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Events&year=2025> [accessed on 12 February 2026]), as well as by certain legal circles (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1127-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]). It should be emphasised that the statements made by representatives of the executive branch prompted the First President of the Supreme Court to file a report on the

possibility of a criminal offence of making criminal threats by the Minister of Justice (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1134-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]);

- repeated anonymous attacks expressing hatred towards the Supreme Court and its employees, caused by the escalation of emotions surrounding judicial matters (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1099-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Events&year=2025> [accessed on 12 February 2026]);

- unjustified budget cuts for the Supreme Court (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1111-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Events&year=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1160-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]);

- allegations made against the First President of the Supreme Court regarding alleged abuse of power and failure to fulfil his duties, as well as media interest in the possibility of waiving the judicial immunity of the First President of the Supreme Court, including proceedings pending before the State Tribunal (<https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1114-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025>, <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1124-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]);

In addition, the Supreme Court noted other negative effects of the deepening dispute over the Polish judiciary. For example, between 2022 and 2024, there was a significant increase in the number of criminal cases in which a final judgment was overturned solely on the grounds of questioning the status of the adjudicating judges (a total of 155 cases pending before the Supreme Court) (see <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1050-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]).

Aware of the deepening crisis surrounding the justice system in Poland and the systematic lowering of the level of public debate, the First President of the Supreme Court appealed to all legal circles in Poland to take the initiative to organise a "round table" to resolve the crisis (see <https://www.sn.pl/aktualnosci/SitePages/Wydarzenia.aspx?ItemSID=1122-0dc69815-3ade-42fa-bbb8-549c3c6969c5&ListName=Wydarzenia&rok=2025> [accessed on 12 February 2026]).

It should be clearly stated that the number of incidents that required the First President of the Supreme Court to take a stand in order to defend the independence of the judiciary has clearly increased compared to last year.

B. Quality of justice

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

Several amendments were made in 2025 to the Act of 28 July 2005 on court costs in civil cases (consolidated text: Journal of Laws of 2025, item 1228). In Article 96(1)(6), the list of entities exempt from court costs in civil proceedings was extended to include the Ombudsman for Small and Medium-sized Enterprises. In Article 13(2), the maximum proportional fee in property rights cases where the value of the subject of the dispute or the value of the subject of the appeal exceeds PLN 20,000 was reduced from PLN 200,000 to PLN 100,000. In Article 103, with regard to the exemption of legal persons and defective legal persons from court costs, the obligation for a capital company to prove that its partners or, in the case of a joint-stock company, its shareholders, do not have sufficient funds to increase the company's assets or grant it a loan has been waived. This requirement in relation to partnerships has been limited to partners who are liable for the company's obligations.

Architectural accessibility of the Supreme Court

1. There are three entrances to the building for visitors. Two of them are located on the side of Krasińskich Square. They are located at pavement level, so entering the Court does not require climbing stairs or overcoming other architectural barriers. The third entrance leads directly from the municipal underground car park. The difference in level between the car park and the entrance can be overcome by means of a gently sloping ramp, which makes it accessible to wheelchair users.
2. At each entrance and in other places throughout the Court building, there are security staff who provide information to visitors and, if necessary, can assist persons with special needs.
3. At the entrance to the Supreme Court, there is a tactile information board indicating the rooms intended for visitors on the ground floor.
4. On the first floor, there is a tactile sign indicating the location of the courtrooms.
5. The Supreme Court has installed signs indicating the functions of rooms designated for visitors, enabling blind and visually impaired persons to identify the rooms independently. The signs are located at each entrance door to the rooms, with text in Braille.
6. Staircase No. 4 is equipped with:
 - anti-slip strips on the edges of the stairs to increase safety and visibility of the steps at the edge of each first and last step of the flight;
 - handrail covers enabling visually impaired persons to identify the staircase.

7. The Court building has no internal architectural barriers. Each floor of the building can be accessed by lift, which is also accessible to wheelchair users.
8. The Supreme Court does not have parking spaces for persons with disabilities. However, such parking spaces are available in the underground municipal car park, which has direct access to the Court building.
9. There is a toilet for persons with disabilities on each floor. In addition, the toilet located directly next to the cloakroom for visitors has cubicles for persons with disabilities equipped with call devices.
10. Assistance dogs and guide dogs are allowed in the building and all its rooms.
11. There are no induction loops in the building. A functioning induction loop is located in the POI.
12. A Polish sign language (PJM) interpreter is available in the building, and an online interpreter is available on an ongoing basis.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

With regard to the Supreme Court, it should be noted that it operates on the basis of a budget planned for 2026 in the amount of PLN 315,906,000.00 (Resolution of the Supreme Court College No. 1/06/2025 of 24 June 2025). In the final version of the state budget, this amount was reduced to PLN 308,503,000. The current budget allows for the implementation of the statutory tasks of the Supreme Court, but as indicated by the First President of the Supreme Court in a statement of 10 December 2025, the reduction in funding compared to the submitted draft of the Supreme Court's revenue and expenditure may have negative effects on the functioning of the Supreme Court, in particular by reducing the efficiency and effectiveness of the performance of its tasks, thereby jeopardising the constitutional right to a court and the convention right to a fair trial ([Statement by the First President of the Supreme Court - Supreme Court](#), accessed on 16 February 2026).

***[single market relevance]* Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)**

1. Training of judges and employees of the Supreme Court in cybersecurity.
2. Training of judges and employees of the Supreme Court in the prevention of security threats.
3. Training for officials of the Professional Liability Chamber: "Mobbing and discrimination in employment relations" and "Building trust in the team and positive interpersonal relations".

4. Training for officials and assistants of the Supreme Court Judge of the Extraordinary Control and Public Affairs Chamber: "Inclusivity in the workplace - how to create healthy and effective teams" and "Memory techniques: lecture with workshop elements".

Digitisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

1. In accordance with the applicable Regulation of the President of the Republic of Poland of 29 June 2021 on the handling of Supreme Court files (Journal of Laws, item 1193), court cases, registers and court case record-keeping devices of the Supreme Court, constituting repertoires and indexes, are kept in electronic form in the Supreme Court's ICT system. Information on court cases (e-wokanda) and information on planned court hearings (e-wokanda) can be accessed via the Supreme Court's website.
2. The First President of the Supreme Court issued Order No. 137/2023 of 12 October 2023 on the disclosure of Supreme Court rulings, docket and information on court cases in the Supreme Court, and the publication of disciplinary court judgments on the Supreme Court's website (as amended by Order No. 51/2025 PPSN of 16 May 2025).
3. The Supreme Court's website: contains clearly visible and understandable information; is also accessible to non-native speakers; contains e-mail addresses through which citizens can obtain answers to their queries; can be read on a smartphone; contains clearly visible and understandable information on court fees.
4. It is possible to submit documents in electronic form to the Supreme Court using the Electronic Inbox on the ePUAP platform or by delivering documents on an IT medium to the Supreme Court Registry Office located at information point ON37 between 8 a.m. and 4 p.m.
5. Staff and judges can work remotely in a secure manner; remote communication technology is used and secure electronic communication is available.

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

1. The Ministry of Justice's Statistical Management Information Division in the Analysis and Strategy Department collects statistical data on the activities of common and military courts, grouped by areas of law, judicial instances, the structure of the ministry and the administrative division of the country, on the basis of the Act of 29 June 1995 on public statistics (i.e. Journal of Laws of 2024, item 1799).
2. Pursuant to Article 5 of the Act of 8 December 2017 on the Supreme Court, the First President of the Supreme Court shall submit annual reports to the President of the Republic of Poland and the National Council of the Judiciary on the activities of the Supreme Court and any significant problems identified in connection with those activities, including those arising from case law. The First President of the Supreme Court shall also

submit this information to the Sejm and the Senate. No vote shall be taken on the information.

3. Information on case statistics is available on the Supreme Court's website. In particular, data on case flow and information on the speed of case processing for each month and each calendar year are available ([Case flow statistics](#), accessed on 14 February 2026).

Geographical distribution and number of courts/jurisdictions ('judicial map') and their specialisation, in particular specific courts or chambers within courts dealing with fraud and corruption cases.

1. There are five chambers in the Supreme Court: the Civil Chamber, the Criminal Chamber, the Labour and Social Insurance Chamber, the Extraordinary Control and Public Affairs Chamber, and the Professional Liability Chamber.
2. The Civil Chamber has jurisdiction over cases in the field of civil, commercial, intellectual property, family and guardianship law, as well as cases concerning the registration of entrepreneurs and the registration of pledges.
3. The Criminal Chamber has jurisdiction over cases heard on the basis of the Act of 6 June 1997 - Code of Criminal Procedure, the Act of 10 September 1999 - Fiscal Penal Code, the Act of 24 August 2001 - Code of Procedure in Misdemeanour Cases, and other cases to which the provisions of the Act of 6 June 1997 - Code of Criminal Procedure apply, as well as cases subject to the jurisdiction of military courts.
4. The Labour and Social Insurance Chamber has jurisdiction over cases relating to labour law and social insurance.
5. The Extraordinary Control and Public Affairs Chamber is competent to hear: extraordinary complaints; electoral protests and protests against the validity of national referendums and constitutional referendums, and determining the validity of elections and referendums, as well as cases in which appeals have been lodged against resolutions of the State Electoral Commission; appeals against resolutions of the National Council of the Judiciary in cases provided for in specific provisions; cases concerning public procurement; registration cases, with the exception of cases concerning the registration of entrepreneurs and the registration of pledges; cases concerning the protection of competition and consumers and unfair practices exploiting contractual advantage; cases concerning the regulation of energy, telecommunications and postal services, rail transport and the regulation of the water and sewage market; cases in which an appeal has been lodged against a decision of the Chairman of the National Broadcasting Council; cases in which an appeal has been lodged against a decision of the State Commission for Counteracting the Sexual Exploitation of Minors under 15 Years of Age; cases in which an appeal has been lodged against an administrative decision of the State Commission for the Investigation of Russian Influence on the Internal Security of the Republic of Poland in 2007-2022; cases concerning the retirement of a Supreme Court judge; complaints concerning the excessive length of proceedings before common and military courts and the Supreme Court; other cases in the field of public law not reserved for the jurisdiction of other chambers of the Supreme Court.

The Extraordinary Control and Public Affairs Chamber is also competent to examine motions or statements concerning the exclusion of a judge or the designation of the court before which the proceedings are to be conducted, including allegations of lack of independence of the court or lack of independence of the judge; examining complaints concerning the unlawfulness of final judgments of the Supreme Court, common courts, military courts and administrative courts, including the Supreme Administrative Court, if the unlawfulness consists in challenging the status of a person appointed to the office of judge who issued the judgment in the case.

6. The Professional Responsibility Chamber has jurisdiction over disciplinary cases; cases concerning permission to bring criminal charges or place judges, assistant judges, prosecutors and assistant prosecutors in pre-trial detention; and cases concerning labour law and social security law relating to Supreme Court judges.

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

Pursuant to Article 10a of the Act of 27 July 2001 - Law on the System of Common Courts (i.e. Journal of Laws of 2024, 334), commercial courts hear commercial cases and other cases in the field of commercial and civil law falling within their jurisdiction under separate provisions. Commercial courts are divisions of common courts established for this purpose.

Cases in the field of commercial law are heard by the Civil Chamber of the Supreme Court.

Proceedings in commercial cases are regulated by Articles 458¹ – 458¹³ of the Code of Civil Procedure, and mediation and conciliation proceedings by Articles 183¹ – 183¹⁵ of the Code of Civil Procedure.

C. Efficiency of the justice system

Detailed information on the caseload of individual chambers of the Supreme Court, including a list of the number of cases dealt with and the manner in which they were dealt with, as well as information on the duration of proceedings, is available on the Supreme Court's website at: [Case statistics](#) (accessed on 14 February 2026).

Information on the speed of case resolution

Civil Chamber

CSK	CSKP	CO
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Up to 3 months	Up to 6 months	Up to 9 months	Over 9 months	Up to 6 months	Up to 12 months	Up to 18 months	Over 18 months	Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months
3	567	539	2	1	6	1	9	7	5	1	9
CZP				CZ				CA			
Up to 3 months	Up to 6 months	Up to 9 months	Over 9 months	Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 6 months	Up to 12 months	Up to 18 months	Over 18 months
4	25	12	18	55	57	88	75	-	-	-	-
CNP				CNPP				CN			
Up to 3 months	Up to 6 months	Up to 9 months	Over 9 months	Up to 6 months	Up to 12 months	Up to 18 months	Over 18 months	Up to 6 months	Up to 12 months	Up to 18 months	Over 18 months
12	22	17	83	3	-	-	15	-	-	-	-
CB				CBO							
Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months	Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months				
and	22	23	57	-	-	-	2				

Criminal Chamber

KK				KZ				KO			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
846	640	690	738	48	111	57	48	295	286	148	281
KS				KA				KZP			
Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months
13	98	69	62	-	-	4	17	-	1	3	1
KB				KBO							
Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months	Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months				
525	116	36	49	-	-	-	-				

Professional Liability Chamber

				ZOW				ZK			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
-	1	-	8	-	3	3	59	2	4	6	98
ZSG				ZI				ZIZ			
Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
-	2	-	9	13	8	11	35	-	-	2	36
ZPU				ZPUA				ZZP			

Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
-	-	-	-	-	-	-	-	-	-	-	1
ZZ				ZW				ZO			
Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
5	-	1	3	22	-	-	-	60	59	31	141
ZB				ZBO							
Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months	Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months				
24	5	6	44	-	-	-	-				

Labour and Social Insurance Chamber

PSK				PSKP				PUO			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 6 months	Up to 12	Up to 18	Over 18 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
26	28	112	372	61	44	28	9	8	6	22	30
USK				USKP				UZ			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 6 months	Up to 12	Up to 18	Over 18 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
8	26	211	1028	163	132	87	43	-	-	15	116
PZP				PZ				UA			
Up to 3 months	Up to 6 months	Up to 12	Over 12 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 3 months	Up to 6 months	Up to 12 months	Over 12 months
1	1	5	1	-	-	1	15	-	-	-	-
PN				UN				PA			
Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 3 months	Up to 6 months	Up to 12 months	Over 12 months
-	-	-	-	-	-	-	-	-	-	-	-
PUNP				PUNPP				UZP			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 3 months	Up to 6 months	Up to 12 months	Over 12 months
-	-	3	7	-	5	-	-	-	1	1	-
PUB				PUBO							
Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months	Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months				
-	-	7	15	-	-	-	-				

Chamber of Extraordinary Control and Public Affairs

NSK				NSKP				NO			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 6 months	Up to 12	Up to 18	Over 18 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
12	4	14	33	2	7	7	9	12	10	3	23
NSNk				NZP				NZ			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 2 months	Up to 6 months	Up to 12	Over 12 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
7	3	1	6	1	-	1	3	13	15	11	22
NSNc				NKRS				NSW			
Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 2 months	Up to 6 months	Up to 12	Over 12 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months
10	4	25	166	16	29	19	13	10680	25	2	11
NP				NPP				NB			
Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 2 months	Up to 3 months	Up to 6 months	Over 6 months	Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months
-	1	-	-	-	-	-	-	-	4	4	17
NSP				NWW				NBO			
Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 1 month	Up to 2 months	Up to 3 months	Over 3 months	Up to 2 weeks	Up to 1 month	Up to 2 months	Over 2 months
156	161	111	125	82	45	18	71	-	-	-	-

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

The recommendations on the system of checks and balances contained in the 2025 Report do not concern the Supreme Court of the Republic of Poland.

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, consultation with stakeholders/public consultation (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process in the preparatory, the parliamentary and implementation phases *[including guidelines on how to implement legislation]*

Pursuant to Article 1(4) of the Act of 8 December 2017 on the Supreme Court, the Supreme Court is a judicial authority appointed to issue opinions on draft laws and other normative

acts on the basis of which courts adjudicate and operate, as well as on other draft laws to the extent that they affect matters falling within the jurisdiction of the Supreme Court.

In 2025, the Supreme Court received 290 draft laws and regulations for review: 7 from the President of the Republic of Poland, 8 from the Senate, 7 from the Commissions, 71 from groups of MPs, 93 from the Government, 100 from ministers, 2 from the Office of Competition and Consumer Protection, and 2 from citizens. Some of them, due to the nature of their effects, remained outside the scope of the Supreme Court's opinion within the meaning of Article 1(4) of the Supreme Court Act. The Supreme Court issued opinions on 92 drafts.

[single market relevance] Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedures compared to the total number of adopted decisions)

The urgent procedure was initiated in relation to 4 of the 92 draft laws submitted to the Sejm in 2025. The Supreme Court did not submit any comments on these drafts.

[single market relevance] Safeguards ensuring legal certainty, the stability of the legal framework and non-discrimination

NOT APPLICABLE

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

NOT APPLICABLE

System for reviewing the constitutionality of laws

NOT APPLICABLE

ed.

Dr. iur. Aleksander Grebieniow; Dr. Zofia Snażyk; Dr. Ewa Wojtaszek-Mik