

ІСТОРИЧНІ ТА ЮРИДИЧНІ НАУКИ

PERSPECTIVES FOR CHANGES IN THE POLISH CIVIL PROCEDURE BASED ON
THE 2019 AMENDMENT

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Civil procedure is an area of law that is certainly a subject to the most frequent changes. The essence of individual amendments is conditioned by the legislator's approach to the various institutions of civil procedure, which affect the speed of proceedings. This causes that people dealing with civil proceedings and applying its provisions must constantly analyse the regulations in order to apply them properly in practice [4]. Announced on 6th August 2019 in the Journal of Laws the amendment to the Act of 17th November 1964 Code of Civil Procedure [5] (later as the CCP), is the biggest modification in civil procedure in recent years. The purpose of the amendment was to introduce a comprehensive reform of civil procedure based on streamlining, simplifying and accelerating recognition of cases before common courts [3, p. 2], as well as increasing their reliability [6]. The adopted solutions are therefore justified neither doctrinally or comparative legal, but by the actual needs of the Polish general judiciary, both in terms of improving efficiency and improving the image [8]. The amendment to the Civil Procedure Code includes over 300 new or modified regulations. The first of them came into force already 14 days after the publication of the act in the Journal of Laws [9].

Many amendments concern the new organization of the court's work and including legal agents - the imposition of new obligations [2]. The changes that have been introduced can be classified by using, for example, the criterion of key institutions. Those are: abuse of procedural rights, leaving the letter unrecognised, recording hearing in the court, competence of jurisdiction of the court, interest on court fees. Furthermore formal conditions of pleadings, specification of facts, changes in the scope of service, return of the civil action pursuant to Article 186¹ of CCP, dismissal of the action pursuant to Article 191¹ of CCP [7]. Moreover, the amendment concerns changes in the area of: organisation of proceedings in civil cases, submission of statements and conclusions of evidence motion, precise formulation of conclusions of evidence motion by party in litigation and legal agent, increased activity of the parties in litigation and their legal agent when taking evidence, deformalizing of the rules of evidence: documentary evidence, witness testimony, expert opinion, use of extrajudicial opinions, justification of judgments ex officio. And also possibility of default judgment, appeal proceedings, communication between the court and the parties in litigation and their legal agent, introduction of separate proceedings in economic cases and possibility for a party in litigation and their legal agents to use the accusation of set-off in civil cases. Furthermore introduction of a system of "horizontal complaints", rules of pursuing legal claims from contracts established in the Civil Code, consumer assertion of their rights in court, broadening the competence of court referendary [2]. The new or changed regulations contained in the amendment also refer to electronic proceedings by writ of payment, in which gives up the continuation of the proceedings after lodging a

statement of opposition to the order for payment and to proceedings in the area of labour and social security law [1].

The work on this amendment has been carried out in a considerable pace and haste, which means that some of the changes introduced are criticised by both legal doctrine and the judicial environment, and some of them are right to the point and above all needed. Such a large amendment has caused a lot of confusion in Polish civil procedure, intensive training of judges, advocates, legal advisers, lawyers and other legal groups in order to best prepare them for so many modifications and to practice their profession as well as possible. Until now, there are different interpretations of some regulations, and only practice will be able to point out a bright and clear tactic for applying certain regulations. However, not enough time has passed for such systems to arise. Currently, parliamentary committees are working on further modifications of recently introduced legal regulations.

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