

Enforcement of Foreign Judgments

Fundamental Principles [Poland]

2020



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Reservations

It is essential to emphasise that Poland is part of the European Union (“EU”) legal system. Accordingly, in regard to the recognition and enforcement of foreign decisions, there are significant differences in the procedure and other legal aspects pertaining to the recognition and enforcement, depending on whether the decision originates from **(i)** an EU Member State other than Poland or **(ii)** from a third country (*i.e.* a State outside the legal system of the European Union). The division indicated above has been taken into account in the analysis of each of the following issues.

Furthermore, it must be stated that this assignment focuses on the applicable laws in force on the date of its preparation. Older or intertemporal provisions, which may apply only to certain cases, were merely indicated in some more detailed answers.

I. RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION (CIVIL AND COMMERCIAL MATTERS)

A. Ability to Apply for Recognition and Enforcement of a Court Judgment

1. Is it possible to apply for enforcement of a foreign court judgment in your country?

Answer: In principle, a foreign court judgment may be recognised or enforced in Poland. The procedure for recognising or enforcing foreign judgments in Poland will differ depending on whether such judgment originates from a court of an EU Member State or a court of a third country (outside the legal system of the European Union). Accordingly:

- (i) in the case of judgments originating from the courts of the EU Member States, the procedure laid down in Recast Brussels Regulation (EU) No 1215/2012 (“**Recast Brussels I Regulation**”) will be applicable to all decisions rendered on conclusion of the proceedings initiated after 10 January 2015 (in regard to judgments rendered in proceedings initiated before that date and more detailed information, see answer I.B.2 below). Such judgments will be recognised by operation of law and made enforceable without having to conduct any procedure.
- (ii) in the case of judgments originating from third country courts (outside the EU legal system), a relevant bilateral or multilateral convention (for instance, the Convention on Choice of Court Agreements made on 30 June 2005, hereinafter referred to as the “**Hague Convention**”) will apply in the first place; if no international convention governs this issue, then the Polish Code of Civil Procedure applies;

B. Applicable Law: General Rules

1. Which laws are generally applicable to the enforcement of a foreign court judgment in your country?

Answer: Several legal acts will apply, depending on whether the judgment to be recognised or enforced originates from an EU Member State court or from a court operating outside the EU legal system:

- (i) **[judgments rendered by EU Member State courts]** Since Poland is an EU Member State, all EU regulations are directly binding in Poland, without the need for their implementation. As a consequence, the Recast Brussels I Regulation will be directly applicable in Poland to the recognition and enforcement of judgments rendered by courts of the EU Member States. Nevertheless, it must be emphasised that Council Regulation (EC) No 44/2001 ("**Brussels I Regulation**") is still applicable to all EU judgments rendered on conclusion of proceedings initiated before 10 January 2015. Under Recast Brussels I Regulation, any entity that has a final foreign judgment originating from any of the EU Member States and holds a relevant certificate (referred to in Article 53 of Recast Brussels I Regulation), may refer the judgment directly to the competent enforcement authority, namely a court bailiff or a court. The certificate provided for in Article 53 of Recast Brussels I Regulation is issued by the court of a country where the judgment originated. Consequently, it should be pointed out that, in the case of judgments handed down by the courts of the EU Member States, there is no enforcement procedure. The jurisdiction of an enforcement authority is determined by the provisions of the Polish Code of Civil Procedure and the Court Bailiffs Act of 22 March 2018 (Journal of Laws [Dz.U.] of 2018, item 771).
- (ii) **[judgments rendered by third country courts]** As indicated in the answer above, in the case of judgments originating from a third country court (outside the EU legal system), a relevant bilateral or multilateral convention will apply in the first place (e.g. the Hague Convention); if no applicable international convention governs the issue of recognition or enforcement of foreign judgments, then the Polish Code of Civil Procedure applies:
 - a. Judgments of foreign courts of a third country that are subject to judicial enforcement (e.g. those which award a pecuniary or in-kind benefit) are subject to a declaration of enforceability procedure (Article 1150 of the Polish Code of Civil Procedure);
 - b. foreign court judgments originating from a third country that are not subject to judicial enforcement (e.g. those that merely

determine the legal status) are recognised by operation of law (Article 1145 of the Polish Code of Civil Procedure) and such recognition may be confirmed in a special court procedure (Article 1148 of the Polish Code of Civil Procedure).

C. Special Rules: European Union

1. Are there any special rules regarding the enforcement of a foreign court judgment in your country?

Answer: In addition to Recast Brussels I Regulation, which we have already mentioned, there are also a number of specific procedures which are covered by other acts:

- Regulation (EC) No 2201/2003 (“Brussels IIa Regulation”) which regulates the recognition and enforcement of judgments in matrimonial and family matters. Decisions given in another Member State may be enforced if they have been declared enforceable in that State at the request of any interested party. The procedure for filing the application is governed by the law of the Member State of enforcement. The party applying for a declaration of enforceability must produce a copy of the decision and the certificate (referred to in Article 39 of the Regulation);
- Regulation (EC) No 805/2004 of the European Parliament and the Council creating a European Enforcement Order for uncontested claims. It dispenses, under certain conditions, with all intermediary measures in the Member State in which enforcement is sought in the verifiable absence of a dispute over the nature or extent of a debt. Under this procedure, an uncontested judgment issued in any Member State (with the exception of Denmark) is automatically enforceable in another Member State. An application for an EEO certificate must be filed. This option is quick and simple;
- Regulation (EC) No 861/2007 establishing a European Small Claims Procedure. The Regulation abolishes intermediate measures to enable the recognition and enforcement of a judgment given in the European Small Claims Procedure. The aim of the Regulation is to simplify, speed up and reduce the costs of litigation. The European Small Claims Procedure sets out a simplified procedure for civil or commercial cross-border claims with a value of up to €5,000 (previously €2,000). A judgment given in a Member State in the European Small Claims Procedure is enforced in another Member State without having to apply for a declaration of enforceability and without any possibility of opposing its recognition. At the request of a party, the court or tribunal issues, free of charge, a certificate relating to a judgment given in the European Small Claims Procedure.

- Regulation creating a European order for payment procedure (Regulations (EC) No 1896/2006 and No 936/2012). The Regulation aims to simplify and reduce the costs of litigation in cross-border cases concerning uncontested money claims. The European payment order would be enforceable in all Member States of the European Union without the consumer having to obtain a declaration of enforceability in another Member State. Moreover, there is no possibility of opposing the recognition of a payment order.
- Regulation No 606/2013 on mutual recognition of protection measures in civil matters, under which a protection measure issued in one Member State is enforceable without having to apply for a declaration of enforceability. A person who is protected and wishes to invoke this fact in another Member State must provide the competent authority with a copy of the protection measure and a certificate issued in the Member State of origin (Article 5 of the Regulation). The procedure for enforcing the protection measure itself is governed by the law of the requested Member State.
- Regulation No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession. Under this Regulation, judgments given and enforceable in one Member State are enforceable in another Member State if, on the application of any interested party, they have been declared enforceable in that other Member State in accordance with the procedure provided for in this Regulation. The application for a declaration of enforceability must be submitted to the court or competent authority of the Member State of enforcement. Similarly to the previous Regulations, the application procedure is governed by the law of the Member State of enforcement and the same documents are required.
- Regulation No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. A decision given and enforceable in a Member State which is bound by the 2007 Hague Protocol is enforceable in another Member State without having to apply for a declaration of enforceability in that State. Where a decision has been given in a Member State which is not bound by the 2007 Hague Protocol, it is enforced if it has been declared enforceable on application by any interested party. The court of origin may declare the decision provisionally enforceable, regardless of any appeal, even if national law does not provide for enforceability by operation of law.

2. Does the European Union have a special procedure to enforce court judgments originating from its Member States?

Answer: Yes, it does. As already indicated in the answers to the previous questions, Recast Brussels I Regulation is the basic instrument governing the enforcement of judgments. Furthermore, all the regulations listed in the answer above are directly applicable in Poland.

D. Average Duration of Enforcement Procedure

1. What is the average duration of this kind of procedure?

Answer:

- (i) In the case of judgments originating from EU Member States, there is no need to conduct a procedure for recognition or enforcement before the Polish Courts. As a consequence, an entity that has a final foreign judgment originating from any of the EU Member States and holds a relevant certificate (indicated in Article 53 of Recast Brussels I Regulation) may refer the judgment directly to the competent Polish enforcement authority. The certificate provided for in Article 53 of Recast Brussels I Regulation is issued by the court of a country where the judgment originated. Consequently, it should be pointed out that, in the case of judgments handed down by the courts of the EU Member States, there is no special enforcement procedure.
- (ii) As regards the procedure pertaining to foreign judgments originating from third countries (outside the EU legal system):
 - a. the procedure for the **recognition** of foreign judgments originating from third countries can take between several months up to a year on average;
 - b. the procedure for the declaration of enforceability (**enforcement**) of foreign judgments originating from third countries can take between several months up to a year on average.

In the case of judgments issued by courts from third countries, the duration of the relevant procedure may be significantly prolonged since the decision of the Polish courts on the recognition or declaration of enforceability is subject to an appeal and cassation appeal to the Supreme Court (Article 1148¹ § 3 and Article 1151¹ § 3 of the Polish Code of Civil Procedure, respectively).

II. DENIAL OF RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT JUDGMENT: REASONS

A. Can a court in your country deny recognition and enforcement of a foreign court judgment? If YES: what kind of reasons may justify denial?

Answer: It is possible to refuse to recognise or enforce a judgment of a foreign court in Poland. As in other cases, a set of grounds for refusal will depend on whether the court judgment originates from an EU or non-EU country.

- (i) In the case of judgments originating from the EU Member States, the grounds for refusal are set out in Articles 45 and 46 of Recast Brussels I Regulation. Pursuant to these provisions of law, on application of any interested party, the recognition or enforcement of a foreign judgment is refused:
- if such recognition is manifestly contrary to public policy (*public order*) in the Member State addressed;
 - where the judgment was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;
 - if the judgment is irreconcilable with a judgment given between the same parties in the Member State addressed;
 - if the judgment is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed; or
 - if the judgment conflicts with:
 - Sections 3, 4 or 5 of Chapter II where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee was the defendant; or
 - Section 6 of Chapter II.
- (ii) In the case of judgments originating from a third country (outside the EU legal system), the grounds for refusal are set out in the Polish Code of Civil

Procedure. Pursuant to its Articles 1146 and 1150, the court recognises or enforces a foreign judgment unless:

- it is not final and non-appealable in the State where it was issued;
- it was issued in a case which falls under the exclusive jurisdiction of Polish courts;
- the defendant who did not defend on the merits of the case had not been duly served with an originating pleading in sufficient time to enable him to arrange for his defence;
- a party was deprived of the possibility to defend its case;
- an action involving the same cause of action between the same parties had been brought before a court in the Republic of Poland before it was brought before a court of a foreign State;
- it is irreconcilable with an earlier final and non-appealable judgment of a Polish court or an earlier final and non-appealable judgment of a court of a foreign State recognised in the Republic of Poland, given in a case involving the same cause of action between the same parties;
- such recognition would be contrary to the fundamental principles of the legal order of the Republic of Poland (public policy clause).

As indicated in the introduction to this paper, if the judgment originates from a non-EU country and such a country concluded an international convention binding it with Poland, the provisions of such a convention prevail over the Polish Code of Civil Procedure. For instance, in the case of judgments from a State which acceded to the Hague Convention, the Polish court will refuse to recognise or enforce them unless the court: (i) is satisfied that the original court was designated in an exclusive choice of court agreement; and (ii) the foreign judgment must be enforceable in its State of origin (however, the enforcing court cannot review the merits of the judgment). Furthermore, Article 9 of the Hague Convention provides detailed grounds for the refusal, i.e.:

- the agreement was null and void under the law of the State of the chosen court, unless the chosen court has determined that the agreement is valid;
- a party lacked the capacity to conclude the agreement under the law of the requested State;
- the document which instituted the proceedings or an equivalent document, including the essential elements of the claim:

- was not notified to the defendant in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant entered an appearance and presented his case without contesting notification in the court of origin, provided that the law of the State of origin permitted notification to be contested; or
- was notified to the defendant in the requested State in a manner that is incompatible with fundamental principles of the requested State concerning service of documents;
- the judgment was obtained by fraud in connection with a matter of procedure;
- recognition or enforcement would be manifestly incompatible with the public policy of the requested State, including situations where the specific proceedings leading to the judgment were incompatible with fundamental principles of procedural fairness of that State;
- the judgment is inconsistent with a judgment given in the requested State in a dispute between the same parties; or
- the judgment is inconsistent with an earlier judgment given in another State between the same parties on the same cause of action, provided that the earlier judgment fulfils the conditions necessary for its recognition in the requested State.

B. Costs and Expenses

1. What kind of costs and expenses can a claimant expect in this enforcement procedure?

Answer: The costs will differ depending on whether an EU or a non-EU foreign court judgment is to be recognised or enforced.

In case of judgments originating from an EU Member State there is no recognition or enforcement procedure. Thus, the costs are significantly lower in comparison to those relating to the recognition or enforcement of non-EU court judgments. The only cost that a party willing to use a foreign court judgment in Poland is obliged to pay is the cost of the certificate referred to in Article 53 of Recast Brussels I Regulation. Such certificate is issued by the court of a country where the judgment originated. Accordingly, the party is obliged to pay a relevant fee for such certificate in such country. In Poland such certificate is subject to the payment of PLN 300 (ca. USD 78). When enforcing an EU court judgment in Poland, the major cost (notwithstanding the certificate cost) is the cost of enforcement proceedings conducted before an enforcement authority (an advance towards the court bailiff's fee usually amounts to PLN 165, ca. USD 44; in the case of judicial

enforcement, in particular under Articles 1049 and 1050 of the Polish Code of Civil Procedure, it is the debtor who bears the costs).

In case of judgments originating from third countries (outside the EU legal system), the costs are governed by the Polish Act on Court Costs in Civil Cases (as amended by the Act of 7 July 2019). The initiation of both recognition and enforcement procedures entails a court fee of PLN 300 (ca. USD 78). To each procedure (whether a recognition or enforcement procedure) additional expenses are to be added, e.g. lawyer's fees (optionally), postal and translation fees. If dissatisfied with the decision of the Polish court regarding the recognition or enforcement of a foreign court judgment, either party has the right to appeal against it. A court fee for the appeal (whether in a recognition or declaration of enforceability procedure) amounts to PLN 60 (ca. USD 16).

III. FORMAL REQUIREMENTS

A. Time Limit

1. Is there a time limit to apply for enforcement of a foreign court judgment?

Answer: There are no time limits to apply for recognition or enforcement of a foreign judgment under the law applicable in Poland. Nor are such limits provided in Recast Brussels I Regulation or in the Polish Code of Civil Procedure.

Nevertheless, a particular claim which has already been confirmed by a foreign court judgment will be subject to limitation periods set out in the Polish Private International Law. Limitation of claims is governed by the substantive law applicable to the claim.

B. Final and Non-appealable Court Judgment: Provisional Enforcement

1. Is it mandatory for a judgment to become a final and non-appealable court judgment? If NO: Are there any special requirements to provisionally enforce a court judgment which is not final and non-appealable?

Answer: As regards judgments originating from EU Member States, it is mandatory that they be final and enforceable. Only then, pursuant to Article 39 of Recast Brussels I Regulation, is such a judgment enforceable by operation of law in Poland. The same rule applies to the recognition of EU court judgments in Poland.

As regards judgments issued by courts in third countries (outside the EU), the provisions of the Polish Code of Civil Procedure stipulate that all judgments to be recognised by law (Article 1145) or enforced (Article 1151)

must be final. This general rule, enshrined in Article 1146(1)(1) of the Polish Code of Civil Procedure, provides that a judgment may not be recognised (or enforced) *unless it is final and non-appealable in the State where it was issued.*

C. Necessary Requirements

1. What necessary requirements must the foreign court judgment fulfil to be recognised and enforced?

Answer:

[Judgments rendered by a court of an EU Member State] As already indicated, judgments originating from EU countries are recognised and enforced by operation of law. However, in order to use a judgment originating from another Member State in Poland, one must:

- (i) where the judgment is recognised, produce a copy of the judgment which satisfies the conditions necessary to establish its authenticity and produce the certificate referred to in Article 53 of Recast Brussels I Regulation (Article 37(1) of Recast Brussels I Regulation);
- (ii) where the judgment is to be enforced, produce a copy of the judgment which satisfies the conditions necessary to establish its authenticity and produce the certificate provided for in Article 53 of Recast Brussels I Regulation attesting that the judgment is enforceable (Article 42(1) of Recast Brussels I Regulation).

[Judgments rendered by a third country court] In the case of judgments originating from a non-EU legal system (third country courts), in the process of their recognition or enforcement one must:

- (i) In regard to the recognition procedure set out in Article 1147 of the Polish Code of Civil Procedure, a person seeking recognition of a judgment must provide: a foreign State court's authenticated copy of the judgment; a document certifying that the judgment is final and non-appealable unless it is evident from the content of the judgment that it is final and non-appealable; a certified translation into Polish of the above-mentioned documents;
- (ii) In regard to the enforcement procedure set out in Article 1151 of the Polish Code of Civil Procedure, a person seeking enforcement of a judgment must provide the same set of documents as those listed in respect of the recognition procedure (Article 1147 Polish Code of Civil Procedure), and additionally a document confirming that the judgment is enforceable in the State of origin, unless its enforceability is evident from the content of the judgment or the law of that State.

Apparently, it should be remembered that if a judgment originates from a third country (outside the EU) with which Poland has entered into an international agreement governing the recognition and enforcement of judgments, then the provisions of such convention should prevail over those of the Polish Code of Civil Procedure. For instance, the Hague Convention provides for additional requirements. Pursuant to Article 13 thereof, the party seeking recognition or applying for enforcement must produce: (a) a complete and certified copy of the judgment; (b) the exclusive choice of court agreement, a certified copy thereof, or other evidence of its existence; (c) if the judgment was given by default, the original or a certified copy of a document establishing that the document which instituted the proceedings or an equivalent document was notified to the defaulting party; (d) any documents necessary to establish that the judgment has effect or, where applicable, is enforceable in the State of origin; (e) in the case referred to in Article 12, a certificate of a court of the State of origin that the judicial settlement or a part of it is enforceable in the same manner as a judgment in the State of origin.

D. Other Formal Requirements: Court Fees

1. Is it mandatory to pay court fees for this kind of application?

Answer: In the case of recognition or enforcement procedures relating to judgments originating from third countries (outside the EU), a court fee must be paid when applying for the recognition or enforcement of such judgment. Currently, the court fee in both cases amounts to PLN 300 (ca. USD 78). Details of the costs are described in the answer to question II.B.1 above.

E. Are there any other formal requirements in your country to enforce a court judgment?

Answer: There are no other formal requirements other than those described in the answers above.

IV. PROCEDURE

A. Competent Court

1. Which court or courts are competent to decide an enforcement application?

Answer:

- (i) **[Judgments originating from EU Member States]** Recast Brussels I Regulation provides for no recognition and enforcement procedure as foreign court judgments are to be recognised and enforced by operation of law. Nevertheless, it is possible to file an application for a foreign judgment to be declared non-recognisable or

unenforceable. An application for non-enforcement of a decision is submitted to the district court of the debtor's domicile or registered office or, in the absence of such a court, to the district court where the enforcement is sought or carried out. An application for non-recognition is submitted to the district court which would have territorial jurisdiction to hear the case disposed of by a decision or in whose district there is a territorially competent district court or, in the absence of such a basis, to the District Court in Warsaw.

- (ii) **[Judgments originating from third countries]** If the State in which the judgment was given and the State enforcing the judgment are not bound by any international convention, the Polish Code of Civil Procedure is applicable. Pursuant to Article 1151 thereof, the court competent to consider the application for enforcement of a foreign judgment in Poland is the district court of the debtor's domicile or registered office or, in the absence of such a court, the district court in whose territory the enforcement is to be carried out. An application for recognition of a decision of a foreign court pursuant to Article 1148 should be submitted to a district court which would have territorial jurisdiction to hear the case disposed of by a decision of a court of a foreign State or in whose district there is a territorially competent district court or, in the absence of such a basis, to the District Court in Warsaw.

B. Informational Requirements for the Application to Enforce a Foreign Court Judgment

1. **What information must be contained in the enforcement application of a foreign court judgment?**

Answer:

- (i) **[Judgments originating from EU Member States]** Recast Brussels I Regulation provides for no recognition and enforcement procedure as foreign court judgments are to be recognised and enforced by operation of law. Nevertheless, it is possible to file an application for a foreign judgment to be declared non-recognisable or unenforceable. In regard to such applications, the standard formal requirements are applicable (Article 126 of the Polish Code of Civil Procedure). Furthermore, these must set out the grounds for refusal provided for in Article 45 Recast Brussels I Regulation.
- (ii) **[Judgments originating from third countries]** Applications for recognition and enforcement of third country judgments should, in particular, comply with the requirements of the pleading described in Article 126 of the Polish Code of Civil Procedure. The application should specifically describe that the decision to be enforced is also

enforceable in the State of origin. It is also good practice to indicate the absence of grounds for refusal listed in Article 1146 of the Polish Code of Civil Procedure. As regards the documents to be attached to the application (whether for recognition or declaration of enforceability of the judgment), see the answers to the questions below.

C. What documents must be included with/attached to the application to enforce a foreign court judgment?

Answer: All documents required to be attached, both for judgments rendered by courts of the EU Member States and of third countries, are described in the answer to question III.C.1 above.

D. Phases of the Procedure

1. What are the phases of the procedure to enforce a foreign court judgment?

Answer: In the case of judgments originating from EU countries, there is no procedure for the recognition and enforcement of judgments. Such judgments are to be recognised and enforced by operation of law (Recast Brussels I Regulation). In the case of judgments originating from a non-EU country, the phases of the procedure are as follows:

(i) Recognition procedure (Article 1148 of the Polish Code of Civil Procedure):

- a party that has a legal interest must file an application requesting the court to confirm that a foreign court judgment is to be recognised by operation of law;
- the other party affected by the foreign court judgment responds to the application within two weeks of the application being served by the court;
- the court of first instance renders a decision on application;
- the decision may be appealed to the Court of Appeal;
- the decision of the Court of Appeal may be challenged before the Supreme Court.

(ii) Enforcement procedure (Article 1151 of the Polish Code of Civil Procedure):

- the creditor named in the judgment to be enforced files an application for enforcement;

- the debtor responds to the application within two weeks of the application being served by the court;
- the court of first instance renders a decision on application;
- the decision may be appealed to the Court of Appeal;
- the decision of the Court of Appeal may be challenged before the Supreme Court.

E. Opposition of the Defendant

1. Can a defendant oppose this enforcement application?

Answer: The defendant may oppose a recognition or enforcement application. This rule, however, is only applicable to the recognition and enforcement of foreign judgments which originate from third States. The defendant may oppose the recognition or enforcement application within two weeks of the application being served by the court (Article 1148 or Article 1151¹ of the Polish Code of Civil Procedure).

In the case of judgments rendered by courts from EU Member States, there is no enforcement or recognition procedure as such judgments are to be recognised and enforced by operation of law. It should be borne in mind, however, that in the case of judgments rendered in an EU State, the interested party may apply for recognition of the judgment to be refused (Article 45 of Recast Brussels I Regulation). Similarly, when it comes to enforceable judgments, a foreign court decision may be challenged by the person against whom such decision has been rendered. Such person or entity may apply to the court to have such judgment declared unenforceable (Article 46 of Recast Brussels I Regulation).

2. Are there a limited number of reasons for the defendant to oppose the enforcement of the court judgment? If YES: what are those reasons?

Answer: In the case of decisions rendered by courts of third States, there are a limited number of reasons for the defendant to oppose the enforcement or recognition of the court judgment. The defendant may only invoke the grounds for refusal that are provided in Article 1146 of the Polish Code of Civil Procedure or in a relevant international convention (if applicable). For more details, see the answer to question II.A above.

Similarly, where an interested party initiates a procedure to refuse to recognise or enforce a judgment of an EU court, the relevant rules limit the grounds on which that party may base its request. In the case of refusal of recognition, such grounds are governed by Article 45 of Recast Brussels I Regulation. In the case of enforceability, this is Article 46 of Recast Brussels

I Regulation, which again refers directly to Article 45 of Recast Brussels I Regulation. The list of grounds for refusal provided in Article 45 is exhaustive.

F. Appeal and its Consequences in this Procedure

1. Is it possible to appeal a court decision to recognise and enforce a foreign court decision?

Answer: As regards judgments originating from non-EU courts, it is possible to appeal a court decision to have a foreign court decision recognised or enforced. In the case of judgments originating from third country courts, the grounds for such action can be found in the Polish Code of Civil Procedure, namely Articles 1148¹ and 1151¹, respectively.

As there is no recognition or enforcement procedure for judgments originating from EU courts, they cannot be appealed against either. However, as already indicated, an interested party may apply for a judgment to be declared non-recognisable or unenforceable. In such proceedings, an appeal and further cassation appeal to the Polish Supreme Court is available (Article 1153²³ of the Polish Code of Civil Procedure and Article 45(4) and Article 47(2) of Recast Brussels Regulation, respectively).

2. Can this appeal suspend the enforcement?

Answer: In the case of decisions rendered by third country courts, an appeal filed by the opposing party stays the enforcement procedure. However, the enforcement procedure will not be stayed by a cassation appeal filed with the Supreme Court (although a separate application to stay the enforcement procedure may be filed).

As regards judgments rendered by EU courts, under the provisions of Recast Brussels I Regulation, no declaration of enforceability is required to enforce a foreign judgment. Under Article 49 of Recast Brussels I Regulation, a decision on an application for refusal of enforcement may be appealed against by either party. Under Article 51, the court to which an application for refusal of enforcement is submitted or the court which hears an appeal lodged under Articles 49 or 50 may stay the proceedings if an ordinary appeal has been lodged against the judgment in the Member State of origin or if the time limit for lodging such an appeal has not yet expired. In the latter case, the court may specify the time limit within which such an appeal is to be lodged.

G. Recovery of Judicial Costs and Expenses

1. Are there any rules concerning recovery of the judicial costs incurred as a result of the enforcement application?

Answer: A decision on costs is issued on a case by case basis. Nevertheless, as a rule, one may apply to the Polish courts for reimbursement of legal costs and court fees, as well as translation costs.

V. RECOVERY OF THE DEBT

A. Means of Enforcement

1. What types of assets are subject to enforcement of the court's judgment?

Answer: All personal and real properties as well as claims and real property rights may be subject to judicial enforcement. Enforcement may in particular be carried out in respect of: personal property; earnings; bank accounts; real property; seagoing vessels; other claims and property rights.

Pursuant to Article 829 of the Polish Code of Civil Procedure, enforcement may not be carried out in respect of:

- household effects that are necessary for the debtor and his household members, in particular a refrigerator, washing machine, Hoover, oven or microwave oven, cooktop for heating and preparing meals, beds, table and chairs in a number necessary for the debtor and his household members, and one light source per household, unless these are objects whose value significantly exceeds the average value of new objects of the type in question;
- bedding, household linen and everyday clothing, the number of which is necessary for the debtor and his household members, as well as clothing necessary for the performance of their duties or profession;
- supplies of food and fuel necessary for the debtor and his dependants for a period of one month;
- one cow or two goats or three sheep necessary to feed the debtor and his dependants together with the supply of feed and bedding sufficient to make a living until the next harvest;
- tools and other objects necessary for personal gainful employment of the debtor and raw materials necessary for production for a period of one week; this, however, excludes motor vehicles;

- in the case of a debtor receiving fixed periodic remuneration – money in the amount which corresponds to the portion of remuneration which is not subject to enforcement for the time until the nearest date of payment, and in the case of a debtor that does not receive fixed remuneration – money necessary for him and his family to support themselves for two weeks;
- objects necessary for education, personal papers, objects of merit and objects for religious practice and objects of everyday use, which can only be sold significantly below their value and which have a significant usable value for the debtor;
- medicinal products within the meaning of the Pharmaceutical Law Act of 6 September 2001 (Journal of Laws of 2019, items 499, 399 and 959) that are necessary for the functioning of a medical entity within the meaning of the provisions on medical activities for a period of three months and medical devices necessary for its functioning within the meaning of the provisions of the Medical Devices Act of 20 May 2010 (Journal of Laws of 2019, items 175, 447 and 534);
- objects that are necessary because of the debtor's or his family member's disability.

VI. OTHER ISSUES OF INTEREST IN YOUR JURISDICTION

A. Any other issues of interest in your jurisdiction

Answer: Separate rules apply to the European order for payment (Council Regulation No 1896/2006 of 12 December 2006), decisions issued in the EU Member States in the European Small Claims Procedure (Council Regulation No 861/2007 of 11 July 2007) and decisions issued in the EU Member States in cases relating to maintenance obligations (Council Regulation No 4/2009 of 18 December 2008).

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