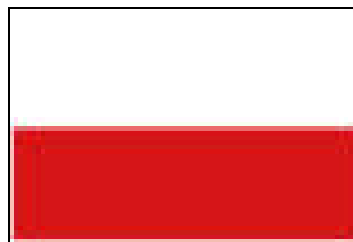




(Map source : Europa)

## Poland



Population: 38 600 000 inhabitants  
Surface area: 313 000 Km<sup>2</sup>  
Capital: Warsaw  
Currency: Zloty  
Official language: Polish  
Form of government: Democratic Republic  
Membership in the EU: 2004  
Membership in the UIHJ: 1991

## The Komornik Sadowy

*Who are the professional officers charged with the enforcement of court judgments, the service of writs, or with debt collection?*

The "Komornikow Sadowy". They are the judicial officers. They exercise a monopoly on the process of serving writs and the enforcement of judgments and instruments and writs of execution. They proceed to valuations and public sales by auction of furniture and personal movable goods. They are entitled to formulation legal findings but this is a seldom practised activity. They may not proceed to the amicable collection of debts. They may not represent their clients before the courts.

*What is the status of these professional officers?*

The judicial officers are public and ministerial officers, appointed by the Minister of Justice. Nonetheless, they are independently operating professionals accorded a liberal status. The profession and admission to it are strictly regulated and the number of vacancies is limited.

*How are the judicial officers organised?*

There are approximately 585 practising judicial officers in Poland, of whom +/- 30 %

are women. They operate on their own and employ a total of 6000 collaborators. Each judicial officer's territorial competence is limited to the jurisdiction of the appellate court in the location of his residence. The association "**Krajowa Rada Komornicza**" represents the profession at the national level.

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*How can one join the profession?*

The candidate must have completed a course of law studies at the university (5 years), have finished a traineeship for 2 years in one or more practices of judicial officers, and have successfully passed a professional examination. The candidate must then apply to fill an available vacancy. He is subsequently appointed by the Minister of Justice after a meticulous examination of his dossier.



## The enforcement of court judgments

*Who is charged with the enforcement of court judgments in Poland?*

Only the judicial officers are entitled to proceed to the enforcement of judgments and of instruments and writs of execution. It is likewise they that proceed to the enforcement of protective measures as have been imposed. For the enforcement in the area of fiscal procedures, the Ministry of Finance employs its own functionaries.

*Can one contact a judicial officer directly to have a court order enforced?*

The creditor may freely select a judicial officer of his choice but it can only be a judicial officer with the appropriate territorial competence to enforce a court judgment.

*Is the judicial officer empowered to enforce execution against the entire debtor estate?*

The judicial officer is empowered to execute the enforcement of the judgment against the debtor's movable and immovable possessions and property, tangible and

intangible both. He may also proceed to garnishment. Nonetheless, sales by public auction of real estate property lie not within his competence.

*Is the judicial officer responsible for carrying out the enforcement act?*

It is up to the creditor to select what kinds of enforcement measures to use, but on the judicial officer's advice.

*Is it possible for the judicial officer to obtain personal information about the debtor and his estate?*

Yes, the judicial officer has access to the register of addresses, to the registration of vehicles, and to the cadastral records.

*Who pays for the judicial officer's intervention costs?*

It is the debtor who is responsible for the cost of the judicial officer's intervention. In case of default by the debtor, the creditor shall be called upon to settle the accounts.

## The service of writs

*Are judicial officers entitled to proceed to the service of writs?*

Yes, but they do not possess a monopoly on this process.

*What are the physical steps involved in serving a writ?*

The copy of the writ is physically handed over to the addressee by the judicial officer. The latter may also hand over the copy to an individual present at the domicile of the addressee (parent, friend, employee, ...), a party encountered in the addressee's place of business or a neighbour. If there is nobody to accept the writ, a notice of passage is posted at the location requesting the addressee to collect the writ at the judicial

officer's place of business. There is the further possibility to post an announcement at the municipal offices or in the newspapers.

*What is the force in law of a writ?*

The reports drawn up by the judicial officer are considered authentic accounts of the facts and possess an official character.

*Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?*

No, not at this moment.



### Debt collection

*Is the judicial officer empowered to proceed to the collection of debts?*

No.

*Is it possible to contact a judicial officer directly for the purpose of collecting a debt?*

*How much will it cost a creditor to arrange the collection of a debt?*

### Other areas of intervention

*May the judicial officer arrange for sales by auction?*

Yes. The judicial officer proceeds to the valuation and to the public sale by auction of the debtor's furniture and movable goods, both within the context of enforced execution and of voluntary sales.

*May the judicial officer engage in formulating legal findings and observations, such as statements of facts?*

Yes, but in practice this activity is seldom resorted to.

*May the judicial officer represent the parties before the courts?*

No.

*Is the judicial officer entitled to offer legal advice?*

No.

*Is the judicial officer entitled to engage in other activities?*

No.

