

Translation of the draft bill announced by Karol Nawrocki, President of the Republic of Poland, on 19 February 2026, i.e. on the same day on which the President vetoed the government's draft bill amending the Act on the National Council of the Judiciary.

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**ACT
of
on restoring the right to a court hearing and examination of a case without undue delay¹**

Feeling responsible for the administration of justice in the Republic of Poland, emphasising the importance of the fact that the Republic of Poland is the common good of all citizens and that supreme power belongs to the Nation;

Respecting the values of a democratic state governed by the rule of law and the independence and apolitical nature of judges. Realising the right of citizens to a fair and open hearing of their case without undue delay by a competent, independent, impartial and independent court, and striving to ensure that citizens feel secure and stable in relation to court rulings;

Respecting the need for the Republic of Poland to guarantee the freedoms and rights of human beings and citizens guaranteed in the Constitution and other normative acts, and the importance of the prohibition, resulting directly from the Constitution, on judges engaging in public activities that are incompatible with the principles of the independence of the courts and the independence of judges;

This Act is hereby adopted.

**Chapter 1
General provisions**

Art. 1. This Act regulates:

¹ This Act amends the Act of 21 August 1997 – Law on the System of Military Courts, the Act of 27 July 2001 – Law on the System of Ordinary Courts, the Act of 25 July 2002 – Law on the System of Administrative Courts, the Act of 17 June 2004 on complaints against violations of a party's right to have a case examined in preparatory proceedings conducted or supervised by a prosecutor and in court proceedings without undue delay, and the Act of 8 December 2017 on the Supreme Court.

1) the right to a court in all cases heard by courts and tribunals which issue judgments on behalf of the Republic of Poland and the administration of justice in accordance with the constitutional order;

2) the obligations guaranteeing the right to an impartial and independent court and the proper exercise of the right to have a case heard without undue delay before a court composed of independent judges, and the consequences of decisions issued without legal basis or in violation of the Constitution or statutes;

3) special rules on the disciplinary liability of judges and judicial assessors and the criminal liability of public officials.

Article 2. The purpose of this Act is to ensure the right to an impartial and independent court and to ensure that a case is heard without undue delay by a court composed of independent judges.

Article 3. Whenever the Act refers to:

1) an judicial assessor - this shall be understood to mean a judicial assessor in an ordinary court and in an administrative court;

2) courts - this shall be understood to mean ordinary courts, administrative courts, military courts and the Supreme Court;

3) a judge – this shall be understood to mean a judge of a ordinary court, a judge of an administrative court, a judge of a military court, a judge of the Supreme Court and a judge of the Constitutional Tribunal.

Chapter 2

Exercise of the citizen's right to a court and the administration of justice by a judge

Article 4. § 1. Judges shall be independent in the exercise of their office and shall be subject only to the Constitution and statutes.

§ 2. A judge shall be obliged to administer justice and to act in accordance with the judicial oath.

§ 3. A judge shall, both in and out of office, uphold the dignity of the office of judge and avoid anything that could bring the dignity of a judge into disrepute or undermine confidence in his impartiality.

§ 4. A retired judge shall be obliged to maintain the dignity of a judge. A retired judge shall be subject to disciplinary action for any breach of the dignity of a judge after retirement and any breach of the dignity of the office of judge during his service.

§ 5. A judicial assessor shall be independent in the exercise of his office and shall be subject only to the Constitution and statutes.

Article 5. § 1. A judge and judicial assessor may not question the validity of, disregard or refuse to apply the Constitution and statutes in matters regulating the system of courts and tribunals and the procedure for appointing a judge or judicial assessor.

§ 2. A judge or judicial assessor may not question the existence of constitutional state bodies or undermine their competence and authority.

§ 3. A judge or assistant judge may not question the rulings of the Constitutional Tribunal or undermine their existence or effectiveness.

§ 4. A judge or judicial assessor may not assess the effectiveness of resolutions adopted in individual cases by the National Council of the Judiciary in the period from 5 March 2018 to 13 May 2026, ignore them, or consider them invalid or non-existent.

§ 5. The provision of § 4 shall not apply to the examination of appeals against resolutions of the National Council of the Judiciary referred to in Article 44(1) of the Act of 12 May 2011 on the National Council of the Judiciary (Journal of Laws of 2024, item 1186).

Article 6. § 1. In the course of the activities of courts or court bodies, it is inadmissible to question the authority of courts, the Constitutional Tribunal, the State Tribunal and other constitutional public bodies, including law enforcement and protection bodies.

§ 2. It shall be unacceptable for a court or other public authority to determine or assess the legality of the appointment of a judge or the appointment of a judicial assessor or the resulting authority to perform tasks in the field of justice.

§ 3. It shall be inadmissible for a court or other public authority to repeal, declare null and void or disregard a ruling issued with the participation of a judge or judicial assessor on the basis of a finding of circumstances or an assessment concerning the appointment of a judge or judicial assessor.

Article 7. § 1. Rulings, acts and actions of a judge or court, including the exclusion of a judge or judicial assessor, which are based on questioning or assessing the status of a person appointed to the office of judge or judicial assessor, shall be invalid by operation of law and shall have no legal effect.

§ 2. Any rulings, acts, court decisions and actions of a judge or court issued in violation of the laws governing the jurisdiction of the chambers of the Supreme Court or the Supreme Administrative Court shall be null and void by operation of law and shall have no legal effect.

Article 8. A judge or judicial assessor may not, invoking the principle of independence, refuse to carry out instructions relating to administrative activities if, under the provisions of the Act, these are part of the duties of a judge, or instructions relating to the efficiency of proceedings. However, a judge or judicial assessor may request that the instruction be issued in writing.

Article 9. § 1. At the request of an entitled person submitted in the course of court proceedings, a judge shall be obliged to submit a written statement on:

1) membership in an association, including a professional and political association – indicating the name and registered office of the association, functions performed and the period of membership;

2) the function performed in a non-commercial foundation – indicating the name and registered office of the foundation and the period of performing the function;

3) membership in a political party prior to appointment as a judge, as well as during the period of office prior to 29 December 1989 – indicating the name of the party, functions performed and period of membership.

§ 2. The following persons are entitled to submit the application referred to in § 1 in proceedings:

1) in cases concerning fiscal offences and fiscal petty offences – the party;

2) in cases concerning petty offences – a party;

3) in cases concerning the liability of collective entities for acts punishable by law – a party and an applicant;

4) in criminal proceedings – a party;

5) in juvenile cases – a party;

6) in civil proceedings – a party and a participant in the proceedings;

7) disciplinary – party;

8) in cases heard before administrative courts – party and participant in the proceedings with the rights of a party;

9) before the Supreme Court – party or participant in the proceedings.

§ 3. The application referred to in § 1 may be submitted by the entitled person through the competent president of the court within 14 days of the date of delivery of the notice of the composition of the court. After the expiry of the time limit referred to in the first sentence, the right to submit the application shall expire. The entitled person shall be informed of the right to submit the application in the notification of the composition of the court.

§ 4. The motion referred to in § 1 shall comply with the conditions for pleadings applicable to the proceedings in which it is submitted and shall also contain a request for the judge to make a statement on the circumstances referred to in § 1(1)-(3).

§ 5. The application referred to in § 1, submitted after the deadline, shall be rejected.

§ 6. The judge shall submit the statement referred to in § 1 to the case file within 14 days of the date of delivery of the application and shall send a copy thereof to the competent president of the court.

§ 7. If the judge fails to submit the statement within the time limit referred to in § 6 or if he refuses to submit the statement, the president of the competent court shall publish this fact within 3 days in the Public Information Bulletin on the website of the competent court or notify the National Council of the Judiciary and the competent Disciplinary Commissioner for judges of Ordinary Courts, the Disciplinary Commissioner of the Supreme Administrative Court or the Disciplinary Commissioner of the Supreme Court.

§ 8. The competent Disciplinary Commissioner shall take investigative measures within 14 days of being notified of a judge's failure to submit a statement within the time limit or refusal to submit a statement.

§ 9. The provisions of § 1-8 shall apply accordingly to judicial assessors.

Article 10. § 1. Intentional refusal to administer justice shall be tantamount to resignation from the position of judge.

§ 2. Intentional refusal to administer justice shall be understood as:

1) refusal of a judge to participate in a court composed of judges or judicial assessors due to the determination of the non-existence or assessment of their status;

2) the revocation, recognition as non-existent, or omission of a ruling or order issued with the participation of a judge or judicial assessor due to the determination of circumstances or assessment of their appointment or nomination;

3) the exclusion of another judge or judicial assessor due to the determination of circumstances or assessment concerning their appointment or nomination, or due to the assessment of their independence or impartiality resulting from the fact of their appointment or nomination by the President of the Republic of Poland at the request of the National Council of the Judiciary, submitted between 5 March 2018 and 13 May 2026.

§ 3. In the case referred to in § 2(1), the president of the competent court shall, within 7 days, summon the judge in writing to resume the administration of justice within 14 days of the date of delivery of the summons and shall send a copy of the summons to the President of the Republic of Poland and the National Council of the Judiciary.

§ 4. The president of the competent court shall publish information about the summons of the judge to resume the administration of justice referred to in § 3 in the Public Information Bulletin on the website of the competent court immediately, but no later than within 7 days from the date of sending the summons.

§ 5. The judge's employment relationship shall expire by operation of law:

1) on the day following the ineffective expiry of the deadline specified in the summons referred to in § 3;

2) on the day following the date of refusal to administer justice in the cases referred to in § 2 points 2 and 3.

§ 6. The president of the competent court shall immediately notify the President of the Republic of Poland, the National Council of the Judiciary and the Minister of Justice of the judge's resignation, specifying the date of resignation in the notification.

§ 7. In the case of a judge delegated by the competent authority, the actions referred to in § 3, 4 and 6 shall be taken by the president of the court where the administration of justice was refused.

§ 8. The provisions of § 1-7 shall apply accordingly to assistant judges.

Article 11. § 1. Judges and assistant judges may not belong to a political party or trade union.

§ 2. Judges and judicial assessors may not belong to an association, including professional and political associations, whose statutes require their members to comply with the resolutions of the bodies or authorities of that association, nor may they engage in public activities that are incompatible with the principles of the independence of the courts and the independence of judges and judicial assessors.

Article 12. For damage caused by a ruling referred to in Art. 7 § 1 and § 2, deciding the case on its merits or terminating the proceedings in another manner, joint and several liability shall be borne by the judge or judicial assessor who participated in issuing the ruling, and by the State Treasury.

Chapter 3

Special rules on disciplinary liability of judges and judicial assessors

Article 13. A judge and judicial assessor shall also be subject to disciplinary liability for actions or omissions related to the administration of justice and for actions or omissions not related to the administration of justice, consisting in:

- 1) questioning the validity of, disregarding or refusing to apply the Constitution and statutes in the area regulating the system of courts and tribunals and the procedure for appointing a judge or judicial assessor;
- 2) knowingly applying a legal act or provision of a legal act which has been repealed by a ruling of the Constitutional Tribunal;
- 3) questioning the existence of constitutional state bodies, undermining their competence or authority, and questioning their constitutional or statutory powers;
- 4) undermining the existence or effectiveness of Constitutional Tribunal rulings or disregarding them in their application;
- 5) assessing the effectiveness of resolutions adopted in individual cases by the National Council of the Judiciary in the period from 5 March 2018 to 13 May 2026, disregarding their application, or declaring them invalid or non-existent;
- 6) acting or refraining from acting on the basis of a determination of non-existence or an assessment of the status of a judge or judicial assessor;

7) action or omission due to the assessment of the independence or impartiality of a judge or judicial assessor resulting from the fact of his or her appointment or nomination by the President of the Republic of Poland at the request of the National Council of the Judiciary submitted between 5 March 2018 and 13 May 2026;

8) membership of a political party, trade union or association, including a professional or political association whose statutes require its members to comply with the resolutions of the bodies or authorities of that association;

9) conducting public activities that are incompatible with the principles of independence of judges and judicial assessors.

Article 14. § 1. Eight years after the commission of the act referred to in Art. 13, disciplinary proceedings may not be instituted.

§ 2. If disciplinary proceedings are initiated before the expiry of the period referred to in § 1, the disciplinary limitation period shall expire ten years after the act was committed.

§ 3. In matters not regulated by Articles 13 and 14, the provisions of the Act of 21 August 1997 – Law on the System of Military Courts (Journal of Laws of 2025, item 1614) and the Act of 27 July 2001 – Law on the System of Ordinary Courts (Journal of Laws of 2024, item 1614) shall apply to the disciplinary liability of judges and assistant judges. item 1614), the Act of 27 July 2001 – Law on the System of Ordinary Courts (Journal of Laws of 2024, items 334 and 1907, of 2025, items 526, 820, 1172, 1178 and 1609, and of 2026, item 26), the Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2024, item 622 and of 2026, item 26) and the Act of 25 July 2002 – Law on the System of Administrative Courts (Journal of Laws of 2024, item 1267).

Chapter 4 **Criminal liability**

Article 15. § 1. A public official who, within the scope of his or her professional or official duties or powers, persistently questions the constitutional or statutory powers of the President of the Republic of Poland, the Constitutional Tribunal, the National Council of the Judiciary and the State Tribunal, or the acts or rulings issued by these bodies, or other constitutional or statutory activities performed by these bodies, shall be subject to imprisonment for a term of between 6 months and 5 years.

§ 2. If the perpetrator commits the act specified in § 1 in order to obtain financial or personal gain, they shall be subject to imprisonment for a term of between one and ten years.

§ 3. A public official who acts within the scope of their constitutional or statutory powers shall not be guilty of the offence specified in § 1 and § 2.

Article 16. § 1. A public official who, within the scope of their professional or official duties or powers, persistently questions the validity of the Constitution or laws regulating the system of courts and tribunals and the procedure for appointing judges or judicial assessors, or disregards or refuses to apply them, shall be subject to imprisonment for a term of between 6 months and 5 years.

§ 2. A public official who, within the scope of his or her professional or official duties or powers, determines or assesses the legality of the appointment of a judge or the appointment of a judicial assessor or the resulting power to perform tasks in the field of justice, shall be subject to imprisonment for a term of between 6 months and 5 years.

§ 3. A public official who acts within the scope of his or her constitutional or statutory powers shall not be guilty of the offence referred to in § 1 and 2.

Chapter 5 **Amendments to the provisions in force**

Article 17. The Act of 21 August 1997 - Law on the System of Military Courts (Journal of Laws of 2025, item 1614) shall be amended as follows:

- 1) Article 23a shall be repealed;
- 2) in Article 37 § 4, point 3 shall be repealed.

Article 18. In the Act of 27 July 2001 – Law on the System of Ordinary Courts (Journal of Laws of 2024, items 334 and 1907, of 2025, items 526, 820, 1172, 1178 and 1609, and of 2026, item 26):

- 1) Article 20a shall be repealed:
- 2) Article 20b shall be added, reading as follows:

"Article 20b § 1. The President of the Republic of Poland, having regard to the rational use of the personnel of the ordinary courts, the needs arising from the workload of individual courts, shall announce in the Public Information Bulletin on the website of the Chancellery of the President of the Republic of Poland the number of vacant judicial and assessor positions to be filled in individual courts.

§ 2. In the event of a vacancy in a judicial position in a court operating within a given appellate jurisdiction, the president of the relevant court shall notify the President of the Republic of Poland thereof within fourteen days of the date of the vacancy. The President of the Republic of Poland, on the basis of the criteria referred to in § 1, shall announce the vacant judicial position in the Public Information Bulletin on the website of the Office of the President of the Republic of Poland or abolish the position.

§ 3. In the event of a planned vacancy of a judicial position in a court operating within a given appellate jurisdiction due to a judge reaching retirement age, the president of the appellate court shall notify the President of the Republic of Poland thereof no later than five months before the position becomes vacant. The provision of § 2, second sentence, shall apply accordingly.

§ 4. The President of the Republic of Poland may, prior to the announcement referred to in § 2 and 3, consult the president of the competent court, the National Council of the Judiciary or the Minister of Justice.

§ 5. The announcement referred to in § 1-3 shall be an official act of the President of the Republic of Poland consisting in making public, in an authoritative manner, information on vacant judicial and assessor positions to be filled in individual courts.

§ 6. An assessor position shall be transformed by operation of law into a judge position upon the appointment of the judicial assessor holding it to the office of judge.

§ 7. A vacant judicial position shall not be announced if it is filled by the transfer of a judge of an equivalent court or in the manner specified in Article 74 or by the transfer of a judicial assessor.

3) in Article 41:

a) in § 1 and § 1a, the words ‘Minister of Justice’ shall be replaced by the words ‘President of the Republic of Poland’,

b) after § 3, § 4 shall be added, reading as follows:

‘§ 4. If the National Council of the Judiciary does not express the opinion referred to in § 1 and § 1a within 30 days of the date of submission of the draft regulation for its opinion, the opinion shall be deemed to be positive.’;

4) Article 42a shall be repealed;

5) in Article 107, § 3, point 3 shall be repealed.

Article 19. The Act of 25 July 2002 - Law on the System of Administrative Courts (Journal of Laws of 2024, item 1267) shall be amended as follows:

1) in Article 5, § 1a - 1§c shall be repealed;

2) Article 5a shall be repealed;

3) in Article 29 § 1:

a) point 4 shall be repealed;

b) point 5 shall read as follows:

“5) Article 31 of the Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2024, item 622 and of 2026, item 26) shall apply accordingly to the submission of candidacies for vacant positions of judge and assistant judge in a voivodship administrative court and to the competition procedure, except that the President of the Republic of Poland shall announce vacant positions of judge and assistant judge in the Public Information Bulletin on the website of the Office of the President of the Republic of Poland.”;

c) points 6 and 7 shall be added as follows:

"6. The President of the Republic of Poland, after consulting the President of the Supreme Administrative Court, shall announce in the Public Information Bulletin on the website of the

President of the Republic of Poland the number of vacant judge and assessor positions to be filled in individual voivodship administrative courts.

7. In the event of a vacancy for a judge or judicial assessor in a voivodship administrative court, the President of the Supreme Administrative Court shall notify the President of the Republic of Poland thereof within 14 days of the date of the vacancy. The President of the Republic of Poland shall announce the vacant judicial position or abolish the position in the Public Information Bulletin on the website of the Office of the President of the Republic of Poland.

4) in Article 48 § 6, point 3 shall be repealed.

Art. 20. The Act of 17 June 2004 on complaints against violations of the right of a party to have their case examined in preparatory proceedings conducted or supervised by a prosecutor and in court proceedings without undue delay (Journal of Laws of 2023, item 1725) shall be amended as follows:

1) Article 1(2) shall read as follows:

"2. The provisions of the Act shall apply accordingly where, as a result of the action or inaction of a court or a court enforcement officer, the right of a party to conduct and conclude without undue delay an enforcement case or other case concerning the enforcement of a court decision, as well as a case concerning the granting of an enforcement clause to an enforcement title, has been violated.";

2) in Article 2, after paragraph 2, paragraph 3 shall be added, reading as follows:

"3. Where a ruling has been overturned in proceedings due to the court's determination or assessment of circumstances relating to the appointment of a judge or judicial assessor, or the resulting authority to perform judicial functions, the complaint may only be dismissed if the party lodging the complaint referred to in Article 2(1) has contributed to the prolongation of the proceedings by its conduct, in particular by requesting the court to determine or assess the appointment of a judge or the appointment of a judicial assessor or the resulting authorisation to perform judicial functions." ;

3) in Article 3, point 7 shall read as follows:

‘7) in enforcement proceedings and other proceedings concerning the enforcement of a court ruling, as well as in proceedings for the issuance of an enforcement clause - the party and other persons exercising their rights in those proceedings.’;

4) in Article 12

a) paragraph 4 shall read as follows:

"4. If the complaint is upheld, the court shall, at the request of the complainant, award a sum of money ranging from PLN 4,000 to PLN 40,000 from the State Treasury, and in the case of a complaint about the excessive length of proceedings conducted by a court enforcement officer, from the court enforcement officer. The amount of money, within the limits specified in the first sentence, shall be not less than PLN 1,000 for each year of the proceedings to date, regardless of how many stages of the proceedings are affected by the established excessive

length of the proceedings. The court may award a sum of money higher than PLN 1,000 for each year of the proceedings to date if the case is of particular importance to the complainant, who has not contributed to the prolongation of the proceedings through his own fault. This sum shall include amounts already awarded to the complainant as a sum of money in the same case. When awarding a sum of money to the complainant, the court shall indicate the period of delay to which it relates. No monetary sum shall be awarded if the complaint lodged by the State Treasury or state public finance sector entities is upheld.

b) after paragraph 4, paragraph 4a shall be added, reading as follows:

‘4a. In the case referred to in Article 2(3), the monetary sum awarded may not be less than PLN 6,000.’

Article 21. The Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2024, item 622 and of 2026, item 26) shall be amended as follows:

1) in Article 26, § 2 and 3 shall be repealed;

2) in Article 29, § 2-25 shall be repealed;

3) in Article 31:

a) § 1 shall read as follows:

“§ 1. The President of the Republic of Poland shall announce in the Public Information Bulletin on the website of the Chancellery of the President of the Republic of Poland the number of vacant judge positions to be filled in individual chambers of the Supreme Court.

b) § 1a shall be added after § 1, reading as follows:

“§ 1a. Within fourteen days of a vacancy arising for a judge in the Supreme Court, the First President of the Supreme Court shall notify the President of the Republic of Poland thereof, presenting his opinion at the same time”;

4) in Article 72 § 6, point 3 shall be repealed;

5) § 2 shall be repealed in Article 82.

Chapter 6

Transitional and final provisions

Article 22. § 1. The provisions of this Act shall apply to cases initiated and not completed before the date of entry into force of this Act, the subject matter of which is the administration of justice by judges and judicial assessors.

§ 2. The provisions of Article 7 of this Act shall not apply to judgments, acts and actions of a court or judge issued or performed before the date of entry into force of this Act.

§ 3. A request for a judge or judicial assessor to submit the statement referred to in Article 9 § 1 of this Act, if the composition of the court has been notified, may be submitted by an

authorised person within 30 days of the date of entry into force of this Act. After the expiry of the period referred to in the first sentence, the right to submit a request shall expire, and requests submitted after the deadline shall be rejected.

§ 4. Cases initiated and not completed before the date of entry into force of this Act concerning disciplinary liability referred to in Article 13 of this Act shall be governed by the existing provisions.

Article 23. Proceedings initiated and not completed before the date of entry into force of this Act on the basis of a request to examine whether a judge meets the requirements of independence and impartiality, taking into account the circumstances accompanying his appointment and his conduct after appointment, referred to in the repealed:

- 1) Article 23a of the Act amended by Article 17 of this Act,
- 2) Article 42a of the Act amended by Article 18 of this Act,
- 3) Article 5a of the Act amended by Article 19 of this Act,
- 4) Article 29 § 2-25 of the Act amended by Article 21 of this Act

- shall be discontinued by operation of law on the date of entry into force of this Act.

Article 24. Proceedings initiated and not completed before the date of entry into force of this Act before the Extraordinary Control and Public Affairs Chamber of the Supreme Court, on the basis of motions or statements concerning the exclusion of a judge or the designation of a 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, referred to in the repealed Article 26 § 2 and 3 of the Act amended in Article 21, shall be discontinued by operation of law on the date of entry into force of this Act.

Article 25. Announcements by the President of the Republic of Poland on the number of vacant judge positions to be filled in individual chambers of the Supreme Court and announcements by the President of the Republic of Poland on vacant administrative judge and assessor positions issued before the date of entry into force of this Act, which have not been published in the Official Journal of the Republic of Poland “Monitor Polski”, by the date of entry into force of this Act, shall be published in the Public Information Bulletin on the website of the Office of the President of the Republic of Poland.

Art. 26. The Act shall enter into force 14 days after its announcement.
