

Warsaw, 8th October 2021

982/2021/PSP

**The European Court of Human Rights
President of the First Section**
Council of Europe
67075 Strasbourg-Cedex
France

**Ref. Janusz Leszek Bieliński and others v. Poland
Application no. 76813/16 and 22 other applications**

Pursuant to the letters of Ms Renata Degener, the Section Registrar of the European Court of Human Rights (hereinafter also referred to as "ECtHR", "Court") dated 17 September 2021 granting leave to make written submission to the Court by 8 October 2021, the Helsinki Foundation for Human Rights with its seat in Warsaw, Poland, would like to respectfully present its written comments on the case of Janusz Leszek Bieliński and others against Poland (application no. 76813/16 and 22 other applications).

On behalf of the Helsinki Foundation for Human Rights,



Lenur Kerymov

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WRITTEN COMMENTS
BY
THE HELSINKI FOUNDATION FOR HUMAN RIGHTS
Janusz Leszek Bieliński and others v. Poland
(application no. 76813/16 and 22 other applications)

EXECUTIVE SUMMARY

- The case of *Bieliński and others v. Poland* concerns excessive length of proceedings carried out on the basis of controversial law (“Act on Pensions”) which reduced the amount of pension benefits of persons recognised as performing “service for the totalitarian state”.
- According to the statistical data gathered by the HFHR, until 14 April 2021 the competent authority (“ZER MSWiA”) issued more than 56,500 decisions reducing the amount of pension benefits on the basis of the Act on Pensions. A total of 22,510 beneficiaries submitted 25,900 challenges against those re-assessment decisions.
- Challenges against the ZER MSWiA decisions are, as a rule, considered by the Circuit Court in Warsaw, however around 7,010 cases were referred to other circuit courts.
- In January 2018, the Circuit Court in Warsaw referred a question to the Constitutional Tribunal concerning the constitutionality of the Act on Pensions. Subsequently, many proceedings concerning challenges against ZER MSWiA decisions pending before circuit courts were suspended.
- Parties to proceedings may file an interlocutory appeal against decisions to suspend proceedings or decision to not to resume suspended proceedings. Analysis of the case-law of Polish courts reveal that in some cases such appeals were successful. However, the HFHR estimates that in the first half of 2021 there were more than 13,000 proceedings suspended in connection to the proceedings pending before the Constitutional Tribunal.
- As a result of suspension of proceedings and large number of challenges, excessive length of proceedings concerning challenges against decisions to reduce the amount of pension benefits on the basis of the Act on Pensions became a systemic problem.
- Individuals do not have access to any remedy by which they could directly challenge excessive length of proceedings before the Constitutional Tribunal.
- Parties may file a complaint against excessive length of suspended proceedings pending before ordinary courts, however according to the dominant view while considering such complaints courts do not review reasonableness of decision to suspend proceedings.

I. INTRODUCTION

1. This third party intervention is submitted by the Helsinki Foundation for Human Rights (hereinafter: “HFHR”), pursuant to the leave granted by the President of the Section on 17 September 2021.

2. The case of *Bieliński and others v. Poland* concerns issues of fundamental importance for the system of human rights protection in Poland. The applicants’ pensions were reduced on the basis of the Act of 16 December 2016 amending the Act of 18 February 1994 on the law on old-age pensions of functionaries of the police, the Internal Security Agency, the Intelligence Agency, the Military Counter-Intelligence Service the Military Intelligence Service, the Central Anti-Corruption Bureau, the Border Guard, the

Government Protection Bureau, the State Fire Service, the Prison Service and their families (hereinafter: “Act on Pensions”). The said act reduced retirement pensions and certain other benefits of persons classified as “serving for the totalitarian state”. What is important, reductions concerned not only those persons who committed unlawful acts or participated in persecutions of the democratic opposition in times of communism but also those who were not engaged in any illegal or unethical actions and continued their service in, for example, the Police after the democratic transition. The said law raised serious controversies and was perceived by many as inconsistent with the Constitution and international law.

3. The present case does not concern the essence of the Act on Pensions, but the procedure concerning the challenges against decisions to reduce the amount of pension benefits. Given the nature of the amicus curiae brief and the scope of the leave granted by the Court, we do not refer to the specific circumstances *Bieliński and others v. Poland*. The comments presented below will focus on general aspects of the Act on Pensions and its practical functioning.

4. In our written comments we focus on three issues. First, we briefly describe the essence of changes introduced by the Act on Pensions. Second, we analyse statistical data concerning the practical functioning of the Act on Pensions and jurisprudence of various Polish courts which decided to suspend the examination of challenges against reduction decisions in view of the proceedings pending before the Constitutional Tribunal. This part of the opinion is based on the recent HFHR report *The law on the reduction of benefits for officers of uniformed services. Ex-post regulatory impact assessment*¹ (the “Report”). Third, we briefly analyse whether there are any remedies in the Polish law against the excessive length of proceedings before the Constitutional Tribunal.

II. THE ACT ON PENSIONS

5. The Act on Pensions was not the first statute aimed at reduction of privileges of former officials of communist security services in the area of retirement pensions. Already in 2009 the Parliament adopted a law which reduced retirement pensions of such officials and both the Constitutional Tribunal², as well as the European Court of Human Rights³ found such regulation acceptable. However, according to the Minister of the Interior and Administration, who presented a proposal of a 2016 Act on Pensions, the new law was necessary because the 2009 Act has proven to be insufficiently effective.⁴

6. Already at the stage preceding the tabling of the proposed law at the Sejm, concerns were expressed as to its conformity with the Constitution and international human rights standards. What is particularly interesting in the context of the present case Undersecretary of State in the Ministry of Justice⁵ pointed to possible problems resulting from the fact that all challenges against decisions to reduce pensions would be heard by the Circuit Court in Warsaw. The Ministry estimated that the Circuit Court may receive

¹ M. Szwed, *Ustawa o obniżeniu świadczeń funkcjonariuszom służb mundurowych – ocena skutków regulacji ex post. (The law on the reduction of benefits for officers of uniformed services. Ex-post regulatory impact assessment)*, Warszawa 2021, <https://www.hfhr.pl/wp-content/uploads/2021/07/Raport-HFPC-II-ustawa-emerytalna-07-2021.pdf>.

² Judgment of the Constitutional Tribunal 24 February 2010, case no. K 6/09.

³ *Cichopek and other v. Poland* (dec.), 14 May 2013, app. no. 15189/10 and others.

⁴ The proposal can be accessed at <https://legislacja.rcl.gov.pl/docs//2/12287556/12366411/12366412/document231784.pdf>.

⁵ Letter of 13 September 2016, available at <https://legislacja.rcl.gov.pl/docs//2/12287556/12366411/12366414/dokument252016.pdf>.

about 31,000 such challenges. The letter reads that to be able to efficiently examine the challenges, the Circuit Court in Warsaw would have to employ additional 25 judges, 12 judicial clerks and 62 supporting clerical workers over the period of 3 years. Given the possibility of appealing against the judgment issued in the first instance, at least 5 judges, 3 judicial clerks and 12 clerical workers would need to be delegated to the Court of Appeal in Warsaw, the author of the letter concludes.

7. Notwithstanding the aforementioned concerns, the Sejm adopted the Act on Pensions on 16 December 2016. This, however, was accompanied by serious controversy resulting from the circumstances in which the Sejm was debating that day. Following the opposition's protest at the exclusion of one of deputies from the Sejm deliberations, the Sejm's sitting was moved from the Plenary Chamber to the Column Hall. According to some lawyers this sitting was carried out with violation of law: not all deputies of the opposition had a chance to participate in and there were also doubts as to whether the relevant quorum requirement had been met.⁶ Nevertheless, the law was adopted. It entered into force on 1 January 2017 (i.e. 2 days after its publication), with the exception of two provisions that became effective 9 months later.

8. The measures provided for in the Act on Pensions are applied against persons who performed "service for the totalitarian state" within the meaning of Article 13b of the 1994 Act. This provision lists a number of military and civilian institutions. This catalogue is very broad and includes roles that were not directly related to the suppression of the opposition and use of violence – "service for the totalitarian state" also includes e.g. employment at the Personal Identification Registration Department of the Ministry of the Interior. However, in the resolution of 16 September 2020 (ref. no. III UZP 1/20), the Supreme Court, applying the pro-constitutional interpretation of the provisions of the Act on Pensions, held that the criterion of "service for the totalitarian state" should be assessed on the basis of all the circumstances of the case, including individual actions of functionaries and their verification in terms of violation of fundamental human rights and freedoms. Therefore, according to the Supreme Court, the mechanism of reduction of pensions provided the Act on Pensions must be applied in an individualised and not automatic manner.

9. Article 15c, introduced to the 1994 Act by the Act on Pensions, is a provision of a fundamental relevance given the purpose of the Act. It provides that the basis of assessment of old-age pension benefits payable to persons who performed "service for the totalitarian state" within the meaning adopted in the Act and remained in service before 2 January 1999 is 0% for each year of service for the totalitarian state and 2.6% for each year of other service or periods equivalent to service. The amount of the pension thus determined may be increased by the application of additional coefficients specified in the 1994 Act (see above), unless "the circumstances justifying the increase occurred in connection with the performance of service for the totalitarian state" (Article 15c (2) of the 1994 Act).

10. In other words, when determining the amount of the pension, the period of "service for the totalitarian state" is entirely disregarded, but if a given functionary continued employment in the services of Democratic Poland the further period of employment is taken into account and a coefficient of 2.6% for each year of service is applied. However, in accordance with Article 15c (3) of the 1994 Act, the amount of the pension of a

⁶ R. Balicki, "O sejmowym posiedzeniu, którego nie było - uwagi na marginesie obrad w Sali Kolumnowej w dniu 16 grudnia 2016 r." (*On the Sejm sitting that was not -- remarks on the sidelines of the deliberations in the Column Hall on 16 December 2016*), *Gdańskie Studia Prawnicze* 2018, vol. XL, pp. 421-423.

functionary who performed, even briefly, “service for the totalitarian state” “may not be higher than the monthly amount of the average pension paid by the Social Insurance Institution from the Social Insurance Fund, as notified by the President of the Social Insurance Institution”.

11. It is therefore worth emphasising that the measures provided for in the Act on Pensions are not limited to the reduction of pension benefits for the period of “service for the totalitarian state”. Even if a given functionary worked in the Communist services for a relatively brief period and subsequently they continued their career in uniformed services of Democratic Poland, which would result in a relatively minor reduction of their pension pursuant to Article 15c (1) of the 1994 Act, they will still have their pension reduced pursuant to Article 15c (3) of the 1994 Act to the amount not higher than the amount of the average pension paid by ZUS.

12. The Act on Pensions also reduced the amount of disability pension benefits payable to functionaries who “performed service for the totalitarian state”. The amount of survivor’s pension benefits payable to family members of deceased functionaries who “performed service for the totalitarian state” was likewise reduced.

13. A mechanism that could theoretically mitigate the measures introduced in the Act on Pensions is the competence of the minister in charge of internal affairs to waive the reduction of old-age pensions, disability pensions and survivor’s pension benefits in specific cases. The minister can use this discretion “in particularly justified cases” taking into account the short duration of a person’s service before 1 August 1990 and their diligent performance of tasks and duties after 12 September 1989, especially if the performance of those tasks and duties involved a risk to their life or health. However, according to data obtained by the HFHR, until 16 March 2021 the Minister received 4992 motions for the application of exclusion from reduction of pensions but issued only 38 positive decisions.⁷ The negative decision of the Minister may be challenged to administrative court. As of 18 March 2021, the Regional Administrative Court in Warsaw issued 339 final judgments quashing negative decision of the Minister (and 165 final judgments dismissing complaints against such decisions).⁸ However, the mere issuance of a judgment granting a complaint against the Minister’s decision does not result in an automatic waiver of reduction of complainant’s pension. The effect of such judgment is only the need to reconsider the case by the Minister.

III. THE OPERATION AND APPLICATION OF THE ACT ON PENSIONS

1. Number of issued decisions

14. The Board for Pensions of the Ministry of the Interior and Administration (*Zakład Emerytalno-Rentowy Ministerstwa Spraw Wewnętrznych i Administracji*, hereinafter “ZER MSWiA”) issued a total of 56,544 decisions on the re-assessment of pension benefits (as of 14 April 2021).⁹

⁷ This information was made available to the HFHR as part of the access to public information procedure by the Director the Security Department in the Ministry of Internal Affairs and Administration in a letter dated 23 March 2021.

⁸ This information was made available to the HFHR as part of the access to public information procedure by the Deputy Head of the Department of Court Information of the Regional Administrative Court in Warsaw in a letter dated 19 March 2021.

⁹ The above data result from a letter of ZER MSWiA of 14 April 2021.

15. Between the date of entry into force of the Act on Pensions (1 October 2017) and 14 April 2021, ZER MSWiA received 25,900 challenges against re-assessment decisions. They were submitted by a total of 22,510 beneficiaries.

16. Pursuant to Article 461 § 2¹ of the Code of Civil Procedure¹⁰ (CCP), the Circuit Court in Warsaw is the authority competent to examine such challenges. As of 28 February 2021, a total of 25,487 challenges were registered in that court, a vast majority (23,973) of which were filed in 2018.¹¹

17. It should be noted, however, that the provisions of the CCP allow the case to be referred, by way of exception, to an equivalent court other than the one with general jurisdiction. As a result of the application these provisions, a total of 7,010 cases were referred to other circuit courts across Poland (as of 7 May 2021).¹²

2. Suspension of proceedings involving challenges against decisions of ZER MSWiA

18. On 24 January 2018, the Circuit Court in Warsaw issued a decision to refer a question on a point of law to the Constitutional Tribunal (*Trybunał Konstytucyjny*, "TK"). The question concerned the constitutionality of provisions of the Act on Pensions. This case, registered as P 4/18, has not yet been resolved by the TK. Initial hearing was scheduled for 17 March 2020 but it did not take place due to the coronavirus pandemic. In the following months the date of hearing had been rescheduled several times: from 17 March to 21 April, from 21 April to 19 May, from 19 May to 2 June, from 2 June to 15 July. The first hearing in the case took place on 15 July 2020. However, the hearing did not finish on that day and it was adjourned until 18 August 2020. On that day the hearing was continued but it was again adjourned until 11 September 2020. The hearing planned on 11 September 2020 did not take place and it was rescheduled to 6 October 2020. On 6 October 2020 the TK closed the hearing and informed that the judgment would be announced on 13 October 2020. Subsequently, the TK informed that the judgment would not be issued on 13 October 2020 but one week later. However, the judgment was not issued and the TK decided to reopen the hearing. The new hearing was scheduled for 17 June 2021 but eventually it was cancelled. As a result, the case is still pending. In the meantime, on 16 June 2021, the TK announced a judgment in different case concerning constitutionality of the Act on Pensions¹³ but its scope was relatively limited.

19. What is important, the courts generally invoked the above question on a point of law submitted by the Circuit Court in Warsaw as a basis for suspending proceedings in cases of challenges against decisions of ZER MSWiA. The legal basis for such action was Article 177 § 1 (3¹) CCP, according to which "a court may suspend proceedings ex officio ... if the resolution of the case depends on the outcome of proceedings before the Constitutional Tribunal or the Court of Justice of the European Union".

20. The Circuit Court in Warsaw suspended 18,539 proceedings, out of which 16,638 were stayed due to the Court's referral of the question on a point of law to the Constitutional Tribunal in case no. P 4/18 (as of 7 May 2021). Other courts also

¹⁰ The Act of 17 November 1964 – Code of Civil Procedure, consolidated text: Journal of Laws of 2020, item 1575, as amended.

¹¹ The above data result from a letter of Deputy President of the Circuit Court in Warsaw dated 24 April 2021.

¹² This information, as well as all data on the jurisprudence of the Circuit Court in Warsaw referred to in the following sections of this brief, was made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Warsaw in a letter dated 7 May 2021.

¹³ Judgment of the Constitutional Tribunal of 16 June 2021, ref. no. P 10/20.

suspended proceedings in connection with the case pending before the Constitutional Tribunal. The relevant information is shown in a table constituting Appendix 1 to the brief.¹⁴ In total, the 41 courts (other than the Circuit Court in Warsaw) that responded to our survey suspended 3,787 proceedings. The overwhelming majority of as many as 3,369 proceedings, (almost 90%) were suspended in connection with the proceedings pending before the Constitutional Tribunal. This figure is probably even higher, as two courts did not reply to the question concerning this specific ground for suspension.

21. A decision to suspend the proceedings may be challenged by way of an interlocutory appeal (*zażalenie*) to a higher court (art. 394 § 1 (5) CCP). It is also possible to file an interlocutory appeal against a decision to not to resume suspended proceedings. In the case at hand, “higher court” means the court of appeal with territorial jurisdiction over the circuit court. As of 22 March 2021, the Court of Appeal in Warsaw¹⁵ considered a total of 3,203 interlocutory appeals against the suspension of the challenge proceedings against ZER MSWiA decisions, but only 281 appeals (less than 9%) were granted. As many as 267 appeals were granted in 2020 and 2021, which may be impacted by the protracted proceedings before the Constitutional Tribunal. The ratio of granted appeals differ from court to court, for example, the Court of Appeal in Wrocław, granted 62 out of 81 received interlocutory appeals (about 77%), whereas the Court of Appeal in Szczecin granted only 1 out of 96 received interlocutory appeals (1%). The information on the jurisprudence of other courts of appeal is shown in a table constituting Appendix 2 to the brief.¹⁶

22. The rulings made available to the HFHR by selected Polish courts show that when revoking a decision to suspend proceedings (or refusing to resume suspended proceedings), courts of appeal took into account, inter alia, the Constitutional Tribunal's failure to decide the case notwithstanding the considerable lapse of time from the submission of the question on a point of law by the Circuit Court in Warsaw. In some decisions, courts have also aptly recognised the importance of the Convention and constitutional guarantees of the right to be heard within a reasonable time. For example, the Court of Appeal in Warsaw ruled that the “state of suspension” effectively deprived the applicant, possibly indefinitely, of the constitutionally guaranteed right to a court.¹⁷ It is also worth noting a decision of the Court of Appeal in Białystok, which explicitly referred to the case-law of the ECtHR against the background of Article 6 (1) ECHR: “In the context of the reason for the suspension of proceedings invoked by the Circuit Court, i.e. the waiting for the decision of the Constitutional Tribunal, it should also be noted that the case-law of the ECtHR have adopted the view that if the reason for the excessive length of proceedings (the failure to hear a case within a reasonable time) is the waiting for a decision in another case, and thus if the delay in the examination results from the dilatoriness of a court other than the court adjudicating the case, this circumstance is not sufficient to justify the excessive length of the proceedings in the case conducted by the court awaiting the decision of another court (cf. *Waltoś and Pawlicz v. Poland*, 7 July 2009, nos. 28309/06 and 48102/06).”¹⁸ Finally, some courts of appeal noted that the court

¹⁴ The table was compiled based on statistical data made available at information provided by 46 circuit courts as part of the access to public information procedure.

¹⁵ All data referred to regarding the case law of the Court of Appeal in Warsaw were made available to the HFHR as part of the access to public information procedure by the Court of Appeal in Warsaw in an e-mail sent on 23 March 2021.

¹⁶ The table was compiled based on information provided by 11 courts of appeal as part of the access to public information procedure.

¹⁷ Decision of the Court of Appeal in Warsaw of 20 January 2020, case no. III AUz 947/19.

¹⁸ Decision of the Court of Appeal in Białystok of 22 October 2019, case no. III AUz 123/19.

examining the challenge could engaged in “diffused constitutional review” and refuse to apply provisions found to be incompatible with the Constitution.¹⁹

23. Notably, despite the relatively small number of decisions of courts of appeal lifting the suspension of proceedings, some of the suspended proceedings have been resumed after some time. As it appears, this could have been influenced by several factors: the dragging on proceedings before the Constitutional Tribunal, jurisprudence of courts of appeal, as well as practice of other courts that decided not to suspend challenge proceedings. A crucial role might be played by the resolution of the Supreme Court of 16 September 2020.²⁰

24. Nevertheless, a significant number of proceedings remain suspended. In the Circuit Court in Warsaw, which, as has already been pointed out, deals with the largest number of challenges against ZER MSWiA decisions, as of 7 May 2021 there were 11,145 proceedings suspended in connection with the proceedings before the Constitutional Tribunal. The situation in other courts is shown in a table constituting Appendix 3 to the brief.²¹

25. According to the data disclosed to the HFHR by circuit courts, throughout the country there were 13,028 proceedings suspended in connection to the proceedings pending before the TK. Even though these data may not be fully accurate as some courts seem to have disclosed the number of *all* suspended cases, there is no doubt that the number of suspended proceedings, especially before the Circuit Court in Warsaw, remains very high. Even if all these proceedings were resumed, given their sheer number it would be very difficult to deal with them within a reasonable time.

3. Complaints about the excessive length of proceedings

26. As a significant number of proceedings have been suspended, which resulted in a prolonged waiting time for the resolution of cases, some of the appellants filed complaints against the excessive length of proceedings under the Act of 17 June 2004 on the complaint against a violation of the party's right to have the case heard in preparatory proceedings conducted or supervised by a prosecutor and court proceedings without unreasonable delay²² (the Act on complaints against the excessive length of proceedings).

27. The data made available to us indicate that the number of admitted complaints is very low, as shown in the table constituting Appendix 4 to the brief.²³ Throughout the country, participants in challenge proceedings have rarely used the opportunity to complain about their excessive length. Most of such complaints were submitted to the Court of Appeal in Warsaw (664) but only 9 of them (about 1%) were successful (as of 22 March 2021). The only other court that ruled that proceedings in a challenge case were excessively lengthy was the Court of Appeal in Wrocław, which, as of 19 March 2021, admitted 5 out of 26 received complaints (approx. 20%).

28. In general, therefore, the number of successful excessive length complaints is very small. The reason for this is that, as discussed later in this brief, it is very difficult in practice to raise an allegation of the excessive length of proceedings suspended in

¹⁹ Decision of the Court of Appeal in Łódź of 9 December 2019, case no. III AUz 359/19.

²⁰ See e.g. judgment of the Court of Appeal in Łódź of 11 March 2021, case no. III AUa 210/21.

²¹ The table was compiled based on statistical data made available at information provided by 46 circuit courts as part of the access to public information procedure.

²² A consolidated text published in Journal of Laws of 2018, item 75.

²³ The table was compiled based on information provided by 11 courts of appeal as part of the access to public information procedure.

connection with a case pending before the TK and moreover, there is no separate remedy allowing to challenge directly excessive length of proceedings pending before the TK.

4. Examination of challenges against the merits of ZER MSWiA decisions

29. As indicated above, a significant number of proceedings concerning challenges against decisions to reduce pension benefits issued under the Act on Pensions are still suspended. However, it is worth noting that many proceedings have not been suspended, despite the pending proceedings before the Constitutional Tribunal, as shown in the table constituting Appendix 5 to the brief.²⁴ In addition, number of initially suspended proceedings were subsequently resumed, as shown in the table constituting Appendix 6 to the brief.²⁵

30. Consequently, many courts examine challenges against ZER MSWiA decisions and issue judgments in these cases. The judicial practice of circuit courts is presented in a table constituting Appendix 7 to the brief.²⁶

31. In total, 41 courts that provided the Foundation with complete responses in this regard issued 2,100 judgments in cases involving challenges against ZER MSWiA decisions to reduce the amount of benefits taken under the Act on Pensions. In view of the overall number of challenges against ZER MSWiA decisions, the number of judgments handed down remains to be negligible. However, it may be optimistic for parties who challenged such decisions that 1,882 (approximately 90%) of all judgments delivered in the discussed cases upheld beneficiaries' challenges and amended the contested decisions. Notably, in most of the judgments analysed by the HFHR, the contested decision was amended and the benefits were restored to their pre-reduction amounts.²⁷

32. The above-mentioned data concern only the judgments issued in the first instance, only a small portion of which were final and unappealable at the time when the courts considered the HFHR's access to public information requests. One should thus analyse also the jurisprudence of courts of appeal, which is presented in table constituting Appendix 8 to the brief²⁸.

33. The data presented in the table show that the number of judgments handed down by courts of appeal in the discussed cases is still negligible. This is probably due to the fact that a significant portion of circuit courts' judgments was issued in 2020 and 2021, which is relatively recent. However, the data presented above show that courts of appeal rarely affirm the appeals of ZER MSWiA. It can therefore be expected that, in general, the jurisprudence of circuit courts, which is favourable for the insured, will not be challenged by courts of appeal.

²⁴ The table was compiled based on statistical data made available at information provided by 46 circuit courts as part of the access to public information procedure.

²⁵ The table was compiled based on statistical data made available at information provided by 46 circuit courts as part of the access to public information procedure.

²⁵ The table was compiled based on statistical data made available at information provided by 46 circuit courts as part of the access to public information procedure.

²⁷ As in, for example, the judgment of the Circuit Court in Katowice of 14 November 2019, case no. X U 436/19; the judgment of the Circuit Court in Białystok of 2 December 2020, case no. V U 673/19; the judgment of the Circuit Court in Lublin of 15 May 2019, case no. VIII U 498/19; the judgment of the Circuit Court in Warsaw of 13 November 2020, case no. XIII 1U 3949/18.

²³ The table was compiled based on information provided by 11 courts of appeal as part of the access to public information procedure.

IV. LACK OF DOMESTIC REMEDIES TO CHALLENGE EXCESSIVE LENGTH OF PROCEEDINGS BEFORE THE CONSTITUTIONAL TRIBUNAL

34. Under the Polish law, the legal act governing the legal remedy available to a party to excessively lengthy proceedings is the Act on complaints against the excessive length of proceedings. The scope of this act, however, is limited to court proceedings and preparatory criminal proceedings. Therefore, it does not apply to proceedings before the Constitutional Tribunal. Importantly, also the Act on the organization and the mode of proceedings before the Constitutional Tribunal does not provide for any remedy against excessive length of proceedings before this body.

35. In the light of the above, there is no doubt that persons who have lodged a constitutional complaints do not have access to any remedy by which they could demand examination of the excessive length of proceedings before the Constitutional Tribunal.

36. The situation of parties to court proceedings suspended due to a question on a point of law referred by that court or due to a case pending before the Constitutional Tribunal initiated by another authority is slightly more complex. In such cases, the party also does not have access to a remedy to challenge directly the excessive length of proceedings before the Constitutional Tribunal, but theoretically it is possible to file a complaint on the excessive length of the suspended court proceedings. While assessing the effectiveness of such action, however, several factors must be taken into account. Firstly, the dominant view in the case law is that in the proceedings initiated by a complaint on the excessive length of the proceedings, the court does not analyse the justification for suspension of the proceedings because this issue may only be examined in proceedings concerning interlocutory appeal against a decision to suspend the proceedings (or to refuse to resume the suspended proceedings).²⁹ Different views were also presented,³⁰ although they seem to remain in the minority. At the same time, if the proceedings have been suspended in accordance with the law and the court's decision in this respect (or as to the refusal to resume the proceedings) has not been quashed, it is difficult to challenge excessive length of proceedings, as pursuant to Art. 179 § 3 of the Code of Civil Procedure, "During the suspension, the court shall not take any steps, except for those aimed at resumption of proceedings or securing the claim or evidence". Therefore, as indicated by the Court of Appeal in Warsaw in a decision of 23 March 2020 (case no. III S 14/20), "Accordingly, the Circuit Court has no specific obligation to take steps to proceed with the case in the period in which the proceedings are suspended. This means that the Circuit Court's suspension of the proceedings – both the decision to suspend itself and the length of the suspension's duration – is not grounds for complaining against the excessive length of proceedings specified in [the Act on Complaints against Excessive Length of Proceedings]". Moreover, the Act on complaints against the excessive length of proceedings, in its current wording, does not allow for joint examination of lengthiness before the court and the Constitutional Tribunal, which results from the above-mentioned provisions regulating its scope.

37. The very possibility of submitting a complaint against the decision to suspend the proceedings or to refuse to resume the suspended proceedings (Article 394 § 1 point 5 of the Code of Civil Procedure, Article 131 of the Code of Criminal Procedure) may be

²⁹ See, e.g. decision of the Court of Appeal in Warsaw of 10 February 2020, case no. III S 457/19; decision of the Supreme Court 25 November 2020, case no. I NSP 166/20; decision of the Court of Appeals in Warsaw of 10 February 2020, case no. III S 457/19; decision of the Supreme Administrative Court of 8 August 2008, case no. I OPP 30/08; decision of the Supreme Administrative Court of 7 March 2014, case no. I OPP 18/14.

³⁰ See: decision of the Supreme Court of 18 July 2007, case no. KSP 5/07.

perceived as an important measure preventing, to some extent, the excessive length of proceedings. It should be noted, however, that the suspension of court proceedings due to the fact that its outcome depends on the outcome of the proceedings before the Constitutional Tribunal is not, in itself, unlawful, as, at least under the Code of Civil Procedure, there is a direct legal basis for such action. Therefore, in their interlocutory appeals appellants would have to argue that in particular context of the case the suspension is inadmissible, as the outcome of the court proceedings does not depend on the judgment of the Constitutional Tribunal.³¹ The abovementioned case law of some courts concerning Act on Pensions shows that it may be also justified to invoke arguments related to the crisis around the Constitutional Tribunal or failure of the Constitutional Tribunal to issue the judgment within a reasonable time.

38. Still, when considering a complaint against the suspension or refusal to resume the suspended proceedings, the appellate court does not examine the excessive length of the proceedings, nor is it entitled to award a party to unjustly suspended proceedings an appropriate sum of money as a compensation for harm suffered.

V. CONCLUSIONS

39. The statistical data obtained by the HFHR reveal that the excessive length of proceedings concerning challenges against decisions to reduce the amount of pension benefits on the basis of the Act on Pensions is a systemic problem. At the moment of preparation of the HFHR report (first half of 2021) over 13,000 proceedings throughout the country were still suspended in connection with the proceedings pending before the Constitutional Tribunal. Moreover, even their immediate resumption in many cases may not lead to a quick resolution. At the day of disclosure of information to the HFHR there were over 11,000 suspended proceedings in the Circuit Court in Warsaw. In order to resolve them all within a reasonable time, e.g. 2-3 years, that court would have to hear several thousand cases a year. Meanwhile, in 2020, the Circuit Court in Warsaw issued only 169 judgments on appeals against ZER decisions, and in 2021 (until May 7) - 126 judgments.

40. The effectiveness of remedies available to parties of proceedings which are excessively lengthy as a result of their suspension in connection to the case pending before the Constitutional Tribunal is rather low. First, there are no remedies which would allow to challenge directly excessive length of proceedings before the Constitutional Tribunal. Second, even though it is possible to submit complaint against excessive length of suspended proceedings, the dominant view is that in the proceedings initiated by such complaints courts do not analyse reasonableness of the decision to suspend the proceedings. The existence of grounds for the suspension may be reviewed only in the proceedings initiated by interlocutory appeal against decision on suspension or decision to not to resume suspended proceedings.

³¹ See e.g. decision of Court of Appeals in Rzeszów of 30 May 2019, case no. AUz 41/19; decision of Court of Appeals in Białystok of 16 August 2019, case no. III AUz 91/19.

Appendix 1. Total number of suspended proceedings (in connection with proceedings before the Constitutional Court)	
Circuit Court in Bialystok	129 (127)
Circuit Court in Bielsko-Biala	n.d.
Circuit Court in Bydgoszcz	n.d.
Circuit Court in Czestochowa	53 (51)
Circuit Court in Elblag	95 (88)
Circuit Court in Gdansk	272 (262)
Circuit Court in Gliwice	21 (21)
Circuit Court in Gorzow Wielkopolski	67 (63)
Circuit Court in Jelenia Gora	39 (n.d.)
Circuit Court in Kalisz	72 (71)
Circuit Court in Katowice	97 (97)
Circuit Court in Kielce	n.d.
Circuit Court in Konin	32 (32)
Circuit Court in Koszalin	139 (131)
Circuit Court in Cracow	163 (163)
Circuit Court in Krosno	27 (27)
Circuit Court in Legnica	50 (50)
Circuit Court in Lublin	180 (163)
Circuit Court in Lodz	168 (166)
Circuit Court in Lomza	13 (13)
Circuit Court in Nowy Sacz	98 (93)
Circuit Court in Olsztyn	199 (130)
Circuit Court in Opole	131 (n.d.)
Circuit Court in Ostroleka	38 (38)
Circuit Court in Piotrkow Trybunalski	8 (0)
Circuit Court in Plock	101 (101)
Circuit Court in Poznan	157 (128)
Circuit Court in Przemysl	72 (62)
Circuit Court in Radom	110 (105)
Circuit Court in Rybnik	1 (1)
Circuit Court in Rzeszow	62 (62)
Circuit Court in Siedlce	20 (20)
Circuit Court in Sieradz	36 (36)
Circuit Court in Slupsk	n.d.
Circuit Court in Suwalki	27 (19)
Circuit Court in Szczecin	270 (270)
Circuit Court in Swidnica	90 (82)
Circuit Court in Tarnobrzeg	40 (40)
Circuit Court in Tarnow	65 (65)
Circuit Court in Torun	61 (61)
Circuit Court in Warsaw	18539 (16638)
Warsaw-Praga Circuit Court in Warsaw	197 (197)
Circuit Court in Wloclawek	39 (28)
Circuit Court in Wroclaw	210 (170)
Circuit Court in Zamosc	71 (69)
Circuit Court in Zielona Gora	67 (67)

Appendix 2. Number of complaints against the suspension of the proceedings		
Court	Number of complaints about the suspension of the appeal procedure against the ZER MSWiA decision (income)	The number of complaints accepted
Court of Appeal in Bialystok	91	53
Court of Appeal in Gdansk	119	86
Court of Appeal in Katowice	51	47
Court of Appeal in Cracow	n.d.	n.d.
Court of Appeal in Lublin	n.d.	n.d.
Court of Appeal in Lodz	75	42
Court of Appeal in Poznan	35	35
Court of Appeal in Rzeszow	25	20
Court of Appeal in Szczecin	96	1
Court of Appeal in Warsaw	3203	281
Court of Appeal in Wroclaw	81	62

Appendix 3. Number of proceedings suspended in connection with proceedings before the Constitutional Court, which remained suspended on the date of examination of the HFHR application	
Circuit Court in Bialystok	0
Circuit Court in Bielsko-Biala	n.d.
Circuit Court in Bydgoszcz	n.d.
Circuit Court in Czestochowa	28
Circuit Court in Elblag	67
Circuit Court in Gdansk	145
Circuit Court in Gliwice	0
Circuit Court in Gorzow Wielkopolski	55
Circuit Court in Jelenia Gora	n.d.
Circuit Court in Kalisz	56
Circuit Court in Katowice	0
Circuit Court in Kielce	n.d.
Circuit Court in Konin	0
Circuit Court in Koszalin	131
Circuit Court in Cracow	163
Circuit Court in Krosno	24
Circuit Court in Legnica	0
Circuit Court in Lublin	114
Circuit Court in Lodz	67
Circuit Court in Lomza	4
Circuit Court in Nowy Sacz	5
Circuit Court in Olsztyn	8
Circuit Court in Opole	9
Circuit Court in Ostroleka	0
Circuit Court in Piotrkow Trybunalski	0
Circuit Court in Plock	67
Circuit Court in Poznan	68
Circuit Court in Przemysl	35
Circuit Court in Radom	94
Circuit Court in Rybnik	0
Circuit Court in Rzeszow	63
Circuit Court in Siedlce	10
Circuit Court in Sieradz	0
Circuit Court in Slupsk	n.d.
Circuit Court in Suwalki	16
Circuit Court in Szczecin	228
Circuit Court in Swidnica	35
Circuit Court in Tarnobrzeg	18
Circuit Court in Tarnow	49
Circuit Court in Torun	0
Circuit Court in Warsaw	11 145
Warsaw-Praga Circuit Court in Warsaw	23
Circuit Court in Wloclawek	0
Circuit Court in Wroclaw	210
Circuit Court in Zamosc	45
Circuit Court in Zielona Gora	46

Appendix 4. Complaints about excessive length of proceedings
in cases concerning appeals against ZER MSWiA decisions
issued under the Act on Pension

Court	Number of complaints about excessive length of proceedings	The number of complaints accepted
Court of Appeal in Bialystok	0	0
Court of Appeal in Gdansk	6	0
Court of Appeal in Katowice	5	0
Court of Appeal in Cracow	n.d.	n.d.
Court of Appeal in Lublin	1	0
Court of Appeal in Lodz	0	0
Court of Appeal in Poznan	1	0
Court of Appeal in Rzeszow	0	0
Court of Appeal in Szczecin	4	0
Court of Appeal in Warsaw	664	9
Court of Appeal in Wroclaw	26	5

Appendix 5. Number of proceedings concerning appeals against ZER MSWiA decisions, which were not suspended despite pending proceedings before the Constitutional Court

Circuit Court in Bialystok	123
Circuit Court in Bielsko-Biala	n.d.
Circuit Court in Bydgoszcz	n.d.
Circuit Court in Czestochowa	19
Circuit Court in Elblag	2
Circuit Court in Gdansk	169
Circuit Court in Gliwice	21
Circuit Court in Gorzow Wielkopolski	35
Circuit Court in Jelenia Gora	n.d.
Circuit Court in Kalisz	0
Circuit Court in Katowice	221
Circuit Court in Kielce	n.d.
Circuit Court in Konin	3
Circuit Court in Koszalin	0
Circuit Court in Cracow	207
Circuit Court in Krosno	2
Circuit Court in Legnica	18
Circuit Court in Lublin	177
Circuit Court in Lodz	231
Circuit Court in Lomza	17
Circuit Court in Nowy Sacz	9
Circuit Court in Olsztyn	60
Circuit Court in Opole	n.d.
Circuit Court in Ostroleka	0
Circuit Court in Piotrkow Trybunalski	53
Circuit Court in Plock	3
Circuit Court in Poznan	n.d.
Circuit Court in Przemysl	0
Circuit Court in Radom	16
Circuit Court in Rybnik	0
Circuit Court in Rzeszow	181
Circuit Court in Siedlce	40
Circuit Court in Sieradz	1
Circuit Court in Slupsk	n.d.
Circuit Court in Suwalki	42
Circuit Court in Szczecin	46
Circuit Court in Swidnica	n.d.
Circuit Court in Tarnobrzeg	9
Circuit Court in Tarnow	8
Circuit Court in Torun	57
Circuit Court in Warsaw	4 181
Warsaw-Praga Circuit Court in Warsaw	178
Circuit Court in Wloclawek	5
Circuit Court in Wroclaw	n.d.
Circuit Court in Zamosc	0
Circuit Court in Zielona Gora	68

Appendix 6. Number of proceedings concerning appeals against ZER MSWiA decisions, suspended in connection with proceedings before the Constitutional Court, but resumed after some time

Circuit Court in Bialystok	112
Circuit Court in Bielsko-Biala	n.d.
Circuit Court in Bydgoszcz	n.d.
Circuit Court in Czestochowa	21
Circuit Court in Elblag	22 (but 3 were suspended again)
Circuit Court in Gdansk	76
Circuit Court in Gliwice	15
Circuit Court in Gorzow Wielkopolski	6
Circuit Court in Jelenia Gora	n.d.
Circuit Court in Kalisz	12
Circuit Court in Katowice	68
Circuit Court in Kielce	n.d.
Circuit Court in Konin	32
Circuit Court in Koszalin	0
Circuit Court in Cracow	n.d.
Circuit Court in Krosno	1
Circuit Court in Legnica	37
Circuit Court in Lublin	33
Circuit Court in Lodz	70
Circuit Court in Lomza	8
Circuit Court in Nowy Sacz	75
Circuit Court in Olsztyn	89
Circuit Court in Opole	n.d.
Circuit Court in Ostroleka	40
Circuit Court in Piotrkow Trybunalski	0
Circuit Court in Plock	28
Circuit Court in Poznan	60
Circuit Court in Przemysl	18
Circuit Court in Radom	11
Circuit Court in Rybnik	1
Circuit Court in Rzeszow	6
Circuit Court in Siedlce	9
Circuit Court in Sieradz	34
Circuit Court in Slupsk	n.d.
Circuit Court in Suwalki	4
Circuit Court in Szczecin	16
Circuit Court in Swidnica	49
Circuit Court in Tarnobrzeg	18
Circuit Court in Tarnow	4
Circuit Court in Torun	51
Circuit Court in Warsaw	n.d.
Warsaw-Praga Circuit Court in Warsaw	17
Circuit Court in Wloclawek	30
Circuit Court in Wroclaw	20
Circuit Court in Zamosc	3
Circuit Court in Zielona Gora	21

Appendix 7. Appeals against ZER MSWiA decisions issued under the Act on Pension

Court	The total number of judgments in cases concerning appeals against ZER MSWiA decisions issued under the Act on Pension (including the final ones)	Number of judgments allowing for an appeal against ZER MSWiA decisions issued under the Act on Pension and amending the appealed decision (including the final ones)
Circuit Court in Bialystok	153 (13)	111 (2)
Circuit Court in Bielsko-Biala	n.d.	n.d.
Circuit Court in Bydgoszcz	112 (0)	101 (0)
Circuit Court in Czestochowa	19 (1)	19 (1)
Circuit Court in Elblag	1 (0)	1 (0)
Circuit Court in Gdansk	67 (0)	52 (0)
Circuit Court in Gliwice	28 (2)	28 (2)
Circuit Court in Gorzow Wielkopolski	0	0
Circuit Court in Jelenia Gora	11 (1)	9 (0)
Circuit Court in Kalisz	10 (0)	9 (0)
Circuit Court in Katowice	259 (1)	259 (1)
Circuit Court in Kielce	n.d.	n.d.
Circuit Court in Konin	30 (0)	27 (0)
Circuit Court in Koszalin	0	0
Circuit Court in Cracow	52 (0)	47 (0)
Circuit Court in Krosno	1 (0)	1 (0)
Circuit Court in Legnica	32 (1)	n.d.
Circuit Court in Lublin	27 (15)	22 (3)
Circuit Court in Lodz	211 (0)	211 (0)
Circuit Court in Lomza	21 (5)	21 (10)
Circuit Court in Nowy Sacz	10 (0)	10 (0)
Circuit Court in Olsztyn	98 (2)	98 (2)
Circuit Court in Opole	147 (2)	141 (1)
Circuit Court in Ostroleka	4 (0)	3 (0)
Circuit Court in Piotrkow Trybunalski	40 (0)	40 (0)
Circuit Court in Plock	8 (0)	7 (0)
Circuit Court in Poznan	128 (9)	98 (n.d.)
Circuit Court in Przemysl	6 (0)	6 (0)
Circuit Court in Radom	3 (0)	3 (0)
Circuit Court in Rybnik	1 (0)	1 (0)
Circuit Court in Rzeszow	46 (1)	29 (1)
Circuit Court in Siedlce	40 (0)	35 (0)
Circuit Court in Sieradz	37 (0)	37 (0)
Circuit Court in Slupsk	n.d.	n.d.
Circuit Court in Suwalki	34 (6)	30 (5)
Circuit Court in Szczecin	2 (0)	2 (0)
Circuit Court in Swidnica	9 (0)	4 (0)
Circuit Court in Tarnobrzeg	12 (0)	12 (0)
Circuit Court in Tarnow	1 (0)	0
Circuit Court in Torun	65 (4)	64 (4)
Circuit Court in Warsaw	304 (10)	303 (n.d.)
Warsaw-Praga Circuit Court in Warsaw	18 (0)	16 (0)
Circuit Court in Wloclawek	4 (0)	3 (0)
Circuit Court in Wroclaw	37 (3)	16 (1)
Circuit Court in Zamosc	0	0
Circuit Court in Zielona Gora	12 (5)	6 (1)

Appendix 8. Appeals against judgments of circuit courts in cases of appeals against ZER MSWiA decisions

Court	Number of completed proceedings concerning an appeal against a judgment of a district court concerning an appeal against a ZER MSWiA decision	Number of judgments upholding the insured's appeal	Number of judgments upholding the ZER MSWiA appeal	Number of judgments upholding the contested judgments in force
Court of Appeal in Bialystok	83	45	30	40
Court of Appeal in Gdansk	26	4	0	23
Court of Appeal in Katowice	14	0	2	9
Court of Appeal in Cracow	n.d.	n.d.	n.d.	n.d.
Court of Appeal in Lublin	17	0	1	6
Court of Appeal in Lodz	34	0	8	25
Court of Appeal in Poznan	4	0	0	0
Court of Appeal in Rzeszow	3	0	0	2
Court of Appeal in Szczecin	1	0	0	0
Court of Appeal in Warsaw	21	0	0	19
Court of Appeal in Wroclaw	4	0	0	2

Data concerning the Circuit Court in Białystok were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Białystok in the letter dated 6 April 2021. Data valid as of 31 March 2021.

Data concerning the Circuit Court in Częstochowa were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Częstochowa in the letter dated 6 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Elbląg were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Elbląg in the letter dated 18 May 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Gdańsk were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Gdańsk in the letter dated 5 May 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Gliwice were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Gliwice in the letter dated 29 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Gorzów Wielkopolski were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Gorzów Wielkopolski in the letter dated 6 May 2021. Data valid as of 31 March 2021.

Data concerning the Circuit Court in Jelenia Góra were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Jelenia Góra in the letter dated 13 April 2021. Data valid as of 7 April 2021.

Data concerning the Circuit Court in Kalisz were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Kalisz in the letter dated 30 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Katowice were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Katowice in the letter dated 1 April 2021. Data valid as of 26 March 2021.

Data concerning the Circuit Court in Konin were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Konin in the letter dated 6 May 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Koszalin were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Koszalin in the letter dated 8 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Cracow were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Cracow in the letter dated 7 April 2021. Data valid as of 31 March 2021.

Data concerning the Circuit Court in Krosno were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Krosno in the letter dated 9 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Legnica were made available to the HFHR as part of the access to public information procedure by the President of the V Department of Labour and Social Insurance of the Circuit Court in Legnica in the letter dated 2 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Lublin were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Lublin in the letter dated 28 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Łódź were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Łódź in the letter dated 22 March 2021, corrected by the letter dated 26 March 2021. Data valid as of 10 March 2021.

Data concerning the Circuit Court in Łomża were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Elbląg in the letter dated 14 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Nowy Sącz were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Nowy Sącz in the letter dated 17 May 2021. Data valid as of 30 April 2021.

Data concerning the Circuit Court in Olsztyn were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Olsztyn in the letter dated 21 May 2021. Data valid as of 24 March 2021.

Data concerning the Circuit Court in Opole were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Opole in the letter dated 22 April 2021. Data valid as of 20 April 2021.

Data concerning the Circuit Court in Ostrołęka were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Ostrołęka in the letter dated 12 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Piotrków Trybunalski were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Piotrków Trybunalski in the letter dated 9 April 2021. Data valid as of the end of the first quarter of 2021.

Data concerning the Circuit Court in Płock were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Płock in the letter dated 30 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Poznań were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Poznań in the letter dated 26 March 2021, corrected in the letter dated 15 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Przemyśl were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Przemyśl in the letter dated 31 March 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Radom were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Radom in the letter dated 8 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Rybnik were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Rybnik in the letter dated 1 April 2021. Data valid as of 31 March 2021.

Data concerning the Circuit Court in Rzeszów were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Rzeszów in the letter dated 30 March 2021. Data valid as of 29 March 2021.

Data concerning the Circuit Court in Siedlce were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Siedlce in the letter dated 27 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Sieradz were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Sieradz in the letter dated 6 April 2021. Data valid as of 31 March 2021.

Data concerning the Circuit Court in Suwałki were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Suwałki in the letter dated 16 March 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Szczecin were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Szczecin in the letter dated 22 March 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Świdnica were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Świdnica in the letter dated 2 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Tarnobrzeg were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Tarnobrzeg in the letter dated 8 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Circuit Court in Tarnów were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Tarnów in the letter dated 1 April 2021. Data valid as of the end of the first quarter of 2021.

Data concerning the Circuit Court in Toruń were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Toruń in the letter dated 26 April 2021. Data valid as of 23 April 2021.

Data concerning Warsaw-Praga Circuit Court in Warsaw were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Warszawa-Praga Circuit Court in Warsaw in the letter dated 22 April 2021. Data valid as of 25 March 2021.

Data concerning the Circuit Court in Włocławek were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Włocławek in the letter dated 28 April 2021. Data valid as of 23 April 2021.

Data concerning the Circuit Court in Wrocław were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Wrocław in the letter dated 31 March 2021. Data valid as of 19 March 2021.

Data concerning the Circuit Court in Zamość were made available to the HFHR as part of the access to public information procedure by the President of the Circuit Court in Zamość in the letter dated 7 April 2021. Data valid as of 6 April 2021.

Data concerning the Circuit Court in Zielona Góra were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Circuit Court in Zielona Góra in the letter dated 18 March 2021. Data valid as of 12 March 2021.

Data concerning the Court of Appeals in Białystok were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Court of Appeals in Białystok in the letter dated 17 May 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Court of Appeals in Gdańsk were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Court of Appeals in Gdańsk in the letter dated 31 March 2021. Data valid as of 30 March 2021.

Data concerning the Court of Appeals in Katowice were made available to the HFHR as part of the access to public information procedure by the President of the Court of Appeals in Katowice in the letters dated 14 and 25 May 2021. Data valid as of 31 March 2021.

Data concerning the Court of Appeals in Lublin were made available to the HFHR as part of the access to public information procedure by the President of the Court of Appeals in Lublin in the letter dated 10 May 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Court of Appeals in Łódź were made available to the HFHR as part of the access to public information procedure by the Court of Appeals in Łódź in the letter dated 14 May 2021. Data valid as of 30 March 2021.

Data concerning the Court of Appeals in Poznań were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Court of Appeals in Poznań in the letter dated 20 May 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Court of Appeals in Rzeszów were made available to the HFHR as part of the access to public information procedure by the President of the Court of Appeals in Rzeszów in the letter dated 9 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Court of Appeals in Szczecin were made available to the HFHR as part of the access to public information procedure by the Vice-President of the Court of Appeals in Szczecin in the letter dated 30 March 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.

Data concerning the Court of Appeals in Warsaw were made available to the HFHR as part of the access to public information procedure by the Court of Appeals in Warsaw in the e-mail dated 23 March 2021. Data valid as of 22 March 2021.

Data concerning the Court of Appeals in Wrocław were made available to the HFHR as part of the access to public information procedure by the President of the Court of Appeals in Wrocław in the letter dated 28 April 2021. Data valid as of the day of consideration of the HFHR's motion for the access to public information.