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THE GUIDE TO POLISH LEGAL CITATION

The “Guide to Polish Citation” is a project of the JU–CUA American Law Program (ALP). ALP is a joint program of The Catholic University of America (CUA) and the Jagiellonian University (JU). The document was drafted by volunteers and students of the ALP 2007–2008. The idea for the project came from Professor Leah Wortham and Filip Wejman who were Directors of ALP during the project.

Following the American idea of the clear legal citation, the project is an attempt to introduce a coherent citation method of Polish legal texts. The brackets provided in the citation format lines have the following meaning:

“<”, “>” — indicate a variable. Neither the bracket nor the text inside should appear in the final citation. The text and the bracket should be replaced by a relevant part of citation as explained in the text.

“[“, “]” — indicate an English translation of a term. These brackets appear in the final citation.

REPUBLIC OF POLAND
CIVIL LAW

JUDICIAL ACTS (CASES)

Citation Format: <type of decision>[<term for this decision in English>] <abbreviation of court>[<full name of court in English>] **z [of]** <date > <, > <docket number> (<reporter + year + issue(s) if applicable + section>)

e.g., Wyrok [judgment] SN [Supreme Court] z [of] Nov. 9, 2007, II KKN 543/07 (OSNKW 2007, z. 4 poz. 67)

e.g., Wyrok [judgment] Sądu Ochrony Konkurencji i Konsumentów [Court of Competition and Consumer Protection] z [of] June 19, 2002, XVII Amc 34/01 (Dz.Urz. UOKiK, nr 3–4, poz. 17)

TYPE OF DECISION

Decisions in Polish courts are issued in the form of:

Wyrok: A judgment on the subject matter of the case,

Postanowienie: A ruling usually on a procedural matter,

Uchwała: resolution. Some resolutions of the Polish Supreme Court (SN) announce a principle of law that the SN expects to follow in future cases. An *uchwała* is not binding on lower courts.

Poland is a civil law country. In principle, court decisions have formal precedential authority only with regard to lower courts in the same proceeding. The SOKiK, described below, is the only exception.

COURTS

Ordinary Jurisdiction:

Supreme Court — Sąd Najwyższy	1917–date	SN
Court of Appeals in... (name of the city) — Sąd Apelacyjny w...	1917–date	SA w..
District Court in... (name of the city) — Sąd Okręgowy w...	1917–date	SO w..
Sąd Rejonowy w...	1917–date	SR w..

Administrative Jurisdiction:

Supreme Administrative Court — Naczelny Sąd Administracyjny	1980–date	NSA
District Administrative Court — Wojewódzki Sąd Administracyjny	2004–date	WSA

Special Jurisdiction:

Court of Competition and Consumer Protection — Sąd Ochrony Konkurencji i Konsumentów	2000–date	SOKiK
Constitutional Tribunal — Trybunał Konstytucyjny	1986–date	TK

Sąd Rejonowy is usually a court of first instance for some smaller civil and criminal cases.

Sąd Okręgowy has original jurisdiction in some civil and criminal cases as well as appellate jurisdiction in some matters from the Sąd Rejonowy.

Sąd Apelacyjny hears appeals from the Sąd Okręgowy.

Wojewódzki Sąd Administracyjny hears appeals from administrative decisions.

Naczelny Sąd Administracyjny hears appeals from the Wojewódzki Sąd Administracyjny.

Sąd Najwyższy is the Polish Supreme Court.

SOKiK is a special division of the District Court in Warsaw, designated to adjudicate matters concerning competition and consumer law. If the SOKiK rules a consumer standard term is unfair, the ruling is publicly recorded and is forbidden in all consumer contracts.

TK has the authority for judicial review of claims under the Polish Constitution.

DOCKET NUMBER (bolded below)

e.g., Wyrok [judgment] Sądu Ochrony Konkurencji i Konsumentów [Court of Competition and Consumer Protection] z [of] June 19, 2002, **XVII Amc 34/01** (Dz.Urz. UOKiK, nr 3–4, poz. 17)

Docket number: A Roman numeral indicating the court division (followed by Arabic numerals showing a court subdivision if applicable); *repertorium* (the acronym for a court’s classification of cases); the individual case number followed by two digits corresponding to the year of filing.

REPERTORIUM (bolded below)

e.g., Wyrok [sentence] SN [Supreme Court] z [of] Nov. 9, 2007, II **KKN** 543/07 (OSNKW 2007, z. 4 poz. 67)

The Repertorium designates the type of cases, which may also provide information on the division of the court. Common designations start as follows:

“C” indicates Civil

“K” indicates Criminal (e.g. KKN)

“Ns” usually indicates a property or inheritance matter

“Am” indicates SOKiK

OFFICIAL REPORTERS (bolded below)

e.g., Wyrok [judgment] SN [Supreme Court] z [of] Nov. 9, 2007, II **KKN** 543/07 (OSNKW 2007, z. 4 poz. 67)

Selected cases appear in courts’ official reporters. Some cases also can be found in commercial reporters and electronic databases. Common official reporters are as follows:

Supreme Court Reporters:

OSNP — Labor Law, Social Security and Public Affairs Chamber (From 1991 through 2003, this reporter was designated as OSNAP instead.)

OSNC — Civil Chamber (From 1965 through 1994 and in 2003 designated as OSNCP)

OSNKW — Criminal and Military Chamber (*bolded in example above*)

Appellate Courts of Ordinary Jurisdiction Reporters:

OSA — only one type of reporter, encompassing all chambers is issued

Administrative Courts Reporters:

ONSA — Supreme Administrative Court

SA/abbreviation of the name of the city — District Administrative Court

Court of Competition and Consumer Protection: Dz.Urz. UOKiK

Constitutional Tribunal publishes its decisions in: OTK ZU.

CONSTITUTION

Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.

Citation format: <full title of the Constitution> [Constitution] <article>, <section>, <subsection> (Poland)

e.g., Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. [Constitution] art. 144, sec. 3, subsec. 1 (Poland)

e.g., Short form, suggested after first full citation: Konstytucja RP [Constitution] art. 144, sec. 3, subsec. 1 (Poland)

CODES

Citation format: <title of code> [<Code title in English>] <date of enactment>, <article>, <section>, <subsection> (Poland)

e.g., Kodeks cywilny [Civil Code] Apr. 23, 1964, art. 65, sec. 2, subsec. 3 (Poland)

Short form, suggested after first full citation: [Civil Code] k.c., art. 65, sec. 2, subsec. 3 (Poland)

Kodeks celný	Customs Code	k.cel.
Kodeks cywilny	Civil Code	k.c.
Kodeks karný	Criminal Code	k.k.
Kodeks karný skarbowý	Tax Penal Code	k.k.s.
Kodeks karný wykonawczy	Corrections Code	k.k.w.
Kodeks morski	Maritime Code	k.m.
Kodeks postępowania administracyjnego	Code of Administrative Procedure	k.p.a.
Kodeks postępowania cywilnego	Code of Civil Procedure	k.p.c.
Kodeks postępowania karnego	Code of Criminal Procedure	k.p.k.
Kodeks postępowania w sprawach o wykroczenia	Code of Procedure for Violations	k.p.w.
Kodeks pracy	Labor Code	k.p.
Kodeks rodzinny i opiekuńczy	Family and Custody Code	k.r.o.
Kodeks spółek handlowych	Business Organizations Code	k.s.h.
Kodeks wykroczeń	Violations Code	k.w.

STATUTES AND REGULATIONS

Citation format for Polish statutes, regulations, or international treaties: <full title of the statute, regulation, or treaty> [<translated title in English>] (<abbreviation of official journal> <year>, <volume number >, <item number>)

For abbreviation of official journal see Official Journal section below.

e.g., Ustawa z dnia 1 września 2005 r. — Prawo o szkolnictwie wyższym [Higher Education Act of Sept. 1, 2005] (Dz.U. 2005, vol. 164, item 1365)

e.g., Rozporządzenie Ministra Kultury z dnia 4 sierpnia 2005 w sprawie nadawania odznaki honorowej „Zasłużony dla Kultury Polskiej” [Regulation of Minister of Culture concerning awarding the medal of “With Merit to the Polish Culture” (Dz.U. 2005 nr 159 poz. 1334)

Short form, suggested after first full citation: Ustawa — Prawo o szkolnictwie Wyższym [Higher Education Act]

Statutes and regulations can be subject to amendments. To indicate that the original text was amended, add the phrase “with amendments” (*bolded below*).

e.g., Ustawa z dnia 18 lipca 2001 r. Prawo wodne [Water Act] (Dz.U. 2001, vol. 115, item 1229, **with amendments**)

When a consolidated text (“tekst jednolity”) is published to incorporate multiple amendments, cite the act and the Official Journal of consolidation.

e.g., Ustawa z dnia 18 lipca 2001 r. Prawo wodne [Water Act], (**consolidated text** Dz.U. 2005, vol. 239, item 2019)

Cite local acts as follows:

Citation format: <title> [<translated title in English>] <number of the compilation in roman numerals> <item number>, < year>

e.g., Uchwała Rady Miasta Krakowa w sprawie budżetu Miasta Krakowa na rok 2007 [Resolution on the budget of the city of Kraków for 2007] vol. V item 61, 2007

e.g., Uchwała Sejmiku Województwa Małopolskiego w sprawie budżetu Województwa Małopolskiego na rok 2008 [Resolution on the budget of Malopolskie Voivodeship for the year 2008] vol. XIV item 173, 2007

OFFICIAL JOURNALS

Dziennik Ustaw Rzeczypospolitej Polskiej, also Dziennik Ustaw (English: *Journal of Laws of the Republic of Poland*, abbreviated Dz.U.) is the official source for some types of enacted Polish laws. The *Journal* includes such documents as: The Constitution, statutes, Presidential regulations, regulations of the Council of Ministers, regulations of or the Prime Minister, consolidated acts, acts ratifying international treaties, judgments of the Constitutional Tribunal.

Citation format: See the format for Polish statutes, regulations, or international treaties above.

Dziennik Urzędowy Rzeczypospolitej Polskiej „Monitor Polski” (English: *Official Gazette of the Republic of Poland*, abbreviated M.P.). This publication compiles internal regulations and directives that are binding on governmental entities but not on individual persons.

Citation format: <full title of act>[<translated title in English>] (M.P. <volume number> <item number> <year>).

e.g., Postanowienie Prezydenta Rzeczypospolitej Polskiej z dnia 14 września 2007 r. o nadaniu odznaczeń [Ordinance of the President of Republic of Poland concerning awards] (M.P. vol. 2 item 17, 2008).

PERIODICALS:

Citation format: <Name of author>, <title> [<optionally with a translation>], <abbreviation of periodical name>, <year>, <volume No>, <page(s) cited>.

e.g., Z. Opalko, Wyłączenie prawa poboru w świetle przepisów Kodeksu Handlowego [Exclusion of Preemptive Right under the Provisions of Business Organizations Code], P. Sp., No. 2, 1999, at 33.

When citing to a periodical in general the Polish custom is to cite only to the first page. However, when citing to a particular idea within a periodical, the custom is to cite to the specific page upon which the idea occurs.

List of most commonly cited Polish periodicals:

Głosa (The Gloss)	Glos. (1995–date)
Kwartalnik Prawa Prywatnego (Private Law Quarterly)	KPP (1992–date)
Monitor Prawniczy (Legal Monitor)	MoP (1993–date)

Orzecznictwo Sądów Polskich (Polish Court Decisions)	OSP (1998–date)
Palestra (The Bar)	Pal. (1924–1939, 1957–date)
Państwo i Prawo (The State and the Law)	PiP (1946–date)
Prawo Bankowe (Banking Law)	PB (1994–date)
Przegląd Podatkowy (Tax Review)	PP (1991–date)
Przegląd Prawa Handlowego (Commercial Law Review)	PPH (1992–date)
Radca Prawny (Legal Counsel)	RP (1992–date)
Rejent (The Notary)	Rej. (1991–date)
Transformacje Prawa Prywatnego (Transformations of Private Law)	TPP (2000–date)

TREATISES:

Citation format: <Name of author>, <Title>[<optional translation into English>], <place of publication><year>, <page (if referring to a specific page)>.

J. Gołaczyński, Przewłaszczenie na zabezpieczenie [Transfer of Ownership as a Security for a Debt], Warszawa 2004, at 69.

Citation format for collective works: <Name of author>, <title of the article/chapter>[<optional translation into English >]<in><name of the main editor>, <title of the collective work>[<translation of the collective work if necessary>], <volume number (if applicable)>, <place of publication><year of publication>, <page number (if referring to a specific page)>.

E. Smoktunowicz, Stosunek administracyjnoprawny obywatela, in T. Rabska, System prawa administracyjnego, vol. 4, Wrocław 1999, at 33.

COMMENTARIES:

Citation format: <Name of author><in><names of the main author(s)>, <title of the commentary>,[<optional translation of the commentary title>], <volume number (if applicable)>, <place of publication><year of publication>, <if referring to a specific page>.

S. Sołtysiński, in S. Sołtysiński, A. Szajkowski, A. Szumański, J. Szwaja, Kodeks spółek handlowych. Komentarz [Business Organizations Code. Commentary], vol. 1, Warszawa 2001, at 33.

alternative form: S. Sołtysiński, in S. Sołtysiński, et al., *Kodeks spółek handlowych. Komentarz* [Code of commercial companies. Commentary], vol. 1, Warszawa 2001, at 33

ELECTRONIC DATABASES:

Several electronic databases, commercial and governmental, provide access to cases, legislation and excerpts from treatises and articles.

ISIP

ISIP is an on–line database in pdf format containing acts promulgated between 1919 and the present. It is maintained by the Chancellery of the Prime Minister of the Republic of Poland and is free of charge, however it does not constitute an official source of law.

<http://isip.sejm.gov.pl/prawo/index.html>

COMMERCIAL DATABASES

Commercial databases contain either binding acts or cases and various secondary sources. They are available both on CD and on the internet. Some significant court decisions are published in these sources and not elsewhere. These databases often use an additional citation number (bolded in the example below).

LEX: <http://www.lex.com.pl>

LexPolonica: <http://www.lexpolonica.pl>

Legalis: <http://www.legalis.pl>

e.g., Wyrok [sentence] SN [Supreme Court] z [from] 20/05/2005, III CKN 620/04, unpublished, available at LEX on–line, **LEX 180817**.

Some decisions of the Polish Supreme Court, Supreme Administrative Court and Constitutional Tribunal are published on their websites:

<http://www.sn.pl/orzecznictwo/index.html> — Supreme Court

<http://www.nsa.gov.pl/index.php/pol/NSA/Orzecznictwo> — Supreme Administrative Court

http://www.trybunal.gov.pl/eng/summaries/wstep_gb.htm — Constitutional Tribunal