Dział I. General Provisions.

Rozdział 1. The Scope of Application.

Art. 1. Scope of regulation. The Code of Administrative Proceedings governs the proceedings:
1) before competent public administration authorities in individual matters to be determined by way of administrative decisions,
2) before other state authorities and other entities appointed to decide matters specified in Subsection 1 by operation of law or on the basis of agreements,
3) in matters involving disputes between authorities of units of self-government and government administration authorities over authority and competency and between those authorities and entities specified in Subsection 2,
4) in matters regarding the issuance of certificates.

Art. 2. Extension. The Code of Administrative Proceedings also governs the proceedings regarding letters of dissatisfaction and proposals (Division VIII) before state authorities, authorities of units of self-government and before social organizations' bodies.

Art. 3. Exclusion.
§ 1. The provisions of the Code of Administrative Proceedings shall not apply to:
1) proceedings in fiscal penal matters;
2) matters governed by the Act of 29 August 1997 - Tax Ordinance (J.L. No. 137, item 926 and No. 160, item 1083, of 1998 No. 106, item 668, of 1999 No. 11, item 95, No. 92, item 1062 and of 2000 No. 94, item 1037), except for Divisions IV, V and VIII.

§ 2. The provisions of the Code of Administrative Proceedings shall not apply also to proceedings in matters:
1) (deleted)
2) (deleted)
3) (deleted)
4) (deleted)
5) for which Polish diplomatic representations and consular offices have competency, unless specific provisions provide otherwise.

§ 3. The provisions of the Code of Administrative Proceedings shall not apply also to proceedings in matters arising from:
1) organizational priority in relationships between state authorities and other state organizational units,
2) subordination of employees of authorities and organizational units specified in Section 1, unless specific provisions provide otherwise.

§ 4. However, provisions of Division VIII shall apply to proceedings in matters specified in Sections 1, 2 and 3.2.

§ 5. The Council of Ministers, by means of ordinance, may extend the applicability of all or part of the provisions of the Code of Administrative Proceedings to the proceedings specified in Section 2.

Art. 4. Immunity. The Code of Administrative Proceedings shall not infringe upon special privileges resulting from diplomatic and consular immunity and international treaties and customs.

Art. 5. Definitions.
§ 1. If any provision of law generally invokes the provisions regarding the administrative proceedings, it shall be understood as to refer to the provisions of the Code of Administrative Proceedings.

§ 2. Any reference in the provisions of the Code of Administrative Proceedings to:
1) the Code - shall mean the Code of Administrative Proceedings,
2) (deleted)
3) public administration authorities - shall mean ministers, central government administration authorities, voivodes and acting on behalf of the above authorities or on their own other local government administration authorities (combined and non-combined), authorities of units of self-government and authorities and entities specified in Article 1.2,
4) ministers - shall mean the Prime Minister and Deputy Prime Minister serving as ministers presiding over a specific division of government administration, ministers presiding over a specific division of government administration, heads of the committees included in the Council of Ministers, heads of central offices of government administration subordinated, submitted or supervised by the Prime Minister or a relevant minister, as well as heads of other equivalent state offices authorized to dispose of the matters specified in Articles 1.1 and 1.4,
5) social organizations - shall mean professional, self-government and co-operative organizations as well as other social organizations,
6) authorities of units of self-government - shall mean the bodies of a municipality, poviat, voivodship, unions of municipalities, unions of poviats, wójt, mayor (city president), starost, marshall of voivodship, as well as the heads of services, inspections, guards and brigades operating on behalf of a wójt, mayor (city president), starost or marshall of voivodship, as well as self-government appeal boards.
Rozdział 2. General Principles.


Art. 7. Principle of objective truth. In the course of the proceedings public administration authorities shall protect legality and shall undertake any actions necessary to accurately clarify the facts of a matter and to dispose of the matter, taking into account the public interest and just interest of citizens.

Art. 8. Principle of deepening trust. Public administration authorities shall conduct proceedings in such a manner as to deepen the trust of the citizens to the state authorities and to expand the legal consciousness and culture of the citizens.

Article 9

Principle of furnishing information

Public administration authorities shall duly and fully inform the parties on factual and legal aspects which may influence the establishment of the parties' rights and duties being the object of the proceedings. The authorities shall safeguard the parties and other persons participating in the proceedings, so that neither the parties nor the persons suffer any damage due to their ignorance of law and to this end the authorities shall furnish the parties and persons with necessary explanations and guidelines.


§ 1. Public administration authorities shall ensure that the parties may actively participate in every stage of the proceedings, and prior to issuing a decision the authorities shall give the parties an opportunity to present their position as to the collected evidence and materials and submitted demands.

§ 2. Matters in which it is not necessary to collect evidence, information and explanations, shall be disposed of immediately.

Art. 11. Explaining the grounds. Public administration authorities should explain to the parties the grounds for deciding the matter in order to, if possible, enable the parties to satisfy the decision without the application of any coercive measures.


§ 1. Public administration authorities shall act in a detailed and prompt manner, applying the simplest possible measures to dispose of the matter.

§ 2. Matters in which it is not necessary to collect evidence, information and explanations, shall be disposed of immediately.

Art. 13. Principle of amicable resolution of matters.

§ 1. If parties of opposing interests participate in the matter, the matter may be disposed of by way of a settlement drawn up before a public administration authority (administrative settlement).

§ 2. Public administration authorities before which the proceedings in the matter have been pending, should in such cases undertake actions to persuade the parties to settle the matter.


§ 1. All matters shall be disposed of in writing or in the form of an electronic document as defined in the Act of 17 February 2005 on Informatization of Operation of Entities Performing Public Tasks (J. L. No. 64, item 565, as amended), to be served by means of electronic communication.

§ 2. Matters may be disposed of orally if it is in the interest of the parties and no provision of law provides otherwise. The contents and key reasons for such verbal disposal shall be recorded in case files by way of minutes or annotation signed by the party.

Art. 15. Principle of two-instance proceedings. Administrative proceedings shall be two levels of instances.

Art. 16. Principle of durability of an administrative decision.

§ 1. Decisions which are not appealable in the administrative course of instance shall be final. Such decisions may be quashed, amended, declared invalid or the proceedings may be reopened only in instances provided for in the Code or separate statutes.

§ 2. Claims may be filed with an administrative court on grounds of violation of law, on terms and according to procedures specified in separate statutes.

Rozdział 3. Authorities of Higher Level and Supreme Authorities.

Art. 17. Definitions. The following entities are authorities of higher level within the meaning of the Code:

1) with regard to authorities of units of self-government - self-government appeal boards, unless separate statutes provide otherwise,

2) with regard to voivodes - ministers having competency in the matter,

3) with regard to public administration authorities other than those specified in Subsections 1 and 2 - appropriate superior authorities or competent ministers, and if there are none - state authorities supervising their activities,

4) with regard to bodies of social organizations - appropriate bodies of higher level of such organizations, and if there are none - the state authority supervising their activity.

Art. 18. Concept. The following entities are supreme authorities within the meaning of the Code:

1) with regard to government administration authorities, authorities of units of self-government except for self-government appeal boards, state authorities and self-government organizational units - the Prime Minister or competent ministers,

2) with regard to state authorities other than those specified in Subsection 1 - relevant authorities having nationwide scope of operation,
3) with regard to bodies of social organizations - supreme bodies of the organizations, and if there are none - the Prime Minister or competent ministers exercising supreme supervision over their activities.


Art. 19. Observance of jurisdiction. Public administration authorities shall observe ex officio their substantive and territorial jurisdiction.

Art. 20. Substantive jurisdiction. Substantive jurisdiction of a public administration authority shall be determined according to the provisions governing the authority's scope of operation.

Art. 21. Territorial jurisdiction.

§ 1. Territorial jurisdiction of a public administration authority shall be determined:
1) with regard to matters concerning real property - according to its place of location; and if the real property is located in the territory falling under the jurisdiction of two or more authorities, the authority in which territory the greater part of the real property is located shall be competent to decide the matter,
2) with regard to matters concerning the operation of an employing establishment - according to the place where the employing establishment is, has been or is to be operated,
3) in other matters - according to the domicile (registered office) in the country, and in case of lack thereof - according to the place of residence of the party or one of the parties; if neither of the parties is domiciled (has a registered office) in the country nor neither of them has a place of residence in the country - according to their last domicile (registered office) or residence in the country.

§ 2. If the territorial jurisdiction cannot be determined according to the rules described in Section 1 above, the matter shall be disposed of by an authority having jurisdiction over the location where the incident constituting the basis of the proceedings occurred; and if such location has not been determined - by an authority having jurisdiction over Śródmieście district in the Capital City of Warsaw.

Art. 22. Jurisdiction.

§ 1. Jurisdiction disputes shall be resolved by:
1) in case of a dispute between authorities of units of self-government, except for cases specified in Subsections 2-4 - a common authority of higher level, and in matter there is none - an administrative court,
2) in case of a dispute between the heads of services, inspections, guards and brigades of combined administration of the same powiat, operating on their own behalf or on behalf of the starost - the starost,
3) in case of a dispute between authorities of combined administration in one of voivodships, not specified in Subsection 2 - the voivode,
4) in case of a dispute between the authorities of units of self-government in different voivodships in matters constituting government administration task - ministers having competency over public administration matters,
5) (deleted)
6) in case of a dispute between voivodes and combined administration authorities in different voivodships - the minister having competency over public administration matters,
7) in case of a dispute between public administration authorities after consulting the authority supervising the authority being in dispute with the voivode,
8) in case of a dispute between public administration authorities other than those listed in Subsections 1-4, 6 and 7 - a common authority of higher level, and if there is none - minister having competency over public administration matters,
9) in case of a dispute between public administration authorities if one of the authorities is a minister - the Prime Minister,

§ 2. Disputes between authorities of units of self-government and government administration authorities regarding the scope of their powers shall be resolved by an administrative court.

§ 3. The application to have the dispute resolved by the administrative court may be submitted by:
1) the party,
2) authority of the unit of self-government or other public administration authority being in dispute,
3) minister having competency over public administration matters,
4) minister having competency over justice, General Public Prosecutor,
5) the Ombudsman.

Art. 23. Actions of the authority. Until the jurisdiction dispute has been resolved, the public administration authority in which territory the matter arose, shall undertake only those actions which are to be performed without delay due to the public interest or just interest of citizens and it shall notify thereof the authority competent to resolve the dispute.

Rozdział 5. Disqualification of an Employee and an Authority.


§ 1. An employee of a public administration authority shall be disqualified from participation in the proceedings in a matter:
1) to which he is a party or, if such a legal relationship exists between him and one of the parties, that the outcome of the matter may influence his rights and duties,
2) concerning his spouse, relative or relative by affinity up to the second degree,
3) concerning a person in an adoptive, wardship or guardianship relation with him,
4) in which he was a witness or expert or in which he is or has served as a representative of one of the parties, or in which a party is represented by any of the persons listed in Subsections 2 and 3,
Art. 25. Grounds for disqualification of an authority.
§ 1. A public administration authority shall be disqualified from disposing of a matter concerning the financial interest of:
1) the head of the authority or persons being with him in relations specified in Article 24.1.2 and 24.1.3,
2) the head of an authority of directly higher level or persons being with him in relations specified in Article 24.1.2 and 24.1.3.
§ 2. Article 24.4 shall apply accordingly.

Art. 26. Designation of an employee or authority.
§ 1. In case of a disqualification of an employee (Article 24), his direct superior shall designate another employee to handle the matter.
§ 2. In case of a disqualification of an authority, the matter shall be disposed of:
1) in instances specified in Article 25.1.1 - by the authority of higher level over the authority disposing the matter;
2) in instances specified in Article 25.1.2 - by the authority of higher level over the authority headed by the person specified in that provision.

The authority of higher level may designate another subordinate authority to dispose of the matter. If the person specified in Article 25.1.2 is a minister or a president of the self-government appeal board, the Prime Minister shall designate the authority competent to dispose of the matter.
§ 3. If due to the disqualification of employees of a public administration authority, the authority became incapable to dispose of the matter, Section 2 shall apply accordingly.

Art. 27. Member of a collective authority.
§ 1. A member of a collective authority shall be disqualified in instances specified in Article 24.1. In instances specified in Article 24.3, the member shall be disqualified by the president of the collective authority or the authority of higher level, acting upon the application of a party or of a member of the collective authority or ex officio.
§ 1a. A member of the self-government appeal board shall be disqualified from proceedings in a matter brought upon an application to reconsider the matter if the member participated in issuance of a decision specified in the application.
§ 2. If as a result of the disqualification of the members of a collective authority, the authority became incapable of adopting a resolution due to the lack of the required *quorum* Article 26.2 shall apply accordingly.
§ 3. If as a result of the disqualification of its members, a self-government appeal board became incapable of disposing the matter, the minister having competency over public administration matters shall designate another self-government appeal board to dispose of the matter.

Art. 27a (deleted)

Rozdział 6. A Party.

Art. 28. Definition. Each person whose legal interest or duty the proceedings concern or who requests the authority's action due to his legal interest or duty, shall be a party.

Art. 29. Concept. Only natural and legal persons may enjoy the status of a party, and with regard to state and self-government organizational units and social organizations - also entities not having the status of a legal person.

Art. 30. Reference.
§ 1. Legal capacity and the capacity to enter into legal transactions shall be determined according to the provisions of civil law, unless specific provisions provide otherwise.
§ 2. Natural persons with no capacity to enter into legal transactions shall act through their legal representatives.
§ 3. Parties not being natural persons shall act through their legal or statutory representatives.
§ 4. In matters concerning transferable or hereditable rights, in case of a transfer of the right or death of the party during the pendency of the proceedings the legal successors of the party shall join the proceedings in lieu of the party.
§ 5. In case of inheritances which have not been taken over, the persons administering the assets of the inheritance estate shall act as a party, and if there are none - a guardian appointed by court upon an application of a public administration authority.

Art. 31. Rights.
§ 1. In matters concerning another person, a social organization may demand:
1) that the proceedings be initiated,
2) that the organization be allowed to participate in the proceedings,
if such a demand is justified by the statutory goals of the organization and public interest.
§ 2. If a public administration authority considers such demand of a social organization as justified, the authority shall order initiation of the proceedings ex officio or to allow the social organization to participate in the proceedings. The order refusing to initiate the proceedings or to allow the social organization to participate in the proceedings shall be subject to complaint.
§ 3. The social organization participates in the proceedings as a party.

§ 4. Upon initiation of the proceedings in a matter concerning another person, the public administration authority shall notify thereof a social organization if in the authority's opinion the organization may be interested in the participation in the proceedings due to its statutory goals and if it is justified by public interest.

§ 5. A social organization which does not participate in the proceedings as a party, may, upon the consent of the public administration authority, present to the authority its opinion pertaining to the matter, expressed in a resolution or a statement of its statutory body.

§ 6. (deleted)

Art. 32. Appointment of an attorney-in-fact. A party may act through an attorney-in-fact, unless the nature of the action requires that it be taken by the party personally.

Art. 33. Grounds and procedure.

§ 1. Any natural person having capacity to enter into legal transactions may be an attorney-in-fact.

§ 2. The power of attorney shall be granted in writing or submitted to the minutes.

§ 3. The attorney-in-fact shall submit to the case files the original copy or an officially certified copy of the power of attorney. The attorney-at-law, legal counsel, patent agent or tax advisor may himself certify the copy of the power of attorney granted to him and copies of other documents evidencing his authorization. In case of doubts the public administration authority may demand that the party's signature be officially certified.

§ 4. In minor matters, the public administration authority may elect not to demand the power of attorney if a member of the closest family or a person residing with the party is an attorney-in-fact and there are no doubts as to the existence and scope of the authorization to act on behalf of the party.

Art. 34. Appointment of a representative.

§ 1. A public administration authority shall apply to the court to designate a representative for an absent or incapacitated person, unless such a representative has already been appointed.

§ 2. If an action is to be taken immediately, the public administration authority shall appoint a representative for an absent person, who shall be authorized to act in the proceedings until an appropriate representative has been appointed by the court.

Rozdział 7. Disposing the Matters.

Art. 35. Timeframe.

§ 1. Public administration authorities shall dispose of matters without unnecessary delay.

§ 2. All matters which may be disposed of on the basis of evidence presented by a party together with the demand to initiate proceedings or on the basis of facts and evidence publicly known ex officio to the authority before which the proceedings have been pending or which may be established on the basis of data kept by the authority, shall be decided immediately.

§ 3. If it is necessary to conduct explanatory proceedings in the matter, the matter shall be decided no later than within one month, and if the matter is especially complex - no later than within two months of the day the proceedings have been initiated, and in the appellate proceedings - within one month of the day the appeal has been received.

§ 4. The authorities of higher level may specify the types of matters which are to be disposed of within time limits shorter than those specified in Section 3.

§ 5. Time limits specified in provisions of law for performance of specific actions, periods of stay of the proceedings as well as periods of delay caused by party's fault or for reasons not attributable to the authority shall not be calculated towards the time limits specified in the preceding provisions.

Art. 36. Time limits exceeded.

§ 1. Whenever the public administration authority fails to dispose of a matter within the time limit specified in Article 35, the public administration authority shall notify the parties thereof, indicating reasons for the delay and appointing a new time limit to dispose of the matter.

§ 2. The same duty shall also be imposed upon the public administration authority if the delay in disposing the matter has been caused by reasons not attributable to the authority.

Art. 37. Right of the party.

§ 1. If the matter has not been disposed of within the time limit specified in Article 35 or appointed in accordance with Article 36 a party may file a complaint to the public administration authority of higher level.

§ 2. If the authority specified in Section 1 considers the complaint as well grounded the authority shall set an additional time limit for disposing of the matter and shall order that the reasons for the delay be clarified and persons responsible for the failure to dispose the matter within the time limits be determined and, if necessary, that the measures to prevent the time limits for disposing the matter from being exceeded in the future be adopted.

Art. 38. Liability of an employee. An employee of a public administration authority who without justified reasons failed to dispose of the matter within the precisely time limit or failed to perform his duty resulting from Article 36 or failed to dispose of the matter within the additional time limit set in accordance with Article 37.2, shall be subject to liability for failure to obey work rules or disciplinary liability or other type of liability provided for in the provisions of law.

Rozdział 8. Service.
Art. 39. Manner of service. A public administration authority shall serve documents by mail with return receipt requested, through its employees or through other authorized persons or bodies.

§ 1. Service shall be effected by means of electronic communication within the meaning specified in the Act of 18 July 2002 on Provision of Services by Electronic Means (J.L. No. 144, item 1204, as amended), if a party or other participant to the proceedings:
1) applied to the public administration authority for the service, or
2) consented to having the service effected by such means.
§ 2. (repealed)

§ 1. The documents shall be served on the party, and if the party acts through its representative - on the representative.
§ 2. If the party had appointed an attorney-in-fact, the documents shall be served upon the attorney-in-fact.
§ 3. In a matter initiated upon an application filed by two or more parties, the documents shall be served upon all of the parties, unless in the application the parties indicated one of them as authorized to receive service of documents.

Art. 41. Change of address.
§ 1. During the course of the proceedings the parties and their representatives and attorneys-in-fact have a duty to notify the public administration authority on every change of their address.
§ 2. In case of neglecting the duty specified in Section 1 the service of documents to the original address shall be legally effective.

Art. 42. Location.
§ 1. With regard to natural persons, service shall be effected by delivery to their residence or workplace.
§ 2. The documents may also be served in the premises of the public administration authority, unless specific provisions provide otherwise.
§ 3. If it is impossible to serve documents in a manner specified in Sections 1 and 2, or if need be, the documents may be served in any place where the addressee has been located.

Art. 43. Absence of the addressee. If the addressee is absent the document may be served, with return receipt signed, on an adult person residing with the addressee, a neighbor or the property manager, provided that the persons undertake to deliver the document to the addressee. The addressee shall be notified that the documents have been served upon the neighbor or property manager by way of a notice placed in his mailbox, or - if that is not possible - on the entry door to the residence.

Art. 44. Substitute service.
§ 1. If it is not possible to serve documents in a manner specified in Articles 42 and 43:
1) if the documents are to be served by mail - the document shall be kept by the postal service provider in its post office for a period of fourteen days,
2) if the documents are to be served by an employee of a municipal (city) office or authorized person or body - the document shall be kept in the office of a relevant municipality (city) for a period of fourteen days.
§ 2. A notice that the document has been stored including instructions describing how to retrieve it in a location indicated in Section 1 within a period of seven days of the day of the notice was placed in the addressee's mailbox, and if that is not possible - on the entry door to his residence, his office or other premises at which the addressee performs his professional activity, or in a visible location at the entry gate to the addressee's premises.
§ 3. In the case the addressee fails to collect the document within the timeframe specified in Section 2, another notice describing how to retrieve the document within the period not exceeding fourteen days of the original notification shall be placed.
§ 4. Service shall be deemed effected upon the elapse of the last day of the period specified in Section 1, and the document shall be attached to the case files.

Art. 45. Organizational units and social organizations. Organizational units and social organizations shall be served by delivering the document to their registered office premises; the document shall be served on the persons authorized to receive them. Article 44 shall apply accordingly.

Art. 46. Confirmation of receipt.
§ 1. Any person collecting the document shall confirm that the document has been served on him by signing and indicating the date of service.
§ 2. If the person collecting the document avoids confirming receipt or is unable to do so, the person serving the document may himself indicate the date of service and the person who collected the document and the reasons for the lack of the signature.
§ 3. If the document is to be served by means of electronic communication, the service shall be deemed effected if within seven days of the day of sending the document the public administration authority received confirmation of receipt of the document. If the public administration authority does not receive such confirmation, the authority shall serve the document in a manner specified in this Chapter for documents in the form other than electronic.
§ 4. In order to serve a document in electronic form, the public administration authority, subject to Section 6, shall send to the electronic address of the addressee information containing the following:
1) indication that the addressee may receive the document in electronic form,
2) indication of an electronic address where the addressee may download the document and confirm its receipt,
3) instruction concerning the manner of receipt of the document, in particular the manner of identification under the indicated electronic address in the teleinformatic system of the public administration authority and information concerning the requirement to sign the official confirmation of receipt as described in Article 20a of the Act of 17 February 2005 on Informatization of Operation of Entities Performing Public Tasks.
§ 5. Technical and organizational conditions of service of documents in electronic form shall be set out in the act specified in Section 4, Subsection 3.
§ 6. Delivery of document in electronic form to the public entity within the meaning specified in the act described in Section 4, Subsection 3, shall be effected via electronic inbox of the entity, in the manner specified in the above act.
Art. 47. Refusal to accept.
§ 1 If the addressee refuses to accept the document sent to him by post or other authority or in any other manner, the document shall be returned to the sender with an annotation describing the refusal to accept and the date of the refusal. The document together with the annotation shall be attached to the case files.
§ 2. In cases specified in Section 1 the service shall be deemed effected on the day the addressee refused to accept the document.

Art. 48. Service on the representative.
§ 1. Documents addressed to persons of unknown whereabouts for which the court did not appoint any representative shall be served on the representative appointed on the basis of Article 34.
§ 2. Documents addressed to persons enjoying specific privileges resulting from diplomatic or consular immunity shall be served in a manner provided for in specific provisions of law, international treaties and norms.

Art. 49. Public notice. The parties may be notified about the decisions and other actions of the public administration authorities by an announcement or in any other manner of public notice customarily accepted in the given location if a specific provision so provides; in such cases the announcement or service shall be deemed effected after the elapse of fourteen day period of the day of such public notice.

Art. 50. Purpose of summons.
§ 1. A public administration authority may summon persons to participate in the actions undertaken and to give explanations and testimony personally, through an attorney-in-fact or in writing, if it is necessary to decide the matter or perform official actions.
§ 2. The authority shall ensure that compliance with the summons would not be burdensome.
§ 3. If the summoned person can not appear due to illness, disability, or other obstacle impossible to overcome, the authority may perform the action or hear explanations or testimony of the person summoned in the person's place of residence if the circumstances surrounding the person allow.

Art. 51. Appearance in person.
§ 1. A person summoned has a duty to appear in person only within the limits of the municipality or city in which the person resides or stays.
§ 2. The duty to appear in person also applies to a person summoned who resides or stays within the limits of an adjacent municipality or city.

Art. 52. Legal assistance. In the course of the proceedings the public administration authority may request from the competent local government administration authority or authority of unit of self-government to summon a person residing or staying in the given municipality or city to give explanations or testimony or to perform another action connected with the pending proceedings. The authority conducting the proceedings shall indicate circumstances which are to be the subject of the explanations or testimony or actions which are to be performed.

Art. 53. Exemptions. Articles 51 and 52 shall not apply if the nature of the matter or action requires that the action be performed before the public administration authority conducting the proceedings.

Art. 54. Contents of the summons.
§ 1. In the summons the following shall be indicated:
1) name and address of the summoning authority,
2) name and surname of the summoned person,
3) in what matter, capacity and to what purpose is the person summoned,
4) whether the summoned person should appear in person or through his attorney-in-fact or whether he may submit explanations or testimony in writing,
5) date by which the summons should be met or day, time and venue where the summoned person or his attorney-in-fact shall appear,
6) legal consequences of failure to meet the summons.
§ 2. The signature of the employee of the summoning authority shall be affixed to the summons, with indication of the first name, surname and the official position of the undersigned, or - if the summons is issued in electronic form - the secure electronic signature verified with valid qualified certificate shall be affixed thereto.

Art. 55. Summons in specific form.
§ 1. In cases of the utmost urgency a person may be summoned by telegraph or telephone or by any other means of communication; the data listed in Article 54 shall be indicated in such summons.
§ 2. The summons made in a manner specified in Section 1 shall be legally effective only when there are no doubts that the summons reached the addressee in the appropriate contents and within the appropriate timeframe.

Art. 56. Costs of appearance.
§ 1. The person who appeared in response to the summons shall be reimbursed his traveling expenses and other expenses according to the provisions on the dues of witnesses and experts in court proceedings. The preceding sentence also applies to expenses connected with the appearance in person of the parties when the proceedings have been initiated ex officio or where the party without his fault has been mistakenly summoned to appear.
§ 2. The demand to award the amounts shall be made to the public administration authority before whom the proceedings have been pending and before the issuance of a decision, otherwise the claim shall expire.
Rozdział 10. Time Limits.

Art. 57. Calculation.
§ 1. If a time limit specified in days shall begin to toll upon a certain event, in calculating the time limit the day on which the event occurred shall not be included. The end of the last day that is the prescribed number of days shall be the end of the time limit.
§ 2. Time limits specified in weeks shall end on such day of the last week which name corresponds to the name of the initial day of the time limit.
§ 3. Time limits specified in months shall end on such day of the last month which corresponds to the initial day of the time limit, and if there is no such day of the last month - on the last day of such month.
§ 4. If the end of the time limit falls on a public holiday, the next succeeding business day shall be deemed the last day of the time limit.
§ 5. The time limit shall be deemed to have been observed if before the end of the time limit the document has been:
1) sent in electronic form to the public administration authority and the sender received the official confirmation of receipt,
2) submitted to the Polish public operator's post office,
3) submitted to the Polish consular office,
4) submitted by a serviceman to the headquarters of a military unit,
5) submitted by a member of maritime vessel's crew to the captain of the vessel,
6) submitted by a person deprived of liberty to the administration of the penal institution.

Art. 58. Resetting a time limit.
§ 1. In case of a failure to observe a time limit, upon the request of the interested person, the time limit shall be reset if the interested person shows reasonable reasons that the failure to observe the time limit was not attributable to the person's fault.
§ 2. The request to reset a time limit should be submitted within seven days of the day the reason for failure to observe the time limit ceased to exist. The action for the performance of which the time limit has been appointed should be performed simultaneously with submitting the request.
§ 3. It is inadmissible to reset the time limit for submitting the request specified in Section 2.

Art. 59. Competent authority.
§ 1. The public administration authority competent to dispose of the matter shall decide whether the time limit should be reset. The order on the refusal to reset the time limit shall be subject to complaint.
§ 2. The authority competent to consider an appeal or complaint shall finally decide whether the time limit for filing the appeal or complaint should be reset.

Art. 60. Stay of enforcement. Prior to considering the request to reset the time limit for filing an appeal or complaint the competent public administration authority, acting upon the request of a party, may stay the enforcement of the decision or order.

Dział II. Proceedings.

Rozdział 1. Initiation of the Proceedings.

Art. 61. Ex officio and upon an application.
§ 1. Administrative proceedings shall be initiated upon the demand of a party or ex officio.
§ 2. Due to a particularly important interest of a party, a public administration authority may initiate the proceedings ex officio also in such matters where, according to the provision of law, an application of a party is required. The authority shall obtain consent of the party thereto in the course of the proceedings, otherwise the proceedings shall be discontinued.
§ 3. The day the demand has been submitted to the public administration authority shall be the day of opening the proceedings upon the demand of a party.
§ 3a. The day the demand has been entered into the teleinformatic system of the public administration authority shall be the day of opening the proceedings upon the demand of a party submitted by means of electronic communication.
§ 4. All persons being parties to the proceedings shall be notified that the proceedings have been initiated ex officio or upon an application of one of the parties.

Art. 62. Co-participation. In matters where rights or obligations of the parties result from the same event and from the same legal basis and in which the same authority is competent, only one proceeding concerning more than one party may be initiated and conducted.

Art. 63. Form.
§ 1. Applications (demands, explanations, appeals, complaints) may be submitted in writing, by telegraph, telefax or orally to the minutes, or by other means of electronic communication via electronic inbox of the public administration authority created under the Act of 17 February 2005 on Informatization of Operation of Entities Performing Public Tasks.
§ 2. The application should at least indicate the applicant, his address and demand, and shall satisfy other requirements specified in specific provisions of law.
§ 3. The application submitted in writing or orally to the minutes should be signed by the applicant; moreover, the minutes should be signed by the employee who drafted it. If the application is submitted by a person who cannot or does not know how to affix his signature, the application or minutes should be signed instead by another person authorized by the applicant who should make a relevant annotation thereof next to his signature.
Rozdział 2. Minutes and Annotations.

Art. 65. Lack of competence.
§ 1. If the public administration authority to which the application has been submitted is not competent in the matter, the authority shall immediately refer the matter to a competent authority. The matter shall be referred on the basis of an order, which shall be subject to complaint.

Art. 66. Form.
§ 1. If the application concerns several matters to be disposed of by different authorities, the public administration authority to which the application has been submitted shall consider the matters for which the authority is competent. Simultaneously, the authority shall notify the applicant that with regard to the other matters the applicant should submit a separate application to the competent authority and the authority shall instruct the applicant of the contents of Section 2. The notification shall be effected by means of an order which shall be subject to complaint.

§ 2. The separate application submitted in accordance with the notification described in Section 1 within fourteen days of the day of service of the order shall be deemed submitted on the day the first application had been submitted.

§ 3. If the application had been submitted to an incompetent authority, and the competent authority cannot be established on the basis of information included in the application, or if it appears from the application that a common court should be competent in the matter, the authority to which the application had been submitted shall return the application to the applicant. The return of the application shall be effected by means of an order, which shall be subject to complaint.

§ 4. The authority may not return the application due to the reason that a common court has competence over the matter if the court had previously ruled that it is not competent in the matter.

Art. 67. Actions subject to minutes.
§ 1. Each public administration authority shall draw up concise minutes of every action undertaken in the proceedings having vital significance for deciding the matter, unless the action has been in other manner recorded in writing.

§ 2. In particular, minutes shall be drawn up of:

1) the acknowledgement of an application submitted orally,

2) the examination of a party, witness and expert,

3) the inspection and expertise made in the presence of public administration authority's representative,

4) hearing,

5) the verbal pronouncement of the decision and order.

Art. 68. Contents.
§ 1. The minutes shall be drawn up in such a manner as to indicate who, when, where and what actions were performed, who and in what capacity participated therein, what and in what manner resulted from such action and what remarks have been filed by the person present.

§ 2. The minutes shall be read out to all persons present participating in the official action, who should then sign the minutes. The refusal to sign or the lack of signature of any of the persons present should be described in the minutes.

Art. 69. Requirements.
§ 1. The minutes of examination shall be read out and presented for signature to the person being examined immediately after the person gave his testimony.

§ 2. If a person gave his testimony in a foreign language, the minutes of his examination shall include translation of his testimony into Polish and furthermore the minutes shall indicate the name and address of the translator who prepared the translation; the translator should sign the minutes of examination.

Art. 70. Attachment of testimony or document. If allowed by the public administration authority, testimony given in writing and signed by the testifying person and other documents having significance for the matter may be attached to the minutes.

Art. 71. Correction. Any deletions and corrections to the minutes shall be made in such a manner so that the words deleted or corrected were readable. The deletions and corrections should be described in the minutes before the minutes are signed.

Art. 72. Official annotations. All actions of the public administration authority which are not recorded in the minutes and which have significance to the matter or to the course of the proceedings shall be recorded in the
Rozdział 3. Making the Case Files Available.

Art. 73. Rule.
§ 1. At every stage of the proceedings the public administration authority shall allow the party to review the case files and to make notes and copies.
§ 2. The party may demand that the copies of the case files made by the party be certified to be a true copy or that certified copies from the case files be issued to the party if that is justified by significant interest of the party.
§ 3. If documents are submitted to or served by the public administration authority in electronic form, the authority may provide the party with access thereto through its teleinformatic system, after the party has been properly identified in the manner specified in the provisions of the Act of 17 February 2005 on Informatization of Operation of Entities Performing Public Tasks.

Art. 74. Exceptions.
§ 1. Article 73 shall not apply to case files protected as classified state information and to other files which the public administration authority excluded due to important state interest.
§ 2. A refusal to enable the party to review the case files, make notes and copies, to certify such copies or issue certified copies shall be effected by means of an order which shall be subject to complaint.

Rozdział 4. Evidence.

Art. 75. Definition.
§ 1. Anything that may contribute to clarifying the matter and that is not in violation of the law may be admitted as evidence. In particular documents, witness testimony, expert opinions and inspections may constitute evidence.
§ 2. At every stage of proceedings, an authority may amend, supplement or quash its order concerning evidence.

Art. 76. Official documents.
§ 1. Official documents drawn up in the prescribed form by competent state authorities within the scope of their activity shall constitute proof of what has been officially confirmed therein.
§ 2. Section 1 shall apply accordingly to official documents drawn up by the bodies of organizational units or entities within the scope of matters entrusted to them by operation of law or on the basis of an agreement and listed in Article 1.1 and 1.4.
§ 3. Sections 1 and 2 do not exclude the possibility of submitting counter-evidence against the contents of documents listed in those sections.

Art. 76a. Copy or excerpt.
§ 1. If a document is kept in the files of the authority or entity specified in Article 76.1 or 76.2, it is sufficient that a copy or excerpt of the document officially certified by the authority or entity be submitted. The public administration authority shall require the issuance of the copy or excerpt if the party is unable to procure such documents by himself. If the authority deems it necessary to review the original copy of the document, the authority may request that the original copy be delivered.
§ 2. In lieu of submitting an original copy of the document, the party may submit a copy thereof if the copy has been certified to be a true copy by a notary public or by an attorney-at-law, legal counsel, patent agent or tax advisor acting as the attorney-in-fact for the party in the matter.
§ 3. A certification attached to a copy of a document that the document is a true copy, certified by an attorney-at-law, legal counsel, patent agent or tax advisor acting as the attorney-in-fact for the party in the matter, shall be regarded as an official document.
§ 4. If it is justified by the circumstances of the matter, the public administration authority shall require that the party submitting a copy of the document specified in Section 2 submit an original copy of the document.

Art. 77. Collection and evaluation of evidence.
§ 1. A public administration authority shall completely collect and evaluate all evidence.
§ 2. Upon demand of the authority competent to dispose of a matter (Article 52), the authority conducting the proceedings may ex officio or upon application of a party examine new witnesses and experts with regard to circumstances constituting the subject of the proceedings.
§ 4. Facts publicly known and facts known to the authority ex officio require no proof. Facts known to the authority ex officio shall be communicated to the party.

Art. 78. Submitting evidentiary motions.
§ 1. A demand of a party concerning admission of evidence shall be allowed if the object of the evidence is material to the matter.
§ 2. A public administration authority may refuse to allow the demand (Section 1) which has not been submitted in the course of evidentiary proceedings or during the hearing if the demand concerns circumstances already proven by other evidence, unless such circumstances are material to the matter.

Art. 79. Rights of the parties.
§ 1. Each party should be notified at least seven days in advance as to the venue and date of evidentiary proceedings involving examination of witnesses, experts or inspection.
§ 2. A party has the right to participate in evidentiary proceedings, may ask questions to the witnesses, experts and parties, and may submit explanations.

Art. 80. Free evaluation of evidence. A public administration authority shall evaluate on the basis of all evidence collected whether a given circumstance has been proven.
Art. 81. Factual presumption. A factual circumstance may be presumed proven if a party had the opportunity to present his opinion as to the collected evidence, unless circumstances specified in Article 10.2 occurred.

Art. 82. Incapability of being a witness. The following persons are incapable of being witnesses:

1) persons unable to perceive and communicate their observations,
2) persons under an obligation to keep state or professional information confidential with regard to circumstances to be kept confidential, unless they have been released from the obligation to keep confidentiality in the procedure provided for in binding provisions of law,
3) clergymen with regard to facts revealed under the seal of confession.

Art. 83. The privilege to refuse testimony.

§ 1. No person has the privilege to refuse his testimony as a witness, except for the party's spouse, ancestors, descendants and siblings of the party as well as relatives by marriage of the first degree and persons being in an adoptive, wardship or guardian relationship with the party. The privilege to refuse testimony shall survive the dissolution of marriage, adoption, wardship or guardianship.

§ 2. The witness may refuse to answer a question if the answer would expose him or his nearest listed in Section 1 to criminal liability, disgrace or direct material damage or shall cause the infringement of the obligation to keep legally protected professional secret.

§ 3. Before hearing testimony, the public administration authority shall instruct the witness of his privilege to refuse testimony and answers and liability for perjury.

Art. 84. Appointment of an expert.

§ 1. If special knowledge is required in a matter, the public administration authority may request that an expert or experts issue their opinion.

§ 2. The expert shall be subject to disqualification according to rules and in the procedure specified in Article 24. Within the remaining scope provisions concerning the examination of witnesses shall be applicable to experts.

Art. 85. Inspection.

§ 1. If need be, the public administration authority may conduct inspections.

§ 2. If the object of an inspection is in the possession of a third party, upon demand of the authority, such party shall have a duty to present the object of the inspection.

Art. 86. Examination of a party. If, after all the evidence has been submitted, or if, due to the lack thereof, there are facts material to the matter left unexplained, the public administration authority, in order to clarify facts may examine the party. Provisions regarding the examination of witnesses apply to the examination of the parties except for provisions concerning coercive measures.

Art. 87. Collective authority. A collective authority competent to issue a decision in a matter may entrust the conduct of evidentiary proceedings or any part thereof to one of its members or employees if specific provisions do not provide otherwise.

Art. 88. Unjustified non-appearance.

§ 1. Whoever, after being duly summoned to appear in person (Article 51), fails to appear as a witness or expert without justified cause or refuses to give testimony, issue an opinion, present an object of inspection or participate in another official action without justified cause, may be fined by the authority conducting evidentiary proceedings up to PLN 50, and in the case of a repeated failure to obey the summons - up to PLN 200. The order concerning the imposition of the fine shall be subject to complaint.

§ 2. The authority which imposes a fine, upon application of the fined person submitted within seven days of the day of receipt of the notification on the fine, may rule that the non-appearance, refusal to testify, refusal to issue an opinion or refusal to present the object of inspection was justified and may release the person from the fine.

The refusal to release the person from the fine shall be subject to complaint.

§ 3. The imposition of the fine does not preclude the possibility of the application of coercive measures with regard to an insubordinate witness provided for in specific provisions.

Art. 88a. Disciplinary liability. In case a serviceman in active military service fails to fulfill his duties specified in Article 88.1, the authority conducting the evidentiary proceedings, instead of imposing the fine on the serviceman, may apply to the commander of military unit in which the serviceman serves to hold the serviceman disciplinary liable.
Art. 91. Contents of the summons.
§ 1. The summons shall indicate the date, venue and subject of the hearing.
§ 2. Parties, witnesses, experts and state and self-governmental organizational units, organizations and other persons summoned to participate in the hearing (Article 90.3) shall be summoned in writing.
§ 3. If it is probable that, except for the parties summoned who already participate in the proceedings, there may be other parties in the matter not known to the public administration authority, the notification of the date, venue and subject of the hearing shall be also announced by means of public announcement or in other manner customarily accepted in the given location.

Art. 92. Notification about the hearing. The date of the hearing shall be set in such a manner that the service of the summons and the announcement on the hearing take place at least seven days prior to the hearing.

Art. 93. Chair of the hearing. The hearing shall be presided over by a designated employee of the public administration authority before which the proceedings have been pending. If the proceedings have been pending before a collective authority, the hearing shall be presided over by the chairman or designated member of the collective authority.

Art. 94. Non-appearance. § 1. Non-appearance of the parties duly summoned to the hearing shall not constitute an obstacle to holding such a hearing.
§ 2. A person presiding over the hearing shall adjourn the hearing if he finds significant irregularities in the summons of the parties to the hearing, if the party’s non-appearance was caused by an obstacle difficult to overcome and for any other important reasons.

Art. 95. Submitting applications and evidence. § 1. At the hearing the parties may submit explanations, demands, proposals, objections and evidence in support thereof. Moreover, the parties may present their opinion as to the outcome of the evidentiary proceedings.
§ 2. A person presiding over the hearing may revoke questions asked to witnesses, experts and parties if such questions are not material to the matter. However, upon demand of a party, the essence of the question should be included in the minutes.

Art. 96. Keeping order. Parties, witnesses, experts and other persons participating in the hearing who misbehaved during the hearing may, after a warning, be removed from the hearing room by the person presiding over the hearing and fined up to PLN 100. The order concerning the imposition of fine shall be subject to complaint.


Art. 97. Compulsory stay.
§ 1. A public administration authority shall order a stay of the proceedings:
1) in case of the death of one of the parties if it is impossible to summon heirs of the deceased party to participate in the proceedings, and if no circumstances described in Article 30.5 occurred, and if the proceedings may not be discontinued as groundless (Article 105),
2) in case of death of the statutory representative of a party,
3) in case a party or his statutory representative loses the capacity to enter into legal transaction,
4) if deciding the matter and issuance of the decision is conditioned upon a previous resolution of a preliminary issue by another authority or court.
§ 2. If the grounds for stay have ceased to exist, the public administration authority shall ex officio upon demand of a party lift the stay of the proceedings.

Art. 98. Optional.
§ 1. A public administration authority may order a stay of proceedings if a party upon whose application the proceedings have been initiated applies for the stay and if none of the other parties object thereto and if it is not contrary to the public interest.
§ 2. If within three years of the day the proceedings have been stayed none of the parties applies to have the stay lifted, the demand to open the proceedings shall be deemed withdrawn.

Art. 99. Continued. The public administration authority, which for reasons listed in Article 97.1.1-97.1.3 ordered a stay of proceedings initiated ex officio, shall simultaneously take actions necessary to remove the obstacle to further conduct the proceedings. The authority shall take the same actions if the proceedings initiated upon the application of a party have been stayed for the same reasons, if the disposition of the matter is in the public interest.

Art. 100. Preliminary issue.
§ 1. The public administration authority which ordered a stay of proceedings for reasons specified in Article 97.1.4 shall simultaneously apply to the competent authority or court to resolve the preliminary issue or shall summon the party to apply therefore within the specified time limit, unless the party is able to prove that he has already submitted such issue to a competent authority or court.
§ 2. If the stay of the proceedings for reasons specified in Article 97.1.4 could cause a threat to human life or health or material damage to the public interest, the public administration authority shall dispose of the matter and shall resolve the preliminary issue by itself.
§ 3. Section 2 shall also apply when the party, despite being summoned (Section 1), fails to apply to have the preliminary issue resolved or when the stay of the proceedings could cause irreparable damage to the party. In the latter case the authority may make the disposition of the matter conditional upon the party’s submitting appropriate security.

Art. 101. Service of order.
§ 1. A public administration authority shall notify the parties of the order concerning the stay of proceedings.
§ 2. If the proceedings have been stayed upon application of the party of one of the parties (Article 98.1) the authority shall instruct the parties on the contents of Article 98.2.

§ 3. The order concerning the stay of proceedings is subject to complaint to be submitted by a party.

Art. 102. Actions undertaken. During the stay of proceedings the public administration authority may undertake only those actions which are indispensable to prevent a threat to human life or health or significant damage to the public interest.

Art. 103. Effect of stay. The stay of proceedings shall suspend the course of time limits provided for in the Code.

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Art. 104. Form of disposing of the matter.

§ 1. The public administration authority shall dispose of the matter by issuing a decision, unless the provisions of the Code provide otherwise.

§ 2. A decision concludes the matter as to the merits in whole or in part or otherwise close the proceedings in the given instance.

Art. 105. Discontinuance of the proceedings.

§ 1. If for any reason the proceedings became groundless the public administration authority shall issue a decision on the discontinuance of the proceedings.

§ 2. The public administration authority may discontinue the proceedings if a party upon whose application the proceedings have been initiated applies therefore, and none of the other parties object thereto and it is not contrary to the public interest.

Art. 106. Co-operation of authorities.

§ 1. If pursuant to any provision of law the decision may be issued only after another authority expresses its position (expresses opinion or consent or expresses its position in any other form), the decision shall be issued only after such authority expresses its position.

§ 2. The authority disposing of the matter, while applying to another authority to express its position, shall notify a party thereof.

§ 3. The authority to which the request to express its position has been submitted shall present its position immediately, however, no later than within two weeks of the day of the receipt of the relevant request, unless a provision of law provides for a different timeframe.

§ 4. If need be, the authority having the duty to express its position may conduct explanatory proceedings.

§ 5. The authority's position shall be expressed in form of an order against which a party may file a complaint.

§ 6. If the authority fails to express its position within the time limit specified in Section 3, Articles 36-38 shall apply accordingly.

Art. 107. Components of decision; substantiation.

§ 1. A decision shall include the following: identification of the public administration authority, date of issuance, identification of a party or parties, specification of legal basis, ruling, legal and factual substantiation, instruction on whether and according to what procedure the decision may be appeal against, a signature with identification of the party thereof.

§ 2. Specific provisions may also provide for additional components which the decision should include.

§ 3. Factual substantiation of the decision shall in particular include the following: identification of facts which the authority considered to be proven, evidence on which the authority relied and reasons why the authority refused to consider other evidence as credible and refused to rely thereon; the legal substantiation shall in particular include the explanation of the legal basis of the decision with citation of the provisions of law.

§ 4. If the decision rules in favor of all of the demands of the party, the authority may choose not to substantiate the decision; however, the above shall not apply to decisions resolving conflicting interests of the parties and the decisions issued as the result of appeal.

§ 5. The authority may choose not to substantiate the decision if the possibility of refraining from substantiating the decision or of limiting the substantiation due to the State security interest or public order resulted from statutory provisions hitherto binding.

Art. 108. Grounds for immediate enforceability.

§ 1. A decision which may be appealed against may be appended with an immediate enforceability clause if it is indispensable to protect human health or life or to protect national assets from severe damage or due to other public interest or especially important interest of a party. In the last case the public administration authority, by means of an order, may request that the party submitted appropriate security.

§ 2. The decision may be appended with the immediate enforceability clause also after the decision has been issued. In such case the authority issues an order which shall be subject to a complaint filed by the party.

Art. 109. Service; announcement.

§ 1. The decision shall be delivered to the parties in writing or by means of electronic communication.

§ 2. In cases specified in Article 14.2, the decision may be announced to the parties orally.

Art. 110. Consequences of service; announcement. The public administration authority which issued the decision shall be bound by the decision from the moment the decision has been served or announced, unless the Code provides otherwise.

Art. 111. Supplement.

§ 1. A party within fourteen days of the day of service or announcement of the decision may demand that the decision be supplemented with regard to the ruling or the right to file an appeal, an action to a common court or a claim to the administrative court or that the instruction included in the decision concerning the above be rectified.
§ 2. In cases specified in Section 1 the time limit for the party to file an appeal, an action or claim shall begin to
toll on the day the party received a reply.

Art. 112. Misdirection. Defective instructions included in the decision regarding the right to appeal or file an action
to the common court or a claim to the administrative court shall not prejudice the party who acted in accordance
with the instructions.

Art. 113. Correction of mistakes and errors.
§ 1. The public administration authority, acting ex officio or upon demand of the party, may rectify by means of an
order all clerical and account errors and other obvious mistakes in the decisions issued by the authority.
§ 2. The authority which issued the decision upon demand of an enforcement authority or a party shall, by means
of an order, explain all doubts regarding the contents of the decision.
§ 3. The order concerning rectification and explanation shall be subject to complaint.

Rozdział 8. Settlement.

Art. 114. Admissibility of a settlement. In a matter in which the proceedings have been pending before a public
administration authority, the parties may reach a settlement if the nature of the matter allows therefore, if it
contributes to the acceleration or facilitation of the proceedings and if it does not violate any provision of law.

Art. 115. Deadline to settle. The settlement may be concluded before the public administration authority before
which the proceedings in the first instance or appellate proceedings have been pending, until the authority issues
a decision in the matter.

§ 1. If the parties make consistent declarations concerning their willingness to reach the settlement, the public
administration authority shall adjourn the issuance of the decision and shall set a time limit for the parties to reach
a settlement.
§ 2. If one of the parties provides notice that he is no longer willing to reach the settlement or fails to observe the
time limit appointed in accordance with Section 1, the public administration authority shall dispose of the matter by
way of decision.

Art. 117. Form and contents.
§ 1. The settlement shall be drawn up in writing. The settlement should include the following: indication of the
authority before which it has been made, date of the settlement, identification of the parties, object and contents of
the settlement, an annotation confirming that the settlement has been read out and accepted, signatures of the
parties and a signature of the public administration authority's employee authorized to draw up the settlement.
§ 2. The public administration authority shall record the fact that the settlement has been made in the case files in
the form of a protocol signed by a person authorized to draw up the settlement.

Art. 118. Approval.
§ 1. The settlement shall be approved by the public administration authority before which it had been made.
§ 2. If the settlement concerns a matter which may be disposed of only upon another authority's having
expressed its position, Article 106 shall apply accordingly.
§ 3. The public administration authority shall refuse to approve the settlement if the settlement infringes on the
law, if it ignores the position of the authority referred to in Section 2, or if it infringes on the public interest or just
interest of the parties.

Art. 119. Continued.
§ 1. The approval of or refusal to approve the settlement shall be effected by way of an order which shall be
subject to complaint; the order in the subject matter shall be issued within seven days of the day of the settlement.
§ 2. If the settlement has been made in the course of appellate proceedings, the decision of the first instance
authority shall expire on the day the order approving the settlement has become final; a relevant instruction
informing thereof shall be included in the order.
§ 3. A copy of the settlement shall be delivered to the party together with the order approving the settlement.

Art. 120. Enforceability of the settlement.
§ 1. The settlement shall be enforceable as of the day the order approving the settlement becomes final.
§ 2. The public administration authority before which the settlement has been made shall confirm the
enforceability of the settlement on a copy of the settlement.

Art. 121. Effects. The approved settlement shall have the same effect as the decision issued in the course of the
administrative proceedings.

Art. 122. Reference. In matters not governed by this Chapter the provisions concerning the decision shall apply to
the settlement and the order approving or refusing to approve the settlement.


Art. 123. Issuance.
§ 1. In the course of the proceedings the public administration authority shall issue orders.
§ 2. The orders may concern the particular issues which arose in the course of the proceedings, but they do not
conclude the matter as to the merits, unless the provisions of the Code provide otherwise.

Art. 124. Components; substantiation.
§ 1. An order shall include the following: identification of the public administration authority, date of issuance,
identification of a party or parties or other persons participating in the proceedings, specification of legal basis,
ruling, instruction on whether and according to what procedure a complaint or a claim to the administrative court
may be filed against the order, a signature with identification of name and surname and official position of the
person authorized to issue the order or, if the order has been issued in form of an electronic document, a secure electronic signature verified with a valid qualified certificate should be appended thereto.

§ 2. If a complaint or a claim to the administrative court can be filed against the order or if the order has been issued as a result of the complaint, the order should include legal and factual substantiation.

Art. 125. Service; instruction.

§ 1. The orders against which a party may file a complaint or a claim to the administrative court shall be delivered in writing or by means of electronic communication.

§ 2. In matters specified in Article 14.2, the orders may be announced to the parties orally.

§ 3. The order against which a claim to the administrative court may be filed shall be served upon a party with instruction concerning the admissibility of filing of such claim and the order shall include legal and factual substantiation.

Art. 126. Reference. Article 107.2-107.5 and Articles 109-113 shall apply accordingly to the orders, and to the orders which are subject to complaint Articles 145-152 and 156-159 shall also apply accordingly, however, instead of a decision specified in Articles 149.3, 151.1, 157.1 and 158 an order shall be issued.

Rozdział 10. Appeals.

Art. 127. Admissibility.

§ 1. A party may appeal against a decision issued in the first instance only to one instance.

§ 2. The public administration authority of higher level shall be competent to consider the appeal, unless the statute provides for another appellate authority.

§ 3. A decision issued in the first instance by a minister or self-government appeal board may not be appealed against, however, a party dissatisfied with the decision may submit to such authority an application to reconsider the matter; the provisions governing appeals shall apply accordingly to such application to reconsider the matter.

§ 4. (deleted)

Art. 128. Appeal; form; contents. An appeal requires no detailed substantiation. It is sufficient if from the appeal it is evident that the party is dissatisfied with the decision issued. Specific provisions may impose other requirements concerning the contents of the appeal.

Art. 129. Time limit.

§ 1. The appeal shall be submitted to the competent appellate authority via the authority which issued the decision.

§ 2. The appeal shall be submitted within fourteen days of the day the decision has been served upon a party, and if the decision has been announced orally - of the day the decision has been pronounced to the party.

§ 3. Specific provisions may provide for other time limits for submitting the appeal.

Art. 130. Effect upon enforceability.

§ 1. Before the end of the time limit to submit the appeal the decision shall not be enforceable. § 2. The submission of the appeal shall stay the enforcement of the decision.

§ 3. Sections 1 and 2 shall not apply if:

1) the decision has been appended with an immediate enforceability clause (Article 108),

2) the decision shall be immediately enforceable by operation of law.

§ 4. Moreover, a decision shall be immediately enforceable before the end of the time limit to submit the appeal if the decision is compliant with the demands of all the parties.

Art. 131. Notice of appeal. The public administration authority which issued the decision shall notify the parties of the submitted appeals.

Art. 132. Actions of the first instance authority.

§ 1. If all the parties appealed against the decision and the public administration authority which issued the decision agrees that all the demands of the appeal should be allowed, the authority may issue a new decision in which the authority shall quash or reverse the decision appealed against.

§ 2. Section 1 shall also apply if the appeal has been submitted by only one of the parties and the remaining parties consented that the decision be quashed or reversed as demanded in the appeal.

§ 3. Parties may appeal against the new decision.

Article 133

Continued

The public administration authority which issued the decision shall deliver the appeal together with the case files to the appellate authority within seven days of the day of receipt of the appeal, unless the authority issues a new decision within this timeframe pursuant to Article 132.

Art. 134. Inadmissibility; failure to observe the time limit. The inadmissibility of the appeal or the failure to observe the time limit for submitting the appeal shall be declared by the appellate authority by means of an order. The order in such a matter is final.

Art. 135. Stay of enforcement. In justified cases the appellate authority may stay the immediate enforcement of the decision.

Art. 136. Additional evidence. Upon demand of a party or ex officio the appellate authority may conduct additional proceedings in order to collect additional evidence or materials in the matter or may order the authority which issued the decision to conduct such proceedings.

Art. 137. Withdrawal. A party may withdraw the appeal at any time before the appellate authority issues its decision. However, the appellate authority may refuse to allow the appeal to be withdrawn if due to the withdrawal a decision infringing upon the law or contrary to the public interest would remain in force.
Art. 138. Appellate authority's decision.
§ 1. The appellate authority shall issue a decision in which:
1) the authority shall affirm the decision appealed against, or
2) the authority shall quash the decision appealed against in whole or in part and within that scope the authority shall rule as to the merits, or while quashing the decision the authority shall discontinue the proceedings in the first instance, or
3) the authority shall discontinue the appellate proceedings.
§ 2. The appellate authority may quash the decision appealed against in whole and may remand the matter for reconsideration to the authority of the first instance if, in order to decide the matter, the explanatory proceedings should be conducted in whole or in significant part. While remanding the matter the appellate authority may indicate the circumstances which shall be taken into account in reconsidering the matter.
§ 3. (deleted)

Art. 139. Prohibition of reformationis in peius. The appellate authority may not issue a decision adverse to the appealing party unless the decision appealed against grossly infringes on the law or is contrary to the public interest.

Art. 140. Reference. In matters not governed by Articles 136-139 in proceedings before the appellate authorities, the provisions governing the proceedings before the authorities of the first instance shall apply accordingly.


Art. 141. Rule; time limit.
§ 1. A complaint may be filed by a party against orders issued in the course of the proceedings only if the Code provides so.
§ 2. The complaints shall be filed within seven days of the day of service of the order upon the party, and if the order has been announced orally - of the day of the announcement of the order to the party.

Art. 142. Continued. An order against which a complaint may not be filed may be challenged by a party only in an appeal against the decision.

Art. 143. Consequences of filing. The filing of the complaint shall not stay the enforcement of the order, however, the public administration authority which issued the order may stay the enforcement of the order if the authority considers it justified.

Art. 144. Reference. In matters not governed in this Chapter the provisions governing the appeals shall apply to the complaints.

Rozdział 12. Reopening of the Proceedings.

Art. 145. Grounds.
§ 1. In a matter concluded with a final decision the proceedings shall be reopened if:
1) evidence upon which factual circumstances material to the matter have been ascertained turned out to be false,
2) the decision was issued as a result of a criminal offence,
3) the decision was issued by an employee or a public administration authority which should have been disqualified pursuant to Articles 24, 25 and 27,
4) a party, not due to his fault, did not participate in the proceedings,
5) new factual circumstances material to the matter or new evidence existing on the day the decision had been issued came to light, of which the authority issuing the decision was not aware,
6) the decision had been issued without obtaining a position of another authority required by law,
7) a preliminary issue was resolved by a competent authority or common court contrary to the findings made at the issuance of the decision (Article 100.2),
8) the decision had been issued on the basis of another decision or court judgment which had been quashed or reversed.
§ 2. The proceedings may be reopened on the grounds specified in Section 1.1 or 1.2 before the evidence has been found false or the offence has been found to be committed on the basis of a judgment of a court or other authority, if it is evident that the evidence had been falsified or the offence had been committed and the reopening of the proceedings is indispensable in order to prevent a threat to human life or health or significant damage to the public interest.
§ 3. The proceedings may be reopened on the grounds specified in Section 1.1 or 1.2 if the proceedings before the court or other authority may not be initiated due to the lapse of time or due to other reasons specified in the provisions of law.

§ 1. The demand to reopen the proceedings is also admissible if the Constitutional Tribunal ruled that a normative act violated the Constitution, international treaty or statute on the basis of which the decision had been issued.
§ 2. In a case specified in Section 1, the demand to reopen the proceedings shall be submitted within one month of the day the judgment of the Constitutional Tribunal takes effect.

Art. 146. Limitations to quash the decision.
§ 1. The decision may not be quashed for reasons specified in Article 145.1.1 and 145.1.2 if a period of ten years has elapsed from the day the decision had been served or pronounced, and for reasons specified in Article 145.1.3-145.1.8 and Article 145a, if a period of five years elapsed from the day the decision had been served or pronounced.
Art. 156. Grounds.

§ 1. A public administration authority shall declare a decision invalid if:
1) the decision has been issued in violation of provisions governing competence,
2) the decision has been issued without legal basis or with gross infringement of law,
3) the decision concerns a matter which has been previously decided under another final decision,
4) the decision has been addressed to a person not being a party to the matter,
5) the decision was unenforceable on the day of its issuance and the unenforceability has been permanent,
6) if enforced the decision would cause an offence punishable by penalty,
7) the decision contains a defect which renders the decision invalid by operation of law.

Art. 155. Continued.

§ 1. In matters specified in Article 149 the public administration authority which issued a decision in the matter in the last instance shall be competent.
§ 2. If the proceedings should be reopened due to the activity of the authority specified in Section 1, the decision concerning the reopening of the proceedings shall be taken by the authority of higher level which shall simultaneously designate the authority competent in matters specified in Article 149.2.
§ 3. Section 2 shall not apply if the decision in the last instance was issued by a minister and in matters constituting tasks of the self-government units - by the self-government appeal board.

Art. 154. Admissibility.

§ 1. A final decision, on the basis of which none of the parties acquired any rights, may be at any time quashed or amended by the public administration authority which issued the decision or by the authority of higher level if it is justified by the public interest or just interest of the party.
§ 2. In cases specified in Section 1, the competent authority shall issue a decision regarding quashing or amending the original decision.
§ 3. In matters constituting self-government units’ own tasks, the authorities of these units shall be competent to quash or amend a decision specified in Section 1 and Article 155.

Art. 152. Stay of enforceability.

§ 1. The public administration authority competent to reopen the proceedings shall ex officio or upon demand of a party order a stay of enforcement of the decision if the circumstances of the matter indicate that it is probable that the decision would be quashed as a result of reopening the proceedings.
§ 2. A party may file a complaint against the order regarding the stay of enforcement, unless the order has been issued by a minister or self-government appeal board.

Art. 153 (repealed)

Rozdział 13. Quashing, Amending and Declaring a Decision Invalid.

Art. 154. Admissibility.

§ 1. A final decision, on the basis of which none of the parties acquired any rights, may be at any time quashed or amended by the public administration authority which issued the decision or by the authority of higher level if it is justified by the public interest or just interest of the party.
§ 2. In cases specified in Section 1, the competent authority shall issue a decision regarding quashing or amending the original decision.
§ 3. In matters constituting self-government units’ own tasks, the authorities of these units shall be competent to quash or amend a decision specified in Section 1 and Article 155.

Art. 155. Continued. Upon consent of a party, a final decision on the basis of which the party acquired a right, may be at any time quashed or amended by the public administration authority which issued the decision or by the authority of higher level, unless a specific provision disallows for quashing or amending such a decision, and provided that it is justified by public interest or just interest of the party; Article 154.2 shall apply accordingly.

Art. 156. Grounds.

§ 1. A public administration authority shall declare a decision invalid if:
1) the decision has been issued in violation of provisions governing competence,
2) the decision has been issued without legal basis or with gross infringement of law,
3) the decision concerns a matter which has been previously decided under another final decision,
4) the decision has been addressed to a person not being a party to the matter,
5) the decision was unenforceable on the day of its issuance and the unenforceability has been permanent,
6) if enforced the decision would cause an offence punishable by penalty,
7) the decision contains a defect which renders the decision invalid by operation of law.
§ 2. The decision may not be declared invalid for reasons specified in Section 1.1, 1.3.1.4 and 1.7 if a period of ten years has elapsed from the day the decision has been served or pronounced or if the decision caused irreversible legal consequences.

Art. 157. Competent authority; form.
§ 1. In cases specified in Article 156, the decision may be declared invalid by the authority of higher level, and if the decision was issued by a minister or self-government appeal board - by the minister or the board.
 § 2. The proceedings to declare a decision invalid may be initiated upon demand of a party or ex officio.
 § 3. The refusal to initiate proceedings to declare a decision invalid shall be effected by means of a decision.

Art. 158. Continued.
§ 1. The ruling regarding the declaration of invalidity of a decision shall be issued in a decision.
§ 2. If it is inadmissible to declare a decision invalid due to the circumstances specified in Article 156.2, the public administration authority shall only rule that the decision has been issued in contravention to the law and shall indicate circumstances due to which the authority did not declare the decision invalid.

Art. 159. Stay of enforcement.
§ 1. A public administration authority competent to declare a decision invalid shall ex officio or upon demand of a party order a stay of enforcement of the decision if it is probable that the decision contains one of the defects specified in Article 156.1.
§ 2. A party may file a complaint against an order staying the enforcement of the decision.

Art. 160 (repealed)

Art. 161. Special powers.
§ 1. A minister may at any time quash or amend within the necessary scope any final decision if a threat to human life or health or significant damage to national economy or material interest of the State may not be eliminated in any other manner.
§ 2. With regard to decisions issued by the authorities of self-government units in matters constituting government administration tasks, the powers specified in Section 1 shall be also vested with a voivode.
§ 3. A party which suffered damage as a result of a decision being quashed or amended shall have a claim for damages for the loss actually suffered against the authority which quashed or amended the decision; the authority by means of a decision shall also rule on the claim for damages.
§ 4. The claim for damages shall be time-barred after three years from the day the decision quashing or amending the original decision became final.
§ 5. (repealed)

Art. 162. Expiry of the decision.
§ 1. The public administration authority which issued a decision in the first instance shall declare the decision expired if the decision:
  1) became groundless, and the declaration of its expiry has been mandatory pursuant to any provision of law or the expiry is in the public interest or the best interest of the party,
  2) was issued subject to the fulfillment of a specific condition by a party and the party failed to fulfill the condition.
§ 2. The public administration authority referred to in Section 1 shall quash the decision if the decision was issued subject to performance of a specific action by a party and the party failed to perform such actions within the prescribed time limit.
§ 3. The authority acting on the basis of Section 1 or 2 shall declare the decision expired or shall quash the decision by means of decision.

Art. 163. Specific provisions.
The public administration authority may quash or amend a decision on the basis of which any party acquired a right also in other cases and pursuant to different rules than those specified in this Chapter if any specific provision so provides.


Art 164-179

(deleted)

§ 1. In matters regarding social insurance the provisions of the Code shall apply, unless provisions on social insurance set out different rules governing the procedure in such matters.
§ 2. Social insurance matters shall comprise the following: all matters resulting from provisions on social insurance, pension and disability benefits, alimony fund, as well as all matters resulting from provisions on other benefits payable from the funds appropriated for social security.

Art. 181. Reference. Specific provisions shall specify which appellate authorities shall have competency over social insurance matters; Article 180.1 shall apply accordingly in the proceedings before such authorities.

Dział IV. Participation of Public Prosecutor.

Art. 182. Powers of the prosecutor. A public prosecutor may apply to a competent public administration authority to initiate proceedings in order to eliminate any infringement of law.

Art. 183. Participation in the proceedings.
§ 1. A public prosecutor may participate in any stage of proceedings in order to ensure that the proceedings and conclusion of the matter are compliant with law.
§ 2. The public administration authority shall notify the public prosecutor of the initiative of proceedings and of any pending proceedings in any case the authority deems the participation of the public prosecutor necessary.

Art. 184. Objections.
§ 1. A public prosecutor may file objections against any final decision if the provisions of the Code or any specific provision allow for reopening of the proceedings, declaring a decision invalid or for quashing or amending of the
§ 2. The public prosecutor shall file his objection to the authority competent to reopen the proceedings, declare the decision invalid, quash or amend the decision.

§ 3. An objection against a decision issued by a minister may be filed only by the General Public Prosecutor.

§ 4. If the objection is based on the infringement of Article 145.1.4 the objection maybe filed only with party's consent.

Art. 185. Time limit to decide.
§ 1. The public prosecutor's objection shall be considered and disposed of within thirty days of the day the objection has been filed.
§ 2. If the objection has not been disposed of within the time limit specified in Section 1, Articles 36-38 shall apply accordingly.

Art. 186. Opening the proceedings ex officio. If the public prosecutor files his objection, the competent public administration authority shall institute the proceedings in the matter ex officio and shall notify all parties thereof.

Art. 187. Stay of enforcement of the decision. If the public prosecutor files his objection, the public administration authority to which the objection has been filed shall immediately consider whether it is necessary to stay the enforcement of the decision until the objection has been decided.

Art. 188. Standing of the public prosecutor. The public prosecutor who participates in the proceedings in cases specified in Articles 182-184 shall have the rights and powers of a party.

Art. 189. Inadmissibility of objection. The public prosecutor who filed a claim against a decision of a public administration authority to the administrative court may not file his objections on the basis of the same grounds.

Dział V

Dział VI

Dział VII. Issuance of Certificates.

Art. 217. Grounds.
§ 1. A public administration authority shall issue a certificate upon the demand of a person applying for issuance of such certificate.
§ 2. The certificate shall be issued if:
1) any provision of law requires that certain facts or legal status be officially confirmed,
2) a person applies for the certificate due to his legal interest in having certain facts or legal status officially confirmed.
§ 3. The certificate should be issued without undue delay, however, not later than within seven days.
§ 4. Upon demand of the applicant the certificate shall be issued in form of an electronic document with a secure electronic signature verified with a valid qualified certificate appended thereto.

Art. 218. Duty to issue.
§ 1. In cases specified in Article 217.2.2, the public administration authority shall have a duty to issue the certificate if the facts or legal status to be certified result from records, registers or other data kept or stored by the authority.
§ 2. Prior to issuance of the certificate the public administration authority may conduct explanatory proceedings within the necessary scope.

Art. 219. Refusal. The refusal to issue a certificate or the refusal to issue a certificate of content requested by the applicant shall be effected by means of an order which shall be subject to complaint.

Art. 220. Legal basis for the demand.
§ 1. The public administration authority may not request a certificate in order to confirm facts or legal status, if:
1) such facts or legal status are known to the authority ex officio,
2) such facts or legal status may be ascertain by the authority on the basis of:
   a) records, registers or other data kept by the authority,
   b) public registers kept by other public entities which the authority may access electronically on terms specified in the Act of 17 February 2005 on Informatization of Operation of Entities Performing Public Tasks,
   c) exchange of information with another public entity on terms specified in the provisions governing the informatization of operation of entities performing public tasks,
   d) official documents presented by the interested party for inspection (ID card, registration books or other).
§ 2. The public administration authority requesting a certificate from a party in order to confirm facts or legal status shall indicate a provision of law pursuant to which the facts or legal status shall be officially confirmed by means of a certificate.

Dział VIII. Letters of Dissatisfaction and Proposals.


Art. 221. Entitled entities.
§ 1. The right to submit petitions, letters of dissatisfaction and proposals to state authorities, authorities of self-government units, bodies of self-government organizational units and to social organizations and institutions guaranteed to everyone on the basis of the Constitution shall be exercised pursuant to the procedure set out in the provisions of this Division.
§ 2. Petitions, letters of dissatisfaction and proposals may be submitted to social organizations and institutions in connection with the performance of their commissioned tasks in the field of public administration.
§ 3. Petitions, letters of dissatisfaction and proposals maybe submitted in the public interest, one's own interests or in the interest of another person with the person's consent.

Art. 222. Examination of the contents. The issue whether a document constitutes a letter of dissatisfaction or a proposal shall be ascertain on the basis of the contents of the document and not its appearance.

Art. 223. Competency.
§ 1. State authorities, authorities of self-government and other self-government bodies as well as the bodies of social organization shall consider and dispose of the letters of dissatisfaction and proposals falling within their competency.
§ 2. An employee of a state authority, self-government or social organization body, due to whose fault the letters of dissatisfaction or proposals have not been properly disposed and have not been disposed of in a timely manner, shall be subject to liability for failure to obey work rules or disciplinary liability or other type of liability provided for in the provisions of law.

Art. 224. Reference. Every reference in this Division to state authorities shall also mean bodies of state enterprises and other state organizational units.

Art. 225. Prohibition of actions against letters of dissatisfaction.
§ 1. None may be exposed to any detriment or charge due to the submission of a letter of dissatisfaction or proposal or due to the submission of material for publication having attributes of a letter of dissatisfaction or proposal if one acted within the boundaries of law.
§ 2. State authorities, the authorities of self-government units and other self-government bodies and bodies of social organizations shall take any action necessary in order to prevent the suppression of criticism and other acts limiting the right to submit letters of dissatisfaction and proposals or to submit information for publication having attributes of a letter of dissatisfaction or proposal.

Art. 226. Delegation. The Council of Ministers shall specify by means of an ordinance the provisions governing the organization of submission and consideration of letters of dissatisfaction and proposals.

Rozdział 2. Letters of Dissatisfaction.

Art. 227. Subject. The letter of dissatisfaction may concern in particular the negligence or undue performance of tasks by the competent authorities or by their employees, the violation of legality or the interests of a person submitting the letter, as well as the excessive lengthiness or bureaucratic disposal of matters.

Art. 228. Addresssee. The letter of dissatisfaction shall be submitted to the authorities having competency to consider such letter.

Art. 229. Competency. If no specific provision grants competency to consider the letter of dissatisfaction to other authorities, the following authorities shall have competency to consider the letter of dissatisfaction concerning the tasks or activity of:
1) municipal council, poviat council or sejmik of voivodship - the voivode and with regard to financial matters - the regional audit board,
2) executive authorities of units of self-government with regard to matters concerning commissioned tasks in the field of government administration - the voivode,
3) wójt (mayor or city president) and the heads of municipal organizational units, except for matters specified in Subsection 2 - the municipal council,
4) poviat board and starost, as well as the heads of poviat services, inspections, guards and brigades as well as other organizational units, except for matters specified in Subsection 2 - poviat council,
5) voivodship board and the marshall of voivodship, except for matters specified in Subsection 2 - the sejmik of voivodship,
6) voivode in matters to be considered in compliance with the provisions of the Code - the competent minister, and in other matters - the Prime Minister,
7) other government administration authority, a body of state enterprise or other state organizational units - the authority of higher level or exercising direct supervision,
8) minister - the Prime Minister,
§ 1. The authority having competency to dispose of the letter of dissatisfaction may refer the letter of dissatisfaction for consideration to an authority of a lower level unless the letter includes complaints as to the operation of such authority.

§ 2. A letter of dissatisfaction concerning an employee may be referred for consideration also to his work superior, with the duty being imposed on the superior to notify the competent authority as to how the letter has been disposed of.

§ 3. The person submitting the letter of dissatisfaction shall be notified about the referral of the letter for consideration.

Art. 233. Letter of dissatisfaction in an individual matter. A letter of dissatisfaction concerning an individual matter which has not yet been the subject of administrative proceedings shall result in proceedings being initiated if the letter has been submitted by a party. If the letter has been submitted by another person, the letter may result in proceedings being instituted ex officio, unless the provisions require that the proceedings be initiated only upon application of a party.

Art. 234. Letter of dissatisfaction in the course of the proceedings. In a pending matter:

1) a letter of dissatisfaction submitted by a party shall be considered in the course of the proceedings in compliance with the provisions of the Code,

2) a letter of dissatisfaction submitted by another person shall constitute material to be considered ex officio by the authority conducting the proceedings.

Art. 235. Letter of dissatisfaction after the closure of the proceedings.

§ 1. A letter of dissatisfaction concerning a matter in which a final decision has been issued in the course of administrative proceedings shall result in complying with the provisions of the Code, and in order to dispose thereof it is necessary to collect evidence, information or explanations - also about the status of consideration of the letter, no later than within fourteen days after the letter has been submitted or referred.

§ 2. Members of Sejm, senators and councillors who submitted a letter of dissatisfaction on their own behalf or in the name and surname of the person authorized to consider the letter may in the response to the letter uphold its previous position.

§ 3. The person submitting the letter of dissatisfaction shall be notified about the referral of the letter for consideration.

Art. 236. Competency. In cases specified in Articles 233 and 234, the authority having competency to initiate the proceedings or the authority before which the proceedings have been pending shall have competency to consider the letter of dissatisfaction; in cases specified in Article 235, the letter shall be considered by the authority having competency to reopen the proceedings, declare the decision invalid, quash or amend the decision.

Art. 237. Time limit.

§ 1. The authority having competency to dispose of the letter of dissatisfaction shall dispose of the letter of dissatisfaction without undue delay, no later than within one month.

§ 2. Members of Sejm, senators and councillors who submitted a letter of dissatisfaction on their own behalf or referred for consideration a letter of dissatisfaction submitted by another person shall be notified of the manner of disposal of the letter of dissatisfaction, and if in order to dispose thereof it is necessary to collect evidence, information or explanations - also about the status of consideration of the letter, no later than within fourteen days of the day the letter had been submitted or referred.

§ 3. The person submitting the letter of dissatisfaction shall be notified of the manner of disposal of the letter of dissatisfaction.

§ 4. In case of a failure to disposed the letter of dissatisfaction within time limit provided for in Section 1, Articles 36-38 shall apply accordingly.

Art. 238. Contents of notification.

§ 1. The notification about the manner of disposal of the letter of dissatisfaction shall contain the following: the identification of the notifying authority, the manner of disposal of the letter of dissatisfaction, the signature of the person authorized to dispose of the letter indicating the name, surname and his official position, or if the notification has been issued in form of an electronic document, a secure electronic signature verified with a valid qualified certificate should be appended thereto. The notification about the refusal to meet the requests included in the letter shall also include legal and factual substantiation and instruction regarding the contents of Article 239.

§ 2. In the notification specified in Section 1 sent by the organizational units of national defense department the name and surname of the person authorized to dispose of the letter may be omitted.

Art. 239. Resubmission.

§ 1. If, as a result of the consideration, the letter of dissatisfaction has been regarded as groundless and the groundlessness was proven in response to the letter and the person submitting the letter of dissatisfaction resubmitted the letter without indicating any new circumstances - the authority competent to consider the letter may in the response to the letter uphold its previous position.

§ 2. If the resubmitted letter of dissatisfaction has been disposed of in a manner described in Section 1, the authority disposing the letter shall notify thereof the authority of higher level; the above shall not apply to letters of dissatisfaction being disposed of by the supreme authorities.

Art. 240. Reference. If the letter of dissatisfaction concerns a matter which may not be considered in compliance with the provisions of the Code (Article 3.1 and 3.2) or does not fall within the competency of a public administration authority. Articles 233-239 shall apply accordingly, however, instead of the remaining provisions of the Code, the provisions governing the proceedings relevant in the matter shall apply.
Rozdział 3. Proposals.

Art. 241. Subject. A proposal may concern in particular suggestions for improving organization, strengthening legality, improving work and prevention of abuse, protection of ownership and improving the satisfaction of community’s needs.

Art. 242. Competency.
§ 1. The proposals shall be submitted to the authority having competency with regard to the subject of the proposal.
§ 2. Proposals concerning tasks of social organizations shall be submitted to the bodies of such organizations.

Art. 243. Verification of competency. If the authority which received the proposal does not have the competency to consider the proposal, the authority shall refer the proposal to the competent authority within seven days. The authority shall simultaneously notify the person submitting the proposal thereof.

Art. 244. Reference.
§ 1. Article 237.1 shall apply to the time limit to consider the proposal.
§ 2. The person submitting the proposal shall be simultaneously notified about the manner of disposal of the proposal.

Art. 245. Time limit exceeded. If the competent authority is unable to dispose of the proposal within the time limit specified in Article 244, the authority shall notify the person submitting the proposal within the above time limit about the actions undertaken in order to dispose of the proposal and about the anticipated timescales for disposal of the proposal.

Art. 246. Letter of dissatisfaction concerning the manner of disposal.
§ 1. A person submitting the proposal who is dissatisfied with the manner his proposal has been disposed of shall have the right to submit a letter of dissatisfaction in the procedure specified in Chapter 2 of this Division.
§ 2. The person submitting the proposal has the right to submit the letter of dissatisfaction if his proposal has not been disposed of within time limits specified in Article 244 or indicated in the notice (Article 245).

Art. 247. Reference. Articles 230, 237.2 and 238 shall apply accordingly to the proposals.

Rozdział 4. Participation of Press and Social Organizations.

§ 1. Letters of dissatisfaction and proposals referred by the press, radio or television editorial office to authorities having competency pursuant to Articles 228-230 and 242 shall be considered and disposed of according to the procedure specified in Chapters 2 and 3 of this Division.
§ 2. If requested by the editorial office, the competent authority shall also notify the editorial office within the prescribed time limit about the manner of disposal of the letter of dissatisfaction or proposal or if the letter of dissatisfaction or proposal has been referred to another authority for consideration.

Art. 249. Reference. Article 248 shall apply accordingly to the letters of dissatisfaction and proposals referred by social organizations to authorities having competency pursuant to Articles 228-230 and 242.

Art. 250 (deleted)
Art. 251. Reference. Articles 237.4, 245 and 246 shall apply accordingly to the press editorial office which has published and sent to the competent public administration authority an article, note or other message, in the procedure provided for in the Code.

Art. 252 (deleted)


§ 1. State authorities, self-government authorities and other self-government bodies as well as bodies of social organizations shall hold open office hours for citizens to discuss the letters of dissatisfaction and proposals; the date and time shall be designated by the authority or body.
§ 2. The heads of authorities and bodies specified in Section 1 or deputies designated by them shall hold open office hours for citizens to discuss the letters of dissatisfaction and proposals at least once a week.
§ 3. Dates and times of open office hours shall be adjusted according to the needs of the community, however, at least once a week, the open office hours should be scheduled on a designated day outside working hours.
§ 4. Information about the dates and times of open office hours shall be posted in a conspicuous place in the office of the given organizational unit and subordinate organizational units.
§ 5. The Prime Minister or a competent minister and the supreme body of social organization may specify the manner, dates and times of open office hours for citizens to discuss letters of dissatisfaction and proposals of authorities and organizational units subordinate thereto.

Art. 254. Records. Letters of dissatisfaction and proposals submitted and referred to state authorities, self-government authorities, other self-government bodies and bodies of social organizations as well as documents and other motions connected thereto shall be recorded and stored in a manner facilitating the monitoring of the course and time limit for disposal of individual letters of dissatisfaction and proposals.
Art. 255 (deleted)

Art. 256. Disqualification of an employee. An employee who received a letter of dissatisfaction concerning his activities shall immediately refer the letter to his official superior.


Art. 257. Supreme supervision. The supreme supervision over the receipt and disposal of letters of dissatisfaction and proposals submitted to courts shall be exercised by the National Council of the Judiciary of Poland (Krajowa Rada Sądownictwa) and submitted to other authorities and organizational units - by the Prime Minister.

Art. 258. Direct supervision and control.

§ 1. The supervision and control over the receipt and disposal of letters of dissatisfaction and proposals shall be exercised by the following authorities:

1) ministers - with regard to letters of dissatisfaction to be disposed of by the ministry and other organizational units subordinate directly to the minister,
2) ministers having competency over the subject matter, after consulting the minister having competency over public administration matters - with regard to letters of dissatisfaction to be disposed of by government administration authorities,
3) local government administration authorities - with regard to letters of dissatisfaction to be disposed of by organizational units supervised by these authorities,
4) authorities of higher level and competent supreme authorities - with regard to letters of dissatisfaction to be disposed of by other state authorities and the bodies of state organizational units,
5) the Prime Minister and voivodes - with regard to letters of dissatisfaction to be disposed of by the authorities of self-government units and self-government organizational units.

§ 2. The supervision and control over the receipt and disposal of letters of dissatisfaction and proposals with regard to bodies of social organization shall be exercised by the statutory supervisory body of these organizations and the authorities of higher level, and with regard to the supreme bodies of these organizations - the government administration authority supervising the activities of the given organization.

Art. 259. Evaluation of receipt and disposal.

§ 1. The authorities referred to in Article 258 shall periodically evaluate the receipt and disposal of letters of dissatisfaction and proposals by authorities and organizational units under their supervision.

§ 2. Voivodes shall periodically evaluate the manner of receipt and disposal of letters of dissatisfaction and proposals by all authorities of public administration and other organizational units as well as social organization’s bodies active within their territory.

§ 3. As a result of inspections and evaluations performed, the authorities referred to in Sections 1 and 2 shall undertake measures to remedy the cause of dissatisfaction and to fully utilize the proposals in order to improve the operation of individual authorities and other state organizational units and social organizations.

Art. 261. Time limit to pay.

§ 1. If a party failed to pay any amount due as a fee or costs of the proceedings which according to the law should have been paid in advance, the public administration authority conducting the proceedings shall set a time limit for the party to pay the amount due. The time limit may not be shorter than seven days and may not exceed fourteen days.

§ 2. If the amount due has not been paid within the appointed time limit, the application shall be returned or the action conditional upon the payment of the fee shall be abandoned.

§ 3. The order concerning the return of the application shall be subject to complaint.

§ 4. The authority shall nevertheless dispose of the application despite the failure to pay the amount due, if:

1) social considerations or important interests of a party support the immediate disposal of the application,
2) the application may be submitted only within a prescribed final time limit,
3) the application has been submitted by a party residing abroad.

Art. 262. Costs to be borne by a party.

§ 1. A party shall bear the costs of the proceedings which:

1) were suffered due to the party’s fault,
2) were suffered in the interest of the party or upon the party's demand, and which do not result from any statutory duty of the authority conducting the proceedings.

§ 2. In justified cases, the public administration authority may demand that the party submit an advance payment in the indicated amount in order to cover the costs of the proceedings.

Art. 263. Definition.

§ 1. The costs of the proceedings shall include the following: traveling expenses and other expenses of witnesses and experts and parties in cases provided for in Article 56, as well as costs of inspections on site and costs of service of official documents upon the parties.

§ 2. The public administration authority may include other costs connected with the disposal of the matter as the costs of the proceedings.

Art. 264. Assessment of costs.

§ 1. Simultaneously with issuing a decision, the public administration authority shall assess by means of an order the amount of the costs of the proceedings, and it shall indicate the person having the duty to pay such amounts and the time limit and manner of payment.
§ 2. The person having the duty to pay the costs of the proceedings may submit a complaint against the order concerning the costs of the proceedings.

Art. 265. Enforcement. All fees and costs of the proceedings which were not paid within the time limits and other amounts resulting from the proceedings shall be pursued pursuant to the provisions on administrative enforcement of payments.

Art. 266. Costs resulting from the employee's fault. An employee of a public administration authority due to the fault of whom a party was mistakenly summoned to appear (Article 56.1) shall reimburse the costs resulting therefrom. The ruling against the employee shall be issued and the payment shall be enforced in the administrative procedure.

Art. 267. Exemptions. If it is evident that the party may not pay the fees, costs and amounts connected with the course of the proceedings the public administration authority may exempt the party from payment of the fees, costs and amounts in full or in part. Exemption from payment of stamp duty shall be subject to the provisions governing the stamp duty.

Dział X. Final Provisions.

Art. 268 (deleted)

Art. 268a. Authority to dispose of matters. A public administration authority may issue written authorizations for employees of the managed organizational units to dispose of the matters on behalf of the authority within the specified scope, and in particular to issue administrative decisions, orders and certificates.

Art. 269. Validity. Decisions referred to in other provisions of law as legally binding (prawomocne) shall be deemed final unless it results from those provisions that the provisions concern a decision which has been affirmed in court proceedings or against which no claim has been filed in the court proceedings due to the lapse of time limit to file such claim.