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Coordinators for International Cooperation and Human Rights in Poland



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- Court Coordinators (CCs) in EU Member States operate on the basis of national law.
- In the Polish legal system the role of a court coordinator in international matters was given a formal basis with the Law of 12 July 2017. Therewith new provisions were introduced into the Law on the system of common courts.
- In the preceding years there were judge – consultants for international cooperation in regional courts, however without a statutory institutional regulation.

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- Currently, according to art. 16 b of the Law on the system of common courts, a court coordinator (CC) is nominated by the president of the court in a regional court (second tier of the judicial system). The CC works with all the courts of the region.
- The candidate should be a judge (junior judge or referendary) with broad knowledge in the field of international cooperation, EU Law and human rights – in civil matters. A sufficient command of foreign languages is required.
- There is no specified term in office. The president of the court may dismiss the CC. There is extra remuneration provided ca 500-1000 EUR/month and the workload may be reduced.

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- The CC is by law part of the European Judicial Network (EJN).
- There is also a similar post of a Coordinator for Criminal Cases – art. 16 b of the Law on the system of common courts.

Tasks of the CC

- The Law on the system of common courts sets out a catalogue of duties to be performed by the CC in the court circuit.
- Important – the CC in Polish law works **INSIDE** the court system and offers help to judges and employees of the court, not to members of the public.
- The CCs deal with matters connected to the application of EU and foreign national law, international conventions and generally cases with a foreign element. They should also be able to help in cases where the protection of human rights is concerned.

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The CC has the following tasks and competences:

- Provides judges, referendaries, assistants with information, on their request, on the way of obtaining information on foreign law, and foreign practice,
- Helps the above mentioned to prepare requests to foreign institutions concerning service of documents/taking of evidence and with preparing court sentences being subject of mutual recognition;
- Informs on the rules of cooperation within the European Judicial Network (EJN);
- Helps in determining the foreign body competent in matters of judicial cooperation;
- Provides information on the standards set by the Convention on Human Rights of 1950.

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- The CC informs the President of the Court on the need to discuss a given matter in the field of international cooperation and international law, as well as on the need to analyse the jurisprudence in the mentioned field;
- Informs judges, referendaries and assistants on the significant current jurisprudence of the Supreme Court;
- Controls the validity of information on the website of the Court.

Where necessary, the CC has access to court files of the cases where a question of international cooperation arises.

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- An important practical aspect – according to art. 16a of the Law, the CC supports the local Contact Point of the EJN.
- As stated in the draft of the 2017 legislation amending the Law on the system of common courts, there was a need for support by legal experts to be rendered to court clerks serving as Contact Points of the EJN.

What is the EJM?

- EJM is a formalised network of judicial institutions created on the basis of Council Decision 2001/470/EC of 28 May 2001 and began its operation on 1 December 2002. The earlier decision was amended by Decision No 568/2009/EC of the European Parliament and of the Council of 18 June 2009 amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters.
- All EU member states are part of the EJM (except Denmark)
- A similar structure of cooperation in criminal case was created in 1998.

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- The aim of the EJNI is to strengthen and facilitate international cooperation among judicial institutions to provide better and more effective legal protection to citizens. It is based on the idea of direct contacts between court employees to facilitate cooperation in all fields of cooperation (proof, service of documents, execution of judgements), as well as inform each other of the content of foreign law.
- The cooperation is conducted mainly by contact points designated by member states (in PL court clerks), but the EJNI also comprises national institutions deemed helpful by a given state, as well as professional associations.
- The members of the EJNI meet several times a year, with a yearly meeting where conclusions as to the cooperation are formulated.

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- In Poland a contact point is established by the Minister of Justice in every Court of Appeal.
- According to art. 16a of the Law on the system of common courts the CC is part of the EJN which means their access to the resources of the Network, especially quick communication with foreign contact points.
- There is no similar institution in the offices of public prosecution. However, tasks concerning international cooperation can be assigned to qualified clerks at regional branches or prosecutors working at the National Prosecutor's Office.

Conclusions:

- the post of CC in Poland is based on statutory regulation
- a CC in Poland is a qualified jurist (judge, referendary) working in the circuit of the Regional Court (2. level of the judiciary)
- CC is part of the EJN and cooperates with the local Contact Point of the EJN
- supports judges and court employees – does not work with the parties
- CC can work by formal means (opinions in writing, proposals to president of the court), as well on an informal basis, where judges and court employees can directly consult the CC on specific matters.

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Thank you!

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