



KOPEĆ & ZABOROWSKI
LAW FIRM

Guideline for foreign investors

Dispute Resolution in Poland

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Poland's legal system is rooted in the continental (civil law) tradition, with a structured and codified approach to law. The Polish Constitution, in force since 1997, is the supreme legal act and outlines the separation of powers among the legislative, executive, and judicial branches

STRUCTURE OF THE JUDICIAL SYSTEM

The judicial power in Poland is exercised by several types of courts:

- Common courts handle civil, commercial, criminal, labor, and social insurance cases. These are organized into:
 - District courts (first instance for most cases),
 - Regional courts (first and second instance for more serious matters),
 - Courts of appeal (second instance only).
- The Supreme Court oversees the consistency of rulings and provides legal interpretations.
- Administrative courts, including the Supreme Administrative Court, review the legality of public administration actions.
- The Constitutional Tribunal ensures that laws and international agreements comply with the Constitution and resolves disputes between central authorities.

This multi-tiered system ensures that both individuals and businesses have access to legal remedies and judicial oversight.





ALTERNATIVE DISPUTE RESOLUTION (ADR)

Poland strongly supports Alternative Dispute Resolution (ADR) as a means of resolving conflicts outside the courtroom. ADR methods include:

- Negotiation
- Conciliation
- Mediation
- Arbitration

These methods offer several advantages:

- Privacy: Proceedings are confidential.
- Flexibility: Parties can choose the language, location, and applicable law.
- Efficiency: Arbitration centers often commit to issuing awards within 9 months.

ADR is particularly beneficial for foreign investors and cross-border commercial disputes, as it allows for neutral venues, proceedings in English, and the involvement of expert arbitrators familiar with the subject matter.



MEDIATION VS. ARBITRATION

Mediation is ideal when parties wish to continue their business relationship and need help resolving a specific issue.

Arbitration is more suitable when amicable resolution is no longer possible and a binding decision is required.

LEGAL FRAMEWORK FOR ARBITRATION

Poland is a signatory to the 1958 New York Convention, which ensures the recognition and enforcement of foreign arbitral awards. The country's arbitration laws are aligned with the UNCITRAL Model Law on International Commercial Arbitration, providing a modern and internationally recognized legal framework.

Arbitration in Poland is governed by Part Five of the Polish Code of Civil Procedure, which covers:

- The arbitration agreement,
- Composition and jurisdiction of the arbitral tribunal,
- Court involvement,
- Recognition and enforcement of awards.

Arbitration is permitted for:

- Property-related disputes (excluding alimony),
- Non-property disputes that can be settled in court.

Polish courts may refuse to recognize or enforce an arbitral award only in limited cases, such as:

- When the dispute is not arbitrable under Polish law,
- When enforcement would violate fundamental principles of the Polish legal order (public policy).

This ensures a high level of legal certainty for parties relying on arbitration.



LEGAL FRAMEWORK FOR ARBITRATION

Foreign investors can turn to well-established institutions for arbitration and mediation services, including:

- The Court of Arbitration at the Polish Chamber of Commerce in Warsaw (SAKIG) – the oldest and most prominent arbitration center in Poland.
- The Court of Arbitration at the Polish Confederatio Lewiatan – another respected institution offering business-focused dispute resolution.

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