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Item 1042

NOTICE OF THE MARSHAL OF THE SEJM OF THE REPUBLIC OF POLAND

of 16 May 2019

on the publication of the consolidated text of the National School of Judiciary and Public Prosecution

1. Pursuant to Article 16.1, first sentence of the Act of 20 July 2000 on the promulgation of normative acts and some other acts (Journal of Laws of 2017, item 1523 and of 2018, item 2243), the attachment to this notice contains the consolidated text of the Act of 23 January 2009 on the National School of Judiciary and Public Prosecution (Journal of Laws of 2018, items 624), including the amendments incorporated by:

- 1) the Act of 10 May 2018 amending the Law on Organisation of Common Courts, the Act on the Supreme Court and certain other Acts (Journal of Laws, item 1045),
- 2) the Act of 3 July 2018 – Regulations implementing the Act – Law on Higher Education and Science (Journal of Laws, item 1669),
- 3) the Act of 20 July 2018 amending the Law on Organisation of Common Courts certain other Acts (Journal of Laws, item 1443),
- 4) The Act of 21 February 2019 amending certain acts to ensure the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (Journal of Laws, item 730)

and amendments resulting from regulations published before 15 May 2019.

2. The consolidated text of the Act as published in the attachment to this notice does not cover:

- 1) Article 7 of the Act of 10 May 2018 amending the Act – Law on Organisation of Common Courts, Act on the Supreme Court and certain other Acts (Journal of Laws 1045) which provides:

“Article 7. The Act shall become effective 14 days after publication.”;

- 2) Article 350 of the Act of 03 July 2018 – Regulations implementing the Act – Law on Higher Education and Science (Journal of Laws 1669) which provides:

“Article 350. The Act shall become effective on 01 October 2018 with the exception of:

- 1) Article 1.1, Article 42.2.b and Article 334.2 which shall become effective on the day following publication;
- 2) Article 19.3.b with respect to the added Article 21.1.39c, Article 120.1, Article 127.33–36 and 127.39 and Article 167 which shall become effective on 1 January 2019”;

- 3) Article 16, Article 17 and Article 24 of the Act of 20 July 2018 amending the Act – Law on Organisation of Common Courts and certain other Acts (Journal of Laws, item 1443) which provide:

“Article 16. The provision of Article 24.1.1a of the Act amended in Article 4, in the wording herein, shall not apply to recruitment to judicial training and prosecutorial training published before the effective day of this Act.

Article 17. The legal trainees for whom pursuant to Article 27.7 of the Act amended in Article 4, the Director of the National School of Judiciary and Public Prosecution approved an individual training programme shall continue their legal training in compliance with the rules approved by the Director of the National School of Judiciary and Public Prosecution.”

“Article 24. The Act shall become effective 14 days after publication with the following exceptions:

- 1) Article 5, Article 8 and Article 22 which shall become effective on the day following publication;
 - 2) Article 9 which shall become effective on 01 January 2019”;
- 4) the reference No. 1 and Article 173 of the Act of 21 February 2019 amending certain acts to ensure the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (Journal of Laws, item 730) which provide:

“¹⁾ This Act supports the application of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119 of 04.05.2016, p. 1 and OJ EU L 127 of 23.05.2018, p. 2).”

“Article 173. The Act shall become effective 14 days after publication with the following exceptions:

- 1) Article 87.1 which shall become effective 90 days after publication;
- 2) Articles 107.7 and 107.8 which shall become effective on 01 May 2019;
- 3) Article 157.2 which shall become effective on 13 October 2019.”

Marshal of the Sejm *M. Kuchciński*

Attachment to the Notice of the Marshal of the Sejm of the Republic of Poland of 16 May 2019 (item 1042)

ACT

of 23 January 2009

on the Polish National School of Judiciary and Public Prosecution

Chapter 1

General Provisions

Article 1. 1. The National School of Judiciary and Public Prosecution is being established, hereinafter referred to as the “National School” whose aim is to educate and improve the staff of common courts and the public prosecutor’s offices.

2. The National School shall have legal personality.

3. The Minister of Justice shall supervise the National School with respect to the compliance of its activity with laws and the by-laws.

Article 2. 1. The National School is in charge of:

- 1) judicial and prosecutorial training to provide trainees with the indispensable knowledge and practical skills necessary for their future work as judges, judicial assessors, prosecutors and prosecutor’s assessors;
- 2) training and professional development of judges, judicial assessors, prosecutors and prosecutor’s assessors in order to improve their specialist knowledge and professional skills;
- 3) training and professional development of court referendaries, judicial assistants, prosecutor’s assistants and probation officers, as well as other court and prosecution clerks in order to improve their professional knowledge;
- 4) managing analyses and research in order to determine competences and qualifications attributed to positions in courts and prosecution offices which would be used in training activities;
- 5) managing analyses and research in order to determine the training needs of persons holding the positions listed in items 2 and 3 in courts and prosecutor’s offices.

2. The National School shall pursue its tasks in particular by:

- 1) developing curricula for judicial and prosecutorial training and organisation of the training;
- 2) preparing and organising exams for judges, prosecutors and referendaries;
- 3) outlining curricula and organization of training and other periodical forms of life-long professional learning;
- 4) coordinating training activities of courts and prosecutor’s offices;
- 5) preparing and organising conferences, symposia and seminars;
- 6) international cooperation;
- 6a)¹ cooperation with the entities listed in Article 7.1.1, 2 and 4–8 of the Act of 20 July 2018 – Law on Higher Education and Science (Journal of Laws item 1668, as amended ²), and other entities with respect to educational activity and other forms of professional development;
- 7) publishing activities related to the performance of tasks referred to in par. 1;
- 8) obtaining and using financial aid dedicated to financing tasks referred to in par. 1;
- 9) performing other tasks related to the development of the personnel of courts and public prosecutor’s offices as well as the needs of the judiciary and public prosecutor’s offices as specified by the Minister of Justice and the National Prosecutor.

2a. Presidents of common courts and prosecutors managing common organisational units of public prosecutor’s offices shall cooperate with the Director of the National School in implementing the tasks of the National School.

¹) In the wording of Article 118.1 of the Act of 03 July 2018 – Regulations implementing the Act – Law on Higher Education and Science (Journal Laws item 1669) that became effective on 01 October 2018.

²) The amendments to the Act were published in Journal of Laws of 2018, items 2024 and 2245, and of 2019, items 276, 447, 534, 577, 730 and 823.

2b. The files of finally closed preparatory proceedings and court proceedings may be made available to the National School for educational purposes with the exception of files containing confidential information. The Director of the National School may authorise a member of the academic staff of the National School or a training coordinator to apply for copies of such files on behalf of the National School.

2c. When files are saved in electronic form, copies of such files shall be delivered to the National School on a data medium. When a report is made with a device recording sound or a device recording image and sound, the National School shall be provided with the recorded sound or image and sound on a device to replay the recording, over an account in an ICT system or on a data medium.

3. The National School shall be entitled to use a round seal with an image of an eagle, as in the emblem of the Republic of Poland, and with the make of the school around the rim in compliance with the Act of 31 January 1980 on the emblem, colours and hymn of the Republic of Poland and on national stamps (Journal of Laws of 2018, items 441, 1669, and 2245).

Article 3. By way of an ordinance, the Minister of Justice shall approve the by-laws of the National School, specifying its constitution, organisation, seat and symbols, in order to set up appropriate organisational conditions required for the correct performance of tasks by the National School.

Article 4. The assets and finances of the National School are subject to the applicable provisions established for public tertiary schools.³ The authority of the competent minister in the meaning of these provisions with respect to the National School is exercised by the Minister of Justice.

Chapter 2

Authorities of the National School

Article 5. The authorities of the National School are as follows:

- 1) Programme Board;
- 2) Director.

Article 6. 1. The Programme Board, hereinafter the “Board” shall be composed of the Director of the National School and maximum 12 members appointed by the Minister of Justice, as follows:

- 1) one member appointed by the President of the Republic of Poland;
- 2) two members appointed by the Minister of Justice among judges;
- 3) two members appointed by the General Prosecutor among prosecutors;
- 4) one member appointed by the National Council of Prosecutors by the General Prosecutor’s Office’s Office;
- 5) one member appointed by the National Council of Judiciary;
- 6) one member appointed by the First President of the Supreme Court;
- 7) one member appointed by the First President of the Supreme Administrative Court;
- 8)⁴ three members appointed by higher education institutions providing legal education.

2. (repealed)

3. A member of the Programme Board can only be a judge, a prosecutor, a person holding the title of professor or a post-doctoral degree in law, a judge or prosecutor at rest.

4. The term of office for members of the Board lasts 4 years. In the event of dismissal of a Board member due to reasons referred to in Article 8 or in the event of their death, the successor of such member performs their duties until the end of the term of such Board member.

5. (repealed)

6.⁵ At the latest three months before the date of expiry of the term of the Board members, the Minister of Justice shall request the President of the Republic of Poland, the National Prosecutor, the National Council of Prosecutors by the General Prosecutor’s Office, the National Council of the Judiciary, the First President of the Supreme Court, the First President of the Supreme Administrative Court and higher education institutions providing legal education to present candidates for Board members. The candidates are presented 30 days before the expiry of the term of the Board members at the latest.

³⁾ The first sentence in the wording as set forth in Article 118.2 of the Act, referred to in reference 1.

⁴⁾ In the wording as set forth in Article 118.3b of the Act, referred to in reference 1.

⁵⁾ In the wording as set forth in Article 118.3a of the Act, referred to in reference 1.

Article 7. 1. Members of the Board select among themselves its President and Deputy President.

2. The President of the Board manages its work.

3. (repealed)

Article 8. 1. The Minister of Justice shall dismiss a member of the Board if such member of the Board:

- 1) fails to perform the duties inherent to the membership of the Board;
- 2) has become permanently unable to perform the duties inherent to the membership of the Board as a result of illness;
- 3) resigned from the Board;
- 4) has been convicted by a final court judgement of an offence prosecuted ex officio or a fiscal offence;
- 5) ceased to meet the requirements set forth in Article 6.3.

2. Membership of the Board expires at the time of death of a Board member.

Article 9. The Minister of Justice shall immediately supplement the composition of the Board in case of dismissal of its member on the terms and conditions set forth in Article 6.

Article 10. 1. The Board is responsible for:

- 1) outlining the general directions of activity for the National School;
- 2) approval of assumptions to annual schedules of training activities for the National School;
- 3) approval of curricula of initial legal training;
- 4) (repealed)
- 5) expressing opinion on annual publishing targets for the National School;
- 6) (repealed)
- 7) (repealed)
- 8) passing organizational regulations for the Board;
- 9) (repealed)
- 10) expressing opinion on candidates for lecturers for the National School;
- 11) approving annual reports on the activities of the National School submitted by the Director of the National School;
- 12) (repealed)
- 13) expressing opinions on all issues related to the activities of the National School.
- 14) expressing opinion on draft regulation of the Director of the National School concerning approval of individual initial legal training and individual training.

2. (repealed)

Article 11. 1. In connection with the performance of their duties as Board members, members of the Board shall receive:

- 1) daily allowances;
- 2) reimbursement of the cost of travel and accommodation on the terms and conditions set forth accordingly in the provisions on the amounts and terms and conditions of determination of payments payable to an employee employed in a state or local government budget unit due to a professional trip in Poland and abroad.

2. The Minister of Justice shall determine, by way of a regulation, the amount of the daily allowances referred to in par. 1.1 at a level not higher than 10% of the basis for the basic remuneration of a judge, taking into account the scope of duties of the Board members.

Article 12. 1. The Director of the National School shall be appointed by the Minister of Justice for a period of 5 years, taking into account the opinion of the National Council of the Judiciary and the National Council of Prosecutors by the General Prosecutor's Office.

2. If the National Council of the Judiciary or the National Council of Prosecutors by the General Prosecutor's Office, within 30 days of a disclosed intention to appoint the Director of the National School, fails to provide their opinions, as referred to in par. 1, the opinion shall be deemed to be positive.

3. A Director of the National School can only be a judge, a prosecutor, a person holding the title of professor or a post-doctoral degree in law, a judge or prosecutor at rest.

4. In the event of appointment of a judge or a prosecutor to perform the function of the Director of the National School, the Minister of Justice – the General Prosecutor, at the request of the national Prosecutor, shall delegate a judge or a prosecutor to the National School for the term of office subject to the terms and conditions set forth accordingly in the Act of 27 July 2001 – the Law on Organisation of Common Courts (Journal of Laws of 2019, items 52, 55, 60 and 125) or in the Act of 28 January 2016 – Law on Public Prosecutors (Journal of Laws of 2019, item 740).

5. The Director of the National School shall be appointed for the next term of office in compliance with par. 1. The Director of the National School may be appointed for a maximum of two terms of office.

5a. The Minister of Justice – after consultation with the National Council of the Judiciary and the National Council of Prosecutors by the General Prosecutor's Office – shall dismiss the Director of the National School if the Director of the National School:

- 1) performs the duties inherent to the performed function incorrectly;
- 2) has become permanently unable to perform the duties inherent to the performed function as a result of illness;
- 3) resigned from the function;
- 4) has been convicted by a final court judgement of an offence prosecuted ex officio or a fiscal offence;
- 5) ceased to meet the requirements set forth in par. 3.

5b. The term of office of the Director of the National School expires upon his/her death.

5c. When the Director of the National School is dismissed or his/her term of office expires, the Minister of Justice shall appoint a person among deputies of the Director to be entrusted with the duties of the Director of the National School until a new Director is appointed. Such person shall meet the requirements set forth in par. 3.

6. The Minister of Justice shall appoint and dismiss deputy Directors of the National School upon a proposal of the Director of the National School.

7. Minimum one judge or judge at rest shall be a deputy Director of the National School.

8. Minimum one prosecutor or prosecutor at rest shall be a deputy Director of the National School.

9. The provisions of par. 4 and Article 14 shall apply to deputies of the Director of the National School accordingly.

Article 13. (repealed)

Article 14. 1. The Minister of Justice shall suspend the Director of the National School being a judge or a prosecutor in performance of their professional duties in case of instigation of disciplinary proceedings against them on the terms and conditions set forth in the Act of 27 July 2001 – the Law on Organisation of Common Courts or the Act of 28 January 2016 – Law on Public Prosecutors.

2. The Minister of Justice shall suspend the Director of the National School other than a judge or a prosecutor in the performance of their professional duties in cases set forth in Article 12b of the Act of 18 December 1998 on the employees of courts and the prosecutor's offices (Journal of Laws of 2018, item 577).

3. Among deputies to the Director, the Minister of Justice shall appoint a person entrusted with the duties of the Director of the National School for the period of suspension of the Director in the performance of their duties. The person referred to above must meet the requirements set forth in Article 12.3.

Article 15. 1. The Director of the National School manages the activities of the National School and represents it in contacts with third parties.

2. The tasks of the Director of the National School include in particular:

- 1) outlining organizational regulations for the National School;
- 2) directly supervising the organizational units of the National School;
- 3) performing activities related to labour law;
- 4) ensuring the implementation of education processes and approving the regulations for the training activities of the National School;
- 5) outlining the training curriculum for initial legal training;

- 6) drawing up and enforcing annual schedules of training activities;
- 7) outlining and enforcing annual publishing targets;
- 8) preparing and holding recruitment processes for initial legal training, conducting judicial and prosecutorial training, as well as organizing professional examinations for judges, prosecutors and referendaries;
- 9) drafting an annual statement for the National School and submitting it to the Minister of Justice and to the Programme Board;
- 10) performing tasks set forth by the Minister of Justice, related to the activities of the National School;
- 11) issuing orders and organizational instructions.

3. The document referred to in par. 2.6 requires approval by the Minister of Justice with respect to its compliance with the financial plan.

Chapter 2a

Continuous training

Article 15a. 1. Professional training and other forms of professional development for judges, judicial assessors, prosecutors, prosecutor's assessors, court referendaries, judicial assistants, prosecutor's assistants, probation officers and court and prosecutor's office clerks shall be held in accordance with the annual training schedule as referred to in Article 15.2.6, hereinafter the "schedule".

2. Catering for substantiated needs, the National School – apart from training and other forms of professional development specified in the schedule may – subject to opinion of the Board – arrange additional training and other forms of professional development and shall notify the interested parties thereof.

3. The Minister of Justice may commission the National School to organise training and other forms of professional development, not covered by the schedule, or to develop curricula thereof with the respective expenditures to be covered by the state budget from the "Justice" budget.

4. Upon a proposal from the president of a court of appeal or upon his/her own initiative, the Minister of Justice may commission the National School to hold additional training and other forms of professional development not covered by the schedule, for judges, judicial assessors, court referendaries, judge assistances, probation officers and court clerks.

5. Upon a proposal of the National Prosecutor, the National School – subject to an opinion of the Board – may arrange additional training and other forms of professional development not covered by the schedule, for prosecutors, prosecutor's assessors, prosecutor's assistants and prosecutor office clerks.

6. The expenses related to the training referred to in par. 4 and 5 shall be covered by the state budget from the "Common Courts" part from the budget of the appeal area to be attended by judges, judicial assessors, court referendaries, judge assistants, probation officers and court clerks in that area, or from the part "Common organisational units of prosecutor's offices".

Article 15b. 1. The schedule shall provide for training needs reported by the Minister of Justice – General Prosecutor, National Prosecutor, National Council of the Judiciary, National Council of Prosecutors by the General Prosecutor's Office, presidents of courts of appeal and regional prosecutors.

2. (repealed)

3. (repealed)

4. (repealed)

Article 15c. By way of an ordinance, the Minister of Justice shall determine the method and mode of developing the schedule with a view to providing for the training needs of judges, judicial assessors, court referendaries, judicial assistants, probation officers, prosecutors, prosecutor's assistants and court and prosecutor's office clerks.

Chapter 3

Judicial and prosecutorial training

Article 16. The Minister of Justice shall supervise the organisation of judicial and prosecutorial training.

Article 17. 1.⁶ By way of an ordinance, the Minister of Justice shall announce – subject to the staffing needs of courts and prosecutor’s offices – recruitment for judicial initial training and prosecutorial training as well as judicial initial training and prosecutorial training carried out in the form of supplementary initial training and shall set the recruitment limits for the initial training. Setting the recruitment limits for prosecutorial training and for prosecutorial training carried out in the form of supplementary initial training, the Minister of Justice shall consult the National Prosecutor.

2. The Director of the National School shall publish in the Public Information Bulletin referred to in the Act of 6 September 2001 on access to public information (Journal of Laws of 2018, items 1330 and 1669), hereinafter the “Public Information Bulletin” and on the web site of the National School – the ordinance of the Minister of Justice referred to in par. 1.

3. In particular, the announcement on recruitment to judicial training and prosecutorial training shall specify the following:

- 1) the date of the contest;
- 2) the date and venue for submitting applications to the contest;
- 3) the amount and the method of payment of the fee for participation in the contest.

4. Applications to the contest shall contain:

- 1) a personal questionnaire;
- 2) copies of documents confirming the completion of university studies in the field of law in the Republic of Poland and obtaining the professional title of magister [Master of Arts] or completion of studies in the field of law abroad recognized in the Republic of Poland or a certificate confirming the fact that the candidate has passed the exam for the title of magister;
- 3) confirmation of payment of the contest fee;
- 4) copy of the identification card;
- 5) a statement of having full civil and citizen’s rights.

4a. The documents referred to in par. 4.2 may be replaced with a certificate showing that the candidate has passed all exams and completed all internships provided for in the curriculum of a university law faculty and that the date for the diploma exam has been set.⁷ Such candidate may be admitted to participate in the contest if he/she no later than 14 days before the contest date submits all the documents referred to in par. 4.2.

5. (repealed)

6. The documents referred to in par. 4 and 4a shall be submitted in electronic form. The Director of the National School may approve a waiver to the duty to file documents in electronic form.

Article 18. 1. Recruitments for the judicial and prosecutorial training shall be organised in the form of contests comprising two stages:

- 1) a test verifying knowledge in specific areas of law;
- 2) a written work to verify the ability to interpret and apply law, apply legal arguments and qualify facts to appropriate legal standards.

2. Those candidates will be admitted to the second stage of the contest on the basis of their scores and in the number corresponding to the sum of twice the admission limits for judicial training and prosecutorial training in the year. The provisions of Article 25.2 second sentence shall apply accordingly.

Article 19. 1. Upon a proposal of the Director of the National School, the Minister of Justice shall appoint a contest team to develop the test and the tasks for the second stage of the contest.

2. The examination team shall comprise:

- 1) a secretary appointed by the Director of the National School among staff members of the National School or persons delegated thereto;

⁶ In the wording set forth in Article 4.1 of the Act of 20 July 2018 amending the Act – Law on the Organisation of Common Courts and certain other Acts (Journal of Laws item 1443) that became effective on 10 August 2018.

⁷ The first sentence in the wording as set forth in Article 118.4 of the Act, referred to in reference 1.

- 2) two judges or prosecutors being lecturers at the National School, appointed by the Director of the National School, who are specialists in various law areas the knowledge of which is to be verified during the contest;
- 3) four judges appointed by the Minister of Justice who are specialists in various law areas the knowledge of which is to be verified during the contest;
- 4) three judges appointed by the General Prosecutor, subject to consultation with the National Prosecutor, who are specialists in various law areas the knowledge of which is to be verified during the contest;
- 5)⁸ a research, research and teaching or teaching staff member of a university in the Republic of Poland, holding at least a post-doctoral degree in the field of law, appointed by the Director of the National School among academic teachers lecturing at the National School.

3. Members of the contest team referred to in par. 2.1 and 2.2 may include judges or prosecutors at rest.

4. The Minister of Justice shall appoint the chairman of the contest team among its members. The chairman of the contest team shall manage its work.

5. The Minister of Justice shall dismiss a contest team member in the case of:

- 1) submitted resignation;
- 2) an illness permanently preventing the team member from performance of their duties;
- 3) when recommendation is withdrawn by the body supporting the candidate;
- 4) failure to perform or improper performance of duties;
- 5) conviction for an offence or fiscal offence with a final court judgement;
- 6) institution of penal proceedings regarding an intentional offence prosecuted ex officio or an intentional fiscal offence against such member.

6. A member of the contest team shall be excluded from participating in the team work if between the member and a candidate there is a relationship of:

- 1) marriage or cohabitation;
- 2) relation by blood or marriage up to the third degree;
- 3) adoption, foster care or custody;
- 4) professional subordination;
- 5) a personal type which could give rise to doubts as to the objectivity of the member.

7. Reasons for exclusion survive the dissolution of marriage, adoption, foster care or custody.

8. Members of the contest team, before the commencement of the team works, submit a written representation that no reasons for exclusion referred to in par. 6 and no reasons for dismissal referred to in par. 5.2, 5.5 and 5.6 occur in their case.

Article 20. 1. The contest shall be held by a contest commission appointed by the Minister of Justice upon proposal of the Director of the National School. The contest commission may be composed of persons whose knowledge, professional experience and authority guarantee that the contest will be carried out correctly.

2. The contest commission shall comprise:

- 1) A secretary appointed by the Director of the National School among judges, prosecutors and referendaries delegated to the National School;
- 2) two judges or prosecutors being lecturers at the National School, appointed by the Director of the National School, who are specialists in various law areas the knowledge of which is to be verified during the contest;
- 3) four judges appointed by the Minister of Justice who are specialists in various law areas the knowledge of which is to be verified during the contest;
- 4) three judges appointed by the General Prosecutor, subject to consultation with the National Prosecutor, who are specialists in various law areas the knowledge of which is to be verified during the contest;
- 5) a judge representing the National Council of the Judiciary;
- 6) a prosecutor, representative of the National Council of Prosecutors by the General Prosecutor's Office.

2a. If so required for organisational reasons due to a large number of candidates, the number of members of the contest commission referred to in par. 2.3 and 2.4 may be increased but to no more than double its number.

⁸ In the wording as set forth in Article 118.5 of the Act, referred to in reference 1.

3. The chairperson of the contest commission and his/her deputy shall be appointed by the Minister of Justice among members of the commission. The chairperson of the contest commission or his/her deputy shall manage the work of the commission.

4. The provisions of Article 19.5-8 apply to the contest commission members accordingly.

5. If so required for organisational reasons due to a large number of candidates, the course of the test is supervised by teams appointed by the Minister of Justice in agreement with the president of a court of appeal and a regional prosecutor, locally competent for the venue of the test.

6. Team members include court and prosecutor's office clerks from regions of the court of appeals and regional prosecutor's offices referred to in par. 5.

6a. The work of the contest commission shall be attended by a representative of the Minister of Justice as an observer.

7. The works of the teams are managed by a member of the contest commission appointed by the Minister of Justice. The provisions of Article 19.5-8 apply to the team members accordingly.

Article 21. 1. Before taking part in the contest, candidates shall pay the contest participation fee. The fee is the income of the National School.

2. In consultation with the Director of the National School, the Minister of Justice, by way of an ordinance shall determine the amount of the fee referred to in par. 1 – maximum equivalent to 50% of minimum remuneration for work as referred to in Article 2.3–5 of the Act of 10 October 2002 on minimum remuneration for work (Journal of Laws of 2018, item 2177) – with a view to ensuring correct and effective recruitment processes.

3. If a candidate submits, not later than 21 days before the date of the first stage of the contest, a written declaration of withdrawal from the contest, the Director of the National School shall, at the candidate's request, reimburse two thirds of the fee paid.

Article 22. 1. After the contest has been held, the contest commission shall provide the Director of the National School with a qualification list of candidates for trainees in the areas of judicial and prosecutorial training, hereinafter the "qualification list", detailing the first and last names of the candidates who participated in both recruitment stages for judicial and prosecutorial training along with the score obtained and the ordinal number indicating the candidate's position on the list together with relevant documentation, and shall publish the qualification list in the Bulletin of Public Information.

2. The position on the qualification list depends on the score obtained by candidates in the contest. If two or more candidates get the same score, all such candidates shall be ranked in the same position on the qualification list.

Article 23. 1. Within 14 days of the publication of the qualification list in the Public Information Bulletin, candidates placed on the list may file an application with the Director of the National School to be admitted to judicial training or prosecutorial training, and shall attach an original or officially certified document confirming graduation from a law faculty in the Republic of Poland and his/her professional Master's title or from foreign law studies accepted in the Republic of Poland, a certificate that he/she is able – in terms of his/her health condition – to perform the duties of a judge or a prosecutor, and a recent photograph in the format required for ID cards.

2. The certificate referred to in par. 1 and the check-up of candidates for judicial and prosecutorial training shall be carried out in compliance with the principles applicable to candidates for judges' positions.

Article 24. 1. The following persons may become judicial and prosecutorial trainees:

- 1) who are citizens of Poland enjoying full civil and citizenship rights;
- 1a)⁹ who are under 35 years of age on the day of the first stage of the contest;
- 2) who have an impeccable reputation;
- 3) who have not been convicted by a final court judgement for an offence prosecuted ex officio or for a fiscal offence;
- 4) who have graduated from a higher education institution providing legal education in the Republic of Poland and obtained a professional title of magister or have completed studies in the field of law abroad recognized in the Republic of Poland;
- 5) whose health condition is adequate to perform the duties of a judge or a prosecutor.

2. The Director of the National School shall obtain information from the National Criminal Register on each candidate placed on the qualification list who filed an application to be admitted to initial judicial training or prosecutorial training.

⁹ Added in Article 4.2 of the Act, referred to in reference 6.

Article 25. 1. The Director of the National School shall issue a decision on admittance to the judicial or prosecutorial training.

2. Decisions on admission to the judicial or prosecutorial training shall be issued by the Director of the National School on the basis of the ranking of candidates on the qualification list up to the limit determined for the training. When the lowest place on the qualification list that is the limit determined for the training is occupied by more than one candidate, the limit shall be increased to a number to accept those candidates in compliance with their applications.

3. The lists of candidates admitted to the judicial and prosecutorial training are published immediately by the Director of the National School in the Public Information Bulletin. The lists shall detail the first and last names of the candidates, specifying the rank of the candidate on a specific list.

4. The decision referred to in par. 1 may be appealed to the Minister of Justice within 14 days of receipt. The appeal shall be examined within 14 days from the date of its submission.

5. The appeal referred to in par. 4 may be based solely on a breach of recruitment terms, conditions and mode for judicial or prosecutorial training, as set forth in the Act and implementing rules issued pursuant to Article 52.1.

6. The decision of the Minister of Justice issued after a review of the appeal may be appealed to a provincial administrative court within 14 days of receipt of the decision.

7. When an appeal referred to in par. 6 is accepted, the Director of the National School shall immediately issue a decision on admittance to the judicial or prosecutorial training.

8. If a trainee of the judicial or prosecutorial training fails to join the training within 7 days of the commencement thereof or should a trainee resign from the judicial or prosecutorial training within 30 days of the commencement thereof, the Director of the National School shall inform the next candidate on the qualification list of the vacated position and of the possibility to file an application for admission within 14 days of such notification of the vacated position. The provisions of par. 1, 2 and 4-7 shall apply accordingly.

Article 26. Before assuming their duties, trainees of judicial or prosecutorial training shall make an oath in the presence of the Director of the National School as follows: "I hereby solemnly promise to perform the duties of a trainee at the National School of the Judiciary and Public Prosecution and to maintain the confidentiality of secrets protected by law"; the person making the oath may add the phrase: "So help me God".

Article 26a. 1. Judicial initial trainees and prosecutorial trainees shall be issued trainee cards of the National School.

2. By way of an ordinance, the Minister of Justice shall approve a template for the trainee card of the National School.

Article 27. 1. Judicial and prosecutorial training shall last 36 months and shall start not later than within 3 months of the date of announcement of the list referred to in Article 25.3.

2. By way of an ordinance, the Director of the National school shall determine the commencement date of the judicial or prosecutorial training. This ordinance shall be published in the Public Information Bulletin.

3. During judicial and prosecutorial training, the trainees shall have classes at the National School and internships in compliance with the training curriculum.

4. The Director of the National School appoints a tutor-coordinator for a trainee. The tutor-coordinator provides the trainee with professional assistance, supervises and coordinates the correct course of the internship, in compliance with the initial training curriculum.

5. For the time of internship by the trainee, the Director of the National School – upon proposal by the coordinating tutor – shall appoint a tutor for the trainee for each internship who will inform the trainee of his/her duties during such training. As soon as the internship is ended, the internship tutor shall provide the coordinator with a written opinion and an assessment of the internship.

6. When so requested by the trainee, the Director of the National School may approve an individual training should he/she find that an illness, force majeure or other reason documented by the trainee prevent him/her from attending classes or internships in compliance with the training programme. Within the individual training, the trainee shall be required to take all tests as provided for in the training programme.

6a.¹⁰ The provisions of par. 6 shall not apply to trainees pursuing supplementary judicial training and supplementary prosecutorial training.

7. (repealed)¹¹

¹⁰ Added in Article 4.3.a of the Act, referred to in reference 6.

¹¹ In Article 4.3.b of the Act, referred to in reference 6.

Article 28. (repealed)

Article 29. (repealed)

Article 30. (repealed)

Article 31. (repealed)

Article 32. 1. Trainees shall take the judicial exam at the latest within one month of completion of judicial training. The date of such exam shall be announced by the Director of the National School in the Public Information Bulletin at the latest 4 months before the end of judicial training.

1a.¹² If the exam referred to in par. 1 is not organised in a specific year, the Minister of Justice may designate one date for the judicial exam. In other justified instances, the Minister of Justice may designate an additional judicial exam, however, no more than one in a year. The date of such exam shall be announced by the Director of the National School in the Public Information Bulletin at the latest 4 months before the exam date.

2. To be admitted to the judicial examination, a trainee must obtain positive grades in all tests and internships included in the training programme.

3. The judicial examination comprises written and oral parts.

4. The judicial exam shall be deemed as passed subject to obtaining a minimum of 60% of the total possible score both in the written part and the oral part of the exam but no less than 50% in each sphere of the oral exam. Candidates who obtained less than 30% of the total possible score for one of the practical tasks shall not be admitted to the oral part of the exam.

5. Practical tasks for the written part and cases for the oral part of the judicial examination are prepared by the examination team appointed by the Minister of Justice at the application of the Director of the National School.

6. The examination team shall comprise:

- 1) a chairperson appointed by the Minister of Justice among judges;
- 2) a secretary appointed by the Director of the National School among staff members of the National School or persons delegated thereto;
- 3) seven judges appointed by the Minister of Justice, specialists in each sphere of law covered by the exam;
- 4) a judge appointed by the Director of the National School among judges who are lecturers at the National School, a specialist of a sphere of law covered by the exam;

7. The chairperson of the examination team manages its work.

8. The judicial examination shall be held by an examination commission appointed by the Minister of Justice upon proposal of the Director of the National School.

9. The examination commission shall comprise:

- 1) a chairperson appointed by the Minister of Justice among judges;
- 2) a secretary appointed by the Director of the National School among judges delegated to the National School;
- 3) seven judges appointed by the Minister of Justice, specialists in each sphere of law covered with the exam;
- 4) a judge appointed by the Director of the National School among judges who are lecturers at the National School, a specialist of a sphere of law covered with the exam;

9a. The work of the examination commission may be attended by a representative of the Minister of Justice as an observer.

9b. The work of the examination commission may be attended by a representative of the National Council of the Judiciary as an observer.

10. A member of the examination commission cannot be a member of the examination team.

11. The chairperson of the examination commission manages its work.

12. The provisions of Article 19.5-8 apply to the examination team and commission members accordingly.

¹² In the wording as set forth in Article 4.4 of the Act, referred to in reference 6.

Article 32a. 1. The Director of the National School shall obtain information from the National Criminal Register on each trainee who took the judicial exam or expressed their willingness to apply for free assessors' positions pursuant to Article 33a.6 or vacant assessors' positions referred to in Article 33b.6 or information from the head of the Provincial Police commander, competent for the candidate's place of permanent or temporary residence, or from the Warsaw Police Commander. The request addressed to the Provincial Police commander or the Warsaw Police Commander shall specify the trainee's first name, last name and PESEL number. The Provincial Police commander and the Warsaw Police Commander shall obtain and prepare information on the basis of data from Police ICT systems and afterwards shall provide the Director of the National School with written information within 14 days of receipt of the application.

2. No later than one month before the date of the judicial exam, the Minister of Justice shall publish by way of an ordinance a list of vacant assessors' positions open to the judicial trainees sitting the exams with details of the departments to which such positions will be assigned. The Director of the National School shall publish the announcement in the Public Information Bulletin.

Article 33. 1. The Director of the National School may give consent to a trainee of judicial training to take the judicial exam at a later date should he/she find that an illness, an act of God or another reason specified and documented by the trainee prevent them from taking or completing the exam at the time referred to in Article 32.1.

2. Applications for the consent referred to in par. 1 shall be filed no later than 30 days from disappearance of the reason not to take the judicial exam, however not later than within 18 months of the end of the exam.

3. A trainee who did not take the judicial exam at the prescribed time and has not obtained the consent referred to in par. 1, interrupted the examination during its course without a justified cause or failed the examination may retake the judicial exam only once.

4. The trainees referred to in par. 1 and 3 shall take the judicial exam at the time designated pursuant to Article 32.1 or 32.1a, however not later than within 36 months of completion of the judicial training.

Article 33a. 1. Within 14 days of completion of the judicial examination, the Director of the National School publishes a judicial trainee ranking list in the Public Information Bulletin. The list shall specify the first and last names of the judicial trainees with the score obtained by each trainee in the examination and the rank on the list. Trainees shall be included in the list subject to passing the judicial examination.

2. The rank on the list referred to in par. 1 is determined by the score obtained by trainees in the judicial examination.

3. In the event of equal scores being obtained by two or more trainees, their sequence on the list referred to in par. 1 shall be ranked by the arithmetic mean of the number of points obtained by the trainees from all tests during the training and if the number of points is the same – the sequence shall be determined by a draw.

4. The Director of the National School shall inform judicial trainees taking the exam of the free assessors' positions as referred to in Article 32a.2.

5. Judicial trainees taking the judicial exam may select a free assessor's position as referred to in Article 32a.2 in accordance with their ranking on the list referred to in par. 1. No later than at the time that trainees are offered a choice of an assessor's position, trainees may indicate a further position on the list to be used for the selection. In such situation, the sequence on the list referred to in par. 1 will be changed to ensure that the free position is filled.

6. The judicial trainee taking the judicial exam who occupies a position on the list referred to in par. 1 that did not entitle him/her to select a free assessor's position shall be placed – upon his/her request – on the list referred to in par. 1 made in the three consecutive years. In such situation, the position on the list will be determined on the basis of the trainee's score from the judicial exam. The request shall be submitted to the Director of the National School at the latest by the date of commencement of the judicial examination in that year. The provision of par. 3 shall apply accordingly.

7. Upon the request of a trainee who for reasons independent of him/her failed to file a statement on the selection of an assessor's position, the Director of the National School may issue a decision allowing the trainee to participate in the next selection of assessors' positions in compliance with the rules specified in par. 6.

8. The decision referred to in par. 7 may be appealed against to the Minister of Justice within 14 days of receipt. The appeal shall be examined within 14 days from the date of its submission.

9. The decision of the Minister of Justice issued after a review of the appeal may be appealed to a provincial administrative court within 14 days of receipt of the decision.

10. Judicial trainees may select an assessor position using the dedicated plenipotentiary. The power of attorney shall be made in writing.

11.¹³ The Director of the National School shall submit a list to the National Council of the Judiciary as specified in par. 1 specifying the assessor's positions selected by trainees. The Director of the National School shall attach the information referred to in Article 32a.1 to the list.

12. The list referred to in par. 1 with the assessor's positions selected by trainees in each training area shall be delivered by the Director of the National School to the competent president of a court of appeals.

13. Failure by a judicial trainee to make a statement on selection of an assessor's position in compliance with par. 5–7 shall deprive such trainee of the possibility to be nominated to an assessor's position.

14.¹⁴ Within two months of submission of the list referred to in par. 1 and the information referred to in Article 32a.1, the National Council of the Judiciary may voice its protest against appointing a judicial trainee who is taking the exam to the position of a judicial assessor.

15.¹⁴ When no protest is voiced as referred to in par. 14 or the resolution of the National Council of the Judiciary expressing the protest is cancelled, the National Council of the Judiciary shall immediately submit a nomination proposal for the judicial assessor position to the President of the Republic of Poland and shall specify the selected location of the judicial assessor.

Article 33b. 1. If judicial trainees do not fill all vacant assessor's positions referred to in Article 32a.2, the Minister of Justice may decide to have such vacant assessor's positions filled by prosecutor's trainees who passed the prosecutor's exam in the year.

2. If the decision referred to in par. 1 is made, the Director of the National School in the Public Information Bulletin shall publish the list referred to in par. 1 and shall call upon prosecutor's trainees to voice their willingness to assume the positions within 14 days.

3. When the period referred to in par. 2 elapses, the Director of the National School shall make and publish in the Public Information Bulletin a list of the prosecutor's trainees taking the exam who apply to the assessor's positions referred to in par. 1. The list shall specify the first and last names of the prosecutor's trainees with the score obtained by each trainee from the prosecutor's examination and their rank on the list. Trainees shall be included in the list subject to passing the prosecutorial examination.

4. No later than the time of selection of an assessor's position as referred to in par. 1, the prosecutor's trainee shall submit a certificate that in terms of health he/she is able to fulfil judicial duties. The certificate and the check-up of candidates for prosecutorial training shall be carried out in compliance with the principles applicable to candidates for judges' positions.

5. In the event of equal scores obtained by two or more trainees, their sequence on the list referred to in par. 3 shall be ranked by the arithmetic mean of the number of points obtained by the trainees from all tests during the training and if the number of points is the same – the sequence shall be determined by a draw.

6. Prosecutor's trainees taking the prosecutor's exam may select a free assessor's position as referred to in par. 1 in accordance with their ranking on the list referred to in par. 3.

7. No later than the time when a proposal is made to select an assessor's position as referred to in par. 1, the trainee may specify a further position on the list referred to in par. 3 from which he/she shall make the selection. In such situation, the sequence on the list will be changed to ensure that the free position is filled.

8. Prosecutor's trainees may select an assessor position as referred to in par. 1 using the dedicated plenipotentiary. The power of attorney shall be made in writing.

¹³ With the amendment implemented with Article 3.1.a of the Act of 10 May 2018 amending the Act – Law on Organisation of Common Courts, Act on the Supreme Court and certain other Acts (Journal Laws item 1045) that became effective on 16 June 2018.

¹⁴ Added in Article 3.1.b of the Act, referred to in reference 13.

9.¹⁵ The Director of the National School shall submit a list to the National Council of the Judiciary as specified in par. 3 specifying the assessor's positions selected by prosecutor's trainees. The Director of the National School shall attach the information referred to in Article 32a.1 to the list.

10.¹⁶ Within two months of submission of the list referred to in par. 3 and the information referred to in Article 32a.1, the National Council of the Judiciary may voice its protest against appointing a prosecutor's trainee who is taking the exam for the position of a judicial assessor.

11.¹⁶ When no protest is voiced as referred to in par. 10 or the resolution of the National Council of the Judiciary expressing the protest is cancelled, the National Council of the Judiciary shall immediately submit a nomination proposal of the prosecutor's trainee taking the exam for the judicial assessor position to the President of the Republic of Poland and shall specify the selected location of the judicial assessor.

Article 33c. By way of an ordinance, the Minister of Justice shall determine the detailed selection mode of assessor's positions by judicial trainees and prosecutor's trainees taking the exam with a view to supporting effective recruitment to the assessor's position by the Director of the National School.

Article 34. 1. Trainees shall take the prosecutorial exam at the latest within one month of completion of prosecutorial training. The date of such exam shall be announced by the Director of the National School in the Public Information Bulletin no later than 4 months before the end of prosecutorial training.

1a. The prosecutorial exam shall be deemed as passed subject to obtaining a minimum 60% of the total possible score both in the written part and the oral part of the exam but no less than 50% in each sphere of the oral exam. Candidates who obtained less than 30% of the total possible score for one of the practical tasks shall not be admitted to the oral part of the exam.

2. The prosecutorial exam, the examination team preparing the tasks and cases for the prosecutorial exam and the examination commission appointed to hold the prosecutor's exam and members thereof shall be subject to the provisions of Article 19.5–8 and Article 32.2, 32.3, 32.5, 32.8 and 32.10, while Article 33 to the trainees, respectively.

3. The chairperson of the examination team and the chairperson of the examination commission shall manage the work of the team and the commission respectively.

4. The examination team shall comprise:

- 1) a chairperson appointed by the General Prosecutor among prosecutors;
- 2) a secretary appointed by the Director of the National School among staff members of the National School or persons delegated thereto;
- 3) seven prosecutors appointed by the General Prosecutor, subject to consultation with the National Prosecutor, who are specialists in various law areas and related sciences covered by the exam;
- 4) a prosecutor appointed by the Director of the National School among prosecutors who are lecturers at the National School, a specialist in a sphere of law and related sciences covered by the exam;

5. The examination commission shall comprise:

- 1) a chairperson appointed by the General Prosecutor among prosecutors;
- 2) a secretary appointed by the Director of the National School among prosecutors delegated to the National School;
- 3) seven prosecutors appointed by the General Prosecutor, subject to consultation with the National Prosecutor, who are specialists in various law areas and related sciences covered by the exam;
- 4) a prosecutor appointed by the Director of the National School among prosecutors who are lecturers at the National School, a specialist in a sphere of law and related sciences covered by the exam;

6. The work of the examination commission shall be attended by a representative of the Minister of Justice as an observer.

7. The work of the examination commission may be attended by a representative of the National Council of Prosecutors by the General Prosecutor's Office as an observer.

¹⁵ In the wording as set forth in Article 3.2.a of the Act, referred to in reference 13.

¹⁶ Added in Article 3.2.b of the Act, referred to in reference 13.

Article 35. 1. Within 14 days of completion of the prosecutorial examination, the Director of the National School shall make a prosecutor's trainee ranking list and shall provide the General Prosecutor with it. The list shall specify the first and last names of the prosecutor's trainees with the score obtained by each trainee from the examination and their rank on the list. Trainees shall be included in the list subject to passing the prosecutorial examination.

2. The rank on the list referred to in par. 1 is determined by the number of points obtained by a trainee in the prosecutorial examination.

3. If two or more trainees obtain the same number of points, the rank on the list shall be determined by the score obtained by the trainee in all internships and tests during the training. The provision of Article 22.2 shall apply accordingly.

4. The General Prosecutor shall submit a proposal to prosecutor's trainees taking the exam of a prosecutor's assessor in a common organisational unit of a prosecutor's office according to the ranking on the list referred to in par. 1.

5. Every year, by way of an ordinance, the General Prosecutor shall determine the number of assessors in a common organisational unit of prosecutor's offices for the trainees taking the exam.

6. (repealed)

Article 36. The Director of the National School shall issue training completion diplomas and successful examination diplomas for judges, prosecutors and referendaries.

Article 37. 1. Members of the contest team and the contest teams, the contest commission and the examination commission shall be entitled to remuneration for their work.

2. The Minister of Justice shall determine, by way of an ordinance, the amount of remuneration for the members of the contest team and the examination teams, the contest commission and the examination commissions, equivalent to the maximum monthly basic remuneration of a judge according to the fifth grade – taking into account the scope and types of duties and the quantity of work.

Chapter 3a¹⁷

Judicial and prosecutorial training in the form of supplementary training

Article 37a. 1. Judicial and prosecutorial training may also be held in the form of supplementary training

2. Supplementary training and supplementary training trainees shall be subject to the regulations on judicial training and prosecutorial training and the respective trainees respectively unless this chapter provides otherwise.

Article 37b. 1. Persons who meet the requirements specified in Articles 24.1.1 and 24.1.2-5 may attend supplementary judicial training or supplementary prosecutorial training, and who additionally:

- 1) on the contest date for supplementary judicial training or supplementary prosecutorial training were under 40 years of age;
- 2) in the five years before the contest for supplementary judicial training or supplementary prosecutorial training were employed for a minimum of two years as a court referendary, a judicial assistant or a prosecutor's assistant;
- 3) on the contest date for supplementary judicial training or supplementary prosecutorial training were employed as a court referendary, a judicial assistant or a prosecutor's assistant.

2. In the case of a part-time employment, the period referred to in par. 1.2 shall be extended proportionally.

Article 37c. Apart from the documents specified in Article 17.4, applications to contests for supplementary judicial training or supplementary prosecutorial training shall also contain copies of documents confirming the employment referred to in Article 37b.1.2 and 37b.1.3.

¹⁷ Chapter added in Article 4.5 of the Act, referred to in reference 6.

Article 37d. 1. Recruitment for supplementary judicial training shall be held as a contest including a test to verify knowledge of specific areas of law, other than the test referred to in Article 18.1.1.

2. Recruitment for supplementary prosecutorial training shall be held as a contest composed of an oral exam and assessment of work on the previous position, carried out by a contest commission appointed by the National Prosecutor.

3. By way of an ordinance, the Minister of Justice shall determine the appointment mode of the contest commission to hold the contest for supplementary prosecutorial training, the mode of handling the contest as well as the scope and assessment criteria of the oral exam, ensuring an objective assessment of contest participants and the efficiency of the contest.

Article 37e. The participation fees in contests for supplementary judicial training or supplementary prosecutorial training shall be 50% of the fee set pursuant to Article 21.2.

Article 37f. 1. Supplementary judicial training and supplementary prosecutorial training shall last 18 months.

2. Classes for trainees attending supplementary judicial training and supplementary prosecutorial training shall be held on Saturdays and Sundays, in accordance with the respective training programmes.

3. Internships for trainees attending supplementary judicial training and supplementary prosecutorial training shall be arranged for one day in a week, in accordance with the respective training programmes.

4. Trainees of supplementary judicial training and supplementary prosecutorial training shall be entitled to paid time off from work to attend the classes and internships and to participate in judicial and prosecutor's exams.

5. The president of the court employing trainees of supplementary judicial training and supplementary prosecutorial training, or the head of the organisational unit of a prosecutor's office employing trainees of supplementary judicial training and supplementary prosecutorial training, shall submit their opinion on the trainees' work to the Director of the National School every 6 months.

Article 37g. 1. The Director of the National School shall delete trainees of supplementary judicial training and supplementary prosecutorial training from the list of trainees in instances referred to in Article 41.1 and when trainees cease to be employed as court referendaries, judicial assistants or prosecutor's assistants and within 30 days of such termination of employment trainees failed to find new employment as court referendaries, judicial assistants or prosecutor's assistants.

2. The Director of the National School may delete trainees of supplementary judicial training and supplementary prosecutorial training from the list of trainees in instances referred to in Articles 41.2.1a and 41.2.4-7 and when the trainees missed over 5 days of classes or internships covered by the training programme without justification – a day of absence shall be understood as absence from classes or internships over 4 hours.

Article 37h. 1. Trainees of supplementary judicial training and supplementary prosecutorial training shall be entitled to 30 calendar days free from classes and internships in the first year of training, on dates determined by the Director of the National School.

2. Trainees of supplementary judicial training and supplementary prosecutorial training shall be entitled to another 30 calendar days free from classes and internships directly before the judicial or prosecutor's exam. In the same period, trainees shall be entitled to paid leave to become prepared for the judicial or prosecutorial exam.

Article 37i. Trainees of supplementary judicial training and supplementary prosecutorial training shall not be entitled to any scholarship.

Chapter 4

Trainees' rights and obligations

Article 38. Trainees shall be entitled to use the teaching and IT resources, the equipment and hardware of the National School free of charge in order to expand their knowledge and develop skills, on the terms and conditions specified by the Director of the National School.

Article 39. The trainees' duties include:

- 1) attendance in classes and internships as provided for in the training programme;
- 2) independent development of knowledge and practical skills covered by the training;
- 3) taking tests and exams on dates stipulated by the training curriculum;
- 4) observing the organizational regulations of the National Schools and the regulations and instruction issued by the Director of the National School.

Article 40. 1. The Director of the National School, by way of a decision, shall suspend a trainee from their rights and obligations if:

- 1) proceedings regarding intentional offences prosecuted ex officio or intentional fiscal offences are pending against the trainee;
- 2) while instituting the proceedings for partial or complete incapacitation of the trainee or in its course a court has appointed a temporary advisor.

2. The Director of the National School, by way of a decision, may suspend the trainee from their rights and obligations if:

- 1) proceedings regarding unintentional offences prosecuted ex officio or unintentional fiscal offences are pending against the trainee;
- 2) a trainee requested so themselves due to long-term illness or for other material reasons;
- 3) the trainee fails to continue his/her training due to important reasons preventing such continuation for more than 30 days.

3. In the suspension period the scholarship awarded to the trainee shall not be paid.

4. The Director of the National School shall repeal the decision on suspension in the case referred to in:

- 1) par. 1.1 – if the proceedings have been discontinued or ended with acquittal of the trainee;
- 2) par. 2.1 – if the proceedings were discontinued or the trainee was acquitted or if the Director of the National School finds no ground to have the person deleted from the trainee list pursuant to Article 41.2.1a;
- 3) par. 1.2 and par. 2.3 – after the reason for the suspension ceases to exist;
- 4) par. 2.2 – at the trainee's request.

5. The decision of the Director of the National School on suspension may be appealed against with the Minister of Justice within 14 days of receipt. The appeal shall be examined within 14 days from the date of its submission. The decision of the Minister of Justice may be appealed to a provincial administrative court within 14 days of receipt of the decision.

6. Once the decision on suspension is cancelled, the trainee shall continue the training as from the stage at which it was interrupted if the training programme so allows. In other instances, the Director of the National School shall approve an individual training programme for the trainee and the trainee shall be obliged to take all the tests covered by the training programme.

Article 40a. (repealed)

Article 40b.¹⁸ 1. Trainees shall be entitled to 30 calendar days free from classes and internships in the first and second year of judicial training and prosecutorial training at a time determined by the Director of the National School.

2. Trainees shall be entitled to another 30 calendar days free from classes and internships directly before the judicial or prosecutorial exam.

3. The periods referred to in par. 1 and 2 shall be included in the period of the training.

Article 41. 1. The Director of the National School shall remove a trainee from the list of trainees if the trainee:

- 1) failed to commence training within the prescribed period;
- 2) ceased to meet the requirements set forth in Article 24.1.1, 24.1.2 and 24.1.5;
- 2s) has been convicted for an intentional offence or intentional fiscal offence prosecuted ex officio;
- 3) (repealed)
- 4) submitted a written declaration on resignation from the training;
- 5) (repealed)
- 6) (repealed)
- 7) (repealed)
- 8) failed to pass an exam;
- 9) failed to pass an internship.

¹⁸ Added in Article 4.6 of the Act, referred to in reference 6.

1a. (repealed)

2. The Director of the National School may remove a trainee from the list of trainees if the trainee:

- 1) (repealed)
- 1a) has been convicted for an unintentional offence or unintentional fiscal offence prosecuted ex officio;
- 2) with no justification, missed over 30 days of classes and internships covered by the training programme – a day of absence shall be understood as absence from classes or internships over 4 hours.
- 3) (repealed)
- 4) has been reprimanded twice;
- 5) materially violated trainee's obligations;
- 6) materially offended the status of a trainee or their behaviour is detrimental to the good reputation of the National School;
- 7) has been suspended from their trainee rights and duties for a total period in excess of 3 years.

3. Before taking a decision to remove the trainee from the list of trainees, the Director of the National School shall give the trainee an opportunity to submit clarification.

4. The decision referred to in par. 3 may be appealed against to the Minister of Justice within 14 days of receipt. The appeal shall be examined within 14 days from the date of its submission.

5. The decision of the Minister of Justice referred to in par. 4 may be appealed against by means of a complaint submitted to the provincial administrative court within 14 days of receipt of the decision.

Article 41a. 1. The Director of the National School shall approve a scholarship to trainees for the duration of the training.

2. Such trainee's scholarship may not be higher than the lowest basic remuneration of a court referendary.

3.¹⁹ Trainees shall retain the right to the scholarship until the day preceding their employment as a judicial assessor or prosecutor's assessor, however no longer than for four months after completing the training.

3a.²⁰ The right to the scholarship shall expire on the day following the publication date of results of the oral part of the judicial or prosecutor's exam if the trainee failed; when the trainee was admitted to the oral part of the exam – on the day following the publication date of the results of the written part of the judicial or prosecutor's exam.

3b.²⁰ The right to the scholarship shall expire when the trainee fails to take the written or oral part of the judicial or prosecutor's exam – on the day following the day when such exam was held.

3c.²⁰ The trainee who obtained the consent referred to in Article 33.1 shall retain the right to the scholarship for a month from completion of the training.

4. Trainees suspended from their rights and duties due to:

- 1) long-term illness resulting in inability to continue training for over 30 days,
- 2) the need to exercise personal care over a child of theirs suffering a long-term illness, with a diagnosed disability or a certified disability, or a spouse with a certified disability

– shall be paid 80% of the scholarship, however overall for a maximum of 12 months during the training.

5. Trainees who are suspended from their rights and duties due to birth of a child and the need to exercise personal care over such child shall be paid 80% of the scholarship, however for a maximum of 12 months since the birth of the child.

6. Trainees suspended from their rights and duties due to a health condition resulting in disability to continue the training during pregnancy shall retain the right to the scholarship in the full amount.

¹⁹ In the wording as set forth in Article 4.7a of the Act, referred to in reference 6.

²⁰ Added in Article 4.7.b of the Act, referred to in reference 6.

7. Applications for suspension for the reasons specified in par. 4.1 and par. 6 shall be accompanied by a medical certificate made out on an ordinary form; applications for suspension for the reasons specified in par. 4.2 – a medical certificate made out on an ordinary form or a disability diagnosis or a disability certificate made out to the person under the trainee's care.

8. Applications for suspension for the reasons specified in par. 5 shall be accompanied by an abbreviated copy of the child's birth certificate with a certificate confirming the need to exercise personal care over a child of their own and resignation by the other parent from benefits related to parenthood as referred to in the Act of 25 June 1999 on Financial Benefits from Social Welfare in Case of Illness and Motherhood (Journal of Laws of 2019, item 645), in whole or in part.

Article 41b. 1. The scholarship shall not be payable for trainees' unjustified absence from classes – 1% of the scholarship shall be deducted for each hour of unjustified absence.

2. For days of trainees' unjustified absence from classes for reasons other than set forth in Article 41a.6 shall be paid 80% of the scholarship, pro rata to the absence.

3. Any time the amount of the scholarship is calculated for a period of unjustified absence, the period is determined in months, a month shall be deemed to contain 30 days.

4. The amount of the scholarship for each day of unjustified absence shall be equivalent to 1/30 of the scholarship amount.

Article 41c. 1. Trainees who were paid the scholarship during judicial training or prosecutorial training shall refund the scholarship if:

- 1) they have been removed from the list of trainees;
- 2) they failed the judicial or prosecutorial exam;
- 3) they failed to accept a proposal to work as a judicial assessor or prosecutor's assessor or resigned from the position or lost the office and position of a judicial assessor.

2. Trainees shall not be obliged to return the scholarship if they:

- 1) were deleted from the list of trainees due to their health condition or the need to exercise personal care over a child aged up to two years of age, or the need to exercise personal care by a trainee bringing up a child as a single parent when the child has a disability diagnosed or disability certified;
- 2) failed to take up or resigned from employment or lost the office and position as referred to in par. 1.3 for reasons due to a health condition;
- 3) if within six years after completion of training, they were employed for a minimum of three years in common courts or prosecutor's offices.

3. In the case of employment in the position referred to in par. 1.3 or the employment referred to in par. 2.3, the scholarship shall be refunded pro rata to the period in which the trainee was not employed.

4. Trainees shall refund the scholarship paid in accordance with Articles 41a.4 and 41a.5 in the amount that was paid out with no grounds.

5. A decision on the refund of the scholarship shall be issued by the Director of the National School. The decision on refund of the scholarship taken by the Director of the National School shall specify the amount and time to refund the scholarship which may not be shorter than 30 days after delivery of the decision.

6. The president of the competent court or the prosecutor heading the common organisational unit of the prosecutor's office shall notify the Director of the National School of the circumstances referred to in par. 1.3.

7. The Director of the National School may, in duly justified cases, remit the debt under the scholarship to be refunded in full or in part.

8. The decision on the refund of the scholarship or remittance of debt under the scholarship to be refunded may be appealed to the Minister of Justice within 14 days of receipt. The appeal shall be examined within 14 days from the date of its submission.

9. The decision of the Minister of Justice may be appealed to a provincial administrative court within 14 days of receipt of the decision.

Article 42. (repealed)

Article 43. (repealed)

Article 44. (repealed)

Article 45. (repealed)

Article 46. (repealed)

Article 47. 1. Trainees may not take up employment except for employment in a teaching, research-teaching or research position or a scientific, teaching or journalistic occupation if such employment or occupation does not conflict with the performance of the trainee's duties.

2. The trainee shall notify the Director of the National School of his/her intention to take up an employment or occupation.

3. The Director of the National School may object to the trainee's intent to become employed or to take up the occupation should he/she find that it may hinder the performance of the trainee's duties.

4. The objection referred to in par. 3 may be appealed against to the Minister of Justice within the period of 14 days from the date of receipt.

Article 47a. The training period is accounted towards the employment period on which employee benefits are calculated on condition of completing the training.

Article 48. 1. Trainees may participate in academic-training tasks other than stipulated by the training scheme in Poland and abroad, commissioned by the Director of the National School.

2. In cases referred to in par. 1, the trainee shall be entitled to reimbursement of the cost of travel and accommodation on terms and conditions set forth accordingly in the provisions on the amounts and terms and conditions of determination of payments payable to an employee employed in a state or local government budget unit due to a professional trip in Poland and abroad.

Article 49. 1. The Director of the National School shall appoint tutor-coordinators and tutors of training among judges, prosecutors, court referendaries and other persons holding specialist knowledge in the areas covered by the internship and subject to their consent.²¹ The tutorship is performed for remuneration.

2. The Minister of Justice shall establish, by way of an ordinance, a detailed procedure for appointing tutor-coordinators and tutors for internships, the scope of their duties, terms and conditions of tutoring the trainees, taking into account the scope of theoretical knowledge and practice necessary to occupy the position of a judge and prosecutor and the specific nature of those offices.

3. The Minister of Justice shall establish, by way of an ordinance, the amount of remuneration payable to tutor-coordinators and tutors of internships, in an amount not higher than 15% of the basis for the determination of the basic remuneration of a judge and prosecutor, taking into account the scope and quantity of work.

Article 50. 1. The Director of the National School may grant a bonus to a trainee for special achievements of tasks performed to the benefit of the National School, outside the scope of regular duties.

2. The bonus may be as follows:

- 1) a financial or material bonus;
- 2) a written commendation by the Director of the National School.

3. Information on the bonus shall be included in the trainee's personal files.

Article 51. 1. The Director of the National School may punish a trainee with a regulatory penalty for misconduct involving the violation of duties or offending the status of the trainee.

2. Regulatory penalties include:

- 1) admonition;
- 2) reprimand.

3. A trainee cannot be punished following the lapse of 30 days from the date of becoming aware of the misconduct or after 3 months from the date of such misconduct.

4. Before imposing a regulatory penalty, the trainee is allowed to submit explanations.

5. The decision on a penalty may be appealed against to the Minister of Justice within 7 days of receipt.

²¹ The first sentence in the wording as set forth in Article 4.8 of the Act, referred to in reference 6.

6. A copy of the final decision imposing a regulatory penalty shall be included in the personal file of the trainee.

7. Following the lapse of one year from the date on which the decision imposing a regulatory penalty became valid, the Director of the National School orders the removal of the copy of the decision from the personal file of the trainee if no other penalty was imposed on the trainee in the meantime.

Article 52. The Minister of Justice shall establish, by way of an ordinance:

- 1) detailed terms and conditions for recruitment of candidates for judicial and prosecutorial training and the method of appointment and operational procedures of the contest team and the contest commission – in view of the necessity to determine the scope of knowledge to be tested in the contest, ensure efficient and objective recruitment and selection of the best candidates;
- 2) organisation, mode and method to attend judicial training and prosecutorial training, the method to set the scoring system to assess tests and have them repeated, and the scoring system of assessment of internships, as well as templates of completion diplomas for judicial training and prosecutorial training with a view to the theoretical and practical knowledge required to perform the positions of judge and prosecutor respectively, and the need to ensure consistent and objective assessment of the trainees' knowledge and qualifications, and placement of the period of training on the diplomas;
- 3) the scope, detailed terms and conditions and the procedure for the organisation of the judicial and prosecutorial examinations and the procedure for the appointment and operation of examination teams and examination commissions, and templates of diplomas confirming final examinations for judges and prosecutors, in view of the scope of the completed initial training, the need to organise written and oral parts of the judicial and prosecutor's examination and the need to ensure correct organisation and adequate substantive level of such exams and to guarantee equal conditions for taking exams by all trainees, and incorporation of the scores obtained during the examinations on the diplomas;
- 4) the amount of the scholarship and the method of payment and refund of the scholarship, taking into account the type of initial training and conditions under which it takes place, in particular the place of residence;
- 4a) (repealed)
- 5) the amount of the examination fee for taking the prosecutorial exam, paid by persons other than trainees of the National School – not higher than the equivalent of the minimum remuneration for work referred to in the act of 10 October 2002 on the minimum remuneration for work – taking into account the need to perform the examination in a correct and effective way.

Chapter 4a

Referendary examination

Article 52a. 1. Referendary examinations may be taken by persons who:

- 1) are citizens of Poland enjoying full civil and citizenship rights;
- 2) have graduated from a higher education institution providing legal education in the Republic of Poland and obtained a professional title of magister or have completed studies in the field of law abroad recognized in the Republic of Poland;

2. The referendary exam shall verify the legal knowledge and skills required to perform the duties of a court referendary.

Article 52b. 1. Depending on the staff requirements of courts, the Minister of Justice shall decide to hold a referendary exam and shall appoint an examination team and an examination committee.

2. The time and venue of the referendary exam shall be determined by the Director of the National School for a day falling no later than six months from the day of the ordinance referred to in par. 1.

3. The Director of the National School shall publish the date and venue of the referendary exam in the Public Information Bulletin.

4. Applications to take the referendary exam shall be filed with the Director of the National School within 30 days of the publication referred to in par. 3 and the required fee shall be paid. The fee is the income of the National School.

5. The application shall be accompanied by a copy of the document confirming graduation from a law faculty in the Republic of Poland and obtaining the professional title of Master of Arts or foreign legal studies recognized in the Republic of Poland or a certificate of passing the Master's examination, a copy of the ID card, a statement confirming full civil and citizen's rights, as well as a copy proof of payment of the fee referred to in par. 4. The provisions of Article 17.4a and 17.6 shall apply accordingly.

6. If a candidate submits, not later than 21 days before the date of the first stage of the referendary examination, a written declaration on withdrawal from the examination, the Director of the National School shall, at the candidate's request, reimburse two thirds of the paid fee.

7. By way of an ordinance, the Minister of Justice shall determine the amount of the examination fee for taking the referendary exam – not higher than the equivalent of minimum remuneration for work referred to in the Act of 10 October 2002 on minimum remuneration for work – taking into account the need to perform the examination in a correct and effective way.

Article 52c. 1.²² Referendary examinations shall be held in writing. The task shall be composed of two parts:

- 1) a test verifying knowledge in specific areas of law;
 - 2) practical tasks to verify the ability to interpret and apply law, apply legal arguments and qualify facts to appropriate legal standards.
- 2.²²⁾ The test and the tasks referred to in par. 1 shall be developed by the examination team appointed by the Minister of Justice.
3. The examination team shall comprise:
- 1) a chairperson appointed by the Minister of Justice among judges;
 - 2) a secretary appointed by the Director of the National School among staff members of the National School or persons delegated thereto;
 - 3) three judges appointed by the Minister of Justice, specialists in each sphere of law covered by the exam;
 - 4) two court referendaries appointed by the Minister of Justice, specialists in each sphere of law covered by the exam;
4. The chairperson of the examination team manages its work.
5. The referendary exam shall be held by an exam commission appointed by the Minister of Justice.
6. The examination commission shall comprise:
- 1) a chairperson appointed by the Minister of Justice among judges;
 - 2) a secretary appointed by the Director of the National School among staff members of the National School or persons delegated thereto;
 - 3) three judges appointed by the Minister of Justice, specialists in each sphere of law covered by the exam;
 - 4) two court referendaries appointed by the Minister of Justice, specialists in each sphere of law covered by the exam;
7. A member of the examination commission cannot be a member of the examination team.
8. The chairperson of the examination commission manages its work.
9. The provisions of Article 19.5-8 apply to the examination team and commission members accordingly.
- 10.²³ The work of the examination commission shall be attended by a representative of the Minister of Justice as an observer.
- 11.²⁴ Members of the examination team and the examination commissions shall be entitled to remuneration for their work.
- 12.²⁴ The Minister of Justice shall determine, by way of an ordinance, the amount of remuneration for the members of the examination team and the examination commission, equivalent to the maximum monthly basic remuneration of a judge according to the fifth grade – taking into account the scope and types of duties and the quantity of work.

Article 52d.²⁵ Those candidates who score a minimum of 75% of the possible maximum test score shall be admitted to the second stage of the referendary exam. The referendary exam shall be deemed as passed when the candidates score a minimum of 50% of the possible score for practical tasks but no less than 30% of the possible score for each task.

²² In the wording as set forth in Article 4.9a of the Act, referred to in reference 6.

²³ In the wording as set forth in Article 4.9b of the Act, referred to in reference 6.

²⁴ Added in Article 4.9.c of the Act, referred to in reference 6.

²⁵ In the wording as set forth in Article 4.10 of the Act, referred to in reference 6.

Article 52e²⁵ By way of an ordinance, the Minister of Justice shall determine the scope, mode and method of holding the referendary exam and the mode of appointing and operating the examination team and examination commission as well as the template of the referendary examination diploma, with a view to the need of holding both stages of the referendary exam, the need to ensure appropriate organisation and an adequate knowledge-based level of the exam and to ensure equal opportunities for all the examinees, and incorporation of the scores obtained during the referendary examinations on the diplomas.

Chapter 5

Lecturers and employees of the National Schools

Article 53. 1. Lecturers at the National School may comprise the following: judges, prosecutors and academics holding specialist knowledge in specific field as well as judges and prosecutors at rest whose knowledge and professional and teaching experience ensure the correct performance of the functions entrusted to them. The selection of lecturers at the National School will not be subject to the provision of the Act of 29 January 2004 – Public Procurement Law (Journal of Laws of 2018, items 1986 and 2215, and of 2019, items 53 and 730).

2. In case of a justified need, and in order to unify the teaching content presented during classes and the methods to assess tests, the Director of the National School may appoint a coordinator of classes among lecturers of the National School who would stand out with knowledge and professional experience and who would have conducted classes for a minimum of 2 years.

3. The person performing the coordinator function shall be entitled to remuneration.

4. The remuneration referred to in par. 3 shall not be payable when a judge, prosecutor or court referendary delegated to the National School acts as the coordinator of classes.

5. By way of an ordinance, the Minister of Justice shall determine the remuneration of coordinator of classes up to 40% of the base remuneration of judges and prosecutors of the first grade, subject to the scope of duties of the coordinator and the intensity of his/her work.

Article 53a. 1. The Director of the National School shall submit the candidates for lecturers of the National School among persons who agreed to hold classes at the National School, to the Board for its opinion.

2. Candidates for lecturers of the National School, with a positive opinion of the Board, shall be submitted by the Director of the National School to the Minister of Justice.

Article 53b. 1. Within 21 days of receiving the list of the candidates, the Minister of Justice may voice his/her objection to the candidates for lecturers of the National School. The objection shall be binding.

2. With respect to candidates for lecturers of the National School who are prosecutors or prosecutors at rest, decisions on objections shall be taken by the Minister of Justice – after consultation with the National Prosecutor – within 21 days of having been informed about the candidates. The objection shall be binding.

3. Failure to present a standpoint within the time specified in par. 1 or 2 shall be deemed as no objection.

4. Candidates for lecturers with respect to whom no objection has been voiced, will become members of the teaching staff of the National School.

5. In justified instances, the Director of the National School may re-present candidates for lecturers of the National School to the Board for its opinion. The provisions of par. 1-4 and Article 53a.2 shall apply accordingly.

Article 53c. (repealed)

Article 53d. For the duration of holding classes at the National School, judges and prosecutors who are lecturers at the National School shall be released from work at court or prosecutor's office respectively up to 6 days in a year without being paid.

Article 53e.²⁶ 1. Upon a proposal of the Minister of Finance, a Board member or upon his/her own initiative, the Director of the National School shall submit a lecturer of the National School to the Board for its opinion on compliance with the lecturer's duties and suitability for educational purposes of the National School.

2. The Board shall issue its opinion on lecturers of the National School within 60 days of such request for opinion.

3. Lecturers of the National School, with a positive opinion of the Board, shall be submitted by the Director of the National School to the Minister of Justice. The provisions of Article 53b.1–4 shall apply accordingly; however, lecturers with respect to whom objections have been raised shall be excluded from the academic staff of the National School.

²⁶ In the wording as set forth in Article 4.11 of the Act, referred to in reference 6.

Article 54. 1. The National School may employ administrative and service staff.

1a. Without the written consent of the Director of the National School, employees of the National School may not take up any additional gainful occupation or employment.

1b. Employees of the National School may not perform activities or pursue occupations that are contrary to their employment duties or that undermine trust in the National School.

2. The provisions of Articles 9, 10, 12-12c, and 14a of the Act of 18 December 1998 on the employees of courts and prosecutor's offices and Articles 10, 17.1-3, Articles 22, 23 and Articles 26-28 of the Act of 16 September 1982 on the employees of state offices shall apply to employees of the National School accordingly (Journal of Laws of 2018, item 1915).

Article 55. 1. The Minister of Justice, in agreement with the minister competent for labour, shall establish, by way of a regulation, the conditions of remuneration for work applicable to the employees referred to in Article 54 and on granting them other work-related benefits.

2. The regulation referred to in par. 1 shall specify in particular:

- 1) the amounts of basic remuneration of the employees of the National School;
- 2) other constituents of pay, apart from basic remuneration, justified in particular by the performance of a specific function or a specific position, special nature of work, the conditions under which the work is rendered or the professional qualifications of the employees.

Chapter 6

Personal Data Processing

Article 56.²⁷ 1. The National School is the controller of personal data for the trainees, candidates for trainees, lecturers and candidates for lecturers of the National School as well as for the persons undergoing training or professional development arranged by the National School, the persons who take exams held pursuant to the Act as well as personal data in the files made available to the National School for educational purposes, to the extent required for the National School to perform its tasks.

2. The Minister of Justice is the controller of personal data processed to perform his/her tasks, duties or rights set forth in the Act.

Chapter 7

Changes to applicable laws

Article 57–64. (omitted)

Chapter 8

Interim and final provisions

Article 65. (repealed)

Article 66. 1. The condition specified in Article 149 § 1.5 of the Act of 27 July 2001 amending the Law on Organisation of Common Courts, in the wording amended with this Act, shall be deemed to have been complied with by persons who pursuant to the regulations in force before the effective date of this Act had undergone referendary training and passed the referendary exam or undergone judicial or prosecutorial training, or who had passed the referendary exam.

2. The condition specified in Article 155 § 2.5 of the Act of 27 July 2001 amending the Law on Organisation of Common Courts, in the wording amended with this Act, shall be deemed to have been complied with by persons who were employed as judicial assistants and by persons who pursuant to the regulations in force before the effective date of this Act had undergone referendary training and passed the referendary exam or undergone judicial or prosecutorial training, or who had passed the referendary exam.

²⁷ In the wording set forth in Article 98 of the Act of 21 February 2019 amending certain acts to ensure the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (Journal Laws item 730) that became effective on 04 May 2019.

3. The person who on the effective date of this Act was employed as a court referendary, may take the judicial exam as specified in Article 70.1 if such person had occupied the position for a minimum of three years and had notified the president of the court of appeal of his/her intention to take the exam one month before the exam is held. In such situation, the court referendary shall be admitted to the judicial exam on the next date planned for judge trainees.

4. The person who on the effective date of this Act was employed as a judicial assistant, may take the judicial exam as specified in Article 70.1 if such person had occupied the position for a minimum of three years and had notified the president of the court of appeal of his/her intention to take the exam one month before the exam is held. In such situation, the judicial assistant shall be admitted to the judicial exam on the next date planned for judge trainees.

5. The period referred to in par. 4 shall include the time of work as a court referendary as a full-time job.

6. If the work is not a full-time job, the period referred to in par. 3-5 shall be extended proportionally.

Article 67. 1. The position of a judge of a military garrison court may be occupied by a person who meets the requirements specified in Article 22 § 1.1-5 and 7 of the Act of 21 August 1997 – Act on the organisation of military courts, in the wording amended with this Act, and who has worked as an assessor to a military court for a minimum of 3 years.

2. The position of a judge of a military garrison court may be occupied by a person appointed to the position of an assessor to a military court in the period between 5 November 2005 until 5 November 2007 if such person meets the requirements specified in Article 22 § 1.1-3 and 5 of the Act of 21 August 1997 – Act on the organisation of military courts, in the wording amended with this Act, is a minimum of 28 years of age and who has worked as an assessor to a military court for a minimum of one year.

3. The position of a judge of a military garrison court may be occupied by a person who meets the requirements specified in Article 22 § 1.1-5 and 7 of the Act of 21 August 1997 – Act on the organisation of military courts, in the wording amended with this Act, completed the judicial training and passed the judicial exam in compliance with the regulations in force between the effective date of this Act and after passing the exam has been employed as:

- 1) a court referendary for a minimum of two years in a full-time job, or
- 2) a judicial assistant for a minimum of two years in a full-time job.

4. The president of the competent military district court, after consultation with the college of the military district court, shall apply to the director of the organisational unit referred to in Article 5 § 4 of the Act of 21 August 1997 – Act on the organisation of military courts, requesting the presentation of the assessor of military court as a candidate to the position of judge of the military court, at the General Meeting of Judges of Military Courts.

Article 68. 1. As of 5 May 2009, judicial assessors will no longer be entrusted with judicial duties.

2. Employment relationships with judicial assessors appointed before the effective date of this Act shall expire 4 years after such appointment unless they are terminated or expire earlier.

3. Until the end of the employment relationship, judicial assessors shall be entitled to perform the duties of court referendaries.

4. The base remuneration of judicial assessors shall be set on the basis of regulations in force before the effective date of this Act.

5. The Minister of Justice may terminate the employment contract with judicial assessors subject to prior notice and subject to approval by the college of the district court.

6. The Minister of Justice shall process the personal data of judicial assessors to the extent necessary to comply with the employer's duties and rights as resulting from employment contracts or other employment relations.

Article 69. 1. As of 5 May 2009, judicial assessors of military courts will no longer be entrusted with judicial duties.

2. Professional military service employment relationships with military judicial assessors appointed before the effective date of this Act shall expire 4 years after such appointment unless they are terminated or expire earlier.

3. Until the end of the professional military service employment relationship, military judicial assessors shall be entitled to perform the duties of the judicial assistant in a military garrison court.

4. The base remuneration of military judicial assessors shall be set on the basis of regulations in force before the effective date of this Act.

5. The Minister of Justice shall process the personal data of military judicial assessors to the extent necessary to comply with the employer's duties and rights as resulting from employment contracts or other employment relations.

6. In consultation with the Minister of National Defence, the Minister of Justice may dismiss a military judicial assessor. The military judicial assessor dismissed from the position shall be subject to the regulations applicable to soldiers in professional permanent military service.

Article 70. 1. Judicial training commenced before 1 January 2008 and the closing judicial exam shall be held in compliance with the regulations in force before that date.

2. Judicial training in a military garrison court commenced before 1 January 2008 and the closing judicial exam shall be held in compliance with the regulations in force before that date.

3. Prosecutorial training in common organisational units of prosecutor's offices commenced before 1 January 2008 and the closing prosecutor's exam shall be held in compliance with the regulations in force before that date.

4. Prosecutorial training in military organisational units of prosecutor's offices commenced before 1 January 2008 and the closing prosecutor's exam shall be held in compliance with the regulations in force before that date.

5. Referendary initial training commenced before 01 January 2009 and the closing referendary exam shall be held in compliance with the regulations in force before that date.

6. The condition specified in Article 3.3 of the Act of 18 December 1998 on the staff of courts and prosecutor's offices, as amended with this Act, shall be deemed to have been complied with by persons who – pursuant to the regulations in force before the effective date of this Act – had completed judicial or prosecutorial training.

7. The provisions of Article 94.10 of the Act referred to in Article 57 and the provisions of Articles 23, 25.1 and 25.1a, Article 34.4, Article 37.5, Article 45.4, Article 47.3 and Article 85.3 of the Act referred to in Article 62, in the wording as set forth before the effective day of this Act, shall apply to military prosecutor's trainees until they complete their prosecutorial training.

Article 71. 1. Judges or prosecutors who act as tutors for a minimum of one full-time judicial or prosecutor's trainee, or three non-headcount judicial or prosecutor's trainees at the same time who started their training before 1 January 2008, shall be entitled to remuneration of 15% of the base amount constituting the basis for base remuneration of judges and prosecutors as set forth in the budgetary Act for the year, for each month of their tutorship.

2. Judges who act as tutors for a minimum of one referendary trainee who started his/her referendary training before 1 January 2009, shall be entitled to remuneration of 15% of the base amount constituting the basis for base remuneration of judges as set forth in the budgetary Act for the year, for each month of their tutorship.

3. Interruptions to performing tutorship duties due to absences of the tutor or the trainee up to a maximum of 7 days shall not result in the remuneration lost for the month.

4. With reference to judges, the provisions of par. 1–3 and with reference to prosecutors, the provisions of par. 1 and par. 3 shall apply to tutorships exercised after 1 January 2008.

5. The remuneration referred to in par. 1 and 2 shall not be due when the judge or prosecutor is paid a functional allowance for tutorship.

Article 72. 1. The National School is the legal successor to the National Training Centre of Personnel for Common Courts and Prosecutor's Offices.

2. The Director of the National Training Centre of Personnel for Common Courts and Prosecutor's Offices shall act as the Director of the National School until such position is filled pursuant to and in accordance with this Act.

3. The term of office of the Programme Board of the National Training Centre of Personnel for Common Courts and Prosecutor's Offices shall expire on the effective date of this Act.

4. Administrative and service staff of the National Training Centre of Personnel for Common Courts and Prosecutor's Offices shall become the staff of the National School on the effective date of this Act.

Article 73. (repealed)

Article 74. The Act of 01 July 2005 on the National Training Centre of Personnel for Common Courts and Prosecutor's Offices is being repealed (Journal of Laws items 1410 and 2204, and of 2007, item 433).

Article 75. The Act shall come into effect within 14 days of publication²⁸ with the exception of: Articles 57, 58, 60.1–5 and 60.19, Articles 65.1 and 65.3–7, Articles 66.1 and 66.2, and Articles 67.1 and 67.3 which shall become effective on 5 May 2009.

²⁸ The Act was published on 17 February 2009.