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## The extraordinary complaint in the civil procedure – selected issues

### Summary

On the 3<sup>rd</sup> of April 2018, a new Act of the 8<sup>th</sup> of December 2017 on the Supreme Court (Journal of Laws 2018 item 5 as amended), hereinafter the "Law on the Supreme Court", entered into force. It introduced a new institution, namely the extraordinary complaint to the Polish legal system. It is a new remedy, the purpose of which is the extraordinary review of final court decisions (judgments) in order to ensure their compliance with the principle of a democratic state of law that implements the principles of social justice. An extraordinary complaint may be brought before the Supreme Court only by certain public authorities strictly specified in the Law on the Supreme Court, namely by the Attorney General and the Ombudsman but also, within the scope of their jurisdiction, *inter alia* by the Financial Ombudsman, the Small and Medium-sized Enterprises Ombudsman and the President of the Office for Competition and Consumer Protection. Thus, these entities have been granted the right to challenge final judgments of common courts, which otherwise could not be revoked or changed by any other means or remedies. Currently, all legitimised authorities may file extraordinary complaints, with the reservation that authorities other than the Attorney General and the Ombudsman do so only within their jurisdiction, in respect of judgments that became final after the 3<sup>rd</sup> of April 2018 (inclusive). However, the Attorney General and the Ombudsman may also, until the 3<sup>rd</sup> of April 2021, file extraordinary complaints regarding judgments that became final after the 17<sup>th</sup> of October 1997 and before the 3<sup>rd</sup> of April 2018 (the date on which the Law on the Supreme Court entered into force).

The aim of the article is to analyse the main legal issues regarding the extraordinary complaint, especially the grounds for its admissibility, the practical aspects in the subject matter, as well as possible disputable issues and interpretation doubts. The study is limited to the analysis of selected legal issues regarding the extraordinary complaint in the civil procedure.

**Keywords:** extraordinary complaint – civil procedure – Supreme Court – cassation complaint