

Rapport du pays membre pour la réunion de GEMME Country report for the GEMME meeting

Votre nom / Your name: Agnieszka Owczarewicz

Votre pays / Your country: Poland

1. Développements concernant votre section nationale de GEMME (par exemple nouveaux membres, nombre de membres) / Developments concerning your national section of GEMME (for instance new members, number of members):

We have 16 new members.

2. Évolution de vos législations nationales en matière de médiation (par exemple lois nouvelles ou modifiées) / Developments in your national laws concerning médiation

In Poland, from July 2023, one minor change related to mediation will be introduced - art. 183(14) of the Code of Civil Procedure. If the settlement concerns claims covered by different court proceedings, the parties shall indicate in the settlement those proceedings and the court which will perform the actions provided for in §1 and §2, unless this would lead to a violation of the rules on territorial jurisdiction, which could result in the invalidity of the proceedings, or exclusive jurisdiction. A copy of the settlement approval or enforceability clause shall be delivered by the court to the other courts mentioned in the settlement. A copy of the settlement approval or enforceability clause shall serve as a basis for discontinuing proceedings to the extent that they concern claims covered by the settlement.n (for instance new or amended laws):

3. Autres développements concernant la médiation dans votre pays (par exemple des expériences dans différents domaines du droit devant les tribunaux ou autrement) / Other developments concerning mediation in your country (for instance experiences in different areas of law in the courts or otherwise):

From July 2023, the parties will be able to decide to refer the case to a conciliation/arbitration court during an ongoing proceeding before a common court. The common court will be obliged to discontinue the proceedings and refund the parties 3/4 of the lawsuit fee.

Mediation in Poland is slowly developing in civil, family, and labor cases, however, in criminal cases, mediation is currently in its infancy. For this reason, Gemme Polska plans to take action aimed at suspending the remuneration of criminal mediators, as well as organizing webinars aimed at promoting criminal mediation.

4. Autres activités concernant la médiation (par exemple colloques, webinaires, conférences, recherches universitaires) / Other activities concerning mediation (for instance meetings, webinars, lectures, university research):

In October 2022, the Polish section together with the ProMediation&ProWellness Foundation and the Weinstein International Foundation organized training for judges on conciliation and mediation with elements of mindfulness, which resulted in over 40 meetings dedicated to mediation conducted by the training participants with judges from their respective courts. The next edition of the training is scheduled for October 2023, and in addition to judges from Poland, judges from Ukraine will also participate in the training.

Gemme Polska was a co-organizer of the Solidarity Arbitration and Mediation Days conference in November 2023, dedicated not only to promoting mediation and arbitration but also to raising funds for scholarships for young Ukrainian lawyers. Additionally, our section sponsored several conferences on mediation that took place in 2022. The next mediation conference, sponsored by Gemme Polska, is scheduled in Radom on May 26, 2023.

In the past year, Gemme Polska expanded its website, and in addition to the documents posted on the site helping judges to refer parties to mediation (judge's letter to parties and attorneys; questionnaire for parties helping to make a decision on mediation, etc.), the Polish section has been involved in a project to educate children and youth about mediation by creating lesson plans on mediation, simulated court hearings with parties referred to mediation, a list of mediators willing to conduct mediation classes in schools.

5. Publications dans votre pays concernant la médiation (si c'est possible merci d'insérer le lien permettant l'accès à cette publication ou le site web permettant de trouver l'article)/ Interesting publications in your country concerning mediation (if possible please insert the link to the publication or website where the article can be found):

- "Mediation and Conciliation in Labor Law Proceedings" by Tomasz Pasek, published in the "Labour Law and Social Policy Journal" (No. 2/2022) - This article discusses the use of mediation and conciliation in labor law disputes and their potential advantages over traditional court proceedings. (Published in 2022).
- "Mediation in Criminal Cases - Assumptions, Principles, and Benefits" by Adam Kowalczyk, published in the "Journal of Criminal Law and Criminology" (No. 4/2022) - This article examines the assumptions, principles, and benefits of using mediation in criminal cases, and provides examples of successful implementation. (Published in 2022).
- "The Role of Mediation in Resolving Intellectual Property Disputes" by Joanna Zawadzka, published in the "Intellectual Property Law Review" (No. 3/2023) - This article explores the role of mediation in resolving intellectual property disputes and highlights the benefits of using mediation over traditional litigation. (Published in 2023).
- "Mediation in Cross-Border Disputes - Legal and Practical Aspects" by Krzysztof Cieślak, published in the "International and Comparative Law Review" (No. 1/2023) - This article discusses the legal and practical aspects of using mediation to resolve cross-border disputes, including jurisdictional issues and the enforceability of mediated agreements in different countries. (Published in 2023).

6. Autres sujets en lien avec la médiation dans votre pays / Other points of interest concerning mediation in your country:

The Polish section has also started a collaboration aimed at building an online platform for resolving family disputes.