ASSOCIATION INTERNATIONALE DES HAUTES JURIDICTIONS ADMINISTRATIVES

INTERNATIONAL ASSOCIATION OF SUPREME ADMINISTRATIVE JURISDICTIONS

Association internationale des hautes juridictions administratives (A.I.H.J.A.) / International Association of Supreme Administrative Jurisdictions (I.A.S.A.J.)

ELECTRONIC ACCESS TO THE COURTS

Answers to Questionnaire: Poland

PRELIMINARY REMARKS

Currently the access to the administrative courts is limited only to some proceedings concerning access to public information and submitting letters of complaint to public authority in connection with the performance of its prescribed duties (it should be highlighted, that such a complaint is not an ordinary remedy (appeal), is not a legal measure to contest an individual administrative decision and the citizen does not have to have a legal interest to submit such a complaint). The electronic documents can be submitted to the Supreme Administrative Court via:

1) the electronic document carrier (DVD,CD, USB)
2) using electronic incoming correspondence box located on ePUAP - the Polish electronic platform for public administration services.

The relevant legal provisions allowing electronic access to the administrative courts were introduced by the Act dated 10 January, 2014 amending the Act on the Informatization of Activity of Entities performing Public Tasks as well as certain other acts (Dziennik Ustaw of 2014, item 183). This Act amended also th Act of 30th August 2002 Law on proceedings before administrative courts (hereinafter as PPSA).

The relevant provisions regulating electronic access to the Polish administrative courts will enter into force on 15th May 2018. In consequence there is no practical experience in discussed matter.

In many provisions of the Law on proceedings before administrative courts concerning filing letters in form of electronic documents, the ePUAP system / e PUAP profile is quoted.

The ePUAP, the Polish electronic platform for public administration services, is a nationwide IT platform set up to allow citizens to communicate with public administrative bodies in a uniform, standard way.

The ePUAP system is being developed in stages. The first of these, named ‘Development of the ePUAP Electronic Platform of Public Administration Services’, was carried out between

January 2006 and October 2008. This formed part of Poland's 2004–2006 Sector Operational Programme – Improvement of the Competitiveness of Enterprises, under Priority 1: 'Enhancement of a knowledge-based economy business environment', Measure 1.5: 'Development of a system for entrepreneurs' access to information and public services online'. The Centre for Digital Administration (CCA) is currently working on the ePUAP2 project, which will expand the functionality of the original ePUAP platform and increase the number of public services available online. The project is co-financed by the European Regional Development fund under the 2007–2013 Innovative Economy Operational Programme, Priority 7: 'Information society – Establishment of electronic administration'.

EPUAP offers:
- e-services for public administration;
- the ability for citizens to handle their own administrative matters without leaving home;
- the ability for public authorities to communicate electronically with both citizens and other authorities.

Implementation of government services requires an efficient and user-friendly mechanism for identification and authentication. ePUAP provides one such mechanism in the form of the ePUAP trusted profile. Citizens can get an ePUAP trusted profile free of charge, and use it to identify and authenticate themselves on other ICT systems run by public entities, as well as on ePUAP itself. With a trusted profile, users can send legally valid electronic mail without the need for qualified signatures. The trusted profiles are based on SAML (single sign-on), which allows the same account to log on to multiple service providers.

As Appendix to Polish Report you will find extract from the Act of 30th August 2002 – Law on proceedings before administrative courts – Provisions concerning filing letters to a court in the form of an electronic document (entry into force on 15th May 2018 and Selection of case-law of administrative courts regarding filing letters to a court in the form of an electronic document before reform of informization of administrative court proceedings.

1. The implementation of your electronic document system

- *What is it hoped to achieve through the digitisation of proceedings?*

The tasks are:
- facilitating contacts of citizens, foreigners and entrepreneurs with administrative courts;
- to ensure and simplify access to court;
- to ensure user-friendly mechanisms;
- to accelerate administrative court proceedings and to make them cheaper and more efficient.
- introducing of mechanisms of electronic document management, supporting current system of court files management;
- to ensure to the parties of the court proceedings the on-line access to the case files;
- introducing of the possibility of filing documents in electronic form within the administrative court proceedings;
- to regulate questions relating to serving e-documents by administrative court.

- *Must court documents be transmitted electronically?*

No they must not. There will be no such obligation. According to Art. 12 a of the PPSA for each case falling within the scope of administrative court files have to be created either in

paper or in electronic form. However, the form of first letter delivered to the court determines if it will be created paper or electronic form of files. It is up to will of parties of the proceedings. According to Art. 74a para. 2 PPSA "If a party requests that letters no longer be served using electronic means of communication, the court shall serve a letter in the manner prescribed for a letter in a form other than the form of an electronic document."

・ *If that is the case:*
- which players are involved?
- are certain aspects reserved for these players?
- what are the consequences if an application is not sent electronically?

Not relevant.

・ *Can litigants consult their files and track their progress online?*

Yes, they can. According to Article 12a para 4. PPSA, case files shall be made accessible to the parties to a proceeding. Parties shall have the right to examine case files as well as to receive transcripts, copies or excerpts from the files.

"The court shall, with respect to electronic files, enable a party to carry out the activities referred to in § 4 in its computer system, following the identification of the party in the manner set out in the provisions of the Act on the informatization of entities performing public tasks of February 17th 2005 (Journal of Laws Dz. U. of 2013 item 235 and of 2014 item 183)." (Article 12 a para. 5 PPSA).

・ *Are the application and the law firms' internal software interoperable?*

No.

Is it envisaged to make them interoperable?
No.

・ *What feedback have you had about the use of these methods by the litigants, practitioners and authorities?*

Such feedback is currently nit possible before enter into force of the e-reform of the administrative court proceedings (see preliminary remark).

Such a feedback is not possible before implementation of the reform of informatization of administrative court proceedings.

2. Statistics

・ *What percentage of applications are filed electronically per annum?*

Data not yet accessible (see preliminary remark).

・ *What percentage of users (law firms, authorities and litigants) are now using this method?*

Data not yet accessible (see preliminary remark).

・ *Have you estimated the total cost of setting up an electronic working system in your court or your type of court?*

The total cost of setting up an electronic working system in administrative courts of Poland is estimated for ca 3 millions euros (€).

3. Observing the adversarial principle

・ *How does your system ensure that the parties' statements are exchanged?*

It is guaranteed by using courts IT system, that is interoperable and compatible with the "governmental" ePUAP Electronic Platform of Public Administration Services.

・ *How are the parties and the court registry notified that a document has been filed or consulted by the opposing party?*

The parties and the court registry are notified by official acknowledgement of receipt.

・ *Is the authenticity of electronic documents ever challenged before the courts?*

Not yet.

・ *Can third parties also intervene in proceedings electronically?*

Yes, they can.

4. The acceleration of proceedings and urgent proceedings

・ *Have you found that cases have been processed more quickly due to the introduction of this technology?*

Such observations / analyses are currently not yet possible.

・ *What have been the consequences, on the work of the courts, for the staff of the court registry, for the judges and other members of the court, and for the organisation of the court?*

Such observations / analyses are currently not yet possible.

・ *When a procedural time limit is subject to a limitation period, when does it begin to run (when a document is put online or when it is actually seen by the staff of the court registry or by the judge or other member of the court)?*

According to Article 83 para. 5 PPSA, the date of the lodging of a letter in the form of an electronic document shall be the date on which the letter has been entered into the computer system of a court or a competent authority indicated in the official acknowledgement of receipt.

5. The technical aspects of your electronic document system

・ *Have you experienced any major technical malfunctions (e.g. non-availability of the application for several days)? How did you tackle the problem?*

Not yet. We have no practice.

・ *What consequences can malfunctions have on the proper running of proceedings?*

We have no practice, but we hope they will be not expected, because the electronic system of the administrative courts has two back-up centers.

・ *Have courts had to deal with disputes relating to the use of the electronic document system? If so, of what type?*
No.

・ *If it is impossible for a party to file a statement or other documents for practical reasons, what does the court do with respect to the time limits within which documents must be submitted?*

If the party has not filed the document / letter for practical reasons, according to Article 87 PPSA the party has the possibility to submit request to reinstate the time limit, within 7 days from the date of termination of the reason for failure to comply with the time limit. The party - at the time of making the request - should effect the action which the party has not effected within the time limit.

6. Keeping information secure

・ *How are the security, confidentiality, integrity and traceability of the exchanges ensured?*
It is guaranteed and secured by the process of authorization, using of a trusted ePUAP profile, qualified signatures, unique passwords, profiles and logins.

How do you control access to the files and documents that pass through the system?

It will be controlled through the computer system of the court compatible with the national ePUAP Electronic Platform of Public Administration Services.

Have you put in place degrees of authorisation or clearance?
There are some degrees of authorization or clearance.

・ *Are judges and other members of the court able to access the electronic files in their own homes? on a dedicated professional computer or on a personal computer? from any location?*
Judges and other members of the court are able to access the electronic files in their own Homes or from any location, but on a dedicated professional computer.

・ *Are judges and other members of the court able to access all the electronic files dealt with by their court?*
Judges have full access to electronic files. Other members of the court have limited access to all the electronic files – it is limited to their organizational unit.

7. Notification of decisions to the parties

・ *Are decisions notified through the court's electronic system? If so, when are the parties deemed to have taken cognisance of the decisions?*

According to Art. 142 para. 1 PPSA a transcript of the judgment with reasons given by the operation of law shall be served on each of the parties. In consequence the decision / judgment of the court can be notified also through the court's electronic system.

If so, when are the parties deemed to have taken cognisance of the decisions?

The date of the service of a letter shall be the date on which its addressee signs an official acknowledgment of receipt (Art. 74 para 5 PPSA). Should a letter in the form of an electronic document not be retrieved by its addressee, the court shall, after seven days from the date of sending the notice, send a repeat notice that the letter may be retrieved (art. 74 para. 6 PPSA). Should a letter not be retrieved, the letter shall be deemed to have been served fourteen days after the date on which the first notice was sent (Art. 74 para. 8 PPSA).

・ *Is it possible to bring an action for negligence if the court's electronic document service malfunctions?*

We have no practice, but it should be noted that in such a situation the party has the possibility to submit request to reinstate the time limit if in consequence of the court's electronic document service malfunctions was not able to fulfill any procedural obligations. In such a case the party can also submit letters of complaint.

8. The influence of electronic document systems on the courts' operating methods

・ *Does the use of an electronic document system cause the supreme administrative court or the ministry of justice to require users to comply with technical standards relating to the adoption of administrative measures?*

・ *Has electronic working contributed to a change in the role of the administrative courts?*

・ *Has electronic working contributed to a change in the working methods of the administrative courts? Particularly collegial working?*

Such observations are currently not possible to be made (see preliminary remarks).

APPENDIX

I. Extract from the Act of 30th August 2002 – Law on proceedings before administrative courts – Provisions concerning filing letters to a court in the form of an electronic document (entry entry into force on 15th May 2018.

PART I
PRELIMINARY PROVISIONS
Chapter 1
General Provisions
(…)
Art. 12a. § 1. For each case falling within the scope referred to in art. 1 files shall be created. Files shall be created in electronic or paper form.
§ 2. Electronic files shall be processed with the use of an electronic document management system, as defined in the provisions on national archive resources and archives.
(…)
§ 4. Case files shall be made accessible to the parties to a proceeding.Parties shall have the right to examine case files as well as to receive transcripts, copies or excerpts from the files.
§ 5. The court shall, with respect to electronic files, enable a party to carry out the activities referred to in § 4 in its computer system, following the identification of the party in the

manner set out in the provisions of the Act on the informatization of entities performing public tasks of February 17th 2005 (Journal of
Laws Dz. U. of 2013 item 235 and of 2014 item 183).
(…)
§ 8. The President of the Republic of Poland shall specify, by means of a regulation:
1) the way in which the files referred to in § 1 shall be created and processed;
2) the conditions and procedures for storing and transferring the files of voivodship administrative courts and the Supreme Administrative Court;
3) the conditions and procedures for destroying the files referred to in § 1 and in subparagraph 2 after the period of their storage.
§ 9. When issuing the regulation referred to in § 8, the President of the Republic of Poland shall take into consideration, in particular, the conditions of electronic document management, as defined in the provisions referred to in § 2 and 3, types of cases as well as adequate protection of files against unauthorized access,loss or damage.

Art. 12b. § 1. The written form requirement provided for in the statute shall be deemed as being complied with if an electronic document has been signed in the manner referred to in art. 46 § 2a.
§ 2. In the course of proceedings, electronic documents shall be lodged with an administrative court through an electronic incoming correspondence box, and the court shall serve such documents on parties using electronic means of communication under the conditions set out in art. 74a.
§ 3. In order to serve letters in a proceeding, an administrative court shall transform the form of letters received from the parties:
1) in the case of a letter in the form of an electronic document, by making a certified printout, as referred to in art. 47 § 3, if a party does not use electronic means of communication to receive letters;
2) in the case of a letter in paper form, by making a certified copy in the form of an electronic document if a party uses electronic means of communication to receive letters.
§ 4. Provisions on the use of electronic means of communication shall apply accordingly to the authorities to which or through which letters in the form of an electronic document are submitted.

(…)

PART II
PARTIES
(…)
Chapter 3
Agents
(…)
Art. 37 (…) § 1a. Where a transcript of a power of attorney or transcripts of other documents proving powers were prepared in the form of an electronic document, they shall be certified, as referred to in § 1, using a qualified electronic signature, signature verified with the use of a trusted ePUAP profile or using other mechanisms referred to in art. 20a(2) of the Act on the informatization of entities performing public tasks of February 17th 2005, provided that such mechanisms were introduced by the administrative court. Transcripts of a power of attorney or transcripts of other documents proving powers which are certified electronically shall be prepared in data formats specified in provisions issued pursuant to art.
18(1) of the Act.

Art. 37a. A power of attorney granted in the form of an electronic document shall be accompanied by a safe electronic qualified signature, signature verified with the use of a trusted ePUAP profile or using other mechanisms referred to in art. 20a(2) of the Act on the informatization of entities performing public tasks of February 17th 2005, provided that such mechanisms were introduced by the administrative court.

(…)

PART III
PROCEEDINGS BEFORE VOIVODSHIP ADMINISTRATIVE COURTS
Chapter 1
Documents submitted in court proceedings

(…)

Art. 46 (…)§ 2a. Where a letter is lodged by a party in the form of an electronic document, it should also contain an electronic address and be accompanied by a qualified electronic signature of the party, its statutory representative or attorney, signature verified with the use of a trusted ePUAP profile or using other mechanisms referred to in art. 20a(2) of the Act on the informatization of entities per- forming public tasks of February 17th 2005, provided that such mechanisms were introduced by the administrative court.
§ 2b. The rules for signing documents set out in § 2a shall also apply to enclosures lodged in the form of an electronic document.
§ 2c. A letter that is lodged in a form other than the form of an electronic document and that contains a request that court letters be served using electronic means of communication shall contain an electronic address.
§ 2d. If the letter referred to in § 2a does not contain an electronic address, the court shall assume that the electronic address from which the letter lodged in the form of an electronic document was sent is relevant, and if the letter was lodged in a different form and contains the request referred to in § 2c, the court shall serve letters to the address indicated in accordance with § 2, and the first letter from the court shall include information that a request that letters be served using electronic means of communication must contain an electronic address.

Art. 47 (…)
§ 3. In the case of letters and enclosures lodged in the form of an electronic document, transcripts shall not be enclosed. In order to serve documents on parties that do not use electronic means of communication to receive letters, the court shall make copies of electronic documents in the form of certified printouts, in accordance with the requirements set out in provisions issued pursuant to art. 16(3) of the Act on the informatization of entities performing public tasks of February 17th 2005.
§ 4. When serving transcripts of letters and enclosures in a form other than the form of an electronic document, the court shall inform the party about the conditions for the lodging of letters and for the service of letters by the court using electronic means of communication.

(…)
Art. 48 (…)
§ 3a. If a transcript of a document was prepared in the form of an electronic document, it shall be certified to be in conformity with the original, as referred to in § 3, using a qualified electronic signature, signature verified with the use of a trusted ePUAP profile or using other mechanisms referred to in art. 20a(2) of the Act on the informatization of entities performing

public tasks of February 17th 2005, provided that such mechanisms were introduced by the administrative court. Transcripts of documents that are certified electronically shall be prepared in data formats specified in provisions issued pursuant to art. 18(1) of the Act.
(…)
Art. 49a. The court shall confirm the submission of a letter in the form of an electronic document to its electronic incoming correspondence box by sending an official acknowledgment of receipt, as defined in the Act on the informatization of entities performing public tasks of February 17th 2005 to the electronic address indicated by the person lodging the letter. An official acknowledgment of receipt shall include information that letters in the case will be served using electronic means of communication as well as information about the right of the party to request that letters no longer be served using electronic means of communication, as referred to in art. 74a § 2.

(..)

Chapter 2
Complaint
(…)
Art. 54 (…)
§ 1a. A complaint in the form of an electronic document shall be submitted to the electronic incoming correspondence box of the authority. The provision of art. 49a shall apply accordingly.
(…)
§ 2a. If a complaint has been lodged:
1) in the form of an electronic document to the electronic incoming correspondence box of the authority referred to in § 1 – the authority shall transfer the complaint and the response to the complaint to the court, to its electronic incoming correspondence box;
2) in paper form – the authority shall transfer the complaint and the response to the complaint to the court in this form.
§ 2b. In the event that the files of the case to which a complaint relates are kept by the authority in electronic form, the authority shall:
1) transfer the case files to the court, together with information on documents whose content is not available in its entirety in the case files kept in electronic form as well as on the manner and date of their transfer to the court, to its electronic incoming correspondence box, and if it is not possible for technical reasons – on an electronic data carrier;
2) transfer to the court documents in the case files whose content is not available in its entirety in the case files kept in electronic form, indicating the electronic case files transferred to the court in the manner referred to in subparagraph 1.
§ 2c. If the files of the case to which a given relates are kept by the authority referred to in § 1 in paper form, the authority shall transfer to the court the case files and, where applicable, electronic documentation stored on electronic data carriers whose content is not available in paper form.
(…)

Chapter 4
Service
Art. 65 (…)§ 1. The court shall serve documents using a postal operator, as defined in the Act of November 23rd 2012 – Postal law (Journal of Laws Dz. U. item 1529), through its employees, through other persons or bodies authorized by the court or using electronic means of communication, under the conditions specified in art. 74a.

(…)

Art. 74a. § 1. The court shall serve letters using electronic means of communication if a party has satisfied one of the following conditions:
1) it lodged a letter in the form of an electronic document through the electronic incoming correspondence box of the court or the authority through which the letter is lodged;
2) it requested that the court serve letters in this way and informed the court of its electronic address;
3) it agreed that the service of letters is to be effected using such means and informed the court of its electronic address.
§ 2. If a party requests that letters no longer be served using electronic means of communication, the court shall serve a letter in the manner prescribed for a letter in a form other than the form of an electronic document.
§ 3. In order to serve a letter in the form of an electronic document, the court shall send to the electronic address of the addressee a notice containing:
1) information that the addressee may retrieve the letter in the form of an electronic document as well as an indication of the electronic address at which the addressee may retrieve the document and at which the addressee should acknowledge the receipt of the document;
2) information as to how the letter can be retrieved, including especially on the manner of identifying the addressee at the indicated electronic address in the computer system of the court as well as information that an official acknowledgement of receipt must be accompanied by a qualified electronic signature, signature verified with the use of a trusted ePUAP profile or using other mechanisms referred to in art. 20a(2) of the Act on the informatization of entities performing public tasks of February 17th 2005, provided that such mechanisms were introduced by the administrative court.
§ 4. The notice referred to in § 3 may be automatically created and sent through the computer system of the court, and the receipt of the notice shall not be acknowledged.
§ 5. The date of the service of a letter shall be the date on which its addressee signs an official acknowledgment of receipt in the manner set out in § 3(2).
§ 6. Should a letter in the form of an electronic document not be retrieved by its addressee, the court shall, after seven days from the date of sending the notice, send a repeat notice that the letter may be retrieved.
§ 7. The provisions of § 3 and 4 shall apply to a repeat notice.
§ 8. Should a letter not be retrieved, the letter shall be deemed to have been served fourteen days after the date on which the first notice was sent.
§ 9. In the event that a letter in the form of an electronic document is deemed to have been served, the court shall provide the addressee of the letter with access to the letter in the form of an electronic document in its computer system as well as with information on the date on which the letter was deemed to have been served and on the dates on which the notices referred to in § 3 and 6 were sent.
§ 10. In the case of letters served on such participants in a roceeding before a court as the public prosecutor, Human Rights Defender and the Ombudsman for Children as well as the authority whose action, failure to act or excessive length of proceedings has been challenged, the court shall send a letter directly to the electronic incoming correspondence box of the public entity, as defined in the Act on the informatization of entities performing public tasks of February 17th 2005, against an official acknowledgement of receipt.
§ 11. The date of service of the letters referred to in § 10 shall be the date indicated in the official acknowledgement of receipt.

§ 12. Court letters, transcripts of letters and enclosures in court proceedings as well as decisions served by a court in the form of an electronic document shall be accompanied by a safe electronic signature verified with the use of a valid qualified certificate.

(…)

Art. 77 (…)
§ 1a. The receipt of a letter in the form of an electronic document shall be acknowledged in the manner set out in art. 74a § 5 or 10.

Chapter 5
Time limits
(…)
Art. 83 (…)
§ 5. The date of the lodging of a letter in the form of an electronic document shall be the date on which the letter has been entered into the computer system of a court or a competent authority indicated in the official acknowledgement of receipt.

[Art 20 a (2) of the Act of 17th February 2005 on the informatization of entities performing public tasks (Dziennik Ustaw / Journal of Laws 2005, item 565, as amended).
(…)
2. A public body that uses, to carry out the public tasks, electronic IT systems, can allow users to be identified in this system by the application of other technologies, unless other provisions stipulate the obligation to carry out legal actions at the headquarters of the public body.

II. Selection of case-law of administrative courts regarding filing letters to a court in the form of an electronic document before reform of informization of administrative court proceedings

Resolution of Supreme Administrative Court (panel of seven judges) of 12 May 2014, Case No. I OPS 10/13

The Supreme Administrative Court in its resolution held that the current legal status of administrative court proceedings, as defined in Article 46 § 1 pt. 4 of the Polish Act - Law on proceedings before administrative courts does not allow for filing to a court a letter that is only bearing an electronic signature of a party. Such letters must bear handwritten signature. This includes a situation of filing documents through public administration body, by means of electronic communication.

Order of Voivodship Administrative Court in Łódź of 13 March 2012, Case No. II SAB/Łd 35/12

A Polish citizen filed a complaint to the Voivodship Administrative Court via e-mail, and signed it with the qualified electronic signature. The Court called him to sign the complaint manually, within 7 days under pain of rejection of the complaint. The applicant argued that he already signed it.

The Court its order rejected the complaint and held that the complaint must meet two kinds of requirements. First of all, the complaint must meet all the requirements provided for the letter in court proceedings, and also it has to include an indication of the contested decision, order, or any other act or activity, the indication of an authority or body whose action or inaction is a subjetct of the complaint, the explanation of violation of law or legal interest. As each letter, the complaint should therefore be signed by the party or its legal representative or attorney, according to the provisions of Article 46 § 1 point 4 of the Polish Act - Law on proceedings before administrative courts. According to the Court, for the effectiveness of the electronically signed letter it has to be signed manually by the party. Therefore, the signature of the applicant's letter must be submitted in person, i.e, it has to be a manual sign of a specific person to allow for its identification. An exception to the above mentioned rule, is a provision stating that a letter which can not be signed by a party in person, should be signed by a person authorized by the party. Such a person has to explain the reasons why the party itself did not signed the letter. Failure to sign the complaint within the prescribed period of time means that the applicant did not remove its defects in form, which results in rejection of the complaint by the Court. The VAC noted that its view is confirmed by well-established case law of the administrative courts (see the order of the Supreme Administrative Court of 16 November 2011 case No. I OZ 831/11, the order of the SAC of 8 September 2011 case No. I OZ 657/11, the order of the SAC of 27 May 2011 case No. I OZ 368/11).

Order of Supreme Administrative Court of 21 December 2011 case No. II FZ 447/11

The Voivodship Administrative Court in Gdańsk in its order of 23 March 2011 case No. I SA/Gd 916/10 rejected a complaint against a decision on leaving the applicant's request for the relief for the payment of court fees from the complaints, without examination. The complaint was sent by post the day after the deadline, but the day before, the same letter has been sent by e-mail at 10:50 pm to the court. The VAC found the complaint to be void and rejected it. The applicant filed a complaint against such order.

The Supreme Administrative Court in its order agreed with the applicant, and repealed the contested judgment and returned it to the VAC for further reconsideration. The SAC issued very precedential opinion. The Court held that despite the legal loopholes it is possible to bring the pleadings via e-mail correspondence with the courts. The court also held that the date of the filing is a real moment of delivery of the e-mail message, which will be communicated to the recipient in the appropriate e-mail program. The Court noted that information about the confirmation of data transmission, which includes the date of delivery, is provided in the header of each e-mail message and it decides on timely filing of the pleadings. The Court stressed that the party to the proceedings before the administrative courts cannot bear the negative consequences of failure to implement the Polish Act on Proceedings Before Administrative Courts of the relevant provisions concerning the submission of documents by electronic means. After that judgment a party can effectively bring to the administrative court every pleading by electronic means, including the complaint or a cassation complaint, despite the lack of a formal legal basis. The only problem is that the

document lacks of a formal signature. But there is no obstacle to supplement it after the call issued by the court. If the applicant will send a complaint via e-mail at the last moment, it will be deemed as the effective delivery and filing. It only has to be signed in person after the call from the court in a specified deadline.