

**13th Scientific Seminar of the Department of Civil Procedure of  
the John Paul II Catholic University of Lublin, Bucharest, 14 June 2025**

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13-й Научный семинар Кафедры гражданского процесса Люблинского  
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13-й науковий семінар Кафедри Цивільного процесу Люблінського Католицького  
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**PATRYK KOZAK**

M.A., The John Paul II Catholic University of Lublin

e-mail: patryk.kozak@kul.pl, <https://orcid.org/0000-0001-9787-4369>

The scientific seminars of research and teaching employees and doctoral students of the Department of Civil Procedure of the John Paul II Catholic University of Lublin have established the tradition of the meeting for over a decade, the aim of which is discussion on current and crucial problems related to the scientific and practical application of broadly understood civil procedure law. The scientific value of these meetings results not only from the topics covered, but also from the participation of people who deal with the practical application of legal provisions. It was similar during the 13th Scientific Seminar, which took place on 14 June 2025 at the University of Bucharest, which is one of the oldest and largest universities in Romania. The scientific seminar was chaired by Prof. Dr. habil. Joanna Misztal-Konecka, the Head of the Department of Civil Procedure of the John Paul II Catholic University of Lublin, who officially inaugurated this year's meeting and welcomed its participants.

The seminar was divided into two panels that were ended by discussion of the issues covered in the speeches. During the first panel, the issues related to procedural protection of the family, organisation of the process, domestic jurisdiction, and bankruptcy law were discussed. The first paper entitled "Mediation in family and care matters examined in non-contentious proceedings" was delivered by Dr. Paulina Woś. The subject of the presentation was the analysis of the essence of mediation proceedings in family and care cases. The speaker set out that the practical significance of mediation increases so, in family and care cases, she is not only voluntary and admissible but also desirable.

Next, the floor was taken by M.A. Patryk Kozak, who presented the paper entitled “The will of the child as an independent basis for refusing contact with a parent – considerations in the context of the judgement of the Constitutional Tribunal of 22 June 2022 (SK 3/20).”<sup>1</sup> In his speech, the speaker paid attention to the impact of the judgement of the Constitutional Tribunal on the essence of the proceeding in matters of the performance of contacts between child and parent. In these matters the court must *ex officio* determine whether the reason of non-performance of contacts between parent with child is the behaviour of the child for which the person who takes care of the child is not responsible. The speaker critically assessed this judgement because constituting contacts as the child’s right, and not its obligation, causes the risk that the child will refuse contact with the parent, not being aware of the importance of a proper relationship with both parents.

The next paper entitled “The role and function of preparatory hearing” was presented by Dr. Paweł Wrzaszcz. The subject of the speech was the analysis of the essence of the preparatory hearing as an institution supporting the organisation of the civil process after its commencement. The element of the preparatory hearing is the preparation and approval by the court of the future trial plan. The speaker attempted to find the reasons for the lack of interest of the courts in conducting the preparatory hearing aimed at expediting the course of civil proceedings.

Next, the floor was taken by M.A. Daniel Majchrzak with the paper entitled “Scope of domestic jurisdiction of polish courts in corporate disputes.” The speaker pointed out that the exclusive domestic jurisdiction of polish courts applies in cases involving the dissolution of a legal person or entity other than a legal person and cases to annul or declare invalid resolutions of their authorities, if a legal person or entity other than a legal person has its registered office in the Republic of Poland. The application of this rule is excluded in situations specified by union law in the Council Regulation (EC) No. 44/2001 (Brussels I)<sup>2</sup> and Regulation (EU) No. 1215/2012 (Brussels I bis)<sup>3</sup> and in the case law of the CJEU. In conclusion, the speaker set out that disputes between shareholders and the company are not always resolved by the court of the company’s seat. Therefore, it is important to determine the actual seat of the company and the content of the possible jurisdiction agreement.

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<sup>1</sup> The judgement of the Constitutional Tribunal of 22 June 2022, SK 3/20, Journal of Laws [Dziennik Ustaw] 2022 item 1337.

<sup>2</sup> Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, OJ L 12, 16.01.2001, pp. 1–12.

<sup>3</sup> Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, OJ L 351, 20.12.2012, pp. 1–32.

The next and last paper in the first panel, entitled “Maintaining the enterprise of bankrupt,” was delivered by M.A. Joanna Waga. The speaker considered whether, according to the current legal provisions of bankruptcy law, it is possible to maintain the enterprise of bankrupt in bankruptcy proceedings, while the disposal of the debtor’s enterprise should become the model solution. She pointed out that from the interpretation of bankruptcy law, it results that there are a number of legal institutions the aim of which is to maintain of the enterprise of bankrupt.

The second panel was devoted to issues related to the institution of a blind claim, the electronification of registers within the National Court Register and evidence proceedings. This panel was begun by Dr. Dominika Wójcik who delivered the paper entitled “The bills of introduction of the institution of blind claim to the Code of Civil Procedure.”<sup>4</sup> The speaker pointed out that anonymous personality rights infringements are increasingly on the Internet. An obstacle to filing a civil claim is the lack of knowledge of the defendant’s identity. The implementation of the institution of a blind claim to the Code of Civil Procedure is to protect against the personality rights infringements on the Internet. In her paper, the speaker set out that the implementation of the institution of a blind claim in the form of another separate proceeding and the imposition on the court of the obligation to determine the identity of the defendant raise doubts.

The next paper entitled “The bill of introduction full electronification of registers kept by the National Court Register – closing the system?” was presented by Dr. Emil Kowalik. The subject of the speech was the analysis of the bill of legislative changes concerning full electronification of court registers. The crucial element is to enable access to registry data through web services, which is intended to increase the efficiency and availability of information. The speaker stated that the implementation of these legislative changes will allow for the automated functioning of the registration system and facilitate the use of data by public entities and entrepreneurs.

Next, the floor was taken by M.A. Anna Hacıuk who delivered the paper entitled “Court expert and expert evidence in civil procedure in selected European legal systems.” The subject of this paper was the analysis of the status of a court expert and expert evidence in civil procedure in selected European legal systems. The status and procedure for the appointment of an expert and the significance of expert evidence differ significantly depending on the legal tradition of a chosen country. However, the speaker pointed out that a common characteristic of analysed legal systems is to provide the impartiality and reliability of expert evidence, which is

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<sup>4</sup> Act of 17 November 1964 on the Code of Civil Procedure, consolidated text: Journal of Laws 2024 item 1568 as amended (hereinafter: CCP).

an important element of civil procedure enabling the hearing of cases requiring specialist knowledge.

The next speaker was Dr. Kinga Dróżdż-Chmiel with a paper entitled “Witness’s testimony in writing (Art. 271<sup>1</sup> CCP) – comments *de lege lata* and *de lege ferenda*.” The subject of this speech was the analysis of the essence of witness’s testimony in writing according to current regulations and the presentation of relevant *de lege ferenda* postulates. The speaker said that this legal institution will have significance in the future. However, it is essential to specify the basics of the admissibility of the witness’s testimony in writing and the relevant procedure in which the witness would give this testimony.

The last paper in the second panel, entitled “The examination of a witness in remote hearing – chances and dangers,” was delivered by Prof. Dr. habil. Joanna Misztal-Konecka. In her speech the speaker set out the advantages and disadvantages of the examination of a witness in a remote hearing. One of the disadvantages of this examination is to impose on the witness the obligation to provide himself with the appropriate equipment that allows him to participate in this hearing. In addition, there is a danger of technical problems and third persons influencing the content of the witness’s testimony. The speaker also paid attention to the advantages of the examination of a witness in a remote hearing which are expediting the course of civil procedure and the lack of obligation of a personal presence in court of a witness.

After presenting all the papers by the participants and discussions, Prof. Dr. habil. Joanna Misztal-Konecka summarised and ended this year’s meeting. The 13th Scientific Seminar of the Department of Civil Procedure of the John Paul II Catholic University of Lublin, as previously these meetings were, was an opportunity to share observations and remarks. In addition, organising this meeting for the third time at a university outside of Poland provided an opportunity to learn about the essence of university education and the culture of the country where this year’s seminar took place.