EU prohibition of discrimination on grounds of nationality in the context of Polish civil procedure

Agnieszka Kastelik-Smaza[1]

[1]Bar Association in Bielsko-Biała
Poland

***Abstract*— The prohibition of discrimination on grounds of nationality is one of the most important principles of EU law. At the same time it is a fundamental right which can be invoked directly before the courts and administrative organs of the Member States. The study analyses EU provisions on non-discrimination on grounds of nationality, their content and evolution. It also considers these regulations in the context of Polish civil procedure as they has had a significant impact on the application and wording of certain provisions of the Polish Code of Civil Procedure, being the subject to interpretation in conformity with EU law, the basis for preliminary references to the Court of Justice, and eventually legislative amendments due to the conflict with EU law.**

Keywords— prohibition of discrimination on grounds of nationality, principle of equality, Polish civil procedure.

I. INTRODUCTION

The prohibition of discrimination on grounds of nationality is a cornerstone of European integration and plays a key role in the creation of the single market. It is an expression of the fundamental values of the European Union, such as equality and respect for the dignity of the individual.

This study attempts to analyze the evolution and current meaning of the prohibition of discrimination on grounds of nationality in European Union law. Against the background of developments in EU legislation and the case law of the Court of Justice, it seeks to define the scope of the prohibition, to identify the situations in which it applies, the forms of discrimination and the permissible exceptions. It also considers whether the prohibition in question is merely a general principle or a subjective right which individuals may invoke vertically or horizontally before national courts. Finally, it considers the impact of the non-discrimination principle on Polish civil procedure, pointing out examples of inconsistencies between EU law and national law and attempts to remedy them in case law and legislation.

II. LEGAL BASIS FOR PROHIBITION OF DISCRIMINATION ON GROUNDS OF NATIONALITY

The origins of the principle of equality and non-discrimination in the EU can be found in the common constitutional traditions of the Member States and in universal human rights, notably the European Convention for the Protection of Human Rights and Fundamental Freedoms. With the development of European integration, they have also found wider expression in EU law itself, both primary and secondary.

The normative anchoring of the general principle of non-discrimination can be found in Article 2 of the Treaty on European Union (TEU), where it is listed as one of the values common to the Member States. Article 3(3) TEU further indicates that combating discrimination is one of the fundamental aims of the Union.

The prohibition of discrimination on grounds of nationality, which is the subject of this analysis, was already reflected in the Treaty establishing the European Economic Community (TEC). Initially, however, it concerned only the economic sphere and was intended to facilitate the free movement of goods, workers, services and capital within the common market. With the evolution of the European Union, especially after the Maastricht Treaty, this prohibition took on a broader character, also covering social and political aspects related to EU citizenship (Śledzińska-Simon 2011).

The prohibition in question is now explicitly included in

ASEJ - Scientific Journal of Bielsko-Biala School of Finance and Law
Volume 29, No 2 (2025), pages 6
https://doi.org/10.19192/wsfip.sj2.2025.6
Received: March 2025., Accepted: July 2025
Published: July 2025

Article 18 of the Treaty on the Functioning of the European Union (TFEU), which states that within the scope of the application of the Treaties, any discrimination on grounds of nationality shall be prohibited.

An additional strengthening of individual rights in this regard is provided by the Charter of Fundamental Rights of the European Union (CFR), which prohibits discrimination on grounds of nationality in Article 21(2). The Charter with a binding force since 2009 granted in the Lisbon Treaty is a key instrument in the protection of equality.

According to well-established case law, Article 18 TFEU is intended to apply independently only to situations governed by EU law in respect of which the Treaty lays down no specific provisions on prohibition of discrimination (Judgment of the Court of Justice of 18 July 2017, Case C-566/15, Erzberger, EU:C:2017:562; Judgment of the Court of Justice of 18 June 2019, Case C-591/17, Austria v. Germany, EU:C:2019:504). In fact, the Treaties and secondary law contain many such provisions.

The prohibition of discrimination on grounds of nationality is reflected in Article 34 TFEU in conjunction with Article 36 TFEU, prohibiting any discriminatory obstacles to the free movement of goods (Judgment of the Court of Justice of 8 June 2017, Case C-296/15, Medisanus, EU:C:2017:431). In terms of employment, remuneration and other working conditions, it is implemented through Article 45 TFEU, with well-established case law stating that it applies to any citizen of the European Union, irrespective of residence and nationality, who has exercised the right to freedom of movement of workers and who has been employed in a Member State other than that of residence (Judgment of the Court of Justice of 22 June 2017, Case C-20/16, Bechtel, EU:C:2017:488). In turn, Articles 56-62 TFEU prohibit restrictions on freedom to provide services within the Union in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended (Judgment of the Court of Justice of 19 June 2014, joined cases C-53/13 and C-80/13, Strojírny Prostějov and ACO Industries Tábor, EU:C:2014:2011).

Examples of secondary legislation include Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States or the regulations on the coordination of social security systems (Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems).

The prohibition of discrimination on grounds of nationality is further developed and clarified in the case law of the Court of Justice.

III. Personal and material scope

The origins of the principle of equality and non-discrimination in the EU can be found in the common constitutional traditions of the Member States and in universal human rights, notably the European Convention for the Protection of Human Rights and Fundamental Freedoms. With the development of European integration, they have also found wider expression in EU law itself, both primary and secondary.

The prohibition of discrimination on grounds of nationality extends primarily and most broadly to citizens of the European Union. They benefit from the Treaty right to move and reside within the Union, the right to vote (actively and passively) for the European Parliament and local authorities in their country of residence or the right to diplomatic and consular protection in a third country.

The Court of Justice has confirmed in its case law that EU citizens who find themselves in the same situation should enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for. It has also indicated that citizens lawfully resident in the territory of a Member State may rely on the right set out in Article 18 TFEU in any situation falling within the scope ratione materiae of EU law (Wróbel 2012; Judgment of the Court of Justice of 2 October 2003, Case C-148/02 Avello, EU:C:2003:539; Judgment of the Court of Justice of 15 March 2005, Case C-209/03, Bidar, EU:C:2005:169).

In the case of non-harmonised areas of Union law, Member States are obliged to guarantee national treatment, that is, to treat entities from other Member States in the same way as national entities (Czapliński 2007). In particular, it follows from the Court's case law that national legislation, in so far as it does not grant the social assistance benefit to citizens of the European Union, non-nationals of the Member State who reside there lawfully, even though they satisfy the conditions required of nationals of that Member State, constitutes discrimination on grounds of nationality prohibited by Article 18 TFEU (Judgment of the Court of Justice of 7 September 2004, Case C-456/02, Trojani, EU:C:2004:488). The obligations of Member States towards EU citizens arising from the principle of non-discrimination have a financial as well as a political and social dimension (Judgment of the Court of Justice of 12 Mai 1998, Case C-85/96, Martínez Sala EU:C:1998:217; Judgment of the Court of Justice of 20 September 2001, Case C-184/99, Grzelczyk, EU:C:2001:458). However, social benefits may be to some extend limited and subject to certain conditions. It should be noted in this context that Article 20(2) TFEU provides that the rights provided for in that Article for EU citizens shall be exercised "in accordance with the conditions and limits defined by the Treaties and by the measures adopted thereunder". In turn, Article 21(1) TFEU makes the right of citizens of the Union to move and reside freely within the territory of the Member States subject to respect for "the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect" (Judgment of the Court of Justice of 11 November 2014, Case C-333/13, Dano, EU:C:2014:2358; Judgment of the Court of Justice of 15

September 2015, Case C-67/14, Alimanovic, EU:C:2015:597).

In some cases, certain rights granted to Union citizens may also be enjoyed by persons whose life or economic interests are concentrated in the Union. These are rights that the European Union itself, rather than the Member States, is obliged to provide, such as rights to social control over the activities of the Union or the right to good administration (Biernat 2020). Third-country nationals, on the other hand, may enjoy the privilege of equal treatment if certain rights in this respect are conferred to them by secondary law. For example, Article 11 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents grants long-term residents the right to equal treatment with nationals, in particular as regards access to employment and self-employment, education and vocational training, recognition of professional diplomas, social security or tax benefits.

The Court points out that not only direct but also indirect discrimination is prohibited. In the first case, differences in treatment are directly linked to nationality (e.g. prohibition of employment of foreign nationals). In the second, on the other hand, discrimination is based on other apparently neutral criteria of differentiation, e.g. language requirements imposed on a job applicant or the obligation to reside in a Member State for a certain period of time, but which in fact lead to the same result. It follows from the case law that, "unless objectively justified and proportionate to the aim pursued, a provision of national law must be regarded as indirectly discriminatory if it is intrinsically liable to affect nationals of other Member States more than nationals of the host State and there is a consequent risk that it will place the former at a particular disadvantage" (Judgment of the Court of Justice of 13 April 2010, Case C-73/08, Bressol, EU:C:2010:181).

IV. Exceptions to the prohibition of discrimination

EU law provides for certain exceptions to the prohibition of discrimination on grounds of nationality. For example, Article 45(3) TFEU allows Member States to impose restrictions on the free movement of workers justified on grounds of public policy, public security or public health.

These exceptions are interpreted in the case law of the Court of Justice. In particular, it has recognised that restrictions on access by nationals of other Member States to posts in the public administration may be justified in so far as they are entrusted with the exercise of powers conferred by public law and with responsibility for safeguarding the general interests of the State. However, it stressed that these exceptions must be interpreted strictly and their application is limited to those sectors which genuinely require nationality of the State due to specific activities connected with the post in question (Judgment of the Court of Justice of 26 May 1982, Case 149/79, Commission of the European Communities v Kingdom of Belgium, EU:C:1982:195). It also determined that language requirements may be a legitimate exception to the principle of equal treatment if they are proportionate and necessary for the performance of specific tasks. An example of this is the requirement that a lecturer in public vocational education institutions be able to speak the official language (Judgment of the Court of Justice of 28 November 1989, Case C-379/87, Groener, EU:C:1989:599).

V. Direct effect

It should be emphasised that due to the inclusion of the prohibition of discrimination in Article 21 of the Charter of Fundamental Rights, this prohibition is now not only a general principle of EU law. Non-discrimination also constitutes a subjective right and a source of claims for individuals to be treated equally with nationals of other Member States. These claims can be brought both against EU institutions and bodies and against Member States to the extent that they apply Union law.

The Court of Justice has confirmed in its case law that citizens of the European Union can invoke the prohibition of discrimination directly before the authorities and courts of the Member States. For example, it follows from the judgment in Case C-193/17, Cresco Investigation, that, "where discrimination contrary to EU law has been established, as long as measures reinstating equal treatment have not been adopted, observance of the principle of equality can be ensured only by granting to persons within the disadvantaged category the same advantages as those enjoyed by persons within the favoured category. Disadvantaged persons must therefore be placed in the same position as persons enjoying the advantage concerned (...). In such a situation, a national court must set aside any discriminatory provision of national law, without having to request or await its prior removal by the legislature, and must apply to members of the disadvantaged group the same arrangements as those enjoyed by the persons in the other category. That obligation persists regardless of whether or not the national court has been granted competence" (Judgment of the Court of Justice of 22 January 2019, Case C-193/17, Cresco Investigation GmbH v. Markus Achatzi, EU:C:2019:43).

The right to non-discriminatory treatment is directly effective in both vertical and horizontal relations. This means that it can be invoked not only in disputes against the state, but also against private entities, e.g. employers, and used as a criterion for assessing the compatibility of national regulations with EU law (Miąsik 2022). An example of such application of the prohibition of discrimination in Polish civil proceedings is the CJEU judgment in the Alder case, which will be discussed below.

VI. Impact of the EU principle of non-discrimination on grounds of nationality on the Polish civil procedure

The principle of non-discrimination on grounds of nationality has had a significant impact on the application and wording of the provisions of the Polish civil procedure. In this context, these provisions have been the subject to interpretation in conformity with EU law, the basis for preliminary references

to the Court of Justice, and eventually legislative amendments due to their conflict with EU law.

VII. Claimant's bond (Article 1119 of the Code of Civil Procedure)

The first example to be cited in the context of the adaptation of Polish civil procedure rules to the EU principle of non-discrimination on grounds of nationality is Article 1119 of the Code of Civil Procedure (CCP). This provision entitles the defendant to demand from the claimant a bond to secure the costs of litigation and originally covered all foreign claimants.

Given the wording of Article 18 TFEU, Article 1119 CCP was held to be contrary to EU law insofar as it applied to entities domiciled, resident or established in other EU Member States. Indeed, the obligation to pay a claimant's bond discriminated against such entities vis-à-vis domestic entities on the basis of nationality (Cichomska 2024), notwithstanding the numerous derogations arising from international conventions or the exceptions set out in Article 1120(1) of the Code of Civil Procedure (Stasiak 2022). This has been confirmed several times in its case law by the Court of Justice on the grounds of similar procedural solutions operating in the national systems of various Member States (Judgment of the Court of Justice of 1 July 1993, Case C-20/92, Hubbard, EU:C:1993:96; Judgment of the Court of Justice of 26 September 1996, Case C-43/95, Data Delecta, EU:C:1996:357; Judgment of the Court of Justice of 20 March 1997, Case C-323/95, Hayes, EU:C:1997:169; Judgment of the Court of Justice of 2 October 1997, Case C-122/96, Saldanha, EU:C:1997:458). The aforementioned solution has also been criticised in the doctrine (Sadowski 2006 and the literature cited therein).

With effect from 1 July 2009, Article 1119 CCP was amended to exclude from the obligation to pay a bond claimants who have their residence, habitual abode or registered office not only in Poland, but also in another Member State of the European Union (Article 1 of the Act of 5 December 2008 amending the Act – Code of Civil Procedure and certain other acts, Journal of Laws 2008.234.1571). The place of habitual abode is at the same time a collision link separate from residence, referred to in the doctrine as the place where the natural person's life interests are centred (Demendecki 2019).

This solution aligned the application of claimant's bond not only with the EU principle of non-discrimination on grounds of nationality, but also with specific provisions of secondary law. The prohibition on requesting a bond for the costs of the proceedings stems, inter alia, from Article 56 of the 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 judgments in civil and commercial matters. It provides that no security, bond or deposit, however described, shall be required of a party who in one Member State applies for the enforcement of a judgment given in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State addressed. Similar solutions are provided for, inter alia, by Article 75 of the Regulation No. 2019/1111, Article 20 (3) of the Regulation No. 805/2004 or Article 57 of the Regulation No. 650/2012 (Kostwinski 2024, Ciszewski 2017).

Despite the changes, the solution in question is still considered insufficient, as the need to make the applicability of a claimant's bond conditional on the location of the claimant's assets (Wlosinska 2016) or on the claimant's financial situation (Demendecki 2011) is indicated as more reasonable.

VIII. Appointment of a representative to accept service in Poland (Article 1135(5) CCP)

Another example is Article 1135(5) CCP, which prescribes the appointment of a representative to accept service on parties who do not have their residence, habitual abode or registered office in Poland, unless they are represented in the case by an attorney residing in Poland. If a representative to accept service is not appointed, judicial documents addressed to such party shall be placed in the case files and considered effectively served. Originally, this provision also applied to foreign entities from the territory of the European Union.

The compatibility of Article 1135(5) CCP with EU law in this respect was the subject of a ruling by the Court of Justice in a judgment issued in connection with a question referred by the Koszalin District Court (Judgment of the Court of Justice of 19 December 2012, Case C-325/11, Alder, EU:C:2012:824). In the case in question, Mr and Mrs Alder, who reside in Germany, brought an action for payment before the Polish court. The court informed the claimants that they were required to appoint a representative to accept service in Poland. In the absence of such an appointment, the court placed the correspondence in case files and considered it effectively served pursuant to Article 1135(5) CCP (the so-called fiction of service). As a result, the Alders' action was dismissed. When considering the application for reopening of the proceedings, the court asked the CJEU whether Article 1 of Regulation 1393/2007, which regulates service of documents in the EU, and Article 18 TFEU allow the application of the fiction of service to a party from another EU state who has not appointed a representative to accept service in Poland.

In the course of the proceedings, the European Commission argued that the obligation to designate a representative in Poland is incompatible with Article 18 TFEU because it amounted to indirect discrimination on the ground of nationality in so far as it generally affected nationals of other Member States who in many cases would not have a residence, habitual abode or registered office in Poland. This view was shared by the Advocate General in his Opinion underlining that the principle of non-discrimination on the basis of nationality, established by Article 18 TFEU, "entails a consequence within the European judicial area of the obligation to respect equal treatment of all individuals of the European Union, irrespective of their nationality or place of residence. The Advocate General also quoted the view expressed by the European Council that the enjoyment of freedom requires a genuine area of justice, where people can approach courts and authorities in any

Member State as easily as in their own" (Opinion of Advocate General Bot of 20 September 2012, Case C-325/11, Alder, EU:C:2012:583).

In the judgment issued in the case at hand, the Court held that the EU legislation precludes a regulation such as that provided for in Article 1135(5) CCP. It stated that Regulation No 1393/2007 exhaustively regulates the procedure for cross-border service, excluding the application of national legal institutions in this respect (e.g. fiction of service). At the same time, Member States may not introduce additional requirements (e.g. an obligation to appoint a representative) which impede access to justice for EU parties, in particular preventing them from reading the court document in sufficient time to prepare their defence. According to the Court of Justice, the fiction of service violates the principle of effectiveness of EU law, leading to unequal treatment of parties and failure to ensure the right to a fair trial (Knotz 2013, Maliszewska-Nienartowicz 2013, Weitz 2013, Anthimos 2017).

Although there is no explicit reference to Article 18 TFEU in the judgment of the Court of Justice, it is worth noting that the preamble to Regulation 1393/2007 indicates that "the Union has set itself the objective of maintaining and developing the Union as an area of freedom, security and justice, in which the free movement of persons is assured. To establish such an area, the Community is to adopt, among others, the measures relating to judicial cooperation in civil matters needed for the proper functioning of the internal market". Thus, measures which discriminate in the field of justice against persons exercising their freedom of movement within the Union are to be considered inadmissible (Werner 2010).

By the amending act of 13 June 2013 (Journal of Laws 2013.880), Article 1135(5) of CCP was amended, limiting the scope of the obligation to appoint a representative to accept service to a situation in which a party has their residence, habitual abode or registered office in a country that is not a member of the European Union. As indicated in the explanatory memorandum to the Act, the basis for the regulation was the provision of Article 1119 of the Civil Procedure Code concerning the claimant's bond. As a result, in relations between a Polish court and a party having a place of residence, habitual abode or registered office in the territory of the Republic of Poland or another Member State of the European Union, the so-called effective service became necessary both in the case of the first service (service of a statement of claim or an application in non-procedural proceedings) as well as subsequent service in the course of proceedings.

IX. Calculation of time limit for a pleading sent by post (Article 165 § 2 of the Code of Civil Procedure)

The same law amended Article 165 § 2 CCP, also bringing its wording into conformity with the European Union's principle of non-discrimination.

Originally, this provision indicated that dispatching of a pleading at a Polish post office (since 2003 - at a Polish post office of a public operator) was equivalent to bringing it to court. Thus, in order to meet the deadline in the case of sending a pleading, it was necessary to obtain the postmark of the Polish Post Office on the last day of the deadline at the latest. In the case of sending a letter from another country, the decisive was not the date of posting, but the date on which the letter was handed over to the Polish postal service, often much later. Therefore, sending a letter from abroad shortly before the deadline often resulted in the claims being time-barred, the letter being disregarded as late or the appeal being rejected. It was considered that the foreign post office in such a situation is only an intermediary used by the sender to deliver the letter to the Polish post office and only the date of delivery of the letter to the latter has legal significance (decision of the Supreme Court of 12 May 1978, IV CR 130/78, LEX no. 5093; of 8 September 2011, III CZ 42/11, LEX no. 1044018).

The inconsistency of this regulation with, inter alia, Article 18 TFEU was noticed by the European Commission, which initiated infringement proceedings against Poland under Article 258 TFEU by issuing a so-called reasoned opinion in October 2012 and calling for the rectification of the infringement. The incompatibility of Article 165 § 2 CCP with EU law was also confirmed by the aforementioned CJEU judgment in Case C-325/11, Alder.

The effect of the above position of the EU institutions was the amendment of Article 165 § 2 CCP, in force since 17 August 2013, which resulted in the equalisation of the effects of depositing a pleading at a post office of a designated operator in Poland and at a post office of an operator providing universal postal services in another EU Member State. Currently, in both cases, the dispatching a letter is equivalent to bringing it to court. Thus, the Civil Code provision in question has been brought in line with the provisions of the Treaty, as well as with the content of Regulation No. 1393/2007 (Stefańska 2022).

It is worth noting that the case law recognised that also in the period prior to the entry into force of the amendment, sending a pleading to a post office of an operator providing a universal postal service in another Member State of the European Union should have been treated as bringing it to court. This resulted, in some cases, in granting protection to a party to the proceedings on the basis of EU provisions even in cases resolved on the basis of the legal situation before the amendment and in considering that the pleading was filed on time, i.e. on the date of its posting at a foreign post office. It was argued that the old version of the provision was contrary to Article 1(1) of Regulation No 1393/2007 as interpreted in the judgment in Case C-325/11 Alder and incompatible with the right to a fair hearing under the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union and Article 6(1) of the European Convention on Human Rights and Fundamental Freedoms. This is because it deprived the defendant, who, at the time of learning of the court's decision, was residing in another Member State of the European Union, of an effective possibility to lodge an appeal at the time and place of their residence (decision of the Court of Appeal in Białystok of 5 December 2013, I ACz 1479/13, LEX No 1402853).

X. Conclusions

In conclusion, it should be pointed out that the prohibition of discrimination on grounds of nationality is a fundamental principle of European Union law. Thanks to the case law of the Court of Justice, this principle has been extended to new areas and is constantly evolving. Furthermore, it must be recognised that Article 21 of the Charter of Fundamental Rights now confers on individuals a fundamental right to equal treatment irrespective of nationality, which individuals may invoke before the courts both against entities emanating from the State and against private entities. In doing so, it follows from the case law that the prohibition of discrimination and the injunction of national treatment does not only apply to natural persons, but also to legal persons established in another Member State. The principle of non-discrimination on the grounds of nationality has had a significant impact on the application and wording of the provisions of Polish civil procedure, becoming the basis for preliminary references to the Court of Justice and eventually legislative changes due to the inconsistency of national regulations with EU law.

XI. References

Allkemper, L., Wege zur Verbesserung des Individualrechtsschutzes im Vorabentscheidungsverfahren nach Art. 177 EG-Vertrag, EWS 1994, p. 253.

Biernat S. (2020), System prawa Unii Europejskiej. Tom 1. Podstawy i źródła prawa Unii Europejskiej, Warszawa, Legalis/el., s. 544.

Cichomska M. (2024), In: Rylski P., Olaś A., Eds., Kodeks postępowania cywilnego. Komentarz, Warszawa, Legalis/el., Article 1119.

Ciszewski J. (2017), In: Ereciński T., Ed., Kodeks postępowania cywilnego. Komentarz. Tom VI. Międzynarodowe postępowanie cywilne. Sąd polubowny (arbitrażowy), wyd. V, Warszawa, LEX/el., art. 1119.

Czapliński W., Zasada równego traktowania w prawie wspólnotowym, http://www.korporacje.com/wordpress/blog/2007/02/19/zasada-rownego-traktowania-w-prawie-wspolnotowym/ (access 30.04.2025).

Demendecki T. (2011), Realizacja zasady równouprawnienia cudzoziemca w polskim międzynarodowym postępowaniu cywilnym. Uwagi na tle regulacji kodeksowej w przedmiocie zabezpieczenia kosztów procesu, Zeszyty Naukowe WSEI. Administracja 2011, Vol. 1, p. 91.

Demendecki T. (2019), In: Jakubecki A., Kodeks postępowania cywilnego. Komentarz aktualizowany. Tom II. Art. 730-1217, LEX/el., art. 1119.

Knotz M., Doręczenie dokumentów sądowych w Unii Europejskiej, Iustitia 2013, Vol. 2, p. 70.

Kostwiński M. (2024), In: Jankowski J., Cieślak S., Eds., Kodeks postępowania cywilnego. Tom II. Komentarz. Art. 730–1217. Warszawa, Legalis/el., Article 1119.

Maliszewska-Nienartowicz J. (2013), Niezgodność z prawem UE polskiej regulacji dotyczącej tzw. fikcji doręczeń postępowaniu cywilnym. Glosa do wyroku TS z dnia 19 grudnia 2012 r., C-325/11, EPS 2013, Vol. 6, p. 32.

Miąsik D. (2022), System Prawa Unii Europejskiej. Tom 2. Zasady i prawa podstawowe, Warszawa, Legalis/el., p. 396.

Sadowski W., Kaucja aktoryczna – potrzeba nowelizacji kodeksu postępowania cywilnego, EPS 2006, Vol. 10, p. 17.

Stasiak J. (2022), Kaucja aktoryczna a zasada równości w k.p.c., In: Jagieła J., Kulski R., Symbolae Andreae Marciniak dedicatae. Księga jubileuszowa dedykowana Profesorowi Andrzejowi Marciniakowi, Warszawa, p. 447.

Stefańska E. (2022), In: Manowska M., Ed., Kodeks postępowania cywilnego. Komentarz aktualizowany. Tom I. Art. 1-477(16), LEX/el., Article 165.

Śledzińska-Simon A. (2011), Zasada równości i zasada niedyskryminacji w prawie Unii Europejskiej, Studia BAS 2011, Vol. 2, s. 41.

Weitz K. (2013), Wyłączenie fikcyjnych doręczeń krajowych w stosunkach między państwami członkowskimi? Glosa do wyroku TS z dnia 19 grudnia 2012 r., C-325/11, PPC 2013, Vol. 2, p. 265.

Werner A. (2010), Pełnomocnik do doręczeń w prawie polskim a doręczanie dokumentów w sprawach cywilnych i handlowych w prawie UE, EPS 2010, Vol. 6, p. 15.

Włosińska A. (2016), Kilka uwag o kaucji aktorycznej na tle regulacji polskiego prawa międzynarodowego postępowania cywilnego, MoP 2016, Vol. 3, p. 142.

Wróbel A. (2012), In.: Wróbel A., Miąsik D., Półtorak N.. Eds., Traktat o funkcjonowaniu Unii Europejskiej. Komentarz. Tom I (art. 1-89), Warszawa, LEX/el., art. 18.