

Covid-19: Filing Court Pleadings

Businesses are still forced to file register applications and pleadings in paper form with handwritten signatures, using a universal postal service provider. Fortunately, the Covid-19 Act gives more time for taking procedural steps and actions. Also, some courts are being pro-active, allowing essential pleadings to be filed via email.

At the legislative stage, a draft of the recently adopted Covid-19 Act envisaged eagerly anticipated changes, such as:

- the possibility of filing court pleadings via the Electronic Platform of Public Administration Services (ePUAP), signed with qualified electronic signatures; and
- the possibility of filing applications and court pleadings via email, with scans of documents bearing handwritten signatures attached.

However, in its final form, the Covid-19 Act that entered into force on 31 March 2020 offers no solutions that could streamline the process of filing court pleadings while the threat of epidemic or an actual state of epidemic announced in response to the Covid-19 outbreak persists. What is more, no measures have been put in place to deal with a potential suspension of operations by the Polish postal service provider.

Some courts have decided to be more pro-active in their approach, reorganising their work based on instructions issued by heads of particular courts and allowing carefully chosen, essential pleadings (such as appeals and requests for statements of reason) to be filed by email. This is the case, for example, with the regional courts in Warsaw and Gdańsk. The hope is that other institutions will now follow suit.

Fortunately, the Covid-19 Act changes time limits for taking procedural steps and actions: new time limits will not begin to run and those already running were suspended as soon as the Covid-19 Act entered into force. If nothing else, this solution is guaranteed to considerably lower the demand for court pleadings until the epidemic is under control.

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