

Covid-19: Updates to Court Proceedings

The new Covid-19 Act still forces businesses to file registry applications and pleadings in paper form with handwritten signatures, using a universal postal service provider.

Moreover, suspended time limits for procedures and actions will once again come back into force. Importantly, some changes are being made to the rules regarding open hearings, and for the first time in Polish history, parties to the proceedings will not be required to be physically present in the court building.

REMEMBER: You will not need to be physically present in court.

The government proposal included provisions for filing court pleadings via the Electronic Platform of Public Administration Services (ePUAP), and courts can use ePUAP, the general courts' information portal, or e-mail to make deliveries if the party to the proceedings has consented to it. However, the final version of the Covid-19 Act does not offer solutions that could streamline the process of filing court pleadings while the epidemic situation persists.

One of the most important changes is that the time limits which were suspended when the Covid-19 Act entered into force will once again return and the clock will continue to run after seven days from the day on which the new Covid-19 Act enters into force (the day after its official publication). Therefore, businesses should prepare to undertake any legal actions that were postponed due to time limits being suspended.

REMEMBER: Suspended deadlines will begin to be valid again.

To safeguard people participating in court proceedings some changes have been made to the rules regarding open hearings. These new measures will apply to all civil proceedings during the epidemic situation and for a year after it ends:

- open hearings can be conducted via videoconference unless conducting a standard open hearing will not pose excessive risk to the people attending;
- a judge may order a closed hearing when:
 - ✓ it is necessary to hear the case;
 - ✓ conducting an open hearing could pose excessive risk to the people attending;

- ✓ the open hearing cannot be conducted via videoconference;
- ✓ none of the parties appeal such an order after 7 days from it being delivered;
- the president of the court may order some members of the adjudicating panel to participate in the hearing via electronic means, unless this is the final hearing;
- when evidence is considered, the court may decide to finish the case and issue a ruling during a closed hearing after receiving the final statements;
- the second instance court may decide to conduct only a closed hearing, unless a party files a motion to conduct an open hearing or to consider evidence which cannot be disregarded.

REMEMBER: New measures apply to all civil proceedings.

Changes have also been introduced to administrative proceedings:

- the Supreme Administrative Court may rule cassation during a closed hearing with the consent of all parties;
- regional administrative courts and the Supreme Administrative Court can conduct open hearings via videoconference, unless conducting a standard open hearing does not pose excessive risk to the people attending;
- the judge may order a closed hearing when:
 - ✓ it is necessary to hear the case;
 - ✓ when conducting an open hearing could pose an excessive risk to the people attending;
 - ✓ when an open hearing cannot be conducted via videoconference.

Currently, it is unknown which tools will be used to conduct hearings online or when they will become available. This shall be specified by resolution of the Minister of Justice at a later date. It is also important to highlight that such a solution will need to make non-confidential open hearings open to the public.

REMEMBER: The details on online tools will be specified by resolution at a later date.

Contact

Marzanna Sobaniec, Partner

marzanna.sobaniec@penteris.com +48 22 257 83 88

Jakub Kulicki, Junior Associate

jakub.kulicki@penteris.com +48 22 257 85 66