



Legal Alert

COVID-19 affects the running of substantive time limits

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On 1 April 2020, an amendment to the Act on Special Solutions for Preventing, Countering and Combating COVID-19, Other Infectious Diseases and Crises Caused by Them of 2 March 2020 entered into force, introducing the "Anti-Crisis Shield." The amendment includes regulations affecting the running of substantive-law time limits during the period in which a state of epidemiological threat or a state of epidemic declared due to COVID-19 is in force (i.e. from 13 March 2020).

The changes involve halting and suspending some time limits arising under substantive law during the interim period when a state of epidemiological threat or a state of epidemic declared due to COVID-19 is in force, effective from 13 March 2020 until such state is cancelled. But the provisions of the amendment introducing these changes will not apply to time limits connected to preventing, countering and combating COVID-19 or related crisis situations.

The amendment states that during the interim period, the following time limits provided for by administrative law shall not start to run, or if started will be suspended during that period:

- 1) Time limits compliance with which is a condition for obtaining legal protection before a court or other authority
- 2) Time limits for a party to take actions shaping its rights and obligations
- 3) Statutes of limitations
- 4) Time limits noncompliance with which causes expiration or modification of rights in rem or claims and liabilities, or default
- 5) Strict time limits, noncompliance with which entails negative consequences for the party pursuant to statute
- 6) For entities or organizational units subject to entry of actions in the relevant register, time limits for actions required to be filed with the register, as well as time limits for performance by such entities of obligations arising out of regulations governing their systems of operation.

This regulation does not apply to time limits in urgent matters (within the meaning of the amendment) heard by the courts, time limits in cases of election or appointment of authorities whose terms are specified in the Polish Constitution, or time limits in proceedings involving applications and legal questions commenced but not completed before the Constitutional Tribunal. Under the amendment, urgent matters are defined as matters for which a statute specifies

We can help

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the time limit for their consideration by the court, as well as cases of applications to enjoin the performance of a deed or action.

The amendment also provides that the court or competent authority may summon an obligated person to perform actions arising out of regulations of law, within the specified time and scope in which the regulation requires the action to be taken, if failure to perform the action could pose a threat to human or animal life or health, cause serious harm to the public interest, or threaten irreparable material harm. In such a case, the obligated person must perform the obligation within the specified time.

It should be stressed that actions taken in order to exercise a right or perform an obligation during the interim period are effective. This means that during the interim period, parties may take actions aimed at initiating proceedings.

During the interim period, statutes of limitations on the punishability of an act or enforcement of a penalty, in cases involving criminal offences, fiscal penal offences, and petty offences, will not run.

Coronavirus

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