



## Legal Alert

### COVID-19 affects judicial time limits

9 April 2020

**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 procedural time limits during the period when 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 procedural time limits 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 with preventing, countering and combating COVID-19 or related crisis situations.

Under the amendment, during the interim period, statutory and judicial procedural time limits will not start to run, and those already started will be suspended during that period.

#### **Time limits in what proceedings are covered by the amendment?**

- 1) Judicial proceedings, including administrative court proceedings
- 2) Execution proceedings
- 3) Criminal proceedings
- 4) Fiscal penal proceedings
- 5) Proceedings for petty offences
- 6) Administrative proceedings
- 7) Proceedings and audits conducted under the Tax Ordinance
- 8) Customs and treasury inspections
- 9) Proceedings in matters involving retaining or deleting internet domains from the register of domains used for offering gambling in violation of the Gambling Act
- 10) Other proceedings conducted on the basis of statutes.

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.

### **Effectiveness of actions taken during the interim period**

Actions taken during the interim period will be effective. Thus if an entity is planning to commence proceedings or wishes to pursue a litigation measure, we recommend not refraining from doing so. It should be expected that after the interim period ends, the courts will be deluged. Thus it is worthwhile to take action now. Apart from urgent matters, the courts will not hold hearings or open sessions during the interim period, but they probably will at least examine the parties' positions.

Time limits are also suspended with respect to administrative authorities, i.e. time limits for tacit resolution or other time limits in cases where inaction by the authority entitles a party or other participant to take up activity or perform an action, or affects the scope of rights and obligations of a party or other participant. Authorities will not be punished for standstill in resolving matters. The amendment expressly states that cessation of activity by a court, authority or entity conducting a proceeding or inspection will not be grounds for deriving legal consequences related to inaction, delay or infringement of the party's right to have its matter resolved without undue delay. However, during this period an authority or other entity will be able to issue a decision on its own initiative, for example granting the parties' demands in their entirety.

During the interim period an enforceable title ordering a person to vacate residential premises (eviction) will also not be executed.

## **Coronavirus**

### **We offer support in a time of crisis**

If you need legal advice on the impact of the coronavirus threat on your business, our multidisciplinary team is ready to work with you.

Contact us at: **[coronavirus@eversheds-sutherland.pl](mailto:coronavirus@eversheds-sutherland.pl)**

If your company operates abroad and you need legal support in a specific country, the international team of Eversheds Sutherland is ready to assist.

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