

The civil procedure amendment of July 2019 has significantly changed the rules of issuing and challenging court decisions. What should be borne in mind?

### Hearing Unnecessary

In the new legal framework, any decision in civil procedure may be issued in closed session. Such option has hitherto been available only in situations expressly listed in the legislation. The new regulation came into effect 14 days following announcement of the Act and it is fully applicable to matters instigated prior to its effective date.

### Justification Only Upon Request

Decisions issued in closed session will be served by the court as previously – *ex officio*. The key change is that a challengeable decision will be justified by the court only upon a party's request made within one week following service. Once the requesting party has received the justified decision, the one-week deadline for challenging commences. If a party fails to request the justification, they will no longer be able to challenge the decision. The court may, in fact, briefly justify, *ex officio*, each decision issued (even a non-challengeable one), if it deems it expediting the procedure, though this is meant to be an exception rather than the rule.

Noteworthy is that an entirely different rule is in place in enforcement procedures, whereby decisions issued in closed session are, in principle, to be justified *ex officio*.

### Justification Unnecessary

Among the novelties is the possibility to refrain from justifying a challengeable decision. The court may avail itself of this, should it consider a party's request included in a pleading and accept the supporting argumentation therein in its entirety. That being the case, the party dissatisfied with the decision may no longer effectively request its justification. The period for lodging the challenge commences as of the date of service or announcement.

The new rules of justifying decisions, in effect as of November 2019, are applied by the courts to matters currently underway.

### Mind the Fee

The request to serve a decision with justification is subject to a fixed fee of PLN100. If the means of challenge is provided, the amount will be charged toward the fee.

### New Rules for Complaints

Noteworthy is that the model of processing complaints has also undergone far-reaching changes. Only a few complaints will be referred to a second instance court (i.e., dismissal complaints, claim return complaints or fee refund complaints), the remainder will be considered by parallel panels (e.g., complaint dismissal complaints). Complaints lodged merely for stalling the procedure may be kept on file without further action. This is meant to prevent the so-called chain of complaints stalling the course the procedure. The new regulations will apply to complaints lodged after November 6, 2019.

### Contact

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