

Registration courts in times of the state of epidemic in Poland (as of 23 March 2020)

As for commercial companies, a number of activities may require a prior amendment of the company's articles of association, and therefore also a registration procedure, the positive conclusion of which is a condition for the effectiveness of such an amendment. In addition, a change in the composition of the corporate bodies should be entered as urgently as possible in the register of entrepreneurs of the National Court Register for purely practical reasons. In the following alert, we would like to present you with some current information on the functioning of commercial divisions in district courts in connection with the announcement of a state of epidemic in Poland.

According to the information acquired from the general enquiry centre of the commercial divisions of the National Court Register of the district courts of the largest cities in Poland (including Warsaw, Kraków, Wrocław, Łódź, Poznań and Gdańsk), as of 23 March 2020, cases in the registry courts are handled according to the following rules.

Document submission departments

Most court document submission departments are currently closed. An exception is the District Court for the Capital City of Warsaw (12th and 13th Commercial Division of the National Court Register), where letters may be submitted in person at the document submission department (one post is currently functioning). Still however, in all courts all letters and motions may be submitted by post.

Assessment of cases

As of 23 March 2020, all cases in the registry courts are assessed, closed hearings are held, and the judges and court registrars issue orders and decisions. However, in some courts, departments work in a smaller composition, also due to the introduction of staff rotation, and therefore the waiting period for a case to be heard is likely to be significantly longer. In urgent cases, in line with previous practice, applicants may submit duly motivated requests to the head of the division to expedite the consideration of the case and to process the motion urgently. However, there are no guarantees that the case will be dealt with in a quicker manner.





Functioning of registration courts in light of the declaration of a state of epidemic in Poland

Regardless of the situation prevailing in the registry courts, and in particular the problems in the operation of the document submission departments, it should be borne in mind that the statutory deadlines, e.g. the deadline for submitting a motion for registration of an amendment in the register of entrepreneurs of the National Court Register, are still in force, and a number of them are of a strict nature (e.g. the deadline for submitting a motion for registration of an amendment to the articles of association of a limited liability company). The above must be borne in mind by the management boards of companies.

In this situation, when planning the company's activities, one should take into account the fact that the desired entry in the register can only be made in the longer timeframe. If time is critical and the nature of the given case allows it, it is worth considering alternative solutions.

I am at your disposal for further questions!



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