



SHIELD 3.0 AND COURT PROCEEDINGS

Resumption of procedural and judicial deadlines

- » Since 31 March 2020, procedural and judicial deadlines in court (including administrative courts), enforcement, administrative and other proceedings, as indicated by the legislature, have been either halted or suspended. The legislature has decided that from 23 May 2020, i.e. 7 days after the Act's publication, those deadlines which have not commenced will begin to run, while those which were suspended will resume. Due to the wording of Art. 115 of the Civil Code, "unsuspended" deadlines which would have expired on Saturday, 23 May 2020, will expire on Monday, 25 May.

Amendments concerning civil proceedings and administrative court proceedings

» Amendments concerning civil proceedings

Trials and hearings in open court will be conducted by means of technical equipment allowing them to be conducted remotely, with simultaneous direct video and audio transmission. At the same time, the Act does not impose an obligation for participants to be physically present in the court. An exception to this is where conducting a trial or hearing in open court without the use of such devices would not cause an undue risk to the health of those involved.

Presiding judges have also been granted the right to order that a session be held *in camera*. However, four conditions must be met:

- the presiding judge considers it necessary to hear the case;
- holding a legally required trial or hearing in open court could pose an undue risk to the health of those involved;
- a trial or hearing in open court cannot be carried out remotely with simultaneous direct video and audio transmission; and
- none of the parties has objected to the session being held *in camera* within 7 days of receiving notice that the case has been referred to be heard in camera.

The President of the Court may, in light of special circumstances, order that members of the panel other than the presiding judge and the court clerk may participate in the session by electronic means of communication. However, this does not apply to hearings where a case is closed.

Note: All of these amendments apply for the duration of the state of epidemic threat or state of epidemic declared due to COVID-19, and for the year following the revocation of the last of them.

If the evidentiary proceedings in the case have been carried out in full, the court may, after receiving written statements from the parties or participants to the proceedings, close the trial and issue a ruling *in camera*.

The court of second instance may consider an appeal filed before 7 November 2019 in an *in camera* session, if, in the opinion of that court, a trial is not necessary. Hearing a case *in camera* is, however, impermissible if a party has requested that a hearing be held, that evidence from a witnesses' testimony be taken, or that the parties be heard, unless the action or appeal were withdrawn or the proceedings are found to be invalid.

Note: A motion to hold a trial in open court should be submitted within 7 days of receiving notice that the case has been referred to be heard *in camera*.



Amendments concerning administrative court proceedings

The Supreme Administrative Court may decide on a cassation appeal in a session held *in camera*, with a panel composed of three judges, if two conditions are met:

- the party bringing a cassation appeal has not waived the trial, or another party has requested that it be held; and
- all parties have consented to this within 14 days of receiving notice of the intent to refer the case to be heard *in camera*.

Trials and hearings in open court before voivodship (provincial) administrative courts and the Supreme Administrative Court will be conducted by means of technical equipment allowing for them to be conducted remotely, with simultaneous direct video and audio transmission. At the same time, the Act does not impose an obligation for participants to be physically present in the court. An exception to this is where conducting a trial or hearing in open court without the use of such devices would not cause an undue risk to the health of those involved. Therefore, this regulation is identical to that applicable to civil proceedings.

Note: All of these amendments apply for the duration of the state of epidemic threat or state of epidemic declared due to COVID-19, and for the year following the revocation of the last of them.

Presiding judges have also been granted the right to order that a session be held *in camera* with a panel composed of three judges. However, three conditions must be met:

- the presiding judge considers it necessary to hear the case;
- holding a legally required trial or hearing in open court could pose an undue risk to the health of those involved; and
- a trial or hearing in open court cannot be carried out remotely with simultaneous direct video and audio transmission.