Time limits on procedures

Poland

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1 What are the types of deadlines relevant for civil procedures?

Polish civil procedure distinguishes between the following types of time limit:

- as regards the procedural acts of the parties: statutory, judicial and contractual time limits;
- as regards the procedural acts of the court: indicative time limits.

Statutory and judicial time limits are final and cannot be exceeded.

Statutory time limits, which are defined as preclusive time limits (meaning that failure to meet them renders a given procedural act null), are laid down in statutory laws. Such time limits cannot be extended or shortened. A statutory time limit starts running at the moment specified in a statutory law. There are two kinds of statutory time limit: time limits before which an action must be performed and time limits after which an action may be performed. Statutory time limits include time limits for lodging legal remedies, e.g. the time limit for lodging an appeal or a complaint.

Judicial time limits are also defined as preclusive time limits, but they are set by a court or judge. Judicial time limits may be extended or shortened, but only for an important reason and on a motion filed before expiry of the time limit, even without hearing the opposing party. These time limits start running from the moment when a decision or an order to that effect is pronounced; where the Code of Civil Procedure provides for automatic service, they start running when the decision or order is served.
Judicial time limits include time limits for regularising a judicial or procedural incapacity or for making good formal defects in an appeal or complaint.

Contractual time limits, as the name suggests, are set by agreement between the parties. A classic example is the staying of proceedings at the joint motion of the parties. If the parties file such a motion, the court may (but is not obliged to) stay the proceedings. The application of this type of time limit depends on the will of the parties alone.

Indicative time limits are normally addressed to judicial authorities (courts), not to parties. Not meeting them has no adverse procedural consequences. Their basic purpose is to apply the principle of swiftness of proceedings. An example of such a time limit is the time limit for a court to draw up grounds of a judgment.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Pursuant to the Act of 18 January 1951 on non-working days, the following statutory non-working days apply:

1. all Sundays (Saturdays are not statutory non-working days);

2. the days listed below:

(a) 1 January - New Year’s Day,

(b) 6 January - Epiphany,

(c) Easter Sunday,

(d) Easter Monday,

(e) 1 May - Public Holiday,

(f) 3 May - National Holiday of the Third of May,

(g) Whit Sunday,

(h) Corpus Christi,

(i) 15 August - Assumption of Mary,

(j) 1 November - All Saints’ Day,

(k) 11 November - National Holiday - Independence Day,

(l) 25 December - Christmas Day,

(m) 26 December - Boxing Day.

In 2026 Easter Sunday falls on 5 April, Easter Monday on 6 April, and Corpus Christi on 4 June.

3 What are the applicable general rules on time limits for the various civil procedures?

In civil law, the term ‘time limit’ can have two meanings.
It can be either a specific moment (e.g. 5 April 2017) or a specific period with a beginning and an end (e.g. 14 days).

Where a final time limit is set (a date by which something must be done), what matters is the exact moment at which it expires. A time limit does not have to be specified as a day, but it must be defined by the occurrence of the event provided for by the contracting parties in a specific situation.

Procedural time limits are set using such units of time as a day, week, month or year. Pursuant to Article 165 of the Code of Civil Procedure, the method for calculating time limits in a civil procedure is regulated by the provisions of the Civil Code concerning time limits, if a statutory law, a court ruling, a decision by another state authority or a legal act sets a time limit without specifying how it is to be calculated (Article 110 of the Civil Code). The posting of a petition at a Polish post office of the national postal service provider in the territory of the Republic of Poland or at a foreign post office of a national postal service provider in the territory of another Member State of the European Union is deemed to be equivalent to lodging that document with the court. The same applies to the lodging of a document by a soldier with unit headquarters, by a person deprived of liberty with the administration of their prison or by a member of the crew of a Polish sea-going vessel with the captain of that vessel.

A day has 24 hours, beginning and ending at 24:00 hours.
A time limit specified in days expires at the end of the last day. A time limit expressed in weeks, months or years expires at the end of the day corresponding, by name or date, to the first day of the time limit or, if there is no such day in the last month, on the last day of that month. If a time limit is expressed as the beginning, middle or end of a month, this is understood to mean the first, fifteenth or last day of the month, while a half-month corresponds to 15 days. If a time limit is set in months or years and continuity is not required, a month is assumed to have 30 days and a year 365 days. If the end of the time limit for performing an act falls on a statutory non-working day or Saturday, the time limit expires on the next day which is not a non-working day or Saturday.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

If the beginning of a time limit defined in days is a specific event, the day on which the event occurs is not taken into account when calculating the time limit. For example, if a court served a party with process summoning it to perform a specific act within a seven-day time limit on 11 January 2017, that time limit expired at midnight (24.00) on 18 January 2017.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

A court may serve process in a number of ways: by post, a bailiff, ushers or court process service. Service on the addressee may also be performed by handing the document to the addressee at the court's registry. As long as service has been duly performed, all these methods are equally valid and the choice of method does not affect the running of time limits.

Since 8 September 2016 the rules have allowed a court to serve process by a data transmission system if the addressee has lodged documents via such a system or opted to do so. An addressee who has opted to lodge documents via a data transmission system may opt out of electronic service.

A document served via electronic means is deemed to have been served on the date specified in the electronic acknowledgement of receipt of correspondence, even if that date falls on a statutory non-working day. The fact that electronic correspondence is received at night has no bearing on the effectiveness of service. In the absence of an electronic acknowledgement of receipt of correspondence, service is deemed effective 14 days after the date on which the document is uploaded to the data transmission system. The above rules require parties to check their electronic account at least once every 14 days.

If it is not possible to serve court documents by means of an IT system, the court serves documents on the counsel, legal adviser, patent agent, public prosecutor, pension authority specified by the minister responsible for internal affairs, or to the General Counsel to the Republic of Poland, exclusively by uploading their content to the information portal in a manner which allows the recipient to obtain acknowledgement of receipt. This does not apply to documents that are to be served together with copies of the parties' pleadings or other documents not originating from the court, unless the court has an electronic copy of such documents.

In the case referred to above, a document is deemed to have been served at the time indicated in the acknowledgement of receipt. The prohibition on the service of documents on public holidays and during nighttime does not apply in such cases. In the absence of an acknowledgement of receipt, service is deemed effective 14 days after the date on which the content of the document is uploaded to the information portal.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

If the beginning of a time limit defined in days is a specific event, the day on which that event occurs is not taken into account when calculating the time limit.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Time limits laid down in days are expressed in calendar days. If the end of the time limit for performing an act falls on a statutory non-working day or Saturday, the time limit expires on the next day which is not a non-working day or Saturday.

8 When such a period is expressed in weeks, in months or in years?

A time limit expressed in weeks, months or years expires at the end of the day corresponding, by name or date, to the first day of the time limit or, if there is no such day in the last month, on the last day of that month.

If a time limit is expressed as the beginning, middle or end of a month, this is understood as the first, fifteenth or last day of the month. A half-month corresponds to 15 days.

If a time limit is set in months or years and continuity is not required, a month is assumed to have 30 days and a year 365 days.

9 When does the deadline expire if expressed in weeks, in months or in years?

A time limit expressed in weeks, months or years expires at the end of the day corresponding, by name or date, to the first day of the time limit or, if there is no such day in the last month, on the last day of that month.

If a time limit is expressed as the beginning, middle or end of a month, this is understood as the first, fifteenth or last day of the month. A half-month corresponds to 15 days.

If a time limit is set in months or years and continuity is not required, a month is assumed to have 30 days and a year 365 days.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the end of the time limit for performing an act falls on a statutory non-working day or Saturday, the time limit expires on the next day which is not a non-working day or Saturday.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Only judicial time limits, namely time limits set by a court or presiding judge, may be extended or shortened. A decision to extend or shorten a time limit may be taken either by a presiding judge or a court, but only for important reasons, with the assessment of the reasons being left to their discretion.

A time limit may be extended or shortened only at the motion of a party, a participant in non-contentious proceedings, an intervening party, a public prosecutor, a labour inspector, the consumer ombudsman, a non-governmental organisation, a court-appointed expert or a witness, if the time limit concerns their acts. Such a decision may not be taken of the court's or judge's own motion.

A motion must be lodged before the time limit fixed expires.

12 What are the time limits for appeals?

The Polish Code of Civil Procedure lays down statutory procedural time limits for lodging legal remedies according to the type of judicial decision (judgment (*wyrok*), decision on the substance of the case in non-contentious proceedings *(postanowienie co do istoty sprawy w postępowaniu nieprocesowym*), default judgment (*wyrok zaoczny*), order for payment in a procedure by writ of payment (*nakaz zapłaty w postępowaniu upominawczym*), order for payment in an order for payment procedure (*nakaz zapłaty w postępowaniu nakazowym*) and decision (*postanowienie*)). In particular, the following statutory time limits have been laid down:

- a judgment and decision on the substance of the case in non-contentious proceedings: the grounds of the judgment must be drawn up in writing, if a party so requests within one week of the date on which the operative part of the judgment was pronounced. The court must, of its own motion, serve the judgment on

the parties where a party acting without an advocate, a legal counsel or a patent agent was not present when the judgment was delivered because they were deprived of liberty and the judgment was issued in closed session. A judgment and information on the manner and time limit for lodging a motion for service of the grounds, and on the conditions, method and time limit for lodging an appeal must be automatically served on any party that acted without an advocate, legal counsel, a patent agent or the General Counsel to the Republic of Poland. If there is an obligation to be represented, a party must be represented by an advocate or a legal counsel; the party should also be informed of the provisions on the obligation to be represented and of the consequences of non-compliance with those provisions. An appeal may be lodged with the court which issued the judgment being challenged within two weeks of service on the appellant of the judgment and the grounds. In the event of an extension of the time limit for drawing up written grounds of the judgment, the time limit for lodging an appeal is three weeks. The court notifies the party of the time limit when serving the judgment and the grounds. If the time limit is indicated incorrectly in the notice, and the party has complied with it, the appeal is deemed to have been lodged in compliance with the time limit. The time limits referred to above (two weeks and three weeks) are also deemed to have been complied with if, before their expiry, the party has lodged an appeal with the court of second instance. In such cases, that court notifies the first-instance court of the appeal and asks that the case file be presented;

- a decision: the time limit for lodging a complaint is one week counting from the date of service of the decision and the grounds of the decision, including where service was performed of the court's own motion. If, at the time of issuing the decision, the court decided to refrain from drawing up the grounds of the decision, the time limit begins to run from pronouncement of the decision or, if it was subject to service, from the date of service. The court is required to draw up the grounds of decisions pronounced in open session only if they are appealable and only if a party so requests within one week of the date of pronouncement. Such decisions are served only on the party who filed a motion to the effect that the grounds of the decision be drawn up and served on the party together with the decision. Unless otherwise provided for in a specific statutory law, the court must serve decisions issued in open session on the parties of its own motion. When serving a decision on a party that acted without an advocate, a legal counsel, a patent agent or the General Counsel to the Republic of Poland, the party should be informed of the admissibility, conditions, time limits and method of lodging a motion for service of the grounds and for lodging an appeal, or of the fact that the decision is non-appealable or that the grounds of the decision need not be drawn up. In the case of an appealable decision issued in closed session, the court draws up the grounds only if a party so requests within one week of service of the decision. The decision with the grounds is served only on the party that requested that the grounds of the decision be drawn up and served with the decision. Whenever a special statutory law requires the court, by operation of law, to draw up the grounds of a decision pronounced in closed session, the decision and the grounds must be served automatically. The court may draw up the grounds of an appealable decision pronounced in closed session if this streamlines the procedure or if the decision concerns reimbursement of the costs to a person who is not a party to the proceedings. In such cases, the decision and the grounds are served on all the parties or persons concerned. Automatic service by the court of a decision issued in closed session together with the grounds relieves the party of the obligation to file a motion for the service of the decision and the grounds. When issuing an appealable decision, the court may, in line with its assessment based on consideration of all the circumstances of the case, decide not to draw up the grounds of the decision, provided it fully grants the party's claim in its petition and endorses the arguments put forward by the party in support of that request. The decision must refer to the pleadings concerned. If the procedural document is served later than the decision, the time limit for lodging an appeal begins to run from the date of service of that pleading. A decision by a judicial officer is appealable if an appeal could be lodged against that decision had it been issued by the court. An appeal is lodged with the court where the judicial officer issued the decision being challenged within one week of service of the decision. If the decision has been served without the grounds, and the party filed a motion to the effect that the grounds be drawn up, the time limit for lodging an appeal begins to run on the date of service of the decision together with the grounds;
- a default judgment with respect to the defendant: the defendant against whom a default judgement has been issued may file an objection within two weeks of being served with the judgement;
- a default judgment with respect to the claimant: The court draws up the grounds of a default judgment if the action has been dismissed in whole or in part, and the claimant, within one week of service of the judgment, files a motion to the effect that the grounds of the decision be drawn up;
- order for payment in a procedure by writ of payment and order for payment in an order for payment procedure: in an order for payment procedure, the court orders the defendant to pay the claim in full,

including costs, within the time limit specified in the order for payment, or to lodge an appeal (statement of opposition to the order for payment in the order for payment by writ of payment procedure, statement of opposition to the order for payment in the order for payment procedure). The time limits are as follows: two weeks from the date of service of the order for payment in the case of an order for payment issued in an order for payment by writ of payment procedure, where service of the order on the defendant is to take place in the country; one month from the date of service of the order for payment in the case of an order for payment issued in an order for payment by writ of payment procedure, where service of the order on the defendant is to take place outside Poland but within the European Union; one month from the date of service of the order in the case of an order for payment issued in an order for payment procedure, where service on the defendant is to take place within the European Union; three months from the date of service of the order where service of the order is to take place outside the European Union. If, after the order for payment has been issued, it transpires that service of the order for payment is to performed in a place which, in accordance with paragraph 2, justifies the setting of a time limit other than that specified in the order issued, the court issues, of its own motion, a decision amending the order as appropriate.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A witness or a party to proceedings has an absolute duty to appear before the court. A witness must also appear before the court even if they have no knowledge of the circumstances of the case or if they have already decided to exercise their right to refuse to testify. A witness must excuse their absence (failure to appear) in writing before the date of the hearing. Submitting excuses for failure to appear at a later date will not prevent the court from imposing a fine on the witness at the hearing.
A witness should enclose a document substantiating the reason for their failure to enter an appearance with the written excuse. A witness's failure to appear may be excused on the grounds of illness, an important business trip or a serious unforeseen incident. Where illness is claimed as the reason for failure to appear when summoned, a certificate confirming the inability to appear must be issued by a court doctor. In such a case, the court will set another date for appearing.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

A party or witness is subject to the rules of civil procedure applied by the judicial authority (court).

15 What are the consequences of non-observance of the deadlines?

A procedural act carried out by a party after expiry of the time limit is null.
This principle applies both to statutory and judicial time limits. The nullity of a procedural act means that an act carried out late has no legal effects associated with performing it by statutory laws. A procedural act carried out after the expiry of the time limit is null even if the court has not yet issued the ruling being the consequence of the expiry of the time limit.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If a time limit is exceeded, a party may seek to have it reinstated or apply for proceedings to be re-opened.

If the party has missed the time limit for performing a procedural act through no fault of their own, the court will reinstate the time limit at their motion. Reinstatement is not admissible, however, if the failure to meet the time limit has no adverse procedural consequences for the party. A pleading containing a motion to reinstate the time limit is to be lodged with the court before which the act was to be carried out no more than one week after the reason for failing to meet the time limit ceases to apply. The circumstances justifying the application should be substantiated in the pleading. The party should perform the procedural act at the same time as it files the

motion. After one year from the missed time limit, it may be reinstated only in exceptional cases. The reinstatement of a time limit for filing an appeal against a judgment annulling a marriage or pronouncing a divorce, or declaring the non-existence of a marriage is not admissible if even one of the parties has remarried after the judgment became final. A motion to reinstate a time limit that is filed late or is inadmissible under statutory laws is rejected by the court. The fact of filing a request to reinstate a time limit does not halt the proceedings or the enforcement of the ruling. The court may, however, depending on the circumstances, halt the proceedings or the enforcement of the ruling. If the motion is granted, the court may immediately proceed to hear the case.

The re-opening of proceedings makes it possible to hear again a case concluded by a final ruling. A complaint requesting the re-opening of the proceedings is often treated as an extraordinary legal remedy (or an extraordinary appeal) to be used to challenge final rulings, as opposed to ordinary remedies (to be used in relation to non-final rulings). The re-opening of proceedings on grounds of invalidity may be requested: if the panel of judges included an unauthorised person, or if a ruling judge was excluded by law and the party had been unable to request that the judge be dismissed before the judgment became final; if a party had no legal standing or no capacity to be a party to the proceedings, or was not properly represented, or was deprived of the ability to take action as a result of an infringement of the law; however, resumption may not be requested if, before the judgment became final, the party had regained the ability to take action or if the lack of representation was raised by means of a plea, or if the party approved the procedural steps taken. Re-opening of proceedings may also be requested if the Constitutional Tribunal declares the regulatory instrument on the basis of which the judgment was issued to be contrary to the Constitution, a ratified international treaty or statutory laws.

The re-opening of proceedings may be sought on the grounds that:

- the judgment was based on a forged or altered document or on a criminal conviction that was subsequently set aside;
- or the judgment was obtained through a crime.

The re-opening of proceedings may also be sought:

- if a final judgment concerning the same legal relationship is revealed later, or facts or evidence is revealed which might influence the outcome of the case and which could not be used by the party in previous proceedings;
- if the content of the judgment was influenced by a decision that did not end the proceedings in the case, issued on the basis of a normative act recognised by the Constitutional Tribunal as contrary to the Constitution, a ratified international treaty or statutory laws (set aside or amended in accordance with the Code of Civil Procedure).

Re-opening of proceedings on account of a criminal offence may be requested only if the criminal act has been established by a final conviction, unless criminal proceedings cannot be initiated or have been discontinued for reasons other than lack of evidence.

A request for the re-opening of proceedings in respect of a judgment annulling a marriage, pronouncing a divorce or declaring the non-existence of a marriage is not admissible if even one of the parties has remarried after the judgment became final. A request for the re-opening of proceedings must be lodged within three months; that time limit begins to run from the date on which the party became aware of the grounds for the re-opening or, where the grounds are that the party was not properly represented, or was deprived of the ability to take action, from the date on which the party or a constituent body thereof or legal representative thereof became aware of the judgment. Where the Constitutional Tribunal has ruled that a normative act is contrary to the Constitution, a ratified international agreement or the law on the basis of which a judgment was issued, a request for re-opening must be submitted within three months of the date of entry into force of the Constitutional Tribunal's ruling. If, at the time of the Constitutional Tribunal's ruling, a ruling (issued on the basis of a normative act declared contrary to the Constitution by the Constitutional Tribunal, a ratified international agreement or a statutory law) has not yet become final as a result of the lodging of an appeal which was subsequently rejected, the time limit begins to run from the date of service of the rejection decision or, where the decision was pronounced in open session, from the date of pronouncement of that decision.

The re-opening of proceedings cannot be sought more than ten years after the date on which a judgment

became final (unless a party was unable to act or was not properly represented).

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