

## Procedural time limits - Poland

### TABLE OF CONTENTS

- 1 What are the types of deadlines relevant for civil procedures?
- 2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.
- 3 What are the applicable general rules on time limits for the various civil procedures?
- 4 When an act or a formality has to be carried out within a given period, what is the starting time?
- 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)?
- 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?
- 7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?
- 8 When such a period is expressed in weeks, in months or in years?
- 9 When does the deadline expire if expressed in weeks, in months or in years?
- 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?
- 11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?
- 12 What are the time limits for appeals?
- 13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?
- 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?
- 15 What are the consequences of non-observance of the deadlines?
- 16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?



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

Polish civil procedure provides for (1) statutory, judicial and contractual time limits for procedural acts to be carried out by the parties and (2) indicative time limits for procedural acts to be carried out by the court.

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 for 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 2019 Easter Sunday falls on 21 April, Easter Monday on 22 April, Whit Sunday on 9 June and Corpus Christi on 20 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). Mailing a procedural document at a Polish post office or at a post office of an operator providing a universal postal service in another Member State of the European Union is deemed equivalent to lodging that procedural 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 allow 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.

#### **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 action 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 decisions (*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 for the judgment are to be prepared in writing at a party's motion for service of the judgement and the grounds, filed within one week of the date on which the operative part of the judgment was pronounced, and, in two cases ((1) where a party acting without an advocate, a legal counsel or a patent agent was not present when judgment was pronounced because they were deprived of liberty and (2) where a judgment was issued at a closed session), within one week of the date of service of the operative part of the judgment. An appeal may be lodged with the court which issued the challenged judgment within two weeks of service of the judgment and the grounds on the appellant.

If a party has not requested, within one week of the date on which the operative part of the judgment was pronounced, that the judgment and the grounds be served, the time limit for lodging an appeal runs from the day on which the time limit for filing such a motion expires;

- a decision: the time limit for lodging a complaint is one week and runs from service of the decision or, where a party did not request, within the prescribed time limit, that the decision taken at the hearing be served, from pronouncement of the decision;
- a default judgment with respect to the defendant: the defendant against whom a default judgement has been issued may file a statement of opposition within two weeks of being served with the judgement;
- a default judgment with respect to the claimant: the court provides the reasons for a default judgment if the action has been dismissed in its entirety or in part, and the claimant has asked to be provided with the reasons within a week of being served with the judgment or where a claimant who has not filed such a request has lodged an appeal within the prescribed time limit;
- an order for payment in a procedure by writ of payment: the defendant is required, in the order for payment, to either satisfy the claim in full, along with costs, or to lodge a statement of opposition within two weeks of the order being served;
- an order for payment in an order for payment procedure: when issuing an order for payment, the court rules that the defendant is required to either satisfy the claim in full, along with costs, within two week of being served with the order or lodge pleas in law within that time limit.

### **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 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 motion 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 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 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 factual circumstances 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 [EU Constitution](#), a ratified international treaty or statutory laws (set aside or amended in accordance with the Code of Civil Procedure).

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).

---

The national language version of this page is maintained by the respective EJM contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJM nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.