**NOTICE TO A FOREIGN CREDITOR**

**ON THE OPENING OF RESTRUCTURING PROCEEDINGS**

**(FIRST SERVICE**

**IN RESTRUCTURING PROCEEDINGS)**

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| **Debtor:**  *Dłużnik:* | {Name or business name/ *imię i nazwisko lub nazwa* }  {Pesel and NIP/KRS and NIP/other identification number/ *Pesel oraz NIP/KRS oraz NIP/inny numer identyfikacyjny*}  - hereinafter referred to as the “**Debtor**” |
| **Supervisor / Administrator:**  *Nadzorca/zarządca:* | {Name or business name/ *imię i nazwisko lub nazwa*}  restructuring adviser licence no. {....} // KRS no. {....}  address of the Supervisor/Administrator:  ul. {street name/*nazwa*} {building number/*nr budynku*} {premises number/*nr lokalu*} {postcode/*kod pocztowy*} {town/*poczta*}  e-mail address: {e-mail address}  NDR (National Debtors Register) account identifier: {number}  - hereinafter referred to as “**Supervisor**” or **Administrator**” |
| **Restructuring court:**  *Sąd restrukturyzacyjny:* | {court name/ *nazwa sądu*}  ul. {street name} {building number} {premises number}  {postcode}{town} |
| **Court of Appeal with jurisdiction over the case:**  *Właściwy dla sprawy sąd odwoławczy:* | {court name/*nazwa sądu*} ul. {street name/*nazwa*} {building number/*nr budynku*} {premises number/*nr lokalu*} {postcode/*kod pocztowy*} {town/*poczta*} - hereinafter referred to as the “**Court of Appeal”** |
| **Date of opening of restructuring proceedings:**  *Data otwarcia postępowania restrukturyzacyjnego:* | {calendar/*kalendarz}* |
| **Case file no.:**  *Sygn. akt:* | {......} |
| **Type of restructuring proceedings:**  *Rodzaj postępowania restrukturyzacyjnego* | {accelerated arrangement proceedings/*przyspieszone postępowanie układowe*}  {arrangement proceedings/*postępowanie układowe*}  {remedial proceedings/*postępowanie sanacyjne*} |

Acting in my capacity as {Supervisor/*Nadzorca*} {Administrator/*Zarządca*}, pursuant to the provisions of the Act of 15 May 2015 - Restructuring Law (hereinafter also as: “**r.l**.”), I hereby notify you of the opening of restructuring proceedings against the above-mentioned Debtor, and I instruct you on the content of the provisions to the extent necessary to exercise your rights in the course of the restructuring proceedings.

**PART A**

**General information on restructuring proceedings**

1. ***What are the rules for drafting and filing pleadings and documents in restructuring proceedings?***
2. In restructuring proceedings, pleadings and documents shall be filed exclusively via the IT system supporting the court proceedings (hereinafter referred to as the “**NDR System**”) using the forms available in that system (the rules for logging into the NDR System are described later in this manual). In the absence of a form dedicated to a specific type of pleading or document, search for the template form entitled “Other Pleadings” under the tab “Document Catalogue” (this is pleading numbered 70008).
3. The aforementioned (in clause 1) obligation to file pleadings and documents via the NDR System does not apply to the following pleadings and documents:

* pleadings and documents containing classified information within the meaning of the Classified Information Protection Act of 5 August 2010,
* bids submitted in the course of a tender or auction.

1. Pleadings and documents filed through the NDR System shall be signed in one of the following ways: (i) with a qualified electronic signature, (ii) with a trusted signature, (iii) with a personal signature or (iv) authentication in a manner that ensures the traceability and integrity of the data being verified in electronic form and that is accessible in the information and communication system supporting the court proceedings.
2. Pleadings filed through the NDR System shall be accompanied by attachments in electronic form (either scans or electronic documents). Scans of paper documents to be entered into the NDR System by a party's attorney who is an advocate, attorney-at-law, patent attorney or attorney for the General Attorney of the State Treasury of the Republic of Poland or a restructuring adviser constitute an electronically certified copy of the document. Electronic certification of a copy of the minutes of a meeting of the creditors' committee and a copy of a resolution passed at a meeting of the creditors' committee may also be carried out by the chairperson of the creditors' committee. In contrast, scans uploaded to the NDR System by other parties constitute an electronic copy of the document. In the case of filing an electronic copy of a document, it is necessary to submit to the court without waiting for a summons within 3 days from the date of filing the pleading the original document or a copy certified to be a true copy of the original in accordance with the provisions of the Act of 17 November 1964 - Code of Civil Procedure (hereinafter referred to as the “**c.c.p.**”). Submission of an original or a copy of a document after the statutory deadline will result in the return of the original or the copy of the document filed after the statutory deadline pursuant to Article 130 § 2 of the c.c.p., which applies mutatis mutandis. If the pleading is addressed not to the Court but to the Court supervisor or the Administrator, the above-mentioned rule shall be applied respectively, and the pleading shall be submitted to the office of the court supervisor or the administrator.
3. ***How do the Court and the Court supervisor or the Administrator make service in restructuring proceedings?***
4. Pleadings, orders and decisions shall be served through the NDR System. This does not apply to the first service made on a natural person, a legal person or an organisational unit which is not a legal person but which is endowed with legal capacity by law, if the person has not filed any pleading in the case.
5. Pleadings, orders and decisions addressed to a person or unit who does not have an account in the NDR System shall be left in the case file and deemed duly served.
6. ***How to create an account in the NDR System?***
7. A natural person's account is set up in the NDR System. To set up an account, it is necessary to: (i) specify a user name, (ii) specify an e-mail address for notifications, (iii) specify a password, and (iv) submit a trusted signature, qualified electronic signature, personal signature or authentication through the use of an electronic identification means issued by an electronic identification system connected to a national electronic identification node.
8. To set up an account in the NDR System, start a web browser and open the page at: <https://prs.ms.gov.pl/krz>
9. Next, click on the “Login” box, followed by the “Register” box, and then select one of the available methods for creating an account: (i) a National Electronic Identification Node or (ii) a Qualified Electronic Signature.
10. Then follow the instructions on the website.
11. An account for an entity that is not a natural person is set up in the NDR System by:
12. the Court - after a pleading has been filed through the NDR System on behalf of that entity or
13. the Minister of Justice - upon notification through the NDR System of the need for an account

- with the simultaneous notification of the account administrator(s).

1. The notification of the entity that is not a natural person referred to above shall be accompanied by documents confirming the authority to act on behalf of the entity that is not a natural person, unless the determination of the authority is possible on the basis of a list or other register to which the Minister of Justice has electronic access; this circumstance shall be indicated in the content of the notification.
2. Instructional videos on how to set up an account can be found at: <https://www.gov.pl/web/sprawiedliwosc/filmy-instruktazowe>
3. For details on how to set up an account, how to log in for the first time and how to use the NDR System, please visit: <https://krz-info-prod.apps.ocp.prod.ms.gov.pl/ext/>
4. ***Who is exempt from the obligation to file pleadings via the NDR System?***
5. Only the following entities may file pleadings and documents bypassing the NDR System:

* creditors who are entitled to claims arising from an employment relationship, with the exception of claims in respect of the remuneration of a representative of the debtor or the remuneration of a person performing activities connected with the management or supervision of the debtor's enterprise,
* creditors who are entitled to maintenance,
* creditors who are entitled to annuities for compensation for causing sickness, incapacity, disability or death and annuity for conversion of rights under an annuity agreement into a lifetime annuity.

1. The aforementioned persons shall be served bypassing the NDR System.
2. The aforementioned persons may opt for electronic service if they have filed the pleading via the NDR System. The declaration to opt out of the choice of electronic service shall be effective for pleadings which have been posted in the NDR System after the declaration to opt out.
3. The above-mentioned persons may also file motions or submit declarations and documents at the registry office of any district court by communicating the content of the motion or declaration orally to an employee of the registry office and by submitting documents drawn up in paper form.

**PART B**

**Detailed information on restructuring proceedings**

1. ***Who, how and when can file an appeal against a decision to open restructuring proceedings?***
2. A creditor may, within one week from the date of the announcement of the decision to open restructuring proceedings in the NDR System under the tab “Announcements Board”, and a creditor whose registered office or habitual residence on the date of opening of the proceedings was abroad, within thirty days from the date of the above announcement, may appeal against the decision to open restructuring proceedings only in the part concerning the jurisdiction of Polish courts.
3. The appeal shall be filed using the forms available in the NDR System with the regional court through the district court (restructuring court) that issued the decision to open restructuring proceedings.
4. An appeal in the traditional written form, i.e. bypassing the NDR System, may be filed only by the creditors indicated in Article 196b clause 1 of the r.l., as mentioned above in Part A of this Notice.
5. In the present case, the court to which the decision to open restructuring proceedings may be appealed is the Court of Appeal, whose name and address are indicated on the first page of this document.
6. The appeal shall be subject to a court fee of PLN 200 (two hundred).
7. ***How can I access the restructuring proceedings file?***
8. Participants of the proceedings (including a personal creditor of the Debtor who is entitled to an undisputed claim) and persons authorised by them have access to the file of the restructuring proceedings via the NDR System.
9. To access the proceedings file, submit a letter via the NDR System indicating that you are a creditor. To speed up the process of granting access to your file, indicate what your claim is based on and, if possible, attach proof of its existence (e.g. an invoice, a court judgment).
10. ***Foreign creditor (from outside the European Union)***
11. A creditor who does not have its habitual residence, domicile or registered office in the Republic of Poland or in another Member State of the European Union, if it has not appointed an attorney in the Republic of Poland to conduct the case, appoints an attorney for service in the Republic of Poland.
12. An attorney for service may be a natural person with full legal capacity.
13. If an attorney for service is not appointed, court letters intended for that creditor shall be left in the case file and deemed duly served.
14. ***Do creditors need to lodge claims?***
15. Creditors are not obliged to lodge claims in restructuring proceedings.
16. The inventory of claims shall be drawn up ex officio by the supervisor or administrator on the basis of the Debtor's accounting books, other documents, entries in the land and mortgage registers and registers.
17. The inventory of claims shall include personal claims against the debtor arising prior to the date of opening of the restructuring proceedings.
18. ***Guidance on the provisions of the law***
19. Pursuant to Article 34a clause 3 of the r.l., in the notice to creditors, the court supervisor or the administrator shall instruct them on the content of Articles 196a-196c of the r.l. and the manner and time limit for filing an appeal against the decision to open restructuring proceedings in the part concerning the jurisdiction of Polish courts.
20. Pursuant to Article 198 clause 6 of the r.l., within the first service there shall be the following instructions: (i) the pleadings and orders referred to in clause 1 addressed to a person or entity who does not have an account in the ICT system supporting court proceedings shall remain in the case file and deemed duly served, (ii) how to create an account in the ICT system supporting court proceedings, (iii) how to authenticate oneself. Pursuant to Article 340 clause 2 of the r.l., a Creditor who does not have their habitual residence, domicile or registered office in the Republic of Poland or in another Member State of the European Union, if it has not appointed an attorney in the Republic of Poland to conduct the case, shall appoint an attorney for service in the Republic of Poland. Such a creditor shall be instructed at the time of first service: (i) that in the event of failure to appoint an attorney for service, court letter intended for them shall remain in the case file and deemed duly served, (ii) who may be appointed as an attorney.
21. With a view to the above obligations, creditors are hereby instructed on the content of the above-mentioned provisions by citing their full text, as well as the provisions governing the filing and service of pleadings through the NDR System, and the most important provisions of the r.l. governing the effects of the opening of arrangement proceedings.
22. Kindly refer to the following provisions cited in **Appendix No. 1**.

**APPENDIX NO. 1**

**GUIDANCE ON THE PROVISIONS OF THE LAW**

***Act of 15 May 2015 - Restructuring Law***

***(consolidated text, Journal of Laws of 2021, item 1588, as amended).***

***(English translation*** [***https://sip.lex.pl/#/***](https://sip.lex.pl/%23/) ***)***

**Article 150.**

1. The arrangement shall include:

1) personal claims incurred prior to the opening of restructuring proceedings, unless the Act provides otherwise;

2) interest for the period from the opening of restructuring proceedings;

3) claims subject to a condition if the condition has been met during the performance of the arrangement.

2. The claims against the debtor under the reciprocal agreement, which has not been performed in full and/or in part before the opening of the restructuring proceedings, shall only be included in the arrangement if the performance of the other party is a divisible performance and only to the extent to which the other party has effected the performance before the date of the opening of the restructuring proceedings and has not received a reciprocal performance.

Article 151.

1. The arrangement shall not include:

1) alimony claims and compensatory benefit payment for illness, incapacity for work, disability and/or death and due to the conversion of rights subject to the content of life estate rights to life annuity;

2) claims for the delivery of property and cessation of breach of rights;

3) claims for which the debtor is liable due to the acquisition of inheritance after the opening of the restructuring proceedings, after the entry of the inheritance to the arrangement estate and/or remedial estate.

4) (repealed).

2. The arrangement shall not include claims under an employment relationship and claims secured on the debtor’s property by mortgage, pledge, registered pledge, tax lien and/or maritime mortgage, in part covered by the value of the collateral, unless the creditor has agreed to include them in the arrangement. Consent as to the inclusion of the claims in the arrangement shall be granted unconditionally and irrevocably before voting on the arrangement at the latest. The consent may be expressed verbally and recorded in the minutes of the meeting of the creditors’ assembly.

2a. If the debtor has presented a creditor whose claim is secured by a mortgage, pledge, registered pledge, fiscal lien or maritime mortgage, arrangement proposals providing for full satisfaction, within the period specified in the arrangement, of his receivables together with incidental liabilities, which were provided for in the contract being the basis for establishing a security, even if the contract has been effectively terminated or has expired, or providing for the satisfaction of the creditor to a degree not lower than that which may be expected in the case of pursuing claims together with incidental claims from the subject of security, the consent of such a creditor is not required to include a debt by operation of law in an arrangement.

3. The provisions of sections 2 and 2a shall apply accordingly to the claims secured with the transfer to the creditor of the ownership of things, receivables and/or other rights.

**Article 152.**

Inclusion in the arrangement of a claim which is included in another arrangement shall be inadmissible, unless the arrangement has been repealed.

**Article  196a.**

1. In restructuring proceedings, pleadings and documents, excluding the pleadings and documents referred to in Article 196c, shall be filed only via the ICT system supporting the court proceedings, using the forms made available in that system. Pleadings and documents not filed via the ICT system supporting the court proceedings shall not have the legal effects which the Act associates with filing a pleading or a document with the court, supervisor, administrator or the authority to which the provisions on the court supervisor or administrator apply mutatis mutandis, of which the person lodging the letter or document shall be instructed. Such advice shall not be required if the pleading or document is filed by the supervisor, administrator or by a body to which provisions on the supervisor or administrator apply accordingly.

2. Pleadings and documents filed via the ICT system supporting court proceedings shall be affixed with a qualified electronic signature, a trusted signature or a personal signature or shall be authenticated in a way that enables confirming the origin and integrity of the verified electronic data, available in the ICT system supporting court proceedings.

3. A pleading filed via the ICT system supporting court proceedings shall be accompanied by attachments in electronic form.

4. If the attached documents have been drawn up in paper form, the following shall be appended to the pleading:

1) electronically certified copies of the documents;

2) electronic copies of the documents.

5. Apart from entities specified in special provisions, a copy of a document may also be electronically certified by a person holding a restructuring adviser licence who participates in the case in the capacity of a participant, a competent body or an attorney. A copy of the minutes of a meeting of the creditors' committee and a copy of a resolution adopted at a meeting of the creditors' committee may also be electronically certified by the chairman of the creditors' committee.

6. In the case referred to in paragraph 4 (2), the original of a document or its copy certified to be a true copy in accordance with the provisions of the Code of Civil Procedure shall be submitted to the restructuring court without a prior call, within 3 days from the date of filing the pleading. The provision of Article 130 § 2 of the Code of Civil Procedure shall apply accordingly.

7. Each pleading must indicate the first and last name or the business name of the entity filing the pleading and their Personal Identification Number (PESEL) or National Court Register number, and in their absence - other information that allows for their unambiguous identification, as well as the business name under which the filing entity being an enterprise operates, their place of residence or registered office, their address, and their Tax Identification Number (NIP), if one has been assigned to the entity filing the pleading.

8. Other information that allows for unambiguous identification, as referred to in paragraph 7, shall be understood as the information referred to in Article 86.6.

9. A person filing a pleading may provide in it a contact telephone number and an electronic mail address.

**Article  196b.**

1. Creditors entitled to claims under an employment relationship, with the exception of claims related to the remuneration of a representative of the debtor or the remuneration of a person performing activities related to the management or supervision of the debtor's enterprise, maintenance claims, and pension benefits due as damages for causing an illness, incapacity to work, disability or death, and pension benefits due for the replacement of rights under a life estate contract with life annuity, may file pleadings and documents outside the ICT system supporting the court proceedings.

2. The persons referred to in paragraph 1 may also file requests or submit statements and documents in the registry office of each district court by verbally communicating the contents of the request or statement to an employee of the registry office and by filing documents drawn up in paper form.

3. An employee of the registry office enters the contents of the request or statement into the ICT system supporting the court proceedings, providing the first and last name and the Personal Identification Number (PESEL) of the person verbally communicating the contents of the request or statement, determined based on an identity card or another confirming document, and indicating the type and number of the document confirming identity and the authority that issued that document, and in the absence thereof - other data enabling the unequivocal identification of that person. The contents of a request or statement entered into the system shall be printed out and signed by the person verbally communicating the contents of the request or statement, and shall be placed in the documentation file. A request or statement entered in the ICT system supporting court proceedings shall be signed by an employee of the registry office in accordance with Article 196a.2.

4. The provisions of Articles 196a.3, 196a.4, and 196a.6 to 196a.9 shall apply accordingly, with the reservation that a copy of a document may also be electronically confirmed by an employee of the registry office.

5. If the creditors referred to in paragraph 1 enter a pleading via the ICT system supporting court proceedings, the provision of Article 130 § 6 of the Code of Civil Procedure shall apply accordingly.

**Article  196c.**

Pleadings and documents containing classified information within the meaning of the Act of 5 August 2010 on the Protection of Classified Information (*Dziennik Ustaw* 2019, item 742 and of 2022, items 655 and 1933), as well as bids submitted in the course of a tender procedure or an auction, shall be submitted outside the ICT system supporting court proceedings.

**Article  196d.**

The Minister of Justice, in consultation with the minister responsible for informatisation, shall define, by way of a regulation, the manner of filing pleadings and submitting documents via an ICT system supporting court proceedings and in the registry office of a district court, having regard to the effectiveness of filing pleadings and submitting documents, the special requirements of proceedings supported by an ICT system supporting court proceedings, and the protection of the rights of persons filing pleadings.

**Article 197.**

1. In restructuring proceedings, decisions shall be made in the form of orders. An order issued in closed session shall be justified ex officio when an appeal against it is available. These decisions shall be served with justification. The same applies to orders.

1a. Judgements, when rendered, shall be recorded, together with the reasons for the decision, exclusively in the ICT system supporting the court proceedings, using the templates made available in that system and accompanied by a qualified electronic signature.

2. Pleadings and decisions referred to in paragraph 1 shall be served via the ICT system supporting the court proceedings. The provision of Article 1311 § 2 of the Code of Civil Procedure shall apply.

2a. In a decision and a document concerning the claims of a creditor, the number in the list of claims shall be indicated. Based on final decisions and documents concerning the claims of creditors and reports prepared by the court supervisor or the administrator, the current status of claims and liabilities that have not been satisfied by the debtor or the administrator of liabilities shall be established.

3. When decisions of the court, the judge-commissioner, the court clerk, and the presiding judge are recorded in the ICT system supporting the court proceedings, information on the deadline for and the manner of lodging an appeal or information that there is no right of appeal shall simultaneously be entered in the ICT system supporting the court proceedings.

4. Participants in proceedings and persons authorised by them shall have access to the case files via the ICT system supporting the court proceedings.

5. The provisions of paragraphs 2 and 2a shall apply accordingly to resolutions of the creditors' committee and the creditors' meeting.

6. Letters and orders referred to in paragraph (1) addressed to a person or unit who does not have an account in the information and communication system supporting court proceedings shall be left in the case file with the effect of service, which shall be instructed at the time of the first service together with instructions on how to set up an account in the information and communication system supporting court proceedings and how to authenticate oneself.

**Article 198.**

1. A decision issued in closed session shall be served to the debtor, persons concerned and the supervisor or the administrator, unless the Act provides otherwise. Decisions relating to the body of creditors shall not be served to the creditors.

2. Pleadings and decisions referred to in paragraph 1 shall be served via the ICT system supporting the court proceedings. The provision of Article 1311 § 2 of the Code of Civil Procedure shall apply.

3. The provision of paragraph 2 shall not apply to service upon the persons referred to in Article 196b.1.

4. The persons referred to in Article 196b.1 may choose electronic service if they have filed a pleading via the ICT system supporting the court proceedings. A statement on the cancellation of the choice of electronic service shall be effective with regard to pleadings that are filed in the ICT system supporting the court proceedings after the submission of that statement.

5. The provision of paragraph 2 shall not apply to the first service on a natural person, a legal person, and an organisational unit not being a legal person to whom or to which the Act grants legal capacity, if they have not filed any pleading in the case. This shall not apply to service on the temporary court supervisor, the compulsory administrator, the receiver or an authority to which the provisions on receivers apply accordingly.

6. The pleadings and decisions referred to in paragraph 1, addressed to a person or a unit that does not have an account in the ICT system supporting the court proceedings, shall be left in the case files and deemed effectively served, of which the person or unit concerned shall be informed upon the first service.

7. The Minister of Justice, in consultation with the minister responsible for informatisation, shall specify, by way of a regulation, the procedure for and the manner of electronic service, having regard to the effectiveness of service and the protection of the rights of persons served.

**Article 199.**

1. In the cases provided for in the Act, an announcement shall be made in the Register. In the event when the period for bringing an appeal runs from the date of the announcement, the information about the method and time limit to bring the appeal shall also be subject to announcement.

2. Upon the request of the court supervisor or the administrator and/or ex officio, the judge-commissioner may order that the announcement is made in other ways.

3. Upon the request of the debtor and/or the creditor, at their expense, the announcement may also be made in a manner specified by them.

4. Everyone shall have access to the data contained in the decisions, orders, documents and information announced in the Register.

**Article 200.**

1. The decisions issued by the restructuring court and the judge-commissioner may be appealed in cases prescribed by law. Appeals against the decisions issued by the judge-commissioner shall be examined by the restructuring court as the court of second instance.

1(a). Complaints against the decisions of the restructuring court are examined by the restructuring court in a different composition, except for the complaints against the decisions referred to in Article 30 (5), Article 33 (3), Article 45 (2), Article 56 (1)). 5, Art.59 (8), Art.61 (7), Art.133 (2), Art.165 (7), Art.172 (1), Art. 173 (4) and (5), Art. 4 and 5, Article 182 paragraph 4, Article 226f, Article 236 paragraph 1, Article 237 paragraph 1, Article 239 paragraph 2, Article 268 paragraph 4, Article 286 paragraph 1a , Art. 327 (1) and (2), Art. 331 (4) and Art. 332 (3), which are examined by the court of second instance.

2. A copy of the appeal brought by the creditor shall be served to the debtor, the supervisor or the administrator and persons concerned.

3. A copy of the appeal brought by the debtor shall be served to the supervisor or the administrator and persons concerned.

4. If the law provides that the appeal may be brought by a person who is not a participant in the restructuring proceedings, a copy of the appeal shall be served to the debtor, the supervisor or the administrator and persons concerned.

5. A copy of the appeal against a decision relating to the body of creditors shall not be served to the creditors.

6. The appeal shall be examined within thirty days from the date of submitting court files to the court of second instance.

**Article 201.**

1. The time limit for filing an appeal against decisions issued at a closed door hearing shall run from the date on which a given decision is entered in the ICT system supporting the court proceedings. An appeal may be filed within one week.

2. If the decision issued in a closed session is subject to the announcement, the deadline for bringing an appeal shall run from the date of the announcement.

3. For those to whom the law requires the delivery of a decision issued in closed session, the deadline for bringing an appeal shall run from the date of serving the decision.

4. When the decision which is subject to appeal has been announced in open session, the persons notified of the meeting within one week from the date of the meeting, and those who have not been notified of the meeting - from the date of entering, and if the decision is subject to announcement - from the date of the announcement of the decision in the Register, may submit a request for drafting a justification and serving the decision together with the justification. The deadline for bringing an appeal shall run from the date of serving the decision together with the justification.

5. The time limit to lodge an appeal against actions taken by the creditors' committee and the supervisor, administrator, and other bodies which are subject to appeal in accordance with the Act shall run from the day on which a notice on the deadline for and the manner of lodging an appeal is entered by the judge-commissioner or the court clerk in the ICT system supporting court proceedings.

**Article 202.**

A cassation complaint, a complaint for resumption of the proceedings and a complaint for declaring a legally binding decision unlawful shall not be allowed in restructuring proceedings.

**Article 236.**

1. A decision to refuse the opening of accelerated arrangement proceedings shall only be appealed by the debtor.

2. A decision to open proceedings by a court of second instance shall be unacceptable.

**Article 237.**

1. The creditor, within one week from the date of the announcement of the decision to open accelerated arrangement proceedings in the Register, and the creditor whose registered office and/or habitual residence on the day of the opening of the proceedings were abroad, within thirty days from the date of the announcement of the decision to open accelerated arrangement proceedings in the Register, shall be entitled to appeal against a decision to open the proceedings only concerning the part that is within the jurisdiction of Polish courts.

2. The appeal shall be announced in the Register.

**Article 252.**

1. As of the date of opening of the accelerated arrangement proceedings until its completion or validation of the decision to discontinue the accelerated arrangement proceedings, fulfilment by the debtor or the administrator of the obligations arising from the claims which by virtue of law are subject to the arrangement, shall be unacceptable.

2. In order to fulfil the obligations under the compensation clause contained in the agreement, which is referred to in the Act of 2 April 2004 on certain financial collateral, the provision of section 1 shall not apply if:

1) the establishment of financial security, including supplementary security in order to take into account fluctuations in the value of the collateral and/or the value of secured financial claims, or

2) withdrawal of cash, commercial loan claims and/or financial instruments as security in exchange for the replacement and/or modification of such security

- took place on the opening of the accelerated arrangement proceedings, but before issuing the decision to open them.

**Article 253.**

1. From the opening of accelerated arrangement proceedings until their completion or validation of the decision to discontinue the accelerated arrangement proceedings, a set-off between the debtor and the creditor shall not be permitted if the creditor:

1) has become indebted to the debtor after the opening of the accelerated arrangement proceedings;

2) when being indebted to the debtor, has become, after the opening of the accelerated arrangement proceedings, his creditor by the acquisition by a bank transfer and/or endorsement of the claim arisen prior to the opening of the accelerated arrangement proceedings.

2. The set-off of mutual claims shall be permissible if the acquisition of the claims has been the result of the debt payment which the purchaser has been personally liable for or with certain components of property, and if the purchaser’s liability for the debt arisen prior to filing of the application to open accelerated arrangement proceedings.

3. A creditor who wants to take advantage of the set-off in accordance with section 2 shall provide the debtor and, if the debtor is deprived of the right of administration, the administrator with the statement on the set-off not later than thirty days from opening of the accelerated arrangement proceedings or, if the basis for the set-off arose thereafter, within thirty days from the date when the basis for the set-off occurred. The statement shall also be effective in the case when it has been submitted to the court supervisor.

**Article 254.**

In the case of opening the accelerated arrangement proceedings with regard to a participant in a payment system and/or a securities settlement system, the legal consequences of the settlement order arising from its introduction to that system and the effects of the set-off shall be indisputable and binding on third parties if the order has been entered into the system before the opening of the accelerated arrangement proceedings.

**Article 255.**

If the settlement order referred to in Article 254 has been introduced into the payment system and/or the securities settlement system after opening the accelerated arrangement proceedings and is performed on the working day for that system commencing on the date when the accelerated arrangement proceedings were opened, the legal consequences arising from its introduction into this system shall only be indisputable and binding on third parties when the entity operating that system demonstrates that at the time when, according to the rules of the functioning of that system, the order became irrevocable, this entity did not know, and it was not possible for him to know about the opening of the accelerated arrangement proceedings.

**Article 256.**

1. From the opening of the accelerated arrangement proceedings until its completion or the validation of the decision to discontinue the accelerated arrangement proceedings, the termination by the landlord and/or lessor of the tenancy and/or lease agreement of the unit and/or real property in which the debtor’s undertaking is run, without the consent of the creditors’ committee, shall be unacceptable.

2. To loan agreements in the scope of funds placed at the borrower's disposal before the opening of the proceedings, leasing, property insurance, bank account agreements, surety agreements, agreements covering licenses granted to the debtor and guarantees and/or letters of credit issued before the opening of accelerated arrangement proceedings and other agreements of basic meaning for the conducting of the debtor’s enterprise, the provision of section 1 shall apply accordingly. The list of contracts of fundamental importance for the running of the debtor's business is drawn up by the court supervisor and placed on file within three weeks of the opening of the proceedings.

3. When the basis for termination of the agreement is the failure by the debtor, after the opening of the accelerated arrangement proceedings, to perform obligations which are not covered by the arrangement and/or other circumstances provided for in the agreement, if they arose after the opening of proceedings, the provisions of sections 1 and 2 shall not apply.

**Article 257.**

The opening of accelerated arrangement proceedings shall not preclude the initiation by the creditor of court proceedings, administrative proceedings, court-and-administrative proceedings and proceedings before arbitration courts for pursuing claims subject to entry in the table of claims.

**Article 259.**

1. Enforcement proceedings concerning claims subject to the arrangement by virtue of law and initiated prior to the opening of the accelerated arrangement proceedings shall be suspended by operation of law as of the date of opening the proceedings. Upon the request of the debtor and/or court supervisor, the judge-commissioner shall state in the decision the suspension of the enforcement proceedings. The enforcement authority shall also be served with the decision.

2. The judge-commissioner, upon the request of the debtor and/or the court supervisor, may revoke a seizure made prior to the opening of the accelerated arrangement proceedings in the enforcement proceedings and/or proceedings to secure property on the claims subject to the arrangement by virtue of law, if it is necessary for running the undertaking. The provision in the third sentence of section 1 shall apply accordingly.

3. Initiation of the enforcement proceedings and execution of a decision to secure property and/or an order to secure property arising from the claims covered by the arrangement by virtue of law shall be unacceptable after the opening of accelerated arrangement proceedings.

4. With reference to claims in respect of which it is unacceptable to initiate enforcement proceedings and comply with the order securing the claim and/or ordering the security of the claim, as of the day of opening the accelerated arrangement proceedings, the limitation period for the claim shall not commence, and limitation period which commenced shall be suspended for the duration of the accelerated arrangement proceedings.

**Article 260.**

1. A creditor holding a claim on the property of the debtor secured by mortgage, pledge, registered pledge, tax lien and/or maritime mortgage may, in the course of accelerated arrangement proceedings, only conduct enforcement on the collateral.

2. The judge-commissioner, at the request of the debtor and/or court supervisor, may suspend the enforcement proceedings as to claims which are not covered by the arrangement by virtue of law, if the enforcement has been designated for the collateral needed to run the undertaking. The total time of the suspension of the enforcement proceedings shall not exceed three months. Releasing a seized object from seizure may take place in accordance with the provisions of the Code of Civil Procedure.

3. The decision to suspend enforcement proceedings shall be also served to the enforcement authority.

4. The decision to suspend enforcement proceedings may only be appealed by the creditor conducting the enforcement. The decision to dismiss the request may only be appealed by the debtor.

5. The provisions of sections 1-4 shall not apply to the enforcement of maintenance payments and pensions arising from compensation for causing illness, incapacity to work, disability and/or death, as well as those arising from the conversion of rights subject to the content of life estate rights to life annuity.

**Article 272.**

The provisions of Article 236 and Article 237 shall apply accordingly to an appeal against the decision to open the arrangement proceedings.

**Article 273.**

After the opening of arrangement proceedings, the provisions of Articles 238-256 shall apply accordingly.

**Article 276.**

The opening of arrangement proceedings shall not preclude the creditor from initiating court proceedings, administrative proceedings, court-and-administrative proceedings and proceedings before arbitration courts in order to pursue claims subject to entry in the table of claims. The costs of the proceedings shall be borne by the person instituting the proceedings if there have been no obstacles to entering the claims in full in the table of claims.

**Article 277.**

1. The court supervisor shall join by virtue of law court proceedings, administrative proceedings, court-and-administrative proceedings and proceedings before arbitration courts regarding the arrangement estate.

2. In civil cases, the court supervisor shall have the power of auxiliary intervener or participant in the proceedings to whom the provisions on uniform participation shall apply accordingly.

3. In administrative, court-and-administrative proceedings and proceedings before arbitration courts, the court supervisor shall have rights of the party.

4. In the proceedings referred to in section 1, the acknowledgment of a claim, the waiver of a claim, concluding a settlement and/or acknowledgement of circumstances relevant to the case by the debtor without the consent of the court supervisor shall not have legal effects.

**Article 278.**

1. Enforcement proceedings concerning claims subject to an arrangement by virtue of law initiated before the opening of the arrangement proceedings shall be suspended by operation of law with effect as of the date of opening the proceedings. Upon the request of the debtor and/or the court supervisor, the judge-commissioner, in a decision, shall state the suspension of the enforcement proceedings. That decision shall also be served to the enforcement authority.

2. The amounts received in the suspended enforcement proceedings, as yet unreleased, shall be transferred to the arrangement estate immediately after issuing the decision on the opening of arrangement proceedings.

3. The provisions of Article 259 sections 2-4 shall apply accordingly.

**Article 279.**

In the arrangement proceedings, the provision of Article 260 shall apply accordingly.

**Article 340.**

1. A creditor who has no habitual residence, place of residence or registered office in the Republic of Poland or in another Member State of the European Union shall indicate a service agent in the Republic of Poland if he has not appointed a representative in the Republic of Poland to pursue the case.

2. In the case of failure to indicate a service agent, court letters intended for the creditor referred to in section 1 shall be left in the files with the effect of service. The creditor shall be instructed about this upon the first service. The creditor shall be also instructed about the requirements with regard to the appointment of a representative.

**Act**

**of 17 November 1964**

**CODE OF CIVIL PROCEDURE**

***(consolidated text, Journal of Laws of 2021, item 1805, as amended).***

***(English translation*** [***https://sip.lex.pl/#/***](https://sip.lex.pl/%23/) ***)***

**Article 126.**

§  1. Each pleading shall contain the following:

1) name of the court to which it is addressed;

2) forenames and surnames or business names of the parties, their legal representatives and agents;

3) type of pleading;

4) operative part of the petition or statement;

5) where necessary to rule on a petition or statement - an indication of the facts on which the party bases its petition or statement and an indication of evidence proving the existence of each of these facts;

6) signature of the party or its legal representative or agent;

7) list of enclosures.

§  11. Exhibits mentioned in the pleading shall be enclosed to that pleading.

§  2. If a pleading is the first pleading in a case, it should moreover identify the matter at issue and:

1) an indication of the place of residence or the registered office and the addresses of the parties or, where a party is an entrepreneur entered in *Centralna Ewidencja i Informacja o Działalności Gospodarczej* [Central Registration and Information on Business] - the correspondence address entered in *Centralna Ewidencja i Informacja o Działalności Gospodarczej*,

11) an indication of the place of residence or the registered office and the addresses of the parties' statutory representatives and attorneys,

2) the registration number in the Universal Electronic System for Registration of the Population (PESEL) or tax number (NIP) of a plaintiff who is a natural person, if he is obliged to have one or if he has one even without being obliged to, or

3) the registration number in the National Court Register or, if unavailable, the number in another relevant register or tax number (NIP) of a plaintiff who is not a natural person and is not obliged to be entered in a relevant register, if he is obliged to have one.

§  21. Subsequent pleadings shall, apart from the elements referred to in § 1, also contain the case file number.

§  3. If a pleading is filed by an attorney who has not yet submitted their instrument of authorisation, such an instrument of authorisation should be enclosed with that pleading or a certified copy thereof. If the attorney has selected to file pleadings via the ICT system, the certified copy of the instrument of authorisation shall be submitted through the system.

§  31. The provisions of § 3 shall not apply to pleadings filed in electronic proceedings by writ of payment.

§  4. If a party is incapable of signing, a pleading shall be signed by a person authorised by that party to do the same, whereupon the reason why the party did not sign themselves shall be explained.

§  5. A pleading filed via the ICT system shall be affixed with a qualified electronic signature, a trusted signature or a personal signature.

§  6. (repealed).

Article  1261.

§  1. Each and every pleading should specify the value of the matter at issue or the value of the cause of appeal, where the jurisdiction of a court depends on that value, the amount of charges or admissibility of a legal remedy, and the matter at issue is not a specific amount of money.

§  2. Pleadings concerning a part of a matter at issue or the cause of an appeal shall be subject to a charge corresponding to the value of that part.

§  3. The value of the matter at issue or cause of the appeal shall be quoted in Polish zloty, rounded up to a full zloty.

**Article  128.**

§  1. A pleading should be accompanied by copies thereof and copies of enclosures thereto to be served to the participants in a case and, if originals of enclosures were not submitted to the court, one copy of each enclosure to be enclosed with the court files.

§  2. A pleading filed via the ICT system shall be accompanied by certified electronic copies of enclosures.

**Article  129.**

§  1. A party referencing a document in his pleading shall, at the request of the adverse party, submit the original of that document to the court before trial.

§  2. Instead of an original of a document, a party may provide a copy thereof certified for compliance with the original by a public notary or by the party's court agent in the case concerned, if that court agent is an attorney, legal advisor, patent attorney or solicitor of the *Prokuratoria Generalna Rzeczypospolitej Polskiej* [the Solicitors' Office of the Republic of Poland].

§  21. A copy of a document is electronically certified by the party's attorney being a solicitor, legal counsel, a patent attorney or a solicitor of *Prokuratoria Generalna Rzeczypospolitej Polskiej* [the Solicitors' Office of the Republic of Poland] as at the moment of being introduced by the attorney to the ICT system.

§  3. A certification of the compliance of a copy of a document with the original thereof provided by the party's court agent being an attorney, legal advisor, patent attorney or solicitor of the *Prokuratoria Generalna Rzeczypospolitej Polskiej* [the Solicitors' Office of the Republic of Poland] shall have the nature of an official instrument.

§  4. Where justified by the circumstances of a given case, the court may, upon a petition from a party or ex officio, request the party providing a copy of a document as referred to in § 2 to submit the original thereof.

§  5. The Minister of Justice shall define, by way of a regulation, the formats in which copies of pleadings, documents and instruments of authorisation may be electronically certified, considering the minimal requirements for public registers and exchange of information in an electronic form.

**Article  130.**

§  1. If a pleading cannot be dully processed due to a party's failure to comply with the formal conditions or to pay the fee due, the presiding judge shall order the party to correct or supplement it or to pay the fee due within one week, failing which the pleading shall be returned to the party. A mistake in the heading of a pleading or any other evident mistakes shall not be an obstacle to the processing and reviewing of such pleading.

§  11. If a pleading has been filed by a person who resides or is incorporated abroad and who does not have a representative in Poland, the presiding judge shall order the party to correct or supplement the pleading or to pay the fee due within a time limit not shorter than one month, with the stipulation that where the notice is to be served outside the territory of the European Union that time limit shall not be shorter than three months.

§  2. The presiding judge shall return a pleading to a party failing to comply with the established time limit. A returned pleading shall not have any consequences associated by this Act with the filing of a pleading with the court.

§  3. A timely corrected or supplemented pleading shall become effective upon being filed.

§  4. The presiding judge's order to return a complaint shall be served on the plaintiff only.

§  5. Pleadings made in breach of Article 871 shall be returned without prior request for correction, unless otherwise provided for in this Act.

§  6. If a specific provision stipulates that a pleading may be filed only via the ICT system, the pleading shall be submitted together with a fee. A pleading submitted without the fee shall not have the legal effects associated by this Act with the filing of a pleading with the court, of which the court shall advise the person submitting such a pleading. If several pleadings subject to a fee are filed through the ICT system at the same time, none of the pleadings shall have the legal effects associated by this Act with the filing of a pleading with the court if a fee in the amount constituting the sum of all fees due for all the pleadings is not paid.

§  7. In the case of filing a pleading subject to a fee in contravention of § 6, the presiding judge shall notify the person submitting the pleading of ineffectiveness of the action.

§  8. Provisions of § 6 and § 7 shall not apply if the person filing the pleading is exempt by virtue of law from court costs in terms of the court fee due for the pleading, as well as if an exemption from the costs is granted by the court, or in the case of submission of a request for such an exemption.

**Article 165.**

§ 1. Time limits shall be calculated according to the relevant provisions of the civil law.

§ 2. Posting a pleading in the form of registered mail at a Polish office of a postal operator within the meaning of the Postal Law Act of 23 November 2012 or the office of an entity delivering correspondence in the territory of the European Union shall be equivalent to submitting the said pleading to the court.

§ 3. The same shall apply to a pleading submitted by a soldier at the headquarters of his military unit or by a detainee - with the prison administration, or by a crew member of a Polish sea vessel - with the captain.

§ 4. The introduction of a pleading to the ICT system shall be tantamount to the filing of the pleading with the court.

***Regulation of the Minister of Justice of 30 November 2021   
on the account in the ICT system supporting court proceedings***

***(Journal of Laws of 2021, item 2204)***

Pursuant to  [Article 53d](https://sip.lex.pl/#/document/16909701?unitId=art(53(d))&amp;cm=DOCUMENT) of the Act of 27 July 2001 - Law on the system of common courts (Journal of Laws of 2020, item 2072 and of 2021, items 1080 and 1236) it is hereby ordered as follows:

§ 1. The regulation sets out the procedure for setting up and providing access to an account, as well as on how to use the account and close the account in the ICT system supporting court proceedings.

Chapter 1

General provisions

§ 2. 1. Whenever the regulation mentions:

1) account owner - it shall be understood as an entity for whom an account has been created in the ICT system supporting court proceedings;

2) account - it shall be understood as a set of data identifying the identity of the account owner, together with the assigned resources of the ICT system supporting court proceedings;

3) account user - it shall be understood as a natural person for whom an account has been created in the ICT system supporting court proceedings;

4) user name - it shall be understood as a unique identifier of the account user in the ICT system supporting court proceedings;

5) account management - it shall be understood as entering into the ICT system supporting court proceedings and changing configurable data in this system, in particular indicating the rights of individual account users, the email address for notifications and updating the data of an entity which is not a natural person;

6) account administrator - it shall be understood as the account user who has the right to manage the account in their own account or the account of another account owner;

7) authorised user - it shall be understood as a user of an account who has the right to perform activities other than account management in their own account or in the account of another account holder;

8) authentication - it shall be understood as an electronic process which enables electronic identification of the account user in an ICT system supporting court proceedings;

9) natural person's identifier - it shall be understood as:

a) personal national identification number - country, value,

b) tax identifier - country, value,

c) personal identification document number - country, value,

d) another identifier read from the qualified certificate for electronic signature, if compliant with ETSI TS 119 412-1;

10) identifier of an entity that is not a natural person - it shall mean one of the following identifiers:

a) number in the National Court Register,

b) NIP number,

c) other than Polish value added tax identifier - country, value,

d) other than Polish national court register identifier - country, value,

e) authorisation number of the payment service provider in accordance with Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (Official Journal of the EU L 337 of 23.12.2015, p. 35 as amended 1) - country, value,

f) global identifier of the legal entity according to ISO 17442 - ISO 3166 country code equal to XG, value,

g) another identifier read from the qualified certificate of the electronic seal if compliant with ETSI TS 119 412-1;

11) account identifier - it shall be understood as a unique identifier assigned to an account during its creation in the ICT system supporting court proceedings;

12) account closure - it shall mean the inability of a natural person to authenticate in an account using available authentication methods, or in the case of an entity that is not an individual person, the inability to make that account available to an authorised user and account administrator.

2. The personal national identification number, tax identifier, personal identification document, as referred to in clause 1, point 9 letters a-c, shall be understood in particular as the PESEL number, tax identification number (NIP), identity card or passport number or number of a residence card allowing for stay in the Republic of Poland, respectively.

§ 3. 1. An account for a natural person shall be created in the ICT system supporting court proceedings, hereinafter referred to as the “ICT system”, after establishing the user name, email address for notifications, password and placing the trusted signature, a qualified electronic signature, a personal signature or authentication by the use of an electronic identification means issued in an electronic identification system connected to a national electronic identification node.

2. The natural person's identifier, first name or names and last name shall be established on the basis of data from a qualified electronic signature, personal signature or trusted signature, as appropriate, or on the basis of data identifying the natural person provided by an electronic identification means issued in an electronic identification system connected to a national electronic identification node and stored in the account.

3. Once an account is created, the natural person who created the account becomes the account administrator and authorised user.

4. A change of password or user name requires confirmation by the account user with a trusted signature, a qualified electronic signature, a personal signature or authentication through the use of an electronic identification means issued by an electronic identification system connected to a national electronic identification node.

5. Changing or adding a natural person's first name or surname or adding an identifier requires re-confirmation with a trusted signature, qualified electronic signature, personal signature or authentication through the use of an electronic identification means issued in an electronic identification system connected to a national electronic identification node.

6. The addition or change of a natural person’s identifier shall be subject to the confirmation referred to in clause 5, enabling the first name and last name to be verified as matching the first name and last stored in the account.

7. A change of first name and last shall be subject to the confirmation referred to in clause 5 enabling the verification of the conformity of the natural person's identifier with the one stored in the account.

8. If the change referred to in clause 5 needs to be made and cannot be confirmed in the manner referred to in clause 6 and 7, the natural person may make a request to the Minister of Justice, who shall, upon positive verification of the request, make the changes to the natural person's account.

§ 4. 1. A natural person may be authenticated in one of the following ways:

1) by entering the user name and password;

2) by using data verified by a qualified electronic signature certificate that includes an identifier stored in the account;

3) by using an electronic identification means issued in an electronic identification system connected to a national electronic identification node.

2. Once authenticated, the natural person is granted access to the account for which they are the account owner, account administrator and authorised user.

§ 5. 1. An account for an entity that is not a natural person is set up in the ICT System by:

1) the court - after a pleading has been filed through the ICT system on behalf of that entity or

2) the Minister of Justice - upon notification through the ICT System of the need for an account

- with the simultaneous notification of the account administrator(s).

2. The notice referred to out in clause 1 point 2 shall be accompanied by documents confirming the authority to act on behalf of the entity that is not a natural person, unless the determination of the authority is possible on the basis of a list or other register to which the Minister of Justice has electronic access; this circumstance shall be indicated in the content of the notice.

3. The notice of an entity that is not a natural person shall include:

1) the name or business name under which the entity operates;

2) indication of the legal form;

3) registered office and address;

4) number in the National Court Register or NIP, or in the absence thereof, another identifier;

5) first name or names and last name of the account administrator and the identifier of their account in the ICT system.

4. An account for an entity that is not a natural person shall not be set up case, in the case of:

1) negative verification of the data identifying the entity on the basis of data in the relevant registers or records;

2) establishing that an account exists in the ICT system for that entity;

3) establishing that the account of the person designated as the administrator of that entity's account does not exist.

§ 6. 1. It is permissible to appoint more than one account administrator in an account.

2. An entity that is not a natural person may appoint a new account administrator or revoke an existing administrator by submitting a notification via the ICT system to the Minister of Justice.

3. Persons acting in the account as account administrators and authorised users act in the name of and on behalf of the account owner.

§ 7. 1. A natural person's account may be closed by the natural person via the ICT system.

2. The account of an entity that is not a natural person shall be closed as a result of a notice of the account owner submitted via the ICT system to the Minister of Justice.

3. In the case referred to in clause 2, the provision of § 5 clause 2 shall apply mutatis mutandis.

§ 8. The provisions of § 3-7 shall not apply to accounts used in electronic writ-of-payment proceedings and land and mortgage register proceedings initiated via the ICT system.

***Regulation of the Minister of Justice of 16 September 2021   
on the mode and manner of electronic service in restructuring proceedings***

***(Journal of Laws of 2021, item 1838)***

Pursuant to article 198 clause 7 of the Act of 15 May 2015 - Restructuring Law  
(Journal of Laws of 2021, item 1588) it is hereby ordered as follows:

§ 1. The regulation sets out the mode and manner of electronic service in restructuring proceedings.

§ 2. Whenever the regulation mentions:

1) account - it shall be understood as a set of data enabling identification of the account owner together with the assigned resources of the ICT system supporting court proceedings;

2) account owner - it shall be understood as an entity for whom an account has been created in the ICT system supporting court proceedings;

3) authorised user - it shall be understood as a natural person who has the right to perform other actions than account management on their own to account or in the account of another account holder;

4) pleading - it shall be understood as a document drawn up in the ICT system supporting court proceedings;

5) receipt of a pleading - it shall be understood as an indication of receipt of a pleading by an authenticated authorised user in an account in the ICT system supporting court proceedings.

§ 3. The service of a pleading shall be effected by its receipt in the account in the ICT system supporting court proceedings.

§ 4. 1. Once the pleading has been delivered and, in the event of non-receipt thereof, 14 days after the pleading was placed in the owner's account, an electronic acknowledgement of delivery of the pleading is automatically transmitted to the sender thereof.

2. The electronic acknowledgement of service of a pleading shall contain: the designation of the served pleading, the time of its receipt, the owner of the account on which the pleading was served, the authorised user who received the pleading or, in the case of non-receipt thereof, information that the pleading was deemed served pursuant to Article 1311 § 2, third sentence, of the Act of 17 November 1964 - Code of Civil Procedure (Journal of Laws of 2021, item 1805), and the time the pleading was placed in the account with the indication of the served pleading.

§ 5. The regulation shall enter into force on 1 December 2021.

**Regulation of the Minister of Justice of 16 September 2021   
on the manner of filing pleadings and submitting documents in restructuring proceedings through the ICT system supporting court proceedings and at the registry office of the district court**

**(Journal of Laws of 2021, item 1822)**

Pursuant to article 196d of the Act of 15 May 2015 - Restructuring Law (Journal of Laws of 2021, item 1588) it is hereby ordered as follows:

§ 1. Whenever the regulation mentions:

1) account owner - it shall be understood as an entity for whom an account has been created in the ICT system supporting court proceedings, hereinafter referred to as the “ICT system”;

2) account - it shall be understood as a set of data identifying the account owner, together with the assigned resources of the ICT system;

3) authorised user - it shall be understood as a natural person who has the right in their own account or in the account of another account owner to submit pleadings via the ICT system;

4) authentication - it shall be understood as an electronic process that enables the electronic identification of a natural person in an ICT system;

5) pleading - it shall be understood as a pleading or a document or an application or a statement made orally at the registry office of the district court by a person indicated in Article 196b clause 1 of the Act of 15 May 2015 - Restructuring Law, hereinafter referred to as the "restructuring law".

§ 2. 1. Submission of a pleading via the ICT system by an authenticated authorised user shall be made by:

1) the creation of a pleading;

2) attaching attachments, if any;

3) payment of a court fee by means of a mechanism made available by the ICT system guaranteeing irreversible initiation of the procedure of paying for the pleading and identification of the person paying the fee, or attaching to the application proof of payment of the fee in another form, provided that the pleading is subject to a fee and the specific regulation does not provide otherwise;

4) sending the pleading to the addressee.

2. As soon as the pleading has been submitted, an electronic acknowledgement of submission shall be placed in the account from which the pleading was sent, containing a set of data unambiguously indicating the sent pleading, the owner of the account from which the pleading was sent, the authorised user who sent it and the date on which it was submitted.

§ 3. 1. Submission of a pleading by a person referred to in Article 196b clause 1 of the restructuring law entitled to submit pleadings at the registry office of any district court requires:

1) that they present an identity card or other document of identity to the employee at the registry office;

2) that they indicate whether the action will consist in a submission of a declaration or an application;

3) that they indicate the type of application to be submitted, where the action consists in the submission of an application;

4) that they state the content of the pleading;

5) that they hand over documents drawn up in paper form, where they are submitted;

6) that they sign the printed content of the pleading, entered into the ICT system, together with the list of attachments;

7) that the employee of the registry office makes a digital reproduction of the signed content of the pleading and the list of attachments;

8) that the clerk of the registry office signs the content of the pleading and the list of attachments entered into the ICT system.

2. The person submitting a pleading in the manner referred to in clause 1 shall receive a confirmation of the submission of the pleading containing data of the court where the action has been performed, the date of the action, the content, the list of attachments and data of the person performing the action and entering the pleading into the ICT system.

3. Where an employee of the registry office electronically certifies a copy of a document, that employee shall return the document to the person taking the procedural action.

§ 4. The regulation shall enter into force on 1 December 2021.

**APPENDIX NO. 2**

**NOTICE OF BANKRUPTCY PROCEEDINGS TO A FOREIGN CREDITOR   
ON THE FORM REFERRED TO IN ARTICLE 88 OF THE EU REGULATION**

***Note!***

*Below is a completed and signed form by the trustee in bankruptcy available on the e-Justice website at the link:* [*https://e-justice.europa.eu/447/PL/insolvencybankruptcy?init=true*](https://e-justice.europa.eu/447/PL/insolvencybankruptcy?init=true)

**ANNEX I**

**BG**

**Съобщение за производство по несъстоятелност**

**ES**

**Anuncio de procedimiento de insolvencia**

**CS**

**Oznámení o insolvenčním řízení**

**DA**

**Meddelelse om indledning af insolvensbehandling**

**DE**

**Mitteilung über ein Insolvenzverfahren**

**EN**

**Notice of insolvency proceedings**

**ET**

**Maksejõuetusmenetluse teatis**

**EL**

**Ανακοίνωση διαδικασίας αφερεγγυότητας**

**FR**

**Note concernant la procédure d'insolvabilité**

**GA**

**Fógra faoi imeachtaí dócmhainneachta**

**HR**

**Obavijest o postupku u slučaju nesolventnosti**

**IT**

**Avviso di procedura d'insolvenza**

**LV**

**Paziņojums par maksātnespējas procedūru**

**LT**

**Pranešimas apie nemokumo bylą**

**HU**

**Értesítés fizetésképtelenségi eljárásról**

**MT**

**Avviż ta' proċedimenti ta' insolvenza**

**NL**

**Kennisgeving van insolventieprocedure**

**PL**

**Powiadomienie o postępowaniu upadłościowym**

**PT**

**Aviso sobre processo de insolvência**

**RO**

**Notificare privind procedura de insolvență**

**SK**

**Oznam o insolvenčnom konaní**

**SL**

**Obvestilo o postopku v primeru insolventnosti**

**FI**

**Ilmoitus maksukyvyttömyysmenettelystä**

**SV**

**Underrättelse om insolvensförfaranden**

(Article 54(3) of Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings ([OJ L 141, 5.6.2015, p. 19](https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=OJ:L:2015:141:TOC))).

















