

Dear Reader,

Please note that, after the Polish Arbitration Law was published, the following amendments to Polish law affecting arbitration were adopted, pertaining to the Bankruptcy Law and the Code of Civil Procedure. The statutory amendments presented below will come into force as of 1 January 2016.

### **The Bankruptcy Law**

The Bankruptcy Law was amended by the enactment of the Restructuring Law of 15 May 2015.

The amendments to the Bankruptcy Law are as follows:

Article 142 is *repealed*, Article 147 is amended and Article 147a is added.

In the light of the above arbitration clauses concluded by the debtor remain in force and pending arbitration proceedings can be continued. If arbitration is not commenced before the declaration of bankruptcy, there is still a possibility to commence arbitration proceedings.

### **The Code of Civil Procedure**

On 24 July 2015, the Polish Parliament enacted legislation amending certain legal acts to support alternative dispute resolution in Poland, in particular mediation and arbitration. These amendments will affect post-arbitration proceedings, namely challenges to the award before state courts and recognition and enforcement proceedings. The key changes affect the procedure itself and timing:

- (i) Shortening the deadline for filing of the application to challenge an arbitration award from three to two months;
- (ii) "Flattening" challenge proceedings and the recognition and enforcement proceedings by eliminating one court instance. Applications to challenge an award and to recognize and enforce it will now be submitted to a court of higher instance, viz the Court of Appeal. In limited circumstances, recourse against a judgement of the Court of Appeal will be available before the Polish Supreme Court in cassation proceedings.

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(Editor)

\* Unofficial translation into English of the amendments to the law is kindly provided by the Lewiatan Court of Arbitration and available at <http://www.sadarbitrazowy.org.pl/en/podstrony/rules-of-the-court-of-arbitration.html>