

Fakty Komentarze Analiza

Alert prawny

FKA Furtek Komosa Aleksandrowicz

May 2021

Full digitization of registration proceedings before the National Court Register as of 1 July 2021

Facts

The biggest amendment of the provisions of the National Court in recent years is the Act of 26.01.2018. on amending the Act on the National Court Register and certain other acts (hereinafter "the Act").

It was the legislator's intention that particular regulations should enter into force gradually, and so some of the provisions of the Act are already in force. These include the provisions introducing the obligation to submit applications for entry of information about the preparation of financial statements via an ICT system, and the obligation to submit statements on the address for service of members of the Management Board to the registration files.

Initially, it was assumed that the provisions concerning electronic registration proceedings before the National Court Register would come into force on 1.03.2020. However, the deadline has already been postponed twice, and if it is not postponed again the regulations will enter into force on 1 July 2021.

Comments

Probably starting on 1 July 2021, all applications for an entry (an application for an amendment is also an application for an entry) and other documents filed with the National Court Register will be submitted only via the ICT system. Documents not submitted via the ICT system will not have legal effect.

The Act provides that the above obligation will not apply to entities entered exclusively in the register of associations, other social or professional organisations, foundations, or public health care institutions. These entities will be able to choose whether they wish to submit applications on an official form or a copy thereof, or through the ICT system.

As a result of the changes, applications to the National Court Register filed in the ICT system will have to bear a qualified electronic signature, a trusted signature or a personal signature.

This obligation also applies to electronically prepared documents that constitute attachments to the application. If the documents are drawn up in paper form, the application should be accompanied by either 1) electronic copies certified by a notary public or an attorney who is a solicitor or an attorney-in-law appearing in the case, or 2) electronic copies of the documents.

In the latter case, the original documents or copies thereof or officially certified excerpts must be submitted to the registry court **within 3 days from the date of filing.**

A further solution intended to simplify the submission of documents has been provided for in Art. 19d of the Act on the National Court Register, which comes into force on 1.07.2021.

Pursuant to this provision, if an application needs to be accompanied by a notarial deed, of which an excerpt or extract has been placed in the Central Repository of Electronic Excerpts of Notarial Deeds ("CREWAN"), the applicant must provide the number of that document in CREWAN.

Once the application has been registered, the document will be automatically transferred via the ICT system from CREWAN and attached to the application.

It should also be mentioned that, as of 1 July 2021, the registration files for entities entered in the commercial register are to be kept solely in the ICT system.

Such files will be made available via publicly available ICT networks or at the registered office of the registration court, using the ICT system.

Fakty Komentarze Analiza

Alert prawny

FKA Furtek Komosa Aleksandrowicz

May 2021

Full digitization of registration proceedings before the National Court Register as of 1 July 2021

Analysis

According to the justification of the draft Act, one of the purposes of introducing registration proceedings in electronic form is to make communication with the registry court easier. It should also accelerate the process of the registry court making decisions.

The introduction of electronic registration proceedings is also intended to make it easier for parties to file applications to the registry court. In accordance with the legislator's assumptions as presented in the justification of the Act, filing applications with the registry court will be facilitated by the fact that the ICT system will inform applicants when obligatory fields have been left blank. The system will also contain prompts for applicants, and will require them to provide certain data.

As noted at the beginning, the date on which the electronic registration procedure regulations are to enter into force has already been postponed more than once, so all we can do is wait patiently to see if 1 July 2021 proves to be the effective date for these amendments.

If you would like to receive additional information or answers to questions arising after reading, please contact us and establish cooperation:

ANGELINA DŁUGOSZ - ARMAŃSKA
ASSOCIATE

e-mail: adlugosz@fka.pl

JOLANTA ZARZECKA-SAWICKA
PARTNER

e-mail: jsawicka@fka.pl



FKA Furtek Komosa Aleksandrowicz

Plac Małachowskiego 2
00-066 Warsaw, Poland

E: kontakt@fka.pl

T: +48 22 581 44 00