

# ALERT COVID-19

ACT of March 2, 2020 on specific solutions related to the prevention, counteraction and eradication of COVID-19, other infectious diseases and crisis situations caused by them (Journal of Laws 2020 item 373) (hereinafter the “Act”);

## What should each entrepreneur know about the COVID -19 Act?

Adopted as a matter of urgency and published immediately after its adoption, on March 7, 2020, the Act sets out the rules for preventing and combating SARS –CoV-2 infection specified in the Act, known worldwide as the abbreviation COVID-19.

Below we present the regulations from the point of view of an entrepreneur, introduced by the Act, which may directly affect the activities of each entity which conducts business in Poland.

### 1. Orders replacing administrative decisions subject to immediate execution, without any appeal;

In accordance with art. 11 of the Act, in the event of the need to take action against COVID-19, the Prime Minister may, at each voivode, give entrepreneurs - legal persons and entities without legal personality - orders by administrative decision, which will be subject to immediate implementation as soon as they are delivered or announced.

It should be emphasized that each instruction / decision will not require justification.

The tasks specified in such decision (order) will be financed from the state budget and implemented on the basis of an agreement concluded with the entrepreneur. A quick negotiation procedure should be established with the entrepreneur in which all or essential elements allowing the implementation of the instruction will be short-circuited. All planning work related to the implementation of entrusted tasks will be financed from the entrepreneur’s own resources and seem to be included in the contractual terms.

In urgent and justified situations, when there will be no time or conditions to announce or send the order, the order may be issued in special forms, i.e. orally, by telephone using electronic means of communication, as well as by other means of communication. In such an emergency, orders (decisions) should as soon as possible be recorded in writing in the form of a report or signed by the annotation / note regarding the content and conditions of the order.

### 2. Exclusion of statutory regulations in the field of construction law, spatial development, protection and care of monuments

In order to counteract COVID-19 the Act in art. 12 of the Act provides for the exclusion of the provisions of the Act of July 7, 1994. Construction Law (Journal of Laws of 2019, item 1186, as amended) and the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2020, item 293) as well as the Act of 23 July 2003 on protection monuments and maintenance of monuments (Journal of Laws of 2020, item 282) in the situation where it is necessary to design and build as well as renovate and demolish building objects, including in the case of the necessity to change the way buildings are used.

It should also be noted that in the event of the need to expand the base to provide health services, i.e. where there is the need to build or adapt existing buildings for the needs of health care, the Act provides for the possibility to omit, in addition to the procedures which results from the above-mentioned legal regulations, also all provisions issued pursuant to Article 22 (3) , 4 and 4a of the Act of 15 April 2011. about medical activities. Thus, requirements relating in particular to general conditions; sanitation; installation requirements for the premises and equipment of the entity which performs the medical activity, including ICT systems or communication systems of the entity which performs the medical activity. Resignation in emergency situations from statutory requirements for rooms in which a medical activity is carried out also applies to medical services provided for persons deprived of liberty as well as budgetary units and wax units.

**3. Exclusion of liability the liability of rail and road air carriers as well as airport and train station managers for damage caused in connection with the actions of public authorities aimed at counteracting COVID-19;**

It is also important to emphasize the special situation of carriers specified in the Act. In accordance with Article 14 of the Act, the liability of rail and road air carriers as well as airport and train station managers for any damage caused in connection with the actions of public authorities aimed at counteracting COVID-19 as a result of which transport becomes impossible will be lifted. The legislator refers to paragraph 2 of Art. 14 to the definition of “extraordinary circumstances” set out in the provisions of Regulation (EC) 261/2004 of the European Parliament and of the Council of February 11, 2004. and also considers as such any reasonable action to counter COVID-19.

**4. Suspension of application of public procurement rules;**

The Act excludes the application of public procurement provisions to procure services, supplies or works awarded in connection with the prevention or eradication of an epidemic in an area in which an epidemic emergency or epidemic status has been announced.

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