



§ 53

Fast-track Procedure

1. Where the amount in dispute does not exceed PLN 80,000.00, beginning from the 1st of June 2018, a fast-track procedure shall apply to dispute resolution unless, following § 4.3, the parties have agreed otherwise or unless they have not given consent to it. The Court General Director shall notify the parties of the fast-track procedure criterion having been satisfied.
2. Following § 4.2, the parties may agree that the dispute shall be resolved within the fast-track procedure also where the amount in dispute exceeds PLN 80,000.00. The parties may include their agreement regarding the choice of the fast-track procedure in the arbitration agreement or may execute it at a later date, including after the occurrence of the dispute, no later however than while submitting the statement of defence or request for arbitration.
3. The counterclaim or setoff claim may be raised within the fast-track procedure no later than while submitting the statement of defence. The provisions of § 29.2 and § 29.4 sentence 2 shall not



apply. Where, following raising the counterclaim or setoff claim, the amount in dispute exceeds PLN 80,000.00, the fast-track procedure may be continued exclusively provided that the Court General Director notifies the parties about an increase in the amount in dispute and that in reply they express their consent to having the fast-track procedure continued. In the event there is no such consent of the parties, the dispute proceedings shall be continued following the general procedure, with the sole arbitrator performing the function of the presiding arbitrator in the Arbitral Tribunal. Where the Arbitral Tribunal was composed of three arbitrators, it shall continue its operation in the same panel.

4. In the event the amount in dispute exceeds PLN 80,000.00 as a result of extension of claim, the fast-track procedure may be continued exclusively provided that the sole arbitrator or the Court General Director notifies the parties of the increase in the amount in dispute, and that in reply the parties express their consent to sustain the fast-track procedure. Should the parties not express such consent, the dispute shall be continued following the general rules, with the sole arbitrator performing the function of the presiding arbitrator in the Arbitral Tribunal. If the Arbitral



Tribunal was composed of three arbitrators, it shall continue its operation in the same panel.

5. Once application of the general rules, referred to in subparagraphs 3 and 4, has begun, in order to determine the further course of arbitration proceedings, specifically to resolve arising procedural issues, it is required that the Arbitral Tribunal orders holding an organizational session.
6. The provisions of the Arbitration Rules shall apply within the fast-track procedure with the changes as below:
 - 1) The cases are subject to resolution by a sole arbitrator, unless the parties have agreed that the dispute be recognized by an Arbitral Tribunal composed of three arbitrators. The provision of § 18.2.2 shall apply as of the 1st of June 2018, where the parties have not granted consent to follow the fast-track procedure. In the circumstances referred to in § 3.2, where the amount in dispute does not exceed PLN 80,000.00, with no reservation to the opposite, it is acknowledged that it is the sole arbitrator that shall be competent to recognize the dispute in fast-track proceedings



conducted on the basis of the Arbitration Rules and administered by the Court of Arbitration.

- 2) If, in accordance with § 25.2 or § 28.7, the statement of claim or the request for arbitration indicates the arbitrator appointed by the claimant, and the case is subject to resolution within the fast-track procedure by the sole arbitrator, such indication of the arbitrator shall be understood as proposing the candidate for the sole arbitrator, with such candidature needing the opinion of the respondent.
- 3) If a default appointment is necessary to be carried out in accordance with § 20, the arbitrator should be appointed within 7 days following the lapse of the period specified for appointment of the arbitrator, in accordance with § 19. In the event of absence of appointment of the arbitrator within that period by the Arbitration Council, the default appointment shall be made promptly by the President of the Court of Arbitration from among the persons entered in the List of Arbitrators.



- 4) The provision of § 31.1 sentence 4 shall not apply in the fast-track procedure. In addition to all elements indicated in § 31.1, specifically in addition to the specification of the rules of procedure, the order should at all times indicate:
 - a) the fast-track procedure as that being applied in the case;
 - b) the date limiting the extension of the claim;
 - c) the date limiting notifying presentation and presenting new evidence materials.

- 5) The organizational session referred to in § 31.2 sentence 1, shall be obligatory in the fast-track procedure. The course of proceedings of the organizational session shall be recorded; in addition to the approval by the recording clerk, the record shall be approved by the sole arbitrator or the Arbitral Tribunal and the parties. The provision of § 35.20 shall not apply, unless the sole arbitrator or the Arbitral Tribunal has decided that in order to apply the fast-track procedure the record should be signed by the parties; in such a case the record should be signed by the recording clerk, the sole arbitrator or the presiding arbitrator and the parties, if



possible on the day on which the organizational sitting is held. The record may be signed following 'by circulation' procedure.

- 6) Any written communication or service made in the course of the fast-track procedure shall be carried out by electronic mail sent to the addresses of the parties, the arbitrator or the arbitrators and the address of the Court of Arbitration, indicated in the procedural order, referred to in § 31.1. The service should include copies to all participants of the fast-track procedure not being the addressees. On the day following the day of service by electronic mail the service within the procedure of § 11 shall be carried out, following the rule of subsidiarity; additionally it shall be required where the service by electronic mail is impossible or difficult.
- 7) The time limits indicated in § 19.1 - § 19.4, § 22.3 and § 22.5, § 26.1- § 26.2 and § 26.5 shall be shortened to 7 days.
- 8) The time limits indicated in § 27.1 and § 28.3 shall be shortened to 14 days.



- 9) The agreement to apply the fast-track procedure or an absence of the parties' objection to it shall be deemed as the parties' consent to taking evidence from the witness exclusively on the basis of the witness's written statement, referred to in § 33.8 sentence 3.
- 10) An agreement to apply the fast-track procedure or an absence of the parties' objection to it shall be deemed as the parties' consent to resolving the dispute without scheduling a hearing, referred to in § 34.1 sentence 2. The hearing shall not be carried out unless the sole arbitrator or the Arbitral Tribunal finds that the dispute is not sufficiently clarified on the basis of the allegations of the parties made in their written submissions, the documents submitted by them or in other evidence, specifically it is not sufficiently clarified on the basis of written witness statements or expert opinions ordered by the parties. As a rule, the proof from expert opinion is taken exclusively on the basis of written opinion.
- 11) The award should be issued within 6 months following the date of approval or signing of the record of the organizational session by the recording clerk,



the sole arbitrator or the Arbitral Tribunal and the parties, in accordance with subparagraph 6.5. The Court General Director may, ex officio or upon request of the sole arbitrator or the presiding arbitrator, extend the time limit for issuance of the award where this is necessary on account of the complexity of the issues in the dispute that have come out during the fast-track procedure, or due to other important considerations.

7. If justified by the complexity of the issues in the dispute, that have come out during the fast-track procedure, or other important considerations, the party may request the sole arbitrator or the Arbitral Tribunal to undertake applying the general rules. In response to the party's request, the sole arbitrator or the Arbitral Tribunal, after hearing the other party, may make the decision to change the fast-track procedure to the procedure based on the general rules. In such circumstances, subparagraphs 3 to 5 shall apply accordingly. Prior to the decision to change the fast-track procedure to the procedure based on the general rules, the sole arbitrator or the Arbitral Tribunal may request the opinion of the President of the Court of Arbitration



8. Where justified by the complexity of the issues in the dispute, that have come out during the fast-track procedure, or other important considerations, the sole arbitrator or the Arbitral Tribunal, after hearing the parties, may make the decision to change the fast-track procedure to the procedure based on the general rules. In such circumstances, subparagraphs 3 to 5 shall apply accordingly. Prior to the decision to change the fast-track procedure to the procedure based on the general rules, the sole arbitrator or the Arbitral Tribunal may seek the opinion of the President of the Court of Arbitration.