



May 4, 2020

Operation of shopping malls in Poland from May 4, 2020

On May 4 significant easing of restrictions implemented in Poland to combat COVID-19 took effect. The most important changes introduced at this stage – at least from the perspective of property market participants – are reopening of hotels and reopening of shopping malls. Focus of this alert is on the latter objects.

Starting from May 4 most stores in the shopping malls with area exceeding 2,000 sq. m. may reopen. However, premises which have to remain closed on the basis of general provisions, i.e. irrespective of their location in or outside the shopping malls, need to stay shut in the shopping malls as well. Those include in particular cinemas, hair salons, gyms and restaurants. The restaurants are allowed only to offer takeout and delivery food. A limitation specific to the shopping malls prohibits activities of tourist agencies.

Reopening of the shopping malls comes with important restrictions. The central among them is a double limitation on number of persons who may be admitted inside the mall and stores. This number must not exceed 1 person per each 15 sq. m. of the area on which commerce takes place and applies both to an entire shopping mall and to particular stores located in it. Further restrictions concerns free-standing retail kiosks where a clerk has to be separated from a customer by a plastic barrier (besides wearing a mask and gloves) and only one customer may be attended to at the same time. Moreover, operators of the shopping malls are obliged (irrespective of this obligation binding also stores operators) to provide customers with disposable gloves and hand sanitizers. Wearing gloves is obligatory for the customers (as well as wearing masks is, further to general rules).

In addition to above described rules provided for in the regulations of the Council of Ministers, the Minister of Development together with the Chief Sanitary Inspector prepared further directives for the shopping malls, of which the most important are:

- changing rooms should be excluded from operation or disinfected after use by each customer;
- face masks should be on offer in at least one store in the shopping mall;
- all relax and rest zones, including benches, should be made unavailable to customers;
- food consumption should not be allowed in the mall passages.

As a result of reopening of some of the stores, May 4 is, for the leases based on which such stores operate, the day on which obligations of the parties (suspended for the time during which the stores were closed) came into effect again. In particular, the rent has to be paid

again. Moreover, from this date the tenant has three months to offer the landlord to prolong their lease agreement by six months plus the actual time of the mall closure, otherwise the tenant will be obliged to pay rent and other fees suspended for the time of the mall closure by the Covid-19 Act.

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