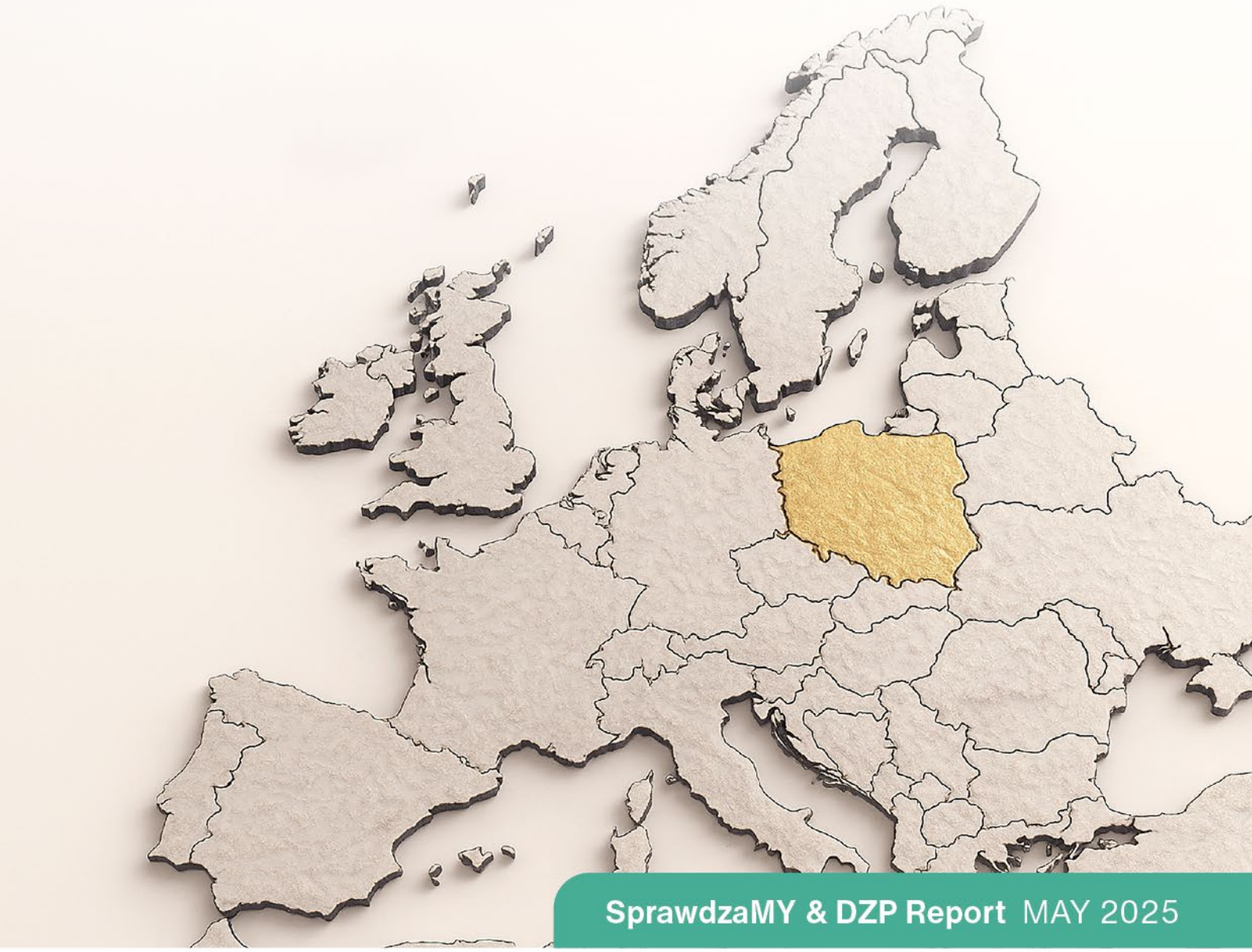
Report authors

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Gold-plating and overregulation

in the harmonisation of the Polish legal system with EU law



SprawdzaMY & DZP Report MAY 2025

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From the SprawdzaMY Team



*For years, there has been a belief that EU law has restricted economic freedom in Europe, including in Poland. However, an analysis of the implementation of these provisions in Poland shows that often **it is not EU law itself**, but **Polish legislative practices that exacerbate the situation**.*

*The Report clearly shows that Poland regularly adds unnecessary, excessive regulations when implementing EU provisions – a practice referred to as **gold-plating**. This means that while EU regulations already represent a challenge to competitiveness in themselves, **we are further limiting ourselves**, complicating the economic environment in Poland more than in other member states.*

*For comparison, countries such as **the Netherlands, Denmark and Ireland** implement directives in a minimalist manner, limiting themselves only to what is necessary. They do not create additional administrative barriers or increase the existing burden on citizens and entrepreneurs without clear justification.*

*In Poland, an analysis of a sample of 100 provisions implemented from EU law found that **a significant portion** were excessively expanded – beyond what was legally required. Therefore, today we should not only clearly renounce the practice of gold-plating, but also **actively review and streamline the existing body of law**.*

There is nothing wrong with taking a step back and correcting excessive regulations – especially since experience has shown that their theoretical effectiveness has not stood the test of time.

***The solution? A combination of two principles: 1. Zero tolerance for gold-plating** (unless there is a strong, transparent justification), **2. The 'one in, two out' principle** – every new provision should coincide with the elimination of two existing provisions.*

Implementing both these principles would give us the best possible legislative model – not only in Poland, but perhaps in the entire European Union.

Rafał Brzoska
Entrepreneurs' Representative for Deregulation



My experience with implementing EU regulations in Poland – such as the GDPR and the IDD – has shown me how bureaucratic this process can be. Instead of faithfully transposing EU provisions, we often create extensive national regulations that unnecessarily complicate the business operations and the daily lives of citizens. The intentions are sometimes understandable – the transposition of EU law often becomes an impulse to open a discussion about outdated regulations. Unfortunately, all too often the final result departs significantly from both the original wording and spirit of the directive.

This problem seemed to be under control for quite some time, until Poland's economy accelerated, becoming a significant player in European trade. For years, we were on the periphery of the European Union; we played in the 'second league', so to speak. Today, the situation is different – in many areas, such as the digitalisation of public and private services, Poland is among the leading member states and is increasingly setting the trends for further development.

By creating national provisions burdened with gold-plating, that is, additional requirements in excess of the EU's minimum standards, we reduce the competitiveness of Polish entrepreneurs on the European market. As a result, foreign companies are increasingly choosing to locate their investments in other Central European countries, where the regulatory environment is more predictable and business-friendly.

Consultations with representatives of public administrative bodies as part of the SprawdzaMY initiative have revealed that there is no clear picture of the scale of the problem. Although there is broad agreement on the need to apply the EU+0 principle, that is, minimising over-regulation when transposing EU provisions, systematic knowledge on the actual extent of this phenomenon is not collected anywhere. There is a lack of reliable data, coordinated action, and awareness of its long-term consequences, even though its negative impact is clearly felt throughout the economy.

*That is why we have decided to prepare a comprehensive Report that shows **how extensive and harmful gold-plating can be** in Poland. To this end, we worked with DZP – one of the largest and most experienced law firms in the country. Thanks to the involvement of a broad team of experts from DZP, we were able to quickly gather opinions from various sectors and produce a coherent analysis that reflects the actual scale and specificity of the problem.*

Adam Malinowski
Coordinator of the SprawdzaMY – Entrepreneur's Initiative for Poland Project

From the Authors



Our task was to collect 100 examples of regulations in which the Polish legislature adopted broader or more restrictive provisions than those set out in EU law. Hence our broad understanding of 'gold-plating' and 'overregulation', which we have treated as concepts providing structure to this Report, not as definitions sensu stricto.

The complexity of these phenomena is evidenced by the diverse examples collected in this Report. These examples differ in terms of the scope of regulation, the extent of their departure from the 'EU minimum', the range and balance of their effects, and the justification for their introduction.

Although gold-plating and overregulation are generally considered undesirable and detrimental phenomena, on balance, not all provisions included in the report have an unequivocally negative effect. Each example must be assessed separately – through the prism of the purpose of its introduction and the process by which it was adopted, including an assessment of the arguments given to justify going beyond the EU minimum.

There is no doubt that clear instances of harmful overregulation should be removed from the legal system. However, to prevent the negative effects of gold-plating, ad hoc interventions will not suffice. We also need for appropriate systemic and procedural guarantees that will ensure the effective identification and elimination of redundant provisions – preferably at the draft stage, before they become law.

Dr Anna Hlebicka-Józefowicz
Partner at DZP, Head of Regulation, Legislation and Compliance Practice



The deregulation initiative is an excellent opportunity to start a systemic discussion in Poland about counteracting gold-plating and the excessive implementation of EU law. For entrepreneurs, the ability to operate within the single market should be a source of opportunities, stimulating competition and innovation. National law – and especially law that is intended to implement EU regulations – should not create barriers to business development, especially when that is not required by EU law. We are pleased that we could support the SprawdzaMY.com initiative with our expertise and help identify examples of gold-plating in the Polish legal system.

Dr Marek Świątkowski
Partner at DZP, Corporate and M&A Practice

Report authors:
Experts from the Regulatory, Legislative and Compliance Practice at DZP:



dr Anna Hlebicka-Józefowicz
Partner, Szef Praktyki



Gniewomir Wycichowski-Kuchta
Senior Associate



Aleksandra Liniewicz
Associate



Marcin Kuna
Paralegal

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Introduction

I. Gold-plating and overregulation

The phenomenon of 'gold-plating' is related to the process of transposing European Union law and implementing it within the national legal order of a Member State.

Member States of the European Union, including Poland, have an obligation to ensure the effectiveness of EU law, including the timely transposition of directives. Directives are part of what is called the secondary (derived) law of the EU. They are addressed to the Member States and define the objective (result) that these states should achieve. Member States have the freedom to choose the form and means of achieving it. Unlike EU regulations, which are directly applicable in the Member States immediately upon their entry into force, directives, as a rule, are not directly applicable – they only become binding after being transposed into national law.

> **Transposition** is the process by which EU directives are implemented within the national legal systems of individual Member States – through relevant legislative measures. This means new elements of national law have to be enacted (in Poland, these may be acts or regulations) or existing provisions amended. Legal acts that implement EU law contain a special reference – information on which directive they transpose.
>
> **Implementation** is a broader concept – it includes transposing directives, as well as ensuring the correct application of EU law by the relevant national authorities and courts.[1]

'Gold-plating' is when the national legislature – as part of or while implementing EU law – introduces new, additional, or more extensive regulations that are not strictly necessary to implement the given EU provisions and to ensure their effectiveness. 'Gold-plating' can also occur when the implemented act of EU law represents what is called 'minimum harmonisation'[2], or when it explicitly allows Member States to adopt other, more restrictive solutions at the national law level.

Gold-plating manifests itself as:

- exceeding the minimum requirements of an EU legal act;[3]
- adding additional elements to the requirements of a directive;[4]
- extending the scope of application of an EU law;[5]
- introducing higher substantive requirements, broader application, adding requirements or special provisions at the national level;[6]
- more rigorous application of the law than in other Member States;[7]

---

[1] Cf. J. Maśnicki, Metody transpozycji dyrektyw, EPS 2017, no. 8, pp. 4–5.

[2] As pointed out by R.A. Tokarczyk, '[...] minimum harmonisation is expressed in the establishment of minimum standards for legal regulation via a directive. It defines such standards for the Member States, but does not prohibit Member States from exceeding them.' R.A. Tokarczyk, Problemy harmonizacji polskiej kultury prawnej z kulturą prawną Unii Europejskiej, St.Europ. 2004, no. 3, p. 71.

[3] K. Atthoff, M. Wallgrem, Clarifying Gold-Plating Karin Atthoff and Mia Wallgren – Better Implementation of EU Legislation, pp. 25–26; R. Král, National Public Interest Grounds Justifying Gold-Plating of EU Law, in: L. Tichý, M. Potacs (eds.), Public Interest in Law, Cambridge: Cambridge University Press 2021, pp. 109–110; "Differences between harmonized company law and domestic rules: the phenomena of 'gold plating' and 'circumvention' of EU law", ADVANT Nctm, 3.10.2022, available at: https://www.advant-nctm.com/en/news/differences-between-harmonized-company-law-and-domestic-rules-the-phenomena-of-gold-plating-and-circumvention-of-eu-law [accessed: 28 April 2025].

[4] K. Atthoff, M. Wallgrem, Clarifying..., p. 28.

[5] Ibid. See also L. Squintani, Gold-Plating: A Misleading Overarching Concept, in: L. Squintani (ed.), Beyond Minimum Harmonisation: Gold-Plating and Green-Plating of European Environmental Law, Cambridge: Cambridge University Press 2019, pp. 26–27.

[6] K. Atthoff, M. Wallgrem, Clarifying..., p. 14; R. Král, National Public..., p. 115.

[7] K. Atthoff, M. Wallgrem, Clarifying..., p. 26–27.

- not applying the provided exemptions (derogations)[8] or opting to adopt more extensive regulations;
- maintaining existing national standards that exceed those required by the directive;[9]
- introducing new burdens that go beyond the purpose of EU law;[10]
- imposing sanctions or enforcement mechanisms stricter than those required.[11]

The effect of gold-plating can be 'overregulation' at the national level – meaning an increase in regulatory burdens for those affected by the provisions in force in a given Member State, as compared to EU requirements.

Not every deviation from the minimum standards set out in EU provisions has negative consequences. **However, each such case should be thoroughly and carefully justified, e.g., by the need to protect the public interest.**

As part of this justification, the national legislature should demonstrate that a given solution – despite going beyond the scope of the EU provisions it is intended to implement – is necessary to properly integrate the given provisions into the context of the national legal system, is proportionate and compliant with EU law, and is also justified in light of the objectives of the implemented Community regulations.

Also key are **a transparent legislative process and the quality of the arguments put forward to justify the adopted solutions**, including a careful Regulatory Impact Assessment and a thorough public debate on the balance of these solutions and the possible alternatives in the context of their impact on the economy, the development of entrepreneurship and entrepreneurs (especially micro and small ones), the labour market, and Poland's attractiveness as an investment destination.

[8] Ibid., p. 28.

[9] L. Squintani, Gold-Plating: A Misleading Overarching Concept..., p. 33; ADVANT Nctm, Differences between.

[10] ADVANT Nctm, Differences between.

[11] Ibid.

II. The negative impact of gold-plating and overregulation on the economy and on entrepreneurs

Gold-plating and overregulation can lead to increased costs of doing business, unnecessary regulatory burdens for entrepreneurs, disruption of the competitive balance within the common EU market and fragmentation of its uniformity, as well as to a slowdown in economic growth and the creation of new jobs.[12]

These phenomena are unfavourable and undesirable and are viewed negatively by EU institutions.[13]

In terms of negative impacts, gold-plating can create:

- **a weaker competitive position for domestic entrepreneurs** compared to their counterparts in other Member States where gold-plating does not occur or occurs to a lesser extent;
- **higher costs for business** – both the costs of doing business and the costs of ensuring compliance with regulations (known as compliance costs), reporting-related costs, and general administrative burdens;[14]
- **lower investment attractiveness of the domestic market** compared to other Member States where overregulation does not occur – due to higher implementation costs and costs of doing business resulting from greater regulatory burdens;
- **fragmentation of the internal market, a threat to its uniformity and to the uniform application of EU law** – as a result of the differentiation in regulatory burdens and the scope of obligations imposed on those affected by regulations in individual Member States – even though these regulations are intended to implement the same 'EU model' and achieve the same objectives.

The balance of solutions that may be considered as 'overregulation', understood broadly, is not always clear. Therefore, when creating regulations that interfere with the freedom of economic activity, it is crucial that we weight the conflicting values[15] and ensure that the restrictions and obligations introduced are proportionate to the purpose of the regulation.[16]

The adoption of such provisions must be justified by an important public interest – this applies to any regulation interfering with the rights of entrepreneurs, and to 'overregulation' in particular. That is why a reliable diagnosis of the starting point, analysing possible solutions and choosing one that – while still achieving the objective of the implemented EU regulation – results in the most favourable possible balance of socio-economic effects are so important.

Not every case of gold-plating has a clearly negative impact on the economy and entrepreneurs or a negative balance of socio-economic effects. Within this Report, we did not analyse the justification for the broader implementation of EU law in each identified case, nor did we conduct a detailed impact analysis. Instead,

[12] K. Atthoff, M. Wallgren, Clarifying...., p. 9.

[13] See the critical positions of EU institutions and bodies on gold-plating, inter alia: the European Parliament resolution on the implementation, consequences and impact of the internal market legislation in force (2004/2224 INI); the Commission Communication to the Council and the European Parliament of 16 March 2005: Better Regulation for Growth and Jobs in the European Union (SEC(2005) 175); the opinion of the European Economic and Social Committee on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Implementing the Community Lisbon programme: A strategy for the simplification of the regulatory environment (2006/C 309/04).

[14] M. Jabłoński, The Danger of So-Called Regulatory 'Gold-Plating' in Transposition of EU Law – Lessons from Poland, 'Studia Iuridica' 2017, vol. 71, p. 76.

[15] Cf. Judgement of the Constitutional Tribunal of 5 April 2011, P 26/09, OTK-A 2011, no. 3, item 18.

[16] Cf. Judgement of the Constitutional Tribunal of 13 March 2007, K 8/07, OTK-A 2007, no. 3, item 26; Judgement of the Constitutional Tribunal of 23 April 2008, SK 16/07, OTK-A 2008, no. 3, item 45.

we focused on provisions that increase regulatory burdens for entrepreneurs compared to the EU regulation being implemented. Where we assessed the impact on entrepreneurs and the economy as clearly negative, and where a particular instance of 'overregulation' can be relatively easily removed from the Polish legal system, we marked these examples as a 'quick win'.

How do other EU countries deal with gold-plating?

Some European Union Member States have taken measures to limit the negative impact of gold-plating. These include both preventive measures (e.g., regulating the principles of transposing EU law through legal acts and guidelines, establishing bodies responsible for preventing overregulation) and subsequent measures (e.g., initiatives aimed at removing identified instances of gold-plating from the national legal system).

Using selected countries as examples:

Germany	In Germany, the National Regulatory Control Council[17] (abbreviated NKR) was established in 2006. It is an independent expert body operating within the German Ministry of Justice. The NKR advises the Federal Government and the Bundestag, with the goal of improving the quality of legislation and reducing bureaucracy. Each new draft regulation must be submitted to the NKR at the latest during the inter-ministerial consultation phase; the NKR's opinion is then attached to the documents accompanying the draft.[18] In February 2025, the German Bundesrat also adopted a resolution on strengthening the single market and combating bureaucracy, which, *inter alia*, calls on the government to end the practice of gold-plating.[19]
Austria	In 2019, Austria adopted the 'Anti-Gold-Plating Act'.[20] Immediately after its adoption, in the first round of evaluation of national law, 11 acts introducing redundant obligations related to reporting and obtaining permits were amended.[21]
France	In 2018, the French Senate adopted a bill abolishing the excessive transposition of directives into French law[22]. This act aimed to eliminate over 20 instances of gold-plating in French law that had a negative impact on the competitiveness of domestic businesses. Some provisions classified as gold-plating were ultimately left in place, as they were considered beneficial for consumers and the environment.[23]
Sweden	The Ordinance on Regulatory Impact Assessment[24] in force in Sweden sets out the framework for producing impact assessments for draft legal acts.[25] Compliance with this Ordinance is overseen by the Swedish Council for Better Regulation (Regelrådet), whose members are appointed by the government. The Council also issued a report entitled 'Clarifying Gold-Plating – Better Implementation of EU Legislation',[26] which contains recommendations for the Swedish government on counteracting gold-plating.

[17] National Normenkontrollrat (NKR).

[18] NKR website [accessed: 28 April 2025].

[19] Entschließung des Bundesrates "Den europäischen Binnenmarkt stärken und die Übererfüllung von EU-Recht (Gold-Plating) verhindern" [accessed 28 April 2025].

[20] Published in: Federal Journal of Laws I no. 46/2019.

[21] 2019 SBA Fact Sheet Austria [accessed 28 April 2025].

[22] Projet de loi, adopté par le Sénat, après engagement de la procédure accélérée, portant suppression de sur-transpositions de directives européennes en droit français, n° 1389 [accessed: 28 April 2025].

[23] France continues fight against 'gold plating' of EU laws [accessed: 28 April 2025].

[24] Ordinance on Regulatory Impact Assessment [accessed: 28 April 2025].

[25] Regelrådet website [accessed: 28 April 2025].

[26] Clarifying Gold-Plating – Better Implementation of EU Legislation [accessed: 28 April 2025].

United Kingdom	Although the United Kingdom left the EU in 2020, in 2013 – i.e., while still a member of the Union – the British Department for Business, Innovation and Skills[27] adopted 'Guiding Principles for EU Legislation'. This document contained guidelines for the government specifying how EU law should be transposed. The guidelines included, *inter alia*, recommendations on implementing EU regulations using non-legal instruments (where possible), using the copy-out method (i.e., giving the provisions transposing directives a wording identical or as close as possible to the directive itself[28]), using clauses providing for a review of the implementing provisions within 5 years of their entry into force, and the obligation to ensure that directives are not implemented earlier than required and that their implementation will not negatively affect the competitiveness of British entrepreneurs. The manner of implementing these guidelines was subject to review.[29] Additionally, between 2011 and 2015, the UK government carried out the 'Red Tape Challenge', as part of which provisions identified by citizens as excessive regulatory burdens were repealed.[30]

In Poland, there are currently no coordinated actions aimed at limiting gold-plating. The reverse concordance table used in the government's legislative process, which includes provisions that go beyond the transposed EU regulations, has significant limitations:

- reliable information is not always provided (whether in terms of justifying the overregulation or even correctly identifying it);
- the additional regulations proposed in draft acts are sometimes created using a method other than 'copy-out', i.e., in a manner that differs from the wording of the directive; as a result, they are included in the concordance table and not in the reverse concordance table, even though they represent a source of overregulation;
- the obligation to attach a reverse concordance table applies only to drafts transposing EU law, whereas many examples of overregulation are introduced via acts that do not formally transpose EU law, though they concern an area covered by harmonisation;
- provisions resulting in overregulation are sometimes introduced as a result of amendments submitted during parliamentary procedures or as part of a legislative initiative from outside the government, for which there is no obligation to prepare a concordance table;
- the Regulatory Impact Assessment – a tool for verification *ex post* of acts implementing EU law – is optional and is still rarely used;[31]
- the lack of a single, autonomous centre for expert analysis, charged with evaluating national provisions for the risk of gold-plating and provided with the appropriate resources and competencies. Currently, these tasks are dispersed – they are partly carried out by the ministry responsible for the particular draft (which also prepares, *inter alia*, the RIA), the Minister for EU Affairs (who focuses on a general assessment of compliance with EU law), the Committee for European Affairs, the Government Legislation Centre (which mainly handles systemic compliance as well as the legal, legislative, and editorial correctness of the draft), the Legislative Council (which provides opinions on certain draft acts), and the parliamentary legislative offices. There is also a lack of uniform government guidelines that would require those drafting laws to avoid overregulation when transposing EU law.

[27] Currently the Department for Business, Energy and Industrial Strategy.

[28] For more on this method, see J. Maśnicki, Metody transpozycji dyrektyw, EPS 2017, no. 8, pp. 7–8.

[29] The Operation of the Transposition Principles in the Government's Guiding Principles for EU Legislation [accessed: 28 April 2025].

[30] Red Tape Challenge Website [accessed: 28 April 2025].

[31] An example of good practice is the review of the Act on the protection of whistleblowers (implementing Directive 2019/1937), planned by the Ministry of Labour, Family and Social Policy, which is to take place two years after its entry into force.

Therefore, regardless of the changes recently initiated by the government[32], we would recommend an in-depth review of regulations – both from a procedural and a systemic perspective (above all, a review of the Rules of Procedure of the Council of Ministers[33], and potentially also the Principles of Legislative Technique[34]), as well as acts regulating obligations related to harmonisation with EU law (e.g., the Act on the Committee for European Affairs[35] or the Act on the cooperation of the Council of Ministers with the President of the Republic of Poland and the Sejm and the Senate in matters related to the membership of the Republic of Poland in the European Union[36]) **– in order to develop effective mechanisms for identifying overregulation and preventing unnecessary and detrimental examples of gold-plating.**

[32] Resolution No. 63 of the Council of Ministers of 6 May 2025 amending the resolution – Rules of Procedure of the Council of Ministers (M.P. of 2025, item 408).

[33] Resolution of 29 October 2013 – Rules of Procedure of the Council of Ministers (M.P. of 2024, item 806 and of 2025, item 408).

[34] Regulation of the President of the Council of Ministers of 20 June 2002 on the 'Principles of Legislative Technique' (Journal of Laws of 2016, item 283).

[35] Act of 27 August 2009 on the Committee for European Affairs (Journal of Laws of 2024, item 562).

[36] Act of 8 October 2010 on the cooperation of the Council of Ministers with the President of the Republic of Poland and the Sejm and the Senate in matters related to the membership of the Republic of Poland in the European Union (Journal of Laws of 2024, item 1379).

III. Examples of gold-plating and overregulation in Polish regulations

In this section of the Report, we present 100 examples of gold-plating and overregulation – understood broadly – in the Polish legal system. This is not an exhaustive list, nor does it likely cover all areas of regulation where these phenomena can be observed.

The examples included in this Report cover both **regulations already in force in Poland** as well as **those that are still being considered** (on a governmental or parliamentary level). We hope this will help identify overregulation before it becomes law.

First, we present **examples of regulations which negatively impact entrepreneurs in multiple industries** and which affect – or may affect – various sectors of the economy. The remaining examples are **organised by sector (industry).**

Additionally, we have highlighted examples that may be considered as **'quick wins'** – i.e., excessive regulatory burdens for entrepreneurs that can be relatively easily eliminated from the legal system, e.g., through a simple, targeted legislative measure that does not require broad legal changes or modification of entire institutions or legal structures.

The description of each example includes:

- **the specific acts and provisions**:
    - on the Polish domestic level (harmonisation – gold-plating),
    - on the EU level (the EU 'model'),
- **a description of the overregulation** (a comparison of the various scopes of regulation, an explanation of how the Polish regulation goes beyond the EU original, and a general discussion of the effects of the overregulation).

Examples with an impact on multiple sectors

1. Act on the protection of whistleblowers – a fixed list of infringements that can be reported

▶▶ A QUICK WIN	
Polish legal act:	Act of 14 June 2024 on the protection of whistleblowers (Journal of Laws, item 928) • Article 3(2)
Implements:	Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17, as amended) • Article 2(2)
The essence of overregulation:	<u>**exceeding the minimum requirements of the directive**</u> Article 3(1) of the Act defines the list of infringements that can be the subject of a whistleblower report. In paragraph 2, private entities are granted the right to further extend this list within the framework of the internal reporting procedure, but only with regard to infringements concerning '*internal regulations or ethical standards applicable within that legal entity, which were established by the legal entity on the basis of generally applicable law and are consistent with it*'. **It can therefore be concluded – *a contrario* – that the list in Article 3(1) is a fixed list, that is, entrepreneurs cannot, in their internal procedure, extend the list of infringements to include other provisions of generally applicable law.** This is confirmed by the interpretation presented by representatives of the Ministry of Family, Labour and Social Policy, who indicated to a Sejm committee that: '*We decided to expand this list and, as a rule, make it a fixed list.*' *In opening up the list in paragraph 2, we have made it subject to certain conditions.*[37] As a result, they consider that entrepreneurs cannot extend this list in their internal procedures to include other infringements of the law[38]. **Directive 2019/1937 does not require the introduction of a fixed list of infringements that can be reported. On the contrary, it encourages the expansion of the list**. Most entities (especially those operating in several European markets simultaneously) adopt a broader list of infringements that can be the subject of a whistleblower report. They often extend the opportunity to file a report (and the related protection afforded to the whistleblower) to all infringements of the law. Given the Ministry's position, Polish whistleblowers may therefore be less protected than those from other EU countries.

2. Act on the protection of whistleblowers – consultations on the internal procedure

Polish legal act:	Act of 14 June 2024 on the protection of whistleblowers (Journal of Laws, item 928) • Article 24(3) and (4)
Implements:	Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17, as amended) • Article 8(1)

[37] Statement by Sebastian Gajewski, Undersecretary of State in the Ministry of Family, Labour and Social Policy, transcript of the meeting of the Social Policy and Family Committee (No. 21) of 15 May 2024, p. 15.

[38] See statement by Sebastian Gajewski, Undersecretary of State in the Ministry of Family, Labour and Social Policy, transcript of the meeting of the Social Policy and Family Committee (No. 21) of 15 May 2024, p. 16.

The essence of overregulation:	**exceeding the minimum requirements of the directive** In accordance with the provisions of Directive 2019/1937, internal reporting procedures are adopted after consultation and in agreement with social partners, if so provided for by national law. The Polish legislature has provided for obligatory consultations dedicated to these procedures, including not only consultations with trade union organisations and employee representatives, but also with 'representatives of persons performing work for the legal entity, selected in the manner adopted in the legal entity, if there is no company trade union organisation operating within it'. According to the definition, 'persons performing work' means not only persons employed based on employment contracts, but also on the basis of civil law contracts. The provisions in force to date **did not provide for an obligation to select representatives of persons performing work on the basis of civil law contracts. As a result, many entities that are obliged under the Act to establish an internal reporting procedure had to not only select such representatives, but also prepare the process for their selection – solely for the purpose of fulfilling the obligation under the Act.** This regulation may represent a source of unnecessary organisational costs for the one-time fulfilment of the obligation.

3. Act on combating money laundering and terrorist financing – obligation to clarify suspicious transactions

▶▶ A QUICK WIN

Polish legal act:	Act of 1 March 2018 on counteracting money laundering and terrorist financing (Journal of Laws of 2023, items 1124, 1285, 1723 and 1843, of 2024, items 850 and 1222, and of 2025, items 146 and 172) • Article 43(4)
Implements:	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (AML Directive) (OJ L 141, 5.6.2015, p. 73, as amended) • Article 18(2)
The essence of overregulation:	**exceeding the minimum requirements of the directive** In accordance with the requirements of the AML Directive, obliged institutions are required to apply specific, additional measures in the case of complex, high-value transactions as well as all unusual transactions that have no apparent economic purpose. The AML Directive states that these measures are intended to '*determine whether these transactions or activities appear to be suspicious*'. **Meanwhile, the implementation of this requirement on the national level necessitates actions '*to clarify the circumstances in which these transactions were carried out*', which constitutes an extension of the obliged institution's responsibilities.** Instead of verifying whether a transaction should be considered suspicious and reported accordingly, the obliged institution is required to 'clarify the circumstances' – a more far-reaching action. This results in increased compliance costs and market fragmentation – obliged international institutions have to adapt procedures and operational activities to the specificities arising from Polish regulations.

4. Act on combating money laundering and terrorist financing – criminal sanctions

Polish legal act:	Act of 1 March 2018 on counteracting money laundering and terrorist financing (Journal of Laws of 2023, items 1124, 1285, 1723 and 1843, of 2024, items 850 and 1222, and of 2025, items 146 and 172) • Article 156(1)

Implements:	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (AML Directive) (OJ L 141, 5.6.2015, p. 73, as amended) • Article 58
The essence of overregulation:	**imposing sanctions or enforcement mechanisms stricter than required** The AML Directive requires the introduction of administrative measures and penalties as well as measures to ensure that the competent authorities of Member States can apply such penalties and measures in connection with breaches of the national provisions transposing the Directive. Member States are not obliged to introduce criminal provisions – the European Union has issued a separate Directive on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22), which requires Member States to criminalise certain acts related to money laundering (which is reflected in the Polish legal order in Article 299 of the Penal Code). **The AML Act introduces criminal provisions sanctioning, *inter alia*, the failure to provide information, while – in certain cases – the act specified in Article 156 of the Act may already be considered a crime based on the provisions of the Penal Code, i.e., Article 299 § 2 (in particular, that preparation and other preliminary and participatory forms are also punishable in this case).** The nature of the acts specified in Article 156(1) and (2) of the AML Act corresponds more closely to an administrative tort; however, as a result of the application of a penal sanction, it introduces a criminal aspect in the preliminary stages of the legal procedure, i.e., it introduces possible penal sanction for conduct that does not directly infringe a protected legal interest, but may lead to it. The aforementioned Article 299 § 2 of the Penal Code criminalises the act of infringing a legal interest in the form of actual money laundering in connection with a suspicious transaction as a result of neglecting reporting obligations; therefore, there seems to be no justification for separately criminalising the failure to provide information about potential money laundering or providing false data, which should be an administrative tort.

5. Draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) – concessions

▧ DRAFT ACT	
Polish legal act:	Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32)[39] • draft Article 53(9)–(11) of the Act on the National Cybersecurity System
Implements:	Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS2 Directive) (OJ L 333, 27.12.2022, p. 80) • Article 32(5)
The essence of overregulation:	**exceeding the minimum requirements of the directive** **imposing sanctions or enforcement mechanisms stricter than required** The Draft Act provides for the introduction of unfavourable rules concerning the suspension of concessions, permits, and business activities, as well as a ban on holding management positions, in the event of non-compliance with an order from a cybersecurity authority. According to Article 53(9)-(11) of the Draft Act, if an entrepreneur does not comply with an order or decision of the competent cybersecurity authority (the Minister of Digitisation), that authority will be able to suspend or limit a concession or a permit for conducting business activity, or to suspend the activity in whole or in part, and to prohibit the manager

[39] Draft version dated 7 February 2025.

of an essential or important entity from performing management functions, regardless of the entity's fault and the type of activity. This applies to all 18 sectors to be covered by the Draft Act.

Meanwhile, according to Article 32(5) of the NIS2 Directive, in the event of non-compliance with an order issued by the competent cybersecurity authority, it must be ensured that this authority can:

- temporarily suspend the authorisation, certificate, or activity of an essential entity or
- request that the authority that granted the authorisation, concession, or other consent for conducting the activity, or a court, in accordance with national law, temporarily suspend the certification or authorisation for some or all of the relevant services provided or for part or all of the activities carried out by the essential entity.

Structured as such, **the list in the NIS2 Directive leaves it up to the Member State to shape the competences of the cybersecurity authority, i.e., whether it can act independently or through a licensing authority or a court.** This discretion was granted intentionally to adapt the requirements of the NIS2 Directive to national specificities and rules, in accordance with the principle of procedural autonomy of the Member States. The EU regulation aims for the cybersecurity authority to be a party to the relevant proceedings, rather than their 'overseer'. The Directive repeatedly emphasises this by using the phrase 'in accordance with national law' and by indicating that the aforementioned temporary measures are applied subject to appropriate procedural safeguards consistent with the general principles of EU law and the Charter of Fundamental Rights, including the right to an effective legal remedy and to a fair trial, and the right to a defence.

The effect of the entry into force of the proposed regulation may be extensive legal uncertainty, as it is not clear how the powers of the cybersecurity authority relate to the powers of licensing authorities. The cost of resolving any doubts, including potential disputes with authorities, will be borne by entrepreneurs.

6. Draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) – HRV procedure

▧ DRAFT ACT	
Polish legal act:	Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32)[40] • draft Article 67b–67f of the Act on the National Cybersecurity System
Implements:	Cybersecurity of 5G networks: EU Toolbox of risk mitigating measures Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS2 Directive) (OJ L 333, 27.12.2022, p. 80)
The essence of overregulation:	**exceeding the minimum requirements of the directive** **adding requirements at the national level** **extending the scope of application of EU law** The Draft Act provides for a procedure for recognising ICT component suppliers as high-risk vendors (*HRVs*). The implementation of this procedure will result in the need for essential an important entities, i.e., all entities operating in the economic sectors covered by the Draft Act (including the energy, transport, banking, healthcare, waste management, mining, food, and chemical sectors), to withdraw certain ICT components. These entities will have to withdraw the ICT components they use. They will also not be able to acquire and use certain ICT components from a given supplier in their operations. The decision in this regard is to be made by the Minister of Digitisation after obtaining the opinion of the Cybersecurity College in a special procedure that limits the application of the Administrative Procedure Code.

[40] Draft version dated 7 February 2025.

This institution was not provided for in the NIS2 Directive, but in recommendations issued by EU institutions (the EU 5G Toolbox, which concerns the cybersecurity of 5G networks). The 5G Toolbox itself does not specify the exact procedure, but indicates it as a strategic element for ensuring the cybersecurity of 5G networks. It also indicates the need to assess the risk of suppliers of critical components of this network.

Rather than applying the described procedure only to critical elements of 5G networks in telecommunications, the Polish legislature extended it to cover all economic sectors covered by the Draft Act and to all ICT components, i.e., to all elements of networks and IT systems. This significantly expands the range of products that could potentially be subject to exclusion, covering networks of all generations (3G, 4G, 5G), including wired communications. The proposed list of critical functions, introduced in Annex 3 to the Act on the National Cybersecurity System, does not reflect the critical assets identified in the 5G Toolbox and indicates components to be withdrawn first, without considering their criticality in the infrastructure. Poland is the only country in Europe which is planning to implement the 5G Toolbox in 18 sectors of the economy.

The use of such powers by the Minister of Digitisation may significantly increase the compliance costs for a very large number of entrepreneurs (every medium-sized or larger entrepreneur operating in any of the 18 sectors covered by the Draft Act) who use ICT components – estimated at around 38,000 entities. They will bear the cost of acquiring new equipment as well as the costs of implementation processes. Moreover, the fact that this applies to all ICT components, and not just critical elements of the 5G network, may significantly increase the operating costs of Polish entrepreneurs compared to their foreign competitors. The result may be a fragmentation of the EU market – Poland would have the most restrictive regulations, which would negatively affect the investment attractiveness of the domestic market and thus its access to new technologies, creating difficulties for the functioning of cross-border enterprises.

7. Draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) – sanctions

▧ DRAFT ACT	
Polish legal act:	Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32)[41] • draft Article 73(5) and Article 74(4) of the Act on the National Cybersecurity System
Implements:	Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS2 Directive) (OJ L 333, 27.12.2022, p. 80) • Article 34(4) and (5)
The essence of overregulation:	**exceeding the minimum requirements of the directive** **imposing sanctions or enforcement mechanisms stricter than required** The NIS2 Directive provides for the introduction of administrative fines for essential and important entities (i.e., entities covered by the NIS2 Directive that are at least medium-sized enterprises) of up to EUR 10 million or 2% of turnover for essential entities, and up to EUR 7 million or 1.4% of turnover for important entities. These fines are for the incorrect application (or non-application) of cybersecurity risk-management measures and for the breach of reporting obligations with respect to cybersecurity incidents. However, the Polish legislature has provided for additional fines for situations in which a breach of the provisions causes '*a direct and serious cyber threat to national defence, state security, public safety and order, or human life and health, or a threat of causing serious financial damage, or serious disruptions to the provision of services*' – up to PLN 100 million, regardless of the size and qualification (essential or important entity) of the entity. A decision on this fine (as well as other fines introduced by the Draft Act) may be made immediately enforceable. Considering their severity as well as the imprecise and discretionary conditions ('threat') and the possibility of immediate enforcement, these proposed

[41] Draft version dated 7 February 2025.

sanctions go far beyond what is required by the NIS2 Directive. These provisions introduce a significant risk for entities operating in the 18 economic sectors covered by the Draft Act and may reduce Poland's investment attractiveness – an entrepreneur who is a victim of a cyberattack may have no influence on the scope of the 'threat' caused by that attack.

8. Act on accounting – publication of an income tax report

Polish legal act:	Act of 29 September 1994 on accounting (Journal of Laws of 2023, items 120, 295 and 1598 and of 2024, items 619, 1685, 1863) • Article 63m(4), Article 63n(5)
Implements:	Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19, as amended) • Article 48d(2) in conjunction with Article 48b
The essence of overregulation:	**exceeding the minimum requirements of the directive** The Directive obliges certain types of entities (generally parent or standalone undertakings exceeding a revenue threshold of EUR 750 million, or subsidiary undertakings whose parent undertaking exceeds this threshold – with certain exceptions) to draw up, publish, and make accessible a report on income tax information. The Directive specifies that Member States must ensure that the report is published on the undertaking's website (or, in some cases, the undertaking's branch's website), but that they may also exempt the undertaking from the requirement to publish it on their website if the report has been filed in the relevant commercial register of the Member State. EU provisions therefore provide that the report should, as a rule, be published on the Internet, and that Member States may introduce an exception under which publication in a commercial register exempts the entity from the obligation to publish the report on the Internet; Member States may choose not to introduce such an exception and to require publication on the entity's website in all cases. **Meanwhile, the current provisions of Polish law impose on obliged entities a simultaneous obligation to publish the report on their website and to file it with the National Court Register.** The obligation to file the report with the National Court Register in each case increases costs and organisational outlays for obliged entities.

9. Act on claims for damages for infringements of competition law – presumption of harm

Polish legal act:	Act of 21 April 2017 on claims for damages for infringements of competition law (Journal of Laws, item 1132) • Article 7
Implements:	Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (OJ L 349 of 5.12.2014, p. 1) • Article 17
The essence of overregulation:	**exceeding the minimum requirements of the directive** According to the Directive, it is presumed that cartel infringements cause harm. Cartel infringements are infringements of competition law committed by a cartel, i.e., an agreement between two competitors aimed at coordinating their competitive behaviour on the market, such as price fixing. The presumption of harm means that in the event of such an infringement, it is rather 'automatically' assumed that harm

	has occurred; it is the infringer who must possibly prove that there was no harm, not the other way around. The Polish provisions implementing the Directive extend this principle to 'infringements of competition law', i.e., not only cartel infringements, but all infringements of Articles 101 and 102 of the Treaty on the Functioning of the EU or the prohibitions under Articles 6 and 9 of the Act on Competition and Consumer Protection (i.e., also to the abuse of a dominant position). This regulation may result in a weakening of the entrepreneur's position in proceedings for abuse of a dominant position – shifting the burden of proving that no harm was caused onto them. Objectively, this reduces their chances in the proceedings and increases the risk of damages; in practice, it may also increase operational risk and legal assistance costs.

10. Act on personal income Tax – exit tax on natural persons, extended scope

Polish legal act:	Act of 26 July 1991 on personal income tax (Journal of Laws of 2025, items 163, 340 and 348) • Article 30da–30di (introduced by the Act of 23 October 2018 amending the Act on personal income tax, the Act on corporate income tax, the –Tax Ordinance Act and certain other acts)
Implements:	Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193 of 19.07.2016, p. 1, as amended) • Article 3
The essence of overregulation:	<u>extending the scope of application of the directive</u> The Polish provisions provide for the taxation of unrealised capital gains of natural persons in the event of a change of tax residence or a transfer of assets outside the territory of the Republic of Poland, provided that their value exceeds PLN 4 million. The purpose of this regulation is to tax hypothetical capital gains, known as the 'exit tax', which might otherwise not be taxed in Poland. **Meanwhile, the regulation in the Directive refers to taxpayers who are subject to corporate income tax, not natural persons.** The legislature decided to extend the EU provisions, contrary to the recitals of the directive itself, which state that '*it is not advisable to extend the scope of this Directive to entities that are not subject to corporate tax in a Member State*' (Recital 4).

11. Act on personal income tax – exit tax on natural persons, extended scope

Polish legal act:	Act of 26 July 1991 on personal income tax (Journal of Laws of 2025, items 163, 340 and 348) • Article 30da–30dh (introduced by the Act of 23 October 2018 amending the Act on personal income tax, the Act on corporate income tax act, the Tax Ordinance Act and certain other acts)
Implements:	Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193 of 19.07.2016, p. 1, as amended)
The essence of overregulation:	**extending the scope of application of the directive** According to the provisions of the Act on income tax as well as case law (see judgements of the Supreme Administrative Court: of 2.12.2022, II FSK 1186/20, and of 2.12.2021, II FSK 1187/21), a component of personal assets (not related to business activity) is subject to taxation if there is a change of tax residence. **As a result, in addition to assets related to business activity, the 'exit tax' under the Act on personal income tax covers personal assets. This tax therefore covers not only natural persons (extension of subjective scope), but also personal assets (extension of objective scope).** Such a regulation may discourage investment and reduce Poland's attractiveness as a place to invest capital.

12. Act on personal income tax – payment deadline for the exit tax

Polish legal act:	Act of 26 July 1991 on personal income tax (Journal of Laws of 2025, items 163, 340 and 348) • Article 30da(14)
Implements:	Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193 of 19.07.2016, p. 1, as amended)
The essence of overregulation:	<u>adding requirements at the national level</u> The regulations concerning the 'exit tax' did not introduce a procedure for deferring tax payment; instead, as a rule, they provided for payment of the tax by the 7th day of the month following the month in which the income from unrealised gains occurred (with the possible option of paying the tax in instalments or receiving a refund under the provisions if certain conditions are met). **This requirement does not stem from the Directive, and even raises doubts as to its compliance with EU provisions.** The CJEU, in its judgement of 26 February 2019 in Case C-581/17, stated that the immediate payment of tax on unrealised gains is disproportionate to the objective, adversely affects financial liquidity, and infringes the principle of freedom of establishment, and is therefore incompatible with EU law.

13. Commercial Companies Code – obligation to notify shareholders twice of an intended cross-border transformation of a company

▶▶ A QUICK WIN

Polish legal act:	Act of 15 September 2000 – the Commercial Companies Code (Journal of Laws of 2024, items 18 and 96) • Articles 516^{6a}, 550^{10}, and 580^{8} (introduced by the Act of 16 August 2023 amending the Act – the Commercial Companies Code and certain other acts)
Implements:	Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L169 of 30.06.2017, p. 46, as amended) • Article 86h, Article 126 and Article 160h
The essence of overregulation:	<u>adding requirements at the national level</u> Pursuant to Articles 516^{6a}, 550^{10}, and 580^{8} of the Commercial Companies Code, the management board of the company being reorganised twice notifies its shareholders of the intention to merge with another company, or, in the case of a company being divided, of its intention to divide the company and transfer its assets to newly formed companies, or of the intention to adopt a resolution on the transformation of the company, in the manner provided for convening meetings of shareholders or general meetings. **The requirement to notify shareholders twice does not stem from the requirements of Directive 2017/1132.** Although the legal doctrine presents a position according to which double notification may be waived if the shareholders submit a relevant declaration, the provisions of Article 516^{6a}, 550^{10}, and 580^{8} of the Commercial Companies Code, unlike, for example, Article 516^{6} § 3, Article 550^{8} § 2, and Article 580^{6} § 3 of the Commercial Companies Code, do not explicitly provide for such a possibility. From the perspective of cross-border transformations of companies, this may be a source of significant fragmentation of the EU market. In the case of companies with a small number of shareholders who unanimously support the planned reorganisation and who want it to be carried out as quickly as possible, this may represent a bureaucratic obstacle to business operations that does not stem from EU law.

14. Commercial Companies Code – exclusion of the possibility of promoting the acquisition of shares in a limited liability company

Polish legal act:	Act of 15 September 2000 – the Commercial Companies Code (Journal of Laws of 2024, items 18 and 96) • Article 182[1]
Ensures the application of:	Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937 (OJ L 347 of 20.10.2020, p. 1) • Article 2(1)(n) in conjunction with (2)
The essence of overregulation:	**introducing new burdens which go beyond the purpose of EU law** The purpose of the so-called Crowdfunding Act[42], which introduced the analysed provisions into the Commercial Companies Code, was to harmonise Polish national provisions with Regulation 2020/1503. The introduction of this provision would make it impossible to attract investors to limited liability companies, *inter alia*, through equity crowdfunding. **Indeed, the provision of Article 182[1] prohibits making an offer to acquire shares in the company to an unspecified addressee, as well as promoting the acquisition of shares in the company by directing advertising or other forms of promotion to an unspecified addressee. Meanwhile, according to Article 2(1)(n) of Regulation 2020/1503, 'transferable securities' means shares in a limited liability company that are not subject to restrictions that would effectively prevent them from being transferred, including restrictions on the way in which those shares are offered or advertised to the public.** Given that the Act introduces such restrictions, with respect to shares in a limited liability company, it makes it impossible to obtain the consent referred to in Article 2(2) of Regulation 2020/1503, i.e., the possibility of using crowdfunding services. **This problem and the fact that the new regulation is an example of gold-plating were pointed out during the public consultations on the draft.**[43]

15. Commercial Companies Code – penal sanction for violating the prohibition of promoting the acquisition and subscription of new shares in a limited liability company

Polish legal act:	Act of 15 September 2000 – the Commercial Companies Code (Journal of Laws of 2024, items 18 and 96) • Articles 595[1] and 595[2]
Ensures the application of:	Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937 (OJ L 347 of 20.10.2020, p. 1) • Article 2(1)(n) in conjunction with (2)
The essence of overregulation:	**introducing new burdens which go beyond the purpose of EU law** **imposing sanctions or enforcement mechanisms stricter than required** The analysed provisions sanction the prohibitions established in Article 182[1] and Article 257[1] of the Commercial Companies Code (described above in points 23 and 24), which prohibit the promotion of the acquisition and subscription of shares in a limited liability company, *inter alia*, through equity crowdfunding; this is not provided for by Regulation 2020/1503.

[42] Act of 7 July 2022 on crowdfunding for business ventures and assistance to borrowers (Journal of Laws of 2024, items 984 and 1863).

[43] See Sejm printed matter no. 2269, IX Sejm, Report from the consultation of the Draft Act on crowdfunding for business ventures (UC76), p. 46.

	On the occasion of the amendment intended to ensure the application of Regulation 2020/1503, the legislature not only introduced the described restrictions not provided for in EU law, but also made violations subject to penal sanction.

16. Tax Ordinance – reporting of domestic tax schemes

Polish legal act:	Act of 29 August 1997 – the Tax Ordinance (Journal of Laws of 2025, items 111 and 497) • Article 86b § 1 in conjunction with Article 86a § 1(10) and (12)
Implements:	Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64 of 11.03.2011, p. 1, as amended) (Article 8ab introduced by Directive 2018/822, known as DAC-6) • Article 8ab
The essence of overregulation:	**exceeding the minimum requirements of the directive** The DAC6 Directive obliged Member States to adopt the necessary measures to impose an obligation on intermediaries to provide the competent authorities with information on reportable cross-border arrangements. Polish provisions transposing the Directive distinguish cross-border tax schemes as a subcategory of tax schemes; however, **the obligation to provide information to the Head of the National Revenue Administration applies to 'tax schemes', not 'cross-border tax schemes', and thus also covers domestic tax schemes.** This means a much greater risk of penalties for non-compliance with reporting obligations with respect to tax schemes, as well as additional risks for advocates, legal advisers, and tax advisers related to the breach of professional secrecy (for years, the obligation to report clients' tax schemes has been criticised as a mechanism that violates the principle of professional secrecy, as also indicated by the Constitutional Tribunal[44]).

17. Tax Ordinance – definition of another specific hallmark

Polish legal act:	Act of 29 August 1997 – the Tax Ordinance (Journal of Laws of 2025, items 111, 497, 621 and 622) • Article 86a § 1(1)
Implements:	Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (DAC6) (OJ L 139, 5.6.2018, p. 1, as amended) • Article 3(20) of Directive 2011/16/EU

[44] See Judgement of the Constitutional Tribunal of 23 July 2024, K 13/20, OTK-A 2024, No. 66.

The essence of overregulation:	**adding requirements at the national level** The DAC6 Directive introduced the obligation to report tax schemes. For an arrangement to be considered a tax scheme, it must have a hallmark, i.e., a characteristic feature or element which indicates a potential risk of tax avoidance (and which therefore gives rise to a reporting obligation). Annex IV to the Directive contains a list of the various categories of hallmarks. The Tax Ordinance provides for **other, additional hallmarks not mentioned in the Directive ('other specific hallmarks'), the occurrence of which in a particular arrangement also incurs a reporting obligation**. The following are the characteristics of an arrangement: – an impact on the deferred portion of income tax or deferred tax assets or provisions, arising or anticipated in connection with the implementation of the arrangement by the user thereof, which is material for the given entity within the meaning of accounting regulations and exceeds PLN 5 million during the calendar year; – the income tax remitter would be obliged to collect tax exceeding PLN 5 million during the calendar year if the relevant double taxation treaties or tax exemptions did not apply to payments of receivables resulting from or expected in connection with the implementation of the arrangement; – the income (revenue) of a taxpayer referred to in Article 3(2a) of the Act on personal income tax or Article 3(2) of the Act on corporate income tax resulting from or expected in connection with the implementation of the arrangement exceeds a total of PLN 25 million during the calendar year; – the difference between the Polish income tax that would be due in connection with the implementation of the arrangement from a user who does not have his registered office, management board, or place of residence in the Republic of Poland, if he were a taxpayer referred to in Article 3(1) of the Act on personal income tax or Article 3(1) of the Act on corporate income tax and the income tax actually payable in the state of the user's registered office, management board, or place of residence in connection with the implementation of the arrangement, exceeds a total of PLN 5 million during the calendar year.

18. Tax Ordinance – subsequent reporting obligation

Polish legal act:	Act of 29 August 1997 – the Tax Ordinance (Journal of Laws of 2025, item 111, as amended) • Article 86j
Implements:	Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (DAC6) (OJ L 139, 5.6.2018, p. 1, as amended)
The essence of overregulation:	**adding requirements at the national level** Article 8ab of the DAC6 Directive, which establishes the obligation to report tax schemes, obliges Member States to impose an obligation on intermediaries to inform the administrative authorities of reportable arrangements within 30 days, counting from, respectively: the day after the arrangement is made available for implementation, the day after the arrangement is ready for implementation, or the date of the first step in its implementation – whichever occurs first. The Directive thus establishes an initial reporting obligation, i.e., at the moment the tax scheme begins to be applied. **Polish regulations additionally establish a subsequent reporting obligation** – in accordance with Article 86j of the Tax Ordinance, a user (i.e., the entity for which the arrangement was implemented/made available) who, in a given settlement period, performed any activities that were part of a tax scheme or obtained a tax advantage from it, must also, within the deadline for filing a tax return for that settlement period, provide the Head of the National Revenue Administration with information on the number of the tax scheme used and the advantage obtained from it (if any). Thus, in addition to the obligation to report on the commencement of a tax scheme, the Polish legislature has also obliged entities to report on the tangible benefits which they have achieved from the application of the scheme.

19. Act on competition and consumer protection – scope of the right to remain silent

Polish legal act:	Act of 16 February 2007 on competition and consumer protection (Journal of Laws of 2024, item 1616) • Article 50
Implements:	Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+ Directive) (OJ L 11, 14.1.2019, p. 3) • Article 8
The essence of overregulation:	**imposing sanctions or enforcement mechanisms stricter than required** The amendment, intended to implement the ECN+ Directive[45], extended the subjective scope of the obligation to provide information at the request of the President of Office of Competition and Consumer Protection, as provided for in Article 50 of the Act on competition and consumer protection. Previously, this obligation applied only to undertakings, and as a result of the amendment, it was extended to natural persons, legal persons, and organisational units that are not undertakings. At the same time, to ensure the right to remain silent (related to the prohibition of self-incrimination), the legislature stipulated that natural persons to whom the request is addressed may refuse to provide information if it would expose them or their close relatives (listed in the provision) to criminal liability (Article 50(4)). According to Article 8 of the ECN+ Directive, requests for information from national competition authorities must be proportionate and must not compel the addressee of the request to admit to an infringement of Articles 101 and 102 TFEU. The right to remain silent specified in the Act refers exclusively to information that may result in criminal liability. Information that may result in other types of legal liability – information which is not of a criminal nature *sensu stricto*, but is quasi-criminal, as is particularly important in the case of liability imposed in proceedings before the President of Office of Competition and Consumer Protection – is outside the scope of this right. **The ECN+ Directive does not introduce an analogous limitation on the prohibition of self-incrimination; therefore, the provisions set out in the Polish Act may be considered more stringent.**

20. Act on competition and consumer protection – fines imposed on business associations

Polish legal act:	Act of 16 February 2007 on competition and consumer protection (Journal of Laws of 2024, item 1616) • Article 106(1a)
Implements:	Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+ Directive) (OJ L 11, 14.1.2019, p. 3) • Article 14(3) and (4), Article 15(2)
The essence of overregulation:	**imposing sanctions or enforcement mechanisms stricter than required** As part of the transposition of Article 14(3) and (4) and Article 15(2) of the ECN+ Directive, new, stricter rules for setting fines imposed on associations of undertakings for infringements related to the activities of their members were introduced into the Act on competition and consumer protection. The Recitals of the ECN+ Directive, EU legislative materials, and a combined analysis of the implemented provisions indicate that the purpose of their introduction was to enable national authorities to resort to stricter criteria (because they are calculated based on the turnover of the members themselves, not the association) for setting the fine imposed on an association of undertakings if the infringement occurred as a result of the association's decision. This does not, therefore, concern infringements caused by any

[45] Act of 9 March 2023 amending the Act on competition and consumer protection and certain other acts (Journal of Laws, item 852, as amended).

	action of the association, but only those resulting from its decision. This is also indicated by paragraph 3 which refers to the application of provisions sanctioning infringements '*to decisions by associations of undertakings*'. The link between the sanctioned infringement and the association's decision is also evident from the third sentence of Article 14(4) of the ECN+ Directive, which refers to the '*[implementation of] the infringing decision of the association*'. **Meanwhile, the amended Article 106(1a) of the Act does not require a link between the infringement and the association's decision as a prerequisite for applying the stricter rules for establishing the relevant sanction. As such, we may therefore conclude that the Act extends their scope of application of these rules beyond that envisaged by the Directive.**

21. Act on competition and consumer protection – limitation period

Polish legal act:	Act of 16 February 2007 on competition and consumer protection (Journal of Laws of 2024, item 1616) • Article 93(1a)–(1d)
Implements:	Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+ Directive) (OJ L 11, 14.1.2019, p. 3) • Article 29(1)
The essence of overregulation:	**exceeding the minimum requirements of the EU legal act** As part of the amendment implementing the ECN+ Directive, the legislature introduced provisions into the Act on competition and consumer protection which concern the effect on the limitation period for initiating proceedings concerning anti-competitive practices of the President of Office of Competition and Consumer Protection's notification to an undertaking concerning investigative measures taken against it in explanatory proceedings. **As the drafters admitted in the reverse concordance table attached to the justification of the draft amendment[46], '*such a provision will be compatible with EU regulations [...], although its introduction does not result from the wording of Directive (EU) 2019/1*'.** Indeed, the ECN+ Directive mentions the effects of initiating investigative measures on the limitation period, but only with regard to measures taken by the European Commission or the competent competition authorities of another EU Member State (Article 29(1) of the ECN+ Directive), and not by the national competition authority. The purpose of Article 29(1) of the ECN+ Directive is to ensure that the authorities of other Member States and the Commission can conduct such actions before the expiry of the limitation period under national law. **As part of the transposition of the ECN+ Directive, the Polish legislature was not obliged to establish such purely national barriers (i.e., concerning the actions of the Polish competition authority) with respect to the limitation period.**

22. Act on combating unfair market practices – consortium system

Polish legal act:	Act of 23 August 2007 on combating unfair market practices (Journal of Laws of 2023, item 845) • Article 10
Implements:	Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22, as amended) • Article 5(1) and (2)

[46] See Sejm printed material no. 2990, IX Sejm, p. 611.

The essence of overregulation:	**extension of the application of EU law** As indicated above in the description in point 32 above, the Directive defined an unfair commercial practice in Article 5(2) as a commercial practice which simultaneously meets both of the following conditions: it is contrary to the requirements of professional diligence, and, with regard to the given product, it materially distorts or is likely to materially distort the economic behaviour of the average consumer – or that of the average member of a group of consumers, if the commercial practice is addressed to a specific group of consumers – who is affected by the practice.. Additionally, Article 5(4) of the Directive states that in particular, practices that are misleading or aggressive constitute unfair practices. The Polish act transposes the Directive by establishing the definition of 'unfair market practices', which is the equivalent of 'unfair commercial practices' (the statutory definition has slightly different wording than the definition in the Directive, but they are consistent in terms of meaning). However, in Article 10, the Polish Act additionally indicates that conducting business in the form of a consortium and organising a group with the participation of consumers to finance a purchase in a consortium constitutes an unfair practice. This provision has no basis in the Directive. The wording of Article 10 implies that a consortium constitutes an unfair practice *per se* in every case, even if it does not meet the criteria of the general definition of an unfair market practice. We can therefore conclude **that in practice, the Act extends the application of the provisions on unfair practices to consortia, which do not meet the established criteria for an unfair practice.**

23. Act on combating unfair competition – trade secrets

Polish legal act:	Act of 16 April 1993 on combating unfair competition (Journal of Laws of 2022, item 1233) • Article 11(2)
Implements:	Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1). • Article 2(1)(b)
The essence of overregulation:	**exceeding the minimum requirements of the directive** The Polish definition of 'trade secret' is broader than the definition set out in the Directive. The Directive assumes that a trade secret is information which: a) is confidential in the sense that, as a whole or in the particular collection of its elements, it is not generally known or readily accessible to persons in circles that normally deal with this type of information; b) has commercial value because it is secret; c) with respect to which the person lawfully in control of such information has taken reasonable measures to keep it secret. **Meanwhile, Polish law does not require that information constituting a trade secret have commercial value because it is protected, but rather that it have 'economic value' in general.** This is therefore a broader definition that potentially covers a much broader range of information. However, this regulation should not be assessed as unequivocally negative, considering the significant role of information in the modern economy.

24. Penal Code – forfeiture of an enterprise

Polish legal act:	Act of 6 June 1997 – the Penal Code (Journal of Laws of 2025, item 383) • Article 44a
Implements:	Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39, as amended)

	Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation (OJ L 1260, 2.5.2024, p. 1)
The essence of overregulation:	**exceeding the minimum requirements of the directive** **adding requirements at the national level** The Penal Code provides for a special type of forfeiture – forfeiture of an enterprise. It applies in a situation where the perpetrator of an offence has obtained, even indirectly, a pecuniary advantage of a significant value, and the enterprise was used to commit the crime or to conceal the proceeds thereof. Importantly, an enterprise not owned by the perpetrator may also be subject to forfeiture, if the owner of that enterprise intentionally committed the offence or concealed the proceeds thereof within the framework of his enterprise. **The legislature deliberately exceeded the scope of the provisions of Directive 2014/42 – in the reverse concordance table of the Draft Act introducing this regulation[47], it indicated that '*the provision does not stem directly from an EU legal instrument, but is consistent with the objective of the directive*'. No analogous requirement for the forfeiture of an enterprise is specified in the new Directive 2024/1260 on asset recovery and confiscation.** The analysed provisions provide for potential sanctions against third parties – the requirement of at least possible intent, which is a condition for the forfeiture of a third party's enterprise, is in practice very difficult to distinguish from conscious negligence. It is worth noting that the legislature made forfeiture dependent only on the owner's volition – not on actual behaviour (whether in the form of an act or an omission).

[47] Sejm printed matter no. 1186, VIII Sejm, Reverse Concordance Table, p. 1.

25. Act on mutual assistance in the recovery of taxes, duties and other monetary claims – purpose of providing available

Polish legal act:	Act of 11 October 2013 on mutual assistance in the recovery of taxes, duties and other monetary claims (Journal of Laws of 2023, item 2009) • Articles 28 and 29
Implements:	Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1) • Article 23(3)
The essence of overregulation:	**extending the scope of application of EU law** According to the second and third sentences of Article 23(1) of Directive 2010/24/EU, information communicated within the framework of mutual assistance may be used for the purposes of enforcement or precautionary measures in respect of claims covered by the Directive and for the assessment and enforcement of compulsory social security contributions. Pursuant to Article 23(3) of the Directive, the Member State providing the information shall permit its use in the receiving Member State for other purposes than those mentioned, if, under the legislation of the Member State providing the information, the information may be used for similar purposes. **Articles 28 and 29 of the Polish act allow for the transfer of the aforementioned information for purposes other than the recovery or securing of monetary claims covered by the Act or the calculation and recovery of compulsory social security contributions.** As indicated in the literature, the intent of the EU legislature was to ensure that information '*could be made available exclusively for the purposes of recovering claims and calculating and recovering compulsory social security contributions, with the consent of the State providing the information, and only if its transfer is consistent with the principles and procedures set out in the directive.*' '***By extending the scope of this EU regulation, the Polish legislature allowed the transfer of such information also for non-EU purposes***'.[48]

[48] E. Cisowska-Sakrajda, 5.6.3.2. Further exchange of information [in:] System Prawa Administracyjnego Procesowego. Volume III. Part 2. Administracyjne postępowanie egzekucyjne i zabezpieczające – zagadnienia szczegółowe, ed. D.R. Kijowski, Warsaw 2020.

‘Sector-specific’ examples. Capital markets and funds

26. Act on the public offering – obligation to make a prospectus available (statutory threshold)

▶▶ A QUICK WIN	
Polish legal act:	Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies (Journal of Laws of 2025, item 592) ● Article 37b(1)
Ensures the application of:	Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12, as amended) ● Article 3(2)(b)
The essence of overregulation:	**exceeding the minimum requirements of the EU legal act** Regulation 2017/1129 (the Prospectus Regulation) authorises Member States to exempt public offers of securities with a total value over the last 12 months of between EUR 1 million and EUR 8 million from the obligation to prepare and publish a prospectus. **The Polish legislature narrowed this range to EUR 1–5 million and adopted a lower threshold (EUR 5 million instead of the EU's EUR 8 million).** As a result, the obligation to draw up and publish a prospectus (as opposed to providing an information memorandum) covers a wider range of cases. **This problem was pointed out during the public consultation of the Draft Act.**[49]

27. Act on the public offering – issue limit without a prospectus

Polish legal act:	Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies (Journal of Laws of 2025, item 592) ● Article 3(1a) – introduced by the Act of 16 October 2019 amending the Act on the public offering and conditions for introducing financial instruments to organised trading and on public companies and certain other acts (Journal of Laws, item 2217)
Implements:	Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12) ● Article 1(4)(b)
The essence of overregulation:	**adding requirements at the national level** **exceeding the minimum requirements of the regulation** Regulation 2017/1129 exempts specific public offers of securities from the obligation to publish a prospectus, including offers of securities addressed to fewer than 150 natural or legal persons per Member State, other than qualified investors. This provision is directly effective, as it has the status of a regulation, and therefore does not require additional implementation. **However, the Polish legislature decided to specify that in the case of an issue to up to 149 legal or natural persons, the investor limit applies over a 12-month period, rather than to each individual issue.** Moreover, for an issue falling within the limit, it is necessary to publish an information memorandum and submit it to the Polish

[49] See Sejm printed matter no. 3755, VIII Sejm, Report from the consultation on the Draft Act amending the Act on the public offering and conditions for introducing financial instruments to organised trading and on public companies and certain other acts (UC130), p. 42.

	Financial Supervision Authority on the date of its publication, which is not required by the provisions of the Regulation. Extending the limit of 149 investors to all issues made in the 12 months preceding the date of a given issue forces Polish companies seeking financing to prepare prospectuses more frequently. The Act also introduces an additional information requirement not provided for in EU law.

28. Act on the public offering – obligation to prepare quarterly reports

Polish legal act:	Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies (Journal of Laws of 2025, item 592) • Article 60(2) of the Act (statutory authorisation) Regulation of the Minister of Finance of 29 March 2018 on current and periodic information provided by issuers of securities and the conditions for recognising information required by the laws of a non-member state as equivalent (Journal of Laws, item 757) • § 60
Implements:	Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ EU L 390 of 31.12.2004, p. 38, as amended) • Article 3(1) and (1a)
The essence of overregulation:	**exceeding the minimum requirements of the directive** The Directive provides that an issuer of securities should publish periodic financial information in the form of annual and semi-annual financial statements. The Directive explicitly states that a Member State may not require an issuer to publish financial information more frequently; exceptionally, it may impose a more stringent requirement if additional conditions are met (the additional periodic financial information does not constitute a disproportionate financial burden in the Member State concerned, in particular for the small and medium-sized enterprises concerned, and the content of the required additional periodic financial information is proportionate to the factors contributing to investment decisions by investors in the Member State concerned). **Poland has opted to introduce an exception and, in addition to the obligation to submit annual and semi-annual reports, has introduced an additional requirement for quarterly reporting.**

29. Act on the public offering – data on market conditions in a transaction announcement

▶▶ A QUICK WIN

Polish legal act:	Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies (Journal of Laws of 2025, item 592) • Article 90i(2)(4)
Implements:	Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies (SRD) (OJL184 of 14.07.2007, p. 17, as amended) • Article 9c(2)
The essence of overregulation:	**exceeding the minimum requirements of the directive** The requirement to include in the transaction announcement the information necessary to assess whether a material transaction was concluded '*on market terms and is justified by the interest of the company and shareholders who are not related parties, including minority shareholders*' exceeds the

	standard set out in the SRD. The Directive only indicates that the information provided must make it possible to assess whether it is '*fair and reasonable from the perspective of the company and the shareholders*'. **This means that while intending to clarify the provisions of the SRD, the Polish legislature extended the scope of mandatory disclosure by adding the concept of 'market conditions'.** Extending the information obligations related to publication on the company's website to include additional data, in particular in the context of 'market conditions', may require the disclosure of data that is significant from the point of view of the economic interests of the company and its counterparty.

30. Act on the public offering – notification obligation for financial instruments relating to unissued shares

▶▶ A QUICK WIN	
Polish legal act:	Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies (Journal of Laws of 2025, item 592) • Article 69b(1)(2)
Implements:	Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ OJ L 390 of 31.12.2004, p. 38, as amended) • Article 13(1)(b) (as amended by Directive 2013/50/EU of 22 October 2013 amending Directive 2004/109/EC)
The essence of overregulation:	**exceeding the minimum requirements of the directive** **extending the scope of application of a directive** Under Directive 2004/109, shareholders are required to notify the issuer of the acquisition or disposal of major holdings (Article 9 of Directive 2004/109). This obligation is extended to other financial instruments that entitle the holder to acquire, or give the holder the freedom to acquire, shares already issued by the issuer (Article 13(1)(a) of Directive 2004/109) or linked to shares already issued by the issuer (Article 13(1)(b) of Directive 2004/109). As a result, the notification requirements do not apply to financial instruments whose subject or underlying instrument are shares that have not yet been issued. **The Polish legislature extended the notification obligation, additionally applying it to instruments that are not linked to existing (already issued) shares and indicating that it covers all instruments directly or indirectly related to the issuer's shares (whether already issued or not) which have economic effects similar to those of financial instruments.** Considering the maximal nature of the harmonisation provided for in Directive 2004/109 in this respect (see the fourth subparagraph of Article 3(1a) of Directive 2004/109) as well as its objective (integration of the European securities market), overregulation on the national level should be assessed negatively, as it fragments the single capital market and creates a national barrier for investors (with a potential risk of sanctions).

31. Act on the public offering – requirements for announcements of material transactions by subsidiaries

Polish legal act:	Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies (Journal of Laws of 2025, item 592) • Article 90k

Implements:	Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies (SRD) (OJL184 of 14.07.2007, p. 17, as amended)
The essence of overregulation:	**exceeding the minimum requirements of the directive** The Polish legislature has introduced requirements for the publication of information on the conclusion of a material transaction not only by listed companies, but also by their subsidiaries. As a result, due to the scope of the reference in Article 90k of the Act on the public offering, the obligations regarding the deadline for publishing the announcement, the scope of information required in the announcement, and the requirement to adopt a procedure for assessing compliance with the exclusion criteria in Article 90j apply to subsidiaries. **The SRD Directive does not provide for such requirements with respect to subsidiaries.**

32. Act on investment funds and management of alternative investment funds – minimum value of an issue investment certificate

Polish legal act:	Act of 27 May 2004 on investment funds and management of alternative investment funds (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) ● Article 117(3) and (5)
Implements:	–
The essence of overregulation:	**adding requirements at the national level** The Act introduces new rules for the supervision of closed investment funds issuing only investment certificates, including the requirement that they have a value of not less than EUR 40,000. **This is a purely national requirement with no basis in EU law**. The purpose of this provision is to increase investor protection and to restrict access to this type of financial instrument to investors with an appropriate level of capital; nevertheless, the application of prudential standards higher than those specified in the regulations in force at the EU level may lead to differences in national regulations compared to other Member States. This, in turn, may affect the competitiveness of the Polish capital market and restrict market access for smaller investors.

33. Act on investment funds and management of alternative investment funds – internal audit in an investment fund management company

Polish legal act:	Regulation of the Minister of Finance, Funds and Regional Policy of 18 November 2020 on the manner, procedure and conditions for conducting business by investment fund management companies (Journal of Laws of 2024, item 2) Act of 27 May 2004 on investment funds and management of alternative investment funds (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) ● § 9 of the Regulation, Article 48a of the Act (statutory authorisation)
Implements:	Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 87 of 31.03.2017, p. 1, as amended) ● Article 24 in conjunction with Article 1(1)
The essence of overregulation:	**exceeding the minimum requirements of the directive** Polish regulations provide that an investment fund management company must have a distinct and independent internal audit function within its organizational structure, headed by an internal auditor (alternatively, if justified by the type and scope of the company's activities and if it does not threaten the

interests of clients and fund participants, internal audit activities may be performed by an internal auditor as a one-person position).

In contrast, the EU Regulation provides that investment firms (this also applies *mutatis mutandis* to investment fund management companies) must establish and maintain an internal audit function where appropriate and proportionate to the nature, scale, and complexity of their business and to the nature and range of investment services and activities undertaken in the course of that business; **thus, this is not a requirement for every company, but only for those for which establishing an internal audit function is necessary due to risk**. As a result, it may not be possible for investment fund management companies to outsource audit activities, and they may have to build internal resources in this area, significantly increasing their operating costs; for smaller entities, this constitutes a significant barrier to market entry.

34. Act on investment funds – system for monitoring legal compliance of activities

Polish legal act:

Regulation of the Minister of Finance, Funds and Regional Policy of 18 November 2020 on the manner, procedure and conditions for conducting business by investment fund management companies (Journal of Laws of 2024, item 2)

- § 4(10) of the Regulation

Act of 27 May 2004 on investment funds and management of alternative investment funds (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146)

- Article 48a of the Act (statutory authorisation)

Implements:

Commission Directive 2010/43/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards organisational requirements, conflicts of interest, conduct of business, risk management and the content of the agreement between a depositary and a management company (OJ L 176 of 10.07.2010, p. 42, as amended)

- Article 10(3)(c) and (d)

The essence of overregulation:

exceeding the minimum requirements of the directive

The Directive requires Member States to ensure that management companies establish and maintain a permanent and effective compliance unit. The Directive also lays down certain conditions that such units should meet, including requirements that the relevant persons involved in the work of compliance units must not be involved in performing the services or activities they monitor, and the method of determining the remuneration of such persons must not be likely to compromise their objectivity – although with respect to these conditions, the Directive stipulates that the management companies are not required to comply if they are able to demonstrate that the requirements are not proportionate in view of the nature, scale, and complexity of their business, as well as the nature and range of their services and activities, and that compliance units continue to be effective.

Meanwhile, with regard to an investment fund management companies, the Polish provisions implementing the Directive make the aforementioned requirements absolute, i.e., companies' internal systems for monitoring legal compliance must unconditionally meet the specified requirements with respect to the persons involved; Polish law does not allow for companies to demonstrate that this is not necessary.

35. Act on investment funds and management of alternative investment funds – maximum values of fixed fees

Polish legal act:

Act of 27 May 2004 on investment funds and management of alternative investment funds (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146)

- Article 18(3)–(6) – introduced by the Act of 1 March 2018 amending the Act on trading in financial instruments and certain other acts (Journal of Laws, item 685)

	Regulation of the Minister of Finance of 13 December 2018 on the maximum amount of a company's fixed remuneration for managing an open investment fund or a specialised open investment fund
Implements:	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L173 of 12.06.2014, p. 349, as amended)
The essence of overregulation:	**adding requirements at the national level** As part of the transposition of the MiFID II Directive, provisions were introduced into the Act specifying the maximum values of fixed fees for managing open funds and specialised open funds. **The obligation to set the indicated fees at this level does not result from the provisions of MiFID II.** The legislature was aware that it was going beyond the scope of EU regulation, as it noted in the reverse correlation table (though without justification[50]). Introducing additional requirements for the Polish capital market in a way that directly limits the profits of entities operating on this market (operating on a small scale compared to their competitors from other European countries) significantly reduces its competitiveness and does help attract capital.

36. Act on investment funds and management of alternative investment funds – elimination of 'clean participation units'

Polish legal act:	Act of 27 May 2004 on investment funds and management of alternative investment funds (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) • Article 83a
Implements:	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L173 of 12.06.2014, p. 349, as amended)
The essence of overregulation:	**adding requirements at the national level** Pursuant to Article 83a of the Act on investment funds, introduced by the 2018 amendment[51], an investment fund is obliged to separate 'clean participation units', i.e., participation units that are distributed directly by the fund. The articles of association of an investment fund must specify the categories of 'clean participation units' as well as the maximum amount of the management company's fixed remuneration for management. The management company's fixed remuneration for managing 'clean participation units', covered from the fund's assets, may not include costs for amounts transferred to the entities referred to in Article 32(1) and (2) of the Act, in connection with activities performed by these entities aimed at improving the quality of the service provided to a participant or potential participant of an open investment fund. Article 83a was introduced into the Act as part of the transposition of MiFID II, **but neither its content nor the obligation to introduce such a regulation stems from EU law. This provision is an example of excessive regulation which does not result from EU law and which imposes additional obligations on investment funds, thereby reducing their competitiveness compared to their foreign counterparts**. It is noted in the legal scholarship that '*the implementation of Article 83a(2) of the Act on investment funds into the Polish legal system, along with the provisions of the MiFID II Directive, is a consequence of the supervisory authority's cautious approach*'.[52]

[50] Sejm printed matter no. 2191, VIII Sejm, p. 962.

[51] Act of 1 March 2018 amending the Act on trading in financial instruments and certain other acts (Journal of Laws, item 685).

[52] R. Wojciechowski, Comments on Article 83a [in:] Act on investment funds. Commentary. Vol. I. Article 1–157, ed. A. Kidyba, Warsaw 2018, pp. 1205–1206.

37. Act on trading in financial instruments – scope of brokerage activities

Polish legal act:	Act of 29 July 2005 on trading in financial instruments (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) • Article 69(2)(6)
Implements:	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L173 of 12.06.2014, p. 349, as amended) • Annex I, Section A
The essence of overregulation:	**adding requirements at the national level** The Directive contains a fixed list of types of activities falling within the scope of investment services and activities. **The Polish act also includes the offering of financial instruments within the scope of brokerage activities, which is not provided for in the Directive**.

38. Act on trading in financial instruments – definition of a client

Polish legal act:	Act of 29 July 2005 on trading in financial instruments (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) • Article 3(39c)
Implements:	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L173 of 12.06.2014, p. 349, as amended) • Article 4(1)(9)
The essence of overregulation:	**extending the scope of application of a directive** The Act on trading in financial instruments indicates that a client is an entity for which at least one brokerage service 'is or is to be provided'. Meanwhile, the EU's definition of a client in MiFID II refers only to a person 'to whom an investment firm provides investment or ancillary services'. It does not refer to the pre-contract phase (MiFID II only refers to a 'client or potential client' with respect to specific obligations, thus extending protection not only to clients for whom services are already being provided, but also to potential clients). **This significantly increases the scope of obligations for investment firms.**

39. Act on trading in financial instruments – information obligations when outsourcing operational functions

Polish legal act:	Act of 29 July 2005 on trading in financial instruments (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) • Article 16(3)
Implements:	Commission Delegated Regulation (EU) 2017/584 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying organisational requirements of trading venues (OJL 87, 31.03.2017, p. 350)
The essence of overregulation:	**adding requirements at the national level** The Act on trading in financial instruments requires entities to notify the Polish Financial Supervision Authority immediately, but no later than within 14 days of the event's occurrence, of any events that change or terminate their legal relationships with service providers commissioned to perform some or all operational functions relating to trading systems enabling or supporting the use of algorithmic trading.

	This obligation is not limited to changes of a material nature with respect to the most important operational functions (the outsourcing of which requires the consent of the Polish Financial Supervision Authority). **As a result, any change to an agreement, even a minor one, is subject to notification. This obligation does not stem from EU provisions, and the legislature did not provide any justification for the introduced provisions in the reverse concordance table.**[53]

40. Act on trading in financial instruments – restrictions on the delegation of work by the agent of an investment firm

Polish legal act:	Position of the Office of the Polish Financial Supervision Authority on the supervision exercised by an investment firm over its agent Act of 29 July 2005 on trading in financial instruments (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) • Article 79(2a)
Implements:	–
The essence of overregulation:	<u>adding requirements at the national level</u> According to the PFSA's position, the agent of an investment firm may not pay variable remuneration based on a contract which is not an employment contract or a contract of mandate concluded with a natural person is inadmissible. In the PFSA's opinion, payment based on other types of contracts would jeopardise the investment firm's ability to exercise real supervision over the activities entrusted to the agent. **This requirement has no basis in EU law and constitutes a requirement at the national level that could be formulated in a more proportionate manner, e.g., through contractual requirements and appropriate non-competition clauses.** This approach may affect the competitiveness of agents and investment firms as employers, e.g., compared to entities operating based on their own licence to distribute participation units. Ultimately, the ability for an entity that has the status of an agent to cooperate with employees on a B2B basis should lead to the development of this sector and the development of the entire capital market within the framework of independent distributors, which would be beneficial for investors and other market participants in that it would increase competitiveness.

41. Act on trading in financial instruments – consent for the appointment of the chairman and a member of the management board of a brokerage

Polish legal act:	Act of 29 July 2005 on trading in financial instruments (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) • Articles 102a–102c
Implements:	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L173 of 12.06.2014, p. 349, as amended) • Article 9(3)–(5)
The essence of overregulation:	<u>adding requirements at the national level</u> The Act on trading in financial instruments introduces an obligation to obtain prior consent from the Polish Financial Supervision Authority (PFSA) for the appointment of the president of the management board of a brokerage and a management board member responsible for risk management. **This obligation is not based on EU regulations, which do not require obtaining formal consent before appointing members of management boards.**

[53] Sejm printed matter no. 2191, VIII Sejm, p. 772.

In this context, a subsequent check of whether candidates meet the criteria specified in Article 103 of the Act on trading in financial instruments, in accordance with the principle of proportionality and the requirements of transparency and legal predictability, should be considered sufficient. Meanwhile, the obligation to obtain consent before an appointment may, in practice, constitute a significant organisational and temporal obstacle, leading to delays in the commencement of a brokerage's operations, and in extreme cases, to their complete obstruction.

This problem is exacerbated by the fact that the criteria for assessing candidates by the PFSA are in many cases general, and sometimes even discretionary, which leads to a lack of clarity as to what exact characteristics and qualifications a candidate should possess to obtain a positive decision from the PFSA. This legal situation generates regulatory uncertainty, which in the long term may limit the competitiveness and innovativeness of the Polish financial market.

Banking, payment services, and other financial services

42. Act on payment services – withdrawal in the event of breach of information obligations

Polish legal act:	Act of 19 August 2011 on payment services (Journal of Laws of 2025, item 611) • Article 26(5)
Implements:	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L337, 23.12.2015, p. 35, as amended)
The essence of overregulation:	**adding requirements at the national level** The Act on payment services entitles a payment service user to withdraw from a framework contract for a payment service at any time (but no later than within 30 days of receiving the information) in the event of any breach of pre-contractual information obligations. **This right is not provided for in the Directive. It also constitutes a severe sanction with far-reaching consequences – even when it has no significant impact on the consumer's situation.** At the same time, in the event of a breach of information obligations, an entity that has not provided the relevant information may face sanctions for using an unfair market practice or in connection with the supervisory powers of the PFSA.

43. Act on consumer credit – prohibition on making the withdrawal from a tied credit agreement conditional on the return of goods

Polish legal act:	Act of 12 May 2011 on consumer credit (Journal of Laws of 2024, item 1497 and of 2025, item 146) • Article 56(7)
Implements:	Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L337, 23.12.2015, p. 35, as amended)
The essence of overregulation:	**adding requirements at the national level** With respect to tied credit agreements, the Act introduces a prohibition on contractually obliging consumers to return the goods in the event of withdrawal from the credit agreement. The provision of Article 56(7) of the Act goes beyond the minimum requirements set out in Directive 2008/48/EC, which does not impose an obligation on Member States for such far-reaching consumer protection in this respect. As a result, retailers may be exposed to lengthy and costly court proceedings to recover the value of goods sold under a credit-linked sales agreement. Lenders offer a narrower range of such products, which consequently limits the availability of instalment financing for consumers and reduces market competitiveness. Additionally, this solution leads to regulatory discrepancies with other EU Member States, which hinders the cross-border provision of financial services and may discourage foreign investors and credit institutions planning to operate on the Polish market. **As such, overregulation in the form of adding national requirements beyond the EU minimum, although motivated by the desire to ensure a higher level of consumer protection, may paradoxically limit their access to competitive and diverse credit offers**.

44. Act on mortgage credit – reference rate in mortgage credit agreements

Polish legal act:	Act of 23 March 2017 on mortgage credit and on supervision of mortgage credit intermediaries and agents (Journal of Laws of 2022, items 2245 and 2239 and of 2025, item 146) • Article 29
Implements:	Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L60, 28.2.2014, p. 34, as amended)
The essence of overregulation:	**adding requirements at the national level** The provision of Article 29 of the Act on mortgage credit does not implement any of the provisions of Directive 2014/17, as the EU regulation does not address the content of mortgage credit agreements. National regulation in this area is essentially intended to ensure consumer safety. According to Article 29(2) of the Act, the parties to a mortgage credit agreement may not agree on a different formula for calculating variable interest other than the sum of a reference rate and a specified margin, which means that if the parties do not opt for a fixed interest rate, the variable rate will always be calculated in this manner. **However, the legislature did not foresee a situation where such a reference rate, which meets EU requirements, ceases to be published or is changed.** This limits the ability of banks to apply fallback clauses, the obligation which are required under Article 28(2) of Regulation 2016/1011.[54] This provision obliges banks to include appropriate fallback clauses in contracts, identifying one or more alternative reference rates, if possible and appropriate, that could be referenced to replace reference rates that have been discontinued; however, this may result in a situation in which the successor to the rate does not meet the requirements of Regulation 2016/1011.

45. Act on statutory auditors – requirements for the audit committee in a cooperative bank

Polish legal act:	Act of 11 May 2017 on statutory auditors, audit firms and public oversight (Journal of Laws of 2024, items 1035 and 1863) • Article 128(4)(1) in conjunction with (5)
Implements:	Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJL 157, 9.6.2006, p. 87, as amended) • Article 39(5)
The essence of overregulation:	**failing to exercise the national option** **introducing additional requirements on the national level** According to Article 39(5) of Directive 2006/43/EC, where all members of the audit committee are members of the administrative or supervisory body of the audited entity, a Member State may decide that the committee shall be exempt from the requirements concerning independence from the audited entity. The provision of Article 128(4)(1) of the Act on statutory auditors, audit firms and public oversight provides for the possibility of entrusting the functions of the audit committee in a cooperative bank to, *inter alia*, the supervisory board. However, it retains the requirement that the majority of the audit committee's members, including its chairperson, be 'independent' of the bank. Persons are considered independent if they are not part of the bank's senior management, nor have they been part of it in the year preceding the date of appointment, including not being or having been a member of the management board or other

[54] Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ OJ OJ L 171, 29.6.2016, p. 1, as amended).

governing body of the given public-interest entity or its related entity, and not being or having been an employee of the given public-interest entity or its related entity in the year preceding the date of appointment. **As a result, by introducing additional conditions into the Act, the national legislature has not fully introduced the derogation provided for in EU law.**

This is a particular problem for cooperative banks, where the creation of an audit committee is often a formality, and the members of the supervisory board who have the required knowledge and competence to perform this function do not meet the statutory requirements concerning their independence.

46. Draft Act amending certain acts in connection with ensuring the digital operational resilience of the financial sector and with issuing European green bonds – scope of the PFSA's inspection powers

DRAFT ACT

Polish legal act:	Government draft Act amending certain acts in connection with ensuring the digital operational resilience of the financial sector and with issuing European green bonds (Sejm printed matter no. 1262, X Sejm) • draft Article 18zc(4)
Ensures the application of:	Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1, as amended) • Article 39
The essence of overregulation:	**extending the scope of application of a directive** The draft Article 18zc(4) defines **the scope of inspection activities that may be carried out by PFSA employees. This scope is broader than the minimum requirements set out in the DORA Regulation.** In particular, granting the PFSA the right to '*access data contained in IT systems related to the subject of the inspection, in particular internal documents confirming compliance with obligations regarding the management of risks concerning information and communications technology, related to the subject of the inspection, to the extent necessary to conduct and complete the inspection*' seems excessive. Such powers are explicitly provided for in the DORA Regulation, but with respect to critical third-party ICT service providers, not financial entities (Article 39); this may be considered justified and necessitates the establishment of national competence provisions. In turn, with respect to financial entities, the PFSA can effectively conduct its inspection activities based on the tools provided for in Article 50(2) of the DORA Regulation.

47. Act on the Bank Guarantee Fund – prohibition on initiating security proceedings against an entity undergoing restructuring

Polish legal act:	Act of 10 June 2016 on the Bank Guarantee Fund, the deposit guarantee scheme and restructuring (Journal of Laws of 2024, item 487 and of 2025, item 146.) • Article 135(1) and (4)
Implements:	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190, as amended) • Article 70(1) and (4)

The essence of overregulation:	**<u>extending the scope of application of EU law</u>** As indicated in case law and literature, Article 135(1) and (4) of the Act on the BGF '*completely omits the conditions indicated in Article 70(1) and (4) of Directive 2014/59.' In essence, therefore, there has been an expansive transposition of Directive 2014/59 into the Polish legal order, as a result of which all security proceedings against an entity undergoing restructuring have been prohibited; this also violates consumer rights under Directive 93/13*'[55]. The provisions of the Directive impose an obligation on Member States to ensure that the restructuring authority is empowered to restrict the secured creditors of an institution undergoing restructuring from enforcing security interests in relation to any assets of that institution from the time of publication of a restriction notice in accordance with Article 83(4) until midnight in the Member State where the institution is established on the working day following that publication. In addition, the authority is required to take into account the impact that the exercise of this power could have on the orderly functioning of financial markets. **The conditions set out in the Directive are not reflected in the Polish provisions, which do not contain similar reservations. As a result, they are interpreted and applied in a manner that precludes the possibility of initiating security proceedings against a bank subject to compulsory restructuring.** A literal interpretation of the Polish provisions prohibits the initiation of any security proceedings against an entity undergoing restructuring[56].

48. Regulation on the risk management system and internal control system and remuneration policy in banks – scope of the PFSA's inspection powers

Polish legal act:	Regulation of the Minister of Finance, Funds and Regional Policy of 8 June 2021 on the risk management system and internal control system and remuneration policy in banks (Journal of Laws, item 1045. and of 2025, item 52) • § 18(7)(c)
Provides for the implementation of:	Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1, as amended) • Article 5(2)(e) • Article 11 Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338, as amended) • Article 85
The essence of overregulation:	**<u>creating additional requirements at the national level</u>** The source of the overregulation in question is an incorrect Polish translation of the provisions of Regulation 2022/2554 and Directive 2013/36/EU, in which the term '*policy*' was translated as '*strategie*' (strategies), which was reflected in the wording of § 18(7)(c) of the Polish Regulation. **As a result, this provision forces banks to have 'strategies and contingency plans as well as strategies and business continuity plans, including with respect to ICT' instead of 'policies/rules'.**

[55] Order of the District Court in Warsaw of 26 October 2022, case no. XXVIII C 4020/2021.

[56] P. Bednarczyk, *Uzasadnienie pytania prejudycjalnego kierowanego do Trybunału Sprawiedliwości Unii Europejskiej zarejestrowanego pod sygnaturą C-324/23* [in:] *Upadłość i restrukturyzacja kredytobiorcy lub banku przy umowach o kredyt frankowy*, R. Adamus et al., Warsaw 2024.

	In the structure of a bank's internal legislation, a 'strategy' is a higher-level document, which makes its adoption and amendment more difficult and creates more demanding requirements from a supervisory perspective.

49. Regulation on the provision of information to the Polish Financial Supervision Authority by investment firms, state-owned banks conducting brokerage activities, banks referred to in Article 70(2) of the Act on trading in financial instruments, and custodian banks – double reporting by brokerages that are part of banks

A QUICK WIN

Polish legal act:	Regulation of the Minister of Finance of 20 September 2024 on the provision of information to the Polish Financial Supervision Authority by investment firms, state-owned banks conducting brokerage activities, banks referred to in Article 70(2) of the Act on trading in financial instruments, and custodian banks (Journal of Laws, item 1426) • § 5(21)
Ensures the application of:	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84, as amended) • Article 39(3)
The essence of overregulation:	<u>adding requirements at the national level</u> The Regulation of the Minister of Finance introduces obligations intended to enable the Polish Financial Supervision Authority to monitor the financial instruments market, in accordance with Article 39(3) of Regulation 600/2014. One of these is the obligation to report major incidents (including failures, phishing incidents) to the Authority in the current report. **Nevertheless, after the entry into force of the DORA Regulation, brokerages that are part of banks are obliged to report major incidents twice – under Article 19 of the DORA Regulation (concerning banks as obliged institutions) and under the Regulation of the Minister of Finance.** Importantly, the EU's intention was to avoid excessive regulatory burdens and duplicating obligations – the DORA Regulation provides, for example, for an exemption from the obligation to report incidents in accordance with the PSD2 Directive for payment service providers covered by the DORA Regulation (Article 23 of the DORA Regulation).

Crypto-assets

50. Draft Act on the crypto-assets market (UC2) – national requirements for client communications and technical standards

DRAFT ACT	
Polish legal act:	Government draft Act on the crypto-assets market (UC2)[57] • draft Article 14
Ensures the application of:	Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L150,9.6.2023, p. 40, as amended)
The essence of overregulation:	**exceeding the scope of the regulation** **adding requirements at the national level** The drafters have provided for an optional statutory authorisation for the Minister to issue a regulation governing, *inter alia*, the rules for promoting crypto-asset service providers and their services, communication with clients and potential clients, the rules for concluding and settling transactions in crypto-assets, and complaint handling procedures, as well as detailed technical and organisational requirements for the conduct of business by these providers. **This duplicates the provisions of the MiCA Regulation, in particular those concerning promotion (Article 7 of MiCA), and simultaneously exceeds national competences, entering into an area reserved for the EU institutions responsible for issuing regulatory technical standards (RTS)**, which specify in detail both the rules for the provision of services and the technical and organisational requirements. MiCA, as an EU regulation, aims to unify the market for crypto-assets throughout the European Union. Creating national derogations from the MiCA regulation leads to harmful fragmentation, which is contrary to the purpose of the regulation. MiCA is to be specified in detail by RTSs; the introduction of national requirements may limit the development of the Polish crypto-assets market. Moreover, regulating such important issues at the level of a regulation raises doubts from the perspective of the principles of legislative technique as well as the statutory subject matter.

51. Draft Act on the crypto-assets market (UC2) – information obligation with regard to tokens

DRAFT ACT	
Polish legal act:	Government draft Act on the crypto-assets market (UC2)[58] • draft Article 24
Ensures the application of:	Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L150,9.6.2023, p. 40, as amended) • Article 22(2) • Article 58(3)

[57] Draft version dated 8 May 2025.

[58] Draft version dated 8 May 2025.

The essence of overregulation:	**exceeding the scope of the regulation** **extension of the application of the provisions of EU law** In accordance with Article 22(1) of the MiCA Regulation, the issuer of asset-referenced tokens (ARTs) whose issuance value exceeds EUR 100 million must provide quarterly information to the national authority supervising the market on, *inter alia*, the number of holders, the value of the issued asset-referenced token, and the size of the asset reserve, or on the average daily number and average daily value of transactions in a given quarter. At the same time, the EU legislature has allowed for the possibility of requiring such information with respect to tokens with an issuance of less than EUR 100 million, but only by a decision of the competent national authority. In turn, Article 58(3) of the MiCA Regulation indicates that this reporting obligation refers to e-money tokens denominated in a currency that is not an official currency of a Member State. **Meanwhile, the Polish legislature has extended *a priori* the reporting obligation to ARTs with an issuance value of less than EUR 100 million, thereby encroaching on the competences of the Polish Financial Supervision Authority (PFSA), and has also included e-money tokens denominated in the currency of European Union Member States.** As it has no exceptions, the proposed reporting obligation may hit small entities (small and medium-sized enterprises), as well as ARTs with a low issuance value.

52. Draft Act on the crypto-assets market (UC2) – approval of the redemption and recovery plans and updates thereto

▧ DRAFT ACT	
Polish legal act:	Government draft Act on the crypto-assets market (UC2)[59] • Article 40 • Article 41 • Article 45 • Article 46
Ensures the application of:	Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150, 9.6.2023, p. 40, as amended) • Article 46 • Article 47
The essence of overregulation:	**adding requirements at the national level** The MiCA Regulation only provides for the obligation to establish a recovery plan and a redemption plan and to report them to the competent authority (in Poland – the Polish Financial Supervision Authority), without requiring their approval by way of an administrative decision. **The Draft Act introduces procedures for approving these documents within 3 or 6 months, which means additional, unjustified requirements for Polish issuers, with no basis in EU law.** Similarly, the requirement to approve updates to these plans can be considered contrary to the MiCA Regulation, which stipulates only an obligation to review and update the recovery and redemption plans. This means increased compliance costs for Polish issuers and the need to adapt to national requirements, which fragment the EU crypto-assets market (which was intended to be uniform). The requirement for these plans to be approved by the PFSA may also restrict market entry, especially for smaller entities.

[59] Draft version dated 8 May 2025.

53. Draft Act on the crypto-assets market (UC2) – transition period

DRAFT ACT	
Polish legal act:	Government draft Act on the crypto-assets market (UC2)[60] • draft Article 162
Ensures the application of:	Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150, 9.6.2023, p. 40, as amended) • Article 143(3)
The essence of overregulation:	**adding requirements at the national level** In accordance with Article 143(3) of MiCA, crypto-asset service providers (CASPs) may continue their activities until 1 July 2026 or until authorisation is granted (or refused), if they commenced such activities before 30 December 2024. Member States may shorten this period if their national laws are less stringent than MiCA. **The Draft Act provides for a shortening of this transition period to 4 months from the date of entry into force of the Act or 9 months from the date of entry into force of the Act, if, before the expiry of 3 months from the date of entry into force of the Act, a service provider submits a complete application for authorisation and receives a notification. Given the advanced stage of work on the Act, it is most likely that even the longer time limits will be shorter than the 1 July 2026 date established by the MiCA Regulation.** Such a short deadline may make it difficult for Polish CASPs to meet not only the requirements of MiCA, but also DORA and TFR, which may create a risk of companies withdrawing from Poland or relocating.

54. Draft Act on the crypto-assets market (UC2) – disproportionate criminal sanctions

DRAFT ACT	
Polish legal act:	Draft Act on the crypto-assets market (UC2)[61] • draft Articles 117–127
Ensures the application of:	Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150, 9.6.2023, p. 40, as amended) • Article 111(1), second subparagraph
The essence of overregulation:	**imposing sanctions or enforcement mechanisms stricter than required** Under the MiCA Regulation, the national legislature has the right to introduce criminal sanctions as a default solution. However, the Regulation provides for administrative penalties. **The Polish legislature introduced a broad range of prohibited acts, providing for extremely high penalties that significantly exceed both the maximum fines under the Penal Code and similar penalties for other financial market-related offences.** The Draft Act provides for fines of up to PLN 10 million, which may be applied cumulatively with a penalty of up to 5 years' imprisonment. Some of the proposed penal provisions may raise doubts as to their specificity. Their enforcement may also be difficult, given the often dispersed and international nature of issuers and CASPs, even taking into account the vicarious liability clauses introduced by the Draft Act.

[60] Draft version dated 8 May 2025.

[61] Draft version dated 8 May 2025.

Public procurement

55. The Public Procurement Law – bid bond

Polish legal act:	Act of 11 September 2019 – the Public Procurement Law (Journal of Laws of 2024, item 1320) • Article 97 • Article 98
Implements:	Directive 2014/24/EU of 26 February 2014 on public procurement (OJ L 94, 28.3.2014, p. 65, as amended) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 238, as amended)
The essence of overregulation:	**adding requirements at the national level** **The provisions of the Public Procurement Law concerning bid bonds do not stem from EU regulations; they were established on the initiative of the national legislature.** Currently, the bid bond can be as much as 3% of the contract value, and contracting authorities can also retain the bid bond in situations over which contractors have little or no real control. Both the amount of the bid bond and the wide range of situations in which it can be retained (regardless of the contractor's 'fault') mean that many small and medium-sized enterprises decide not to participate in tenders, which may represent a barrier to their competitiveness in the public procurement market.

56. Public Procurement Law – mandatory analysis of needs and requirements

Polish legal act:	Act of 11 September 2019 – the Public Procurement Law (Journal of Laws of 2024, item 1320) • Article 83
Implements:	Directive 2014/24/EU of 26 February 2014 on public procurement (OJ L 94, 28.3.2014, p. 65, as amended) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 238, as amended)
The essence of overregulation:	**exercising the option to adopt more detailed regulations** **Article 83 of the Public Procurement Law regulates in detail the obligation of contracting authorities to carry out an analysis of needs and requirements before initiating a procedure**. The EU Directives do not specify the scope of the required analyses in such detail, leaving Member States free to regulate this issue, which the national legislature has taken advantage of.

57. Public Procurement Law – abusive clauses

Polish legal act:	Act of 11 September 2019 – the Public Procurement Law (Journal of Laws of 2024, item 1320) • Article 433
Implements:	Directive 2014/24/EU of 26 February 2014 on public procurement (OJ L 94, 28.3.2014, p. 65, as amended) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 238, as amended)

The essence of overregulation:	<u>adding requirements at the national level</u> The national provision of Article 433 of the Public Procurement Law defines a range of abusive clauses. As stated in the explanatory memorandum to the Draft Act, the legislature's aim was to create a list of examples; however, due to the legislative technique used, this regulation can be considered narrow and casuistic, as it establishes a fixed, exhaustive list. **The purpose of introducing this provision must be considered justified and within the regulatory freedom of the national legislature; however, making the list of abusive clauses exhaustive necessarily limits its effectiveness.** The Polish legislature acted with the awareness that it was introducing additional requirements not stemming from EU law, as it included them in the reverse concordance table.[62]

58. Draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) – exclusion of high-risk suppliers from public procurement

DRAFT ACT

Polish legal act:	Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32)[63] • draft Article 67c(4) of the Act on the National Cybersecurity System • draft Article 226(1)(17) and (19) of the Public Procurement Law
Implements:	Cybersecurity of 5G networks: EU Toolbox of risk mitigating measures Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80)
The essence of overregulation:	<u>exceeding the minimum requirements of the directive</u> <u>imposing sanctions or enforcement mechanisms stricter than required</u> **In its proposed form, the HRV procedure may raise doubts as to its compliance with public procurement regulations. It affects contracting authorities' freedom to determine selection criteria for contractors**, arising from Article 58 of Directive 2014/24/EU.[64] According to Article 58(1) of the Directive, the contracting authority has a certain degree of freedom in defining such conditions for participation in a procurement procedure as it considers to be related and proportionate to the subject-matter of the public contract and appropriate to ensure that the candidate or tenderer has the legal and financial capacity and the technical and professional ability necessary to perform the contract to be awarded, and can freely assess the conditions for participation which it considers appropriate from its point of view, *inter alia*, in order to guarantee the performance of the contract at such a level of quality as it considers appropriate. According to the case-law of the CJEU, any exceptions to the application of the provisions of public procurement directives are not only exhaustively defined in those directives, but are also subject to a narrow interpretation. All exemptions from its application permitted under Directive 2014/24/EU have been incorporated into the national provisions of the Public Procurement Law.

[62] Sejm printed matter no. 3624, VIII Sejm, Reverse Concordance Table, p. 13.

[63] Draft version dated 7 February 2025.

[64] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement, repealing Directive 2004/18/EC (OJ OJ 94, p. 65, as amended).

Healthcare, medicine, and pharmacy

59. Pharmaceutical Law – compassionate use

Polish legal act:	Act of 9 March 2023 on clinical trials of medicinal products for human use (Journal of Laws, item 605) Act of 6 September 2001 – the Pharmaceutical Law (Journal of Laws of 2024, item 686 and of 2025, item 129) • Article 4
Ensures the application of:	Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1, as amended). • Article 83
The essence of overregulation:	**failing to exercise the national option** **maintaining existing national standards that exceed those permitted by EU law;** The EU legislature has provided for the possibility for Member States to introduce a compassionate use procedure, i.e., a procedure allowing a medicinal product that has not yet been authorised to be used for a specific group of patients suffering from a chronic or serious, debilitating, or life-threatening disease. It is therefore not about individual use for a given patient, but about use for a specific population in need. This is particularly important for patients who have participated in clinical trials and are awaiting a decision on the application for marketing authorisation for the medicinal product. Despite the existence of a national option allowing for the introduction of compassionate use in national legislation (Article 83 of Regulation 726/2004), the Ministry of Health considers that '*such a generally worded provision does not constitute a sufficient basis for the use of an investigational medicinal product or a medicinal product at the registration stage, but is merely a starting point for the possible creation of a precise legal framework to enable the application of the compassionate use procedure*'.[65] **By not exercising the national option provided for in the Regulation, patients suffer, and sponsors of clinical trials have no legal possibility to help trial participants.** The only remaining option is to use Article 4 of the Pharmaceutical Law (target import), which allows for the importation of a medicinal product from abroad for an individual patient; **however, by definition, this has a narrower scope of application than the compassionate use procedure and involves the need to fulfil additional conditions.** Compassionate use procedures are standard in many EU Member States (for example, in Germany and France).

60. Pharmaceutical Law – mail-order sales of prescription medicines

Polish legal act:	Act of 6 September 2001 – the Pharmaceutical Law (Journal of Laws of 2024, item 686 and of 2025, item 129) • Article 68(3)
Implements:	Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, OJ, Polish special edition, ch. 13, vol. 027, p. 69) • Article 85c

[65] Reply of the Undersecretary of State in the Ministry of Health of 17 October 2014 to parliamentary question no. 7311 on the need to provide therapy for patients with hepatitis C virus genotype 1, with compensated cirrhosis of the liver, previously treated ineffectively with all available regimens, with a combination of two new-generation drugs, i.e., a nucleoside polymerase inhibitor and a non-structural protein inhibitor.

The essence of overregulation:	**exceeding the minimum requirements of the EU legal act** **exercising the option to adopt more extensive regulations** Directive 2001/83 does not require Member States to prohibit the mail-order sale of medicinal products, including prescription medicines, but it does allow for this possibility. This issue, with regard to non-prescription medicines, was the subject of a CJEU judgement in the DocMorris case.[66] In this case, the CJEU found that national provisions prohibiting distance sales of non-prescription medicinal products are contrary to EU law. On the other hand, the CJEU found that, in general, the distance sales of prescription-only medicines may be prohibited by national law, provided that this is justified by objective reasons consistent with the TEU. Some European countries, such as Germany, have liberalised their regulations. The CJEU upheld this line of case-law in the Deutsche Parkinson judgement.[67] **Meanwhile**, in **Poland, due to the wording of Article 68(3) of the Pharmaceutical Law, there is a total ban on mail-order sales of prescription-only medicines.**

61. Pharmaceutical Law – requirements for the Qualified Person

Polish legal act:	Act of 6 September 2001 – the Pharmaceutical Law (Journal of Laws of 2024, item 686 and of 2025, item 129.) • Article 48(1) and (2)
Ensures the application of:	Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, Polish special edition, ch. 13, vol. 027, p. 69) • Article 49(2)
The essence of overregulation:	**introducing additional national requirements** The Act of 7 June 2018 amending the Act – the Pharmaceutical Law and certain other acts (Journal of Laws, item 1315 and 1515) set out the conditions to be met by the 'Qualified Person', i.e., the person responsible for ensuring, before it is placed on the market, that each batch of a medicinal product has been manufactured and controlled in accordance with the regulations and with quality requirements. These conditions relate, *inter alia*, to education. At the same time, the amendments introduced by the Act of 3 July 2018 – Provisions introducing the Act – the Higher Education and Science Law (Journal of Laws, item 1669) have rendered the conceptual framework and references contained in these provisions with regard to fields and disciplines of science outdated. Consequently, in its current wording, Article 48(1) and (2) is **contrary to Article 49(2) of Directive 2001/83/EC**. It would be necessary to remove the terms 'scientific discipline' and 'field' and to return to the principle of specifying detailed requirements for documenting education – by way of a regulation. **This is because the 'field of biological sciences' and the 'field of chemical sciences' no longer exist, which means that in its current wording, Article 48(1) and (2) establishes stricter requirements than those arising from the Directive, limiting the possibility of performing the function of a Qualified Person to persons with a pharmaceutical, medical, or veterinary education. Meanwhile, Article 49(2) of the Directive also allows for a chemical, pharmaceutical technology, or biological education**.

62. Pharmaceutical Law – sample size

Polish legal act:	Act of 6 September 2001 – the Pharmaceutical Law (Journal of Laws of 2024, item 686 and of 2025, item 129.) • Article 54(3)(3)

[66] Judgement of the CJEU of 11 December 2003, C-322/01, ECLI:EU:C:2003:664.

[67] Judgement of the CJEU of 19 October 2016, C-148/15, ECLI:EU:C:2016:776.

Ensures the application of:	Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, Polish special edition, ch. 13, vol. 027, p. 69) • Article 96(1)(d)
The essence of overregulation:	**introducing additional national requirements** According to Article 54(3)(3) of the Pharmaceutical Law, a sample of a medicinal product may not be larger than one of the smallest package of the medicinal product authorised for marketing in the Republic of Poland. Directive 2001/83 states that a sample may not be larger than the smallest presentation of the product on the market ('*each sample shall be no larger than the smallest presentation on the market*'), which should be interpreted as the smallest package available on the market. In practice, it is common for the smallest package of a medicinal product authorised for marketing not to be actually available (e.g., due to a lack of demand for it). The CJEU, in its judgement in the Gintec case[68], indicated that the harmonisation in the field of advertising of medicinal products is of a maximal nature, which means that the national legislature cannot deviate from EU regulations unless they explicitly allow for such possibility. **In its current wording, Article 54(3)(3) of the Pharmaceutical Law establishes stricter requirements than those arising from the Directive. As a result, it limits the possibility of providing a sample no larger than one of the smallest package of the medicinal product authorised for marketing in the Republic of Poland**.

63. Pharmaceutical Law – costs of sample testing

Polish legal act:	Act of 6 September 2001 – the Pharmaceutical Law (Journal of Laws of 2024, item 686 and of 2025, item 129) • Article 108a(2)
Ensures the application of:	Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, Polish special edition, ch. 13, vol. 027, p. 69) • Article 111(1)
The essence of overregulation:	**introducing additional requirements on the national level** According to Article 108a(2) of the Pharmaceutical Law, marketing authorisation holders bear the costs of quality testing of samples, even if the tests show that the medicinal product meets its specified quality requirements. This provision imposes an additional legal obligation on marketing authorisation holders, even though the harmonisation of the marketing of medicinal products and the supervision of the quality of medicinal products on the market, resulting from Directive 2001/83, is of a maximal nature. The Directive does not in any way require marketing authorisation holders to bear testing costs, but only provides a general framework for conducting inspections. **As a result, there is no normative basis in Directive 2001/83 for imposing *ex officio* the obligation to bear the cost of quality testing of medicines on marketing authorisation holders, especially in situations where such tests do not reveal any irregularities**. This represents an additional obligation for marketing authorisation holders, which may burden Polish pharmaceutical manufacturers.

64. Act on medical devices – applications for a unique identifier

Polish legal act:	Act of 7 April 2022 on medical devices (Journal of Laws of 2024, item 1620) • Article 19

[68] Judgement of the CJEU of 8 November 2007, C-374/05, Gintec, ECLI:EU:C:2007:654.

Implements:	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1) • Article 31
The essence of overregulation:	**introducing additional requirements on the national level** After being entered into the electronic register, **obtaining** a unique device identifier is an essential step in placing medical devices on the market in the European Union. The identifier is obtained after registration in the EU electronic system and before the device is placed on the market or submitted to a notified body. According to the MDR, after verifying the data entered into the system, the national authority responsible for the supervision of medical devices obtains a unique device identifier from it and issues it to the manufacturer, authorised representative, or importer of the device. Meanwhile, **Polish regulations require a separate application to be submitted to the Polish authority for this number to be issued, even though the MDR does not state that such application should be required (EU regulations state that the national authority shall issue the number to the entrepreneur.)** This provision introduces an additional requirement not arising from EU law, which further prolongs the procedure for placing a device on the market. Entrepreneurs in the medical device market are often unaware of this additional, national requirement, and therefore wait for the number, not knowing that an additional application must be submitted.

65. Act on medical devices – applications for derogation

Polish legal act:	Act of 7 April 2022 on medical devices (Journal of Laws of 2024, item 1620) • Article 29
Implements:	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1) • Article 59
The essence of overregulation:	**narrowing the scope of application of the provisions of EU law** **introducing additional requirements on the national level** According to the MDR, national authorities supervising the medical device market may (based on a duly justified request) authorise the marketing of medical devices for which the relevant conformity assessment procedures have not been carried out, provided that it is in the interest of public health or patient safety or health. The aim is to allow the use of a device when it can help save a life or health, but it has not undergone the appropriate procedure that would allow for its use. This provision has direct effect, as it is introduced by an EU regulation. **However, the Polish legislature has limited the subjective scope of this competence**. An application for authorisation to market a device without carrying out conformity assessment procedures may only be submitted by: an entity that performs medical activities, a healthcare consultant, and certain public entities – e.g.m the President of the Agency for Health Technology Assessment and Tariff System, **even though the MDR does not introduce any restrictions to the subjective scope in this regard**. The inability of entrepreneurs, who are the only ones who know what kind of products they have before marketing them, to submit an application prolongs the procedure due to the need to involve a third party (a medical entity, a public entity), which would have to be persuaded to submit the relevant application, as it were, 'on behalf' of the manufacturer or importer. It also has a negative impact on patients, who have to wait longer for a device that could improve their health.

66. Act on medical devices – regulations on advertising

Polish legal act:	Act of 7 April 2022 on medical devices (Journal of Laws of 2024, item 1620) • Chapter 12 • Article 56(2)
Implements:	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1)
The essence of overregulation:	**introducing additional requirements on the national level** **The MDR Regulation does not regulate the rules for advertising medical devices. The Polish legislature decided to introduce an entire chapter dedicated to the rules for such advertising.** Without questioning the need for such a regulation, it should be noted that the act *de facto* introduces, *inter alia*, an obligation to keep records in paper form. According to Article 56 of the Act, the advertising of a medical device may, as a rule, be carried out only by the entrepreneur responsible for marketing the device (the manufacturer, authorised representative, importer, distributor, etc.). Other entities may advertise the device only after its approval in writing.

67. Act on medical devices – register of distributors

Polish legal act:	Act of 7 April 2022 on medical devices (Journal of Laws of 2024, item 1620) • Article 21
Ensures the application of:	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1) Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (IVDR) (OJ L117, 5.5.2017, p. 176, as amended) • Article 30(2) MDR, Article 27(2) IVDR
The essence of overregulation:	**exercising the option to adopt more extensive regulations** The MDR and IVDR Regulations require manufacturers, authorised representatives, and importers of medical devices to register in the European database EUDAMED, while leaving Member States the option to introduce national provisions on the registration of another group of entrepreneurs, i.e., distributors making devices available in a given Member State. **Poland has exercised this option by establishing a national list of distributors of devices, systems, and treatment kits established in Poland.** The list is maintained by the President of the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products. Before making a device (system, procedure pack) available in Poland for the first time, a distributor should submit an application to the President of the Office for an access code and password to the list, and then enter specific data about the device into the list.

68. Act on medical devices – registration of the activity of manufacturers of custom-made devices

Polish legal act:	Act of 7 April 2022 on medical devices (Journal of Laws of 2024, item 1620) • Article 23
Ensures the application of:	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1) • Article 21(2)
The essence of overregulation:	<u>introducing additional requirements on the national level</u> The MDR Regulation leaves Member States the option of introducing a provision requiring manufacturers of custom-made medical devices to submit to the competent authorities a list of devices made available in the territory of that Member State. **Poland, however, introduced a modification by obliging manufacturers to submit an application for registration of their activity to the President of the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products, rather than merely submitting a list of devices. In addition, the obligation applies not only to manufacturers of custom-made medical devices, but also to authorised representatives and importers of such devices.** This therefore significantly expands the subjective scope of the registration obligation. It should be noted that the criterion giving rise to the activity registration obligation is not making the devices available in Poland, but the entity having its registered office in Poland.

69. Act on medical devices – register of entities importing devices for the purposes of medicinal, business, or professional activities

Polish legal act:	Act of 7 April 2022 on medical devices (Journal of Laws of 2024, item 1620) • Article 22
Ensures the application of:	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1)
The essence of overregulation:	<u>introducing additional requirements on the national level</u> The MDR Regulation introduces obligations related to the registration of economic operators in the medical device industry (registration in the EUDAMED database) and additionally allows Member States to introduce additional registration and record-keeping requirements (list of distributors, the aforementioned obligation for manufacturers of custom-made devices to submit a list of devices) at the national level. **The Polish Act, however, introduces a requirement that has no basis in the MDR – the obligation for healthcare entities (e.g., hospitals) and entities using medical devices for business or professional activities (e.g., optical shops) that import medical devices from outside the EU to be registered.** These entities must submit an application to the President of the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products to obtain an access code and password to a special database, and then enter information about themselves and the devices they import into the database (the scope of information is broader if the devices are imported from outside the EU).

70. Act on medical devices – clinical investigations

Polish legal act:	Act of 7 April 2022 on medical devices (Journal of Laws of 2024, item 1620) • Article 33(5)
Implements:	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1) • Article 82(2)
The essence of overregulation:	**introducing additional requirements on the national level** As a rule, clinical investigations of medical devices are conducted for three purposes: – to ascertain and verify that the device is designed, manufactured, and packaged in such a way that, under normal conditions of use, it is suitable for medical purposes and performs as intended by the manufacturer; – to ascertain and verify the clinical benefits of the device as specified by the manufacturer; – to ascertain and verify the clinical safety of the device and to determine any undesirable side-effects, under normal conditions of use of the device, and to assess whether they constitute acceptable risks when weighed against the benefits to be achieved with the device. Nevertheless, the EU legislature has allowed for other clinical investigations to be conducted for other purposes. Such investigations are subject to the basic principles of clinical investigations ensuring the safety of their participants; however, Member States may introduce additional requirements if they deem it appropriate. Some Member States, such as Germany, have introduced such requirements, whereas **Poland has introduced regulatory requirements identical to those applicable to basic clinical investigations. It seems that this was not the intention of the EU legislature, as in that case it would have subjected all clinical investigations to the same requirements**.

ESG, reporting, and environmental protection

71. Act on accounting – conditions for exemption from the ESG reporting obligation

Polish legal act:	Act of 29 September 1994 on accounting (Journal of Laws of 2023, items 120, 295 and 1598 and of 2024, items 619, 1685, 1863) • Article 63u(1)(2)(c), Article 63v(2)(c), 63z(1)(2)(c), Article 63za(2)(c)
Implements:	Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19, as amended) • Article 19a(9)(a)(i), Article 29a(8)(a)(ii)
The essence of overregulation:	**exceeding the minimum requirements of the directive** The provisions of the Directive – and consequently the Polish provisions implementing the Act – provide that, by way of exception, a subsidiary undertaking may be exempted from preparing individual sustainability reports if the relevant information about it is included in the consolidated report of its parent undertaking. However, to benefit from the exemption, the subsidiary undertaking must meet a number of formal conditions. One is to indicate in the subsidiary undertaking's management report the address of the website on which the parent undertaking's group management report is published, together with the assurance report on the group's sustainability reporting; **both reports must be made available on the website for a period of at least 5 years.** While the Directive also provides for the requirement to provide the web address where the documents are published in the management report, **the period for which they must be made available has no basis in the Directive and is exclusively a Polish requirement**.

72. Act on accounting – scope of data in the ESG report

Polish legal act:	Act of 29 September 1994 on accounting (Journal of Laws of 2023, items 120, 295 and 1598 and of 2024, items 619, 1685, 1863) • Article 63r(5)(2), Article 63s(5)(2), Article 63x(5)(2)
Implements:	Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19, as amended) • Article 19a(3), Article 29a(3)
The essence of overregulation:	**exceeding the minimum requirements of the directive** The Directive states that, where appropriate, the undertaking's sustainability report should also include the amounts presented in the annual financial statements/consolidated financial statements. **Meanwhile, the Polish provisions additionally state that, where appropriate, the sustainability report should include the aforementioned amounts together with additional explanations concerning these amounts.**

73. Act on packaging and packaging waste management – introduction of a deposit return system without an extended producer responsibility system

Polish legal act:	Act of 13 June 2013 on packaging and packaging waste management (Journal of Laws of 2024, items 927 and 1911) • Chapter 6b and other provisions introduced by the 2023 amendment.[69]
Implements:	–
The essence of overregulation:	**introducing new burdens which go beyond the purpose of EU law** The deposit return system is one of the elements of the extended producer responsibility system (the 'EPR system'). In Poland, the deposit return system was introduced without the prior adoption of provisions establishing the EPR system, which are still being drafted. As a result, the effectiveness of the deposit return system is reduced, while its setup and operational costs are higher. **This approach, which imposes systemic solutions (EPR) on already established specific changes (the deposit return system), results in an unnecessary increase in implementation and compliance costs for all participants in the system.** This also increases operating costs for municipal waste collection systems and impacts their ability to achieve the required recycling levels. **No EU directive imposes an obligation on Member States to establish deposit return systems, although they are mentioned as one of the measures for achieving the separate collection levels for packaging waste required by the Union. Only the PPWR Regulation[70] imposes an obligation on Member States to establish deposit return systems for selected packaging formats – from 2029.**

74. Act on packaging and packaging waste management – inclusion of reusable glass bottles in the deposit return system

Polish legal act:	Act of 13 June 2013 on packaging and packaging waste management (Journal of Laws of 2024, items 927 and 1911) • Article 21(1), second sentence, in conjunction with Annex 1a(3)
Implements:	Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1) • Article 9(1) in conjunction with Annex F
The essence of overregulation:	**extending the scope of application of EU law** **adding requirements at the national level** **The Polish legislature has included reusable glass bottles with a capacity of up to 1.5 litres in the deposit return system and has required their separate collection within this system.** Moreover, the Act provides that only packaging and packaging waste collected under the deposit return system are counted towards the separate collection levels achieved (Article 21a(1), second 2). **Meanwhile, the SUP Directive, which the Act which introduced the deposit return system was intended to implement, refers exclusively to 'single-use plastic beverage bottles'.** According to Recital 7 of the SUP Directive, '*Glass [...] beverage containers should not be covered by this Directive as they are not among the single-use plastic products that are found the most on beaches in the Union.*' The SUP Directive does not impose an obligation on Member States to establish a deposit return system, and it leaves the method of achieving the minimum separate collection targets set by the Directive to the

[69] Act of 13 July 2023 amending the Act on packaging and packaging waste management and certain other acts (Journal of Laws, item 1852 and of 2024, item 1911).

[70] Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904 and repealing Directive 94/62/EC (OJ OJ L 40, 22.1.2025).

	discretion of the Member States. 'Deposit return schemes' are mentioned in it only as an example of such a measure.[71] Deposit obligations – from 2029 – are only introduced by the PPWR Regulation; however, even that Regulation does not provide for the mandatory inclusion of glass packaging in a deposit system.

75. Act on packaging and packaging waste management – inclusion of metal cans in the deposit return system

Polish legal act:	Act of 13 June 2013 on packaging and packaging waste management (Journal of Laws of 2024, items 927 and 1911) • Article 21(1),second sentence, in conjunction with Annex 1a(2)
Implements:	Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1) • Article 9(1) in conjunction with Annex F
The essence of overregulation:	**extending the scope of application of EU law** **adding requirements at the national level** **The Polish legislature has included metal cans with a capacity of up to 1 litre in the deposit return system and has required their separate collection within this system.** The Act also provides that only packaging and packaging waste collected under the deposit return system are counted towards the separate collection levels achieved (Article 21a(1), second 2). **Meanwhile, the SUP Directive, which the Act which introduced the deposit return system intends to implement, refers exclusively to 'single-use plastic beverage bottles'.** According to Recital 7 of the SUP Directive, '*[...] metal beverage containers should not be covered by this Directive as they are not among the single-use plastic products that are found the most on beaches in the Union.*' Deposit obligations – from 2029 – are only introduced by the PPWR Regulation, which provides a the deposit return system covering, *inter alia*, 'single-use metal beverage containers with a capacity of up to 3 litres' (Article 50(1)(b)). The Polish regulation will therefore require adjustment to the new EU provisions, which increases implementation costs for entrepreneurs, forcing further expenses due to subsequent regulatory changes justified by the need to implement EU law.

76. Act on the obligations of entrepreneurs in the management of certain waste and on the product fee – additional fee

Polish legal act:	Act of 11 May 2001 on the obligations of entrepreneurs in the management of certain waste and on the product fee (Journal of Laws of 2024, item 433) • Article 3e(2) • Article 3m(2)
Implements:	Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1) • Article 4(1) • Article 8(4) • Article 14
The essence of overregulation:	**imposing sanctions or enforcement mechanisms stricter than required**

[71] See Recital 27 of the SUP Directive: '*Member States should be able to achieve that minimum target by setting separate collection targets for beverage bottles that are single-use plastic products in the framework of the extended producer responsibility schemes, by establishing deposit-refund schemes or by any other measure that they find appropriate.*'

	As part of the implementation of the SUP Directive, the Polish legislature introduced an additional fee into the Act on the obligations of entrepreneurs in the management of certain waste and on the product fee (Article 3e(2), Article 3m(2)). This is a fee imposed on entrepreneurs who, within 14 days of the issuance of the relevant decision, have not settled arrears for, respectively, the SUP fee (Article 3b) or the fee to cover the costs of waste management (Article 3k). The additional fee amounts to 50% of the unpaid fee. **The additional fee was not provided for in the SUP Directive. At the same time, due to its punitive nature and significant amount, it may be considered a more burdensome and stricter solution than is necessary to ensure the proper achievement of the Directive's objectives.**[72] Indeed, the Directive requires that the measures taken to 'achieve an ambitious and sustained reduction in the consumption' of single-use plastic products be proportionate (Article 4(1)). It also requires that the sanctions provided for in national law be 'effective, proportionate and dissuasive' (Article 14), while the costs of cleaning up litter should be 'established in a proportionate way' (Article 8(4)).

77. Act on waste electrical and electronic equipment – collection of waste equipment from households (door-to-door)

Polish legal act:	Act of 11 September 2015 on waste electrical and electronic equipment (Journal of Laws of 2024, item 573) • Article 37(2)
Implements:	Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (recast) (OJ L197, 24.7.2012, p. 38, as amended) • Article 5(2)
The essence of overregulation:	**exceeding the minimum requirements of the directive** The Directive obliges Member States to ensure that distributors of electrical and electronic equipment guarantee the free return by private households of waste equipment of the same type as the new equipment supplied by the distributors. However, the Directive does not specify how distributors are to guarantee this – it does not require the distributor to collect the waste equipment from the consumer. **Polish regulations, on the other hand, state that the distributor must collect the equipment at the point of delivery of the new equipment – meaning that if a distributor provides a home delivery service for equipment, they must also collect the waste equipment from the consumer's home.** Similarly, a distributor who engages in mail-order sales would be obliged to collect the equipment, for example, from a parcel locker.

78. Act on the system for managing emissions of greenhouse gases and other substances – scope of obligatory reporting to the NCEM

Polish legal act:	Act of 17 July 2009 on the system for managing emissions of greenhouse gases and other substances (Journal of Laws of 2022, item 673 and of 2024, items 834 and 1940) • Article 7
Implements/provides for the implementation of:	Regulation (EU) 2018/1999 of 11 December 2018 on the Governance of the Energy Union and Climate Action (OJ L 328, 21.12.2018, p. 1, as amended) Directive 2003/87/EC of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, as amended)

[72] This issue was raised during the public consultations on the draft Act – see Zestawienie uwag zgłoszonych w ramach opiniowania i konsultacji publicznych do projektu ustawy o zmianie ustawy o obowiązkach przedsiębiorców w zakresie gospodarowania niektórymi odpadami oraz o opłacie produktowej oraz niektórych innych ustaw (UC 73), p. 203.

The essence of overregulation:	<u>extending the application of EU law</u> The National Centre for Emissions Management (NCEM) maintains a national emissions database where data on emissions of greenhouse gases and other substances are collected. This is in fulfilment of EU obligations regarding the monitoring of greenhouse gas emission levels. According to Article 7 of the Act on the system for managing emissions of greenhouse gases, every entity using the environment – including every entrepreneur – is obliged to submit an annual report to the national emissions database, regardless of the scale of its operations. **This means that this obligation also applies to companies generating only trace emissions, e.g., from refrigerators in shops or a single company car. In such cases, the costs of estimating emissions are disproportionate to the purpose of the regulation, especially from the perspective of micro- and small entrepreneurs. Indeed, the current regulations do not provide for an exemption from this obligation even for those entities which – in accordance with Article 286(1) and (3) of the Environmental Protection Law – are exempt from submitting analogous lists to the marshal of the given voivodeship, if the annual fee for using the environment does not exceed PLN 100.** In such cases, the report to the NCEM serves neither to protect the environment nor to fulfil obligations arising from EU regulations on emissions monitoring, but constitutes an unnecessary administrative burden.

79. Act on waste – extension of the proximity principle for waste

Polish legal act:	Act of 14 December 2012 on waste (Journal of Laws of 2023, items 1587, 1597, 1688, 1852 and 2029 and of 2024, items 1834, 1911 and 1914) • Article 20(1) and (2)
Implements/provides for the implementation of:	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, as amended). • Article 16(1) and (3)
The essence of overregulation:	<u>extending the application of EU law</u> <u>exceeding the minimum requirements of the directive</u> Directive 2008/98 introduces the proximity principle, obliging Member States to establish solutions aimed at the disposal or recovery of waste in one of the nearest available facilities. In this regard, Article 16(1) of Directive 2008/98 refers to municipal waste collected from households. National regulations, on the other hand, introduce the proximity principle in a way that does not limit it to a specific type of waste. On the contrary, as follows from Article 20(1) and (2) of the Act on waste: – waste, taking into account the hierarchy of waste management methods, is, in the first instance, to be processed at the place of its generation; – waste that cannot be treated at its place of shall be transferred, taking into account the waste management hierarchy as well as the best available technique referred to in Article 207 of the Environmental Protection Law, or the technology referred to in Article 143 of that Act, to the nearest places where it can be treated. **As a result, national law covers a broader category of waste by generally referring to 'waste' rather than 'municipal waste collected from households'.**

80. Regulation on the types of installations which may cause significant pollution of individual environmental components or of the environment as a whole – permit for the operation of a wastewater treatment installation

Polish legal act:	Regulation of the Minister of the Environment of 27 August 2014 on the types of installations which may cause significant pollution of individual environmental components or of the environment as a whole (Journal of Laws, item 1169). • point 6.13 of the Annex to the Regulation
Implements/provides for the implementation of:	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ OJ L 334 of 17.12.2010, p. 17, as amended). • point 6.11 of Annex I to the Directive
The essence of overregulation:	**<u>exceeding the minimum requirements of the directive</u>** Among the types of activities requiring a permit within the meaning of Article 3(7) of Directive 2010/75, point 6.11 of Annex I to the Directive lists 'Other activities – Independently operated treatment of waste water not covered by Directive 91/271/EEC and discharged by an installation covered by Chapter II'. In accordance with the Polish provisions implementing this regulation, among the installations which may cause significant pollution of individual environmental components or of the environment as a whole, i.e., those requiring an integrated permit, point 6.13 of the Annex to the Regulation lists installations for other types of activities: for the treatment of wastewater, with the exception of municipal wastewater treatment plants, from installations requiring an integrated permit. **While point 6.13 of the Annex to the Regulation sets out three criteria for subjecting a water and wastewater management installation to the permit requirement, point 6.11 of Annex I to the Directive adds a fourth criterion that narrows the scope of these installations – the treatment of wastewater from an installation requiring an integrated permit, but only from one that is operated by an 'operator' other than the 'operator' of the wastewater treatment installation.** EU law stipulates one criterion for qualifying a wastewater treatment installation as subject to the integrated permit requirement, which is not explicitly provided for in Polish law. The absence of this criterion in Polish law means that a wider range of entities is subject to the permit requirement. This requirement applies to all installations for treating wastewater, with the exception of municipal wastewater treatment plants, from installations requiring an integrated permit, regardless of which entity is the 'operator' of such installation. Meanwhile, under European Union law, if the 'operator' of the wastewater treatment installation is the same entity as the 'operator' of the installation requiring an integrated permit from which the wastewater is discharged to the treatment installation, the treatment installation is not required to obtain an integrated permit. **The provisions of the Regulation mean that a wider range of installations is subject to the permit requirement than under the Directive.**

81. Act on maintaining cleanliness and order in municipalities – recycling targets

Polish legal act:	Act of 13 September 1996 on maintaining cleanliness and order in municipalities (Journal of Laws of 2024, items 399 and 1717) • Article 3b
Implements/provides for the implementation of:	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312 of 22.11.2008, p. 3, as amended) • Article 11(2)(c)–(e)
The essence of overregulation:	<u>**Introducing additional obligations at the national level**</u> Directive 2008/98 in Article 11 indicates the following targets for the levels of preparing for re-use and recycling: – by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 55% by weight; – by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60% by weight; – by 2035, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 65% by weight. The Act on maintaining cleanliness and order in municipalities, in addition to the targets indicated in Directive 2008/98, introduces additional interim targets for individual years, setting an obligation to achieve the following levels of preparing for re-use and recycling: 1) 20% by weight – for 2021; 2) 25% by weight – for 2022; 3) 35% by weight – for 2023; 4) 45% by weight – for 2024; 5) 55% by weight – for 2025; 6) 56% by weight – for 2026; 7) 57% by weight – for 2027; 8) 58% by weight – for 2028; 9) 59% by weight – for 2029; 10) 60% by weight – for 2030; 11) 61% by weight – for 2031; 12) 62% by weight – for 2032; 13) 63% by weight – for 2033; 14) 64% by weight – for 2034; 15) 65% by weight – for 2035 and for each subsequent year. **This Regulation imposes sanctions on municipalities and entities collecting municipal waste under a contract with a property owner for failure to achieve the recycling levels required under the Act for individual years, the achievement of which is not required by the provisions of the Directive for the given year.**

Telecommunications, media, intellectual property law

82. Electronic Communications Law – restrictions on terminating fixed-term contracts

Polish legal act:	Act of 12 July 2024 – the Electronic Communications Law (Journal of Laws, item 1221) • Article 306 • Article 307(1) • Article 308
Implements:	Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) (the "European Communications Code") • Article 105(4)
The essence of overregulation:	**Introducing additional obligations at the national level** According to Article 105(4) of the European Communications Code, subscribers shall have the right to terminate the contract without incurring any further costs upon notice of changes in the contractual conditions proposed by the provider of publicly available electronic communications services other than number-independent interpersonal communications services, unless the proposed changes are exclusively to the benefit of the end-user, are of a purely administrative nature and have no negative effect on the end-user, or are directly imposed by Union or national law. This provision states that a telecommunications undertaking may change the contract regardless of the reasons for the change. **The Polish legislature has restricted such unilateral changes only to situations that result '*from other objective circumstances over which the electronic communications service provider has no influence and which it could not have foreseen*'. These restrictions do not stem from the provisions of the European Communications Code and in practice make it difficult to include modification clauses**, which provide for the possibility of changing price conditions for appropriate reasons, as well as a method for indexing contracts by the inflation rate. In this context, the practice of the President of Office of Competition and Consumer Protection is extremely important, as he questions the modification clauses and the practice of automatic price indexation due to inflation, even though this was clearly accepted by the CJEU in its judgement of 26 November 2015 in Case C-326/14, Verein für Konsumenteninformation v A1 Telekom Austria AG. Meanwhile, in other EU countries, undertakings not only have the right to index prices in fixed-term contracts, but, in addition, such price changes do not give the consumer the right to terminate the contract. Such policies are applied, for example, in Belgium, Austria, and Portugal.

83. Electronic Communications Law – zero-rating of selected websites and mobile applications

Polish legal act:	Act of 12 July 2024 – the Electronic Communications Law (Journal of Laws, item 1221) • Article 317(5)
Implements:	Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) (the "European Communications Code")
The essence of overregulation:	**Introducing additional obligations at the national level** **The Electronic Communications Law Act introduces a new regulation – which has no basis in the European Electronic Communications Code – concerning the list of websites and mobile applications whose use does not count towards the data transmission limit.** The provisions requiring Internet providers to ensure access to the websites included in the minister's list in a way that does not

affect the subscriber's use of the data transmission limit within the package chosen by the subscriber (the 'statutory zero-rating mandate') were introduced in connection with the spread of the SARS-CoV-2 virus.

The introduction of this special measure was justified by the need to provide children with access to online educational services and content in a situation where in-person education was difficult or even impossible due to the COVID-19 epidemic. Following the cancellation of the state of epidemic and the state of epidemic emergency, this provision can be considered redundant.

84. Electronic Communications Law – portability of telephone numbers

Polish legal act:	Act of 12 July 2024 – the Electronic Communications Law (Journal of Laws, item 1221) • Article 326(2)(2)
Implements:	Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) (the "European Communications Code") • Article 106(5) and (6)
The essence of overregulation:	**Introducing additional obligations at the national level** The European Communications Code comprehensively regulates the number portability process, including the consequences for contracts concluded by subscribers. EU provisions provide, *inter alia*, for the obligation for the previous service provider to reactivate the number in the event of a failed number porting process or the automatic termination of end-user contracts with the previous provider upon completion of the provider switching process. **Although the harmonisation with EU law is complete, the Polish Act additionally provides that if the porting of the assigned number does not take place within 30 days, the contract with the new provider of voice communication services shall be deemed not to have been concluded.** The only exception provided for in the Act is the subscriber's cancellation, whereas most cases of failed number porting result from a discrepancy in the subscriber's data between the transferring and receiving providers, which is not corrected by the subscriber.

85. Electronic Communications Law – powers of the authority in a situation of special threat

Polish legal act:	Act of 12 July 2024 – the Electronic Communications Law (Journal of Laws, item 1221) • Article 40
Implements:	Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) (the "European Communications Code")
The essence of overregulation:	**Introducing additional obligations at the national level** In a situation of 'special threat,' the Electronic Communications Law, which implements the European Communications Code, grants the President of the Office of Electronic Communications the power to impose on telecommunications undertakings the obligation to: maintain the continuity of the provision of public telecommunications networks or the provision of publicly available telecommunications services; restore the provision of public telecommunications networks or reinstate the provision of publicly available telecommunications services, as well as limit the scope or area of provision of certain publicly available telecommunications services. **The Directive does not grant Member States the power to establish such a provision.** Additionally, the Polish Act introduces a general and vague definition of 'special threat', referring to the concept of a 'crisis situation' from the Act on crisis management, which is based on general clauses.

86. Electronic Communications Law – means of communicating changes to contractual terms

Polish legal act:	Act of 12 July 2024 – the Electronic Communications Law (Journal of Laws, item 1221) • Article 306(6) • Article 307(3) and (4) • Article 308(3)
Implements:	Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) (the "European Communications Code") • Article 106(5) and (6)
The essence of overregulation:	**Introducing additional obligations at the national level** The European Electronic Communications Code provides that notifications to subscribers of changes to contractual terms should be made on a durable medium. **The Polish legislature decided to expand upon the EU provisions, indicating that the provider is obliged to deliver the content of each proposed change on a durable medium in a form corresponding to the form in which the contract was concluded**, unless the subscriber has requested to receive notifications in another form. Specifying the form of the durable medium is in clear contradiction with the maximal nature of harmonisation with EU law and, in practice, obliges undertakings to provide information in writing.

87. Electronic Communications Law – refund of pre-paid funds

Polish legal act:	Act of 12 July 2024 – the Electronic Communications Law (Journal of Laws, item 1221) • Article 20(1) • Article 331
Implements:	Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) (the "European Communications Code") • Article 106(5) and (6)
The essence of overregulation:	**Introducing additional obligations at the national level** According to the European Communications Code, service providers are only obliged to refund any remaining balance to consumers using pre-paid services. The refund is made at the consumer's request and is only possible when porting a number to another provider. **In turn, the Electronic Communications Law introduces additional requirements which create direct costs for service providers (despite the full harmonisation of EU law).** This overregulation obliges service providers to: – also refund funds upon account expiry, and not just when porting a number; – ensure that funds concerning which the consumer does not submit a request within the specified period (6 months) are transferred to the Office of Electronic Communications and then to the Broadband Fund, simultaneously becoming the property of the Fund; – ensure the consumer has the option to provide a bank account number to which a refund will be made automatically upon account expiry or number porting (meaning that providing a bank account number is tantamount to submitting a refund request); – report information to the Office of Electronic Communications on the amount of remaining top-up funds on the account for which the consumer's right (to request a refund) expired in the previous calendar year.

88. Electronic Communications Law – optional account charging service

Polish legal act:	Act of 12 July 2024 – the Electronic Communications Law (Journal of Laws, item 1221) ● Article 2, point 76 ● Article 349–350
Implements:	Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) (the "European Communications Code") ● Annex VI, Part A, point (h)
The essence of overregulation:	**Introducing additional obligations at the national level** The optional account charging service allows subscribers to add payments for services or products purchased on the Internet, e.g., games, mobile apps, or audiobooks, to their telecommunications bill. The European Communications Code only obliges telecommunications service providers to disable third-party billing at the subscriber's request. This means that the subscriber is free to use this form of payment, unless they decide to have their telecommunications service provider disable the use of this form of payment. **At the same time, the Electronic Communications Law introduces additional restrictions with respect to optional account charging, creating barriers for both the consumer and the service provider.** These include obligations to: – obtain the subscriber's consent for providing the service (this obligation covers both new subscribers and existing ones who have already used this form of payment repeatedly, cyclically adding charges for selected services to their telecommunications bill) – consequently, if the subscriber's consent cannot be obtained, telecommunications service providers are forced to disable it; – record the obtained consent on a durable medium; – apply a default limit of just PLN 70, which in many cases may be very disadvantageous for consumers who regularly charge products purchased on the Internet to their bill, as it may lead to the need to disable the service if the default limit is exceeded, or to a malfunction; – authorise each transaction using at least one authentication factor (i.e., for example, by providing a PIN code received via SMS during the online service activation process).

89. Act on the liability of collective entities – sanctioning entities for breaches of the conditions of a PRS permit

Polish legal act:	Act of 28 October 2002 on the liability of collective entities for acts prohibited under penalty (Journal of Laws of 2024, item 1822) ● Article 16(1)(21)
Implements:	Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme (OJ L 287, 4.11.2011, p. 1) ● Article 15
The essence of overregulation:	**imposing sanctions or enforcement mechanisms stricter than required** On the occasion of the implementation of the European Electronic Communications Code, a misdemeanour sanction was introduced for producing equipment for the public regulated satellite service (PRS) or developing PRS technology without a PRS permit or without complying with the conditions contained in the PRS permit. **At the same time, liability of the collective entity for this act was provided for.**

	Meanwhile, Decision No 1104/2011/EU does not provide for a liability clause for legal persons, unlike a number of other EU directives and regulations. What is more, this is the only penal provision (*sensu largo*) in the Electronic Communications Law that provides for the liability of a collective entity.

90. Draft Act – Act amending the Act on the provision of services by electronic means and certain other acts (UC21) – blocking access to content

▧ DRAFT ACT	
Polish legal act:	Government draft Act amending the Act on the Provision of Services by Electronic Means and certain other acts (UC21)[73] • Article 11a
Ensures the application of:	Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L277, 27.10.2022, p. 1, as amended) • Articles 7-9
The essence of overregulation:	**Introducing additional obligations at the national level** The Draft Act implementing the Act on digital services provides for a special procedure that allows for the blocking of content posted on the Internet. The premise for this action is that the content is 'illegal' and 'unlawfully infringing on personal rights'. The President of the Electronic Communications Office will be empowered to act at the request of the person whose personal rights have been infringed, a prosecutor, the police, a service recipient, or a trusted whistleblower (in the case of prohibited acts), as well as in cases concerning the infringement of intellectual property rights. **Although the Digital Services Act leaves Member States broad discretion in combating illegal content, the Draft Act provides for an extraordinary expedited procedure that may not guarantee the procedural rights arising, *inter alia*, from the Charter of Fundamental Rights.** The President of the Electronic Communications Office is to issue orders within 2 to 21 days of the request being received, without hearing the author of the content covered by the request. The proposed scope of the concept of 'illegal content' is also so broad that it could potentially include entries related to, for example, comparative advertising. Without questioning the need to introduce effective mechanisms to enforce the moderation and removal of content that infringes on personal rights, it should be noted that the lack of adequate procedural guarantees may have a 'chilling effect' on public debate, and also be used, for example, to combat competition. What is more, the President of the Electronic Communications Office, with its current human resources and competence profile, may not be able to fully and substantively examine such requests.

91. Copyright Law – fair use for educational purposes

Polish legal act:	Act of 4 February 1994 on copyright and related rights (Journal of Laws of 2025, item 24) • Article 27
Implements:	Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L167, 22.6.2001, p. 10, OJ, Polish special edition: ch. 17, vol. 001, p. 230) • Article 5(3)(a)
The essence of overregulation:	**adding requirements at the national level**

[73] Draft version dated 13 December 2024.

	The Directive allows for an exception to the rights provided for in its Articles 2 and 3 for educational purposes (Article 5(3)(a)), but it does not define its detailed scope. The Polish Act permits the use of disseminated works in their original form in the educational process, but it restricts this to the educational institutions, institutes, and universities specified in the Act, for the purpose of illustrating content conveyed for educational purposes or for conducting scientific activities. This exception allows for the reproduction of disseminated minor works or fragments of larger works, not exceeding 25% of the work's content, provided that such use is not for profit and is carried out under the responsibility of these institutions or entities, on their premises or elsewhere, or via a secure electronic environment accessible, through the use of authentication procedures, only to learners and teachers or those conducting scientific activities at the given institution or entity. **These restrictions are not present in the Directive and may hinder business activities, as they do not cover, for example, private entities conducting training, unless such activity falls within the permissible right of quotation**.

92. Copyright law – scope of the right of quotation

Polish legal act:	Act of 4 February 1994 on copyright and related rights (Journal of Laws of 2025, item 24) • Article 29
Implements:	Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L167, 22.6.2001, p. 10, OJ, Polish special edition: ch. 17, vol. 001, p. 230) • Article 5(3)(d)
The essence of overregulation:	**extending the scope of application of the directive** When defining the purposes of quotation, the Polish legislature used wording that alters the scope of Article 5(3)(d) of Directive 2001/29/EC. The provision of the Directive indicates that quotation must, *inter alia*, 'be in accordance with fair practice, and to the extent required by the specific purpose'. The Polish legislature, on the other hand, indicated that the purposes of quotation relate, *inter alia*, to 'explanation, polemics, critical or scientific analysis, teaching, or the laws of a creative genre'. As is pointed out in the literature, '*the most ambiguous justification for the use of quotation is the reference to the laws of a creative genre. This premise was not present in previous Polish copyright acts, nor is it referred to in Directive 2001/29/EC*'.[74]

93. Civil Procedure Code – securing of evidence in intellectual property cases

Polish legal act:	Act of 17 November 1964 – the Civil Procedure Code (Journal of Laws of 2024, items 1568 and 1841, and of 2025, item 620) • Article 479^{96}–479^{105}
Implements:	Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45, OJ. Polish special edition, ch. 17, vol. 002, p. 32, as amended) • Article 7 in conjunction with Article 1
The essence of overregulation:	**extending the scope of application of EU law** The provisions of the Civil Procedure Code concerning the securing of evidence in intellectual property proceedings were introduced by the 2020 amendment[75] implementing Directive 2004/48/EC.

[74] B. Błońska in: Prawo autorskie i prawa pokrewne. Komentarz, ed. W. Machała, R.M. Sarbiński, Warsaw 2019, Article 29.

[75] Act of 13 February 2020 amending the Act – the Civil Procedure Code and certain other acts (Journal of Laws, item 288, as amended).

	As indicated in case law, '*the securing of evidence adopted in Polish law goes far beyond the scope of the directive from which it originates. According to Article 7 in conjunction with Article 1 of Directive 2004/48/EC, the securing of evidence should only concern industrial property rights*'.[76] **According to Article 1 of Directive 2004/48/EC, it concerns the measures, procedures, and remedies necessary to ensure the enforcement of intellectual property rights, and these, under the Directive, include industrial property rights. Meanwhile, the provisions of Article 479[96]–479[105] of the Civil Procedure Code apply to all intellectual property cases, not just industrial property law**.

94. Act on collective management of copyright and related rights – legal form of a collective management organisation

Polish legal act:	Act of 15 June 2018 on collective management of copyright and related rights (Journal of Laws of 2024, item 1665) • Article 3(2)
Implements:	Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72)
The essence of overregulation:	**introducing additional national requirements** According to Recital 14 of Directive 2014/26/EU, '*this Directive does not require collective management organisations to adopt a specific legal form. In practice, those organisations operate in various legal forms such as associations, cooperatives or limited liability companies, which are controlled or owned by holders of copyright and related rights or by entities representing such rightholders. In some exceptional cases, however, due to the legal form of a collective management organisation, the element of ownership or control is not present. This is, for example, the case for foundations, which do not have members. None the less, the provisions of this Directive should also apply to those organisations. Similarly, Member States should take appropriate measures to prevent the circumvention of the obligations under this Directive through the choice of legal form. It should be noted that entities which represent rightholders, and which are members of collective management organisations, may be other collective management organisations, associations of rightholders, unions or other organisations*. **Despite this, the Polish legislature, in Article 3(2) of the Act on collective management of copyright and related rights, in defining the collective management of copyright and related rights, narrowed the legal form in which these organisations can operate to that of an association**.

95. Civil Procedure Code – scope of the information claim

Polish legal act:	Act of 17 November 1964 – the Civil Procedure Code (Journal of Laws of 2024, items 1568 and 1841, and of 2025, item 620) • Article 479[113]
Implements:	Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45, OJ, Polish special edition: ch. 17, vol. 002, p. 32, as amended) • Article 8(1)
The essence of overregulation:	**extending the scope of application of EU law** Directive 2004/48/EC defines the scope of an information claim, i.e., an order to provide information on the origin and distribution networks of goods or services infringing an intellectual property right, issued by a national court at the justified request of the claimant. Each case of an information claim listed in

[76] Order of the District Court in Warsaw of 20 November 2020, XXII GWo 87/20, LEX No. 3820863.

	Article 8(1) of the Directive is limited to situations where the person obliged to provide information is acting on a commercial scale. **Meanwhile, Article 479[113], introduced by the 2020 amendment which transposes the aforementioned EU provisions[77], provides for a broader scope of the information claim, as it does not contain such a limitation. As a result, an information claim can also be directed at an infringer who is not acting on a commercial scale. This fact was pointed out by the drafters themselves, who, in the concordance table attached to the draft act, admitted that a broader scope of regulation was adopted in the Polish provisions compared to the Directive.**[78]

96. Act on radio and television broadcasting – definition of a media service

Polish legal act:	Act of 29 December 1992 on broadcasting (Journal of Laws of 2022, item 1722, and of 2024, items 96 and 1222) • Article 4(2)
Implements:	Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1, as amended) • Article 1(1)(a)
The essence of overregulation:	**extending the scope of application of EU law** According to the definition in the Act on radio and television broadcasting, a media service is a service in the form of a programme or an on-demand audiovisual media service for which its provider has editorial responsibility and the principal purpose of which, or of a dissociable section thereof, is the provision of programmes, via telecommunications networks, to the general public for informational, entertainment, or educational purposes; commercial communication is also a media service. Meanwhile, the provisions of Directive 2010/13/EU (and previously Directive 89/552/EEC) concern the audiovisual media service defined in Article 1(1)(a), which – as its name suggests – is audiovisual in nature. **As is emphasised in the literature, '*the definition of a media service has no equivalent in the Directive [...], as it covers not only audiovisual services but also audio services, and thus goes beyond the scope of services regulated by the Directive*'.[79] Therefore, this represents an extension of the national regulation transposing EU law to include audio services.**

[77] Act of 13 February 2020 amending the Act – the Civil Procedure Code and certain other acts (Journal of Laws, item 288, as amended).

[78] See Sejm printed matter no. 45, IX Sejm, Concordance Table, pp. 6–7.

[79] M. Kręcisz, Commentary on the judgement of the CJEU of 30 April 2014, C-475/12, LEX/el. 2014.

Transport, freight forwarding, logistics

97. Act on road transport – cabotage

Polish legal act:	Act of 6 September 2001 on road transport (Journal of Laws of 2024, items 1539, 1544 and 1855) • Article 19
Ensures the application of:	Directive 97/67/EC of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (recast) • Articles 8-9
The essence of overregulation:	**maintaining existing national standards that exceed those required by EU law;** **introducing additional national requirements** As a rule, carriers from outside the EU/EFTA must obtain a special permit from the Chief Inspector of Road Transport to perform cabotage in Poland. The condition for obtaining the permit is the submission of an application along with at least two positive opinions from national road carrier organisations. Violation of cabotage regulations in Poland is subject to financial penalties, e.g., PLN 12,000 for performing cabotage without the required permit. Repeated violations may result in a ban on performing cabotage in Poland for up to 2 years. **These requirements do not stem from EU regulations.** The current legal circumstances create uneven conditions for competition within the European Union and may constitute a barrier for some carriers. The process of obtaining a cabotage permit for carriers from outside the EU/EFTA is time-consuming and generates additional administrative costs, which hinders the conduct of transport activities. In turn, the requirement for opinions from national carrier organisations in the permit issuance process for entities from outside the EU/EFTA may be interpreted as potentially discriminatory.

Regulated products

98. Act on health protection against the consequences of using tobacco and tobacco products – production of tobacco for oral use for export

Polish legal act:	Act of 9 November 1995 on health protection against the consequences of using tobacco and tobacco products (Journal of Laws of 2024, item 1162 and of 2025, item 427) • Article 7(1)
Implements:	Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (TPD) (OJ L127, 29.4.2014, p. 1, as amended) • Article 17
The essence of overregulation:	**exceeding the minimum requirements of the directive** **adding requirements at the national level** According to the TPD, Member States shall prohibit the marketing of tobacco for oral use (this prohibition does not apply to Sweden). **The Polish legislature decided to prohibit not only the marketing – which is a requirement of the TPD – but also the production of such tobacco for export (including, for example, to Sweden or outside the EU).** As a result of extending the scope of the ban, Polish entrepreneurs cannot conduct production intended for export to countries where the trade of this product is not prohibited.

99. Act on health protection against the consequences of using tobacco and tobacco products – distance sales of tobacco products

▶▶ A QUICK WIN

Polish legal act:	Act of 9 November 1995 on health protection against the consequences of using tobacco and tobacco products (Journal of Laws of 2024, item 1162 and of 2025, item 427) • Article 7f
Implements:	Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (TPD) (OJ L127, 29.4.2014, p. 1, as amended) • Article 18
The essence of overregulation:	**exceeding the minimum requirements of the directive** **adding requirements at the national level** The TPD allows Member States to prohibit cross-border distance sales of tobacco products to consumers, i.e., the purchase of tobacco products through distance sales in one Member State with their delivery to a consumer in another Member State. Most EU countries have banned cross-border distance sales, however, **the Polish legislature also extended the ban to domestic distance sales.** In several EU countries, such activity is permitted (Germany, Italy, Czechia).

100. Act on health protection against the consequences of using tobacco and tobacco products – vending machine sales

Polish legal act:

Polish legal act:	Act of 9 November 1995 on health protection against the consequences of using tobacco and tobacco products (Journal of Laws of 2024, item 1162 and of 2025, item 427) • Article 6(3)
Implements:	Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (TPD) (OJ L127, 29.4.2014, p. 1, as amended)
The essence of overregulation:	**maintaining existing national standards that exceed those required by the directive** EU regulations do not prohibit the sale of tobacco products or electronic cigarettes in automated machines. The Polish provision prohibiting sales in vending machines has been in force since 1996 and was amended in 2016 on the occasion of the implementation of the TPD. In some EU countries, such sales are permitted (Germany, Italy, Spain).

Summary

The identification of barriers to economic development leads to the conclusion that regulatory burdens represent one of the most significant obstacles. We recognise that we are currently dealing with legal inflation and overregulation of the economic system. When analysing this phenomenon, it should be emphasised that the greatest economic risk stems not so much from the overregulation itself, but from its particular form, known as 'gold-plating'. This practice, which consists of excessively extending the scope of EU regulations at the national level, is closely associated with the lack of a level playing field for conducting business in Poland compared to other countries that make up the single market of the European Union.

In this context, it is worth noting that the phenomenon of gold-plating is primarily associated with the use by the national legislature of national options, i.e., situations in which the EU legislature leaves Member States the freedom to introduce additional regulations that tighten EU standards. The Polish legislature often takes advantage of this freedom, despite having no obligation to do so. Secondly, gold-plating also includes cases where the national legislature introduces additional elements specific to its domestic legal order, which leads to a tightening of the EU standard. Thirdly, this phenomenon also occurs when the national legislature uses the process of transposing EU law to introduce changes to the national legal system that are not directly related to the harmonisation of an EU directive.

In the above context, it should be recalled that from the beginning of the SprawdzaMY initiative, we have declared our readiness to create law in the 'EU+0' formula – that is, without national extensions that are not required by EU legislation. Thus, we have consistently opposed the phenomenon of gold-plating. At the same time – in the pages of this very Report – we have attempted to identify the scale of this phenomenon through a detailed description of 100 cases that constitute significant barriers to economic development. The aim of this analysis is not to assess this phenomenon in categorical fashion, but to provide all interested parties with reliable material for reflection and further action.

This Report is not just a compilation of specific cases. It is, above all, a question that is missing from many regulatory impact assessments: does the transposition of an EU directive make things easier or more difficult for a Polish entrepreneur as compared to their counterparts in other EU Member States?

The SprawdzaMY Team

Annex to the report entitled *Gold-plating and overregulation in the harmonisation of the Polish legal system with EU law* with a comparison of Polish and EU

Example number	Polish provisions:	EU provisions:
1.	**Act of 14 June 2024 on the protection of whistleblowers** (Journal of Laws, item 928) **Article 3(2)** Article 3 [Infringement of the law - definition] 2. A legal entity may additionally, within the internal reporting procedure, provide for the possibility of reporting information on infringements concerning internal regulations or ethical standards applicable within that legal entity, which have been established by the legal entity on the basis of generally applicable provisions of law and are consistent with them. In such a case, the provisions of Chapters 4 and 5 shall not apply.	**Directive (EU) 2019/1937 of the European Parliament and of the Council** of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17, as amended) **Article 2(2)** Article 2 2. This Directive is without prejudice to the power of Member States to extend protection under national law as regards areas or acts not covered by paragraph 1.
2.	**Act of 14 June 2024 on the protection of whistleblowers** (Journal of Laws, item 928) **Article 24(3) and (4)** Article 24 [Establishment of an internal reporting procedure] 3. A legal entity shall establish an internal reporting procedure after consultation with: 1) the company trade union organisation or company trade union organisations, if more than one company trade union organisation operates within the legal entity, or 2) representatives of persons performing work for the legal entity, selected in the manner adopted within the legal entity, if no company trade union organisation operates therein. 4. The consultations referred to in paragraph 3 shall last no less than 5 days and no more than 10 days from the date of submission by the legal entity of the draft internal reporting procedure.	**Directive (EU) 2019/1937 of the European Parliament and of the Council** of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17, as amended) **Article 8(1)** Article 8 Obligation to establish internal reporting channels 1. Member States shall ensure that legal entities in the private and public sector establish channels and procedures for internal reporting and for follow-up, following consultation and in agreement with the social partners where provided for by national law.
3.	**Act of 1 March 2018 on counteracting money laundering and terrorist financing** (Journal of Laws of 2023, item 1124, 1285, 1723 and 1843, of 2024, item 850 and 1222, and of 2025, item 146 and 172) **Article 43(4)** Article 43 [Enhanced financial security measures] 4. Where disclosed transactions: 1) are complex, or 2) concern large amounts that are not justified by the circumstances of the transaction, or 3) are conducted in an unusual manner, or 4) appear to have no legal or economic justification - obliged institutions shall take measures **to clarify the circumstances in which these transactions were carried out,** and, in the case of transactions carried out within the framework of business relationships, shall intensify the application of the financial security measure referred to in Article 34(1)(4) with respect to the business relationships within which these transactions were carried out.	**Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015** on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (AML Directive) (OJ L 141, 5.6.2015, p. 73, as amended) **Article 18(2)** Article 18 2. Member States shall require obliged entities to examine, as far as reasonably possible, the background and purpose of all transactions that fulfil at least one of the following conditions: (i) they are complex transactions; (ii) they are unusually large transactions; (iii) they are conducted in an unusual pattern; (iv) they have no apparent economic or lawful purpose. In particular, obliged entities shall increase the degree and nature of monitoring of the business relationship, **in order to determine whether those transactions or activities appear suspicious.**

4.	**Act of 1 March 2018 on counteracting money laundering and terrorist financing** (Journal of Laws of 2023, item 1124, 1285, 1723 and 1843, of 2024, item 850 and 1222, and of 2025, item 146 and 172) **Article 156(1)** Article 156 [Offences related to failure to comply with statutory obligations] 1. Whoever, acting on behalf or for the benefit of an obliged institution: 1) fails to notify the General Inspector of circumstances which may indicate the suspected commission of an offence of money laundering or terrorist financing, or the obligation to notify the General Inspector of a reasonable suspicion that a specific transaction or the assets that are the subject of that transaction may be related to money laundering or terrorist financing, 2) provides the General Inspector with false data or conceals true data concerning transactions, accounts or persons, shall be subject to a penalty of imprisonment for a term of 3 months to 5 years.	**Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015** on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (AML Directive) (OJ L 141, 5.6.2015, p. 73, as amended) **Article 58** Article 58 1. Member States shall ensure that obliged entities can be held liable for breaches of national provisions transposing this Directive in accordance with this Article and Articles 59 to 61. Any resulting sanction or measure shall be effective, proportionate and dissuasive. 2. Without prejudice to the right of Member States to provide for and impose criminal sanctions, Member States shall lay down rules on administrative sanctions and measures and ensure that their competent authorities may impose such sanctions and measures with respect to breaches of the national provisions transposing this Directive, and shall ensure that they are applied. Member States may decide not to lay down rules for administrative sanctions or measures for breaches which are subject to criminal sanctions in their national law. In that case, Member States shall communicate to the Commission the relevant criminal law provisions. Member States shall further ensure that where their competent authorities identify breaches which are subject to criminal sanctions, they inform the law enforcement authorities in a timely manner. 3. Member States shall ensure that where obligations apply to legal persons in the event of a breach of national provisions transposing this Directive, sanctions and measures can be applied to the members of the management body and to other natural persons who under national law are responsible for the breach. 4. Member States shall ensure that the competent authorities have all the supervisory and investigatory powers that are necessary for the exercise of their functions. 5. Competent authorities shall exercise their powers to impose administrative sanctions and measures in accordance with this Directive, and with national law, in any of the following ways: a) directly; b) in collaboration with other authorities; c) under their responsibility by delegation to such other authorities; d) by application to the competent judicial authorities. In the exercise of their powers to impose administrative sanctions and measures, competent authorities shall cooperate closely in order to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.
5.	**Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) as of 7 February 2025.** draft **Article 53(9)–(11)** of the Act on the National Cybersecurity System	**Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022** on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80) **Article 32(5)** Article 32

		Supervisory and enforcement measures in relation to essential entities 5. Where enforcement measures adopted pursuant to paragraph 4, points (a) to (d) and (f), are ineffective, Member States shall ensure that their competent authorities have the power to establish a deadline by which the essential entity is requested to take the necessary action to remedy the deficiencies or to comply with the requirements of those authorities. Where the required action is not taken within the deadline set, Member States shall ensure that their competent authorities have the power to: a) suspend temporarily, or request a certification or authorisation body, or a court or tribunal, in accordance with national law, to suspend temporarily a certification or authorisation concerning part or all of the relevant services provided or activities carried out by the essential entity; b) request that the relevant bodies, courts or tribunals, in accordance with national law, prohibit temporarily any natural person who is responsible for discharging managerial responsibilities at chief executive officer or legal representative level in the essential entity from exercising managerial functions in that entity. Temporary suspensions or prohibitions imposed pursuant to this paragraph shall be applied only until the entity concerned takes the necessary action to remedy the deficiencies or comply with the requirements of the competent authority for which such enforcement measures were applied. The imposition of such temporary suspensions or prohibitions shall be subject to appropriate procedural safeguards in accordance with the general principles of Union law and the Charter, including the right to an effective remedy and to a fair trial, the presumption of innocence and the rights of the defence. The enforcement measures provided for in this paragraph shall not be applicable to public administration entities that are subject to this Directive.
6.	**Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) as of 7 February 2025.** draft **Articles 67b–67f** of the Act on the National Cybersecurity System	**Cybersecurity of 5G networks: EU Toolbox of risk mitigating measures** **Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022** on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80)
7.	**Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) as of 7 February 2025.** draft **Articles 73(5) and 74(4)** of the Act on the National Cybersecurity System	**Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022** on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80) **Article 34(4) and (5)** Article 34 General conditions for imposing administrative fines on essential and important entities 4. Member States shall ensure that where they infringe Article 21 or 23, essential entities are subject, in accordance with paragraphs 2 and 3 of this Article, to administrative fines of a maximum of at least EUR 10,000,000 or of a maximum of at least 2% of the total worldwide annual turnover in the preceding financial year of the undertaking to which the essential entity belongs, whichever is higher. 5. Member States shall ensure that where they infringe Article 21 or 23, important entities are subject, in accordance with paragraphs 2 and 3 of this Article, to administrative fines of a maximum of at least EUR

		7,000,000 or of a maximum of at least 1.4% of the total worldwide annual turnover in the preceding financial year of the undertaking to which the important entity belongs, whichever is higher.
8.	**Act of 29 September 1994 on accounting** (Journal of Laws of 2023, items 120, 295 and 1598, and of 2024, items 619, 1685, 1863) **Article 63m(4), Article 63n(5)** Article 63m [Entities obliged to prepare, publish, and make available income tax reports] 4. For the purpose of publishing and making available the income tax report, within 12 months of the balance sheet date, the manager of the entity specified in paragraph 1 shall: 1) file the income tax report with the competent court register, and 2) publish the income tax report on the entity's website, where it shall be made available for a period of at least 5 years. Article 63n. [Publication and making available of income tax reports by a subsidiary or branch] 5. For the purpose of publishing and making available the income tax report, within 12 months of the balance sheet date, the manager of the subsidiary or branch shall: 1) file with the competent court register: a) the income tax report referred to in paragraph 4(1), together with the statement referred to in paragraph 4(2), or b) the income tax report prepared by the ultimate parent undertaking or the standalone undertaking, respectively, if the subsidiary or branch has been designated to file the income tax report with the register in accordance with paragraph 7(3), and 2) publish the income tax report, and in the case of the income tax report referred to in paragraph 4(1), also the statement referred to in paragraph 4(2), on the website of the subsidiary or branch, respectively, in which case the report and the statement shall be made available on that website for a period of at least 5 years.	**Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013** on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19, as amended) **Article 48d(2) in conjunction with Article 48b** Article 48d Publication and accessibility 2. Member States shall ensure that the report on income tax information and the statement published by the undertakings in accordance with paragraph 1 of this Article are made accessible to the public in at least one of the official languages of the Union, free of charge, no later than 12 months after the balance sheet date of the financial year for which the report is drawn up, on the website of: a) the undertaking, where Article 48b(1) applies; b) the subsidiary undertaking or an affiliated undertaking, where Article 48b(4) applies; or c) the branch or the undertaking which opened the branch, or an affiliated undertaking, where Article 48b(5) applies.
9.	**Act of 21 April 2017 on claims for damages for infringements of competition law** (Journal of Laws, item 1132) **Article 7** Article 7 [Presumption of harm caused by an infringement of competition law] It shall be presumed that an infringement of competition law causes harm.	**Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014** on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (OJ L 349, 5.12.2014, p. 1) **Article 17** Article 17 Quantification of harm 1. Member States shall ensure that neither the burden nor the standard of proof required for the quantification of harm renders the exercise of the right to damages practically impossible or excessively difficult. Member States shall ensure that the national courts are empowered, in accordance with national procedures, to estimate the amount of harm if it is established that a claimant suffered harm but it is practically impossible or excessively difficult precisely to quantify the harm suffered on the basis of the evidence available. 2. It shall be presumed that cartel infringements cause harm. The infringer shall have the right to rebut that presumption.

		3. Member States shall ensure that, in proceedings relating to an action for damages, a national competition authority may, upon request of a national court, assist that national court with respect to the determination of the quantum of damages where that national competition authority considers such assistance to be appropriate.
10.	**Act of 26 July 1991 on personal income tax** (Journal of Laws of 2025, items 163, 340 and 348) **Article 30da–30di** (introduced by the Act of 23 October 2018 amending the Act on personal income tax, the Act on corporate income tax act, the Tax Ordinance Act and certain other acts) Article 30da [Tax on unrealised gains] 1. The tax on unrealised gains shall be: 1) 19% of the tax base - where the tax value of an asset is determined; 2) 3% of the tax base - where the tax value of an asset is not determined. 2. The following shall be subject to the tax on unrealised gains: 1) the transfer of an asset outside the territory of the Republic of Poland, as a result of which the Republic of Poland loses the right to tax income from the disposal of that asset, while the transferred asset remains the property of the same entity; 2) a change of tax residence by a taxpayer subject to unlimited tax liability in the Republic of Poland, as a result of which the Republic of Poland loses the right to tax income from the disposal of an asset owned by that taxpayer, in connection with the transfer of his place of residence to another state. 3. In the case of an asset not related to business activity, only the following assets shall be subject to the tax on income from unrealised gains in the case referred to in paragraph 2(2): all rights and obligations in a company that is not a legal person, shares in a company, stocks, and other securities, derivative financial instruments, and participation titles in capital funds, hereinafter referred to as 'personal assets', provided that the taxpayer has had their place of residence in the Republic of Poland for a total of at least five years in the ten-year period preceding the date of the change of tax residence. 4. The transfer of an asset outside the territory of the Republic of Poland, as referred to in paragraph 2(1), shall include, in particular, a situation in which: 1) the taxpayer referred to in Article 3(1) transfers to their foreign permanent establishment an asset previously connected with business activity conducted in the Republic of Poland; 2) the taxpayer referred to in Article 3(2a) transfers to their state of tax residence or to a state other than the Republic of Poland in which they conduct business activity via a foreign establishment an asset previously connected with business activity conducted in the Republic of Poland via a foreign establishment; 3) the taxpayer referred to in Article 3(2a) transfers to another state all or part of the business activity previously conducted through a foreign permanent establishment located in the Republic of Poland. 5. The taxation with the tax on income from unrealised gains as a result of a change of tax residence, as referred to in paragraph 2(2), shall not apply to assets which, after the change of tax residence, remain connected with a foreign establishment in the Republic of Poland of a taxpayer who has changed his tax residence. 6. The date of transfer of an asset outside the territory of the Republic of Poland shall be the day preceding the date on which that asset ceases to be attributed to the activity conducted in the Republic of Poland, including via a foreign establishment.	**Council Directive (EU) 2016/1164 of 12 July 2016** laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193, 19.7.2016, p. 1, as amended) **Article 3** Article 3 Minimum level of protection This Directive shall not preclude the application of domestic or agreement-based provisions aimed at safeguarding a higher level of protection for domestic corporate tax bases.

	7. Income from unrealised gains is the excess of the market value of an asset, determined as at the date of its transfer or as at the day preceding the date of the change of tax residence, over its tax value. 8. The market value of an asset shall be determined: 1) in accordance with Article 19(3) – in the case of personal assets and assets whose transfer does not involve a change in economically significant functions, assets, or risks; 2) in accordance with Article 23o – in other cases. 9. The market value of a taxpayer's assets covered by the matrimonial joint property regime is determined for each spouse at half the market value of those assets. 10. The tax value of an asset is the value, not previously included in tax-deductible costs in any form, which would have been recognised by the taxpayer as a tax-deductible cost if he had disposed of that asset for consideration. The tax value of an asset is not be determined if, in accordance with separate provisions, the costs of obtaining revenue from the disposal of that asset for consideration are not taken into account for income tax purposes. 11. If the value of an asset adopted by the taxpayer for the taxation of income from unrealised gains deviates from its market value without justified economic reasons and, as a result, the taxpayer does not declare income from unrealised gains or declares such income in an understated amount, the taxpayer's income and the tax due on income from unrealised gains shall be determined by the tax authority. 12. The tax base for the tax on unrealised gains is the sum of the unrealised gains determined for individual assets. In the case of the transfer of an enterprise or an organised part thereof, the income from unrealised gains concerns the entire enterprise (or the organised part thereof). 13. If the taxpayer referred to in Article 3(1) also earns income (revenue) outside the territory of the Republic of Poland and this income is subject to a tax equivalent to the tax on income from unrealised gains in a foreign state, this income (revenue) shall be combined with the income (revenue) earned in the Republic of Poland. In this case, from the tax calculated on the total sum of income, an amount equal to the tax paid in the foreign state shall be deducted. However, the amount of the deduction may not exceed that part of the tax calculated before the deduction is made which is proportionally attributable to the income earned in the foreign state. 14. Taxpayers are obliged to submit to tax offices, according to the established template, declarations on the amount of unrealised gains by the 7th day of the month following the month in which the total market value of the transferred assets exceeded PLN 4,000,000, and to pay the tax due within this time limit. If further assets are transferred after the month in which the total market value of the transferred assets exceeded the amount of PLN 4,000,000, taxpayers shall be obliged to submit a declaration by the 7th day of the month following the month in which the assets were transferred, and to pay the tax due within this time limit. Article 30db [Limit on the market value of assets transferred outside the territory of the Republic of Poland] 1. The provisions of Article 30da shall not apply if the total market value of the transferred assets does not exceed the amount of PLN 4,000,000. 2. In the case of the spouses referred to in Article 30da(9), the limit of the market value of an asset specified in paragraph 1 shall apply jointly to both spouses. Article 30dc [Exclusion from taxation of unrealised gains of assets temporarily transferred outside the territory of the Republic of Poland]	

	1. Taxation of unrealised gains shall not apply to an asset transferred outside the territory of the Republic of Poland for a specified period, not exceeding 12 months, where: 1) the transfer of this asset is directly related to the liquidity management policy of the taxpayer's enterprise located in the Republic of Poland and in the territory of another state; 2) the transfer of securities or other assets is made on the basis of a transfer of ownership agreement for the purpose of securing a receivable. 2. In the case referred to in paragraph 1, the taxpayer is obliged to declare in the tax return referred to in Article 45(1) and (1a)(2) the market value of the assets temporarily transferred in the tax year for which the return is filed, as well as the expected date of their transfer back to the territory of the Republic of Poland, if, on the date of filing the return, these assets remain outside the territory of the Republic of Poland. 3. If, before the expiry of 12 months, calculated from the first month following the month in which the asset was transferred outside the territory of the Republic of Poland, a company or partnership which is not a legal person and which transferred the asset has been taken over by a company, or the taxpayer has transformed the form of their business activity into a single-member capital company, the market value of the asset, previously declared as temporarily transferred outside the territory of the Republic of Poland, shall be subject to taxation in accordance with Article 30da(1). 4. In the case referred to in paragraph 3, the taxpayer is obliged to submit to the tax office a declaration on the amount of unrealised gains within 7 days from the date of the takeover or transformation and to pay the tax due within the same period. 5. If the value of the asset referred to in Article 3 and the value of the assets referred to in Article 30db(1) jointly exceed the amount of PLN 4,000,000, the taxpayer is obliged to declare all transferred assets for taxation in the declaration referred to in Article 4. Article 30dd [Exemptions from the tax on unrealised gains] 1. The following shall be exempt from the tax on unrealised gains: 1) assets transferred for the purposes specified in Article 4 of the Act on public benefit activity to organisations equivalent to those referred to in Article 3(2) and (3) of that Act, as specified in the provisions governing public benefit activity in force in a Member State of the European Union other than the Republic of Poland or in another state belonging to the European Economic Area, which conduct public benefit activity in the sphere of public tasks and pursue these purposes – provided that the taxpayer does not hold rights to a share in the profit or assets of that organisation; 2) assets intended for the official use of employees, directly related to the work performed, which do not constitute fixed or current assets within the meaning of the accounting regulations. 2. The taxation exemptions and deferrals specified in Articles 21 and 24 shall not apply to the tax on unrealised gains. Article 30de [Payment in instalments of the tax on unrealised gains] 1. A taxpayer may apply to the head of the competent tax office for payment in instalments of all or part of the tax on unrealised gains, for a period not exceeding 5 years, counting from the end of the tax year in which the tax obligation arose, if the assets or tax residence were transferred to a Member State of the European Union or another state belonging to the European Economic Area which is a party to an agreement concluded with the Republic of Poland or the European Union on mutual assistance for the recovery of tax claims, equivalent to the	

	mutual assistance provided for in Council Directive 2010/24/EU of 16 March 2010 on mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1). 2. Where there is a real risk of non-recovery of the tax on unrealised gains, payment in instalments of all or part of this tax may be permitted after the taxpayer has provided security for the performance of his tax liability in this respect, together with a prolongation fee, in the form provided for in the provisions of the Tax Ordinance for securing the performance of tax liabilities. 3. When assessing whether there is a real risk of non-recovery of the tax on unrealised gains, particular account shall be taken of whether: 1) the book value of the taxpayer's liabilities in the last 3 tax years has not exceeded 50% of the book value of their assets; 2) the taxpayer has duly settled personal income tax liabilities, including with respect to the obligations of a remitter of personal income tax on amounts paid under the provisions of Article 12(1) and (6), Article 13(2) and (4-9), and Article 18, and if there were arrears in these payments – whether they were of a significant value that could affect the assessment of the taxpayer's solvency and reliability; 3) (repealed); 4) in the last 5 tax years, proceedings based on the provisions governing tax avoidance or tax evasion have been or are pending against the taxpayer as at the date of submitting the application for payment of the tax in instalments; 5) the granting by the taxpayer of guarantees and sureties to related parties within the meaning of Article 23m(1)(4) is economically and commercially justified; 6) the related parties within the meaning of Article 23m(1)(4) with respect to the taxpayer are not at risk of bankruptcy or liquidation due to insolvency. 4. The security for the performance of the liability referred to in paragraph 2, in the form of a guarantee or surety, may be provided by an entity having its place of residence, registered office or management board in a Member State of the European Union or in another state belonging to the European Economic Area, whose financial and property situation allow it to be considered as capable of performing the obligations arising from that guarantee or surety. 5. The payment of the tax on unrealised gains in instalments is granted by way of a decision in which the tax authority shall, in particular: 1) determine the amount and due dates of the instalments and the amount of the prolongation fee; 2) inform the taxpayer of the circumstances resulting in the expiry of the decision and rendering the liability for the tax on unrealised gains due and payable; 6. The decision referred to in paragraph 5 shall expire if: 1) the taxpayer disposes of, in any form, assets transferred outside the territory of the Republic of Poland, including those attributed to a foreign permanent establishment located outside the territory of the Republic of Poland; 2) assets transferred outside the territory of the Republic of Poland, including those attributed to a foreign permanent establishment, are subsequently transferred to a state other than a Member State of the European Union, unless the transfer is to a state belonging to the European Economic Area which is a party to an agreement concluded with the Republic of Poland or the European Union on mutual assistance for the recovery of tax claims, equivalent to the mutual assistance provided for in Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures;	

	3) the taxpayer changes their tax residence again, to a state other than a Member State of the European Union, unless the further change of tax residence is to a state belonging to the European Economic Area which is a party to an agreement concluded with the Republic of Poland or the European Union on mutual assistance for the recovery of tax claims, equivalent to the mutual assistance provided for in Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures; 4) bankruptcy occurs with respect to the taxpayer or the entity which provided the taxpayer with security for the performance of the tax liability referred to in paragraph 2, in the form of a guarantee or surety; 5) the taxpayer has failed to meet the payment deadline for any of the instalments or the prolongation fee; 7. During the period of payment of the tax on unrealised gains in instalments, the taxpayer is obliged to submit, as at the last day of each calendar year, information on the occurrence or non-occurrence of the events referred to in paragraph 6(1-4). The information shall be submitted to the head of the tax office which issued the decision referred to in paragraph 5 by the 7th day of the first month following the calendar year to which the information relates. 8. In the case of a change of tax residence, the competent head of the tax office referred to in paragraph 1 shall be the head of the tax office competent for the taxation of foreign persons. 9. In matters not regulated in paragraphs 1-8, the provisions of the Tax Ordinance shall apply. Article 30df [Application for a refund of the tax on unrealised gains] 1. If, within a period of 5 years, calculated from the end of the tax year in which the taxpayer transferred an asset outside the territory of the Republic of Poland, the taxpayer transfers it back to the territory of the Republic of Poland, they may apply for a refund of the tax on unrealised gains in the part attributable to that asset. 2. If, within a period of 5 years, calculated from the end of the tax year in which the taxpayer changed their tax residence, the taxpayer again becomes a person referred to in Article 3(1), he may apply for a refund of the exit tax paid. The refund shall not apply to the tax attributable to assets which remain connected with the taxpayer's foreign permanent establishment located outside the borders of the Republic of Poland. Article 30dg [Attachment to the tax return of information on the market value of an asset determined in an EU Member State for the purposes of taxation equivalent to the tax on unrealised gains] 1. If, on the basis of Article 22(1n)(1), (1na) or Article 22g(1)(7) or (8), a taxpayer includes in his tax-deductible costs the market value of an asset determined in a Member State of the European Union for the purposes of taxation with a tax equivalent to the exit tax, that taxpayer shall be obliged to enclose with the tax return referred to in Article 45(1) and (1a)(2), information, according to the established template, on the market value of that asset. To this information, the taxpayer is obliged to attach a document issued or confirmed by the competent authority of the state referred to in the first sentence, stating the market value of that asset. 2. The information referred to in paragraph 1 is submitted for the tax year in which the taxpayer included the market value of the asset, determined by a Member State of the European Union other than the Republic of Poland, as a tax-deductible cost. 3. The head of the tax office may determine the market value of the taxpayer's asset referred to in paragraph 1 at an amount different from that adopted for the purposes of taxation equivalent to the tax on unrealised gains, if that value is higher than the market value.	

	Article 30dh [Application of provisions to taxpayers holding rights to a share in the profits of a company which is not a legal person; an enterprise or an organised part thereof as an asset; extension of the application of provisions] 1. Where the entity transferring an asset is a company or partnership which is not a legal person, the provisions of Articles 30da-30dg shall apply to taxpayers holding rights to a share in the profits of such company or partnership. In such a case, the provisions of Article 8(1) shall apply accordingly. 2. Whenever paragraph 1 and Articles 30da-30dg refer to an asset, this shall also be understood as an enterprise or an organised part of an enterprise. 3. The provisions of paragraphs 1 and 2 and Articles 30da-30dg shall apply accordingly to: 1) the gratuitous transfer to another entity of an asset located in the Republic of Poland, 2) the contribution of an asset to an entity other than a company or a cooperative – if, as a result of this transfer or contribution, the Republic of Poland loses the right to tax the income from the disposal of that asset. Article 30di (repealed).	
11.	**Act of 26 July 1991 on personal income tax** (Journal of Laws of 2025, items 163, 340 and 348) **Articles 30da-30di** Article 30da [Tax on unrealised gains] 1. The tax on unrealised gains shall be: 1) 19% of the tax base - where the tax value of an asset is determined; 2) 3% of the tax base - where the tax value of an asset is not determined. 2. The following shall be subject to the tax on unrealised gains: 1) the transfer of an asset outside the territory of the Republic of Poland, as a result of which the Republic of Poland loses the right to tax income from the disposal of that asset, while the transferred asset remains the property of the same entity; 2) a change of tax residence by a taxpayer subject to unlimited tax liability in the Republic of Poland, as a result of which the Republic of Poland loses the right to tax income from the disposal of an asset owned by that taxpayer, in connection with the transfer of his place of residence to another state. 3. In the case of an asset not related to business activity, only the following assets shall be subject to the tax on income from unrealised gains in the case referred to in paragraph 2(2): all rights and obligations in a company that is not a legal person, shares in a company, stocks, and other securities, derivative financial instruments, and participation titles in capital funds, hereinafter referred to as 'personal assets', provided that the taxpayer has had their place of residence in the Republic of Poland for a total of at least five years in the ten-year period preceding the date of the change of tax residence. 4. The transfer of an asset outside the territory of the Republic of Poland, as referred to in paragraph 2(1), shall include, in particular, a situation in which: 1) the taxpayer referred to in Article 3(1) transfers to their foreign permanent establishment an asset previously connected with business activity conducted in the Republic of Poland;	**Council Directive (EU) 2016/1164 of 12 July 2016** laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193 of 19.7.2016, p. 1, as amended).

	2) the taxpayer referred to in Article 3(2a) transfers to their state of tax residence or to a state other than the Republic of Poland in which they conduct business activity via a foreign establishment an asset previously connected with business activity conducted in the Republic of Poland via a foreign establishment; 3) the taxpayer referred to in Article 3(2a) transfers to another state all or part of the business activity previously conducted through a foreign permanent establishment located in the Republic of Poland. 5. The taxation with the tax on income from unrealised gains as a result of a change of tax residence, as referred to in paragraph 2(2), shall not apply to assets which, after the change of tax residence, remain connected with a foreign establishment in the Republic of Poland of a taxpayer who has changed his tax residence. 6. The date of transfer of an asset outside the territory of the Republic of Poland shall be the day preceding the date on which that asset ceases to be attributed to the activity conducted in the Republic of Poland, including via a foreign establishment. 7. Income from unrealised gains is the excess of the market value of an asset, determined as at the date of its transfer or as at the day preceding the date of the change of tax residence, over its tax value. 8. The market value of an asset shall be determined: 1) in accordance with Article 19(3) – in the case of personal assets and assets whose transfer does not involve a change in economically significant functions, assets, or risks; 2) in accordance with Article 23o – in other cases. 9. The market value of a taxpayer's assets covered by the matrimonial joint property regime is determined for each spouse at half the market value of those assets. 10. The tax value of an asset is the value, not previously included in tax-deductible costs in any form, which would have been recognised by the taxpayer as a tax-deductible cost if he had disposed of that asset for consideration. The tax value of an asset is not be determined if, in accordance with separate provisions, the costs of obtaining revenue from the disposal of that asset for consideration are not taken into account for income tax purposes. 11. If the value of an asset adopted by the taxpayer for the taxation of income from unrealised gains deviates from its market value without justified economic reasons and, as a result, the taxpayer does not declare income from unrealised gains or declares such income in an understated amount, the taxpayer's income and the tax due on income from unrealised gains shall be determined by the tax authority. 12. The tax base for the tax on unrealised gains is the sum of the unrealised gains determined for individual assets. In the case of the transfer of an enterprise or an organised part thereof, the income from unrealised gains concerns the entire enterprise (or the organised part thereof). 13. If the taxpayer referred to in Article 3(1) also earns income (revenue) outside the territory of the Republic of Poland and this income is subject to a tax equivalent to the tax on income from unrealised gains in a foreign state, this income (revenue) shall be combined with the income (revenue) earned in the Republic of Poland. In this case, from the tax calculated on the total sum of income, an amount equal to the tax paid in the foreign state shall be deducted. However, the amount of the deduction may not exceed that part of the tax calculated before the deduction is made which is proportionally attributable to the income earned in the foreign state. 14. Taxpayers are obliged to submit to tax offices, according to the established template, declarations on the amount of unrealised gains by the 7th day of the month following the month in which the total market value of the transferred assets exceeded PLN 4,000,000, and to pay the tax due within this time limit. If further assets are transferred after the month in which the total market value of the transferred assets exceeded the amount of	

	PLN 4,000,000, taxpayers shall be obliged to submit a declaration by the 7th day of the month following the month in which the assets were transferred, and to pay the tax due within this time limit. Article 30db [Limit on the market value of assets transferred outside the territory of the Republic of Poland] 1. The provisions of Article 30da shall not apply if the total market value of the transferred assets does not exceed the amount of PLN 4,000,000. 2. In the case of the spouses referred to in Article 30da(9), the limit of the market value of an asset specified in paragraph 1 shall apply jointly to both spouses. Article 30dc [Exclusion from taxation of unrealised gains of assets temporarily transferred outside the territory of the Republic of Poland] 1. Taxation of unrealised gains shall not apply to an asset transferred outside the territory of the Republic of Poland for a specified period, not exceeding 12 months, where: 1) the transfer of this asset is directly related to the liquidity management policy of the taxpayer's enterprise located in the Republic of Poland and in the territory of another state; 2) the transfer of securities or other assets is made on the basis of a transfer of ownership agreement for the purpose of securing a receivable. 2. In the case referred to in paragraph 1, the taxpayer is obliged to declare in the tax return referred to in Article 45(1) and (1a)(2) the market value of the assets temporarily transferred in the tax year for which the return is filed, as well as the expected date of their transfer back to the territory of the Republic of Poland, if, on the date of filing the return, these assets remain outside the territory of the Republic of Poland. 3. If, before the expiry of 12 months, calculated from the first month following the month in which the asset was transferred outside the territory of the Republic of Poland, a company or partnership which is not a legal person and which transferred the asset has been taken over by a company, or the taxpayer has transformed the form of their business activity into a single-member capital company, the market value of the asset, previously declared as temporarily transferred outside the territory of the Republic of Poland, shall be subject to taxation in accordance with Article 30da(1). 4. In the case referred to in paragraph 3, the taxpayer is obliged to submit to the tax office a declaration on the amount of unrealised gains within 7 days from the date of the takeover or transformation and to pay the tax due within the same period. 5. If the value of the asset referred to in Article 3 and the value of the assets referred to in Article 30db(1) jointly exceed the amount of PLN 4,000,000, the taxpayer is obliged to declare all transferred assets for taxation in the declaration referred to in Article 4. Article 30dd [Exemptions from the tax on unrealised gains] 1. The following shall be exempt from the tax on unrealised gains: 1) assets transferred for the purposes specified in Article 4 of the Act on public benefit activity to organisations equivalent to those referred to in Article 3(2) and (3) of that Act, as specified in the provisions governing public benefit activity in force in a Member State of the European Union other than the Republic of Poland or in another state belonging to the European Economic Area, which conduct public benefit activity in the sphere of public tasks and pursue these purposes – provided that the taxpayer does not hold rights to a share in the profit or assets of that organisation;	

	2) assets intended for the official use of employees, directly related to the work performed, which do not constitute fixed or current assets within the meaning of the accounting regulations. 2. The taxation exemptions and deferrals specified in Articles 21 and 24 shall not apply to the tax on unrealised gains. Article 30de [Payment in instalments of the tax on unrealised gains] 1. A taxpayer may apply to the head of the competent tax office for payment in instalments of all or part of the tax on unrealised gains, for a period not exceeding 5 years, counting from the end of the tax year in which the tax obligation arose, if the assets or tax residence were transferred to a Member State of the European Union or another state belonging to the European Economic Area which is a party to an agreement concluded with the Republic of Poland or the European Union on mutual assistance for the recovery of tax claims, equivalent to the mutual assistance provided for in Council Directive 2010/24/EU of 16 March 2010 on mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1). 2. Where there is a real risk of non-recovery of the tax on unrealised gains, payment in instalments of all or part of this tax may be permitted after the taxpayer has provided security for the performance of his tax liability in this respect, together with a prolongation fee, in the form provided for in the provisions of the Tax Ordinance for securing the performance of tax liabilities. 3. When assessing whether there is a real risk of non-recovery of the tax on unrealised gains, particular account shall be taken of whether: 1) the book value of the taxpayer's liabilities in the last 3 tax years has not exceeded 50% of the book value of their assets; 2) the taxpayer has duly settled personal income tax liabilities, including with respect to the obligations of a remitter of personal income tax on amounts paid under the provisions of Article 12(1) and (6), Article 13(2) and (4-9), and Article 18, and if there were arrears in these payments – whether they were of a significant value that could affect the assessment of the taxpayer's solvency and reliability; 3) (repealed); 4) in the last 5 tax years, proceedings based on the provisions governing tax avoidance or tax evasion have been or are pending against the taxpayer as at the date of submitting the application for payment of the tax in instalments; 5) the granting by the taxpayer of guarantees and sureties to related parties within the meaning of Article 23m(1)(4) is economically and commercially justified; 6) the related parties within the meaning of Article 23m(1)(4) with respect to the taxpayer are not at risk of bankruptcy or liquidation due to insolvency. 4. The security for the performance of the liability referred to in paragraph 2, in the form of a guarantee or surety, may be provided by an entity having its place of residence, registered office or management board in a Member State of the European Union or in another state belonging to the European Economic Area, whose financial and property situation allow it to be considered as capable of performing the obligations arising from that guarantee or surety. 5. The payment of the tax on unrealised gains in instalments is granted by way of a decision in which the tax authority shall, in particular: 1) determine the amount and due dates of the instalments and the amount of the prolongation fee;	

	2) inform the taxpayer of the circumstances resulting in the expiry of the decision and rendering the liability for the tax on unrealised gains due and payable; 6. The decision referred to in paragraph 5 shall expire if: 1) the taxpayer disposes of, in any form, assets transferred outside the territory of the Republic of Poland, including those attributed to a foreign permanent establishment located outside the territory of the Republic of Poland; 2) assets transferred outside the territory of the Republic of Poland, including those attributed to a foreign permanent establishment, are subsequently transferred to a state other than a Member State of the European Union, unless the transfer is to a state belonging to the European Economic Area which is a party to an agreement concluded with the Republic of Poland or the European Union on mutual assistance for the recovery of tax claims, equivalent to the mutual assistance provided for in Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures; 3) the taxpayer changes their tax residence again, to a state other than a Member State of the European Union, unless the further change of tax residence is to a state belonging to the European Economic Area which is a party to an agreement concluded with the Republic of Poland or the European Union on mutual assistance for the recovery of tax claims, equivalent to the mutual assistance provided for in Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures; 4) bankruptcy occurs with respect to the taxpayer or the entity which provided the taxpayer with security for the performance of the tax liability referred to in paragraph 2, in the form of a guarantee or surety; 5) the taxpayer has failed to meet the payment deadline for any of the instalments or the prolongation fee; 7. During the period of payment of the tax on unrealised gains in instalments, the taxpayer is obliged to submit, as at the last day of each calendar year, information on the occurrence or non-occurrence of the events referred to in paragraph 6(1-4). The information shall be submitted to the head of the tax office which issued the decision referred to in paragraph 5 by the 7th day of the first month following the calendar year to which the information relates. 8. In the case of a change of tax residence, the competent head of the tax office referred to in paragraph 1 shall be the head of the tax office competent for the taxation of foreign persons. 9. In matters not regulated in paragraphs 1-8, the provisions of the Tax Ordinance shall apply. Article 30df [Application for a refund of the tax on unrealised gains] 1. If, within a period of 5 years, calculated from the end of the tax year in which the taxpayer transferred an asset outside the territory of the Republic of Poland, the taxpayer transfers it back to the territory of the Republic of Poland, they may apply for a refund of the tax on unrealised gains in the part attributable to that asset. 2. If, within a period of 5 years, calculated from the end of the tax year in which the taxpayer changed their tax residence, the taxpayer again becomes a person referred to in Article 3(1), he may apply for a refund of the exit tax paid. The refund shall not apply to the tax attributable to assets which remain connected with the taxpayer's foreign permanent establishment located outside the borders of the Republic of Poland. Article 30dg [Attachment to the tax return of information on the market value of an asset determined in an EU Member State for the purposes of taxation equivalent to the tax on unrealised gains]	

	1. If, on the basis of Article 22(1n)(1), (1na) or Article 22g(1)(7) or (8), a taxpayer includes in his tax-deductible costs the market value of an asset determined in a Member State of the European Union for the purposes of taxation with a tax equivalent to the exit tax, that taxpayer shall be obliged to enclose with the tax return referred to in Article 45(1) and (1a)(2), information, according to the established template, on the market value of that asset. To this information, the taxpayer is obliged to attach a document issued or confirmed by the competent authority of the state referred to in the first sentence, stating the market value of that asset. 2. The information referred to in paragraph 1 is submitted for the tax year in which the taxpayer included the market value of the asset, determined by a Member State of the European Union other than the Republic of Poland, as a tax-deductible cost. 3. The head of the tax office may determine the market value of the taxpayer's asset referred to in paragraph 1 at an amount different from that adopted for the purposes of taxation equivalent to the tax on unrealised gains, if that value is higher than the market value. Article 30dh [Application of provisions to taxpayers holding rights to a share in the profits of a company which is not a legal person; an enterprise or an organised part thereof as an asset; extension of the application of provisions] 1. Where the entity transferring an asset is a company or partnership which is not a legal person, the provisions of Articles 30da-30dg shall apply to taxpayers holding rights to a share in the profits of such company or partnership. In such a case, the provisions of Article 8(1) shall apply accordingly. 2. Whenever paragraph 1 and Articles 30da-30dg refer to an asset, this shall also be understood as an enterprise or an organised part of an enterprise. 3. The provisions of paragraphs 1 and 2 and Articles 30da-30dg shall apply accordingly to: 1) the gratuitous transfer to another entity of an asset located in the Republic of Poland, 2) the contribution of an asset to an entity other than a company or a cooperative – if, as a result of this transfer or contribution, the Republic of Poland loses the right to tax the income from the disposal of that asset.	
12.	**Act of 26 July 1991 on personal income tax** (Journal of Laws of 2025, items 163, 340 and 348) **Article 30da(14)** Article 30da [Tax on unrealised gains] 14. Taxpayers are obliged to submit to tax offices, according to the established template, declarations on the amount of unrealised gains by the 7th day of the month following the month in which the total market value of the transferred assets exceeded PLN 4,000,000, and to pay the tax due within this time limit. If further assets are transferred after the month in which the total market value of the transferred assets exceeded the amount of PLN 4,000,000, taxpayers shall be obliged to submit a declaration by the 7th day of the month following the month in which the assets were transferred, and to pay the tax due within this time limit.	**Council Directive (EU) 2016/1164 of 12 July 2016** laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193 of 19.7.2016, p. 1, as amended).
13.	**The Act of 15 September 2000 – the Commercial Companies Code** (Journal of Laws of 2024, items 18 and 96) **Articles 516[6a], 550[10], and 580[8]** (introduced by the Act of 16 August 2023 amending the Act – the Commercial Companies Code and certain other acts)	**Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017** on certain aspects of company law (OJ L 169, 30.6.2017, p. 46, as amended) **Article 86h, Article 126, and Article 160h**

	Article 516[6a] [Notification of shareholders of the intention to merge with another company] § 1. The management board of the company shall notify the shareholders twice of the intention to merge with another company in the manner provided for convening meetings of shareholders or general meetings. The first notification shall be made no later than six weeks before the date of the meeting of shareholders or the general meeting at which a resolution on the cross-border merger is to be adopted, and the second no less than two weeks after the date of the first notification. § 2. The notices referred to in § 1 shall contain at least the place and the time at which the shareholders may inspect the documents referred to in Article 516[7] § 1. Article 550[10] [Notification of shareholders of the intention to divide a company] § 1. The management board of the company shall notify the shareholders twice of the intention to divide a company and to transfer its assets to newly formed companies in the manner provided for convening meetings of shareholders or general meetings. The first notification shall be made no later than six weeks before the date of the meeting of shareholders or the general meeting at which a resolution on the cross-border division is to be adopted, and the second at an interval of not less than two weeks from the date of the first notification. § 2. The notices referred to in § 1 shall contain at least the place and the time at which the shareholders may inspect the documents referred to in Article 550[11] § 1. Article 580[8] [Notification of shareholders of the intention of a cross-border transformation] § 1. The management board of the company shall notify the shareholders twice of the intention to conduct a cross-border transformation of the company, in the manner provided for convening meetings of shareholders or general meetings. The first notification shall be made no later than six weeks before the date of the meeting of shareholders or the general meeting at which a resolution on the cross-border transformation is to be adopted, and the second at an interval of not less than two weeks from the date of the first notification. § 2. The notices referred to in § 1 shall contain at least the place and the time at which the shareholders may inspect the documents referred to in Article 580[9] § 1.	Article 86h Approval by the general meeting 1. After taking note of the reports referred to in Articles 86e and 86f, where applicable, employees' opinions submitted in accordance with Article 86e and comments submitted in accordance with Article 86g, the general meeting of the company shall decide, by means of a resolution, whether to approve the draft terms of the cross-border conversion and whether to adapt the instrument of constitution, and the statutes if they are contained in a separate instrument. 2. The general meeting of the company may reserve the right to make implementation of the cross-border conversion conditional on express ratification by it of the arrangements referred to in Article 86l. 3. Member States shall ensure that the approval of the draft terms of the cross-border conversion, and of any amendment to those draft terms, requires a majority of not less than two thirds but not more than 90 % of the votes attached either to the shares or to the subscribed capital represented at the general meeting. In any event, the voting threshold shall not be higher than that provided for in national law for the approval of cross-border mergers. 4. Where a clause in the draft terms of the cross-border conversion or any amendment to the instrument of constitution of the converting company leads to an increase of the economic obligations of a member towards the company or third parties, Member States may require, in such specific circumstances, that such clause or the amendment to the instrument of constitution be approved by the member concerned, provided that such member is unable to exercise the rights laid down in Article 86i. 5. Member States shall ensure that the approval of the cross-border conversion by the general meeting cannot be challenged solely on the following grounds: a) the cash compensation referred to in point (i) of Article 86d has been inadequately set; or b) the information given with regard to the cash compensation referred to in point (a) did not comply with the legal requirements. Article 126 Approval by the general meeting 1. After taking note of the reports referred to in Articles 124 and 125, where applicable, employees' opinions submitted in accordance with Article 124 and comments submitted in accordance with Article 123, the general meeting of each of the merging companies shall decide, by means of a resolution, whether to approve the common draft terms of the cross-border merger and whether to adapt the instrument of constitution, and the statutes if they are contained in a separate instrument. 2. The general meeting of each of the merging companies may reserve the right to make implementation of the cross-border merger conditional on express ratification by it of the arrangements decided on with respect to the participation of employees in the company resulting from the cross-border merger. 3. The laws of a Member State need not require approval of the merger by the general meeting of the acquiring company if the conditions laid down in Article 94 are fulfilled. 4. Member States shall ensure that the approval of the cross-border merger by the general meeting cannot be challenged solely on the following grounds: a) the share exchange ratio referred to in point (b) of Article 122 has been inadequately set; b) the cash compensation referred to in point (m) of Article 122 has been inadequately set; or

		c) the information given with regard to the share exchange ratio referred to in point (a) or the cash compensation referred to in point (b) did not comply with the legal requirements. Article 160h Approval by the general meeting 1. After taking note of the reports referred to in Articles 160e and 160f, where applicable, employees' opinions submitted in accordance with Article 160e and comments submitted in accordance with Article 160g, the general meeting of the company being divided shall decide, by means of a resolution, whether to approve the draft terms of cross-border division and whether to adapt the instrument of constitution, and the statutes if they are contained in a separate instrument. 2. The general meeting of the company being divided may reserve the right to make implementation of the cross-border division conditional on express ratification by it of the arrangements referred to in Article 160l. 3. Member States shall ensure that the approval of the draft terms of the cross-border division, and of any amendment to those draft terms, requires a majority of not less than two thirds but not more than 90 % of the votes attached either to the shares or to the subscribed capital represented at the general meeting. In any event, the voting threshold shall not be higher than that provided for in national law for the approval of cross-border mergers. 4. Where a clause in the draft terms of the cross-border division or any amendment to the instrument of constitution of the company being divided leads to an increase of the economic obligations of a member towards the company or third parties, Member States may require, in such specific circumstances, that such clause or the amendment to the instrument of constitution of the company being divided be approved by the member concerned, provided that such member is unable to exercise the rights laid down in Article 160i. 5. Member States shall ensure that the approval of the cross-border division by the general meeting cannot be challenged solely on the following grounds: a) the share exchange ratio referred to in point (b) of Article 160d has been inadequately set; b) the cash compensation referred to in point (p) of Article 160d has been inadequately set; or c) the information given with regard to the share exchange ratio referred to in point (a) or the cash compensation referred to in point (b) did not comply with the legal requirements.
14.	**The Act of 15 September 2000 – the Commercial Companies Code** (Journal of Laws of 2024, items 18 and 96) **Article 182[1]** Article 182[1] [Prohibition on promotion and advertising of the acquisition of shares in a limited liability company] § 1. An offer to acquire shares in a company may not be made to an unspecified addressee. § 2. The acquisition of shares in a company may not be promoted by directing advertising or another form of promotion to an unspecified addressee. Article 183 [Accession of heirs to the company] § 1. The articles of association may limit or exclude the accession of heirs into a company in place of a deceased shareholder. In such a case, the articles of association should specify the terms of settlement with heirs who do not accede to the company, under penalty of the limitation or exclusion being ineffective. § 2. The articles of association may exclude or limit, in a specified manner, the division of shares among heirs if the deceased shareholder held more than one share.	**Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020** on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937 (OJ L 347, 20.10.2020, p. 1) **Article 2(1)(n) in conjunction with paragraph 2** Article 2 Definitions 1. For the purposes of this Regulation, the following definitions apply: n) 'admitted instruments for crowdfunding purposes' means, in respect of each Member State, shares of a private limited liability company that are not subject to restrictions that would effectively prevent them from being transferred, including restrictions to the way in which those shares are offered or advertised to the public;

	§ 3. If, according to the articles of association, a shareholder could only hold one share, that share may be divided among his heirs, unless the articles of association exclude or limit, in a specified manner, the division of that share among heirs. As a result of the division, shares of less than PLN 50 may not be created.	(2. Without prejudice to the possibility that shares of a private limited liability company fall under the definition of transferable securities under point (m) of paragraph 1, competent authorities that granted authorisation to the crowdfunding service provider may permit the use of such shares for the purposes of this Regulation provided that they meet the conditions for admitted instruments for crowdfunding purposes under point (n) of paragraph 1.
15.	**The Act of 15 September 2000 – the Commercial Companies Code** (Journal of Laws of 2024, items 18 and 96) **Articles 595[1] and 595[2]** Article 595[1] [Violation of the prohibition on promotion and advertising of the acquisition of shares in a limited liability company] § 1. Whoever makes an offer to acquire shares in a limited liability company in the manner specified in Article 1821 § 1 - shall be subject to a fine, the penalty of restriction of liberty or imprisonment for up to 6 months. § 2. The same penalty shall apply to anyone who promotes the acquisition of shares in a limited liability company in the manner specified in Article 182[1] § 2. Article 595[2] [Violation of the prohibition on promotion and advertising of the subscription of new shares in a limited liability company] § 1. Whoever makes an offer to subscribe for new shares in a limited liability company in the manner specified in Article 257[1] § 1 - shall be subject to a fine, the penalty of restriction of liberty or imprisonment for up to 6 months. § 2. The same penalty shall apply to anyone who promotes the subscription of new shares in a limited liability company in the manner specified in Article 257[1] § 2.	**Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020** on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937 (OJ L 347, 20.10.2020, p. 1) **Article 2(1)(n) in conjunction with paragraph 2** Article 2 Definitions 1. For the purposes of this Regulation, the following definitions apply: n) 'admitted instruments for crowdfunding purposes' means, in respect of each Member State, shares of a private limited liability company that are not subject to restrictions that would effectively prevent them from being transferred, including restrictions to the way in which those shares are offered or advertised to the public; (2. Without prejudice to the possibility that shares of a private limited liability company fall under the definition of transferable securities under point (m) of paragraph 1, competent authorities that granted authorisation to the crowdfunding service provider may permit the use of such shares for the purposes of this Regulation provided that they meet the conditions for admitted instruments for crowdfunding purposes under point (n) of paragraph 1.
16.	**Act of 29 August 1997 - the Tax Ordinance** (Journal of Laws of 2025, items 111 and 497) **Article 86b § 1 in conjunction with Article 86a § 1(10) and (12)** Article 86b [Information on a tax scheme provided to the Head of the National Revenue Administration by the promoter] § 1. The promoter shall provide the Head of the National Revenue Administration with information on a tax scheme within 30 days of the day following the date on which the tax scheme was made available, of the day following the date on which the tax scheme was prepared for implementation, or of the date of the first activity related to the implementation of the tax scheme – whichever occurs first. (Article 86a [Definitions; fulfilment of the main benefit criterion, cross-border, qualified user; determination of a related party]) § 1. The terms used in this Chapter shall have the following definitions: 10) tax scheme – means an arrangement which: a) meets the main benefit criterion and has a generic hallmark, b) has a specific hallmark, or c) has another specific hallmark; 12) cross-border tax scheme – means an arrangement which meets the cross-border criterion and:	**Council Directive 2011/16/EU of 15 February 2011** on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1, as amended) (Article 8ab introduced by Directive 2018/822, known as DAC-6) **Article 8ab** Article 8ab Scope and conditions of mandatory automatic exchange of information on reportable cross-border arrangements 1. Each Member State shall take the necessary measures to require intermediaries to file information that is within their knowledge, possession or control on reportable cross-border arrangements with the competent authorities within 30 days beginning: a) on the day after the reportable cross-border arrangement is made available for implementation; or b) on the day after the reportable cross-border arrangement is ready for implementation; or c) when the first step in the implementation of the reportable cross-border arrangement has been made, whichever occurs first. Notwithstanding the first subparagraph, intermediaries referred to in the second paragraph of point 21 of Article 3 shall also be required to file information within 30 days beginning on the day after they provided, directly or by means of other persons, aid, assistance or advice.

	a) meets the main benefit criterion and has any of the generic hallmarks referred to in point 6(a)-(h), or b) has a specific hallmark;	2. In the case of marketable arrangements, Member States shall take the necessary measures to require that a periodic report be made by the intermediary every 3 months providing an update which contains new reportable information as referred to in points (a), (d), (g) and (h) of paragraph 14 that has become available since the last report was filed. 3. Where the intermediary is liable to file information on reportable cross-border arrangements with the competent authorities of more than one Member State, such information shall be filed only in the Member State that features first in the list below: a) the Member State where the intermediary is resident for tax purposes; b) the Member State where the intermediary has a permanent establishment through which the services with respect to the arrangement are provided; c) the Member State which the intermediary is incorporated in or governed by the laws of; d) the Member State where the intermediary is registered with a professional association related to legal, taxation or consultancy services. 4. Where, pursuant to paragraph 3, there is a multiple reporting obligation, the intermediary shall be exempt from filing the information if it has proof, in accordance with national law, that the same information has been filed in another Member State. 5. Each Member State may take the necessary measures to give intermediaries the right to a waiver from filing information on a reportable cross-border arrangement where the reporting obligation would breach the legal professional privilege under the national law of that Member State. In such circumstances, each Member State shall take the necessary measures to require intermediaries to notify, without delay, any other intermediary or, if there is no such intermediary, the relevant taxpayer of their reporting obligations under paragraph 6. Intermediaries may only be entitled to a waiver under the first subparagraph to the extent that they operate within the limits of the relevant national laws that define their professions. 6. Each Member State shall take the necessary measures to require that, where there is no intermediary or the intermediary notifies the relevant taxpayer or another intermediary of the application of a waiver under paragraph 5, the obligation to file information on a reportable cross-border arrangement lie with the other notified intermediary, or, if there is no such intermediary, with the relevant taxpayer. 7. The relevant taxpayer with whom the reporting obligation lies shall file the information within 30 days, beginning on the day after the reportable cross-border arrangement is made available for implementation to that relevant taxpayer, or is ready for implementation by the relevant taxpayer, or when the first step in its implementation has been made in relation to the relevant taxpayer, whichever occurs first. Where the relevant taxpayer has an obligation to file information on the reportable cross-border arrangement with the competent authorities of more than one Member State, such information shall be filed only with the competent authorities of the Member State that features first in the list below: a) the Member State where the relevant taxpayer is resident for tax purposes; b) the Member State where the relevant taxpayer has a permanent establishment benefiting from the arrangement; c) the Member State where the relevant taxpayer receives income or generates profits, although the relevant taxpayer is not resident for tax purposes and has no permanent establishment in any Member State; d) the Member State where the relevant taxpayer carries on an activity, although the relevant taxpayer is not resident for tax purposes and has no permanent establishment in any Member State.

		8. Where, pursuant to paragraph 7, there is a multiple reporting obligation, the relevant taxpayer shall be exempt from filing the information if it has proof, in accordance with national law, that the same information has been filed in another Member State. 9. Each Member State shall take the necessary measures to require that, where there is more than one intermediary, the obligation to file information on the reportable cross-border arrangement lie with all intermediaries involved in the same reportable cross-border arrangement. An intermediary shall be exempt from filing the information only to the extent that it has proof, in accordance with national law, that the same information referred to in paragraph 14 has already been filed by another intermediary. 10. Each Member State shall take the necessary measures to require that, where the reporting obligation lies with the relevant taxpayer and where there is more than one relevant taxpayer, the relevant taxpayer that is to file information in accordance with paragraph 6 be the one that features first in the list below: a) the relevant taxpayer that agreed the reportable cross-border arrangement with the intermediary; b) the relevant taxpayer that manages the implementation of the arrangement. Any relevant taxpayer shall only be exempt from filing the information to the extent that it has proof, in accordance with national law, that the same information referred to in paragraph 14 has already been filed by another relevant taxpayer. 11. Each Member State may take the necessary measures to require that each relevant taxpayer file information about their use of the arrangement to the tax administration in each of the years for which they use it. 12. Each Member State shall take the necessary measures to require intermediaries and relevant taxpayers to file information on reportable cross-border arrangements the first step of which was implemented between 25 June 2018 and 30 June 2020. Intermediaries and relevant taxpayers, as appropriate, shall file information on those reportable cross-border arrangements by 31 August 2020. 13. The competent authority of a Member State where the information was filed pursuant to paragraphs 1 to 12 of this Article shall, by means of an automatic exchange, communicate the information specified in paragraph 14 of this Article to the competent authorities of all other Member States, in accordance with the practical arrangements adopted pursuant to Article 21. 14. The information to be communicated by the competent authority of a Member State under paragraph 13 shall contain the following, as applicable: a) the identification of intermediaries and relevant taxpayers, including their name, date and place of birth (in the case of an individual), residence for tax purposes, TIN and, where appropriate, the persons that are associated enterprises to the relevant taxpayer; b) details of the hallmarks set out in Annex IV that make the cross-border arrangement reportable; c) a summary of the content of the reportable cross-border arrangement, including a reference to the name by which it is commonly known, if any, and a description in abstract terms of the relevant business activities or arrangements, without leading to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information the disclosure of which would be contrary to public policy; d) the date on which the first step in implementing the reportable cross-border arrangement has been made or will be made; e) details of the national provisions that form the basis of the reportable cross-border arrangement; f) the value of the reportable cross-border arrangement;

		g) the identification of the Member State of the relevant taxpayer(s) and any other Member States which are likely to be concerned by the reportable cross-border arrangement; h) the identification of any other person in a Member State likely to be affected by the reportable cross-border arrangement, indicating to which Member States such person is linked. 15. The fact that a tax administration does not react to a reportable cross-border arrangement shall not imply any acceptance of the validity or tax treatment of that arrangement. 16. To facilitate the exchange of information referred to in paragraph 13 of this Article, the Commission shall adopt the practical arrangements necessary for the implementation of this Article, including measures to standardise the communication of the information set out in paragraph 14 of this Article, as part of the procedure for establishing the standard form provided for in Article 20(5). 17. The Commission shall not have access to information referred to in points (a), (c) and (h) of paragraph 14. 18. The automatic exchange of information shall take place within one month of the end of the quarter in which the information was filed. The first information shall be communicated by 31 October 2020.
17.	**The Act of 29 August 1997 – the Tax Ordinance** (Journal of Laws of 2025, item 111, as amended) **Article 86a § 1(1)** Article 86a [Definitions; fulfilment of the main benefit criterion, cross-border, qualified user; determination of a related party] § 1. The terms used in this Chapter shall have the following definitions: 1) another specific hallmark – means a feature of an arrangement whereby at least one of the following conditions is met: an impact on the deferred portion of income tax or deferred tax assets or provisions, arising or expected in connection with the implementation of the arrangement by the user thereof, which is material for the given entity within the meaning of accounting regulations and exceeds PLN 5,000,000 million during the calendar year; b) the income tax remitter would be obliged to collect tax exceeding PLN 5,000,000 million during the calendar year if the relevant double taxation treaties or tax exemptions did not apply to payments of receivables resulting from or expected in connection with the implementation of the arrangement; c) the income (revenue) of the taxpayer referred to in Article 3(2a) of the Act of 26 July 1991 on personal income tax or Article 3(2) of the Act of 15 February 1992 on corporate income tax, resulting or expected in connection with the implementation of the arrangement, exceeds PLN 25,000,000 in total during the calendar year, d) the difference between the Polish income tax that would be due in connection with the implementation of the arrangement from a user who does not have his registered office, management board, or place of residence in the Republic of Poland, if he were a taxpayer referred to in Article 3(1) of the Act of 26 July 1991 on personal income tax or Article 3(1) of the Act of 15 February 1992 on corporate income tax and the income tax actually payable in the state of the user's registered office, management board, or place of residence in connection with the implementation of the arrangement, exceeds PLN 5,000,000 in total during the calendar year.	**Council Directive (EU) 2018/822 of 25 May 2018** amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (DAC6) (OJ L 139, 2018, p. 1, as amended) **Article 3(20) of Directive 2011/16/EU** Article 3 Definitions For the purposes of this Directive the following definitions shall apply: 20) 'hallmark' means a characteristic or feature of a cross-border arrangement that presents an indication of a potential risk of tax avoidance, as listed in Annex IV;
18.	**The Act of 29 August 1997 – the Tax Ordinance** (Journal of Laws of 2025, item 111, as amended) **Article 86j**	**Council Directive (EU) 2018/822 of 25 May 2018** amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (DAC6) (OJ L 139, 2018, p. 1, as amended)

	Article 86j [Submitting information to the Head of the National Revenue Administration on the application of a tax scheme] § 1. A user who, in a given settlement period, performed any activities that are part of a tax scheme or obtained a tax advantage resulting therefrom shall, within the deadline for filing the tax return for that settlement period, submit to the Head of the National Revenue Administration information, in accordance with the established template, on the application of the tax scheme, containing: 1) the Tax Scheme Number (TSN) of that tax scheme; 2) the amount of the tax advantage resulting from the tax scheme – if the user obtained such an advantage in the given settlement period. § 2. If the tax scheme referred to in § 1 does not have an TSN, the information referred to in § 1 shall also include the data referred to in Article 86f. § 3. If the user possesses data concerning the tax scheme referred to in Article 86f which differ from the data contained in the TSN assignment confirmation which he received or from the information referred to in Article 86f § 4,, the user shall modify the data provided in the information referred to in § 1 to ensure that it reflects the actual factual status. § 4. The information provided, as referred to in § 1, including the data indicated in § 2 or 3, shall be signed by: 1) a natural person – in the case of a taxpayer who is a natural person, 2) a person authorised by a foreign entrepreneur to represent them in a branch – in the case of a taxpayer who is a foreign entrepreneur with a branch operating in the Republic of Poland, 3) a person authorised to represent – in the case of other taxpayers – however, it is not permissible for this information to be signed by a proxy. § 5. (repealed). § 6. In the case of a user who is a member of a tax capital group within the meaning of the Act of 15 February 1992 on corporate income tax or a VAT group within the meaning of the Act of 11 March 2004 on the goods and services tax, the user shall submit the information referred to in § 1 within the deadline for filing the tax return of the tax capital group or the VAT group, respectively, for the given settlement period. § 7. The information referred to in § 1 is submitted under penalty of criminal liability for making a false statement and contains a clause with the following wording: I am aware of the criminal liability for making a false statement. This clause replaces the instruction on criminal liability for making false statements.	
19.	**The Act of 16 February 2007 on competition and consumer protection** (Journal of Laws of 2024, item 1616) **Article 50** Article 50 [Obligation to provide information. Submitting explanations] 1. Entrepreneurs, natural and legal persons who are not entrepreneurs, and organisational units without legal personality to which separate provisions grant legal capacity, are obliged to provide all necessary information, including submitting documents, at the request of the President of the Office. 2. The request referred to in paragraph 1 should contain: 1) the scope of the information; 2) the purpose of the request; 3) the deadline for providing the information;	**Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018** to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+ Directive) (OJ L 11, 14.1.2019, p. 3) **Article 8** Article 8 Requests for information Member States shall ensure that national administrative competition authorities may require undertakings and associations of undertakings to provide all necessary information for the application of Articles 101 and 102 TFEU within a specified and reasonable time limit. Such requests for information shall be proportionate and not compel the addressees of the requests to admit an infringement of Articles 101 and 102 TFEU. The obligation to provide all necessary information covers information which is accessible to such undertakings

	4) an instruction on the sanctions for failure to provide information or for providing false or misleading information. 3. Everyone has the right to submit, in writing – on their own initiative or at the request of the President of the Office – explanations concerning the material circumstances of the case. 4. A natural person to whom the request referred to in paragraph 1 was addressed may refuse to provide information, including to submit documents, only if it would expose them or their spouse, ascendants, descendants, siblings, and relatives by affinity in the same line or degree, as well as persons in a relationship of adoption, guardianship, or curatorship, and a person in a cohabiting relationship, to criminal liability. The right to refuse to provide information, including to submit documents, shall continue after the termination of a marriage or the dissolution of a relationship of adoption, guardianship, or curatorship. 5. Information or documents provided by a natural person on the basis of paragraph 1 may not be used to the detriment of that person or the persons listed in paragraph 4 in proceedings conducted by the President of the Office concerning the imposition of a fine referred to in Article 106a and Article 106b. This prohibition shall continue after the termination of a marriage or the dissolution of a relationship of adoption, guardianship, or curatorship.	or associations of undertakings. National competition authorities shall also be empowered to require any other natural or legal persons to provide information that may be relevant for the application of Articles 101 and 102 TFEU within a specified and reasonable time limit.
20.	**The Act of 16 February 2007 on competition and consumer protection** (Journal of Laws of 2024, item 1616) **Article 106(1a)** Article 106 [Fines and their amounts] 1a. Where an infringement of the prohibition specified in Article 6, to the extent not excluded under Article 7 and Article 8, of the prohibition specified in Article 9 of the Act or in Article 101 or 102 TFEU, committed by an association of undertakings, is related to the activities of its members, the fine referred to in paragraph 1 may not exceed 10% of the sum of the turnover of the members of that association of undertakings active on the market affected by the infringement, achieved in the business year preceding the year in which the fine was imposed.	**Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018** to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+ Directive) (OJ L 11, 14.1.2019, p. 3) **Article 14(3) and (4), Article 15(2)** Article 14 Calculation of fines 3. Member States shall ensure that, where a fine for an infringement of Article 101 or 102 TFEU is imposed on an association of undertakings taking account of the turnover of its members and the association is not solvent, the association is obliged to call for contributions from its members to cover the amount of the fine. 4. Member States shall ensure that, where contributions referred to in paragraph 3 have not been made in full to the association of undertakings within the time limit fixed by national competition authorities, national competition authorities may require the payment of the fine directly by any of the undertakings whose representatives were members of the decision-making bodies of that association. Where necessary to ensure full payment of the fine, after the national competition authorities have required payment from such undertakings, they may also require the payment of the outstanding amount of the fine by any of the members of the association which were active on the market on which the infringement occurred. However, payment under this paragraph shall not be required from undertakings which show that they did not implement the infringing decision of the association and either were not aware of its existence or have actively distanced themselves from it before the investigation started. Article 15 Maximum amount of the fine 2. Where an infringement by an association of undertakings relates to the activities of its members, the maximum amount of the fine shall be not less than 10 % of the sum of the total worldwide turnover of each member active on the market affected by the infringement of the association. However, the financial liability

		of each undertaking in respect of the payment of the fine shall not exceed the maximum amount set in accordance with paragraph 1.
21.	**The Act of 16 February 2007 on competition and consumer protection** (Journal of Laws of 2024, item 1616) **Article 93(1a)–(1d)** Article 93 [Limitation period for initiating proceedings in cases of practices restricting competition] 1a. The limitation period referred to in paragraph 1 shall be suspended on the day on which at least one entrepreneur participating in the application of a practice restricting competition is notified by the President of the Office of investigative actions taken in respect thereof in explanatory proceedings. 1b. The investigative actions referred to in paragraph 1a include: 1) submitting a request for information, as referred to in Article 50; 2) carrying out an inspection, as referred to in Article 105a, or a search, as referred to in Article 105n; 3) summoning for a hearing. 1c. The suspension of the limitation period referred to in paragraph 1 shall continue until the date on which the explanatory proceedings are concluded. 1d. The suspension of the limitation period referred to in paragraph 1 shall have effect with respect to all entrepreneurs applying the practice restricting competition.	**Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018** to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+ Directive) (OJ L 11, 14.1.2019, p. 3) **Article 29(1)** Article 29 Rules on limitation periods for the imposition of fines and periodic penalty payments 1. Member States shall ensure that the limitation periods for the imposition of fines or periodic penalty payments by the national competition authorities pursuant to Articles 13 and 16 shall be suspended or interrupted for the duration of enforcement proceedings before national competition authorities of other Member States or the Commission in respect of an infringement concerning the same agreement, decision of an association, concerted practice or other conduct prohibited by Article 101 or 102 TFEU. The suspension of the limitation period shall start, or the interruption of the limitation period shall take place, from the notification of the first formal investigative measure to at least one undertaking subject to the enforcement proceedings. It shall apply to all undertakings or associations of undertakings which have participated in the infringement. The suspension or interruption shall end on the day the competition authority concerned closes its enforcement proceedings by taking a decision referred to in Article 10, 12 or 13 of this Directive or pursuant to Article 7, 9 or 10 of Regulation (EC) No 1/2003, or has concluded that there are no grounds for further action on its part. The duration of such suspension or interruption is without prejudice to absolute limitation periods provided for under national law.
22.	**Act of 23 August 2007 on counteracting unfair market practices** (Journal of Laws of 2023, item 845) **Article 10** Article 10 [the Argentine system as an unfair market practice] 1. Conducting business in the form of a consortium system constitutes an unfair market practice. 2. Organising a group with the involvement of consumers for the purpose of financing a purchase under a consortium system also constitutes an unfair market practice.	**Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005** concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22, as amended) **Article 5(1) and (2)** Article 5 Prohibition of unfair commercial practices 1. Unfair commercial practices shall be prohibited. 2. A commercial practice shall be unfair if: a) it is contrary to the requirements of professional diligence; and b) it materially distorts or is likely to materially distort the economic behaviour with regard to the product of the average consumer whom it reaches or to whom it is addressed, or of the average member of the group when a commercial practice is directed to a particular group of consumers.

23.	**Act of 16 April 1993 on Combating Unfair Competition** (Journal of Laws of 2022, item 1233) **Article 11(2)** Article 11 [Protection of trade secrets] 2. A trade secret shall mean technical, technological, organisational information of an enterprise or other information of economic value which, as a whole or in the particular collection of its elements, are not generally known to persons who normally deal with this type of information or are not readily accessible to such persons, provided that the person entitled to use or dispose of the information has taken, with due diligence, measures to keep it confidential.	**Directive (EU) 2016/943 of 8 June 2016** on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1) **Article 2(1)(b)** Article 2 Definitions For the purposes of this Directive, the following definitions apply: 1. 'trade secret' means information which meets all of the following requirements: b) it has commercial value because it is secret;
24.	**Act of 6 June 1997 – The Penal Code** (Journal of Laws of 2025, item 383) **Article 44a** Article 44a [Forfeiture of an enterprise] § 1. In the event of a conviction for an offence from which the perpetrator has obtained, even indirectly, a pecuniary advantage of a significant value, the court may order the forfeiture of an enterprise owned by the perpetrator or its equivalent, if the enterprise was used to commit that offence or to conceal the proceeds thereof. § 2. In the event of a conviction for an offence from which the perpetrator has obtained, even indirectly, a pecuniary advantage of a significant value, the court may order the forfeiture of an enterprise of a natural person other than the perpetrator, or the equivalent thereof, if the enterprise was used to commit that offence or to conceal the proceeds thereof, and its owner intended for the enterprise to be used to commit that offence or to conceal the proceeds thereof, or, foreseeing such a possibility, consented to it. § 3. In the case of co-ownership, the forfeiture referred to in § 1 and 2 shall be ordered taking into account the will and awareness of each of the co-owners and within their limits. § 4. The forfeiture referred to in § 1 and 2 shall not be ordered if it would be disproportionate to the gravity of the offence committed, the degree of culpability of the accused, or the motivation and conduct of the owner of the enterprise. § 5. The forfeiture referred to in § 1 and 2 shall not be ordered if the damage caused by the offence or the value of the concealed benefit is not significant in relation to the size of the enterprise's business. § 6. The court may also refrain from ordering the forfeiture referred to in § 2 in other, particularly justified cases, when it would be disproportionately burdensome for the owner of the enterprise.	**Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014** on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127 of 29.4.2014, p. 39, as amended) **Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024** on asset recovery and confiscation (OJ L 1260, 2.5.2024, p. 1)
25.	**Act of 11 October 2013 on mutual assistance in the recovery of taxes, duties and other monetary claims** (Journal of Laws of 2023, item 2009) **Articles 28 and 29** Article 28 [Consent of a Member State to the use of information] 1. A creditor or an enforcement authority may apply to a Member State for consent to use information originating from that state for purposes other than those specified in Article 25, stating the purpose for which the information is to be used.	**Council Directive 2010/24/EU of 16 March 2010** concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1) **Article 23(3)** Article 23 Disclosure of information and documents 3. The Member State providing the information shall permit its use for purposes other than those referred to in paragraph 1 in the Member State receiving the information, if, under the legislation of the Member State providing the information, the information may be used for similar purposes.

	2. If the consent referred to in paragraph 1 is obtained, the information originating from the Member State may be used for the purposes indicated in the application. Article 29. [Objection or consent of the creditor or enforcement authority to the use of information for other purposes] 1. In the case of a request from a Member State for consent to use information for purposes other than those specified in Article 25, the creditor or enforcement authority shall: 1) object, if, on the basis of separate provisions in force in the Republic of Poland, the information cannot be used for purposes similar to those indicated by that state; 2) give its consent, if, on the basis of separate provisions in force in the Republic of Poland, the information may be used for purposes similar to those indicated by that state. 2. The central liaison office shall forward the objection or consent of the creditor or enforcement authority within 10 working days of receipt of the request from the Member State.	
26.	**The Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies** (Journal of Laws of 2025, item 592) **Article 37b(1)** Article 37b [Conditions for making an information memorandum available instead of a prospectus] 1. The publication of a prospectus shall not be required, provided that an information memorandum is made available, for public offers of securities which are expected to result in gross proceeds for the issuer or offeror in the European Union, calculated according to their issue price or sale price on the date of its determination, amount to not less than EUR 1,000,000 and less than EUR 5,000,000, and together with the proceeds which the issuer or offeror intended to obtain from public offers of such securities made in the preceding 12-month period, will not be less than EUR 1,000,000 and will be less than EUR 5,000,000.	**Regulation (EU) 2017/1129 of the European Parliament and of the Councilof 14 June 2017** on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12, as amended) **Article 3(2)(b)** Article 3 Obligation to publish a prospectus and exemption 2. Without prejudice to Article 4, a Member State may decide to exempt offers of securities to the public from the obligation to publish a prospectus set out in paragraph 1 provided that: b) the total consideration of each such offer in the Union is less than a monetary amount calculated over a period of 12 months which shall not exceed EUR 8,000,000 Member States shall notify the Commission and ESMA whether and how they decide to apply the exemption pursuant to the first subparagraph, including the monetary amount below which the exemption for offers in that Member State applies. They shall also notify the Commission and ESMA of any subsequent changes to that monetary amount.
27.	**The Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies** (Journal of Laws of 2025, item 592) **Article 3(1a)** – introduced by the Act of 16 October 2019 amending the Act on the public offering and conditions for introducing financial instruments to organised trading and on public companies and certain other acts (Journal of Laws, item 2217) Article 3 [Concept of a public offer] 1a. A public offer of securities referred to in Article 1(4)(b) of Regulation 2017/1129, in which the number of persons to whom it is addressed, together with the number of persons to whom public offers referred to in Article 1(4)(b) of Regulation 2017/1129 of the same type of securities made in the preceding 12-month period were addressed, exceeds 149, requires the publication of an information memorandum referred to in Article 38b and its submission to the Commission on the date of its publication.	**Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017** on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12) **Article 1(4)(b)** Article 1 Subject matter, scope and exemptions 4. The obligation to publish a prospectus set out in Article 3(1) shall not apply to any of the following types of offers of securities to the public: b) an offer of securities addressed to fewer than 150 natural or legal persons per Member State, other than qualified investors;

28.	**The Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies** (Journal of Laws of 2025, item 592) **Article 60(2) of the Act (statutory authorisation)** Article 60 [Statutory delegation] 2. The minister competent for financial institutions shall specify, by way of a regulation: 1) the type, scope, and form of current and periodic information disclosed by issuers of securities for whom the Republic of Poland is their home Member State, admitted to trading on the official listing market within the meaning of the provisions of the Act on trading in financial instruments or on a regulated market of a Member State other than the Republic of Poland, and 2) the frequency and deadlines for disclosing the information referred to in point (1), and 3) in the case of issuers with their registered office in a non-Member State for whom the Republic of Poland is their home Member State, whose securities are admitted to trading on the official listing market within the meaning of the provisions of the Act on trading in financial instruments – the conditions for recognizing the information required by the law of the issuer's home country as equivalent to the information referred to in point (1) – taking into account the accounting regulations based on which financial or non-financial data are to be disclosed, as well as the scope of the disclosed financial and non-financial data, in a manner that enables investors to assess the economic, asset, and financial situation of the issuer, and to assess the issuer's impact on sustainability issues within the meaning of Article 63p(1) of the Act of 29 September 1994 on accounting, as well as the impact of sustainability issues on the issuer's development, performance, and position. **Regulation of the Minister of Finance of 29 March 2018 on current and periodic information provided by issuers of securities and the conditions for recognising information required by the laws of a non-member state as equivalent** (Journal of Laws, item 757) **§ 60** § 60 1. The issuer shall submit, subject to § 62, periodic reports: 1) quarterly; 2) semi-annual; 3) annual. [...]	**Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004** on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ L 390, p. 38, as amended) **Article 3(1) and (1a)** Article 3 Integration of securities markets 1. The home Member State may make an issuer subject to requirements more stringent than those laid down in this Directive, except that it may not require issuers to publish periodic financial information on a more frequent basis than the annual financial reports referred to in Article 4 and the half-yearly financial reports referred to in Article 5. 1a. By way of derogation from paragraph 1, the home Member States may require issuers to publish additional periodic financial information on a more frequent basis than the annual financial reports referred to in Article 4 and the half-yearly financial reports referred to in Article 5, where the following conditions are met: - the additional periodic financial information does not constitute a disproportionate financial burden in the Member State concerned, in particular for the small and medium-sized issuers concerned, and - the content of the additional periodic financial information required is proportionate to the factors that contribute to investment decisions by the investors in the Member State concerned. Before taking a decision requiring issuers to publish additional periodic financial information, Member States shall assess both whether such additional requirements may lead to an excessive focus on the issuers' short-term results and performance and whether they may impact negatively on the ability of small and medium-sized issuers to have access to the regulated markets. This is without prejudice to the ability of Member States to require the publication of additional periodic financial information by issuers who are financial institutions. The home Member State may not make a holder of shares, or a natural person or legal entity referred to in Article 10 or 13, subject to requirements more stringent than those laid down in this Directive, except when: (i) setting lower or additional notification thresholds than those laid down in Article 9(1) and requiring equivalent notifications in relation to thresholds based on capital holdings; (ii) applying more stringent requirements than those referred to in Article 12; or (iii) applying laws, regulations or administrative provisions adopted in relation to takeover bids, merger transactions and other transactions affecting the ownership or control of companies, supervised by the authorities appointed by Member States pursuant to Article 4 of Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids.
29.	**The Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies** (Journal of Laws of 2025, item 592) **Article 90i(2)(4)** Article 90i [Information on a material transaction; consent of the supervisory board or the general meeting to the conclusion of a material transaction]	**Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007** on the exercise of certain rights of shareholders in listed companies (SRD) (OJ L 184 of 14.7.2007, p. 17, as amended) **Article 9c(2)** Article 9c Transparency and approval of related party transactions

	2. The information referred to in paragraph 1 shall include, in particular: 4) the information necessary to assess whether the material transaction was concluded on market terms and whether it is justified by the interest of the company and of the shareholders who are not related parties, including minority shareholders.	2. Member States shall ensure that companies publicly announce material transactions with related parties at the latest at the time of the conclusion of the transaction. The announcement shall contain at least information on the nature of the related party relationship, the name of the related party, the date and the value of the transaction and other information necessary to assess whether or not the transaction is fair and reasonable from the perspective of the company and of the shareholders who are not a related party, including minority shareholders.
30.	**The Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies** (Journal of Laws of 2025, item 592) **Article 69b(1)(2)** Article 69b [Notification obligation - extension of the scope of application] 1. The obligations set out in Article 69 shall also apply to an entity which has reached or exceeded a specified threshold of the total number of votes in connection with the acquisition or disposal of financial instruments which: 2) directly or indirectly relate to the issuer's shares and have economic effects similar to those of the financial instruments referred to in point (1), regardless of whether those instruments are exercised by cash settlement.	**Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004** on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ L 390, p. 38, as amended) **Article 13(1)(b)** (as amended by Directive 2013/50/EU of 22 October 2013 amending Directive 2004/109/EC) Article 13 1. The notification requirements laid down in Article 9 shall also apply to a natural person or legal entity who holds, directly or indirectly: b) financial instruments which are not included in point (a) but which are referenced to shares referred to in that point and with economic effect similar to that of the financial instruments referred to in that point, whether or not they confer a right to a physical settlement.
31.	**The Act of 29 July 2005 on the public offering and conditions for introducing financial instruments to organised trading and on public companies** (Journal of Laws of 2025, item 592) **Article 90k** Article 90k [Transactions between a company's related party and its subsidiary] The provisions of Article 90i(1) and (2) and Article 90j shall apply *mutatis mutandis* to a transaction concluded by a related party of the company with a subsidiary of the company, if the value of that transaction exceeds 5% of the total assets within the meaning of the Act of 29 September 1994 on accounting, determined on the basis of the most recent approved financial statement of that subsidiary. To determine the value of transactions whose subject matter is recurring benefits, the provisions of Article 90h(2) and (3) shall apply.	**Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007** on the exercise of certain rights of shareholders in listed companies (SRD) (OJ L 184 of 14.7.2007, p. 17, as amended)
32.	**The Act of 27 May 2004 on investment funds and management of alternative investment funds** (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) **Article 117(3) and (5)** Article 117 [Investment certificates] 3. Natural persons may acquire the investment certificates of an investment fund referred to in Article 15(1a), provided that the value of an investment certificate of the first issue of that fund is not less than the equivalent in Polish zloty of EUR 40,000. 5. An investment fund referred to in Article 15(1a) may not allocate investment certificates of the second or subsequent issues to a natural person against a payment to the fund for the investment certificates of that issue in an amount less than the equivalent in Polish zloty of EUR 40,000.	-

33.	**The Act of 27 May 2004 on investment funds and management of alternative investment funds** (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) **Regulation of the Minister of Finance, Funds and Regional Policy of 18 November 2020 on the manner, procedure and conditions for conducting business by investment fund management companies** (Journal of Laws of 2024, item 2) **Article 48a of the Act** (statutory authorisation) **§ 9 of the Regulation** Article 48a [Statutory delegation - manner, procedure, and conditions for conducting business by management companies] The minister competent for financial institutions shall specify, by way of a regulation: 1) the manner, conditions, and detailed scope of operation of the internal control system, including the system for supervising the legal compliance of activities, the risk management system, and the internal audit system in the management company, 2) the manner of keeping records of transactions concluded by open investment funds and of transactions concluded for the management company's own account or the management company's own account maintained for a collective portfolio of securities, records of orders placed by participants in open investment funds, and records of transactions concluded by the management company as part of providing the service of managing portfolios which include one or more financial instruments, 3) the concept of conflict of interest and the detailed requirements for handling conflicts of interest, including the conclusion of transactions by employees, members of the management board and supervisory board of the management company or by other natural persons remaining with the management company under a contract of mandate or another relationship of a similar nature, who have access to information concerning current and planned investments of investment funds and assets acquired for client portfolios for whom the management company provides investment advisory services or manages portfolios which include one or more financial instruments, 4) the manner of documenting the sources constituting the basis for investment decisions and of storing and archiving documents and other information media related to the activities of investment funds and the management company, 5) detailed requirements for the management company to act in the best interests of the open investment fund and of the participants in the open investment fund, including within the scope of executing investment decisions in the management of investment portfolios of investment funds and within the scope of placing orders to acquire or dispose of financial instruments jointly for different investment funds managed by the management company and jointly with other orders placed by the management company, and conducting analyses when selecting investments for an investment fund, 6) (repealed) 7) the procedure and conditions for the management company's conduct in the scope of conducting intermediation activities in the sale and redemption of participation units of open investment funds or specialised open investment funds managed by the management company, including in the scope of providing services, promoting the services provided, and communication with clients,	**Commission Delegated Regulation (EU) 2017/565 of 25 April 2016** supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 87, 31.3.2017, p. 1, as amended) **Article 24 in conjunction with Article 1(1)** Article 24 Internal audit (Article 16(5) of Directive 2014/65/EU) Investment firms shall, where appropriate and proportionate in view of the nature, scale and complexity of their business and the nature and range of investment services and activities undertaken in the course of that business, establish and maintain an internal audit function which is separate and independent from the other functions and activities of the investment firm and which has the following responsibilities: a) establish, implement and maintain an audit plan to examine and evaluate the adequacy and effectiveness of the investment firm's systems, internal control mechanisms and arrangements; b) issue recommendations based on the result of work carried out in accordance with point (a) and verify compliance with those recommendations; c) report in relation to internal audit matters in accordance with Article 25(2).

	8) the technical and organisational conditions for the management company to conduct the activities referred to in Article 48(2a), 9) the detailed criteria for fulfilment by the persons referred to in Article 45(4a) of the requirements concerning possession of the appropriate knowledge and competence, 10) the procedure and conditions for assessing and verifying the fulfilment by the persons referred to in Article 45(4a) of the requirements concerning possession of the appropriate knowledge and competence, as well as the procedure and conditions for maintaining and improving the knowledge and competence of these persons and the persons referred to in Article 45(4b), 11) the detailed criteria for fulfilment by the persons referred to in Article 45(4d) of the requirements concerning possession of the appropriate knowledge, competence, and experience, 12) the procedure and conditions for assessing and verifying the fulfilment by the persons referred to in Article 45(4d) of the requirements concerning possession of the appropriate knowledge, competence, and experience, as well as the procedure and conditions for maintaining and improving the knowledge and competence of these persons, 13) the detailed criteria for the fulfilment by members of the management board and supervisory board of the management company of the requirement concerning the possession of an impeccable reputation, knowledge, competence, and experience, as referred to in Article 42(4), 14) the procedure and conditions for assessing and verifying whether the members of the management board and supervisory board of the company meet the requirement concerning the possession of an impeccable reputation, knowledge, competence, and experience, as referred to in Article 42(4), as well as the procedure and conditions for maintaining and improving the knowledge and competence of these persons, as referred to in Article 42(5). - in order to ensure the protection of the interests of participants of investment funds or collective securities portfolios and clients and to ensure that the company conducts its business in a stable manner, and also taking into account the guidelines on the principles for recognising the possession of appropriate knowledge and competence by persons performing brokerage services, issued by the European Securities and Markets Authority. § 9 of the Regulation 1. The internal audit system is used to verify the systems and internal procedures and regulations in force within the company, according to the criteria concerning the correctness and effectiveness of the company's fulfilment of its obligations arising from the provisions of law, and to take action aimed at eliminating irregularities. 2. A separate and independent internal audit function, headed by an internal auditor, shall be established within the internal structure of the company. If justified by the nature and scope of the business conducted by the company and if it does not threaten the interests of clients and fund participants, internal audit activities may be performed by an internal auditor as a single-person position; the provisions concerning the internal audit function shall apply to the single-person position. A member of the management board of the company may not act as an internal auditor. 3. The company shall ensure that persons performing internal audit tasks: 1) do not combine them with the legal compliance or risk management functions;	

	2) do not participate in the performance of operational activities related to determining the level and type of risk borne by an open investment fund, if this would lead to a situation in which these persons would simultaneously supervise the activities they perform; 3) possess appropriate knowledge and competence in audit procedures and in the business activities conducted by the company. 4. The company shall monitor the knowledge and competence possessed by the persons referred to in paragraph 3, in particular in the event of changes in legal provisions or other circumstances affecting the activities they perform, and, where necessary, take the necessary measures to ensure that the persons referred to in paragraph 3 comply with the introduced changes in legal provisions or to supplement any lack of knowledge and competence. 5. The company is obliged to take measures aimed at maintaining and deepening the knowledge and competence of the persons referred to in paragraph 3, in particular through their participation in regular professional development or training, as well as in training required before the company commences the provision of new services or extends the scope of its services to include new financial instruments. 6. The company shall provide the persons referred to in paragraph 3 with the appropriate authorisations, resources, and access to the necessary information and premises. 7. The company shall ensure that the persons referred to in paragraph 3 do not participate in the performance of activities that are the subject of an internal audit. 8. The internal audit function shall: 1) prepare and implement the internal audit plan; 2) issue recommendations resulting from actions taken in the course of implementing the internal audit plan and assess their implementation; 3) prepare, at least once yearly, a written report on the performance of internal audit tasks, containing in particular an indication of the measures taken in the course of implementing the internal audit plan. 9. The report referred to in paragraph 8(3) shall be submitted by the internal audit function to the company's management board. 10. The supervisory board and the audit committee, if appointed, shall receive regular written reports, at least once yearly, on the performance of tasks entrusted to the internal audit function, containing, in particular, an indication of the measures taken as part of the execution of the internal audit plan. 11. After each internal audit, an internal audit report shall be drawn up containing, in particular, the purpose, scope, and subject matter of the internal audit and the recommendations issued as a result of the actions taken in the performance of the task resulting from the internal audit plan. 12. If, in the course of an internal audit, circumstances indicating the commission of a crime, an offence, or a gross breach of employee duties are disclosed, the internal auditor shall immediately provide information in writing to the company's supervisory board.	
34.	**Regulation of the Minister of Finance, Funds and Regional Policy of 18 November 2020 on the manner, procedure and conditions for conducting business by investment fund management companies** (Journal of Laws of 2024, item 2) **§ 4(10) of the Regulation**	**Commission Directive 2010/43/EU of 1 July 2010** implementing Directive 2009/65/EC of the European Parliament and of the Council as regards organisational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company (OJ L 176, 10.7.2010, p. 42, as amended) **Article 10(3)(c) and (d)**

	§ 4 10) explaining to persons performing activities within the scope of the business conducted by the company the criteria for the performance of their duties in accordance with the provisions of law and the internal procedures and regulations in force in the company **The Act of 27 May 2004 on investment funds and management of alternative investment funds** (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) **Article 48a of the Act** (statutory authorisation)	Article 10 Permanent compliance function 3. In order to enable the compliance function referred to in paragraph 2 to discharge its responsibilities properly and independently, management companies shall ensure that the following conditions are satisfied: c) the relevant persons involved in the compliance function must not be involved in the performance of services or activities they monitor; d) the method of determining the remuneration of the relevant persons involved in the compliance function must not compromise their objectivity and must not be likely to do so. However, a management company shall not be required to comply with point (c) or point (d) of the first subparagraph where it is able to demonstrate that in view of the nature, scale and complexity of its business, and the nature and range of its services and activities, that requirement is not proportionate and that its compliance function continues to be effective.
35.	**The Act of 27 May 2004 on investment funds and management of alternative investment funds** (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) **Article 18(3-6)** – introduced by the Act of 1 March 2018 amending the Act on trading in financial instruments and certain other acts (Journal of Laws, item 685) **Regulation of the Minister of Finance of 13 December 2018 on the maximum amount of a company's fixed remuneration for managing an open-ended investment fund or a specialised open-ended investment fund** Article 18 of the Act 3. The amount of the company's remuneration for managing an open investment fund or a specialised open investment fund depends on the type of investment policy of the fund or sub-fund and the investment risk. 4. The amount of remuneration for managing an open investment fund or a specialised open investment fund should be determined so as to ensure the protection of the interests of investment fund participants and the competitiveness of investment funds. 5. The articles of association of an open investment fund or a specialised open investment fund may not provide for costs related to the sale and redemption of participation units to be charged to the fund's assets. 6. The minister competent for financial institutions, after consulting the Polish Financial Supervision Authority, shall determine, by way of a regulation, the maximum amount of the fixed remuneration of a company for managing an open investment fund or a specialised open investment fund, guided by the need to ensure the competitiveness of investment funds, taking into account the financial situation of investment fund management companies.	**Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014** on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L 173, 12.6.2014, p. 349, as amended).
36.	**The Act of 27 May 2004 on investment funds and management of alternative investment funds** (Journal of Laws of 2024, items 1034 and 1863, and of 2025, item 146) **Article 83a**	**Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014** on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L 173, 12.6.2014, p. 349, as amended).

	Article 83a [Specification in the fund's articles of association of categories of participation units and the maximum fixed remuneration of the company for managing the fund] 1. The articles of association of an open investment fund should specify the categories of participation units: 1) sold directly by the fund; 2) sold by the fund through the entities referred to in Article 32(1) and (2). 2. The articles of association of an open investment fund shall specify the maximum amount of the company's fixed remuneration for managing the fund attributable to the categories of clean participation units referred to in paragraph 1. 3. Amounts transferred to entities intermediating in the sale or redemption of clean participation units, as referred to in Article 32(1) and (2), in connection with the activities performed by these entities with the objective of improving the quality of the service provided to a participant or potential participant of an open investment fund may be taken into account only when determining the company's fixed remuneration for managing the fund, which is charged to the fund's assets attributable to the participation units in the category referred to in paragraph 1(2). 4. The provisions of Article 158 shall apply accordingly to the categories of participation units referred to in paragraph 1.	
37.	**The Act of 29 July 2005 on trading in financial instruments** (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) **Article 69(2)(6)** Article 69 [Scope of brokerage activities] 2. Brokerage activities, subject to Article 16(3) and (5), Article 70, and Article 123a, shall include the performance of activities consisting of: 6) offering financial instruments.	**Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014** on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L 173, 12.6.2014, p. 349, as amended). **Annex I, Section A** ANNEX I LISTS OF SERVICES AND ACTIVITIES AND FINANCIAL INSTRUMENTS SECTION A Investment services and activities 1) Reception and transmission of orders in relation to one or more financial instruments; 2) Execution of orders on behalf of clients; 3) Dealing on own account; 4) Portfolio management; 5) Investment advice; 6) Underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis; 7) Placing of financial instruments without a firm commitment basis; 8) Operation of an MTF; 9) Operation of an OTF.
38.	**The Act of 29 July 2005 on trading in financial instruments** (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) **Article 3(39c)** Article 3 [Definitions]	**Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014** on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L 173, 12.6.2014, p. 349, as amended). **Article 4(1)(9)**

	Whenever the Act refers to: 39c) a retail client – means an entity which is not a professional client, for which at least one of the services referred to in Article 69(2) or (4) is or is to be provided.	Article 4 Definitions 1. For the purposes of this directive, the following Definitions apply: 9) 'client' means any natural or legal person to whom an investment firm provides investment or ancillary services;
39.	**The Act of 29 July 2005 on trading in financial instruments** (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) **Article 16(3)** Article 16d [Outsourcing of operational functions] 3. A company operating a regulated market shall notify the Commission of a material change, termination, or expiry of the agreement referred to in Article 16b(1), the subject of which is the operational functions referred to in Article 16b(2), within 14 days of the date of the event. In particular, a change in the scope of activities outsourced to another undertaking or a foreign undertaking shall be considered to be a material change to the agreement. The notification shall specify the new scope of the outsourced activities and indicate the changes made to the agreement.	**Commission Delegated Regulation (EU) 2017/584 of 14 July 2016** supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying organisational requirements of trading venues (OJ L 87, 31.3.2017, p. 350)
40.	**Position of the Office of the Polish Financial Supervision Authority on the supervision exercised by an investment firm over its agent** **The Act of 29 July 2005 on trading in financial instruments** (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) Article 79(2a) Article 79 [Agreement with an investment firm's agent] 2a. The activities referred to in paragraph 2, point 1, point 2(a) and point 3(a) may be performed exclusively by the investment firm itself or by an agent of that investment firm, subject to paragraph 2b. An agent of an investment firm may be another investment firm, provided that it has been entered in the register referred to in paragraph 8.	-
41.	**The Act of 29 July 2005 on trading in financial instruments** (Journal of Laws of 2024, items 722 and 1863, and of 2025, item 146) **Article 102a-102c** Article 102a [Consent of the Commission to the appointment of the president of the management board of a brokerage and a member of the management board of a brokerage who will be responsible for supervising the risk management system] 1. The appointment of the president of the management board of a brokerage and a member of the management board of a brokerage who will be responsible for supervising the risk management system, as well as the entrustment of the function of president or the function of a member of the management board of a brokerage who will be responsible for supervising the risk management system, shall take place, subject to	**Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending** Directive 2002/92/EC and Directive 2011/61/EU (MiFID II) (OJ L 173, 12.6.2014, p. 349, as amended). **Article 9(3)–(5)** Article 9 Management body 3. Member States shall ensure that the management body of an investment firm defines, oversees and is accountable for the implementation of the governance arrangements that ensure effective and prudent management of the investment firm including the segregation of duties in the investment firm and the prevention of conflicts of interest, and in a manner that promotes the integrity of the market and the interest of clients.

	Article 84(1a), with the consent of the Commission. The request for consent shall be submitted by the supervisory board. 2. The supervisory board of the brokerage, together with the request referred to in paragraph 1, shall submit information and declarations of the persons indicated in this provision, relating to the last 5 years, concerning: 1) the identities of these persons (personal data); 2) the knowledge, skills, and experience of these persons, in particular their education, professional career, and completed professional training; 3) the functions held by these persons in other entities; 4) the criminal records of these persons, criminal proceedings and proceedings in cases concerning fiscal offences conducted against them; 5) administrative sanctions imposed on these persons or other entities in connection with the scope of responsibility of these persons; 6) court proceedings that may have a negative impact on the financial situation of these persons, administrative or disciplinary proceedings with a threat of a sanction in which these persons have been or are a party, as well as enforcement proceedings concluded or conducted against that person; 7) other circumstances that may affect the assessment of whether these persons meet the requirements specified in Article 103(1a). 2a. The Commission, when examining the guarantee of proper performance of duties by the person to whom the request referred to in paragraph 1 relates, shall also verify the information in the central database of administrative sanctions maintained by the European Banking Authority. 3. The Commission shall refuse to grant the consent referred to in paragraph 1 if the person to whom the request for consent relates does not meet the requirements specified in Article 103(1a) or (1b). 4. If the conditions specified in paragraph 3 are not met, the provision of paragraph 1 shall not apply to the appointment for a subsequent term of office of the persons listed in paragraph 1. 4a. A brokerage shall immediately inform the Commission of the appointment or entrustment of the function referred to in paragraph 1, indicating the date of appointment or entrustment of the function. 5. The decision referred to in paragraph 1 may specify a deadline by which the appointment or entrustment of the function referred to in paragraph 1 should take place. If this deadline is not met, the decision shall expire. The provision of Article 162 § 3 of the Act of 14 June 1960 - the Administrative Procedure Code shall not apply. Article 102b [Separation of the function of the president and the position of a member of the management board supervising the risk management system in the activities of a brokerage; internal division of powers in the management board] 1. In the management board of a brokerage, the function of the president and the position of a member of the management board supervising the risk management system in the brokerages' activities shall be separated. 2. The management board of a brokerage shall establish, and the supervisory board shall approve, the internal division of powers in the management board of the brokerage. 3. Within the internal division of powers in the management board of a brokerage, the functions of the president of the management board and a member of the management board supervising the risk management system in the brokerages' activities may not be combined.	Without prejudice to the requirements established in Article 88(1) of Directive 2013/36/EU, those arrangements shall also ensure that the management body define, approve and oversee: a) the organisation of the firm for the provision of investment services and activities and ancillary services, including the skills, knowledge and expertise required by personnel, the resources, the procedures and the arrangements for the provision of services and activities, taking into account the nature, scale and complexity of its business and all the requirements the firm has to comply with; b) a policy as to services, activities, products and operations offered or provided, in accordance with the risk tolerance of the firm and the characteristics and needs of the clients of the firm to whom they will be offered or provided, including carrying out appropriate stress testing, where appropriate; c) a remuneration policy of persons involved in the provision of services to clients aiming to encourage responsible business conduct, fair treatment of clients as well as avoiding conflict of interest in the relationships with clients. The management body shall monitor and periodically assess the adequacy and the implementation of the firm's strategic objectives in the provision of investment services and activities and ancillary services, the effectiveness of the investment firm's governance arrangements and the adequacy of the policies relating to the provision of services to clients and take appropriate steps to address any deficiencies. Members of the management body shall have adequate access to information and documents which are needed to oversee and monitor management decision-making. 4. The competent authority shall refuse authorisation if it is not satisfied that the members of the management body of the investment firm are of sufficiently good repute, possess sufficient knowledge, skills and experience and commit sufficient time to perform their functions in the investment firm, or if there are objective and demonstrable grounds for believing that the management body of the firm may pose a threat to its effective, sound and prudent management and to the adequate consideration of the interest of its clients and the integrity of the market. 5. Member States shall require the investment firm to notify the competent authority of all members of its management body and of any changes to its membership, along with all information needed to assess whether the firm complies with paragraphs 1, 2 and 3.

	Article 102c [Assessment of compliance with requirements by members of the management board and supervisory board of a brokerage; dismissal or suspension of a member of the management board of a brokerage] 1. The Commission shall assess whether the members of the management board and the supervisory board meet the requirements specified in Article 103. The assessment shall consider, in particular, cases of reasonable suspicion of committing an offence referred to in Article 165a or Article 299 of the Act of 6 June 1997 - the Penal Code (Journal of Laws of 2024, item 17), using the activities of the brokerage, reasonable suspicion of attempting to commit such an offence, or the existence of an increased risk of committing such an offence. 2. If a member of the management board of a brokerage does not meet the requirements specified in Article 103, the Commission may apply to the competent body of the brokerage for their dismissal or, by way of a decision, dismiss them. 3. The Commission may suspend a member of the management board of a brokerage from their duties until the competent body of the brokerage adopts a resolution on the motion for their dismissal. 4. The supervisory board may delegate a member of the supervisory board, for a period not longer than 3 months, to temporarily perform the duties of a management board member who has been suspended or dismissed. 5. (repealed).	
42.	**Act of 19 August 2011 on payment services** (Journal of Laws of 2025, item 611) **Article 26(5)** Article 26 [Information obligations with respect to the User] 5. The User may withdraw from a framework agreement concluded in breach of the provisions of paragraphs 1-3 or 4 at any time, but no later than within 30 days from the date of receipt of the information specified in Article 27, in the manner referred to in paragraph 1.	**Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015** on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337 of 23.12.2015, p. 35, as amended)
43.	**Act of 12 May 2011 on consumer credit** (Journal of Laws of 2024, item 1497 and of 2025, item 146.) **Article 56(7)** Article 56 [Withdrawal from a tied credit agreement] 7. The right to withdraw from a consumer credit agreement may not be made conditional on the return of the goods by the consumer.	**Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008** on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 337 of 23.12.2015, p. 35, as amended)
44.	**Act of 23 March 2017 on mortgage credit and on supervision of mortgage credit intermediaries and agents** (Journal of Laws of 2022, items 2245 and 2239 and of 2025, item 146.) **Article 29** Article 29 [Elements of the mortgage credit agreement; provision of explanations and warnings] 1. A mortgage credit agreement shall specify the elements listed in Article 69(2) of the Act of 29 August 1997 - the Banking Law as well as:	**Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014** on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34, as amended)

	1) the fees and other costs related to the granting of the mortgage credit, including the fee for processing the credit application, preparing and concluding the mortgage credit agreement, and the conditions for their amendment; 2) the total cost of the mortgage credit specified on the date of conclusion of the mortgage credit agreement; 3) the total amount payable by the consumer specified on the date of conclusion of the mortgage credit agreement; 4) the rules and costs of establishing, amending, or terminating security and insurance, including the costs of mortgage credit repayment insurance; 5) the consumer's right to repay the mortgage credit before its due date and the costs of repaying all or part of the mortgage credit before the date specified in the mortgage credit agreement; 6) the conditions, time limit, manner, and effects of the consumer's withdrawal from the mortgage credit agreement; 7) the consequences of non-compliance with the terms of the mortgage credit agreement, with particular regard to information on the interest rate for overdue debt, the conditions for its amendment, and any fees for arrears in the repayment of the mortgage credit; 8) the manner and conditions for determining the interest rate on the basis of which the amount of the principal and interest instalments is calculated; 9) the minimum scope of the insurance contract, if required by the creditor; 10) any additional conditions, criteria, and restrictions and required documents related to the mortgage credit, if it is covered by support granted from public funds. 2. If the parties have not agreed on a fixed interest rate for the mortgage credit, the method of determining the interest rate referred to in paragraph 1(8) shall be defined as the value of the reference rate and the amount of the margin established in the mortgage credit agreement. 3. In the case of mortgage credit agreements with a fixed interest rate for an initial period of at least 5 years, after which the creditor and the consumer determine a new interest rate for the mortgage credit for the further validity period of the mortgage credit agreement, the mortgage credit agreement shall also specify the method for determining the new interest rate in accordance with paragraph 2 as well as the conditions for determining that rate for the further validity period of the mortgage credit agreement if the parties do not reach an agreement on the new interest rate for the mortgage credit for the further validity period of that agreement. 4. In the case referred to in paragraph 3, the creditor may not charge the consumer any fees for determining a new interest rate for the mortgage credit for the further validity period of the mortgage credit agreement or for amending that agreement in connection with the determination of a new interest rate for the mortgage credit. 5. Where a new interest rate for the mortgage credit is determined, the other terms of the mortgage credit agreement shall remain unchanged. 5a. Where a mortgage credit is granted, the mortgage credit agreement may specify an additional cost of the mortgage credit, related to the waiting period for the entry of the mortgage in the land and mortgage register, to be borne by the consumer until the mortgage is entered in the land and mortgage register. 5b. The additional cost of the mortgage credit referred to in paragraph 5a shall be reimbursed to the consumer or credited towards the repayment of the mortgage credit after the entry of the mortgage securing the mortgage credit in the land and mortgage register, on the terms specified in the mortgage credit agreement.	

	6. The creditor, the mortgage credit intermediary, and the agent shall, for the duration of the mortgage credit agreement, provide the consumer with clear and precise explanations concerning the individual provisions of that agreement. 7. The creditor, the mortgage credit intermediary, and the agent may not charge the consumer any fees for providing the explanations referred to in paragraph 6. 8. In the case of a mortgage credit agreement in a foreign currency, where the total amount payable by the consumer remaining to be repaid or the amount of the mortgage credit instalments repaid in accordance with the terms of the mortgage credit agreement are more than 20% higher than the amounts that would have been determined using the exchange rate between the currency of the mortgage credit agreement and the currency in which the consumer receives the majority of their income or holds the majority of their financial resources or other assets valued in that currency, applicable at the time of conclusion of the mortgage credit agreement, the creditor, the mortgage credit intermediary, and the agent shall be obliged to provide the consumer, on each occasion, on a durable medium, with a warning concerning the increase in the amount remaining to be paid by the consumer, and, where appropriate, about the right to convert the credit to another currency and the conditions for such conversion, and about the mechanisms for limiting the currency risk to which the consumer is exposed.	
45.	**Act of 11 May 2017 on statutory auditors, audit firms and public oversight** (Journal of Laws of 2024, items 1035 and 1863) **Article 128(4)(1) in conjunction with (5)** Article 128 [Audit committee] 4. In the case of: 1) cooperative banks, - the function of the audit committee for the purpose of performing the duties of the audit committee specified in this Act, the Act on accounting of 29 September 1994, and Regulation No 537/2014 may be entrusted to the supervisory board or another supervisory or control body of the public-interest entity. (5. In the cases referred to in paragraphs 3 and 4, the provisions of Article 129(1), (3), and (5) shall apply accordingly, provided that in the case of cooperative banks and entities referred to in Article 2(9)(i), the periods referred to in Article 129(3)(1) and (2) shall be one year.)	**Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006** on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87, as amended), **Article 39(5)** Article 39 Audit committee 5. Where all members of the audit committee are members of the administrative or supervisory body of the audited entity, the Member State may provide that the audit committee is to be exempt from the independence requirements laid down in the fourth subparagraph of paragraph 1.
46.	**Government bill amending certain acts in connection with ensuring the digital operational resilience of the financial sector and with issuing European green bonds** (Sejm print no. 1262, X Sejm) **draft Article 18zc(4)**	**Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022** on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1, as amended) **Article 39** Article 39 Inspections 1. In order to carry out its duties under this Regulation, the Lead Overseer, assisted by the joint examination teams referred to in Article 40(1), may enter in, and conduct all necessary onsite inspections on, any business

		premises, land or property of the ICT third-party service providers, such as head offices, operation centres, secondary premises, as well as to conduct off-site inspections. For the purposes of exercising the powers referred to in the first subparagraph, the Lead Overseer shall consult the JON. 2. The officials and other persons authorised by the Lead Overseer to conduct an on-site inspection shall have the power to: a) enter any such business premises, land or property; and b) seal any such business premises, books or records, for the period of, and to the extent necessary for, the inspection. The officials and other persons authorised by the Lead Overseer shall exercise their powers upon production of a written authorisation specifying the subject matter and the purpose of the inspection, and the periodic penalty payments provided for in Article 35(6) where the representatives of the critical ICT third-party service providers concerned do not submit to the inspection. 3. In good time before the start of the inspection, the Lead Overseer shall inform the competent authorities of the financial entities using that ICT third-party service provider. 4. Inspections shall cover the full range of relevant ICT systems, networks, devices, information and data either used for, or contributing to, the provision of ICT services to financial entities. 5. Before any planned on-site inspection, the Lead Overseer shall give reasonable notice to the critical ICT third-party service providers, unless such notice is not possible due to an emergency or crisis situation, or if it would lead to a situation where the inspection or audit would no longer be effective. 6. The critical ICT third-party service provider shall submit to on-site inspections ordered by decision of the Lead Overseer. The decision shall specify the subject matter and purpose of the inspection, fix the date on which the inspection shall begin and shall indicate the periodic penalty payments provided for in Article 35(6), the legal remedies available under Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010, as well as the right to have the decision reviewed by the Court of Justice. 7. Where the officials and other persons authorised by the Lead Overseer find that a critical ICT third-party service provider opposes an inspection ordered pursuant to this Article, the Lead Overseer shall inform the critical ICT third-party service provider of the consequences of such opposition, including the possibility for competent authorities of the relevant financial entities to require financial entities to terminate the contractual arrangements concluded with that critical ICT third-party service provider.
47.	**Act of 10 June 2016 on the Bank Guarantee Fund, the deposit guarantee scheme and restructuring** (Journal of Laws of 2024, item 487 and of 2025, item 146.) **Article 135(1) and (4)** Article 135 [Discontinuation of enforcement or security proceedings] 1. Enforcement or security proceedings directed against the assets of an entity undergoing restructuring initiated before the commencement of restructuring shall be discontinued. 4. During restructuring, it is not permissible to initiate enforcement proceedings and security proceedings against the entity undergoing restructuring.	**Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014** establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190, as amended) **Article 70(1) and (4)** Article 70 Power to restrict the enforcement of security interests 1. Member States shall ensure that resolution authorities have the power to restrict secured creditors of an institution under resolution from enforcing security interests in relation to any assets of that institution under

		resolution from the publication of a notice of the restriction in accordance with Article 83(4) until midnight in the Member State of the resolution authority of the institution under resolution at the end of the business day following that publication. 4. When exercising a power under this Article, resolution authorities shall have regard to the impact the exercise of that power might have on the orderly functioning of financial markets.
48.	**Regulation of the Minister of Finance, Funds and Regional Policy of 8 June 2021** on the risk management system and internal control system and remuneration policy in banks (Journal of Laws, item 1045, and of 2025, item 52) **§ 18(7)(c)** § 18. When implementing a risk management strategy, a bank shall introduce and update risk management policies and procedures, specifying in particular: 7) with respect to operational risk: c) contingency and business continuity strategies and plans, including in the area of ICT, and ICT response and recovery plans created, managed, and tested in accordance with Article 11 of Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1, as amended), 4) ensuring the continuous and uninterrupted operation of the bank and limiting losses in the event of adverse internal and external events that could seriously disrupt this activity,	**Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022** on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1, as amended) **Article 5(2)(e)** **Article 11** Article 5 Governance and organization 2. The management body of the financial entity shall define, approve, oversee and be responsible for the implementation of all arrangements related to the ICT risk management framework referred to in Article 6(1). For the purposes of the first subparagraph, the management body shall: e) approve, oversee and periodically review the implementation of the financial entity's ICT business continuity policy and ICT response and recovery plans, referred to, respectively, in Article 11(1) and (3), which may be adopted as a dedicated specific policy forming an integral part of the financial entity's overall business continuity policy and response and recovery plan; Article 11 Response and recovery 1. As part of the ICT risk management framework referred to in Article 6(1) and based on the identification requirements set out in Article 8, financial entities shall put in place a comprehensive ICT business continuity policy, which may be adopted as a dedicated specific policy, forming an integral part of the overall business continuity policy of the financial entity. 2. Financial entities shall implement the ICT business continuity policy through dedicated, appropriate and documented arrangements, plans, procedures and mechanisms aiming to: a) ensure the continuity of the financial entity's critical or important functions; b) quickly, appropriately and effectively respond to, and resolve, all ICT-related incidents in a way that limits damage and prioritises the resumption of activities and recovery actions; c) activate, without delay, dedicated plans that enable containment measures, processes and technologies suited to each type of ICT-related incident and prevent further damage, as well as tailored response and recovery procedures established in accordance with Article 12; d) estimate preliminary impacts, damages and losses; e) set out communication and crisis management actions that ensure that updated information is transmitted to all relevant internal staff and external stakeholders in accordance with Article 14, and report to the competent authorities in accordance with Article 19.

		3. As part of the ICT risk management framework referred to in Article 6(1), financial entities shall implement associated ICT response and recovery plans which, in the case of financial entities other than microenterprises, shall be subject to independent internal audit reviews. 4. Financial entities shall put in place, maintain and periodically test appropriate ICT business continuity plans, notably with regard to critical or important functions outsourced or contracted through arrangements with ICT third-party service providers. 5. As part of the overall business continuity policy, financial entities shall conduct a business impact analysis (BIA) of their exposures to severe business disruptions. Under the BIA, financial entities shall assess the potential impact of severe business disruptions by means of quantitative and qualitative criteria, using internal and external data and scenario analysis, as appropriate. The BIA shall consider the criticality of identified and mapped business functions, support processes, third-party dependencies and information assets, and their interdependencies. Financial entities shall ensure that ICT assets and ICT services are designed and used in full alignment with the BIA, in particular with regard to adequately ensuring the redundancy of all critical components. 6. As part of their comprehensive ICT risk management, financial entities shall: a) test the ICT business continuity plans and the ICT response and recovery plans in relation to ICT systems supporting all functions at least yearly, as well as in the event of any substantive changes to ICT systems supporting critical or important functions; b) test the crisis communication plans established in accordance with Article 14. For the purposes of the first subparagraph, point (a), financial entities, other than microenterprises, shall include in the testing plans scenarios of cyber-attacks and switchovers between the primary ICT infrastructure and the redundant capacity, backups and redundant facilities necessary to meet the obligations set out in Article 12. Financial entities shall regularly review their ICT business continuity policy and ICT response and recovery plans, taking into account the results of tests carried out in accordance with the first subparagraph and recommendations stemming from audit checks or supervisory reviews. 7. Financial entities, other than microenterprises, shall have a crisis management function, which, in the event of activation of their ICT business continuity plans or ICT response and recovery plans, shall, inter alia, set out clear procedures to manage internal and external crisis communications in accordance with Article 14. 8. Financial entities shall keep readily accessible records of activities before and during disruption events when their ICT business continuity plans and ICT response and recovery plans are activated. 9. Central securities depositories shall provide the competent authorities with copies of the results of the ICT business continuity tests, or of similar exercises. 10. Financial entities, other than microenterprises, shall report to the competent authorities, upon their request, an estimation of aggregated annual costs and losses caused by major ICT-related incidents. 11. In accordance with Article 16 of Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010, the ESAs, through the Joint Committee, shall by 17 July 2024 develop common guidelines on the estimation of aggregated annual costs and losses referred to in paragraph 10. **Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013** on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms,

		amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338, as amended) **Article 85** Article 85 Operational risk 1. Competent authorities shall ensure that institutions implement policies and processes to evaluate and manage the exposures to operational risk, including model risk and risks resulting from outsourcing, and to cover low-frequency high-severity events. Institutions shall articulate what constitutes operational risk for the purposes of those policies and procedures. 2. Competent authorities shall ensure that institutions have adequate contingency and business continuity policies and plans, including ICT business continuity policies and plans and ICT response and recovery plans for the technology they use for the communication of information, and that those plans are established, managed and tested in accordance with Article 11 of Regulation (EU) 2022/2554, in order to allow institutions to keep operating in the event of severe business disruption and limit losses incurred as a consequence of such disruption.
49.	**Regulation of the Minister of Finance of 20 September 2024 on the provision of information to the Polish Financial Supervision Authority by investment firms, state-owned banks conducting brokerage activities, banks referred to in Article 70(2) of the Act on trading in financial instruments, and custodian banks** (Journal of Laws, item 1426) **§ 5(21)** § 5 A brokerage shall provide the Authority, in the form of a current report, with information on: 21) a failure of the transaction system made available to clients.	**Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014** on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84, as amended) **Article 39(3)** Article 39 Market monitoring 3. Competent authorities shall monitor the market for financial instruments and structured deposits which are marketed, distributed or sold in or from their Member State
50.	**Government draft act on the crypto-assets market (UC2) as of 8 May 2025.** **draft Article 14**	**Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023** on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150 of 9 June 2023, p. 40, as amended.
51.	**Government draft act on the crypto-assets market (UC2) as of 8 May 2025.** **draft Article 24**	**Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023** on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150 of 9 June 2023, p. 40, as amended. **Article 22(2)** **Article 58(3)** Article 22 Reporting on asset-referenced tokens 2. The competent authority may require issuers of asset-referenced tokens to comply with the reporting obligation referred to in paragraph 1 in respect of asset-referenced tokens issued with a value of less than EUR 100,000,000.

		Article 58 Specific additional obligations for issuers of e-money tokens 3. Articles 22, 23 and 24(3) shall apply to e-money tokens denominated in a currency that is not an official currency of a Member State.
52.	**Government draft act on the crypto-assets market (UC2) as of 8 May 2025.** **draft Articles 40, 41, 45, and 46**	**Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023** on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150 of 9 June 2023, p. 40, as amended. **Article 46** **Article 47** Article 46 Recovery plan 1. An issuer of an asset-referenced token shall draw up and maintain a recovery plan providing for measures to be taken by the issuer to restore compliance with the requirements applicable to the reserve of assets in cases where the issuer fails to comply with those requirements. The recovery plan shall also include the preservation of the issuer's services related to the asset-referenced token, the timely recovery of operations and the fulfilment of the issuer's obligations in the case of events that pose a significant risk of disrupting operations. The recovery plan shall include appropriate conditions and procedures to ensure the timely implementation of recovery actions as well as a wide range of recovery options, including: a) liquidity fees on redemptions; B) limits on the amount of the asset-referenced token that can be redeemed on any working day; c) suspension of redemptions. 2. The issuer of the asset-referenced token shall notify the recovery plan to the competent authority within six months of the date of authorisation pursuant to Article 21 or within six months of the date of approval of the crypto-asset white paper pursuant to Article 17. The competent authority shall require amendments to the recovery plan where necessary to ensure its proper implementation and shall notify its decision requesting those amendments to the issuer within 40 working days of the date of notification of that plan. That decision shall be implemented by the issuer within 40 working days of the date of notification of that decision. The issuer shall regularly review and update the recovery plan. Where applicable, the issuer shall also notify the recovery plan to its resolution and prudential supervisory authorities in parallel to the competent authority. 3. Where the issuer fails to comply with the requirements applicable to the reserve of assets as referred to in Chapter 3 of this Title or, due to a rapidly deteriorating financial condition, is likely in the near future to not comply with those requirements, the competent authority, in order to ensure compliance with the applicable requirements, shall have the power to require the issuer to implement one or more of the arrangements or measures set out in the recovery plan or to update such a recovery plan when the circumstances are different from the assumptions set out in the initial recovery plan and implement one or more of the arrangements or measures set out in the updated plan within a specific timeframe.

		4. In the circumstances referred to in paragraph 3, the competent authority shall have the power to temporarily suspend the redemption of asset-referenced tokens, provided that the suspension is justified having regard to the interests of the holders of asset-referenced tokens and financial stability. 5. Where applicable, the competent authority shall notify the issuer's resolution and prudential supervisory authorities of any measure taken pursuant to paragraphs 3 and 4. 6. EBA, after consultation with ESMA, shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010 to specify the format of the recovery plan and the information to be provided in the recovery plan. Article 47 Redemption plan 1. An issuer of an asset-referenced token shall draw up and maintain an operational plan to support the orderly redemption of each asset-referenced token, which is to be implemented upon a decision by the competent authority that the issuer is unable or likely to be unable to fulfil its obligations, including in the case of insolvency or, where applicable, resolution or in the case of withdrawal of authorisation of the issuer, without prejudice to the commencement of a crisis prevention measure or crisis management measure as defined in Article 2(1), points (101) and (102), respectively, of Directive 2014/59/EU or a resolution action as defined in Article 2, point (11), of Regulation (EU) 2021/23 of the European Parliament and of the Council. 2. The redemption plan shall demonstrate the ability of the issuer of the asset-referenced token to carry out the redemption of the outstanding asset-referenced token issued without causing undue economic harm to its holders or to the stability of the markets of the reserve assets. The redemption plan shall include contractual arrangements, procedures and systems, including the designation of a temporary administrator in accordance with applicable law, to ensure the equitable treatment of all holders of asset-referenced tokens and to ensure that holders of asset-referenced tokens are paid in a timely manner with the proceeds from the sale of the remaining reserve assets. The redemption plan shall ensure the continuity of any critical activities that are necessary for the orderly redemption and that are performed by issuers or by any third-party entity. 3. The issuer of the asset-referenced token shall notify the redemption plan to the competent authority within six months of the date of authorisation pursuant to Article 21 or within six months of the date of approval of the crypto-asset white paper pursuant to Article 17. The competent authority shall require amendments to the redemption plan where necessary to ensure its proper implementation and shall notify its decision requesting those amendments to the issuer within 40 working days of the date of notification of that plan. That decision shall be implemented by the issuer within 40 working days of the date of notification of that decision. The issuer shall regularly review and update the redemption plan. 4. Where applicable, the competent authority shall notify the redemption plan to the resolution authority and prudential supervisory authority of the issuer. The resolution authority may examine the redemption plan with a view to identifying any actions in the redemption plan that might adversely impact the resolvability of the issuer, and may make recommendations to the competent authority in respect thereof. 5. EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010 to specify: a) the content of the redemption plan and the periodicity for review, taking into account the size, complexity and nature of the asset-referenced token and the business model of its issuer; and

		b) the triggers for implementation of the redemption plan.
53.	**Government draft act on the crypto-assets market (UC2) as of 8 May 2025.** **draft Article 162**	**Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023** on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150 of 9 June 2023, p. 40, as amended. **Article 143(3)** Article 143 Transitional measures 3. Crypto-asset service providers that provided their services in accordance with applicable law before 30 December 2024, may continue to do so until 1 July 2026 or until they are granted or refused an authorisation pursuant to Article 63, whichever is sooner. Member States may decide not to apply the transitional regime for crypto-asset service providers provided for in the first subparagraph or to reduce its duration where they consider that their national regulatory framework applicable before 30 December 2024 is less strict than this Regulation. By 30 June 2024, Member States shall notify to the Commission and ESMA whether they have exercised the option provided for in the second subparagraph and the duration of the transitional regime.
54.	**Draft Act on the crypto-assets market (UC2) as of 8 May 2025.** **draft Articles 117–127**	**Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023** on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ OJ L 150 of 9 June 2023, p. 40, as amended. **Article 111(1), second subparagraph** Article 111 1. […] Member States may decide not to lay down rules for administrative penalties where the infringements referred to in the first subparagraph, point (a), (b), (c), (d) or (e), are already subject to criminal penalties in their national law by 30 June 2024. Where they so decide, Member States shall notify to the Commission, ESMA and to EBA, in detail, the relevant parts of their criminal law.
55.	**The Act of 11 September 2019 - the Public Procurement Law** (Journal of Laws of 2024, item 1320) **Article 97** **Article 98** Article 97 [Submission of a bid bond] 1. The contracting authority may require contractors to submit a bid bond. 2. The contracting authority shall specify the amount of the bid bond at no more than 3% of the contract value. 3. If the contracting authority allows for the submission of partial bids or awards the contract in lots, it shall specify the amount of the bid bond for each lot. Paragraph 2 shall apply accordingly. 4. If the contracting authority provides for the award of contracts referred to in Article 214(1)(7) and (8) or Article 388(2)(b) and (c), or Article 415(2)(5) and (6), it shall specify the amount of the bid bond for the value of the base contract.	**Directive 2014/24/EU of 26 February 2014** on public procurement (OJ L 94 of 28.03.2014, p. 65, as amended). **Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014** on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94 of 28.3.2014, p. 238, as amended)

	5. The bid bond shall be submitted before the deadline for submission of bids and shall be maintained continuously until the expiry of the bid validity period, except for the cases referred to in Article 98(1)(2) and (3) and (2). 6. An extension of the bid validity period is permissible only with a simultaneous extension of the validity period of the bid bond or, if this is not possible, with the submission of a new bid bond for the extended bid validity period. 7. The bid bond may be submitted, at the contractor's choice, in one or more of the following forms: 1) cash; 2) bank guarantee; 3) insurance guarantee(s); 4) surety(ies) granted by the entities referred to in Article 6b(5)(2) of the Act of 9 November 2000 on the establishment of the Polish Agency for Enterprise Development (Journal of Laws of 2024, item 419). 8. A bid bond submitted in cash shall be paid by bank transfer to the bank account indicated by the contracting authority. 9. The contracting authority shall keep a bid bond submitted in cash in a bank account. 10. If the bid bond is submitted in the form of a guarantee or surety referred to in paragraph 7(2)-(4), the contractor shall provide the contracting authority with the original of the guarantee or surety in electronic form. Article 98 [Return or forfeiture of the bid bond] 1. The contracting authority shall return the bid bond promptly, but no later than within 7 days from the date of occurrence of one of the following circumstances: 1) expiry of the bid validity period; 2) conclusion of the public procurement contract; 3) cancellation of the contract award procedure, except where an appeal against the cancellation has not been resolved or the time limit for lodging such an appeal has not expired. 2. The contracting authority shall, promptly, but no later than within 7 days from the date of submission of the request, return the bid bond to a contractor: 1) who withdrew a bid before the deadline for submission of bids; 2) whose bid has been rejected; 3) after the selection of the most advantageous bid, with the exception of the economic operator whose bid was selected as the most advantageous; 4) after the cancellation of the procedure, where an appeal against the cancellation has not been resolved or the time limit for lodging such an appeal has not expired. 3. The submission of a request for the return of the bid bond, as referred to in paragraph 2, shall result in the termination of the legal relationship with the contractor and its loss of the right to use the legal protection measures referred to in Section IX. 4. The contracting authority shall return a bid bond paid in cash together with interest resulting from the bank account agreement on which it was held, reduced by the costs of maintaining the bank account and the bank commission for the transfer of money to the bank account indicated by the contractor. 5. The contracting authority shall return a bid bond provided in a form other than cash by submitting a declaration of release of the bid bond to the guarantor or surety.	

	6. The contracting authority shall retain the bid bond together with interest, and in the case of a bid bond provided in the form of a guarantee or surety, as referred to in Article 97(7)(2-4), it shall apply to the guarantor or surety, respectively, with a request for payment of the bid bond, if: 1) the contractor, in response to the summons referred to in Article 107(2) or Article 128(1), for reasons attributable to it, failed to submit subjective evidence or objective evidence confirming the circumstances referred to in Article 57 or Article 106(1), the declaration referred to in Article 125(1), other documents or declarations, or did not consent to the correction of a mistake referred to in Article 223(2)(3), which resulted in the impossibility of selecting the bid submitted by the contractor as the most advantageous; 2) the economic operator whose bid was selected: a) refused to sign the public procurement contract on the terms specified in the bid, b) failed to provide the required performance bond; 3) the conclusion of the public procurement contract became impossible for reasons attributable to the contractor whose bid was selected.	
56.	**The Act of 11 September 2019 - the Public Procurement Law** (Journal of Laws of 2024, item 1320) **Article 83** Article 83 [Analysis of the contracting authority's needs] 1. A public contracting authority, before initiating a contract award procedure, shall conduct an analysis of its needs and requirements, taking into account the type and value of the contract. 2. The analysis referred to in paragraph 1 shall include, in particular: 1) an examination of the capacity to satisfy the identified needs using the contracting authority's own resources; 2) market research; a) alternative means of satisfying the identified needs; b) possible variants for the performance of the contract, or an indication that there is only one possible variant for the performance of the contract; 3. The analysis referred to in paragraph 1 shall indicate: 1) the estimated value of the contract for each of the variants indicated, as referred to in paragraph 2(2)(b); 2) the possibility of dividing the contract into lots; 3) the anticipated contract award procedure; 4) the possibility of including social, environmental, or innovative aspects in the contract; 5) the risks associated with the contract award procedure and the performance of the contract. 4. A public contracting authority may refrain from carrying out the analysis of needs and requirements if there are grounds for awarding the contract under a negotiated procedure without prior publication, as referred to in Article 209(1)(4), or under a single-source procurement procedure, as referred to in Article 214(1)(5).	**Directive 2014/24/EU of 26 February 2014** on public procurement (OJ L 94 of 28.03.2014, p. 65, as amended). **Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014** on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94 of 28.3.2014, p. 238, as amended)
57.	**The Act of 11 September 2019 - the Public Procurement Law** (Journal of Laws of 2024, item 1320) **Article 433** Article 433 [Prohibited contract clauses] The draft contract clauses may not provide for: 1) the contractor's liability for delay, unless justified by the circumstances or the scope of the contract;	**Directive 2014/24/EU of 26 February 2014** on public procurement (OJ L 94 of 28.03.2014, p. 65, as amended). **Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014** on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94 of 28.3.2014, p. 238, as amended)

	2) the charging of contractual penalties for the contractor's conduct not directly or indirectly related to the subject matter of the contract or its proper performance; 3) the contractor's liability for circumstances for which the contracting authority is solely responsible; 4) the possibility for the contracting authority to limit the scope of the contract without indicating the minimum value or volume of the parties' performance;	
58.	**Government draft Act amending the Act on the National Cybersecurity System and certain other acts (UC32) as of 7 February 2025.** **draft Article 67c(4) of the Act on the National Cybersecurity System** **draft Article 226(1)(17) and (19) of the Public Procurement Law**	Cybersecurity of 5G networks: EU Toolbox of risk mitigating measures **Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022** on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L). 333 of 27.12.2022, p. 80).
59.	**Act of 9 March 2023 on clinical trials of medicinal products for human use** (Journal of Laws, item 605) **The Act of 6 September 2001 - the Pharmaceutical Law** (Journal of Laws of 2024, item 686 and of 2025, item 129.) **Article 4** Article 4 [Conditions for authorising medicinal products from abroad; target import] 1. Medicinal products imported from abroad shall be authorised for marketing without the need to obtain a marketing authorisation if their use is necessary to save a patient's life or health, provided that the medicinal product in question is authorised for marketing in the country from which it is imported and has a valid marketing authorisation, subject to paragraphs 3 and 4 (target import). 2. The basis for importing a medicinal product referred to in paragraph 1 is a prescription as well as a request issued by a physician in an entity performing medical activities for a medicinal product used in an entity performing medical activities or for a medicinal product used outside an entity performing medical activities, the validity of which has been confirmed by a consultant in the relevant field of medicine. 3. The following medicinal products shall not be authorised for marketing as referred to in paragraph 1: 1) those for which a decision has been issued refusing to grant a marketing authorisation, refusing to extend the validity of a marketing authorisation, or revoking a marketing authorisation, and 2) those containing the same active substance(s), the same dose and form as medicinal products that have received a marketing authorisation and are available on the market. 3a. (repealed). 4. The medicinal products specified in paragraph 1 which, due to the safety of their use and the volume of imports, should be authorised for marketing in accordance with Article 3(1) shall also not be authorised for marketing. 5. (repealed). 6. (repealed). 7. (repealed).	**Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014** on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (OJ L 158, 27.5.2014, p. 1, as amended). **Article 83** Article 83 1. By way of exemption from Article 6 of Directive 2001/83/EC Member States may make a medicinal product for human use belonging to the categories referred to in Article 3(1) and (2) of this Regulation available for compassionate use. 2. For the purposes of this Article, 'compassionate use' shall mean making a medicinal product belonging to the categories referred to in Article 3(1) and (2) available for compassionate reasons to a group of patients with a chronically or seriously debilitating disease or whose disease is considered to be life-threatening, and who can not be treated satisfactorily by an authorised medicinal product. The medicinal product concerned must either be the subject of an application for a marketing authorisation in accordance with Article 6 of this Regulation or must be undergoing clinical trials. 3. When a Member State makes use of the possibility provided for in paragraph 1 it shall notify the Agency. 4. When compassionate use is envisaged, the Committee for Medicinal Products for Human Use, after consulting the manufacturer or the applicant, may adopt opinions on the conditions for use, the conditions for distribution and the patients targeted. The opinions shall be updated on a regular basis. 5. Member States shall take account of any available opinions. 6. 184 The Agency shall keep an up-to-date list of the opinions adopted in accordance with paragraph 4, which shall be published on its website. Article 28(1) and (2) shall apply *mutatis mutandis*. 7. The opinions referred to in paragraph 4 shall not affect the civil or criminal liability of the manufacturer or of the applicant for marketing authorisation. 8. Where a compassionate use programme has been set up, the applicant shall ensure that patients taking part also have access to the new medicinal product during the period between authorisation and placing on the market. 9. This Article shall be without prejudice to Directive 2001/20/EC and to Article 5 of Directive 2001/83/EC.

	8. The Minister of Health, and with regard to veterinary medicinal products, at the request of the Minister of Agriculture, may, in the event of a natural disaster or other threat to human or animal life or health, authorise for a specified period the marketing of medicinal products without a marketing authorisation. 8a. Article 66 shall apply to the products referred to in paragraphs 1, 8 and 9. 9. The Minister of Health, and with regard to veterinary medicinal products at the request of the Minister of Agriculture, may, in the event of a natural disaster or other threat to human or animal life or health, grant consent for the import from abroad, in accordance with the conditions specified in paragraphs 2 and 3, of a medicinal product which at the same time: 1) holds a marketing authorisation referred to in Article 3(1) or (2), 2) is authorised for marketing in the country from which it is imported, 3) is unavailable in the Republic of Poland - provided that a medicinal product containing the same active substance or substances, the same strength and the same pharmaceutical form as the imported medicinal product is not available in the Republic of Poland.	
60.	**The Act of 6 September 2001 - the Pharmaceutical Law** (Journal of Laws of 2024, item 686 and of 2025, item 129.) **Article 68(3)** Article 68 [Rules for retail trade; mail-order sale and importation from abroad for own use] 3. Public pharmacies and pharmacy outlets are permitted to conduct mail-order sales of medicinal products dispensed without a doctor's prescription, with the exception of medicinal products whose dispensing is restricted by the patient's age.	**Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001** on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, OJ EU, Polish special edition, ch. 13, vol. 027, p. 69) **Article 85c** Article 85c 1. Without prejudice to national legislation prohibiting the offer for sale at a distance of prescription medicinal products to the public by means of information society services, Member States shall ensure that medicinal products are offered for sale at a distance to the public by means of information society services as defined in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services under the following conditions: a) the natural or legal person offering the medicinal products is authorised or entitled to supply medicinal products to the public, also at a distance, in accordance with national legislation of the Member State in which that person is established; b) the person referred to in point (a) has notified the Member State in which that person is established of at least the following information: (i) name or corporate name and permanent address of the place of activity from where those medicinal products are supplied; (ii) the starting date of the activity of offering medicinal products for sale at a distance to the public by means of information society services; (iii) the address of the website used for that purpose and all relevant information necessary to identify that website; (iv) if applicable, the classification in accordance with Title VI of the medicinal products offered for sale at a distance to the public by means of information society services. Where appropriate, that information shall be updated; c) the medicinal products comply with the national legislation of the Member State of destination in accordance with Article 6(1);

		d) without prejudice to the information requirements set out in Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), the website offering the medicinal products contains at least: (i) the contact details of the competent authority or the authority notified pursuant to point (b); (ii) a hyperlink to the website referred to in paragraph 4 of the Member State of establishment; (iii) the common logo referred to in paragraph 3 clearly displayed on every page of the website that relates to the offer for sale at a distance to the public of medicinal products. The common logo shall contain a hyperlink to the entry of the person in the list referred to in point (c) of paragraph 4. 2. Member States may impose conditions, justified on grounds of public health protection, for the retail supply on their territory of medicinal products for sale at a distance to the public by means of information society services. 3. A common logo shall be established that is recognisable throughout the Union, while enabling the identification of the Member State where the person offering medicinal products for sale at a distance to the public is established. That logo shall be clearly displayed on websites offering medicinal products for sale at a distance to the public in accordance with point (d) of paragraph 1. In order to harmonise the functioning of the common logo, the Commission shall adopt implementing acts regarding: a) the technical, electronic and cryptographic requirements for verification of the authenticity of the common logo; b) the design of the common logo. Those implementing acts shall, where necessary, be amended to take account of technical and scientific progress. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 121(2). 4. Each Member State shall set up a website providing at least the following: a) information on the national legislation applicable to the offering of medicinal products for sale at a distance to the public by means of information society services, including information on the fact that there may be differences between Member States regarding classification of medicinal products and the conditions for their supply; b) information on the purpose of the common logo; c) the list of persons offering the medicinal products for sale at a distance to the public by means of information society services in accordance with paragraph 1 as well as their website addresses; d) background information on the risks related to medicinal products supplied illegally to the public by means of information society services. This website shall contain a hyperlink to the website referred to in paragraph 5. 5. The Agency shall set up a website providing the information referred to in points (b) and (d) of paragraph 4, information on the Union legislation applicable to falsified medicinal products as well as hyperlinks to the Member States' websites referred to in paragraph 4. The Agency's website shall explicitly mention that the Member States' websites contain information on persons authorised or entitled to supply medicinal products at a distance to the public by means of information society services in the Member State concerned. 6. Without prejudice to Directive 2000/31/EC and the requirements set out in this Title, Member States shall take the necessary measures to ensure that other persons than those referred to in paragraph 1 that offer

		medicinal products for sale at a distance to the public by means of information society services and that operate on their territory are subject to effective, proportionate and dissuasive penalties.
61.	**The Act of 6 September 2001 - the Pharmaceutical Law** (Journal of Laws of 2024, item 686 and of 2025, item 129.) **Article 48(1) and (2)** Article 48 [Requirements for the position of a Qualified Person and their duties] 1. A Qualified Person may be a person who meets the following requirements: 1) holds a professional title of Master, Master of Science in Engineering, Medical Doctor, or another equivalent title, or holds a diploma referred to in Article 191a(1)(2) or (3) or (2) of the Act of 27 July 2005 - the Higher Education Law 3, obtained in a field covering at least one scientific discipline from the fields of biological, chemical, pharmaceutical, medical, or veterinary sciences; 2) has acquired knowledge and skills in at least the following subjects: physics, general and inorganic chemistry, organic chemistry, analytical chemistry, pharmaceutical chemistry including the analysis of medicinal products, general and applied (medical) biochemistry, physiology, microbiology, pharmacology, pharmaceutical technology, toxicology, and pharmacognosy; 3) has at least two years of work experience with a manufacturer or importer of a medicinal product holding an authorisation referred to in Article 38(1) or a consent referred to in Article 38a(1), covering the performance of qualitative and quantitative analysis of medicinal products and active substances, and the performance of tests and control activities necessary to ensure the quality of medicinal products in accordance with the requirements specified in the marketing authorisation; 4) has a command of the Polish language to the extent necessary to perform the duties referred to in paragraph 3. 2. The professional title of Master of Pharmacy certifies that the conditions specified in paragraph 1(1) and (2) are met. Persons who do not hold this title, but have the education referred to in paragraph 1(1), shall additionally submit, in accordance with the provisions issued on the basis of Article 167(3) of the Act of 27 July 2005 - the Higher Education Law 4: 1) a diploma supplement; 2) a certificate of completion of postgraduate studies conducted by basic organisational units of medical universities that offer studies in the field of pharmacy, in the event that it is necessary to supplement the knowledge and skills referred to in paragraph 1(2).	**Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001** on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, OJ EU, Polish special edition, ch. 13, vol. 027, p. 69) **Article 49(2)** Article 49 2. A qualified person shall be in possession of a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course of study, or a course recognized as equivalent by the Member State concerned, extending over a period of at least four years of theoretical and practical study in one of the following scientific disciplines: pharmacy, medicine, veterinary medicine, chemistry, pharmaceutical chemistry and technology, biology. However, the minimum duration of the university course may be three and a half years where the course is followed by a period of theoretical and practical training of a minimum duration of one year and including a training period of at least six months in a pharmacy open to the public, corroborated by an examination at university level. Where two university courses or two courses recognized by the State as equivalent co-exist in a Member State and where one of these extends over four years and the other over three years, the three-year course leading to a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course or its recognized equivalent shall be considered to fulfil the condition of duration referred to in the second subparagraph in so far as the diplomas, certificates or other evidence of formal qualifications awarded on completion of both courses are recognized as equivalent by the State in question. The course shall include theoretical and practical study bearing upon at least the following basic subjects: – Experimental physics, – General and inorganic chemistry, – Organic chemistry, – Analytical chemistry, – Pharmaceutical chemistry, including analysis of medicinal products, – General and applied (medical) biochemistry, – Physiology, – Microbiology, – Pharmacology, – Pharmaceutical technology, – Toxicology, – Pharmacognosy (study of the composition and effects of the natural active substances of plant and animal origin). Studies in these subjects should be so balanced as to enable the person concerned to fulfil the obligations specified in Article 51. In so far as certain diplomas, certificates or other evidence of formal qualifications mentioned in the first subparagraph do not fulfil the criteria laid down in this paragraph, the competent authority of the Member

		State shall ensure that the person concerned provides evidence of adequate knowledge of the subjects involved.
62.	**The Act of 6 September 2001 - the Pharmaceutical Law** (Journal of Laws of 2024, item 686 and of 2025, item 129.) **Article 54(3)(3)** Article 54 [Advertising directed at professionals. Supply of free samples] 3. Advertising of a medicinal product consisting in the supply of free samples thereof may be directed only to persons authorised to issue prescriptions, provided that: 3) each sample supplied is no larger than one of the smallest package of the medicinal product authorised for marketing in the Republic of Poland.	**Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001** on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, OJ EU, Polish special edition, ch. 13, vol. 027, p. 69) **Article 96(1)(d)** Article 96 1. Free samples shall be provided on an exceptional basis only to persons qualified to prescribe them and on the following conditions: d) each sample shall be no larger than the smallest presentation on the market;
63.	**The Act of 6 September 2001 - the Pharmaceutical Law** (Journal of Laws of 2024, item 686 and of 2025, item 129.) **Article 108a(2)** Article 108a [Entity bearing the costs of testing and sampling] 2. Where the results of tests conducted pursuant to Article 108(4)(5) or Article 115(1)(5a) confirm that the medicinal product meets the quality requirements specified for it, the costs of these tests and sampling shall be borne by the marketing authorisation holder.	**Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001** on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, as amended, OJ EU, Polish special edition, ch. 13, vol. 027, p. 69) **Article 111(1)** Article 111 1. The competent authority of the Member State concerned shall, in cooperation with the Agency, ensure that the legal requirements governing medicinal products are complied with, by means of inspections, if necessary unannounced, and, where appropriate, by asking an Official Medicines Control Laboratory or a laboratory designated for that purpose to carry out tests on samples. This cooperation shall consist in sharing information with the Agency on both inspections that are planned and that have been conducted. Member States and the Agency shall cooperate in the coordination of inspections in third countries. The inspections shall include but not be limited to the ones mentioned in paragraphs 1a to 1f.
64.	**The Act of 7 April 2022 on medical devices** (Journal of Laws of 2024, item 1620) **Article 19** Article 19 [Application for the issuance of a unique device identifier] 1. A manufacturer and an importer having their place of residence or registered office in the Republic of Poland who, in accordance with Article 31(1) of Regulation 2017/745 or Article 28(1) of Regulation 2017/746, has submitted the required information for registration to the electronic system referred to in Article 33 of Regulation 2017/745 or Article 30 of Regulation 2017/746, shall submit to the President of the Office an application for the issuance of a unique device identifier as referred to in Article 31(2) of Regulation 2017/745 or Article 28(2) of Regulation 2017/746. 2. A manufacturer not having their place of residence or registered office in a Member State who, in accordance with Article 31(1) of Regulation 2017/745 or Article 28(1) of Regulation 2017/746, has submitted the required information for registration to the electronic system referred to in Article 33 of Regulation 2017/745 or Article 30 of Regulation 2017/746, and whose authorised representative has a place of residence or registered office in the	**Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017** on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L. 117, 5.5.2017, p. 1). **Article 31** Article 31 Registration of manufacturers, authorised representatives and importers 1. Before placing a device, other than a custom-made device, on the market, manufacturers, authorised representatives and importers shall, in order to register, submit to the electronic system referred to in Article 30 the information referred to in Section 1 of Part A of Annex VI, provided that they have not already registered in accordance with this Article. In cases where the conformity assessment procedure requires the involvement of a notified body pursuant to Article 52, the information referred to in Section 1 of Part A of Annex VI shall be provided to that electronic system before applying to the notified body.

	Republic of Poland, shall submit to the President of the Office an application for the issuance of a unique device identifier as referred to in Article 31(2) of Regulation 2017/745 or Article 28(2) of Regulation 2017/746. 3. An authorised representative having their place of residence or registered office in the Republic of Poland who, in accordance with Article 31(1) of Regulation 2017/745 or Article 28(1) of Regulation 2017/746, has submitted the information required for registration to the electronic system referred to in Article 33 of Regulation 2017/745 or Article 30 of Regulation 2017/746, shall submit to the President of the Office an application for the issuance of a unique device identifier as referred to in Article 31(2) of Regulation 2017/745 or Article 28(2) of Regulation 2017/746. 4. The application referred to in paragraphs 1-3 shall be submitted by the person representing the applicant in person at the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products, presenting a document confirming their identity, or in electronic form via the ePUAP (Electronic Platform of Public Administration Services) system from that person's trusted profile, or in electronic form bearing that person's qualified electronic signature to the e-mail address provided in the Public Information Bulletin on the website of the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products, or signed with a personal signature within the meaning of Article 2(1)(9) of the Act of 6 August 2010 on identity cards (Journal of Laws of 2022, item 671 and of 2023, items 1234 and 1941), or signed by that person and certified by a notary. 5. The application referred to in paragraph 1 shall contain the name of the applicant consistent with the data in the National Court Register or the Central Registration and Information on Business and its tax identification number (NIP). 6. The application referred to in paragraph 2 shall include the name and address of the manufacturer and the name of its authorised representative, consistent with the data contained in the National Court Register or the Central Registration and Information on Business , as well as the tax identification number (NIP) of that authorised representative. 7. The following documents shall be attached to the application referred to in paragraph 2: 1) a copy from the relevant register of entrepreneurs, containing information on the manufacturer's entry in the register and the name of the registering authority, drawn up no earlier than 3 months before the date of delivery to the President of the Office and legalised by the competent consul of the Republic of Poland or bearing an apostille in accordance with the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, concluded in The Hague on 5 October 1961 (Journal of Laws of 2005, item 938), hereinafter referred to as the 'Hague Convention'; 2) a declaration regarding the representatives and their means of representation, which should be made before a notary or other public trust entity no earlier than 3 months before the date of delivery to the President of the Office and be legalised by the competent consul of the Republic of Poland or bear an apostille in accordance with the Hague Convention, if, on the basis of the copy referred to in point 1, it is not possible to verify the data of the persons representing the manufacturer and the manner of such representation; 3) the designation referred to in Article 11(1) of Regulation 2017/745 or Article 11(1) of Regulation 2017/746. 8. A translation into Polish, prepared and certified or checked and certified by a person practising the profession of sworn translator under the conditions specified in the Act of 25 November 2004 on the profession of sworn translator (Journal of Laws of 2019, item 1326) or by a sworn translator established in the territory of a Member State, shall be attached to the documents referred to in paragraph 7 – if the document was drawn up in a language other than Polish.	2. After having verified the data entered pursuant to paragraph 1, the competent authority shall obtain a unique registration number from the electronic system referred to in Article 30 and issue it to the manufacturer, the authorised representative, or the importer. 3. The manufacturer shall use the unique registration number when applying to a notified body for conformity assessment and for accessing Eudamed in order to fulfil its obligations under Article 29. 4. Within one week of any change occurring in relation to the information referred to in paragraph 1 of this Article, the economic operator shall update the data in the electronic system referred to in Article 30. 5. Not later than one year after submission of the information in accordance with paragraph 1, and every second year thereafter, the economic operator shall confirm the accuracy of the data. In the event of a failure to do so within six months of those deadlines, any Member State may take appropriate corrective measures within its territory until that economic operator complies with that obligation. 6. Without prejudice to the economic operator's responsibility for the data, the competent authority shall verify the confirmed data referred to in Section 1 of Part A of Annex VI. 7. The data entered pursuant to paragraph 1 of this Article in the electronic system referred to in Article 30 shall be accessible to the public. 8. The competent authority may use the data to charge the manufacturer, the authorised representative or the importer a fee pursuant to Article 111.

	9. The application referred to in paragraph 3 shall contain the name of the authorised representative consistent with the data in the National Court Register or the Central Registration and Information on Business and the tax identification number (NIP) of that authorised representative, as well as the name, address, and unique registration number of the manufacturer for whom the applicant is the authorised representative. 10. The documents referred to in paragraph 7(3) shall be attached to the application referred to in paragraph 3. 11. The applicant may attach to the application referred to in paragraph 3, instead of the original document, a copy of that document, if its conformity with the original has been certified by a notary or by the applicant's representative who is an advocate, legal advisor, patent attorney, or tax advisor. 12. If a copy of a document has been made in the form of an electronic document, the certification of its conformity with the original, as referred to in paragraph 11, shall be made using a qualified electronic signature or a trusted signature, or a personal signature within the meaning of Article 2(1)(9) of the Act of 6 August 2010 on identity cards. An electronically certified copy of a document shall be prepared in the data format specified in the provisions issued on the basis of Article 18(1) of the Act of 17 February 2005 on the computerisation of the activities of entities performing public tasks (Journal of Laws of 2024, items 307 and 1222).	
65.	**The Act of 7 April 2022 on medical devices** (Journal of Laws of 2024, item 1620) **Article 29** Article 29 [Derogation from the conformity assessment procedures] 1. The President of the Office may, by way of an administrative decision, at the request of an entity performing medicinal activities, a healthcare consultant referred to in Article 2 of the Act of 6 November 2008 on healthcare consultants (Journal of Laws of 2024, item 69), the President of the Agency for Health Technology Assessment and Tariff System, the President of the National Health Fund, or the President of the Government Strategic Reserves Agency, issue the authorisation referred to in Article 59(1) of Regulation 2017/745 or Article 54(1) of Regulation 2017/746, to market or put into use in the Republic of Poland a specific device for which the conformity assessment procedures have not been carried out, but the use of which is in the interest of public health or patient safety or health. 2. The request referred to in paragraph 1 shall indicate whether the device will be used for a single patient or a larger number of patients.	**Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017** on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1) **Article 59** Article 59 Derogation from the conformity assessment procedures 1. By way of derogation from Article 52 of this Regulation or, for the period from 24 April 2020 to 25 May 2021, by way of derogation from Article 9(1) and (2) of Directive 90/385/EEC or from Article 11(1) to (6) of Directive 93/42/EEC, any competent authority may authorise, on a duly justified request, the placing on the market or putting into service within the territory of the Member State concerned, of a specific device for which the applicable procedures referred to in those Articles have not been carried out but use of which is in the interest of public health or patient safety or health. 2. The Member State shall inform the Commission and the other Member States of any decision to authorise the placing on the market or putting into service of a device in accordance with paragraph 1 where such authorisation is granted for use other than for a single patient. The Member State may inform the Commission and the other Member States of any authorisation granted in accordance with Article 9(9) of Directive 90/385/EEC or Article 11(13) of Directive 93/42/EEC before 24 April 2020. 3. Following a notification pursuant to paragraph 2 of this Article, the Commission, in exceptional cases relating to public health or patient safety or health, may, by means of implementing acts, extend for a limited period of time the validity of an authorisation granted by a Member State in accordance with paragraph 1 of this Article or, when granted before 24 April 2020, in accordance with Article 9(9) of Directive 90/385/EEC or Article 11(13) of Directive 93/42/EEC to the territory of the Union and set the conditions under which the device may be placed on the market or put into service. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 114(3).

		On duly justified imperative grounds of urgency relating to the health and safety of humans, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 114(4).
66.	**The Act of 7 April 2022 on medical devices** (Journal of Laws of 2024, item 1620) **Chapter 12** **Article 56(2)** Article 56 [Entities advertising a device] 2. The advertising of a device may also be conducted by other entities after its approval, in writing, by the relevant economic entity. Responsibility for the compliance of the advertising with the law shall be borne by that economic entity.	**Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017** on Medical Devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1)
67.	**The Act of 7 April 2022 on medical devices** (Journal of Laws of 2024, item 1620) **Article 21** Article 21 [List of distributors of devices] 1. The President of the Office shall maintain a list of distributors of devices, systems, and treatment kits, as referred to in Article 30(2) of Regulation 2017/745 and Article 27(2) of Regulation 2017/746, having their registered office in the Republic of Poland, hereinafter referred to as the list of distributors. 2. A distributor who makes a device, system, or treatment kid available for the first time in the Republic of Poland shall submit a request to the President of the Office for the issuance of an access code and password to the list of distributors. 3. The request referred to in paragraph 2 must contain the applicant's name consistent with the data in the relevant register, the address of his place of business, his tax identification number (NIP) or personal identity number (PESEL), and his telephone number, e-mail address and website address, if any. 4. After obtaining the access code and password to the list of distributors, the distributor shall enter in that list the information referred to in paragraph 3 as well as: 1) the Basic UDI-DI code of the device, system, or treatment kit, according to the Eudamed database; 2) the name and address of the manufacturer, the type and trade name of the device, system, or treatment kit, as indicated on the label. 5. The distributor shall enter the information referred to in paragraph 4 into the list of distributors for each device, system, or treatment kit imported for the first time, within 7 days from the date of importing the first device into the territory of the Republic of Poland. 6. The obligations referred to in paragraphs 2, 4, and 5 shall not apply to the entity and person who have imported into the territory of the Republic of Poland a medicinal product with an accompanying device which was assessed together with the medicinal product and was included in the marketing authorisation for the medicinal product.	**Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017** on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L. 117, 5.5.2017, p. 1). **Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017** on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (IVDR) (OJ L 117, 5.5.2017, p. 176, as amended) **Article 30(2) MDR, Article 27(2) IVDR** Article 30 European database on medical devices 2. Eudamed shall include the following electronic systems: a) the electronic system for registration of devices referred to in Article 26; b) the UDI database referred to in Article 25; c) the electronic system on registration of economic operators referred to in Article 27; d) the electronic system on notified bodies and on certificates referred to in Article 52; e) the electronic system on performance studies referred to in Article 69; f) the electronic system on vigilance and post-market surveillance referred to in Article 87; g) the electronic system on market surveillance referred to in Article 95. Article 27 Electronic system for registration of economic operators 2. Member States may maintain or introduce national provisions on registration of distributors of devices which have been made available on their territory. Where applicable, importers shall inform the relevant authorised representative or manufacturer if the information referred to in paragraph 1 is not included or is incorrect. Importers shall add their details to the relevant entry/entries.

68.	**The Act of 7 April 2022 on medical devices** (Journal of Laws of 2024, item 1620) **Article 23** Article 23 [Registration of the activity of manufacturers of custom-made devices] 1. The manufacturer of a custom-made device, the authorised representative of a manufacturer of a custom-made device not having their place of residence or registered office in a Member State, and the importer of a custom-made device are obliged to submit an application for registration of their activity to the President of the Office before placing that device on the market. This obligation applies to entities that have their place of residence or registered office in the Republic of Poland. 2. The application referred to in paragraph 1 shall be submitted by the person representing the applicant in person at the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products, presenting a document confirming their identity, or in electronic form via the ePUAP (Electronic Platform of Public Administration Services) system from that person's trusted profile, or in electronic form bearing that person's qualified electronic signature to the e-mail address provided in the Public Information Bulletin on the website of the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products, or signed with a personal signature within the meaning of Article 2(1)(9) of the Act of 6 August 2010 on identity cards , or signed by that person and certified by a notary. 3. The request referred to in paragraph 1 must contain the applicant's name consistent with the data in the relevant register, the address of his place of business, his tax identification number (NIP) or personal identity number (PESEL), and his telephone number, e-mail address and website address, if any. 4. The documents referred to in Article 19(7) shall be attached to the application referred to in paragraph 1. Article 19(8) shall apply. 5. An entity that conducts a performance study in the Republic of Poland other than the performance study referred to in Article 39 shall notify the President of the Office thereof within 7 days from the date of commencement of the performance study. 6. The notification referred to in paragraph 5 shall contain the name and address of the entity and the data and documents concerning the device specified in Article 22(4)(3-12).	**Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017** on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L. 117, 5.5.2017, p. 1). **Article 21(2)** Article 21 Devices for special purposes 2. Custom-made devices shall be accompanied by the statement referred to in Section 1 of Annex XIII, which shall be made available to the particular patient or user identified by name, an acronym or a numerical code. Member States may require that the manufacturer of a custom-made device submit to the competent authority a list of such devices which have been made available in their territory.
69.	**The Act of 7 April 2022 on medical devices** (Journal of Laws of 2024, item 1620) **Article 22** Article 22 [IT system for collecting information on devices, systems, and treatment kits] 1. The President of the Office shall collect information in an IT system on devices, systems, and treatment kids imported into the territory of the Republic of Poland by entities and persons performing medical activities and other entities that use devices for business or professional activities. 2. An entity performing medical activities and other entities and persons who use devices for business or professional activities, who have imported a device, system, or treatment kit into the territory of the Republic of Poland for use in that territory, shall submit a request to the President of the Office for the issuance of an access code and password to the IT system referred to in paragraph 1. 3. The request referred to in paragraph 2 must contain the applicant's name consistent with the data in the relevant register, the address of his place of business, his tax identification number (NIP) or personal identity number (PESEL), and his telephone number, e-mail address and website address, if any.	**Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017** on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L. 117, 5.5.2017, p. 1).

	4. After obtaining the access code and password to the IT system referred to in paragraph 1, the entity and person referred to in paragraph 2 shall enter into that system the information referred to in paragraph 3 and, for each device, system, or treatment kit, shall enter or attach: 1) the Basic UDI-DI code of the device, system, or treatment kit, according to the Eudamed database, 2) the name and address of the manufacturer, the type and trade name of the device, system, or treatment kit, as indicated on the label. - in the case of products, systems, and treatment kits imported into the territory of the Republic of Poland from a Member State; 3) the Basic UDI-DI code of the device, system, or treatment kit, according to the Eudamed database, 4) the type and trade name according to the label, 5) the device nomenclature code and the generic name corresponding to that code, if applicable, 6) the model number, reference number, or catalogue number of the device, if applicable, 7) the name and address of the manufacturer, 8) the name and address of the authorised representative, if applicable, 9) the name and address of the importer, if applicable, 10) the identification number of the notified body, if applicable, 11) the label template, 12) instructions for use, if applicable - in other cases.	
70.	**The Act of 7 April 2022 on medical devices** (Journal of Laws of 2024, item 1620) **Article 33(5)** Article 33 5. The provisions of Articles 71-78 and Article 80 of Regulation 2017/745 shall apply *mutatis mutandis* to the clinical investigations referred to in Article 82(1) of Regulation 2017/745.	**Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017** on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (MDR) (OJ L 117, 5.5.2017, p. 1) **Article 82(2)** Article 82 Requirements regarding other clinical investigations 2. In order to protect the rights, safety, dignity and well-being of subjects and the scientific and ethical integrity of clinical investigations not performed for any of the purposes listed in Article 62(1), each Member State shall define any additional requirements for such investigations, as appropriate for each Member State concerned.
71.	**Act of 29 September 1994 on accounting** (Journal of Laws of 2023, items 120, 295 and 1598, and of 2024, items 619, 1685, 1863) **Article 63u(1)(2)(c), Article 63v(2)(c), 63z(1)(2)(c), Article 63za(2)(c)** Article 63u [Sustainability reporting in the case of a subsidiary of a parent undertaking from the EEA] 1. A subsidiary of a parent undertaking with its registered office or place of management in the territory of the European Economic Area, including a lower-level parent undertaking, shall be exempt from the obligation to prepare sustainability reporting if all the following conditions are met: 2) that subsidiary entity discloses in its management report: c) the address of the website on which the management report of the parent undertaking's capital group, together with the assurance report on the capital group's sustainability reporting referred to in Article 63x(1), will	**Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013** on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19, as amended) **Article 19a(9)(a)(i), Article 29a(8)(a)(ii)** Article 19a Sustainability reporting 9. Provided that the conditions set out in the second subparagraph of this paragraph are met, an undertaking which is a subsidiary undertaking shall be exempted from the obligations set out in paragraphs 1 to 4 of this Article (“the exempted subsidiary undertaking”) if such undertaking and its subsidiary undertakings are

	be made available within 12 months of the subsidiary's balance sheet date, with these documents being made available on the website for a period of at least 5 years. Article 63v [Sustainability reporting in the case of a subsidiary of a parent undertaking from outside the EEA] A subsidiary of a parent undertaking with its registered office or place of management outside the territory of the European Economic Area, including a lower-level parent undertaking, shall be exempt from the obligation to prepare sustainability reporting if all the following conditions are met: 2) that subsidiary entity discloses in its management report: c) the address of the website on which the group sustainability reporting, as referred to in Article 63x(1), together with the assurance report on that sustainability reporting and translations of these documents into Polish, will be made available within 12 months of the subsidiary's balance sheet date, with these documents being made available on the website for a period of at least 5 years. Article 63z [Exemption from the obligation to prepare group sustainability reporting in the case of a parent undertaking that is a subsidiary of an undertaking from the EEA] 1. A parent undertaking that is a subsidiary of a higher-level parent undertaking with its registered office or place of management in the territory of the European Economic Area shall be exempt from the obligation to prepare group sustainability reporting if all the following conditions are met: 2) that parent entity discloses in its management report: c) the address of the website on which the management report of the higher-level parent undertaking's capital group, together with the assurance report on the sustainability reporting of the higher-level parent undertaking's capital group, will be made available within 12 months of the parent undertaking's balance sheet date, with these documents being made available on the website for a period of at least 5 years. Article 63za [Exemption from the obligation to prepare group sustainability reporting in the case of a parent undertaking that is a subsidiary of an undertaking from outside the EEA] A parent undertaking that is a subsidiary of a higher-level parent undertaking with its registered office or place of management outside the territory of the European Economic Area shall be exempt from the obligation to prepare group sustainability reporting if all the following conditions are met: 2) that parent entity discloses in its management report: c) the address of the website on which the capital group sustainability reporting of the higher-level parent undertaking, together with the assurance report on that sustainability reporting and translations of these documents into Polish, will be made available within 12 months of the parent undertaking's balance sheet date, with these documents being made available on the website for a period of at least 5 years.	included in the consolidated management report of a parent undertaking, drawn up in accordance with Articles 29 and 29a. An undertaking which is a subsidiary undertaking of a parent undertaking that is established in a third country shall also be exempted from the obligations set out in paragraphs 1 to 4 of this Article where such undertaking and its subsidiary undertakings are included in the consolidated sustainability reporting of that parent undertaking that is established in a third country and where that consolidated sustainability reporting is carried out in accordance with the sustainability reporting standards adopted pursuant to Article 29b or in a manner equivalent to those sustainability reporting standards, as determined in accordance with an implementing act on the equivalence of sustainability reporting standards adopted pursuant to the third subparagraph of Article 23(4) of Directive 2004/109/EC of the European Parliament and of the Council.* The exemption in the first subparagraph shall be subject to the following conditions: a) the management report of the exempted subsidiary undertaking contains all of the following information: (i) the name and registered office of the parent undertaking that reports information at group level in accordance with this Article or in a manner equivalent to the sustainability reporting standards adopted pursuant to Article 29b of this Directive, as determined in accordance with an implementing act on the equivalence of sustainability reporting standards adopted pursuant to the third subparagraph of Article 23(4) of Directive 2004/109/EC; Article 29a Consolidated sustainability reporting 8. Provided that the conditions set out in the second subparagraph of this paragraph are met, a parent undertaking which is a subsidiary undertaking shall be exempted from the obligations set out in paragraphs 1 to 5 of this Article (the “exempted parent undertaking”) if such parent undertaking and its subsidiary undertakings are included in the consolidated management report of another undertaking, drawn up in accordance with Article 29 and this Article. A parent undertaking which is a subsidiary undertaking of a parent undertaking that is established in a third country shall also be exempted from the obligations set out in paragraphs 1 to 5 of this Article where such parent undertaking and its subsidiary undertakings are included in the consolidated sustainability reporting of that parent undertaking that is established in a third country and where that consolidated sustainability reporting is carried out in accordance with the sustainability reporting standards adopted pursuant to Article 29b or in a manner equivalent to those sustainability reporting standards, as determined in accordance with an implementing act on the equivalence of sustainability reporting standards adopted pursuant to the third subparagraph of Article 23(4) of Directive 2004/109/EC. The exemption in the first subparagraph shall be subject to the following conditions: a) the management report of the exempted parent undertaking contains all of the following information: (Ii) the weblinks to the consolidated management report of the parent undertaking or, where applicable, to the consolidated sustainability reporting of the parent undertaking, as referred to in the first subparagraph of this paragraph, and to the assurance opinion referred to in point (aa) of the second subparagraph of Article 34(1) of this Directive or to the assurance opinion referred to in point (b) of this subparagraph;
72.	**Act of 29 September 1994 on accounting** (Journal of Laws of 2023, items 120, 295 and 1598, and of 2024, items 619, 1685, 1863) **Article 63r(5)(2), Article 63s(5)(2), Article 63x(5)(2)**	**Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013** on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings,

	Article 63r [Subjective and objective scope and method of preparing sustainability reporting] 5. In the cases specified in the sustainability reporting standards, sustainability reporting shall include: 2) references to other information included in the management report and additional explanations concerning that information, as well as references to the amounts shown in the annual financial statements and additional explanations concerning those amounts. Article 63s [Simplified sustainability reporting] 5. In the cases specified in the sustainability reporting standards for small and medium-sized undertakings, simplified sustainability reporting shall include: 2) references to other information included in the management report and additional explanations concerning that information, as well as references to the amounts shown in the annual financial statements and additional explanations concerning those amounts. Article 63x [Group sustainability reporting] 5. In the cases specified in the sustainability reporting standards, group sustainability reporting shall include: 2) references to other information included in the capital group's management report and additional explanations concerning that information, as well as references to the amounts shown in the consolidated financial statements and additional explanations concerning those amounts.	amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19, as amended) **Article 19a(3), Article 29a(3)** Article 19a Sustainability reporting 3. Where applicable, the information referred to in paragraphs 1 and 2 shall contain information about the undertaking's own operations and about its value chain, including its products and services, its business relationships and its supply chain. For the first three years of the application of the measures to be adopted by the Member States in accordance with Article 5(2) of Directive (EU) 2022/2464 of the European Parliament and of the Council, and in the event that not all the necessary information regarding its value chain is available, the undertaking shall explain the efforts made to obtain the necessary information about its value chain, the reasons why not all of the necessary information could be obtained, and its plans to obtain the necessary information in the future. Where applicable, the information referred to in paragraphs 1 and 2 shall also contain references to, and additional explanations of, the other information included in the management report in accordance with Article 19, and the amounts reported in the annual financial statements. Member States may allow information relating to impending developments or matters in the course of negotiation to be omitted in exceptional cases where, in the duly justified opinion of the members of the administrative, management and supervisory bodies, acting within the competences assigned to them by national law and having collective responsibility for that opinion, the disclosure of such information would be seriously prejudicial to the commercial position of the undertaking, provided that such omission does not prevent a fair and balanced understanding of the undertaking's development, performance and position, and the impact of its activity. Article 29a Consolidated sustainability reporting 3. Where applicable, the information referred to in paragraphs 1 and 2 shall contain information about the group's own operations and about its value chain, including its products and services, its business relationships and its supply chain. For the first three years of the application of the measures to be adopted by the Member States in accordance with Article 5(2) of Directive (EU) 2022/2464, and in the event that not all the necessary information regarding its value chain is available, the parent undertaking shall explain the efforts made to obtain the necessary information about its value chain, the reasons why not all of the necessary information could be obtained, and its plans to obtain the necessary information in the future. Where applicable, the information referred to in paragraphs 1 and 2 shall also include references to, and additional explanations of, the other information included in the consolidated management report in accordance with Article 29 of this Directive and the amounts reported in the consolidated financial statements. Member States may allow information relating to impending developments or matters in the course of negotiation to be omitted in exceptional cases where, in the duly justified opinion of the members of the administrative, management and supervisory bodies, acting within the competences assigned to them by

		national law and having collective responsibility for that opinion, the disclosure of such information would be seriously prejudicial to the commercial position of the group, provided that such omission does not prevent a fair and balanced understanding of the group's development, performance, and position, and the impact of its activity.
73.	**The Act of 13 June 2013 on management of packaging and packaging waste** (Journal of Laws of 2024, items 927 and 1911) **Chapter 6b and other provisions introduced by the 2023 amendment.**	**-**
74.	**The Act of 13 June 2013 on management of packaging and packaging waste** (Journal of Laws of 2024, items 927 and 1911) **Article 21a(1), second sentence, in conjunction with Annex 1a** Article 21a. [Minimum level of separate collection of packaging and packaging waste by entities placing products in beverage packaging on the market] 1. An entity marketing products in beverage packaging is obliged to achieve at least the levels or separate collection of packaging and packaging waste specified in Annex 1a to the Act. **The achieved separate collection levels shall include only packaging and packaging waste collected separately as part of the deposit return system.** ANNEX 1a MINIMUM LEVELS OF SEPARATE COLLECTION OF PACKAGING AND PACKAGING WASTE Item 3 reusable glass bottles with a capacity of up to one and a half litres	**Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019** on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1) **Article 9(1) in conjunction with Annex F** Article 9 Separate collection 1. Member States shall take the necessary measures to ensure separate collection for recycling: (a) by 2025, of an amount of waste single-use plastic products listed in Part F of the Annex equal to 77 % of such single-use plastic products placed on the market in a given year by weight; (b) by 2029, of an amount of waste single-use plastic products listed in Part F of the Annex equal to 90 % of such single-use plastic products placed on the market in a given year by weight. Single-use plastic products listed in Part F of the Annex placed on the market in a Member State may be deemed to be equal to the amount of waste generated from such products, including as litter, in the same year in that Member State. In order to achieve that objective, Member States may, inter alia: (a) establish deposit-refund schemes; (b) establish separate collection targets for relevant extended producer responsibility schemes. The first subparagraph shall apply without prejudice to Article 10(3)(a) of Directive 2008/98/EC.
75.	**The Act of 13 June 2013 on management of packaging and packaging waste** (Journal of Laws of 2024, items 927 and 1911) **Article 21a(1), second sentence, in conjunction with Annex 1a** Article 21a. [Minimum level of separate collection of packaging and packaging waste by entities placing products in beverage packaging on the market] 1. An entity marketing products in beverage packaging is obliged to achieve at least the levels or separate collection of packaging and packaging waste specified in Annex 1a to the Act. **The achieved separate collection levels shall include only packaging and packaging waste collected separately as part of the deposit return system.** ANNEX 1a MINIMUM LEVELS OF SEPARATE COLLECTION OF PACKAGING AND PACKAGING WASTE Item 2 metal cans with a capacity of up to one litre	**Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019** on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1) **Article 9(1) in conjunction with Annex F** Article 9 Separate collection 1. Member States shall take the necessary measures to ensure separate collection for recycling: (a) by 2025, of an amount of waste single-use plastic products listed in Part F of the Annex equal to 77 % of such single-use plastic products placed on the market in a given year by weight; (b) by 2029, of an amount of waste single-use plastic products listed in Part F of the Annex equal to 90 % of such single-use plastic products placed on the market in a given year by weight. Single-use plastic products listed in Part F of the Annex placed on the market in a Member State may be deemed to be equal to the amount of waste generated from such products, including as litter, in the same year in that Member State. In order to achieve that objective, Member States may, inter alia:

		(a) establish deposit-refund schemes; (b) establish separate collection targets for relevant extended producer responsibility schemes. The first subparagraph shall apply without prejudice to Article 10(3)(a) of Directive 2008/98/EC.
76.	**Act of 11 May 2001 on the obligations of entrepreneurs in the management of certain waste and on the product fee** (Journal of Laws of 2024, item 433) **Article 3e(2)** **Article 3m(2)** Article 3e [Determination of arrears in the fee for single-use plastic products; additional fee] 2. In the event of non-compliance with the decision referred to in paragraph 1, the marshal of the given voivodeship shall, by means of a decision, determine an additional fee in the amount corresponding to 50% of the amount of the unpaid fee. Article 3m [Determination of arrears in the fee to cover the costs of managing waste generated from single-use plastic products; additional fee] 2. In the event of non-compliance with the decision referred to in paragraph 1, the marshal of the given voivodeship shall, by means of a decision, determine an additional fee in the amount corresponding to 50% of the amount of the unpaid fee referred to in Article 3k(1) or (2).	**Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019** on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1) **Article 4(1), Article 8(4), and Article 14** Article 4 Consumption reduction 1. Member States shall take the necessary measures to achieve an ambitious and sustained reduction in the consumption of the single-use plastic products listed in Part A of the Annex, in line with the overall objectives of the Union's waste policy, in particular waste prevention, leading to a substantial reversal of increasing consumption trends. Those measures shall achieve a measurable quantitative reduction in the consumption of the single-use plastic products listed in Part A of the Annex on the territory of the Member State by 2026 compared to 2022. By 3 July 2021, Member States shall prepare a description of the measures which they have adopted pursuant to the first subparagraph, notify the description to the Commission and make it publicly available. Member States shall integrate the measures set out in the description into the plans or programmes referred to in Article 11 upon the first subsequent update of those plans or programmes in accordance with the relevant legislative acts of the Union governing those plans or programmes, or into any other programmes drawn up specifically for that purpose. The measures may include national consumption reduction targets, measures ensuring that re-usable alternatives to the single-use plastic products listed in Part A of the Annex are made available at the point of sale to the final consumer, economic instruments such as instruments ensuring that those single-use plastic products are not provided free of charge at the point of sale to the final consumer and agreements as referred to in Article 17(3). Member States may impose marketing restrictions in derogation from Article 18 of Directive 94/62/EC for the purposes of preventing such products from becoming litter in order to ensure that they are substituted with alternatives that are re-usable or do not contain plastic. The measures may vary depending on the environmental impact of those single-use plastic products over their life cycle, including when they become litter. Measures adopted pursuant to this paragraph shall be proportionate and non-discriminatory. Member States shall notify the Commission of those measures in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council (23) where so required by that Directive. In order to comply with the first subparagraph of this paragraph, each Member State shall monitor the single-use plastic products listed in Part A of the Annex placed on the market and the reduction measures taken and shall report on progress made to the Commission in accordance with paragraph 2 of this Article and Article 13(1) with a view to the establishment of binding quantitative Union targets for consumption reduction. Article 8 Extended producer responsibility

		4. The costs to be covered referred to in paragraphs 2 and 3 shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between the actors concerned. The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way. To minimise administrative costs, Member States may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts. The Commission shall publish guidelines for criteria, in consultation with Member States, on the costs of cleaning up litter referred to in paragraphs 2 and 3. Article 14 Penalties Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 3 July 2021, notify the Commission of those rules and those measures and shall notify it of any subsequent amendment affecting them.
77.	**Act of 11 September 2015 on waste electrical and electronic equipment** (Journal of Laws of 2024, item 573) **Article 37(2)** Article 37 [Obligation to collect waste equipment from households free of charge] 2. A distributor, when supplying equipment intended for households to a buyer, is obliged to collect waste equipment from households free of charge at the place of delivery of that equipment, provided that the waste equipment is of an equivalent type and has fulfilled the same functions as the supplied equipment.	**Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012** on waste electrical and electronic equipment (WEEE) (recast) (OJ L 197, 24.7.2012, p. 38, as amended) **Article 5(2)** Article 5 Separate collection 2. For WEEE from private households, Member States shall ensure that: A) systems are set up allowing final holders and distributors to return such waste at least free of charge. Member States shall ensure the availability and accessibility of the necessary collection facilities, taking into account, in particular, the population density; b) when supplying a new product, distributors are responsible for ensuring that such waste can be returned to the distributor at least free of charge on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment. Member States may derogate from this provision provided that they ensure that returning the WEEE is not thereby made more difficult for the final holder and that it remains free of charge for the final holder. Member States making use of this derogation shall inform the Commission thereof; c) distributors provide for the collection, at retail shops with sales areas relating to EEE of at least 400 m2, or in their immediate proximity, of very small WEEE (no external dimension more than 25 cm) free of charge to end-users and with no obligation to buy EEE of an equivalent type, unless an assessment shows that alternative existing collection schemes are likely to be at least as effective. Such assessments shall be available to the public. WEEE collected shall be properly treated in accordance with Article 8; d) without prejudice to points (a), (b) and (c), producers are allowed to set up and to operate individual and/or collective take-back systems for WEEE from private households provided that these are in line with the objectives of this Directive;

		e) having regard to national and Union health and safety standards, WEEE that presents a health and safety risk to personnel because of contamination may be refused for return under points (a), (b) and (c). Member States shall make specific arrangements for such WEEE. Member States may provide for specific arrangements for the return of WEEE pursuant to points (a), (b) and (c) for cases in which the equipment does not contain its essential components or if the equipment contains waste other than WEEE.
78.	**Act of 17 July 2009 on the system for managing emissions of greenhouse gases and other substances** (Journal of Laws of 2022, item 673 and of 2024, items 834 and 1940) **Article 7** Article 7 [Reports prepared by entities using the environment and entered into the National Database] 1. An entity using the environment whose activity causes emissions shall prepare and enter into the National Database, by the end of February of each year, a report containing the information specified in Article 6(2)(1-10), concerning the preceding calendar year. 1a. A natural person who is not an entrepreneur shall prepare and enter into the National Database the report referred to in paragraph 1 with respect to the operation of: 1) an installation requiring a permit – if the use of the environment causing emissions requires a permit for the introduction of gases or dust into the air or an integrated permit, as referred to in Article 181(1)(1) and (2) of the Act of 27 April 2001 - the Environmental Protection Law; 2) a fuel combustion source referred to in Article 152(2b) of the Act of 27 April 2001 – the Environmental Protection Law. 1b. An entity using the environment that conducts emergency response operations shall not enter into the report referred to in paragraph 1 information concerning the emergency response operations it has undertaken. 2. Where the obligation to prepare and enter the report is related to the operation of an installation, the entity obliged to prepare and enter the report is the operator of the installation. 2a. If, during a calendar year, the rights and obligations of an entity using the environment are assumed by another entity, the obligation to prepare and enter the report for that year shall rest with that entity, subject to paragraph 2b. 2b. If the new entity using the environment is not the legal successor of the previous entity, each of them shall prepare and enter a report for the period in which it conducted the activity subject to the reporting obligation. 2c. The obligation to prepare and enter the report for a given year, as referred to in paragraph 1, shall expire 5 years after the end of the calendar year in which this obligation arose. 2d. During the period referred to in paragraph 2c, the entity using the environment shall have direct access to the information contained in the report. Access to the information is provided by means of a direct connection to the National Database system. 2e. After the expiry of the period referred to in paragraph 2c, the information and data entered into the report referred to in paragraph 1 by the entity using the environment shall be made available to that entity upon its written request addressed to the National Centre. The request shall specify the report to which the request relates as well as the scope of the information and data to be made available.	**Regulation (EU) 2018/1999 of 11 December 2018** on the Governance of the Energy Union and Climate Action (OJ L 328, 21.12.2018, p. 1, as amended) **Directive 2003/87/EC of 13 October 2003** establishing a scheme for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, as amended)

	3. The emission levels contained in the report referred to in paragraph 1 shall be determined on the basis of measurements conducted or on the basis of information on the volume of production, consumption of fuels or raw materials, and the emission factors corresponding to these volumes. 4. The minister competent for climate may specify, by means of a regulation, the types of greenhouse gases and other substances subject to emission balancing for particular types of installations as well as the methods for determining emission levels, guided by the need to ensure the high quality of emission data, including ensuring their reliability and consistency, and accounting for developments in available methods and technologies for emissions reduction. [...] 7. The minister competent for climate shall specify, by means of a regulation, the detailed scope of the information contained in the report as well as the manner of its entry into the National Database, guided by the need to ensure the efficient functioning of the National Database and the uniformity of the data contained in that database. [...]	
79.	**Act of 14 December 2012 on waste** (Journal of Laws of 2023, items 1587, 1597, 1688, 1852 and 2029 and of 2024, items 1834, 1911, and 1914) **Article 20(1) and (2)** Article 20 [Proximity principle] 1. Waste, taking into account the hierarchy of waste management methods, is, in the first instance, to be processed at the place of its generation. 2. Waste that cannot be treated at the place of its generation shall be transferred, taking into account the waste management hierarchy well as the best available technique referred to in Article 207 of the Act of 27 April 2001 – the Environmental Protection Law, or the technology referred to in Article 143 of that Act, to the nearest places where it can be treated.	**Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008** on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, as amended). **Article 16(1) and (3)** Article 16 Principles of self-sufficiency and proximity 1. Member States shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques. By way of derogation from Regulation (EC) No 1013/2006, Member States may, in order to protect their network, limit incoming shipments of waste destined to incinerators that are classified as recovery, where it has been established that such shipments would result in national waste having to be disposed of or waste having to be treated in a way that is not consistent with their waste management plans. Member States shall notify the Commission of any such decision. Member States may also limit outgoing shipments of waste on environmental grounds as set out in Regulation (EC) No 1013/2006. 3. The network shall enable waste to be disposed of or waste referred to in paragraph 1 to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.
80.	**Regulation of the Minister of the Environment of 27 August 2014 on the types of installations which may cause significant pollution of individual environmental components or of the environment as a whole** (Journal of Laws, item 1169) **point 6.13 of the Annex to the Regulation** 6. Installations in other types of activity:	**Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010** on industrial emissions (integrated pollution prevention and control) (OJ OJ 334, 17.12.2010, p. 17, as amended) **point 6.11 of Annex I to the Directive** ANNEX I Categories of activities referred to in Article 10 6. Other activities

	13) for the treatment of wastewater, with the exception of municipal wastewater treatment plants, from installations requiring an integrated permit.	6.11. Independently operated treatment of waste water not covered by Directive 91/271/EEC and discharged by an installation covered by Chapter II
81.	**Act of 13 September 1996 on maintaining cleanliness and order in municipalities** (Journal of Laws of 2024, items 399 and 1717) **Article 3b** Article 3b [Mandatory levels for preparing for re-use and recycling of municipal waste] 1. Municipalities are obliged to achieve a level of preparation for re-use and recycling of municipal waste of at least: 1) 20% by weight - for 2021; 2) 25% by weight - for 2022; 3) 35% by weight - for 2023; 4) 45% by weight - for 2024; 5) 55% by weight - for 2025; 6) 56% by weight - for 2026; 7) 57% by weight - for 2027; 8) 58% by weight - for 2028; 9) 59% by weight - for 2029; 10) 60% by weight - for 2030; 11) 61% by weight - for 2031; 12) 62% by weight - for 2032; 13) 63% by weight - for 2033; 14) 64% by weight - for 2034; 15) 65% by weight – for 2035 and for each subsequent year. 1a. The level of preparation for re-use and recycling of municipal waste is calculated as the ratio of the weight of municipal waste prepared for re-use and recycled to the weight of municipal waste generated. 1b. When calculating the level of preparation for re-use and recycling of municipal waste, no account shall be taken of non-hazardous construction and demolition waste that constitutes municipal waste. 2. (repealed). 2a. Municipalities are obliged not to exceed a landfilling level of: 1) 30% by weight - for each year in the period 2025-2029; 2) 20% by weight - for each year in the period 2030-2034; 3) 10% by weight - in 2035 and for each subsequent year in the following years. 2b. The landfilling level is calculated as the ratio of the weight of municipal waste and waste from the treatment of municipal waste sent to landfill to the weight of municipal waste generated. For the purpose of calculating the landfilling level, waste sent to landfill shall also include waste subject to recovery at a landfill. 3. The minister competent for climate shall define, by way of a regulation, the method for calculating the levels of preparation for re-use and recycling and the conditions for including the weight of municipal waste in the weight of municipal waste prepared for re-use and recycled, guided by the need for each municipality to be able to verify the achievement of these levels and by the European Union provisions specifying the method for	**Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008** on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, as amended) **Article 11(2)(c)-(e)** Article 11 Re-use and recycling 2. In order to comply with the objectives of this Directive, and move towards a European recycling society with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets: c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 55% by weight; d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60% by weight; e) by 2035, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 65% by weight;

	calculating the levels of preparation for re-use and recycling as well as the conditions for including the weight of municipal waste in the weight of municipal waste prepared for re-use and recycled. 4. The minister competent for climate shall define, by way of a regulation, the method for calculating the landfilling level and the conditions for including the weight of landfilled municipal waste and waste from the treatment of municipal waste in the weight of municipal waste sent to landfill, guided by the need for each municipality to be able to verify the achievement of these levels and by the European Union provisions specifying the method for calculating the landfilling level as well as the conditions for including the weight of landfilled municipal waste and waste from the treatment of municipal waste.	
82.	**The Act of 12 July 2024 - the Electronic Communications Law** (Journal of Laws, item 1221) Article 306 Article 307(1) Article 308 Article 306 [Amendment of the terms and conditions of an electronic communications service contract by the electronic communications service provider] 1. An electronic communications service provider may unilaterally amend the terms and conditions of an electronic communications service contract where: 1) the need to introduce amendments results from: a) a direct change in the provisions of law, in particular from a change in value added tax rates, b) a decision of the President of the Electronic Communications Office; 2) the proposed amendments: a) are exclusively to the benefit of subscribers, including lowering the prices of electronic communications services or adding a new service, b) are of a purely administrative nature and do not entail negative consequences for subscribers. [...] Article 307 [Amendment of the terms and conditions of a fixed-term electronic communications service contract] 1. An electronic communications service provider may unilaterally amend the terms and conditions of a fixed-term electronic communications service contract if the need to introduce the amendment results from **objective circumstances** other than those indicated in Article 306(1), over which the electronic communications service provider has no influence and **which it could not have foreseen**, if the possibility of introducing the amendment was provided for in the content of the contract. Article 308. [Amendment of the terms and conditions of an electronic communications service contract in the case of a provision in the contract permitting amendment] 1. An electronic communications service provider may unilaterally amend the terms and conditions of an indefinite-term electronic communications service contract or a contract referred to in Article 302(1) if the possibility of introducing the amendment was provided for in the content of the contract, specifying in the contract the circumstances under which the amendment may occur.	**Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018** establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) ('EU Electronic Communications Code') **Article 105(4)** Article 105 Contract duration and termination 4. End-users shall have the right to terminate their contract without incurring any further costs upon notice of changes in the contractual conditions proposed by the provider of publicly available electronic communications services other than number-independent interpersonal communications services, unless the proposed changes are exclusively to the benefit of the end-user, are of a purely administrative nature and have no negative effect on the end-user, or are directly imposed by Union or national law. Providers shall notify end-users at least one month in advance of any change in the contractual conditions, and shall simultaneously inform them of their right to terminate the contract without incurring any further costs if they do not accept the new conditions. The right to terminate the contract shall be exercisable within one month after notification. Member States may extend that period by up to three months. Member States shall ensure that notification is made in a clear and comprehensible manner on a durable medium.

	2. In the event of non-acceptance of the amendments referred to in paragraph 1, the subscriber may terminate the contract, and the time limit for exercising this right may not be shorter than until the date on which these amendments enter into force. 3. The electronic communications service provider, in the case referred to in paragraph 1: 1) shall deliver to a subscriber who is a party to an agreement concluded in written, electronic or documentary form the content of each proposed amendment on a durable medium in a form corresponding to the form in which the agreement was concluded, unless the subscriber has submitted a request as specified in Article 307(4), 2) shall deliver in writing to a subscriber who is not a party to an agreement concluded in written, electronic, or documentary form, who has provided a correspondence address in accordance with Article 289(2) or Article 290(2), to that address, the content of each proposed amendment, unless the subscriber has submitted a request as specified in Article 307(4), 3) shall make the content of each proposed amendment publicly available by publishing it on its website - at least one month in advance of these amendments coming into force, while at the same time informing the subscriber of the right referred to in paragraph 2.	
83.	**The Act of 12 July 2024 - the Electronic Communications Law** (Journal of Laws, item 1221) **Article 317(5)** Article 317 [Providing the consumer with access to information on the time used or the amount of data or tariff units used] 5. The minister competent for computerisation shall announce in 'Monitor Polski,' the Official Journal of the Republic of Poland, and shall publish on the website of the Public Information Bulletin of the minister competent for computerisation a list of: 1) websites or mobile applications of public finance sector entities or 2) other websites or mobile applications of entities performing tasks of a public nature - essential for ensuring access to emergency services, access to information on crisis events or those having a significant impact on the social situation or public order, having educational value or fulfilling the tasks of the health care information system, the use of which does not affect the data transmission limit, as well as changes to this list.	**Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018** establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) ('EU Electronic Communications Code')
84.	**The Act of 12 July 2024 - the Electronic Communications Law** (Journal of Laws, item 1221) **Article 326(2)(2)** Article 326 [Failure to meet the deadline for number porting] 2. If the porting of the assigned number has not been completed within 30 days of the date indicated in Article 325(6): 2) for reasons other than the subscriber's withdrawal from changing the voice communications service provider – the contract with the new voice communications service provider shall be deemed not to have been concluded, of which the new service provider shall inform the subscriber.	**Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018** establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) ('EU Electronic Communications Code') **Article 106(5) and (6)** Article 106 Provider switching and number portability 5. The porting of numbers and their subsequent activation shall be carried out within the shortest possible time on the date explicitly agreed with the end-user. In any case, end-users who have concluded an agreement to port a number to a new provider shall have that number activated within one working day from the date agreed with the end-user. In the case of failure of the porting process, the transferring provider shall

		reactivate the number and related services of the end-user until the porting is successful. The transferring provider shall continue to provide its services on the same terms and conditions until the services of the receiving provider are activated. In any event, the loss of service during the process of provider switching and the porting of numbers shall not exceed one working day. Operators whose access networks or facilities are used by either the transferring or the receiving provider, or both, shall ensure that there is no loss of service that would delay the switching and porting process. 6. The receiving provider shall lead the switching and porting processes set out in paragraphs 1 and 5 and both the receiving and transferring providers shall cooperate in good faith. They shall not delay or abuse the switching and porting processes, nor shall they port numbers or switch end-users without the end-users' explicit consent. The end-users' contracts with the transferring provider shall be terminated automatically upon conclusion of the switching process. National regulatory authorities may establish the details of the switching and porting processes, taking into account national provisions on contracts, technical feasibility and the need to maintain continuity of service to the end-users. This shall include, where technically feasible, a requirement for the porting to be completed through over-the-air provisioning, unless an end-user requests otherwise. National regulatory authorities shall also take appropriate measures ensuring that end-users are adequately informed and protected throughout the switching and porting processes and are not switched to another provider without their consent. Transferring providers shall refund, upon request, any remaining credit to the consumers using pre-paid services. Refund may be subject to a fee only if provided for in the contract. Any such fee shall be proportionate and commensurate with the actual costs incurred by the transferring provider in offering the refund.
85.	**The Act of 12 July 2024 - the Electronic Communications Law** (Journal of Laws, item 1221) **Article 40** Article 40 [Imposition of additional obligations on a telecommunications undertaking in a situation of special threat] 1. In a situation of special threat, the President of the Electronic Communications Office may, by way of a decision, impose on a telecommunications undertaking obligations concerning: 1) maintaining the continuity of the provision of public telecommunications networks or the provision of publicly available telecommunications services; 2) restoring the provision of public telecommunications networks or restoring the provision of publicly available telecommunications services, with priority given to: a) entities performing tasks in the field of emergency response, providing assistance to the population, as well as tasks for national defence, cybersecurity, state security, and public safety, and order, as well as entities competent in matters of crisis management, b) operators of essential services, as referred to in the Act of 5 July 2018 on the national cybersecurity system (Journal of Laws of 2024, items 1077 and 1222), c) operators of critical infrastructure, as referred to in the Act of 26 April 2007 on crisis management - in the event of a loss of continuity in the provision of these networks or the provision of these services; 3) restricting the scope or area of:	**Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018** establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) ('EU Electronic Communications Code')

	a) the operation of public telecommunications networks and telecommunications equipment, b) the provision of certain publicly available telecommunications services, c) the use of radio equipment - guided by the scale of the threat and the need to limit its effects, taking into account the principle of minimising the negative effects of the imposed obligations on the continuity or restriction of the provision of publicly available telecommunications services and on the business activities of the telecommunications undertaking. 2. In the event of the announcement of one of the CRP alert levels referred to in Article 15(2) of the Act of 10 June 2016 on anti-terrorist activities (Journal of Laws of 2024, item 92), the President of the Electronic Communications Office may, by way of a decision, impose on a telecommunications undertaking the obligations referred to in paragraph 1(3), guided by the guidelines referred to in paragraph 1. 3. In the event of permanent or recurring interference with radio equipment used directly for national defence, state security, and public safety and order, the President of the Electronic Communications Office may, by way of a decision, impose on a telecommunications undertaking the obligation referred to in paragraph 1(3)(c), guided by the guidelines referred to in paragraph 1. 4. The President of the Electronic Communications Office shall issue the decisions referred to in paragraphs 1-3 *ex officio* or upon a justified request from the Minister of National Defence, the Minister of Internal Affairs, the Commander-in-Chief of the Police, the Commander of the Central Police Investigation Bureau, the Commander of the Central Bureau for Combating Cybercrime, a voivodeship Police commander, the Commander-in-Chief of the Border Guard, the commander of a Border Guard unit, the Commander-in-Chief of the Military Gendarmerie, the Head of the Internal Security Agency, the Head of the Military Counter-Intelligence Service, the Commander of the State Protection Service, the Commander-in-Chief of the State Fire Service, or a voivodeship commander of the State Fire Service. The President of the Electronic Communications Office may announce the decision to the telecommunications undertaking orally, without justification, in whole or in part, if required by state security considerations. A decision announced orally shall be delivered to that telecommunications undertaking in writing within 14 days of its announcement. 5. In the event of the introduction of a state of emergency, an increase in the state of national defence readiness, the issuance of a decision on the date on which a state of war begins, the submission by a competent authority of a request to introduce a state of emergency or to increase the state of national defence readiness or to issue such a decision, and in situations specified in the provisions referred to in Article 7(4) of the Act of 26 April 2007 on crisis management, the President of the Electronic Communications Office may, by way of a decision, upon a justified request from the authority referred to in paragraph 4, for a specified period, impose on an entity that is not a government user and holds the right to use a frequency, an obligation to restrict the scope or area of use of radio frequency resources, guided respectively by the guidelines referred to in paragraph 1 and by the minimisation of the effects related to the claim for compensation referred to in paragraph 9. 6. The President of the Electronic Communications Office shall issue the decision referred to in paragraph 5 for a specified period, not longer than the duration of the situations referred to in paragraph 5. 7. In the event of the introduction of the restriction referred to in paragraph 5, an entity that is not a government user and holds the right to use a frequency shall not pay the fee for the right to use a frequency, referred to in Article 24(1), for the period of the restriction. 8. The President of the Electronic Communications Office may, upon a justified request from the authority referred to in paragraph 4, authorise that authority to use the radio frequency resources referred to in paragraph 5 for a specified period, not longer than the period for which the decision referred to in paragraph 5 was issued.	

	9. With respect to a claim for compensation for losses incurred by an entity other than a government user that holds the right to use a frequency as a result of the issuance of the decision referred to in paragraph 5, the provisions of the Act of 22 November 2002 on compensation for property losses resulting from the restriction of human and civil freedoms and rights during a state of emergency (Journal of Laws item 1955) shall apply. 10. The decisions referred to in paragraphs 1-3 and 5 shall be made immediately enforceable.	
86.	**The Act of 12 July 2024 - the Electronic Communications Law** (Journal of Laws, item 1221) **Article 306(6)** **Article 307(3) and (4)** **Article 308(3)** Article 306 [Amendment of the terms and conditions of an electronic communications service contract by the electronic communications service provider] 6. The electronic communications service provider shall immediately inform subscribers who are a party to an agreement concluded in written, electronic, or documentary form of any change to its identification or contact details on a durable medium in a form corresponding to the form in which the agreement was concluded, unless the subscriber has requested to receive this information in writing at a specified correspondence address or electronically at an e-mail address or an electronic address of another means of electronic communication specified by the subscriber. Information about the above changes shall not constitute an amendment of the terms of the agreement. Article 307 [Amendment of the terms and conditions of a fixed-term electronic communications service contract] 3. The electronic communications service provider, in the case referred to in paragraph 1: 1) shall deliver to a subscriber who is a party to an agreement concluded in written, electronic or documentary form the content of each proposed amendment on a durable medium in a form corresponding to the form in which the agreement was concluded, unless the subscriber has submitted a request as specified in paragraph 4, 2) shall deliver in writing to a subscriber who is not a party to an agreement concluded in written, electronic, or documentary form, who has provided a correspondence address in accordance with Article 289(2) or Article 290(2), to that address, the content of each proposed amendment, unless the subscriber has submitted a request as specified in paragraph 4, 3) shall make the content of each proposed amendment publicly available by publishing it on its website - at least one month in advance of these amendments coming into force, while at the same time informing the subscriber of the right referred to in paragraph 2. 4. A subscriber may request that the content of each proposed amendment be delivered in a form other than that indicated in paragraph 3, specifying for this purpose a correspondence address, an e-mail address, or an electronic address of another means of electronic communication, provided that the provider of electronic communications services allows the use of another means of electronic communication. Article 308 [Amendment of the terms and conditions of an electronic communications service contract in the case of a provision in the contract permitting amendment]	**Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018** establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) ('EU Electronic Communications Code') **Article 106(5) and (6)** Article 106 Provider switching and number portability 5. The porting of numbers and their subsequent activation shall be carried out within the shortest possible time on the date explicitly agreed with the end-user. In any case, end-users who have concluded an agreement to port a number to a new provider shall have that number activated within one working day from the date agreed with the end-user. In the case of failure of the porting process, the transferring provider shall reactivate the number and related services of the end-user until the porting is successful. The transferring provider shall continue to provide its services on the same terms and conditions until the services of the receiving provider are activated. In any event, the loss of service during the process of provider switching and the porting of numbers shall not exceed one working day. Operators whose access networks or facilities are used by either the transferring or the receiving provider, or both, shall ensure that there is no loss of service that would delay the switching and porting process. 6. The receiving provider shall lead the switching and porting processes set out in paragraphs 1 and 5 and both the receiving and transferring providers shall cooperate in good faith. They shall not delay or abuse the switching and porting processes, nor shall they port numbers or switch end-users without the end-users' explicit consent. The end-users' contracts with the transferring provider shall be terminated automatically upon conclusion of the switching process. National regulatory authorities may establish the details of the switching and porting processes, taking into account national provisions on contracts, technical feasibility and the need to maintain continuity of service to the end-users. This shall include, where technically feasible, a requirement for the porting to be completed through over-the-air provisioning, unless an end-user requests otherwise. National regulatory authorities shall also take appropriate measures ensuring that end-users are adequately informed and protected throughout the switching and porting processes and are not switched to another provider without their consent. Transferring providers shall refund, upon request, any remaining credit to the consumers using pre-paid services. Refund may be subject to a fee only if provided for in the contract. Any such fee shall be proportionate and commensurate with the actual costs incurred by the transferring provider in offering the refund.

	3. The electronic communications service provider, in the case referred to in paragraph 1: 1) shall deliver to a subscriber who is a party to an agreement concluded in written, electronic or documentary form the content of each proposed amendment on a durable medium in a form corresponding to the form in which the agreement was concluded, unless the subscriber has submitted a request as specified in Article 307(4), 2) shall deliver in writing to a subscriber who is not a party to an agreement concluded in written, electronic, or documentary form, who has provided a correspondence address in accordance with Article 289(2) or Article 290(2), to that address, the content of each proposed amendment, unless the subscriber has submitted a request as specified in Article 307(4), 3) shall make the content of each proposed amendment publicly available by publishing it on its website - at least one month in advance of these amendments coming into force, while at the same time informing the subscriber of the right referred to in paragraph 2.	
87.	**The Act of 12 July 2024 - the Electronic Communications Law** (Journal of Laws, item 1221) **Article 20(1)** **Article 331** Article 20 [Information obligations of a telecommunications undertaking] 1. A telecommunications undertaking is obliged to submit to the President of the Electronic Communications Office, by 31 March, data for the preceding calendar year concerning the type and scope of its telecommunications activities, the volume of sales of telecommunications services, and information on the amount of top-up funds remaining on the account, for which the consumer's right referred to in Article 331(1) expired in the preceding calendar year, less the value added tax due thereon. Article 331 [Refund of prepaid funds] 1. In the event of the expiry of the account's validity, understood as the loss of the ability to receive incoming calls under a pre-paid service agreement, and in the event of a change of the voice communication service provider together with the porting of the assigned number, the voice communication service provider shall refund to the consumer, upon their request, the remaining funds from top-ups to their account. 2. In order to exercise the right referred to in paragraph 1, the consumer shall provide the service provider with a bank account number or an account number in a cooperative savings and credit union, if the refund is to be made to that account, or shall indicate another way of obtaining the refund of the remaining funds from top-ups to the account. 3. The service provider is obliged to enable the consumer to provide an account number or indicate another way of obtaining the refund of the remaining funds from top-ups to the account: 1) in person during a visit by the customer to the service provider's customer service unit, and 2) via a voice call with one of the service provider's consultants, or 3) via electronic means of communication, including a text message (SMS) or other means of transmitting information electronically, made available by the service provider for this purpose. 4. The consumer shall choose the refund method for the remaining top-up funds on the account from among the forms made available by the given voice communication service provider. The service provider shall be	**Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018** establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) ('EU Electronic Communications Code') **Article 106(5) and (6)** Article 106 Provider switching and number portability 5. The porting of numbers and their subsequent activation shall be carried out within the shortest possible time on the date explicitly agreed with the end-user. In any case, end-users who have concluded an agreement to port a number to a new provider shall have that number activated within one working day from the date agreed with the end-user. In the case of failure of the porting process, the transferring provider shall reactivate the number and related services of the end-user until the porting is successful. The transferring provider shall continue to provide its services on the same terms and conditions until the services of the receiving provider are activated. In any event, the loss of service during the process of provider switching and the porting of numbers shall not exceed one working day. Operators whose access networks or facilities are used by either the transferring or the receiving provider, or both, shall ensure that there is no loss of service that would delay the switching and porting process. 6. The receiving provider shall lead the switching and porting processes set out in paragraphs 1 and 5 and both the receiving and transferring providers shall cooperate in good faith. They shall not delay or abuse the switching and porting processes, nor shall they port numbers or switch end-users without the end-users' explicit consent. The end-users' contracts with the transferring provider shall be terminated automatically upon conclusion of the switching process. National regulatory authorities may establish the details of the switching and porting processes, taking into account national provisions on contracts, technical feasibility and the need to maintain continuity of service to the end-users. This shall include, where technically feasible, a requirement for the porting to be completed through over-the-air provisioning, unless an end-user requests otherwise. National regulatory authorities shall also take appropriate measures ensuring that end-users are adequately informed and protected

	obliged to enable the consumer to obtain a refund to their bank account or account in a cooperative savings and credit union. 5. The provision by the consumer of an account number or indicating another method of refund for the remaining top-up funds on the account shall constitute the submission of the request referred to in paragraph 1. 6. The refund of the funds referred to in paragraph 1 may be subject to a fee. This fee shall be proportionate and correspond to the costs incurred for the refund, and shall be deducted from the funds to be refunded, and may not exceed the amount of the funds to be refunded. 7. In the event of a change of voice communication service provider together with number porting, the refund of the remaining top-up funds on the account shall take place after the number has been ported. Before the date of number porting, the transferring provider shall inform the consumer, by sending a text message (SMS) to the number being ported, of the right referred to in paragraph 1 and the expiry date of this right. 8. The consumer's right referred to in paragraph 1 shall expire 6 months after the date of the account's expiry or the number porting. 9. Voice communication service providers shall, annually, by 30 April, transfer to a separate account of the the Electronic Communications Office those top-up funds for which the consumer's right referred to in paragraph 1 expired in the preceding calendar year, less the value added tax due on them. 10. After the expiry of the period referred to in paragraph 8, the top-up funds referred to in paragraph 9 shall constitute revenue of the Fund. 11. The President of the Electronic Communications Office shall, annually, by 31 May, transfer the top-up funds referred to in paragraph 9 to the account of the Fund. The top-up funds, in the amount indicated by the minister competent for digitalisation, shall be transferred by the Fund's administrator to the National Health Fund for the purpose of financing or co-financing healthcare services in the field of prevention and treatment of children and adolescents addicted to digital technologies. The financing or co-financing of these services shall be carried out in accordance with the provisions of the Act of 27 August 2004 on healthcare services financed from public funds (Journal of Laws of 2024, items 146, 858, and 1222). 12. The President of the National Health Fund shall, no later than 15 April, submit to the minister competent for health information on the use of the funds referred to in paragraph 11, second sentence, in the preceding calendar year. 13. In matters not regulated in this Act, the provisions of the Act of 29 August 1997 - the Tax Ordinance shall apply accordingly to the top-up funds referred to in paragraph 9. The powers of tax authorities specified in these provisions shall rest with the President of the Electronic Communications Office. 14. The provisions on enforcement proceedings in administration concerning the enforcement of financial obligations shall apply to the top-up funds referred to in paragraph 9. 15. The minister competent for computerisation may, by way of a regulation, specify the maximum amount of the fee referred to in paragraph 6, taking into account the need to ensure conditions obtaining a refund that will not discourage consumers from applying for a refund of the funds referred to in paragraph 1.	throughout the switching and porting processes and are not switched to another provider without their consent. Transferring providers shall refund, upon request, any remaining credit to the consumers using pre-paid services. Refund may be subject to a fee only if provided for in the contract. Any such fee shall be proportionate and commensurate with the actual costs incurred by the transferring provider in offering the refund.
88.	**The Act of 12 July 2024 - the Electronic Communications Law** (Journal of Laws, item 1221) **Article 2, point 76** **Article 349–350** Article 2 [Definitions]	**Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018** establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended) ('EU Electronic Communications Code') **Annex VI, Part A, point (h)**

	The following terms used in this Act shall mean: 76) electronic communications service - a service provided via telecommunications networks, usually for remuneration, excluding services related to the provision or exercise of control over content transmitted using telecommunications networks or electronic communications services, including: a) an 'internet access service' within the meaning of Article 2(2) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and retail charges for regulated intra-EU communications, and amending Directive 2002/22/EC and Regulation (EU) No 531/2012 (OJ L 310, 26.11.2015, p. 1, as amended), 4), b) an interpersonal communications service, c) a service consisting wholly or mainly in the conveyance of signals, such as: – transmission of signals in interpersonal communication regardless of the technology used, – a transmission service used for the provision of machine-to-machine communication services and for broadcasting. Article 349 [Subscriber's consent to the provision of an optional billing service] 1. The provision of an optional billing service shall require the subscriber's prior consent to activate this service. The electronic communications service provider shall record and deliver the provided consent to the subscriber on a durable medium. 2. The consent referred to in paragraph 1 may be given by selecting a monetary threshold for the optional billing service for each billing period or, in its absence, for each calendar month. 3. The electronic communications service provider shall be obliged to offer subscribers at least four monetary thresholds: PLN 0, 35, 70, and 100. This provider shall confirm to the subscriber on a durable medium the monetary threshold selected by the subscriber. 4. If the subscriber, when giving the consent referred to in paragraph 1, has not specified a monetary threshold, this threshold shall be PLN 70 for each billing period or, in its absence, for each calendar month. 5. Upon reaching the monetary threshold, the provider of electronic communications services shall be obliged to: 1) immediately inform the subscriber of this fact; 2) block the possibility of purchasing goods or services using the optional billing service. 6. After the monetary threshold has been reached in a given billing period or, in its absence, in a given calendar month, the provision of the optional billing service shall be possible only after the subscriber has specified a higher monetary threshold, up to the amount of that threshold. 7. The service provider referred to in paragraph 1 shall enable the subscriber to effectively and immediately withdraw consent to the provision of the optional billing service at any time, in a manner that is simple and free of charge. Article 350 [Authorisation of the optional billing service] 1. For each optional charge to the account, the electronic communications service provider shall ensure that the service is authorised using at least one authentication element from the category of: 1) knowledge — something only the subscriber knows; 2) possession — something only the subscriber possesses; 3) characteristics of the subscriber.	ANNEX VI DESCRIPTION OF FACILITIES AND SERVICES REFERRED TO IN ARTICLE 88 (CONTROL OF EXPENDITURE), ARTICLE 115 (ADDITIONAL FACILITIES) AND ARTICLE 106 (PROVIDER SWITCHING AND NUMBER PORTABILITY) Part A Facilities and services referred to in Articles 88 and 115 (h) facility to deactivate third party billing namely, the facility for end-users to deactivate the ability for third party service providers to use the bill of a provider of an internet access service or a provider of a publicly available interpersonal communications service to charge for their products or services.

	- unless separate provisions provide for a higher level of authorisation. 2. In the case of optional billing services provided on a recurring basis, the authorisation may cover more than one optional charge. 3. The service provider referred to in paragraph 1 shall enable the subscriber to effectively and immediately cancel the service referred to in paragraph 2 at any time, in a manner that is simple and free of charge.	
89.	**Act of 28 October 2002 on the liability of collective entities for acts prohibited under penalty** (Journal of Laws of 2024, item 1822) **Article 16(1)(21)** Article 16 [Prohibited acts constituting the basis for the liability of a collective entity] 1. A collective entity shall be liable under the Act if the person referred to in Article 3 has committed an offence: 21) specified in Article 449 of the Act of 12 July 2024 - the Electronic Communications Law (Journal of Laws, item 1221).	**Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011** on the access rules for the public regulated service provided by the global navigation satellite system established under the Galileo programme (OJ L 287, 4.11.2011, p. 1) **Article 15** Article 15 Penalties Member States shall determine what penalties are applicable when national provisions enacted pursuant to this Decision are infringed. The penalties shall be effective, proportionate and dissuasive.
90.	**Government draft Act amending the Act on the provision of services by electronic means and certain other acts (UC21) as of 13 December 2024.** **Article 11a**	**Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022** on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, as amended) **Articles 7-9** Article 7 Voluntary own-initiative investigations and legal compliance. Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 4, 5 and 6 solely because they, in good faith and in a diligent manner, carry out voluntary own-initiative investigations into, or take other measures aimed at detecting, identifying and removing, or disabling access to, illegal content, or take the necessary measures to comply with the requirements of Union law and national law in compliance with Union law, including the requirements set out in this Regulation. Article 8 No general monitoring or active fact-finding obligations No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers. Article 9 Orders to act against illegal content 1. Upon the receipt of an order to act against one or more specific items of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union law or national law in compliance with Union law, providers of intermediary services shall inform the authority issuing the order, or any other authority specified in the order, of any effect given to the order without undue delay, specifying if and when effect was given to the order.

		2. Member States shall ensure that when an order referred to in paragraph 1 is transmitted to the provider, it meets at least the following conditions: a) that order contains the following elements: (i) a reference to the legal basis under Union or national law for the order; (Ii) a statement of reasons explaining why the information is illegal content, by reference to one or more specific provisions of Union law or national law in compliance with Union law; (Iii) information identifying the issuing authority; (iv) clear information enabling the provider of intermediary services to identify and locate the illegal content concerned, such as one or more exact URL and, where necessary, additional information; (v) information about redress mechanisms available to the provider of intermediary services and to the recipient of the service who provided the content; (vi) where applicable, information about which authority is to receive the information about the effect given to the orders; b) the territorial scope of that order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, is limited to what is strictly necessary to achieve its objective; c) that order is transmitted in one of the languages declared by the provider of intermediary services pursuant to Article 11(3) or in another official language of the Member States, agreed between the authority issuing the order and that provider, and is sent to the electronic point of contact designated by that provider, in accordance with Article 11; where the order is not drafted in the language declared by the provider of intermediary services or in another bilaterally agreed language, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by a translation into such declared or bilaterally agreed language of at least the elements set out in points (a) and (b) of this paragraph. 3. The authority issuing the order or, where applicable, the authority specified therein, shall transmit it, along with any information received from the provider of intermediary services concerning the effect given to that order to the Digital Services Coordinator from the Member State of the issuing authority. 4. After receiving the order from the judicial or administrative authority, the Digital Services Coordinator of the Member State concerned shall, without undue delay, transmit a copy of the order referred to in paragraph 1 of this Article to all other Digital Services Coordinators through the system established in accordance with Article 85. 5. At the latest when effect is given to the order or, where applicable, at the time provided by the issuing authority in its order, providers of intermediary services shall inform the recipient of the service concerned of the order received and to the effect given to it. Such information provided to the recipient of the service shall include a statement of reasons, the possibilities for redress that exist, and a description of the territorial scope of the order, in accordance with paragraph 2 6. The conditions and requirements laid down in this Article shall be without prejudice to national civil and criminal procedural law.
91.	**The Act of 4 February 1994 on copyright and related rights** (Journal of Laws of 2025, item 24) **Article 27** Article 27 [Use of works for educational or scientific purposes]	**Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001** on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10, OJ Polish special edition, ch. 17, vol. 001, p. 230) **Article 5(3)(a)**

	1. Educational institutions and entities referred to in Article 7(1)(1), (2) and (4)-(8) of the Act of 20 July 2018 - the Higher Education and Science Law may, for the purpose of illustrating content provided for educational purposes or for the purpose of conducting scientific activities, use disseminated works in the original and in translation, including reproducing disseminated minor works or fragments of larger works not exceeding 25% of the volume of the work, provided that such use is not for profit and takes place under the responsibility of these institutions or entities, on their premises or elsewhere, or via a secure electronic environment accessible, through the use of authentication procedures, only to learners and teachers or those conducting scientific activities at the given institution or entity. 2. The use of a work for the purpose of illustrating content provided for educational purposes via a secure electronic environment, as specified in paragraph 1, shall be deemed to take place in the Member State of the European Union or the Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area, in which the educational institution or entity has its seat.	Article 5 Exceptions and limitations 3. Member States may provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases: (a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and limitations provided for in Directive (EU) 2019/790.
92.	**The Act of 4 February 1994 on copyright and related rights** (Journal of Laws of 2025, item 24) **Article 29** Article 29 [Right of quotation] In works constituting a self-contained whole, it is permitted to quote excerpts of disseminated works and disseminated works of fine art, photographic works or minor works in their entirety, to the extent justified by the purposes of the quotation, such as explanation, polemics, critical or scientific analysis, teaching, or the rights of the creative genre.	**Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001** on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10, OJ Polish special edition, ch. 17, vol. 001 p. 230) **Article 5(3)(d)** Article 5 Exceptions and limitations 3. Member States may provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases: d) quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, unless this turns out to be impossible, the source, including the author's name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose;
93.	**Act of 17 November 1964 – the Civil Procedure Code** (Journal of Laws of 2024, items 1568 and 1841, and of 2025, item 620) **Article 479[96]–479[105]** Article 479[96]. [Subjective scope of application of the provisions] The provisions concerning the obliged person shall apply to a person, including the defendant, in whose possession the evidence is located or who can enable the securing thereof. Article 479[97]. [Time of granting the preservation of evidence; time limit for examining the motion for the securing of evidence] § 1. The court may order the securing of evidence before the commencement of the proceedings or in the course thereof until the closing of the hearing in the first instance. § 2. A motion for the securing of evidence shall be examined by the court without delay, but not later than within one week of its receipt. Article 47998. [Grounds for ordering the securing of evidence]	**Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45, OJ). Polish special edition, ch. 17, vol. 002, p. 32, as amended)** **Article 7 in conjunction with Article 1** Article 1 Subject-matter This Directive concerns the measures, procedures and remedies necessary to ensure the enforcement of intellectual property rights. For the purposes of this Directive, the term "intellectual property rights" includes industrial property rights. Article 7 Measures for securing evidence

	§ 1. The court shall order the securing of evidence upon a motion an the entitled party who has substantiated the claim, as well as the legal interest in the security. § 2. A legal interest in the securing of evidence exists if the absence of the requested security would make it impossible or seriously difficult to adduce or prove relevant facts, or if there is a risk that the evidence will be destroyed, or if a delay in obtaining the evidence could make it impossible or seriously difficult to achieve the purpose of the evidentiary proceedings, or if for other reasons it is necessary to establish the existing state of affairs. Article 479[99]. [Motion for the securing of evidence in intellectual property cases] A motion for the securing of evidence shall meet the requirements prescribed for a pleading and shall additionally contain: 1) specification of the evidence and the method for securing it; 2) substantiation of the circumstances justifying the motion; 3) a concise presentation of the subject matter of the case, when the motion is filed before the statement of claim is submitted. Article 479[100]. [Order concerning the securing of evidence; interlocutory appeal] § 1. The court shall issue an order on the securing of evidence at a closed session. § 2. In the order for the securing of evidence, the court shall specify the scope of the entitled party's access to the secured evidence as well as the detailed rules for using and examining it. The court may restrict or exclude the copying of the evidence or its recording in any other way. The entitled party shall gain access to the evidence once the order becomes final. § 3. The court shall serve the order for the securing of evidence on the entitled party. While commencing the execution of the order, the entity executing the order shall simultaneously serve it on the obliged party as well as the defendant. The court shall instruct the obliged party, the defendant and the expert on the protection of trade secrets. § 4. An interlocutory appeal against an order on the securing of evidence may be filed with the court of appeal. § 5. An interlocutory appeal regarding the securing of evidence shall be heard by the court without undue delay, but no later than within one month of the date of its receipt. § 6. An interlocutory appeal by the obliged party or the defendant, insofar as it invokes the protection of a trade secret, shall be heard by the court at a closed session. It shall be at the court's discretion whether to hear the entitled party or the obliged party at the session. § 7. When granting an interlocutory appeal by the obliged party or the defendant who invokes the protection of a trade secret, the court shall establish rules, separate from those specified under § 2, for the use of and access to the secured evidence by the entitled party and may impose additional restrictions. § 8. If a motion for the securing of evidence is dismissed, and if such dismissal is final and legally binding, the security shall lapse. At the request of the obliged party, the court shall issue an order declaring the security to have lapsed, on the basis of which the obliged party shall collect the evidence deposited with the court. Article 479[101]. [Specification of the means of securing evidence] § 1. The court shall order such means of securing the evidence as it deems appropriate in the circumstances of the case. The means of securing shall include, in particular, the seizure of goods, materials, tools used for	1. Member States shall ensure that, even before the commencement of proceedings on the merits of the case, the competent judicial authorities may, on application by a party who has presented reasonably available evidence to support his claims that his intellectual property right has been infringed or is about to be infringed, order prompt and effective provisional measures to preserve relevant evidence in respect of the alleged infringement, subject to the protection of confidential information. Such measures may include the detailed description, with or without the taking of samples, or the physical seizure of the infringing goods, and, in appropriate cases, the materials and implements used in the production and/or distribution of these goods and the documents relating thereto. Those measures shall be taken, if necessary without the other party having been heard, in particular where any delay is likely to cause irreparable harm to the rightholder or where there is a demonstrable risk of evidence being destroyed. Where measures to preserve evidence are adopted without the other party having been heard, the parties affected shall be given notice, without delay after the execution of the measures at the latest. A review, including a right to be heard, shall take place upon request of the parties affected with a view to deciding, within a reasonable period after the notification of the measures, whether the measures shall be modified, revoked or confirmed. 2. Member States shall ensure that the measures to preserve evidence may be subject to the lodging by the applicant of adequate security or an equivalent assurance intended to ensure compensation for any prejudice suffered by the defendant as provided for in paragraph 4. 3. Member States shall ensure that the measures to preserve evidence are revoked or otherwise cease to have effect, upon request of the defendant, without prejudice to the damages which may be claimed, if the applicant does not institute, within a reasonable period, proceedings leading to a decision on the merits of the case before the competent judicial authority, the period to be determined by the judicial authority ordering the measures where the law of a Member State so permits or, in the absence of such determination, within a period not exceeding 20 working days or 31 calendar days, whichever is the longer. 4. Where the measures to preserve evidence are revoked, or where they lapse due to any act or omission by the applicant, or where it is subsequently found that there has been no infringement or threat of infringement of an intellectual property right, the judicial authorities shall have the authority to order the applicant, upon request of the defendant, to provide the defendant appropriate compensation for any injury caused by those measures. 5. Member States may take measures to protect witnesses' identity.

	production or distribution, and documents, as well as the drawing up of a detailed description of these items combined, if necessary, with the taking of their samples. § 2. If the court orders the securing of evidence by means of drawing up a detailed description, the enforcement officer shall draw up a record. § 3. At the request of the entitled person, the obliged person or the defendant, the court may summon an expert to participate in the execution of the order for the securing of evidence. § 4. The enforcement officer shall seize the items and draw up a record without the participation of the entitled party. The provision of Article 814 shall apply accordingly. The seized items and the record shall be deposited by the enforcement officer with the court. They shall not be included in the case file until the order for the securing of evidence becomes final and legally binding. Article 479[102]. [Ordering the securing of evidence before the commencement of proceedings] When ordering the securing of evidence before the commencement of proceedings, the court shall set a time limit within which a statement of claim must be filed, under penalty of the security order lapsing. This time limit may not be shorter than two weeks or longer than one month from the date on which the order for the securing of evidence becomes final and legally binding. Article 479[103]. [Execution of the order for the securing of evidence] An order for the securing of evidence shall be enforceable upon its issuance. The provision of Article 743 shall apply accordingly. Article 479[104]. [Security for claims] The court may make the execution of an order for the securing of evidence conditional on the submission of a security by the entitled party to secure the claims of the obliged party or the defendant arising from the execution of that order. From this security, the obliged party or the defendant shall have priority of satisfaction over other receivables, immediately after the enforcement costs. The provision of Article 739 § 2 shall apply *mutatis mutandis*. Article 479[105]. [Supplementary application of provisions on security proceedings] To the extent not regulated in this chapter, the provisions of Article 738, Article 742 § 1 first sentence, § 2 and 3, and Article 744-746 shall apply *mutatis mutandis* to the securing of evidence. The request referred to in Article 742 may also be made by the defendant.	
94.	**Act of 15 June 2018 on the collective management of copyright and related rights** (Journal of Laws of 2024, item 1665) **Article 3(2)** Article 3 [Legal definitions] Whenever this Act refers to: 2) a collective management organisation for copyright or related rights – this shall mean an association of rightholders or entities representing rightholders, whose primary statutory purpose is the collective management of copyright or related rights on behalf of rightholders, within the scope of the authorisation	**Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014** on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72.)

	granted to it by the minister competent for culture and national heritage protection, hereinafter referred to as 'the Minister'.	
95.	**Act of 17 November 1964 – the Civil Procedure Code** (Journal of Laws of 2024, items 1568 and 1841, and of 2025, item 620) **Article 479[113]** Article 479[113] [Grounds for requesting an infringer to provide information] § 1. At the request of the entitled party, if they credibly demonstrate circumstances indicating an infringement, the court may, before the commencement of infringement proceedings or during such proceedings until the closure of the hearing in the first instance, request the infringer to provide information on the origin and distribution networks of the goods or services, if this is necessary for the pursuit of a claim. § 2. If the court has requested the provision of information before the commencement of infringement proceedings, those proceedings must be initiated no later than within one month from the date of execution of the order to provide information. § 3. The obliged party shall be entitled to claim compensation for damage caused by the performance of the obligation to provide information if the entitled person has not filed a document initiating proceedings against the infringer within the time limit set by the court, or the document initiating the proceedings has been withdrawn, as well as when the document initiating the proceedings has been returned or rejected, or the action or motion has been dismissed or the proceedings have been discontinued. § 4. The claim referred to in § 3 shall expire if it is not pursued within one year from the date it arose. The provisions of Article 746 § 11-3 shall apply *mutatis mutandis*. § 5. The obliged party shall be entitled to claim compensation for damage caused by the performance of the obligation to provide information in the event that the entitled party uses the information referred to in paragraph 1 for purposes other than the pursuit of a claim by the entitled party. § 6. The provisions of Article 739, Article 742, and Article 745 shall apply *mutatis mutandis* to the motion referred to in § 1.	**Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights** (OJ L 157, 30.4.2004, p. 45, OJ). Polish special edition, ch. 17, vol. 002, p. 32, as amended) **Article 8(1)** Article 8 Right of information 1. Member States shall ensure that, in the context of proceedings concerning an infringement of an intellectual property right and in response to a justified and proportionate request of the claimant, the competent judicial authorities may order that information on the origin and distribution networks of the goods or services which infringe an intellectual property right be provided by the infringer and/or any other person who: a) was found in possession of the infringing goods on a commercial scale; b) was found to be using the infringing services on a commercial scale; c) was found to be providing on a commercial scale services used in infringing activities; or d) was indicated by the person referred to in point (a), (b) or (c) as being involved in the production, manufacture or distribution of the goods or the provision of the services.
96.	**Act of 29 December 1992 on radio and television broadcasting** (Journal of Laws of 2022, item 1722 and of 2024, items 96 and 1222) **Article 4(2)** Article 4 [Definitions] For the purposes of this Act: 2) a programme is a sequence of moving images with or without sound (an audiovisual programme) or a sequence of sounds (a radio programme), constituting a self-contained item within a schedule or a catalogue of programmes created by a media service provider and made available to the public as part of an on-demand audiovisual media service, hereinafter referred to as a 'catalogue'.	**Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010** on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1, as amended). **Article 1(1)(a)** Article 1 1. For the purposes of this Directive, the following definitions shall apply: a) 'audiovisual media service' means: (i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of programmes, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;

		(ii) an audiovisual commercial communication;
97.	**Act of 6 September 2001 on road transport** (Journal of Laws of 2024, items 1539, 1544 and 1855) **Article 19** Article 19 [Cabotage] 1. The performance of cabotage in the Republic of Poland by an entity: 1) established in a country other than a Member State of the European Union, the Swiss Confederation or a Member State of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area; or 2) using for transport a vehicle registered in a country other than a Member State of the European Union, the Swiss Confederation or a Member State of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area; - shall require a cabotage permit, which is issued, by way of an administrative decision, by the Chief Inspector of Road Transport. The provisions of Article 22(1) shall apply *mutatis mutandis*. 2. The permit referred to in paragraph 1 shall be issued upon application by a road transport operator submitted in writing, in paper or electronic form, provided that at least two positive opinions from nationwide organisations of road transport operators are attached to it. 3. The Chief Inspector of Road Transport shall, by way of an administrative decision, issue a ban on the performance of cabotage in the Republic of Poland for a haulier not established here, if the haulier has repeatedly infringed the provisions of Regulation (EC) No 1073/2009 or other Community or national provisions on road transport during cabotage operations. 4. The ban referred to in paragraph 3 shall be in force for a period of 2 years from the date on which the decision to issue it becomes final.	**Directive 97/67/EC of 15 December 1997** on common rules for the development of the internal market of Community postal services and the improvement of quality of service. **Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009** on common rules for access to the international road haulage market (recast) **Articles 8-9** Article 8 General principle 1. Any haulier for hire or reward who is a holder of a Community licence and whose driver, if he is a national of a third country, holds a driver attestation, shall be entitled, under the conditions laid down in this Chapter, to carry out cabotage operations. 2. Once the goods carried in the course of an incoming international carriage have been delivered, hauliers referred to in paragraph 1 shall be permitted to carry out, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, up to three cabotage operations following the international carriage from another Member State or from a third country to the host Member State. The last unloading in the course of a cabotage operation before leaving the host Member State shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage. Within the time limit referred to in the first subparagraph, hauliers may carry out some or all of the cabotage operations permitted under that subparagraph in any Member State under the condition that they are limited to one cabotage operation per Member State within 3 days of the unladen entry into the territory of that Member State. 2a. Hauliers may not carry out cabotage operations with the same vehicle or, in the case of a combination of vehicles, with the motor vehicle of that combination, in the same Member State for four days following the completion of a cabotage operation in that Member State. 3. National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to conform with this Regulation if the haulier can produce clear evidence of the incoming international carriage and of each consecutive cabotage operation carried out. If the vehicle has been present in the territory of the host Member State during the four-day period preceding the international carriage, the haulier shall also provide clear evidence of all the operations carried out during that period. Evidence referred to in the first subparagraph shall comprise the following details for each operation: a) the name, address and signature of the sender; b) the name, address and signature of the haulier; c) the name and address of the consignee as well as his signature and the date of delivery once the goods have been delivered; d) the place and the date of taking over of the goods and the place designated for delivery; e) the description in common use of the nature of the goods and the method of packing, and, in the case of dangerous goods, their generally recognised description, as well as the number of packages and their special marks and numbers; f) the gross mass of the goods or their quantity otherwise expressed; g) the number plates of the motor vehicle and trailer.

		4. No additional document shall be required in order to prove that the conditions laid down in this Article have been met. 4a. The evidence referred to in paragraph 3 shall be presented or transmitted to the authorised inspecting officer of the host Member State on demand and during a roadside check. It may be presented or transmitted electronically, in a revisable structured format that can be used directly for electronic storage and processing, such as the electronic consignment note (e-CMR) under the Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the Electronic Consignment Note, drawn up in Geneva on 20 February 2008. During a roadside check, the driver may contact the head office, the transport manager, or any other person or entity in order to provide any of the evidence referred to in paragraph 3 before the roadside check is completed. 5. Any haulier entitled in the Member State of establishment, in accordance with that Member State's legislation, to carry out the road haulage operations for hire or reward specified in Article 1(5)(a), (b) and (c) shall be permitted, under the conditions set out in this Chapter, to carry out, as the case may be, cabotage operations of the same kind or cabotage operations with vehicles in the same category. 6. Permission to carry out cabotage operations, within the framework of the types of carriage referred to in Article 1(5)(d) and (e), shall be unrestricted. Article 9 Rules applicable to cabotage operations 1. The performance of cabotage operations shall be subject, save as otherwise provided in Community legislation, to the laws, regulations and administrative provisions in force in the host Member State with regard to the following: a) the conditions governing the transport contract; b) the weights and dimensions of road vehicles; c) the requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs and live animals; d) the driving time and rest periods; e) the value added tax (VAT) on transport services. The weights and dimensions referred to in point (b) of the first subparagraph may, where appropriate, exceed those applicable in the haulier's Member State of establishment, but they may under no circumstances exceed the limits set by the host Member State for national traffic or the technical characteristics mentioned in the proofs referred to in Article 6(1) of Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic. 2. The laws, regulations and administrative provisions referred to in paragraph 1 shall be applied to non-resident hauliers under the same conditions as those imposed on hauliers established in the host Member State, so as to prevent any discrimination on grounds of nationality or place of establishment.
98.	**The Act of 9 November 1995 on health protection against the consequences of using tobacco and tobacco products** (Journal of Laws of 2024, item 1162 and of 2025, item 427) **Article 7(1)**	**Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (TPD)** (OJ L 127, 29.4.2014, p. 1, as amended)

	Article 7 [Tobacco for oral use] 1. The production and placing on the market of tobacco for oral use is prohibited.	**Article 17** Article 17 Member States shall prohibit the placing on the market of tobacco for oral use, without prejudice to Article 151 of the Act of Accession of Austria, Finland and Sweden.
99.	**The Act of 9 November 1995 on health protection against the consequences of using tobacco and tobacco products** (Journal of Laws of 2024, item 1162 and of 2025, item 427) **Article 7f** Article 7f [Prohibition of distance sales] Distance sales, including cross-border distance sales, of the following are prohibited: 1) tobacco products; 2) electronic cigarettes and refill containers and parts thereof.	**Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (TPD)** (OJ L 127, 29.4.2014, p. 1, as amended) **Article 18** Article 18 Cross-border distance sales of tobacco products 1. Member States may prohibit cross-border distance sales of tobacco products to consumers. Member States shall cooperate to prevent such sales. Retail outlets engaging in cross-border distance sales of tobacco products may not supply such products to consumers in Member States where such sales have been prohibited. Member States which do not prohibit such sales shall require retail outlets intending to engage in cross-border distance sales to consumers located in the Union to register with the competent authorities in the Member State, where the retail outlet is established, and in the Member State, where the actual or potential consumers are located. Retail outlets established outside the Union shall be required to register with the competent authorities in the Member State where the actual or potential consumers are located. All retail outlets intending to engage in cross-border distance sales shall submit at least the following information to the competent authorities when registering: a) name or corporate name and permanent address of the place of activity from where the tobacco products will be supplied; b) the starting date of the activity of offering tobacco products for cross-border distance sales to consumers by means of Information Society services, as defined in point 2 of Article 1 of Directive 98/34/EC; c) the address of the website or websites used for that purpose and all relevant information necessary to identify the website. 2. The competent authorities of the Member States shall ensure that consumers have access to the list of all retail outlets registered with them. When making that list available, Member States shall ensure that the rules and safeguards laid down in Directive 95/46/EC are complied with. Retail outlets may only start placing tobacco products on the market via cross-border distance sales when they have received confirmation of their registration with the relevant competent authority. 3. The Member States of destination of tobacco products sold via cross-border distance sales may require that the supplying retail outlet nominates a natural person to be responsible for verifying — before the tobacco products reach the consumer — that they comply with the national provisions adopted pursuant to this Directive in the Member State of destination, if such verification is necessary in order to ensure compliance and facilitate enforcement. 4. Retail outlets engaged in cross-border distance sales shall operate an age verification system, which verifies, at the time of sale, that the purchasing consumer complies with minimum age requirements provided for under the national law of the Member State of destination. The retail outlet or natural person

		nominated pursuant to paragraph 3 shall provide to the competent authorities of that Member State a description of the details and functioning of the age verification system. 5. Retail outlets shall only process personal data of the consumer in accordance with Directive 95/46/EC and those data shall not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to other third parties. Personal data shall not be used or transferred for purposes other than the actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.
100.	**The Act of 9 November 1995 on health protection against the consequences of using tobacco and tobacco products** (Journal of Laws of 2024, item 1162 and of 2025, item 427) **Article 6(3)** Article 6 [Prohibition of the sale of tobacco products, electronic cigarettes, or refill containers] 3. The marketing of tobacco products, electronic cigarettes, or refill containers and parts thereof in vending machines is prohibited.	**Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (TPD)** (OJ L 127, 29.4.2014, p. 1, as amended)

Report authors

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