

MINISTRY OF FAMILY AND SOCIAL POLICY
Labour Market Department

Living and
working
in Poland



LIVING AND WORKING
IN POLAND



Ministry of Family and
Social Policy



Warsaw, 2022

The brochure is addressed to citizens of the European Union or the European Free Trade Association Member States, who intend to start their professional careers and reside in Poland and to citizens of Ukraine who arrived in the territory of Poland after 24 February 2022 in connection with hostilities carried out in the territory of Ukraine and make use of the rights granted to them by the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state.

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in collaboration with other competent institutions

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1. Introduction

Life and work in Member States of the European Union („EU”) or the European Free Trade Association („EFTA”), which consists of Iceland, Liechtenstein, Norway and Switzerland, involve many aspects. It is therefore a good idea to learn about the conditions of working and living in one of these states before deciding to move there.

Providing information about the working and living conditions in Poland is among services offered by the EURES network (European Employment Services) to foreigners – EU or EFTA Member State nationals.

Established in 1993, EURES is an EU network of cooperation among public employment services and other approved organisations at the local, regional, national and EU levels aimed at supporting mobility of workers in the European labour market.

As part of EURES network coordination in Poland, the Labour Market Department of the Ministry of Family and Social Policy has published this brochure **Living and working in Poland** with the objective to support EU and EFTA nationals who plan to settle and take up employment in Poland.

The brochure provides information on living and residing in Poland, taking up employment and running a business as well as income, salaries, taxes, social insurance and other matters of interest to EU and EFTA Member State nationals.

The information provided presents the legal situation as of **1 July 2022** and applies to nationals of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Spain, Netherlands, Ireland, Iceland, Liechtenstein, Lithuania, Luxembourg, Latvia, Malta, Germany, Norway, Portugal, Romania, Slovakia, Slovenia, Switzerland, Sweden, Hungary and Italy.

In addition, in this edition, the brochure contains information for citizens of Ukraine who arrived in the territory of Poland after 24 February 2022 in connection with hostilities carried out in the territory of Ukraine and make use of the rights granted to them by the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state. The term **“citizen of Ukraine”** used in the brochure includes an authorised person specified in the above-mentioned Act, i.e.:



2. GENERAL INFORMATION ABOUT POLAND

- **citizen of Ukraine**, who arrived in the territory of Poland from the territory of Ukraine in connection with hostilities carried out in the territory of that state, and a citizen of Ukraine holding the Pole's Card, who, together with his/her immediate family, arrived in the territory of Poland due to these hostilities,
- **citizen of Ukraine's spouse who does not have a Ukrainian citizenship**, provided that he/she arrived in the territory of Poland from the territory of Ukraine in connection with hostilities carried out in the territory of that state and is neither a Polish citizen nor a citizen of an EU Member State other than Poland.

The electronic version of this brochure is available at <https://eures.praca.gov.pl>.

I hope that EU and EFTA Member State nationals and citizens of Ukraine will find the information presented in this brochure useful in making informed decisions regarding work and residence in Poland.

*Labour Market Department
Ministry of Family and Social Policy*

2.1. Poland in a nutshell

Name	Republic of Poland (RP)
National emblem	 
Official language	Polish
Capital city	Warsaw
Province capital cities	Białystok, Gdańsk, Katowice, Kielce, Kraków, Lublin, Łódź, Olsztyn, Opole, Poznań, Rzeszów, Szczecin, Toruń, Warszawa, Wrocław and Zielona Góra
Political system	Parliamentary democracy. Legislative power is exercised by the bicameral Parliament (the Sejm – 460 deputies, the Senate – 100 senators), executive power is exercised by the Council of Ministers and the President, and judicial power is exercised by independent judiciary.
Administrative division	The three-tier local self-government structure consists of the commune self-government (samorząd gminny), the district self-government (samorząd powiatowy), including cities with a district status, and the province self-government (samorząd wojewódzki). Poland is divided into 2,477 communes (gmina), 314 districts (powiat), 66 cities with a district status and 16 provinces (województwo) (there are the following provinces: Dolnośląskie, Kujawsko-Pomorskie, Lubelskie, Lubuskie, Łódzkie, Małopolskie, Mazowieckie, Opolskie, Podkarpackie, Podlaskie, Pomorskie, Śląskie, Świętokrzyskie, Warmińsko-Mazurskie, Wielkopolskie and Zachodniopomorskie).
Location	Poland is located in Central Europe at the Baltic Sea. It is bordered by Russia, Lithuania, Belarus and Ukraine to the east, Slovakia and Czech Republic to the south and Germany to the west.

Area	312,696 km ²
Population	Approximately 37.6 mln
Climate	Moderate climate. Average temperatures range between 16.5°C and 20°C in summer, and between -6°C and 0°C in winter. July is the hottest month of the year, and January the coldest.
Religious denominations	Roman Catholics – 86.9%, Orthodox Christians – 1.31% and other religions.
Ethnic composition	The country is nearly entirely ethnically homogeneous. Poles account for ca. 97% of the population. The largest national minorities are Germans, Ukrainians and Belarusians.
Central Bank	National Bank of Poland headquartered at ul. Świętokrzyska 11/21 in Warsaw.
Currency	According to the National Bank of Poland, the average EUR exchange rate in the first half of 2022 was PLN 4,6365 (PLN) ¹ ; PLN 1 buys ca. EUR 0.21.
Emergency telephone numbers	112 – emergency call centre (common emergency telephone number), 997 – Police, 998 – State Fire Service, 999 – Ambulance Service, 984 – Water Rescue, 985 – Sea and Mountain Rescue, 987 – Crisis Management Centre, 996 – Counter-Terrorism Centre, 986 – Municipal Police (not in all cities) - (all calls are free of charge)
Public holidays, non-working days	1 January – New Year, 6 January – Epiphany, Easter (moving holiday), 1 May – Labour Day, 3 May – 3rd May Constitution Day, Pentecost (moving holiday falling on Sunday), Corpus Christi (moving holiday), 15 August – Assumption of the Blessed Virgin Mary, 1 November – All Saints' Day, 11 November – Independence Day, 25 and 26 December – Christmas
Links	https://poland.pl/ https://www.careersinpoland.com/ https://www.paih.gov.pl/pl

2.2. Administrative division



¹ All PLN/EUR conversions provided in this brochure are based on the average EUR exchange rate announced by the National bank of Poland for the first half of 2022.

2.3. Political, administrative and legal systems

Poland is a republic and a parliamentary democracy with a parliamentary and cabinet system. The rules of functioning of the state are laid down in the Constitution, which is the supreme legislative act. Poland has a system of statutory law, with an act being the basic form of legislation.

The Polish political system is based on the tripartite division of power between legislative, executive and judicial powers. The legislative power is exercised by a bicameral parliament (the Sejm, the lower Chamber, has 460 Deputies, and the Senate, the upper Chamber, has 100 Senators) which is elected in a general election for a term of office of 4 years. The Sejm passes legislation and controls bodies of the state administration, including the Council of Ministers. The Supreme Audit Office, the supreme audit state authority, is subordinated to the Sejm. The main task of the Senate is to contribute to creating Polish law in cooperation with the Sejm. The election rules provide for a system of proportionate election to the Sejm and a system of majority election to the Senate. The election rules for the Sejm lay down the electoral threshold of 5% for political parties and the threshold of 8% for electoral coalitions.

The following clubs and groups are active in the Sejm and Senate of the current term of office, elected for the years 2019 - 2023: the parliamentary Club of Law and Justice (*Prawo i Sprawiedliwość, PiS*); the Parliamentary Club of the Civic Coalition (*Koalicja Obywatelska*), including the following parties: *Platforma Obywatelska, Nowoczesna, Inicjatywa Polska, Zieloni*); the Coalition Parliamentary Club of the Left (*Lewica*), including the following parties: *Nowa Lewica, Razem*; the Parliamentary Club of the Polish Coalition (*Koalicja Polska*), including Polish Peasants' Party (*Polskie Stronnictwo Ludowe, PSL*), *Unia Europejskich Demokratów, Konserwatyści*; the Deputies' Group *Kukiz'15 – Demokracja Bezpośrednia*; the Deputies' Group *Konfederacja*; the Parliamentary Group *Polska 2050*; the Parliamentary Group *Porozumienie Jarosława Gowina*; the Deputies Group *Polskie Sprawy*; the Parliamentary Group PPS and one Deputy is non-attached.

The following clubs and groups are active in the Sejm and Senate of the current term of office, elected for the years 2019 - 2023:

The executive power is vested in the Council of Ministers and the President. The internal and foreign policy of the state is carried out by the Government, i.e. the Council of Ministers, which is led by the President of the Council of Minister (the Prime Minister). The Council of Ministers coordinates and controls the activities of the government administration. The President of the Council of Ministers su-

pervises the local self-government and is the superior for employees of the government administration. The President of the Republic of Poland appoints the Prime Minister and Ministers at the request of the latter.

Elected in a general election for a term of office of 5 years, the President of the Republic of Poland is the superior representative of the Republic of Poland, supervises compliance with the Constitution and is the supreme Commander of the Polish Armed Forces.

The judicial power is vested in independent courts and tribunals, headed by the Supreme Court and the independent Tribunal of State and the Constitutional Tribunal. The Supreme Court supervises the activities of common and military courts and is the supreme instance of appeal against rulings which are issued by courts of lower instances. The Supreme Administrative Court and other administrative courts supervise the activities of the public administration. The Constitutional Tribunal adjudicates on whether statutes and international agreements, objectives and activities of political parties comply with the Constitution, and decides on competence-related disputes between central constitutional bodies of the state. The Tribunal of State decides on the constitutional responsibility of top-ranking state officials, including the President of the Republic of Poland, the President of the Council of Ministers and the Members of the Council of Ministers.

Guarantees for civic rights are enshrined in the law, with the Constitution being the most important act. The Constitution also provides citizens of national and ethnic minorities with the freedom to maintain and develop their own language, pursue their customs and traditions, as well as to develop their own culture.

Since 1999, the three-tier territorial structure has been in force in Poland which consists of communes (2477), districts (314), cities with a district status (66) and provinces (16) (respectively *gmina, powiat, miasto na prawach powiatu* and *województwo*). Communes and districts are cells of local self-government, with the commune being the smallest administrative unit in Poland. Provinces are units of both the government and self-government. On the province level, the Government is represented by the Head of Province (*Wojewoda*). The Marshal is the superior representative of the self-government at the province level. Councils, which exercise power and supervision, are bodies of the local self-government. Their main tasks include passing local legislation, approving the budget and levying local taxes and charges. Elections to commune and district councils and province sejms are universal, equal, direct, and are conducted by secret ballot.

Public employment services in Poland consist of employment authorities (the

Minister competent for labour, Heads of Provinces, Marshals of Provinces and Heads of Districts (*Starosta Powiatu*) and district employment offices (340 offices), province employment offices (16 offices and their branch offices) as well as the office supporting the Minister competent for labour, and province authority offices. The general labour market policy is agreed on the national level, but both district and province employment offices can supplement it to satisfy local needs of the labour market.

For more information visit

<https://www.sejm.gov.pl> Sejm of the Republic of Poland

<https://www.senat.gov.pl> Senate of the Republic of Poland

<https://www.prezydent.pl> President of the Republic of Poland

<https://www.gov.pl/web/premier> Chancellery of the Prime Minister

<https://www.gov.pl/web/mswia> Ministry of Internal Affairs and Administration

<https://www.gov.pl/web/sprawiedliwosc> Ministry of Justice

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://psz.praca.gov.pl/> Public Employment Services Vortal



3. LIVING AND STAYING IN POLAND

3.1. Registration and residence permit

Entering the territory of Poland

Citizens of the EU or EFTA Member States may enter the territory of Poland on the basis of **a valid travel document or any other document which confirms their identity and nationality**. Family members of an EU or EFTA Member State citizen who are not citizens of the respective EU or EFTA Member State may enter the territory of Poland on the basis of **a valid travel document and a visa**, if required. Visa applications should be submitted to the consul of the Republic of Poland or the chief head of the Border Guard post at the border.

Deemed as **family members** of EU or EFTA Member State citizens are:

- their spouses,
- their or their spouse's direct "descendants" (descendants in direct line: children) aged up to 21 years or being dependants of the citizen or his/her spouse,
- their or their spouse's direct "ascendants" (ancestors in direct line: father, mother) being dependants of the citizen or his/her spouse,
- the direct "ascendant" of a minor EU citizen (direct ancestor: father, mother) who has the actual custody of that minor EU citizen and on whom that minor EU citizen is dependent.
- the direct ascendant of a minor EU citizen (direct ancestor: father, mother), who has the actual custody of that minor EU citizen and on whom that minor EU citizen is dependent,

EU or EFTA Member State citizens or their family members who are not citizens of the EU may be refused entry into the territory of Poland if:

- they feature on the list of foreigners who are not desired to stay in the territory of Poland,
- this is required for reasons of defence or security of the State or of the protection of public security and order,
- they do not have a document which gives the right to enter the territory of Poland, unless they prove in a different way which does not raise any doubts that they are entitled to benefit from the free movement of persons,
- public health considerations require so.

Registration

EU or EFTA Member States citizens and their family members who are not citizens of these states are obliged to **register in the place of their permanent or temporary residence longer than 3 months** not later than within 30 days after the arrival to the place.

Registration for permanent and temporary residence lasting more than 3 months is made in writing, in paper form, using a form with a handwritten signature, at the municipal authority competent for the location of a property in which this citizen lives, upon presentation, for inspection, of a valid travel document or other document confirming the identity and citizenship. In addition to a valid travel document, a family member of an EU citizen also presents a valid residence card of a family member, and if this is not possible – he/she presents another document confirming that he/she is a family member of an EU citizen. Upon registration, on the application form, it is required to present a confirmation of staying in the place of residence, made by an owner or other entity holding a legal title to this place and, for inspection, a document confirming this legal title to this place, e.g. a civil law agreement or an extract from the land and mortgage register.

Registration can be carried out in person or through a representative. In addition, a foreigner having a **trusted profile (eGo)** may register in writing, in electronic form, using a form with a qualified electronic signature or a trusted signature. Registration is free of charge. Upon registration, a PESEL number will also be assigned.

Staying in Poland for up to 3 months – no obligation to register

EU or EFTA Member State citizens and their family members who are not citizens of these states **may stay in Poland for up to 3 months without having to register their stay**. While staying in Poland, such citizens are obliged to have a valid travel document or any other valid document which confirms their identity and nationality. Family members who are not EU or EFTA Member State citizens are obliged to have a valid travel document and a visa, if required.

Staying in Poland for longer than 3 months – obligation to register

An EU or EFTA Member State citizen **may stay in Poland for a period longer than 3 months if:**

- he/she is employed or self-employed in Poland,
- he/she has sufficient financial resources to support himself/herself and his/her family members in Poland, so that they are not a burden for the social security system, and is covered by universal health insurance, or is entitled to use health care services in accordance with the provisions on the coordination of social security systems, or has private health insurance which covers any and all expenditures which may be incurred during his/her stay in Poland,
- he/she is a student or a trainee in a vocational training programme and is covered by universal health insurance, is entitled to use health care services in accordance with the provisions on the coordination of social security systems, has private health insurance which covers any and all expenditures which may be incurred during his/her stay in Poland, and has sufficient financial resources to support himself/herself and his/her family members in Poland, so that they are not a burden for the social security system,
- he/she is married to a Polish citizen,
- he/she is a job seeker, in which case they may stay in Poland for up to 6 months without having to register, unless he/she can prove upon the lapse of the period that he/she continues to be an active job seeker and has real chances to take up employment.

If the stay in Poland is longer than **3 months:**

- an EU or EFTA Member State citizen must **register his/her stay**,
- a family member of an EU or EFTA Member State citizen who is not a citizen of that state is obliged to obtain a **residence card** which in principle is issued

for a period of 5 years (or a shorter period depending on the period of the intended stay of the EU citizen whom that family member joins or with whom that family member stays in Poland).

To register the stay in Poland or to obtain a residence card, **an appropriate application** with the required documents **should be submitted** to the Head of Province with appropriate jurisdiction over the place in which the EU citizen stays in Poland.

No fees are charged for registering the stay of the EU citizen and issuing the residence card.

Right of permanent residence in Poland – applying for evidence documents

After 5 years of continuous residence in Poland, EU or EFTA Member State citizens **acquire the right of permanent residence**, provided that at that time they have had the right of residence in Poland. Family members who are not citizens of these states acquire the right of permanent residence after 5 years of continuous residence in Poland together with an EU or EFTA Member State citizen, provided that at that time they have had the right of residence in Poland as a family member of the EU/EFTA citizen. Residence is deemed to be continuous if the person concerned has not left Poland for longer than 6 months during a year (in total). However, they may stay outside of Poland for a longer period due to mandatory military service or an important personal event, in particular pregnancy, delivery, illness, studies, vocational training or delegation, provided that the period does not exceed 12 consecutive months.

To obtain **a document which confirms the right of permanent residence** in Poland or to obtain **a residence card**, **an appropriate application** with the required documents **should be submitted** to the Head of Province with appropriate jurisdiction over the place in which the EU citizen stays in Poland. Heads of Province issue these documents **free of charge**.

Refusal to register residence of an EU or EFTA Member State citizen or to issue a residence card

The Head of Province **refuses** to register residence of an EU or EFTA Member State citizen or to issue a residence card

if

- the conditions for residence established in applicable provisions have not been met, or
- it is required so for reasons of defence or security of the State or of the protection of public security and order, or
- in proceedings for the issue of a document confirming the right of permanent residence or for the issue of a permanent residence card, the applicant has submitted an application containing false personal data or false information or has enclosed documents containing such data or information or has given false testimony or concealed the truth or has forged or altered a document to use it as authentic or has used such a document as authentic, or
- applies for registration of residence or issuance of a residence card in order to circumvent the legislation applicable in another EU or EFTA Member State and governing the rules of entry into, residence in and exit from the territory of the EU,
- the marriage with the EU or EFTA Member State citizen or with a citizen of the Republic of Poland has been made under false pretences.

The Head of Province is also a competent authority in the following matters: cancelling the registration of residence, replacing or issuing a new certificate on the registration of residence, issuing, replacing or cancelling a residence card and issuing, replacing or cancelling a document which confirms the right of permanent residence or the card of permanent residence. An appeal against a decision of the Head of Province may be submitted to Head of the Office for Foreigners in Warsaw through the competent Head of Province. An appeal should be submitted in writing within 14 days after the receipt date of the decision.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the right to **legal residence in Poland** for a period of **18 months, counting from 24 February 2022**, if they have arrived in Poland since 24 February 2022 from the territory of Ukraine in connection with hostilities and declare their willingness to stay in Poland.

Citizens of Ukraine **lose** this right if they leave Poland **for a period of more than 1 month**.

The above-mentioned regulations do not apply to persons referred for work or

services outside Poland by entities pursuing economic activity in the territory of Poland and to seamen and fishermen.

Before the expiry of the above-mentioned 18 months (but **after 9 months of stay in Poland**), a citizen of Ukraine may obtain a **temporary residence permit**, which is granted **for a period of 3 years**. An application for a temporary residence permit is submitted to the Head of Province competent for the place of residence of a citizen of Ukraine in Poland.

Citizens of Ukraine – upon their request – are assigned a **PESEL number**.

If a citizen of Ukraine stays in Poland based on a **national visa** and the last day of his/her stay in Poland falls in the period from 24 February 2022, the period of stay is **extended until 31 December 2022**. No new visa sticker is affixed in the foreigner's travel document. A national visa during the period of extension of the period of stay and the period of validity does not give the right to cross the border.

If the last day of the period of validity of a **temporary residence permit** held by a citizen of Ukraine falls in the period from 24 February 2022, its period of validity is extended until 31 December 2022.

If the last day of the permissible period of stay of a citizen of Ukraine based on a **Schengen visa or visa-free traffic** in the territory of Poland falls in the period from 24 February 2022 and this stay started before that day, his/her stay in this territory is considered legal for a **period of 18 months**.

An application for assigning a PESEL number may be submitted by any person who, since 24 February 2022, has arrived in Poland from the territory of Ukraine or through other countries in connection with hostilities carried out in Ukraine and:

- has a citizenship of Ukraine or
- is the husband/wife of a citizen of Ukraine, but does not have a Ukrainian, Polish or EU Member State citizenship, or
- has a citizenship of Ukraine and a Pole's Card or
- is a member of the immediate family of a person who has a citizenship of Ukraine and a Pole's Card.
- A PESEL number may not be applied for by citizens of Ukraine who have:
 - permanent residence permit,
 - temporary residence permit,

- residence permit for a long-term resident of the European Union,
- refugee status,
- complementary protection,
- permit to stay for humanitarian reasons,
- consent for tolerated stay,
- submitted applications for international protection in Poland or someone submitted such an application on their behalf,
- declared their intention to submit applications for international protection in Poland or such declarations apply to them.

The application for assigning a PESEL number is **submitted in person to any municipal authority**. In the case of a person who, due to his/her state of health or disability, is not able to submit an application in person at the registered office of the municipal authority, the municipal authority provides a possibility of submitting an application in the place of residence of this person.

On behalf of a person who does not have legal capacity or has limited legal capacity and applies for assigning a PESEL number or a person who, due to his/her state of health or disability, is not able to submit an application on his/her own, **an application is submitted by one of the parents, guardian, temporary guardian or person having actual custody of a child**. In the absence of such persons, a PESEL number may be assigned *ex officio*.

When submitting an application for assigning a PESEL number, it is necessary to produce a document that will confirm the identity and data indicated in an application. If a person does not have such a document, then the fact of signing an application by this person is equivalent in legal terms to a statement that the indicated data are true. In addition, it is required to attach a photo in colour on photo paper, with the dimensions of 35 mm x 45 mm (width x height). In submitting an application, fingerprints will be taken. Children below 12 are not fingerprinted.

By submitting an application for assigning a PESEL number, it is also possible to obtain a **trusted profile** which makes it possible to handle many official matters via the Internet. In order to obtain a trusted profile, it is required to have a working **mobile phone with a number from a Polish mobile operator**, which is used exclusively by an applicant and an **e-mail** address used by this person.

Persons who arrived in Poland in connection with hostilities in Ukraine, and their **stay in Poland will last longer than 30 days**, are obliged to **register their address**. This person should, in the first instance, apply for assigning a PESEL number, and then register in the place of temporary residence.

Persons staying in the territory of Poland are obliged to register in the place of temporary residence **for the period during which they can legally stay in the territory of Poland**.

The registration obligation is made **at the municipal office** of a municipality in which this person resides. When performing the registration activities, it is necessary to submit to the municipal authority a completed and signed **temporary residence declaration form**, containing **confirmation of the fact of residence** of this person, made **by an owner or other entity holding a legal title to the place** and to present, for inspection, a document confirming the owner or entity administering this place's legal title to the place. **A document confirming the legal title to the place** may be, in particular, a civil law agreement, an extract from the land and mortgage register, an administrative decision or a court decision. If a person who makes registration holds a legal title to the place (e.g. has a lease agreement) – he/she confirms, on his/her own, the fact of a person's stay in this place. When registering, it is also necessary to **produce a valid travel document or other valid document confirming the identity and citizenship of a person, if this person has such a document**.

No fee is charged for performing the registration activities.

For more information visit

<https://www.gov.pl/web/gov/uslugi-dla-obywatela/#meldunek-i-wybory>

Registration and elections

<https://www.gov.pl/web/udsc/urzedo-spraw-cudzoziemcow> Office for

Foreigners

More information for citizens of Ukraine

<https://www.gov.pl/web/gov/uzyskaj-numer-pesel-oraz-profil-zaufany--usluga-dla-obywateli-ukrainy> Obtaining a PESEL number and a trusted profile – service for citizens of Ukraine

<https://www.gov.pl/web/gov/ostrymay-nomer-PESEL-ta-dovirenyy-profil-posluha-dlya-hromadyan-Ukrayiny-u-zvyazku-zi-zbroynym-konfliktom-na-terytoriyi-tsiyeyi-krayiny> Obtain a PESEL number and a trusted profile – service for citizens of Ukraine in connection with armed conflict in the territory of that country

<https://www.gov.pl/web/ua/de-mozhna-podatyzayavku-na-ostrymannya-nomera-PESEL> Find out where you can apply for a PESEL number in Ukrainian

3.2. How to find a flat

Access to housing

EU or EFTA Member State citizens **may either rent or acquire the ownership right to flats** under the principles which apply to Polish citizens – the Polish provisions do not discriminate against these citizens in terms of their access to housing or instruments which that support renting or purchase.

Residents of a given commune who meet certain requirements (including the income criterion) may apply for renting a communal flat. These flats have low rental fees but they normally offer a lower standard.

Flats with rental fees below the market level are also constructed by **social housing initiatives** (Polish, *społeczne inicjatywy mieszkaniowe*, or **SIM**) which operate in ca. 200 cities. The social rental housing segment meets the housing needs of average earners. Applicants for renting such flats must meet specific income criteria (depending on the location of the flat and the size of their household) and must not have any other flat. They must also pay in a contribution which is equivalent to 30% of the value of the flat. The contribution is refunded upon the lapse of the rental period. In order to create such dwellings, social housing initiatives, communal companies and housing cooperatives may apply for preferential reimbursable financing subsidised from the state budget.

Tenants of new flats and revitalised flats (built as part of cooperation between investors and communes) are able to apply for rental allowances. The allowances will be granted to persons who meet certain requirements relating to *inter alia* income, property or use of the flat. The amount of the allowance will depend on the number of people in the household and will be region specific (i.e. it will depend on the cost of building a flat in a specific location). Selection of tenants will

be the responsibility of the commune. The criteria established by the commune (e.g. income, number of children, disability, economic migration) will be used to compile a list of tenants with whom the investor will conclude rental contracts, provided that the tenants can demonstrate rental credibility (i.e. ability to pay the rent regularly).

From 9 February 2022, the income criterion is PLN 2,265 (EUR 488) in a single-person household and PLN 1,698.76 (EUR 366) in a multi-person household.

A new solution available in Poland for finding a residential unit is **social rental agencies (Polish, *społeczne agencje najmu, or SAN*)**. In this model, a social rental agency (an entity cooperating with a municipality under a contract), leases flats from private owners and then rents them to persons who meet economic or social criteria laid down in a relevant resolution of the municipality council. A person seeking a flat applies to the municipality where the fulfilment of the criteria is verified and, if fulfilled, he/she is referred to the social rental agency to choose a flat.

Looking for a flat

Adverts of flats to rent or purchase can be found in newspapers and in the Internet. Accommodation can also be found by placing own adverts in newspapers and Internet portals or through a real estate agent. If the latter option is used, expenses related to looking for a flat will be increased by the commission paid to the real estate agent. When renting a flat, the commission is normally equivalent to the monthly rent, and when buying a flat - it is ca. 2-3% of the purchase price.

If you are looking for a flat on your own, you can contact the sales office of a developer of your choice and check the project in legal terms, i.e. view the land and mortgage register and the National Court Register to check whether the developer has a building permit and is not bankrupt, etc.

When buying a flat, you can use the services of a real estate agent (e.g. a real estate agency) or sign a contract with a developer or a housing cooperative. Most developers request the first payment to be made within 3-7 days after the date of the contract.

Before your real estate agent undertakes any activities, you should first sign an agency contract. The agency contract should specify what specific activities the real estate agent should perform and what remuneration he or she is entitled to. The contract should also specify the real estate agent who is responsible for its performance and should include a declaration regarding an active civil liability

insurance for any damage which may be caused in relation to performing the agent's activities. The agency contract is what is known as the duty-of-care contract rather than a result-based contract. Therefore, under such a contract, the agent undertakes e.g. to look for a flat, not to actually find it.

Purchasing or renting a flat

In Poland, the **purchase of any kind of real estate** should be confirmed by an agreement concluded before a notary in the form of a **notarial deed**.

A **rental agreement** may be concluded for a definite or indefinite period of time. The Act on the protection of the rights of tenants, communal housing resources and on amending the Civil Code includes a catalogue of causes for terminating a rental agreement. The landlord may cancel a rental agreement if the tenant is in default of payment of the rent for at least three complete payment periods, if the tenant has rented, sub-rented or transferred the flat (or its part) for use free of charge without the required written approval from the landlord, or if the tenant has seriously violated the house regulations. The termination notice should be made in writing and specify the cause for termination. The landlord may terminate a rental agreement upon serving a 1-month notice, with the effect at the end of the calendar month.

The tenant may terminate a rental agreement signed for an indefinite period of time at any moment and for any reason (or without stating any reasons) by serving a termination notice to the landlord.

Before signing the agreement, the landlord may request the tenant to pay a security deposit. The deposit serves as security of any potential claims related to the use of the flat beyond normal wear and tear as well as any amounts due under the rental agreement contract (the deposit must not exceed the equivalent of twelve monthly rents). The deposit is refunded within one month after the date the flat is vacated or the tenant acquires its ownership, upon deducting any receivables due to the landlord under the rental agreement.

Prices for flats and costs of rental

In Poland, prices for flats² differ depending on the location and type of the housing market. Flats that can be bought on the primary market are normally available in a standard that requires finishing. There is also a large secondary market with flats in various standards and locations. Transaction prices of flats in

² On the basis of the information from the National Bank of Poland concerning transaction prices in Q1 2022

the primary market in six large cities in Poland rose in 2022 by 17.2% when compared to 2021.

In Q1 2022, flat prices grew both on the primary and secondary market. In Warsaw, the average transaction price for 1 m² of a flat on the primary market was PLN 12,412 (EUR 2,675), an increase by 12% compared to the previous year. In Gdańsk, 1 m² cost an average of PLN 11,231 (EUR 2,420), and in Gdynia – PLN 12,732 (EUR 2,744). Transaction prices higher than PLN 8,000 (EUR 1,725) were reported in Kraków – PLN 10,494 (EUR 2,261) and Wrocław – 10,029 (EUR 2,161).

In Q1 2022, the highest secondary market price was reported in Warsaw and amounted to PLN 11,451 (EUR 2,467) for 1m², representing an increase by 35% when compared to 2021. Flat prices on the secondary market were high also in Gdańsk – PLN 10,239 (EUR 2,206) for m², 39% more than in the previous year, and Kraków – 10,001 (EUR 2,155). Transaction prices higher than PLN 8,000 (EUR 1,725) were reported also in Gdynia – PLN 11,620 (EUR 2,506) and Wrocław – 10,205 (EUR 2,201). A flat could be bought on the secondary market for less PLN 8,000 (EUR 1,724) for 1 m² in Łódź.

Rental fees differ from city to city, and depend also on the standard and surface of the flat. The highest rents are in Warsaw and other large cities.

The average monthly rent³ for a flat in Warsaw was PLN 2,042 (EUR 440) in Q1 2022, by 23% more than in Q1 2021. Gdańsk was Poland's most expensive city in this respect, with the average monthly rent reaching PLN 1,833 (EUR 395) and marking one of the highest price increases on the housing market in recent years. In Kraków, the average monthly rent exceeded PLN 1,606 (EUR 346), and in Wrocław it was PLN 1,786 (EUR 384). The lowest monthly rents were reported in Katowice – PLN 982 (EUR 194), and Łódź – PLN 1,211 (EUR 221).

The rent rates are higher than in 2021, which is largely due to Russia's aggression against Ukraine.

Rents for the same category of flats differ significantly depending on the distance from the city centres. The rates quoted above **do not include costs of utilities** (e.g. gas, electricity, heating or water), which are normally not included in the rent.

3 On the basis of the AMRON-SAFRiN Report for Q1 2022, the Polish Bank Association

For more information visit

<https://www.gov.pl/web/mswia> Ministry of Interior and Administration

<https://ekrs.ms.gov.pl/> National Court Register

<https://funduszmieszkan.pl/> Fundusz mieszkań na wynajem (Flat Rental Fund)

<https://mieszkanieplus.gov.pl/> Mieszkanie Plus (Flat Plus)

<https://mplus.pl/> Mieszkanie Plus (Flat Plus)

+48 (22) 703 43 48 Mieszkanie Plus hotline, open Mon-Fri, 8:15 am-4:15 pm

<https://stat.gov.pl/> Główny Urząd Statystyczny (Statistics Poland)

3.3. Costs of living

Costs of products and services

In Poland, costs of living differ from place to place. The highest costs are in Warsaw and other large cities.

Examples of **average prices for basic foodstuffs**:

bread (1 kg) – PLN 6.30 (EUR 1.35), bread roll (50 g) – PLN 0.45 (EUR 0.09), tea (100 bags) – PLN 19.18 (EUR 4.13), ground coffee (250 g) – PLN 8.81 (EUR 1.89), jam (280 g) – PLN 4.49 (EUR 0.96), corn flakes (250 g) – PLN 4.07 (EUR 0.87), ketchup (430 g) – PLN 4.93 (EUR 1.06), oil (1 litre) – PLN 11.85 (2.55 EUR), butter (200 g) – PLN 7.16 (EUR 1.54), eggs (10 pieces) – PLN 6.84 (EUR 1.47), cheese (1 kg) – PLN 29.57 (EUR 6.37), milk (1 litre) – PLN 3.73 (EUR 0.80), cottage cheese (200 g) – PLN 2.50 (EUR 0.53), yoghurt (150 g) – PLN 1.57 (EUR 0.34), water (1.5 litre) – PLN 2.52 (EUR 0.54), orange juice (1 litre) – PLN 4.53 (EUR 0.97), flour (1 kg) – PLN 3.68 (EUR 0.79), sugar (1 kg) – PLN 3.93 (EUR 0.84), salt (1 kg) – PLN 1.55 (EUR 0.33), penne pasta (500 g) – PLN 5.77 (EUR 1.24), boneless pork loin (1 kg) – PLN 20.45 (EUR 4.40), chicken (1 kg) – PLN 11.70 (EUR 2.52), sliced ham (450 g) – PLN 22.23 (EUR 4.79), bananas (1 kg) – PLN 6.26 (EUR 1.34), apples (1 kg) – PLN 3.01 (EUR 0.64), potatoes (1 kg) – PLN 2.32 (EUR 0.5), tomatoes (1 kg) – PLN 10.65 (EUR 2.29), sweet peppers (1 kg) – PLN 11.62 (EUR 2.50).

Examples of **average prices for basic household chemicals and cosmetics**:

washing-up liquid (1 litre) – PLN 6.67 (EUR 1.43), toothpaste (125 ml) – PLN 9.05 (EUR 1.95), soap (100 g bar) – PLN 3.12 (EUR 0.67), hair shampoo (250 ml) – PLN 6.07 (EUR 1.30), washing powder (400 g) – PLN 7.22 (EUR 1.55), toilet paper (8 rolls, the cheapest one) – 7.07 PLN (EUR 1.52).

Examples of **average monthly utility costs per person**:

electricity – PLN 80 (about EUR 17), phone calls – PLN 60 (about EUR 13), waste (disposal) – PLN 85 (about EUR 18), (per flat). Owners of single-family houses pay PLN 107 per month (about EUR 23). Those who decide to compost bio-waste use a rebate of PLN 9 (about EUR 1.93), thanks to which the cost is PLN 98 (about EUR 21), water PLN 80 (about EUR 28), cable TV – PLN 50 (about EUR 11), Internet – PLN 50 (about EUR 11), gas (gas cooker) – PLN 40 (about EUR 8), gas (in the case of heating rooms with gas only) – PLN 200 (about EUR 53.). This gives a total monthly cost of about 645 PLN (about EUR 139) per person.

Examples of **average prices for other products and services**:

petrol (litre) – PLN 7.35 – 8.07 (about EUR 1.58 – 1.73), urban transport ticket – 3.50 PLN (EUR 0.75), cinema ticket – PLN 17-35 (about EUR 4 – 8), theatre ticket – PLN 80 – 220 (about EUR 18 – 49), main course in a restaurants – PLN 20 – 40 (about EUR 4.5 -9).

In view of current inflation, these prices may rise.

Shops

Opening hours are set by shop owners, but they are normally as follows:

- groceries – from 6:00 am (7:00 am) to 6:00 pm (7:00 pm), some groceries may have longer opening hours,
- shops other than groceries – normally open at 10:00 am,
- supermarkets (most often located at the outskirts of large cities) – normally from 9:00 am to 10:00 pm.

Trade and trade-related activities at commercial establishments on Sundays and public holidays are subject to certain restrictions. In 2022 and following years, there will be 7 trading Sundays per year - the last Sunday in January, April, June and August, two successive Sundays before Christmas and the Sunday before Easter. In certain situations stipulated by law, trading and trade-related activities

are allowed every Sunday. This applies e.g. to petrol stations, pharmacies and florists.

The trading ban established in the legislation does not apply to *inter alia* commercial establishments at liquid fuel stations, commercial establishments whose main business involves flower sales, pharmacies and dispensaries, commercial establishments whose main business involves sales of souvenirs, devotional articles, newspapers, urban transport tickets, tobacco products, lottery and betting coupons, as well as post offices, commercial establishments at hotels and online shops.

Most shops accept payment cards.

It is also possible to **shop online**, which is becoming increasingly popular in Poland.

For more information visit

<https://www.stat.gov.pl> Główny Urząd Statystyczny (Statistics Poland)

3.4. Transport

Public transport in Poland is diversified and includes:

- buses: urban and suburban – operating countrywide,
- trains – international, inter-regional, regional, urban/agglomeration – for selected cities,
- trams – operating in big cities,
- underground – in Warsaw,
- bicycles – public bicycle rental stations are available in certain large cities, e.g. Warsaw, Kraków, Poznań, Wrocław and Gdańsk.

Buses, trams and underground run from the very early morning hours until around 11:00 pm. There are also night buses in large cities.

Urban transport tickets can be purchased in ticket vending machines (many of which do not accept coins, but payment cards only), kiosks (“Ruch”), some shops, underground stations or from drivers (note that not all urban transport drivers sell tickets). Tickets purchased from a driver can be more expensive. There is one ticket type for buses (urban), trams and underground, but tickets differ from city to city. This means that in Warsaw you may not use tickets you have purchased in Kraków.

There are single tickets and period tickets (valid for 24 hours, 30 days, 90 days). Depending on the city, two ticket types are in use - single and time-limit tickets.

Season tickets for urban public transport in some cities allow you to use trains within the city and its vicinity at no extra charge. For example, if you have a season ticket for urban public transport in Warsaw, you can use not only SKM Fast City Rail, but also Masovian Railways and Warsaw Commuter Railway within the area of Warsaw and some of its neighbouring municipalities.

A single ticket is valid for a single travel regardless of the distance. With a single ticket, when you change buses, you must validate a new ticket unless your ticket is a 24-hour, 7-day or monthly ticket (tickets of this type are in use in e.g. Warsaw).

A time-limit ticket is valid for a certain period of time (e.g. 10 or 30 minutes) and allows you to change means of public transport as you travel during that period (tickets of this type are in use in e.g. Łódź and Warsaw).

Tickets for suburban buses can be purchased from bus drivers or at ticket offices at bus stations. In some suburban zones and certain cities there are private buses and passenger vans (called *bus* in Polish), where you pay your fare to the driver.

In Poland, there are four types of **trains**. The fastest and most comfortable are Express Intercity Premium (EIP) and Express Intercity (EIC) trains owned by the PKP Intercity S.A. railway operator – they stop only in larger cities and are characterised by the lower number of stops than other types of trains. Fast trains (IC; TLK) stop more often and are cheaper, while passenger (regional) trains stop at all stations and are the cheapest ones.

As regards the prices of **train tickets**, they depend on the policy adopted by operators and organisers of public transport. Cheaper tickets may be available when purchased many days in advance and for less popular connections. There are also many promotional offers as well as statutory discounts and rebates applicable to all operators.

The purchase of a ticket is possible by means of mobile applications, via the Internet, in ticket machines, at ticket offices and usually, for an additional fee, from a ticket inspector and we may be exempt from this fee when it is not possible to buy a ticket at the place of departure (e.g. no ticket offices).

In Poland, **international and domestic flights** are offered by Polish and international air carriers from airports in Warsaw, Modlin, Bydgoszcz, Katowice, Kraków, Łódź, Gdańsk, Szczecin, Wrocław, Zielona Góra, Rzeszów, Poznań, Lublin and Olsztyn.

Air tickets can be purchased either at ticket offices at airports or online on airline websites, or through various flight search engines.

City bikes have become very popular in Poland recently. Their key advantage is that they are easily released and returned - each operator uses its own system for that purpose. You can rent and return a city bike at a station of your choice. A special computer system manages the authentication procedure and records the ride time. The bike rental system is normally based on a magnetic or chip pass card which can be “pre-paid” with a specific amount covering the security deposit and fares. Most systems offer the first 30 minutes of a ride free of charge to attract users. There are several city bike rental systems in Poland at present.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine use public transport on the same conditions as Polish citizens.

After 30 June 2022, PKP Intercity S.A. ceased to provide free travel for citizens of Ukraine.

For more information visit

<https://bilkom.pl/> Train schedules and purchase of tickets

<https://portalpasazera.pl/en> Valid train timetable and detailed information on train connections and facilities for disabled persons and persons with reduced mobility.

<https://www.utk.gov.pl/en> Information for travellers on the use of rail transport, facilities, passenger rights, complaints and claims

<https://www.pasazer.gov.pl> Passenger Rights Ombudsman

<https://www.pkp.pl/en/> Basic information about railways, stations and stops and about facilities for disabled persons and persons with reduced mobility

<https://www.intercity.pl/en/> Purchase of tickets for long-distance trains, requesting assistance for disabled persons and persons with reduced mobility,

<https://www.lot.pl> Polskie Linie Lotnicze LOT (LOT Polish Airlines)

<https://www.metro.waw.pl/> Warsaw underground

<https://www.wtp.waw.pl/> Zakład Transportu Miejskiego w Warszawie (Warsaw Public Transport Authority)

<https://jakdojade.pl/> Urban transport navigation service

<https://www.veturilo.waw.pl/> Warsaw Public Bicycle Service

<https://www.ulc.gov.pl/en> Information for travellers including, among others, passenger rights

<https://www.pkp.pl/en> Polskie Koleje Państwowe S.A. – basic information about railways, stations and passenger stops along with information for persons with reduced mobility.

<https://en.plk-sa.pl> Polskie Koleje Państwowe S.A. – basic information about railways, stations and passenger stops and the functioning of railway infrastructure.

More information for citizens of Ukraine

<https://portalpasazera.pl/en> Up-to-date train timetable and detailed information about train connections and facilities for persons with disabilities and reduced mobility.

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

3.5. Cars and driving licence

Recognition of driving licenses, motor insurances and vehicles registration certificates in the EU

EU and EFTA Member States mutually recognise the validity of their driving licences, motor insurances and vehicle registration certificates. Therefore, driving licences been issued in EU and EFTA Member States **remain valid** in Poland. If a citizen of an EU or EFTA Member State has a temporary driving licence or another document issued by the state of origin which confirms his/her temporary rights to drive, then such documents **are not recognised in Poland**.

A citizen of an EU or EFTA Member State who has moved to Poland is allowed to drive vehicles under his/her valid driving licence **until its expiry date**. In the event the driving licence expires, is stolen or lost, a new driving licence must be applied for in Poland.

Vehicles owned by persons staying in Poland are admitted to international traffic under the Vienna Convention on Road Traffic of 8 November 1968. A vehicle registered abroad is admitted to road traffic if it meets applicable technical requirements and is fitted with registration plates bearing a registration number which consists of Roman letters and Arabic numerals, and provided that the driver holds a relevant registration document. If such a registration document does not prove the right of the driver to use the vehicle, the person is obliged to hold a document confirming that right and present it when requested to do so by a traffic control authority.

The owner of a vehicle imported from an EU Member State is obliged to register the vehicle in Poland within 30 days of the day of its import. (On 1 July 2021, the time limit was extended to 60 days, which will apply until the date of cancellation of an epidemic emergency or a state of epidemic declared due to COVID-19.)

Such a vehicle is registered by the Head of the District (*starosta*) or the mayor of a city with a district status competent for the owner's permanent or temporary place of residence or the registered office of his/her company, following an application by the owner.

Remember to **insure your car** if you move to Poland with it. Before moving to

Poland, check with your current insurer whether your insurance is valid in Poland. If it is not, you can insure your car in Poland through an insurer that is established in Poland or holds a permit to run insurance business in Poland. Remember that a Polish insurer is not under any obligation to recognise your claims free record with your current insurer.

If an EU or EFTA Member State citizen who has moved to Poland has a passenger car or another “motor vehicle” of the “quadricycle” subcategory (homologation category L7e) or the “light quadricycle” subcategory (homologation category L6e) which has been imported from an EU Member State and is to be registered in Poland for the first time, then he/she must register it and pay the **excise duty** and, if applicable, the **value added tax (VAT)** on the vehicle in Poland.

Driving licence

A document certifying the right to drive a moped, a motor vehicle or a combination vehicle consisting of a motor vehicle and a trailer or semi-trailer is:

- 1) **issued in the country:**
 - a) driving licence,
 - b) military permit,
 - c) international driving licence;
- 2) **issued abroad:**
 - a) international driving licence as defined in the Convention on Road Traffic,
 - b) national or international driving licence as defined in the Convention on Road Traffic,
 - c) national driving licence issued in another EU or EFTA Member State,
 - d) national driving licence specified in an international agreement to which Poland is a party;
- 3) **foreign military document**, specified in international agreements to which Poland is a party.

In Poland, there are different **categories** of the driving licence. The available categories are **standardised across the EU**.

For example, a Category A driving licence gives the right to drive a motorcycle,

Category B – to drive vehicles with a maximum authorised mass (MAM) of up to 3.5t, Category D – to drive vehicles with a MAM above 3.5t (excluding buses), Category D – to drive buses.

In Poland, a driving licence **is issued** to an applicant who:

- 1) has reached the minimum age required to drive a vehicle in a given category;
- 2) has obtained a medical certificate of no health objections to drive a vehicle and a mental health certificate of no mental health objections to drive a vehicle, if required;
- 3) has completed a training course required for a particular driving licence category;
- 4) have successfully passed a state exam required for a particular driving licence category;
- 5) has his/her place of residence in Poland; and:
 - a) spends at least 185 days each calendar year in Poland:
 - because of his/her personal or work-related ties, or
 - with the intent to reside permanently in Poland solely because of his/her personal ties, or
 - b) stays in Poland regularly because of his/her personal ties and, at the same time, stays successively in at least two other EU Member States because of his/her work-related ties; or
 - c) visits Poland irregularly due to his/her personal ties because he/she stays in another EU Member State to perform a job of specific duration; or
 - d) has moved to another state to go to college or university.
- 6) being warned of the criminal liability for making false statements or concealing the truth, declares that:
 - a) he/she has not been banned by a final court order from driving a motor vehicle;
 - b) he/she has not had his/her driving licence or permit to drive a tram suspended;
 - c) he/she has not had his/her driving licence withdrawn.

To apply for a Polish driving licence, an EU or EFTA Member State citizen must meet the following age requirements for the respective driving licence categories: 14 years of age – AM; 16 years of age – A1, B1, T; 18 years of age – A2, B, B+E, C1, C1+E; 20 years of age – A, provided that the applicant has held a Category A2 driving licence for at least 2 years; 21 years of age – C, C+E, D1, D1+E, subject to specific minimum driving age regulations applicable to uniformed services personnel and persons with an initial qualification; 24 years of age – A if the applicant has not held a Category A2 driving licence for at least 2 years; D and D+E, subject to specific minimum driving age regulations applicable to uniformed services personnel and persons with an initial qualification. A person under the age of 18 may obtain a driving licence for categories AM, A1, B1 or T with the written consent of a parent or guardian.

A driving licence **may not be issued** to an applicant who:

- 1) has been medically diagnosed with an active form of addiction to alcohol or other similar substance;
- 2) has been banned from driving motor vehicles under a final court judgement – for the duration and within the scope of that ban;
- 3) has had his/her driving privileges revoked or his/her driving licence suspended – for the duration and within the scope of that decision;
- 4) holds another document confirming his/her privileges to drive motor vehicles;
- 5) has obtained a driving licence abroad, but has had that driving licence suspended or his/her driving privileges revoked – for the duration of the suspending/revoking decision;
- 6) has had his/her driving licence replaced in connection with supervision over a vehicle driver under the provisions of the Act on vehicle drivers;
- 7) who has begun in another EU Member State, the Swiss Confederation or an EFTA Member State - party to the Agreement on the European Economic Area the procedure of exchanging a driving licence into a Polish driving licence or the procedure of issuing a duplicate of the Polish driving licence.

In Poland, a driving licence is issued **for a fixed term** after which it must be replaced with a new one.

For Categories AM, A1, A2, A, B1, B, B+E and T, driving licences are normally issued for 15 years. The term may be curtailed only under a decision by a medical practitioner who performs medical examinations of drivers. In the absence of

such decision, a driving licence issued originally for 15 years may be extended for another period upon submission of a relevant application, proof of payment for the issue of the new licence and a recent photograph of the applicant. In the event a driving licence is extended for a period curtailed under a medical decision, the applicant must additionally submit a relevant medical certificate.

For Categories C1, C1+E, C, C+E, D1, D1+E, D and D+E, driving licences are issued for 5 years or a shorter period, and the expiry period always depends on the expiry period of the related medical or mental health certificate. For professional drivers (who hold driving licences with code 95), the period depends also on when they complete the required periodic training.

A holder of a driving licence issued by another EU Member State who has a place of residence in Poland may **replace** it with a **Polish driving licence** if his/her original driving licence has expired. In such case, it is required to submit relevant medical and mental health certificates (if required) and meet the driving licence extension requirements established in the state which has issued the expired driving licence. During the process of extending the driving licence, the Polish authority responsible for issuing driving licences will request the foreign authority that issued the original driving licence to clarify the extension requirements. The Polish authority will contact the applicant if it becomes necessary to provide additional documents.

Registering a car imported to Poland

The owner of a vehicle imported from an EU or EFTA Member State is obliged to register the vehicle in Poland within 30 days after the day of its import. (On 1 July 2021, the time limit was extended to 60 days, which will apply until the date of cancellation of either an epidemic emergency or a state of epidemic declared due to COVID-19.)

The application for the registration of the vehicle must be submitted (together with the required documents) to the traffic department of the District Head Office (*starostwo powiatowe*) of the place of residence, and if the place of residence is in a city with a district status, the application must be submitted to the City Office (*urząd miasta*).

A **temporary registration certificate** (valid for 30 days) will be issued on the registration date, and a **permanent registration certificate** will be issued within 30 days after that date.

The vehicle owner is obliged to ensure that the registered vehicle has a valid technical inspection certificate.

Motor insurance

When registering a new vehicle in Poland, you must purchase the compulsory **civil liability insurance** on the registration date (termed “OC” in Polish).

You can also purchase additional insurance cover, including e.g. comprehensive cover (termed Autocasco, or “AC”, in Polish).

Taxes on the purchase of vehicles in another Member State

In the event that an EU or EFTA Member State citizen who has moved to Poland has purchased an unregistered passenger car⁴ in a Member State other than Poland, he/she must, within 14 days of transferring the car to Poland (crossing the Polish border) but not later than on the day of registering the car in Poland, submit an excise duty tax return to the Head of the Tax Office of his/her place of residence and pay the excise duty within 30 days after the date on which the car was transferred to Poland, but not later than on the day of registering the car in Poland. A natural person may submit this return (AKC-US) either in paper form to a competent head of tax office or in electronic form via the Electronic Services Portal of the Customs Service (PUESC). In paper form, the return may be submitted only by a natural person not conducting economic activity.

On the other hand, the import of a car purchased in an EFTA country into Poland is subject to excise duty on the import of goods on general terms requiring the submission of a customs declaration to the customs and tax office.

As regards the excise duty, the taxable amount for a passenger car purchased in the EU Member State other than Poland and transferred in Poland is the amount actually paid for the car (the value of the vehicle purchased). In the case of importing a passenger car purchased in an EFTA country, the tax base is its customs value plus the customs duty due. Currently, four **excise duty rates on passenger cars** are applicable:

- **18.6%** of the taxable amount - for passenger cars with a cylinder capacity of more than 2,000 cc,
- **9.3%** of the taxable amount - for passenger cars with a combustion/electrical hybrid system where electric energy is or is not accumulated by connecting

⁴ Within the meaning of Polish excise duty regulations, passenger cars are motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No. 8702), including station wagons and racing cars, excluding motor cars and other motor vehicles that do not require registration in accordance with applicable road traffic regulations.

to an external power source (hybrid cars with or without a plug), with a cylinder capacity of more than 2,000 cc but not more than 3,500 cc,

- **1.55%** of the taxable amount - for passenger cars with a combustion/electrical hybrid system where electric energy is not accumulated by connecting to an external power source (hybrid cars without a plug), with a cylinder capacity equal to or less than 2,000 cc,
- **3.1%** of the taxable amount - for other passenger cars.

If certain requirements are met, Polish law provides for **exemptions from the excise duty on passenger cars** imported by natural persons from EU or EFTA Member States. These exemptions apply to **passenger cars imported**:

- **by natural persons permanently residing in Poland or returning to Poland from a temporary stay in an EU or EFTA Member State,**
- **by natural persons arriving from an EU or EFTA Member State in Poland for permanent residence in connection with marriage or inheritance,**
- **by a natural person who has acquired by inheritance the ownership or right to use this passenger car in an EU or EFTA Member State,**
- **temporarily by a natural person coming to Poland from an EU or EFTA Member State for private and professional purposes,**
- **temporarily - registered in an EU or EFTA Member State in which the user resides, for the purpose of study and used for regular transport.**

In addition, there is an exemption from excise duty for electric cars, cars with hydrogen propulsion and temporarily - i.e. until 31 December 2022 - for passenger cars with a hybrid combustion-electric drive in which electricity is stored by connecting to an external power source (plug-in hybrid car) with an internal combustion engine capacity of 2,000 cm³ or less.

In the aforementioned cases, a head of tax office issues a **certificate** on the exemption from the excise duty. The certificate is required if the passenger car is to be registered in Poland in accordance with the national road traffic regulations. An application for the issuance of the above certificate may be submitted by a natural person either in paper form to a competent head of the tax office or in electronic form via PUESC.

For certain approval categories of trucks and special purpose vehicles with a maximum permissible weight not exceeding 3.5 tonnes, purchased in an EU Member State other than Poland and transferred to the country, in order to

register them in Poland, it is necessary to attach a document confirming the absence of obligation to pay excise duty in the country. An application for the issuance of this document may be submitted by a natural person either in paper form to a competent head of the tax office or in electronic form via PUESC. The issuance of such a document is exempt from stamp duty. The above applies to the following cars: truck (approval category N1), subdivision “van”, “van/platform”, “truck/passenger”, “off-road”, “multipurpose” or “van” or special car (approval categories M1 and N1).

No VAT is paid in Poland on the purchase of a car in another EU Member State provided that this is a new a new means of transport within the meaning of applicable tax regulations (a car is not considered “a new means of transport” if its mileage is more than 6,000 kilometres and if more than 6 months have passed since it was authorised for use). Cars purchased in EFTA Member States and imported to Poland are subject to general VAT taxation rules applicable to import of goods. In certain situations, and if certain requirements are met, Polish law provides for VAT exemptions for passenger cars imported by natural persons from third countries. These exemptions apply to:

- **passenger** cars imported by natural persons permanently residing in Poland or returning to Poland from a temporary stay in a third country, and to cars imported to Poland and owned by persons who change their place of residence in connection with marriage, and to inherited cars; no VAT exemptions are applied to means of transport earmarked for commercial operations;
- passenger cars imported to Poland temporarily.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

In the case of temporary import from Ukraine of a passenger car registered there, it is not subject to excise duty on the import of goods as long as it is subject in the territory of Poland to the temporary customs clearance procedure.

The rules with regard to taxation with VAT on the import of a passenger car from Ukraine to Poland are the same as those with regard to the import of cars from EFTA countries.

Validity of Ukrainian driving licences

Pursuant to Article 14 of the *Act of 23 March 2022 on special regulations in the field of transport and maritime economy in connection with armed conflict in the territory of Ukraine* (Journal of Laws of 2022, item 684) **in the period from 24 February 2022 to 31 December 2022** the provision of Article 5(4) of the *Act of 5 January 2011 on vehicle drivers* (Journal of Laws of 2021, items 1212, 1997, 2269, 2328 and 2490 and of 2022, item 655) **does not apply to persons holding a driving licence issued by the competent administrative authorities of Ukraine**. During this period, the provisions of Article 5(6) of that Act shall apply accordingly to those persons. In the above, driving licences which have been issued by the competent administrative authorities of Ukraine and **whose validity period has expired**, are also considered **valid**.

Summing up – **persons holding a valid Ukrainian driving licence can use it in the territory of Poland until the end of 2022, even if the validity period of this document has expired.**

Driving around the territory of Poland

Vehicles driven by persons arriving from Ukraine in connection with armed conflict taking place in the territory of Ukraine are **treated as vehicles participating in international traffic** pursuant to the provisions of the Convention on Road Traffic drawn up in Vienna on 8 November 1968 (to which both Poland and Ukraine are signatories).

Such a vehicle registered abroad is allowed to participate in road traffic if it meets the required technical conditions and is provided with registration plates with a registration number consisting of the Latin alphabet letters and Arabic numerals, and a driver of this vehicle is in possession of a document confirming the registration. If the document confirming the registration of the vehicle does not indicate the right to use the vehicle by this driver, this person is obliged to hold and present, upon request of the traffic control authority, a document confirming this right.

Until 31 December 2022, drivers of vehicles arriving from Ukraine have been exempted from the obligation to hold a document confirming the right to use the vehicle, if this right does not result from the registration certificate. The exemption provision applies only to those vehicles which have crossed the Polish border with Ukraine since 24 February 2022.

For more information visit

<https://www.gov.pl/web/infrastruktura> Ministry of Infrastructure

<https://www.krbrd.gov.pl/> Krajowa Rada Ruchu Drogowego (National Road Safety Council)

<https://www.gov.pl/web/gov/uslugi-dla-obywatela/#kierowcy-i-pojazdy> GOV.PL portal

<https://www.knf.gov.pl/> Financial Supervision Authority – Entities – Insurance market entities

<https://powroty.gov.pl/powrotnik-4958>, Powrotnik>>Przeprowadzka

<https://powroty.gov.pl/-/mienie-przesiedlenia-w-granicach-ue-procedura-postepowania-w-przypadku-samochodow-osobowych-sprowadzanych-z-krajow-ue/efta> Aktualności>>Emigracja i powroty>>Mienie przesiedlenia w granicach UE

<https://puesc.gov.pl/uslugi> Tax and Customs Electronic Services Portal (PU-ESC)

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

3.6. Childcare for children of up to 3 years of age

Childcare for children of up to 3 years of age can be organised in the form of a **nursery** or a **children's club**, or provided by a **childminder** or a **nanny**. In accordance with Polish law, childcare may be provided until the end of the school year in which the child has reached the age of 3 years, or if it is impossible or difficult to provide pre-school education to the child – until the age of 4 years.

Childcare in nurseries is provided to children of 20 weeks of age and older, and in children's clubs to children of 1 year of age or older. Nurseries and children's clubs provide up to 10 hours of care for each child a day (in duly justified cases, parents may request longer care for an additional fee).

Entities which set up a nursery or a children's club establish the statute of the institution in which they must specify the admission conditions – some commu-

nes conduct the admission procedure electronically.

The statute of a nursery or children's club sets forth the admission conditions taking into account preferences for families with many children and children with disabilities (where such children can be accepted in a given care institution). It can also include preferential admission conditions for families where e.g. there is only one parent or families that reside in the commune in which the nursery or children's club is located.

Nurseries or children's clubs **may be established** by local self-government units, public institutions, natural persons, legal persons and organisational units without legal personality.

Fees for the child's stay and meals at a nursery or children's club are **paid by the parents**. The amount of the fees is established by the entity that set up the nursery or children's club. A **childminder** provides care to children aged between 20 weeks and three years (i.e. until the end of the school year in which the child has reached the age of 3 years) or 4 years if it is impossible or difficult to provide pre-school education to the child. Such care is provided in home-like conditions and the duration is effectively adjusted to the parents' working hours. Childminders are employed by local self-government units, public institutions, natural persons, legal persons or organisational units without legal personality. A childminder may also be self-employed.

Running a nursery or children's club is a regulated activity subject to registration. Childminders must be included in a special list of childminders. Communes keep and publish, on their websites, **registers of nurseries and children's clubs** as well as lists of **childminders** operating within their boundaries. A country-wide register of nurseries and children's clubs and a list of childminders are published also in the Emp@tia portal.

A **nanny** provides individualised care to only one child or siblings under an activation agreement signed with the child's/children's parents or with a single parent. A nanny provides care to children aged between 20 weeks and three years (i.e. until the end of the school year in which the child has reached the age of 3 years) or 4 years if it is impossible or difficult to provide pre-school education to the child. The duration of care is set forth in the activation agreement.

In order to increase availability of places of care for children below 3 and to ensure the stability over time and in the scope of the amount, co-financing to reduce a parent's fee for the stay of a child in a nursery, children's club or day-care provider has been introduced since 1 April 2022. Co-financing in the amount of

PLN 400 (about EUR 86) per month (but not exceeding the amount of expenses incurred by parents for the stay of their child in a care institution) is granted to parents, who are also understood as legal guardians and other persons to whom the court entrusted custody of the child. Co-financing is paid for children not covered by family care capital (benefit for the second and subsequent child in a family, aged 12 to 35 months in the maximum total amount of PLN 12 thousand (about EUR 2.6 thousand). This task is implemented by the Social Insurance Institution.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

The possibility of using care services provided by a nursery, children's club, day-care provider or nanny **does not depend on nationality**, therefore, parents being citizens of Ukraine can enrol their child in the above-mentioned care institutions on the same conditions as in the case of Polish children.

Admission of children from Ukraine to a nursery, children's club or day-care provider is possible even where the limit of children who can be cared for by the above-mentioned care institutions is exceeded.

In addition, as from 1 July 2022, it is possible for a day-care provider to take care of children from Ukraine until a child starts an obligation to complete one-year pre-school preparatory classes in a kindergarten, pre-school class in a primary school or in another form of pre-school education.

For more information visit

<https://empatia.mpips.gov.pl/web/piu/dla-swiadczeniobiorcow/rodzina/d3/rejestr-zlobkow-i-klubow> Register of nurseries and children's clubs - Emp@tia Portal

<https://empatia.mpips.gov.pl/web/piu/dla-swiadczeniobiorcow/rodzina/d3/wykaz-dziennych-opiekunow> List of childminders – Emp@tia Portal

3.7. Education system

Compulsory school attendance and compulsory education

The Polish education system differentiates between the **compulsory school attendance and compulsory education**.

While education is compulsory until the age of 18, the compulsory school attendance covers the 8-grade primary school (i.e. until finishing the primary school, but not longer than until the age of 18). After finishing primary school (*szkoła podstawowa*), the duty of compulsory education is met by way of attending either a public or non-public secondary school (*szkoła ponadpodstawowa*) or by way of vocational training conducted by an employer.

Pupils with a certificate on special educational needs may be educated at respective types of schools until the end of the school year in the calendar year in which they have reached the age of:

- 1) 20 for primary schools;
- 2) 24 for secondary schools.

Children and youth with severe intellectual disability who have been issued a certificate on the need for revalidation and education classes can attend such classes starting at the beginning of the school year in the calendar year in which they have reached the age of 3 and continue education until the end of the school year in the calendar year in which they have reached the age of 25.

The education system is comprised of public educational units, public educational units with integration classes, public educational units with special classes, public educational units with integration and special classes, integration educational units and special educational units in the following categories:

- 1) **pre-school establishments: kindergartens (*przedszkole*), pre-school classes in primary schools, other forms of pre-school education** (children aged 3-6, or until the age of 9 for children with disabilities who have been issued a certificate on special educational needs and whose compulsory school attendance obligation has been postponed);
- 2) **primary schools (*szkoła podstawowa*)** (pupils aged 7-15), the admission is based on the age criterion;

- 3) **secondary schools (*szkoła ponadpodstawowa*)** (pupils aged 15-18/19-20 – letters a) and b)):
- four-year general secondary school (*liceum ogólnokształcące*), five-year technical secondary school (*technikum*), three-year trade school of 1st degree (*szkoła branżowa I stopnia*),
 - three-year special school providing preparation for work (*szkoła specjalna przysposabiająca do pracy*) for pupils with moderate or severe intellectual disabilities and for pupils with multiple disabilities, completion of which gives a certificate confirming preparation for work.
 - two-year trade school of 2nd degree (*szkoła branżowa II stopnia*) – for graduates of trade schools of 1st degree,
 - post-secondary school (*szkoła policealna*) for persons with secondary or secondary vocational education, with a period of education of no more than 2.5 years;
- 4) **schools for adults:**
- primary school for adults,
 - general secondary school for adults.

Persons who are not Polish citizens are provided with education and care in public kindergartens or other forms of public pre-school education, while those subject to compulsory school attendance are provided with education and care at public primary schools, public art schools and public educational establishments, including art establishments, under the same conditions as Polish citizens. Non-Polish citizens who are subject to the compulsory education obligation are provided with education and care at public secondary schools under the same conditions as Polish citizens until they reach 18 years of age or complete their secondary school education.

Children aged 3-5 whose parents want them to attend **pre-school education** have a guaranteed admission to such education in a kindergarten, a kindergarten class at a primary school or other forms of pre-school (a pre-school establishment or pre-school education centre). Ensuring admission to pre-school education is the responsibility of the commune. Children from abroad are admitted to public kindergartens under the same conditions as Polish citizens.

Where duly justified, pre-school education can be provided also to children aged 2.5.

Children aged 6 must undergo a **12-month pre-school preparation** at a kindergarten, a pre-school class at a primary school or another form of pre-school education, including kindergartens and integration or special pre-school classes. Ensuring a place to meet this obligation is the responsibility of the commune. When requested by the parents, a child aged 6 may start primary school education provided that he/she attended a kindergarten in the school year preceding the school year in which he/she is to start primary school education, or provided that he/she has been issued with a certificate from a psychological and pedagogical guidance centre confirming his/her fitness to attend primary school. When requested by the parents, the principal of the primary school in the area where a child resides may postpone the compulsory school attendance obligation by one year. Such postponement applies to children aged 7. Children who have been issued a certificate on special educational needs due to disability (deaf, hard of hearing, blind, visually impaired, with reduced mobility, including aphasia, with mild, moderate or severe intellectual disability, autism, including Asperger Syndrome, with multiple disabilities) may have their compulsory school attendance obligation postponed until the age of 9.

Parents of children aged 6 (and older) who attend the 12-month pre-school preparation are exempted from fees for pre-school education at public kindergartens, pre-school classes at public primary schools and other forms of public pre-school education - they pay only for meals.

Parents of children aged 3-5 years pay for their children's pre-school education in excess of the education and care time limit established by the commune (which is not shorter than 5 hours a day) and for meals. The fee for each hour in excess of the time limit must not be higher than PLN 1 (EUR 0.21). The commune council may establish requirements for a partial or full exemption from that fee.

The school year in all schools and educational establishments starts on 1 September of each year and ends on 31 August of the next year. Teaching and educational activities start on 1 September (or on the first weekday of September) and end on the Friday following 20 June. In trade schools of first degree, trade schools of second degree and post-secondary schools, as well as in all types of schools for adults, classes may begin on the first weekday of February and end on the last Friday of January.

Pupils in the age of compulsory school attendance and compulsory education

and coming from abroad are admitted to public schools under the same conditions as Polish citizens on the basis of documents such as certificate, attestation or another document confirming the completion of school or another stage of education abroad or another document issued by the school abroad, confirming the attendance of a pupil coming from abroad to a school abroad and indicating the class or stage of education which the pupil completed at the school abroad. If it is not possible to establish the total number of years of schooling on the basis of a certificate, attestation or other document, a pupil may be admitted on the basis of a written statement concerning the total number of years of schooling of the pupil, submitted by his/her parent or an adult pupil.

Determination of the grade in which a foreign pupil will learn in Poland is made on the basis of the total number of years of schooling completed abroad.

Persons arriving from an EU or EFTA Member State, under the conditions applicable to Polish citizens, shall also benefit from education in public schools for adults, public trade schools of second degree, public post-secondary schools, public art schools, public institutions and public colleges of social services employees, as well as from continuing education in the form of qualifying vocational courses.

A pupil is admitted to a **public primary school** in the area of his/her residence ex officio (i.e. the school cannot refuse to admit the pupil). A pupil is admitted to another public primary school and to a **public secondary school** if the school has free places. If there is no place in a given school, the authority in charge of schools in a given area indicates the school which has such a place.

Pupils coming from abroad who do not speak the Polish language or speak it at a level insufficient for learning, are entitled to a minimum of **2 hours of additional free Polish language classes per week**. In addition, preparatory departments for pupils who do not speak Polish may be established in schools. Education in the department lasts until the end of the school year in which a pupil has been admitted to the department and may be shortened or extended, but not more than by one school year. The school can also employ a person speaking the language of a student's country of origin as a teaching assistant. Citizens of Ukraine who arrived in Poland after 24 February, in connection with hostilities, have the right to a minimum of **6 hours of additional free Polish language classes per week**.

Primary and secondary schools have a **six-mark assessment scale** of 1 to 6, where 1 is the lowest mark and 6 the highest.

Primary school pupils, excluding schools for adults, have the right to **free textbooks**, educational materials and training materials meant for compulsory educational classes in general education. Textbooks and related materials are provided by the school, which receives state budget funding for the purpose.

Secondary school pupils who have been issued a certificate on special educational needs may apply for co-financing of the purchase of textbooks and educational materials as part of the government aid programme *Wyprawka szkolna* (literally "school starter kit").

Pupils finish the primary school if they have received **positive marks** at the end of the classification period for all compulsory subjects and have taken the 8-grade exam (*egzamin ósmoklasisty*). **The 8-grade exam, which is an element of the external examination system**, consists of written tests in Polish, mathematics and one modern foreign language. The 8-grade exam checks to what extent the pupil meets the requirements established in the general core curriculum for the primary school. No minimum pass threshold has been established for this exam, but results are shown in the detailed 8-grade exam certificate and are taken into account for admission to the secondary school.

The matriculation exam (*egzamin maturalny, or matura*) is conducted within the external examination system for graduates of general secondary or secondary trade schools, and opens the way to obtaining a matriculation certificate. Apart from graduates of Polish schools, the matriculation exam may be taken also by holders of a foreign certificate or other document confirming that they have completed secondary education. The matriculation exam is based on the requirements established in the general core curriculum for the general secondary and technical secondary schools. The matriculation exam is conducted once a year between May and September (main, additional and re-sit dates) as announced each year on the website of the Central Examination Commission.

Graduates take the exam in the following compulsory subjects:

- Polish (oral and written),
- modern foreign language (oral and written),
- mathematics (written),
- national minority language (oral and written) - for graduates of schools and classes where a national minority language is taught.

The written matriculation exam in the compulsory subjects is conducted at the basic level, while no specific obligatory level is established for the oral exam.

Graduates must take a written matriculation exam in at least one additional subject. The written matriculation exam in an additional subject (biology, chemistry, philosophy, physics, geography, history, music history, art history, information technology, Latin and ancient culture, ethnic minority language, national minority language, modern foreign language, Polish, regional language, mathematics, social studies) can be taken at the extended level and its scope corresponds to the requirements established in the general core curriculum for basic and extended levels of education. No specific obligatory level is established for the oral matriculation exam in additional subjects (an ethnic minority language, a national minority language, a modern foreign language, a regional language). The written matriculation exam in a modern foreign language as an additional subject is conducted at the extended level in accordance with the general core curriculum for general and extended levels of education or at the bilingual level in accordance with the general core curriculum for bilingual classes. Graduates may take the matriculation exam in a maximum of five successive additional subjects. No minimum pass threshold is established for additional subjects in this exam.

The obligation to take the written part of the matriculation exam in one additional subject does not apply to a graduate holding:

- diploma confirming professional qualifications in a profession taught at the level of technician, or
- occupational diploma in a profession taught at the level of technician, or
- certificates confirming qualifications in a profession from all qualifications identified in a given profession taught at the level of technician, or
- certificates of professional qualifications from all qualifications identified in a given profession taught at the level of technician, or
- certificates confirming qualifications in a profession and certificates of professional qualifications, from all qualifications identified in a given profession taught at the level of technician, taking into account the conditions for obtaining – by a person holding a certificate of professional qualification, a certificate confirming qualifications in a profession or an apprentice certificate – a professional diploma or a diploma confirming professional qualifications in a profession taught at the level of technician, respectively.

Due to the introduction of a new school system, the matriculation exam will be conducted under the new rules for:

- 1) graduates of 4-year general secondary schools (*liceum ogólnokształcące*) –

beginning in school year 2022/2023;

- 2) graduates of 5-year technical secondary schools (*technikum*) – beginning on school year 2023/2024;
- 3) graduates of trade schools of 2nd degree who finished their education in trade schools of 1st degree as graduates of the 8-year primary school – beginning in school year 2023/2024.

The matriculation exam under the current rules will be conducted until:

- 1) school year 2026/2027 inclusively – for graduates of 3-year general secondary schools;
- 2) school year 2027/2028 inclusively – for graduates of 4-year technical secondary schools;
- 3) school year 2028/2029 inclusively – for graduates of trade schools of 2nd degree who finished their education in trade schools of 1st degree as graduates of junior secondary schools (*gimnazjum*).

The matriculation certificate is issued to graduates who have taken the matriculation exam in compulsory subjects and achieved at least 30% of the available points in each of them (both written and oral), and taken the matriculation exam in one of the aforementioned additional subjects.

The matriculation certificate will be issued since 2025 to graduates who have taken the matriculation exam in compulsory subjects and one selected additional subject achieved at least 30% of the available point in each of them.

Results of the matriculation exam, both in compulsory and additional subjects, form the key criterion of enrolment in university-level studies.

A pupil/student or graduate who is not a Polish citizen and whose limited knowledge of the Polish language makes it difficult for him/her to understand written texts may take the following exams under a positive decision of the board of teachers:

- 1) **8-grade exam**, excluding the 8-grade exam in a modern foreign language - under conditions and in the form adjusted to his/her educational needs and

psychophysical abilities resulting from that limitation;

- 2) **matriculation exam**, excluding the matriculation exam in a modern foreign language, a national minority language, an ethnic minority language or a regional language - under conditions adjusted to his/her educational needs and psychophysical abilities resulting from that limitation.

Graduates of general secondary schools may continue their education in **post-secondary non-tertiary schools (*szkoła policealna*)** with the education programme not exceeding 2.5 years. **The condition** for enrolment in a post-secondary non-tertiary school is **completion of secondary or secondary trade education**. It is agreed by operation of law (i.e. without the requirement to demonstrate the opinion of Polish authorities or institutions) that the completion of secondary education is confirmed by certificates and other documents issued in an EU or EFTA Member State education system that entitle to start tertiary education studies in that Member State. Other education certificates and documents issued in an EU or EFTA Member State may be recognised only by the relevant Educational Superintendent (*Kurator Oświaty*) in the course of an administrative procedure.

Students and graduates of trade schools of 1st and 2nd degree, technical secondary schools and post-secondary non-tertiary schools, persons who have completed a vocational qualification course, adults who have completed practical vocational training for adults or vocational familiarisation training (provided that the vocational familiarisation training curriculum incorporated the requirements established in the core curriculum for vocational training) and persons who meet the requirements for admission to an extramural exam who pass, respectively, the **exam confirming their vocational qualification** or the **vocational exam**⁵ corresponding to a specific qualification for a given profession are issued, respectively, a **certificate confirming their vocational qualification** or a **vocational qualification certificate**, and upon passing exams for all qualifications for a given professions and completing education at the required level, they are issued also a **diploma confirming their vocational qualifications or vocational diploma** entitling them to take up employment in that profession.

Graduates of trade schools of 1st degree may continue their education at:

⁵ Vocational qualifications or a diploma confirming vocational qualifications. Persons who have pursued their education in accordance with the core curricula for vocational trade education laid down in regulations issued under Article 46(1)(3) of the Act of 14 December 2016 on the Education Law (in its codification in force after 1 September 2019) take the vocational exam and are issued a vocational qualification certificate or a vocational diploma.

- 1) **trade schools of 2nd degree** which train in professions for which a qualification has been identified which is common with the profession taught at their schools of 1st degree. To be to enrolled in a trade school of 2nd degree, a foreign national must submit documents issued abroad which are deemed in Poland as documents confirming their vocational or trade education. Graduates of trade schools of 2nd degree may continue their education at **university level studies** if they pass their matriculation exams and receive the matriculation certificate (education in trade schools of 2nd degree will start on 1 September 2020);
- 2) **general secondary schools for adults**, starting from the second grade, to complete their secondary education and pass the matriculation exam, which will enable them to continue their education at the tertiary level;
- 3) **during vocational qualification courses** conducted by:
 - a) public and non-public schools offering vocational education, in the professions in which they educate their students and in other professions assigned to the sectors to which the professions in which the school educates belong,
 - b) public and non-public life-long education establishments and vocational education centres,
 - c) labour market institutions (public employment services, Voluntary Labour Corps), involved in educational and training activities,
 - d) labour market institutions (employment agencies, training institutions, social dialogue institutions, local partnership institutions), involved in educational and training activities and holding an accreditation of a qualification vocational course, granted by the chief education officer, as referred to in the Act on school education,
 - e) entities involved in educational activities referred to in the Act on school education, holding an accreditation of a qualification vocational course, granted by the chief education officer, as referred to in this Act.

As a result of the recent changes in the vocational education system, students starting their education on 1 September 2019 (and in subsequent years) in trade schools of 1st degree, technical schools, post-secondary schools, and on 1 September 2020 in secondary trade schools of 2nd degree, are taught in accordance with a curriculum which includes the requirements laid down in the core curricula in vocational education trades. All persons starting their education on

1 September 2019 are obliged to take a **vocational exam** or a **journeyman exam** (in the case of students of trade schools of 1st degree who are young workers trained at employers who are craftsmen). Taking a vocational exam or a journeyman exam is a prerequisite for admitting the student to a higher class/semester or for graduation.

Furthermore, the exam confirming vocational qualifications or vocational exam may be taken by persons who completed a vocational qualification course and adults who completed practical vocational training for adults or vocational familiarisation training for adults, if the vocational familiarisation training programme included the requirements specified in the core curriculum for vocational education or in the core curriculum for education in a given profession.

Tertiary education and learning

The system of tertiary education and science included the following forms of education:

- 1) **first-cycle studies (*studia pierwszego stopnia*)** – a form of education available to candidates with a matriculation certificate or other document specified in regulations on tertiary education and science, ending with awarding the professional title of Bachelor (*licencjat*), Engineer (*inżynier*) or equivalent;
- 2) **second-cycle studies (*studia drugiego stopnia*)** – a form of education available to candidates with a tertiary education diploma, ending with awarding the professional title of Master (*magister*), Master Engineer (*magister inżynier*) or equivalent;
- 3) **long-cycle Master's degree studies (*jednolite studia magisterskie*)** – a form of education available to candidates with a matriculation certificate, ending with awarding the professional title of Master (*magister*), Master Engineer (*magister inżynier*) or equivalent;
- 4) **doctoral schools (*szkoła doktorska*) – doctoral education** – education provided by tertiary education schools, scientific institutes of the Polish Academy of Sciences, research institutes or international institutes operating in Poland and established under separate regulations, which are available to candidates with a Master, Master Engineer or equivalent degree who demonstrate the highest quality of scientific achievements; ending with awarding a **doctoral degree (academic or art degrees)**;
- 5) **post-graduate studies (*studia podyplomowe*)** – a form of education

available to candidates with full qualifications of at least Level 6 of the Polish Qualifications Framework awarded within the tertiary education system at a tertiary education school, a scientific institute of the Polish Academy of Sciences, a research institute or the Medical Post-Graduate Education Centre (Centrum Medyczne Kształcenia Podyplomowego); such studies end with awarding partial qualifications at Levels 6, 7 or 8 of the Polish Qualifications Framework;

- 6) **specialised education** – a short form of education provided by vocational colleges that allows candidates to obtain full qualification at Level 5 of the Polish Qualifications Framework and ends with awarding a graduate specialist certificate or a graduate technology specialist.

Tertiary education establishments are divided into **public establishments** (formed by a state agency) and non-public establishments (which can be formed by natural persons or legal persons other than local government units, state legal persons or local government legal persons).

The most complete information about Poland's tertiary education is provided by the Integrated System of Information on Science and Higher Education (POL-on), the most comprehensive repository of data on science and tertiary education in Poland. It contains all information which must be publicly available, including, but not limited to, tertiary school registers, information on fields and profiles of education, tertiary school evaluation indicators, aggregated figures regarding students, the register of authorisations to award scientific degrees, and the register of patents and property rights. Admission in tertiary education establishments is conducted through recruitment, confirmation of learning outcomes or transfer from another school in Poland or abroad.

Admission in first-cycle studies or long-cycle Master's degree studies is available to candidates who hold:

- 1) a matriculation certificate or a matriculation certificate and a certificate on the results of the matriculation exam in individual subjects, as referred to in regulations on the system of education;
- 2) a matriculation certificate and a diploma confirming vocational qualifications in a profession taught at the level of a technician, as referred to in regulations on the system of education;
- 3) a matriculation certificate and a vocational diploma in a profession taught at the level of technician, as referred to in regulations on the system of education;

- 4) a matriculation certificate and a certificate on the results of the matriculation exam in individual subjects and a diploma confirming vocational qualifications in a profession taught at the level of a technician, as referred to in regulations on the system of education;
- 5) a matriculation certificate and a certificate on the results of the matriculation exam in individual subjects and a vocational diploma in a profession taught at the level of a technician, as referred to in regulations on the system of education;
- 6) a certificate and another document recognised in the Republic of Poland as a document giving the right to apply for admission in tertiary studies in accordance with Article 93(3) of the Act on the system of education;
- 7) a certificate and another document or diploma referred to in the Act on the system of education (Article 93(1) of the Act on the system of education);
- 8) a certificate or diploma recognised in the Republic of Poland as a document giving the right to apply for admission in tertiary studies in accordance with an applicable bilateral agreement on mutual recognition of education;
- 9) a certificate or another document recognised as equivalent to the Polish matriculation certificate under regulations in force to 31 March 2015.

The documents for admission in **first-cycle studies or long-cycle Master's degree studies** listed in points 2-5 are required from 1 January 2022 onwards.

Requirements and procedures for admission in studies are established autonomously by tertiary education schools.

The basis for admission in tertiary first-cycle studies or long-cycle Masters' degree studies are the results of either:

- 1) the pre-2005 matriculation exam; or
- 2) the post-2005 matriculation exam;

and from 1 January 2022 onwards also:

- a) the results of either the pre-2005 matriculation exam or post-2005 matriculation exam and the exam or exams confirming vocational qualifications;
- b) the results of either the pre-2005 matriculation exam or post-2005 matriculation exam and vocational exam or exams.

A tertiary education school **may** conduct **additional entrance exams** only if it is

necessary to check candidates' artistic talents, physical fitness or suitability to take up specific studies which have not been checked as part of the matriculation exam and, in the case of candidates holding a foreign document, also in respect of matters not covered by the results of the foreign examination or the educational results included in the document.

To be admitted in **second-cycle studies** a candidate must hold a tertiary education diploma and meet the recruitment requirements established by the school concerned.

Certificates and other documents issued in systems of education of EU or EFTA Member States which give the right to start tertiary studies in those Member States can be submitted directly to Polish schools and do not require any review by other institutions. As a rule, Polish schools recognise foreign tertiary education entitlements to the extent applicable in respective countries. Therefore, a foreign certificate that gives the right to apply for admission only in some fields and types of tertiary education studies in a given EU or EFTA Member State gives the right to apply for admission in similar tertiary education programmes in Poland. Tertiary education entitlements obtained abroad should be documented before coming to Poland.

A school can confirm learning outcomes achieved in a learning process outside the system of studies by persons who apply for admission in a specific field, level and profile of studies if it has a positive assessment of the quality of education at those studies or scientific category A+, A or B+ in the discipline or leading discipline to which the field concerned is assigned.

Learning outcomes are confirmed to the extent corresponding to learning outcomes specified in the relevant study programme. Learning outcomes are not confirmed for the study programmes referred to in Article 68(1)(1)–(10) of the Act on the Law on tertiary education and science in which education standards are taken into consideration.

Learning outcomes can be confirmed for a person who holds:

- 1) documents required for admission in first-cycle studies or long-cycle Master's degree studies, and at least 5 years of professional experience – in the case of applying for admission in first-cycle studies or long-cycle Master's degree studies;
- 2) a full qualification at Level 5 of the Polish Qualifications Framework or a qualification awarded in a foreign system of tertiary education and

corresponding to Level 5 of the European Qualifications Framework referred to in Annex II to the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning – in the case of applying for admission in first-cycle studies or long-cycle Master's degree studies;

- 3) a full qualification at Level 6 of the Polish Qualifications Framework and at least 3 years of professional experience after completion of first-cycle studies – in the case of applying for admission in second-cycle studies;
- 4) a full qualification at Level 7 of the Polish Qualifications Framework and at least 2 years of professional experience after completion of second-cycle studies or long-cycle Master's degree studies – in the case of applying for admission in other first-cycle studies, second-cycle studies or long-cycle Master's degree studies.

Confirmation of learning outcomes can lead to acknowledging not more than 50% of credits within the European Credit Transfer System assigned to classes covered by a specific study programme. The order of admission in studies is decided by confirmation of the learning outcomes. The number of students admitted on the basis of confirmation of the learning outcomes may not be higher than 20% of the total number of students in the field, level and profile of studies concerned.

Tertiary education studies are provided in the form of **full-time studies** or **part-time studies**.

The academic year starts on 1 October and ends on 30 September, and is divided into **two semesters**.

In the 2021/2022 academic year, there are 366 tertiary education schools in Poland, of which 130 are public schools, 219 are non-public schools, and 17 are ecclesiastical schools (including the John Paul II Catholic University of Lublin).

Graduates of first-cycle studies are awarded the professional title of Bachelor, Engineer or equivalent:

- 1) **Architect Engineer (*inżynier architekt*)** – upon achieving the learning outcomes defined for studies in architecture;
- 2) **Fire Safety Engineer (*inżynier pożarnictwa*)** – awarded to fire-fighters of the State Fire Service upon achieving the learning outcomes defined for studies in safety engineering at the Main School of Fire Service (*Szkoła Główna Służby Pożarniczej*);

- 3) **Bachelor of Nursing (*licencjat pielęgniarstwa*)** – upon achieving the learning outcomes defined for studies in nursing;
- 4) **Bachelor of Midwifery (*licencjat położnictwa*)** – upon achieving the learning outcomes defined for studies in midwifery.

Graduates of second-cycle studies are awarded **the professional title of Master (*magister*)**, **Master Engineer (*magister inżynier*)** or equivalent:

- 1) **Master Architect Engineer (*magister inżynier architekt*)** – upon achieving the learning outcomes defined for studies in architecture;
- 2) **Master Fire Safety Engineer (*magister inżynier pożarnictwa*)** – upon achieving the learning outcomes defined for studies in safety engineering conducted for fire safety engineers at the Main School of Fire Service;
- 3) **Master of Nursing (*magister pielęgniarstwa*)** – upon achieving the learning outcomes defined for studies in nursing;
- 4) **Master of Midwifery (*magister położnictwa*)** – upon achieving the learning outcomes defined for studies in midwifery;

Graduates of long-cycle Master's degree studies are awarded the professional title of Master (*magister*), Master Engineer (*magister inżynier*) or equivalent:

- 1) **doctor of medicine (*lekarz*)** – upon achieving the learning outcomes defined for studies in medicine;
- 2) **dentist (*lekarz dentysta*)** – upon achieving the learning outcomes defined for studies in dentistry;
- 3) **veterinarian (*lekarz weterynarii*)** – upon achieving the learning outcomes defined for studies in veterinary;
- 4) **Master of Pharmacy (*magister farmacji*)** – upon achieving the learning outcomes defined for studies in pharmacy;
- 5) **Master Architect Engineer (*magister inżynier architekt*)** - upon achieving the learning outcomes defined for studies in architecture;

Citizens of EU or EFTA Member States taking up studies in Poland

EU and EFTA Member State citizens or members of their families residing in Poland **are not charged any fees by public tertiary education schools for attending full-time studies in Polish**.

To take up studies, the aforementioned citizens must **undergo the recruitment procedure** established by the school of their choice. If accepted, they have - as all foreign students starting studies in Poland in the academic year 2019/2020 onwards - **the right to apply for available financial support (excluding social scholarships and student loans)**, i.e. a rector's grant, a grant for persons with disabilities, aid payments, a grant financed by a local government unit, a grant in recognition of learning performance or sport achievements financed by a natural person or a legal person other than state or local government legal person, and the Minister's grant. The aforementioned citizens who take up education at doctoral schools run by tertiary education schools or scientific institutes will receive a **doctoral grant**. Foreign citizens who are young scientists can also receive the **minister's grant awarded to outstanding young scientists**.

Fees charged by public tertiary education schools in Poland

A **public tertiary education school** may charge **fees** for educational services relating to:

- teaching part-time students,
- teaching post-graduate students,
- specialised teaching,
- repeating specific classes during full-time studies due to unsatisfactory learning results,
- providing education in a foreign language,
- providing extra-curricular classes,
- teaching foreign students at full-time studies in Polish.

Fees charged by non-public tertiary education schools in Poland

Non-public schools charge fees for teaching both at full-time and part time studies, and for teaching at post-graduate studies and other forms of education.

Lifelong learning and vocational education

Adults may enrol in primary schools for adults, general secondary schools for adults and general competence courses, and in the case of vocational education - in out-of-school forms of lifelong learning (**vocational qualification courses, vocational skills courses and other courses** designed to acquire and supplement knowledge, vocational skills and qualifications) and in post-secondary non-

-tertiary schools and trade schools of 2nd degree.

A **vocational qualification course** is conducted in accordance with a programme based on the core curriculum for vocational education within the scope of a single qualification, completion of which gives the trainee the right to take a vocational exam regarding that qualification. Institutions which conduct vocational qualification courses must include in their course programmes all components of a given qualification specified in the core curriculum for vocational trade education. Completing such a course enables the trainee to take a **vocational exam** (within the scope of a given qualification) conducted by a regional examination board. A person who has completed a vocational qualification course and passed an exam confirming his/her vocational qualification/vocational exam within a given qualification will receive a certificate confirming his/her **vocational qualification/certificate of vocational qualification**.

A **vocational diploma/diploma confirming vocational qualifications** will be issued to a person who has completed the level of education required for the profession concerned (i.e. appropriate basic vocational, basic trade or general or vocational secondary education) and has passed exams in all qualifications defined for that profession.

Vocational qualification courses can be conducted in professions assigned to specific trades if it is allowed to organise such a course in a given profession under regulations defining the classification of professions within trade education.

Vocational qualification courses can be conducted by:

- public and non-public schools which provide vocational education with regard to the professions they teach as well as other professions which are attributed to the trades which include the professions they teach,
- public and non-public life-long education establishments and vocational education centres,
- labour market institutions (public employment services, Voluntary Labour Corps), which conduct educational and training activities,
- labour market institutions (employment agencies, training institutions, social dialogue institutions, local partnership institutions), involved in educational and training activities and holding an accreditation of a vocational qualification course, granted by the chief education officer, as referred to in the Act on school education,

- entities which conduct educational activities referred to in the Act on school education, holding an accreditation of a vocational qualification course, granted by the chief education officer, as referred to in this Act.

System of qualifications in Poland

Poland has an **Integrated Qualifications System** designed to support lifelong learning, recognition of competences and facilitation of employment through increasing the transparency of qualifications and providing opportunities to compare them in Poland and abroad.

The Integrated Qualifications System includes such **tools** as:

- the Polish Qualifications Framework - a description of eight levels of qualifications defined in Poland and corresponding to the respective levels in the European Qualifications Framework,
- the Integrated Qualifications Register - a public repository kept in an IT system to provide a record of qualifications included in the Integrated Qualifications System,
- uniform standards for describing qualifications and ensuring the quality of qualifications acquired in non-formal education.

The Integrated Qualifications System refers to qualifications understood as a specific **set of learning outcomes** (compatible with the standards established for the qualification concerned), achievement of which is validated by an authorised certification institution. Poland's Integrated Qualifications System includes the following **three types of qualifications**:

- qualifications awarded in learning and tertiary education,
- “regulated” qualifications awarded under other provisions of law (outside the formal education),
- “market” qualifications awarded without any legal basis established in generally applicable law.

Beginning in 2017, documents (certificates, diplomas) confirming a given level of qualification bear the **logo of the Polish Qualifications Framework** (for partial or full qualifications). In the case of certificates of completion of post-graduate studies, the **Polish Qualifications Framework** logo is placed only when the qualification concerned is included in the Integrated Qualifications System. Where the qualification awarded after completion of post-graduate studies is not included

in the Integrated Qualifications System by the school, the certificate of completion of post-graduate studies is issued without the relevant logo.

Learning Polish

Polish language courses are organised by universities, technical universities, non-public tertiary education schools and private language schools. They include summer courses, semester courses, whole-year courses, workshops in Polish or post-graduate studies in Polish culture and Polish as a foreign language. The courses have to be **paid for**. In some academic centres, **the Ministry of Education and Science finances courses that prepare grant holders of the Polish National Agency for Academic Exchange (Narodowa Agencja Wymiany Akademickiej, NAWA) to take up studies in Polish. NAWA grant holders can take these courses free of charge.**

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights and obligations in this area as Polish citizens.

Additional information on admitting children of citizens of Ukraine to Polish schools can be found in the section „3.8. How to find a school.”

Pursuant to the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state*, in the case of a citizen of Ukraine whose stay in the territory of the Republic of Poland is considered legal pursuant to Article 2(1) of that Act, **who on 24 February 2022 was a student at a university functioning in the territory of Ukraine** and who declares that on that day he/she was a student in the given year, field and level of study at an university functioning in the territory of Ukraine and does not have documents certifying the periods of study, exams passed, credits or placement activities issued by that university, the relevant periods of these studies **may be recognised by means of verification** of the learning outcomes achieved. On the other hand, the university where a student applies for admission verifies the learning outcomes achieved in accordance with its rules. If differences are found in the study programme or learning outcomes, the university may oblige a student to take specific exams or undertake placement activities.

Citizens of Ukraine covered by the above Act and being students at a public uni-

versity **will not be charged** for full-time studies in Polish.

Citizens of Ukraine covered by the above Act have an opportunity to apply for a **student scholarship and student loan**, whereby applying for these benefits will take place based on a statement on the family and financial situation attached to the application.

Citizens of Ukraine covered by the above Act will also have the right to apply for a **rector's scholarship, a scholarship for persons with disabilities and an allowance** on the general principles applicable in the Act on higher education and science of foreign students, provided that the limit on the number of allowances to be granted by the university is lifted in relation to them.

For more information visit

<https://www.gov.pl/web/edukacja-i-nauka> Ministry of Education and Science

<https://www.gov.pl/web/edukacja/informacja-o-ksztalceniu-w-polskim-systemie-oswiaty-osob-przybywajacych-z-zagranicy> Education for foreigners at Polish schools

<https://www.gov.pl/web/edukacja/uznawanie-wykształcenia-uzyskanego-za-granica> Recognition of education completed in foreign education systems

<https://www.gov.pl/web/edukacja/recognition-of-foreign-school-certificates-and-diplomas-in-poland> Recognition of education completed in foreign education systems (information in English)

<https://www.gov.pl/web/edukacja/uznawanie-wykształcenia-uzyskanego-za-granica> Recognition of diplomas obtained abroad for the purpose of continuing education in Poland (in Polish)

<https://kwalifikator.nawa.gov.pl/> Qualification tool (Kwalifikator) of the Polish National Agency for Academic Exchange

<https://nawa.gov.pl/en/recognition/recognition-for-academic-purposes> Recognition of diplomas obtained abroad for the purpose of continuing education in Poland (in English)

<https://study.gov.pl> Information about studying in Poland

<https://study.gov.pl/higher-education-institutions> Guide to Polish tertiary schools

<https://www.gov.pl/web/edukacja-i-nauka/konstytucja-dla-nauki-2>

Education for foreigners at Polish tertiary schools following the entry into force of the Law on tertiary education and science (*Ustawa o szkolnictwie wyższym i nauce*)

<https://www.kuratorium.waw.pl> Education Office in Warsaw (*Kuratorium Oświaty*) (Mazowieckie Province)

<https://www.kwalifikacje.gov.pl/> Integrated Qualifications Register

<https://nawa.gov.pl> National Agency for Academic Exchange

<https://studia.gov.pl/> A website with official information about fields of studies and external assessments thereof

<https://polon.nauka.gov.pl/siec-polon> The Integrated System of Information on Science and Higher Education (POL-on)

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

3.8. Finding a school

The right to care and education at public education establishments

The Ministry of Education and Science keeps a Register of Schools and Educational Establishments which is available electronically on its website. Information on schools and educational establishments can also be found at **Education Offices** (*kuratorium oświaty*), which keep lists of public and non-public schools and educational establishments over which they have pedagogical supervision, as well as at local government authorities which keep registers of non-public schools and educational establishments.

Admission in primary schools is based on what is known as “**zoning**” system (*rejonizacja*), which means that children are ensured a place in a primary school in the area, or zone, of their residence. Information on these zones can be found in the Register of Schools and Educational Establishments as well as at individual schools and departments of education of communal/city/borough offices

(*urząd gminy/miasta/dzielnicy*) relevant for one's place of residence. A child may also meet his/her compulsory school attendance obligation at a school outside his/her zone, provided that the school has vacancies.

No zones are established for integrated or special schools, including ones operating within special establishments, bilingual schools, schools for national and ethnic minorities and communities speaking a regional language, sports and athletic championship schools and art schools. **Primary schools, including integrated primary schools**, schools with bilingual classes, sports and athletic championship classes, are run by communes (*gmina*), while **public and integrated secondary schools**, bilingual schools, sports and athletic championship schools **and special schools and establishments** (youth education centres, youth sociotherapy centres, special schooling and education centres, special education centres, revalidation and education centres) are run by districts (*powiat*). EU and EFTA Member State citizens who **do not speak Polish** or whose command of Polish is **insufficient** to learn in this language have the right to additional free-of-charge Polish lessons and additional compensatory classes in their school subjects as well as to assistance granted by a native speaker of Polish employed by the school as a teacher's assistant. Schools where there are at least 7 pupils from a given country can organise classes in the language and culture of those pupils' country of origin. They can also use psychological and pedagogical assistance which is organised by the principal of a given educational establishment adequately to the identified developmental and educational needs of these persons as well as to their individual physical and mental abilities and environmental factors which influence their behaviour in their environment.

Information on tuition fees

Public kindergartens provide children of EU and EFTA Member State citizens with **free-of-charge** education and care within the time limits established by the authority in charge (not shorter than 5 hours a day) under the same conditions as provided to children of Polish citizens. This means that every child is guaranteed at least 5 hours of free-of-charge pre-school education a day.

Parents of children aged 3-5 years pay for their children's pre-school education in excess of the education and care time limit established by the commune (which is not shorter than 5 hours a day) and for meals. The fee for each hour in excess of the time limit must not be higher than PLN 1 (EUR 0.22). The commune council may establish requirements for a partial or full exemption from that fee. Parents of children aged 6 (and older) who attend the 12-month pre-school preparation are exempted from fees for pre-school education in public kindergar-

tens, pre-school classes at public primary schools and other forms of public pre-school education - they pay only for meals.

Children of EU and EFTA Member State citizens have access to **free-of-charge** education in **public schools** of all types **until the age of 18** or until graduation from the school they started before the age of 18 (e.g. a general secondary school).

Education in public schools for adults, public post-secondary non-tertiary schools, public schools of art, public establishments and public colleges for social service workers as well as lifelong learning in the form of vocational qualification courses for EU and EFTA Member State citizens with the right of residence or the right of permanent residence are provided under the conditions which apply to Polish citizens.

Documents required to enrol a child in a school or kindergarten

Children of EU and EFTA Member State citizens are admitted to public kindergartens and the first grade of public primary schools (depending on the place of residence in Poland) under the same conditions and in accordance with the same procedure as Polish children.

The basic documents here are an **application for admission a child to a kindergarten** or an **application for enrolling a child in a primary school**, which may be completed either in a special form or electronically. Certain cities use electronic systems for enrolling children in kindergartens or the first grade of primary schools – detailed information is provided by schools or education departments of the local government authorities, communal offices, city offices or borough offices of one's place of residence in Poland.

Children are enrolled in higher grades of public primary schools or all grades of public secondary schools on the basis of:

a certificate or other document which certifies that the child has graduated from a school or completed a relevant level of education abroad,

a certificate, attestation or other document issued by a school abroad which confirms the school education abroad and specifies the grade or level of education the child has completed, and a document confirming the sum of years of the child's school education,

certain additional criteria must be met in the case of applying for admission in public sports schools, athletic championship schools, bilingual schools as well as

sports classes, athletic championship classes, bilingual classes in publicly available schools.

Candidates to vocational schools are required to submit, in addition to the aforementioned documents, a relevant certificate or a medical certificate or a psychological decision (depending on the profession in which the candidate will be educated).

If the total number of school years completed does not clearly transpire from the documents submitted, the parents or guardians of the child or the adult student himself/herself submit a written declaration to this effect.

The principal of a given establishment **may** request the parents to provide **translated versions** of the documents issued by a foreign school.

If a child of an EU or EFTA Member State citizen is unable to submit the aforementioned documents, he/she is enrolled and classified to an appropriate grade or semester based on **a placement interview**. If the child does not speak Polish or does not speak Polish well enough to take part in such an interview, the principal of the establishment must hold the interview in the language which the child speaks fluently.

EU and EFTA Member State citizens may be enrolled in **a post-secondary school** on the basis of a document issued by the education system of their EU or EFTA Member State to confirm the right to take up higher education in that state. For EU or EFTA school certificates which do not entitle to take up higher education in the state of issue, admission in a post-secondary school is based on a decision of the competent Education Superintendent (*Kurator Oświaty*) on recognising a given foreign school certificate as a document confirming completion of secondary education.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights and obligations in this area as Polish citizens.

Rules for admitting children and young people from Ukraine to schools in Poland:

- school age children and young people from Ukraine subject to the schooling obligation (7-18 years) are admitted to public schools and provided with care and education on the conditions applicable to Polish citizens;
- admission to schools takes place throughout the school year, and the class in which education is continued is determined on the total number of completed years of school education abroad;
- in order to enrol a child in the school, it is necessary to submit an application to a school headmaster – a public primary school in the area in which a child coming from abroad lives admits this child *ex officio*, other public primary schools and secondary schools admit this child if they have any free place;
- parents of a child from abroad who cannot find a school with free places in a given class may ask the governing body of a school (e.g. the education department of the municipality or district) to indicate a school with free places;
- the class (year of study) is determined based on documents issued by a school abroad, and in the absence of them, the parents' statement on the total number of the years of education abroad. Documents do not have to be translated into Polish by a sworn translator;
- a child's parents may request the headmaster for admitting a child to a lower class than indicated by the total number of completed school years, e.g. due to the age of a child.

The admission of pupils/students coming from abroad is governed at the statutory level. The legal basis for a pupil/student's stay in the territory of Poland (e.g. temporary residence permit, permanent residence permit, residence permit for a long-term resident of the European Union, consent to stay for humanitarian reasons or obtaining refugee status or complementary protection) is not relevant for the possibility of being admitted to a public school and possible forms of support for education.

Children and young people from Ukraine who arrived in Poland can expect the following support.

Foreigners who do not speak Polish to the extent allowing them to learn at school may:

- 1) participate in additional Polish language classes. The classes can be conducted individually or in groups, at least 2 hours per week, for an indefinite period;

- 2) continue their education in the form of preparatory classes, where the teaching process is adapted to the needs and educational capacity of learners. Education takes one year with the possibility of extension to two years. Classes are conducted in groups of up to 15 learners, at least 20 to 26 hours per week (depending on the school year and the type of school). As part of the above-mentioned hours, learners learn Polish and the contents of individual subjects to the extent adapted to their needs and capacity;
- 3) use assistance from a person speaking the language of the country of origin employed as a teacher's assistant – a person employed as a teacher's assistant does not need to hold pedagogical qualification;
- 4) use additional compensatory classes with regard to the subjects organised by the governing body of a school, but not longer than for a period of 12 months.

Decisions on granting a given form of support are made by the school headmaster in consultation with the governing body of a school.

In addition, the diplomatic or consular post of the country of origin or cultural and educational associations of a given nationality may organise in the school, in agreement with the headmaster of the primary school and with the consent of the governing body, lessons in the language and culture of the pupil/student's country of origin. The school provides rooms and teaching aids, free of charge.

Foreign pupils/students may be **covered by psychological and pedagogical assistance** in connection with the migration experience. The assistance consists in recognising and satisfying individual developmental and educational needs and recognising individual psychophysical abilities and environmental factors affecting its functioning.

Psychological and pedagogical assistance at school is organised by the school headmaster, and assistance is provided by teachers, educators of educational groups and specialists implementing tasks in the field of psychological and pedagogical assistance in the school, in particular, psychologists, educators, speech therapists, career counsellors and pedagogical therapists.

Psychological and pedagogical assistance is organised and provided in cooperation with parents of pupils/students and may be provided in cooperation with other entities, e.g.: psychological and pedagogical counselling centres, teacher training institutions, other schools, non-governmental organisations and other institutions and entities acting for the benefit of the family, children and young people. The terms of cooperation between the school and the above-mentioned

entities are agreed by the school headmaster.

Psychological and pedagogical assistance may also cover parents of pupils/students.

For more information visit

<https://www.gov.pl/web/edukacja-i-nauka> Ministry of Education and Science

<https://rspo.men.gov.pl/> Register of Schools and Educational Establishments

More information for citizens of Ukraine

<https://www.gov.pl/web/ua/osvita-i-nauka> Website for citizens of Ukraine (education and science)

3.9. Health care

Eligibility to health care services

In Poland, medical services are provided by public and non-public service providers.

The following persons are entitled to use publicly-funded (from health insurance contributions and funds from the state budget) **health care services**:

1. **Persons covered by the universal (compulsory or voluntary) health insurance provided by the National Health Fund (*Narodowy Fundusz Zdrowia*, NFZ), hereinafter referred to as "insured persons".**

Insured persons may be both Polish citizens, citizens of EU or EFTA Member States, or citizens of the United Kingdom of Great Britain and Northern Ireland (UK), living in the territory of an EU or EFTA Member State or in the UK, and third-country citizens staying in the territory of Poland based on a visa for the purpose of performing work, temporary residence permit, permanent residence permit, residence permit for a long-term EU resident, permit to stay for humanitarian reasons, permit for tolerated stay, visa issued for the purpose of arrival for humanitarian reasons, due to the interest of the state or international obligations, persons who have obtained refugee status or comple-

mentary protection in Poland or make use of complementary temporary protection on its territory. Insured persons are also third-country citizens living in the territory of an EU/EFTA Member State or in the UK – if they are subject to the health insurance obligation or insure themselves voluntarily, whereby a person who lives in Poland may insure themselves voluntarily by concluding a voluntary health insurance agreement with the NFZ provincial branch, competent for the place of residence of this person in Poland.

Insured persons are also family members of the above-mentioned persons living in the territory of Poland or an EU or EFTA Member State other than Poland or in the UK, if they are not persons subject to obligatory insurance in Poland, or entitled to health care services under the EU provisions on the coordination of the social security system.

Obligatory health insurance applies to *inter alia* employees, persons who perform work under an agency contract, a commission contract or any other service provision contract, persons who conduct business activities, excluding those who have suspended their business activities, persons who receive pensions, pupils, students and PhD students, unemployed persons, persons receiving certain types of social benefits or certain family benefits, persons performing functions by virtue of an act of appointment.

Insured persons are obliged to **register their family members for health insurance** their own child; spouse's child; adopted child; grandchild or strange child for whom custody has been established, or someone else's child as part of a foster family or family children's home, until he/she turns 18 years old, and if he/she continues education at school or teacher training institution or studies at a university or doctoral school – until he/she turns 26 years old, while if he/she holds a certificate of severe disability or any other equivalent certificate – without age limit; spouse; ascendants sharing the household with the insured person), unless they have their own health insurance. Grandparents may register their grandchildren for health insurance only if neither of the parents is subject to the health insurance obligation or eligible for health care services under the provisions on the coordination of employment or self-employment or voluntary insurance.

2. **EU or EFTA Member State or UK citizens who are not covered by the universal health insurance in Poland and are covered by the health insurance in another EU or EFTA Member State or in the UK during their temporary stay in Poland or residence in the territory of the Republic of Poland.**

During their temporary stay in Poland, e.g. for the purpose of studying or looking for a job in Poland (provided that in the latter case they receive unemployment benefits in another EU or EFTA Member State), these persons are eligible for health care services upon presenting the **European Health Insurance Card**. However, this applies only to services which a physician(s) will deem essential for medical reasons taking into account the nature of these services and the expected length of stay in Poland. Benefits are provided within the scope of and under the conditions defined for persons insured in Poland, in accordance with the equal treatment principle applicable in the social security coordination system.

Persons insured in another EU/EFTA Member State or in the UK, and residing in Poland, may use health care services upon presentation of a Certificate – a document issued by the NFZ provincial branch based on an S1 document issued by a foreign health insurance institution.

3. **Third-country citizens not insured with NFZ**, residing in the territory of the Republic of Poland, who have obtained refugee status or complementary protection in the Republic of Poland, who meet the income criterion referred to in Article 8 of the Act of 12 March 2004 on social assistance, for whom the circumstances referred to in Article 12 of that Act have not been found (the right to use health care services financed from public funds is confirmed by a decision issued by the head of the municipality, mayor of the municipality competent for the place of residence in Poland) or are persons below 18 or are women in the period of pregnancy, labour or childbirth.

Health insurance contributions

Insured persons pay a **health insurance contribution**.

There are the following types of contributions:

1. **Health contribution for persons pursuing economic activity.**

This type of contribution includes:

- **Health contribution for persons taxed on general principles**

The basis for calculating the contribution for persons paying the income tax according to the tax scale, at the 19% tax rate and paying the income tax on qualified intellectual property rights, is the income earned in a given month and in a given year.

The basis for calculating the contribution for a given month may not be lower than the amount of the minimum remuneration applicable on the first of January of a given year. After the end of the year, the annual settlement of the health insurance contribution will take place.

For taxpayers taxed with a flat tax, the rate of the health contribution has been reduced to 4.9% of the contribution assessment base, which is an exception to the general rule according to which the health contribution rate is 9% of the assessment base.

- **Health contribution for persons paying a lump sum on recorded revenue**

For persons paying a lump sum on recorded revenue, the amount of annual revenue is important for the amount of the health contribution. The health contribution is calculated in three thresholds depending on the average remuneration.

- **Health contribution for persons taxed in the form of a tax card**

For persons pursuing non-agricultural activity who are taxed in the form of a tax card, the assessment basis for the health insurance contribution is the amount of the minimum remuneration applicable on the first of January of a given year.

- **Health contribution for other persons pursuing economic activity**

For other persons pursuing non-agricultural activity, the assessment basis for the health insurance contribution is the amount of the average monthly remuneration.

- **Health contribution for cooperating persons**

For persons cooperating with people pursuing economic activity, the assessment basis for the contribution is currently 75% of the average monthly remuneration.

2. Health contribution for other insured persons.

Persons covered by the health insurance obligation, **other than entrepreneurs**, pay the health contribution in the amount of 9% of the assessment base (e.g. income from hired labour less social security contributions; the amount of an old age or disability pension, the amount of an unemployment benefit, the amount of a nursing benefit granted under the legislation on family benefits or the amount of a permanent social assistance allowance, etc.). Health insurance contribu-

tions are paid by employers, the Social Insurance Institution and other pension institutions, social assistance centres, schools and universities, etc. (i.e. by contribution payers).

Using health care services

Persons eligible for publicly-funded health care services in Poland (beneficiaries) may use such services **only** in health care institutions which have signed a contract with the National Health Fund (NFZ) – marked with the **NFZ logo**. Such contracts are held by a vast majority of health care establishments in Poland. If emergency health care services are provided by an establishment which does not have a contract with the National Health Fund, the beneficiary/insured person has the right to these services to the extent necessary.

A beneficiary chooses his/her **primary health care (podstawowa opieka zdrowotna, POZ) doctor, nurse and midwife** by submitting a written declaration. The above-mentioned declaration may be submitted as a paper form, electronically (by means of electronic communication) or through the Online Patient Account. The first appointment at the selected health care facility usually involves registration and selection of a primary health care doctor, nurse and midwife.

In order to use the services, it is necessary to **verify the patient's eligibility for health care services**. This is done by the health care facility in the electronic eWUŚ system (Electronic Verification of the Beneficiaries' Rights), which enables to immediately confirm whether the patient is eligible for publicly-funded health care services. Eligibility for publicly-funded health care services is verified on the basis of the patient's PESEL number and a document confirming his/her identity e.g. an ID card, passport, driving licence or a valid school ID for children of up to 18 years of age who are subject to compulsory school attendance.

If it is not possible to verify the patient's eligibility in the electronic system, the patient must present a document confirming the he/she is covered by health insurance, e.g. the **ZUS RMUA form**. If the patient does not have such a document, he/she **may submit a written declaration** on his/her eligibility for health care services.

Scope of health care services and emergency telephone numbers

Health care services can be provided by both public and non-public entities which have relevant contracts with the National Health Fund. Publicly-funded health care services include:

- **health services** meant to maintain, save, restore and improve health as well as other medical actions arising from the treatment process or legal regulations, as defined by the Minister of Health,
- **health services in kind** – medications and medical devices related to the process of treatment – provided for a partial payment, paid for on a flat-rate basis or paid in full,
- **treatment-related services** – accommodation and meals, medical transport services at 24-hour or day health care establishments.

POZ doctors (also called primary doctors) manage basic treatment and, if necessary, refer their patients to other specialists. An insured patient **without a referral** from his/her primary health care doctor can use health care services of the following specialists: **gynaecologists and obstetricians, dentists** (very few dental services are paid for by the NHF), **venereologists, oncologists and psychiatrists**. In addition, for children and adolescents no referral is required for psychological, psychotherapeutic and community mental health services. In emergency situations, health services are provided without the required referral. A referral is also **necessary** if hospital services are required (it is not necessary in the event of an accident, injury, poisoning or other life-threatening situations). During hospitalisation, procedures, tests and medicines are provided free of charge.

The 24h emergency call centre number, available across Poland, is 112.

There is also a **Telephone Patient Information** at **800 190 590**.

Information on health care establishments which have contracts with the National Health Fund can be obtained from provincial branch offices of the NFZ. Telephone numbers of individual NFZ branch offices are available on the NFZ website.

Payments for health care services and medications

Health care services covered by the universal health insurance are provided free of charge unless applicable regulations provide for a partial payment by the beneficiary.

The services which are explicitly indicated in the national legislation as not provided under health insurance are paid for. They include services which are provided in spa-treatment establishments to insured persons without a referral to this kind of treatment; travel and accommodation costs of spa treatment – the beneficiary must pay full costs of travel to and from the spa treatment establishment

and partial costs of food and accommodation in the sanatorium; preventive vaccinations other than listed in the regulations on infectious diseases and infections. The provision of medical devices such as prostheses, spectacles, wheelchairs etc. is limited in terms of quantity.

Free-of-charge medications are provided to an insured person who has been admitted to a hospital or another health care facility for patients who need a 24-hour or day medical care, and during health, nursing, diagnostic and rehabilitation procedures which are conducted by entities authorised to provide services covered by health insurance, as well as in the case of emergency assistance provided by those entities.

To purchase medications at a reduced price, it is necessary to present a prescription issued by a doctor or medical assistant (*felczer*), nurse or midwife, provided that they are licensed to practice the profession.

Medications are dispensed at **pharmacies**, usually on the basis of prescriptions issued by authorised persons:

- free of charge, or
- upon making a flat-rate payment, or
- upon paying 30% or 50% of the financing limit, or
- upon paying the full price - for medications which are not included in the register of reimbursed medications or for medications which are prescribed in an indication which is not subject to reimbursement.

If ordered by a health insurance doctor, patients are eligible for **free medical transport**, including by air, to and from the nearest hospital which provides relevant services if it is necessary to start immediate treatment or to preserve the continuity of treatment, as well as in the case of reduced mobility which makes it impossible to use public transport to travel for treatment (to and from the nearest health care facility which provides relevant services). In other situations, transport is provided for a full or partial payment and based on an order from a health insurance doctor.

Computerisation of the health care system

The health care system in Poland is undergoing dynamic computerisation, giving patients access to new modern e-health services. Polish doctors issue sick leave

certificates in an electronic form only, prescriptions have to be issued electronically (unless required otherwise). The next stage of computerisation of the health care sector was the implementation of the obligation to issue electronic referrals to certain health care services. Service providers are required to ensure that the data contained in electronic medical records can be exchanged.

Full use of e-health advantages is possible upon activation of the **Online Patient Account (IKP)**, a free-of-charge web application provided by the Ministry of Health which enables patients to easily, quickly and safely view their medical treatment information, including e-prescriptions and dosage instructions issued, e-referrals and electronic sick leave certificates. With the application, patients can also receive e-prescriptions in text messages (SMS) or by e-mail. Thanks to IKP, patients also have access to services related to the COVID-19 pandemic (result of a recently ordered coronavirus test, information on quarantines or home isolations). Moreover, IKP includes referrals for COVID-19 vaccination. With such an e-referral, the patient could go to the e-registration and, choosing a free date at a convenient place, sign up for vaccination. The patient's vaccination certificate can also be accessed through IKP.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

In the current, special situation of the war in the territory of Ukraine and the influx of refugees seeking international protection in Poland, it has become necessary to adopt extraordinary legal solutions governing, among others, the principle of access to health care services by citizens of Ukraine entering and staying in the territory of Poland. These issues are regulated by the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state*. In addition, this Act indicates the entity covering the costs of these services (NFZ) and the source of their financing.

Citizens of Ukraine have the right to **medical care** including health care services on such conditions and to the extent that persons covered by compulsory or voluntary health insurance have the right to these services in Poland, **excluding spa treatment and spa rehabilitation**, as well as the administration of medicinal products issued to beneficiaries under the health policy programmes of the minister in charge of health.

The legislation will cover medical facilities that have an agreement with NFZ. NFZ will pay for the services from the state budget. The basis for settlements will

be the rates laid down in agreements with NFZ.

Confirmation of the right to health care services financed from public funds is possible:

- through **an electronic document generated on the basis of a PESEL number by NFZ or**
- by submitting **a special statement confirming the right to health care services** by a new group of eligible persons (pending the assignment of a PESEL number or in the case of failing to apply for assigning this number). Two templates of statements have been introduced taking into account the specific nature of the rights of this group, i.e. a statement for persons submitting a statement on their own behalf and for statements submitted by a statutory representative, legal or actual guardian in the case of minors and other persons without full legal capacity. Templates of both statements have been drawn up in Polish and Ukrainian.

The use of health care services by citizens of Ukraine, including, for example, access to primary doctors, hospital treatment (surgical procedures); specialist treatment and its continuation, if it was commenced in the territory of Ukraine; long-term care and rehabilitation services, as well as access to medicines, medicine programmes, medical devices, etc., **takes place on the conditions and to the extent applicable to beneficiaries – insured citizens of Poland**. Referrals to specialist doctors, for hospital treatment, medical rehabilitation and waiting queue, etc. are applicable.

Health care, the scope of which is determined by the current state of health of a patient and related health needs, covers every citizen of Ukraine requiring medical assistance and meeting the conditions set out in the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state*.

To citizens of Ukraine, in the same manner as to Polish beneficiaries, the provisions are applicable, according to which health care services in hospitals, specialist services under outpatient health care and stationary and round-the-clock health care services other than hospital health care services are provided according to the order of application on the days and times of their provision by a healthcare provider who concluded an agreement for the provision of health care services. The waiting list is kept in a manner ensuring the respect for the principle of fair, equal, non-discriminatory and transparent access to health care services and in accordance with medical criteria.

For persons covered by oncological diagnostics or oncological treatment, the health care provider keeps a separate waiting list for the provision of services. The healthcare provider includes a beneficiary, with the exception of a beneficiary in emergency, on the basis of a diagnostic and oncological treatment card and medical criteria based on current medical knowledge.

NOTE:

Article 37 of the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state* **does not impose the health insurance obligation** on citizens of Ukraine whose stay in the territory of Poland is considered legal, but **grants them the right to health care services** financed from public funds on the same conditions and to the same extent as persons insured in Poland. It complements the already existing legal regulations and **is addressed to those citizens of Ukraine** (constituting the majority) **who will not obtain a title to compulsory health insurance in Poland.**

According to the provisions of the *Act on health care services financed from public funds*, **insured persons** may be, among others, persons having no citizenship of an EU or EFTA Member State, or the UK, who use **temporary protection in the territory of Poland if they are subject** (pursuant to Article 66 of the *Act on health care services...*) **to the health insurance obligation.**

Pursuant to Article 2(6) of the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state*, a citizen of Ukraine referred to in paragraph 1 of that Act is considered to be a person using temporary protection in Poland within the meaning of Article 106(1) of the *Act on granting protection to foreigners in the territory of the Republic of Poland*.

Therefore, **a citizen of Ukraine using temporary protection in the territory of Poland may be covered by statutory health insurance (with NFZ) if he/she obtains a title to compulsory health insurance** pursuant to Article 66(1) of the *Act on health care services financed from public funds*, **e.g. takes up employment** or self-employment, obtains the status of an unemployed person or acquires the right to a permanent social assistance benefit, special care allowance or nursing benefit, etc.

Then, the basis for the use of health services is not the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state*, but the *Act on health care services financed from public funds*.

CONTINUATION OF TREATMENT OF PATIENTS BEING CITIZENS OF UKRAINE OUTSIDE POLAND

The Special Plenipotentiary of the Minister of Health coordinates the referral of patients – citizens of Ukraine for further treatment outside Poland. Patients are transferred in close cooperation with the EU.

The Minister of Health appointed a *Plenipotentiary for the issues of transfer*, in order to continue treatment outside Poland, of patients – citizens of Ukraine staying in the territory of Poland in connection with armed conflict in the territory of Ukraine.

The tasks of the Plenipotentiary include, among others, coordination of cooperation between the EU and Poland in the field of transfer of patients – citizens of Ukraine staying in Poland, whose further long-term treatment is to take place in another EU Member State.

The Plenipotentiary, using EU mechanisms, coordinates the free transfer of patients and their families to an appropriate hospital in the EU Member State, where treatment is continued.

For more information visit

<https://www.nfz.gov.pl> National Health Fund

<https://www.gov.pl/web/zdrowie> Ministry of Health

More information for citizens of Ukraine

<https://www.nfz.gov.pl/dla-pacjenta-z-ukrainy/> National Health Fund in Ukrainian

<https://www.nfz.gov.pl/aktualnosci/aktualnosci-centrali/szczepienia-materialy-informacyjne-dla-obywateli-ukrainy,8201.html> NFZ information about vaccination, also in Ukrainian

<https://www.gov.pl/web/zdrowie/pomoc-medyczna-dla-ukrainy> Medical aid to citizens of Ukraine (Ministry of Health's website)

<https://www.gov.pl/web/zdrowie/pelnomocnik-ministra-zdrowia-koordynuje-leczenie-pacjentow-z-ukrainy-za-granica> Referring patients – citizens of Ukraine for further treatment outside Poland

3.10. Private life

Civil status certificates

Such life events as births, marriages and deaths are subject to registration in the form of **civil status certificates** in the registry of vital records which is kept by the Head of the Civil Registry Office of the place of the event. In Poland, civil status certificates entered in the registry of vital records are the only proof of the events mentioned therein. To document events, also in certain court or administrative proceedings, complete and abridged copies of relevant civil status certificates are issued from the registry of vital records. Polish legislation provides also for making up a civil status certificate on the basis of a foreign civil status document, provided that the latter is not in conflict with the Polish legal order.

Births

Childbirths in Poland should be reported to the Civil Registry Office of the place of birth within 21 days after the date of the birth registration card or within 3 days after the date of the stillbirth registration card if the child was born dead. A childbirth may be reported in two ways: either in person at the competent Civil Registry Office or in the form of an electronic document. A birth registration card/stillbirth registration card is a medical document which is issued by a relevant health care establishment and submitted by that establishment to the Civil Registry Office.

The birth registration card is submitted to the Head of the competent Civil Registry Office within 3 days after the date on which it was drawn up, while the stillbirth registration card is submitted to the Head of the competent Civil Registry Office within 1 day after the date on which it was drawn up. The birth of a child must be reported by the mother or father of the child, provided that they have full legal capacity. The mother or father aged 16 or older may report the birth of their child if they have limited legal capacity. In all other cases, a childbirth is reported by the mother's statutory representative or guardian. Childbirths may also be reported through an attorney. If a childbirth is not reported within the aforementioned time limits, the registration (including the selection of the child's name) is done *ex officio*.

On registering the birth, the Head of the Civil Registry Office issues one free-of-charge abridged copy of the birth certificate to the person who reports the birth.

Marriages

A **marriage** may be entered into only by a female and a male who meet the requirements set forth in the Act on the Family and Guardianship Code. A declaration of the intention to marry should be made before the Head of the Civil Registry Office in the presence of two witnesses of legal age. Same-sex marriages and civil partnerships, including between persons of the same sex, are not allowed or regulated by law.

A marriage can be entered into **in two forms** - before a freely chosen Head of the Civil Registry Office or before a clergyman (a religious marriage with civil and legal effects).

A marriage is entered into when a man and a woman, both present, make a declaration of the intention to marry in the presence of the Head of the Civil Registry Office.

Persons who intend to enter into a marriage should present their identity cards to the Head of the Civil Registry Office and submit the required documents i.e.:

- a written declaration that they are not aware of any circumstances which may exclude the marriage,
- a permit to enter into a marriage, if required by the provisions of the Family and Guardianship Code,
- a court permit for an attorney to make a declaration on entering into a marriage if such a declaration must be made by an attorney.

If a Polish citizen does not have civil status certificates made in Poland, he/she submits a foreign civil status document or other documents (for states where vital records are not kept) to certify his/her birth, and if he/she was previously married, then he/she submits the marriage certificate along with a document confirming the cessation or annulment of the marriage, or confirming that the marriage has been declared as non-existent.

If any of the aforementioned documents proves particularly difficult to obtain, the court may release the person concerned from the obligation to submit or present such a document.

A marriage can also be entered into when a male and a female who enter into it and who are subject to the internal law of the Church or another religious association declare, in the presence of a clergyman, their unanimous will to enter into marriage under Polish law, and when the Head of the Civil Registry Office draws

up a marriage certificate afterwards.

For a religious marriage to have civil and legal effects, the following requirements must be met: before entering into marriage, the prospective spouses (i.e. persons who intend to enter into marriage) must obtain from the Head of the Civil Registry Office a certificate that there are no circumstances preventing them from entering into marriage and then make a declaration on their and their children's surnames before the Head of the Civil Registry Office. After the marriage ceremony, the clergyman is required to send, within 5 days, the aforementioned certificate to the Head of the Civil Registry Office competent for the place of the ceremony, along with the certificate confirming that the marriage declarations have been made in his presence. The aforementioned documents constitute the basis for drawing up the marriage certificate.

A citizen of an EU or EFTA Member State who intends to enter into marriage in Poland must present his/her identity document and submit, in addition to a written declaration, a document certifying that he/she may enter into marriage in accordance with applicable law. Should the submitted documents not allow to determine the data necessary to draw up the marriage certificate (i.e. to determine the details of the person and his/her marital status), a copy of the birth certificate must be submitted, and if the person was previously married – a copy of the marriage certificate with an annotation regarding its cessation, annulment or declaration on its non-existence, or a copy of the marriage certificate with a document confirming its cessation, annulment or declaration on its non-existence.

Documents which confirm the cessation, annulment or non-existence of a marriage include an abridged copy of the death certificate or a copy of a valid court judgement on the death or declaring the previous spouse as deceased, a copy of a valid court judgement on divorce, a copy of a valid court judgement on the annulment of the previous marriage or a copy of a valid judgement declaring the marriage to be non-existent.

A statement regarding the **surname of each of the spouses** after entering into marriage and regarding the surname of their children is made before the Head of the Civil Registry Office and recorded in the protocol on receiving the declarations on entering into marriage, or in case of a religious marriage - before the Head of the Civil Registry Office draws up a certificate on the lack of circumstances precluding the marriage. The spouses may:

- have a common surname which is the current surname of one of them,
- keep their current surnames,

- combine their current surnames with the surname of the other spouse. The surname which combines two former surnames must not have more than two components.

If no statement is made regarding the surname, both spouses keep their current surnames. **Children have the surname** which is the surname of both spouses. If the spouses have different surnames, their child uses the surname they indicate in their unanimous statements. The spouses may indicate either the surname of one of them or the surname combining the surnames of the child's mother and father. If the spouses did not make any unanimous statements regarding the surname of their children, the children will have the surname consisting of the surname of the mother and the surname of the father attached to it.

Upon drawing up the marriage certificate, one free-of-charge abridged copy of the marriage certificate is issued *ex officio*.

Deaths

Deaths are registered in the Civil Registry Office competent for the place of death, by submitting a declaration of death (a medical document confirming a death, issued to the person who has the right to bury the deceased) within 3 days after the date of that declaration, or within 24 hours from the death if it was caused by an infectious disease.

Persons obliged to register a death are, respectively, the spouse, descendants (e.g. a child), ascendants (e.g. parents, grandparents), lateral relatives up to the 4th degree (e.g. a brother), relatives by affinity up to the 1st degree (e.g. the father or mother-in-law).

On registering the death, the Head of the Civil Registry Office issues one free-of-charge abridged copy of the death certificate.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Civil records

Registration of events such as birth, marriage, death for citizens of Ukraine is carried out on the same conditions as for citizens of Poland

Birth of a child

A child born in the territory of the Republic of Poland receives a birth certificate. The rules of birth registration in Poland for citizens of Ukraine are the same as for Polish citizens.

Contraction of a marriage

Contraction of a marriage by citizens of Ukraine takes place on the same conditions as for citizens of Poland.

Death

The rules for reporting a death for citizens of Ukraine are the same as for citizens of Poland.

For more information visit

<https://www.gov.pl/web/gov/zglos-urodzenie-dziecka> OBYWATEL portal

<https://www.gov.pl/web/gov/uslugi-dla-obywatela/#rodzina-i-malzenstwo> OBYWATEL portal

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

3.11. Cultural and social life

Cultural life

The main organisational form of cultural activity in Poland consists of publicly-funded **cultural institutions**, ranging from museums, galleries, art centres and artistic institutions (such as drama and opera theatres and philharmonics) to small local libraries and cultural centres. There are currently nearly 7,000 cultural institutions in Poland. In addition to cultural institutions, cultural activity is carried out by numerous non-governmental organisations, churches, religious associa-

tions and private enterprises. Information about culture and entertainment in Poland is available in daily newspapers (on Fridays, the main daily newspapers publish cultural guides for the following week), TV, radio (including thematic channels) and the Internet.

Museums remain the most important institutions that preserve the cultural heritage and popularise knowledge about it. A number of historical monuments and sites important to Polish history now house prominent museums that are well known not only in Poland. They include e.g. the Royal Castle in Warsaw - the Residence of Kings and the Republic, the Royal Castle in Wawel - the National Art Collections, the King John III's Palace in Wilanów and the Royal Łazienki Museum in Warsaw. For example, in 2021, after several years of renovation and reconstruction, the Gallery of Ancient Art in the National Museum in Warsaw was opened, so was a new permanent Gallery presenting Polish art of the 20th and 21st centuries in the National Museum in Kraków. The exhibition is a review of multitude of artistic phenomena and trends that have appeared in Poland over the last 120 years. In 2022, the Land of Oświęcim Residents' Memory Museum in Oświęcim was opened.

Exhibitions are among the most spectacular forms of museum and gallery activities. These establishments present exhibitions based on their own collections, compiled from collections of other museums or readymade borrowed from other establishments. Museums gather interesting collections of both ancient and contemporary art. Some of them have masterpieces of the world's art, including Leonardo da Vinci's "Lady with an Ermine" and Rembrandt's "Landscape with the Good Samaritan" in the National Museum in Kraków, and Hans Memling's "Last Judgement" in the National Museum in Gdańsk.

Most museums are open from Tuesday until Sunday, until 4:00 or even 6:00 pm. Each museum offers free-of-charge admissions to fixed exhibitions on one day of the week. Admission fees are not high, and state museums offer many discounts like family tickets and reduced fees. Admissions to state martyrological museums are free of charge.

Drama theatres operate in all big cities. The artistic season lasts from 1 September to 31 August, with a holiday break for most scenes in July and August. During the summer season, theatres located in tourist destinations are mainly open, e.g. *Teatr Wybrzeże* in Gdańsk with scenes in Sopot and Pruszcz, Stanisław Witkiewicz Theatre in Zakopane, Witold Gombrowicz City Theatre in Gdynia with a summer scene in Orłowo and selected private theatres (e.g. *Teatr Kamienica* and *Teatr 6. Piętro* located in Warsaw). Drama theatres with the greatest tradition and

the most recognisable are the National Theatre in Warsaw and Helena Modrzejewska National Old Theatre in Kraków.

In addition, large cities have **puppet theatres** which stage plays for children, youth and adults. This category includes numerous ensembles with non-governmental or private status as well.

Of numerous Polish theatre festivals, the most notable include the Shakespeare Festival in Gdańsk, the Divine Comedy International Theatre Festival in Kraków, the Singer's Warsaw International Jewish Culture Festival in Bielsko Biała and the International Festival of Puppetry Art in Bielsko-Biała.

Among state-owned artistic institutions, **the Grand Theatre - Polish National Opera (*Teatr Wielki – Opera Narodowa*)**, one of the largest not only in Poland but also in Europe, presents classic operas and contemporary works and cooperates with globally renowned soloists. Other opera theatres are located in the 10 largest cities across Poland. Furthermore, a new state institution, the **Polish Royal Opera** in Warsaw, opened in 2017, popularises early operas and restores the forgotten repertoire of Polish music, including the Polish operatic tradition. This institution also pursues the mission of disseminating high culture in smaller cultural centres and corners of the country.

Philharmonics operate in major cities of Polish regions, with the **National Philharmonic (*Filharmonia Narodowa*)** in Warsaw of particular renown which is a state artistic institution. Established by its patron, the **Krzysztof Penderecki European Centre for Music in Lutosławice**, with its unique arboretum - one of its kind in Europe, is an exceptional musical centre. Appreciated by connoisseurs, there are the **National Symphony Orchestra of the Polish Radio (*Narodowa Orkiestra Symfoniczna Polskiego Radia*)** in Katowice and the **National Music Forum (*Narodowe Forum Muzyki*)** in Wrocław - cultural institutions which operate in newly built splendid edifices, regarded as arts of architectural and acoustic art. Well-known **classical music festivals** include the Musical Festival in Łańcut, the Chopin Festival in Duszniki Zdrój, the Contemporary Music Festival "Warsaw Autumn" in Warsaw, the International Musical Festival "Chopin and His Europe" in Warsaw and the *Wratysłavia Cantans* Festival in Wrocław. In addition to classical music events, there are also **jazz festivals** e.g. the *Jazz na Starówce* Festival in Warsaw and the *Jazz nad Odrą* Festival in Wrocław. Music fans can enjoy classical music outdoors e.g. in the Royal Łazienki Park in Warsaw (between May and September) and in Żelazowa Wola, the birth place of the famous Polish composer Frederic Chopin. Poland organises important **music competitions**, including the International Frederic Chopin Piano Competition (Warsaw),

the International Henryk Wieniawski Violin Competition (Poznań), the Stanisław Moniuszko International Vocal Competition (Warsaw), the I.J. Paderewski International Piano Competition (Bydgoszcz), the Karol Szymanowski International Music Competition (Katowice) and the Stanisław Moniuszko International Competition of Polish Music (Rzeszów).

Poland is a country distinguished in Europe by the richness and diversity of its ethnographic regions, where phenomena in the field of arts, folk crafts and broad folklore are still alive and cultivated. Local artists, folklore ensembles, local poets and storytellers, but also regional products and brands are part of the cultural offer and promotion of the regions. Various entities operating in the sphere of folk culture, both in small towns and large urban agglomerations, organise projects aimed at the protection, education and popularisation of intangible cultural heritage. It is worth mentioning several cyclic initiatives such as the National Meetings of Blacksmiths in Wojciechów, the Painted Cottage Competition in Zalipie, the Subcarpathian Easter Guardian Parade, the Folk Toy Festival in Stryżawa, the Kurpie Palm Competition in Łyse, the Corpus Christi Procession in Łowicz, or the Kraków Christmas Crib Contest. Prestigious ethnographic and artistic folklore festivals take place in various parts of Poland, including the National Festival of Folk Bands and Singers in Kazimierz Dolny, the International Festival of Highland Folklore in Zakopane, the All Mazurkas of the World Festival in Warsaw, the Jagiellonian Fair in Lublin, the World under Kyczera International Folklore Festival in Czeremcha or the From the Country Backyard Festival of Many Cultures and Nations in Czeremcha. Numerous regional ensembles, song and dance ensembles and other folklore groups operating in Poland, which popularise authentic folklore or folklore partially refined, present their artistic achievements during these events.

Furthermore, two professional artistic ensembles operate in Poland the **Stanisław Hadyna Song and Dance Ensemble "Śląsk"** and the **Tadeusz Sygietyński National Folk Song and Dance Ensemble "Mazowsze"**, which are cultural institutions with a mission to popularise Polish folklore by presenting stylised and artistically elaborated programmes referring to regional dances, songs and folk music.

Prices of theatre, opera and philharmonic tickets vary and depend on many factors (e.g. the location, profile and size of the institution). Nearly all institutions offer discounts for children, youth, students (on presentation of the International Student Identity Card) and senior citizens. For more expensive performances, it is possible to purchase reduced price tickets without the guaranteed right to a numbered seat.

Local government and state cultural institutions operate in large cities with the mission of presenting and promoting modern arts. They include the National Gallery of Art “Zachęta” in Warsaw, the Ujazdowski Castle Centre for Contemporary Art in Warsaw, the Museum of Modern Art in Warsaw, the Museum of Art in Łódź or the Centre of Contemporary Art “Znaki Czasu” in Toruń. There is also a unique Polish Sculpture Centre in Orońsk, a specialised institution operating in a smaller town, which presents its permanent collection and temporary exhibitions both in the original interiors and in the Sculpture Park situated in the 19th century park. The Centre is also a place for artistic work and creative workshops.

Poland has an extensive network of cinemas, ranging from multiplexes to small art cinemas. They offer global blockbusters and the best Polish films as well as ambitious European, American and Asian productions. They also screen documentaries and short films. Foreign feature films shown in Polish cinemas are usually not dubbed, but animated feature films for children are.

It is worth noting that Poland is also an attractive tourist destination. The UNESCO World Heritage List includes the following Polish sites: the historic centres of Kraków and Warsaw, the Centennial Hall (*Hala Stulecia*) in Wrocław, the historic salt mines in Wieliczka and Bochnia, the old town in Zamość, the Białowieża Forest, the medieval town of Toruń, the castle of the Teutonic Order in Malbork, Kalwaria Zebrzydowska – the mannerist architectural, landscape and pilgrimage complex, eight wooden *Tserkvas* (Orthodox churches) of the Carpathian Region (the entry include a total of 16 Orthodox churches in Poland and Ukraine), the Muskauer Park (*Park Mużakowski*) in Łęknica, the lead-silver-zinc ore mine in Tarnowskie Góry, and the Krzemionki prehistoric striped flint mining region near Ostrowiec Świętokrzyski. The List includes also Auschwitz-Birkenau, the German Nazi concentration and extermination camp (1940-1945) in Oświęcim.

Activities of some Polish cultural institutions have been temporarily restricted due to the COVID-19 pandemic. Up-to-date information about the available cultural offering can be found on websites of the cultural institutions concerned.

Social life

Polish is the official language in Poland. The most popular foreign language spoken in Poland is English, followed by German, French and Russian.

Polish feasts which are also public holidays are as follows: 1 January – New Year; 6 January – Epiphany; March or April (Sunday and Monday) - the 1st and

2nd day of Easter (a moving holiday); 1 May – Public Holiday; 3 May – The 3rd of May Constitution Day; May or June - Descent of the Holy Spirit (Pentecost) - (moving holiday); May or June (the first Thursday nine weeks after Easter) – Corpus Christi; 15 August – Armed Forces’ Day/Assumption of the Blessed Virgin Mary; 1 November – All Saints’ Day; 11 November – National Independence Day; 25 and 26 December – Christmas; and all Sundays.

For more information visit

<https://www.gov.pl/web/kultura/> Ministry of Culture, National Heritage and Sports

<https://www.staypoland.com/pl> Tourist portal with information about Poland

<https://www.polska.travel/pl> Tourist portal with information about Poland

<https://zabytek.pl/pl> Innovative website with a map of historic monuments in Poland

<https://www.nid.pl> Information on sites included in the UNESCO World Heritage List, historic monuments and other historic sites

3.12. Things to remember before and after coming to Poland

Before coming to Poland:

1. Learn about the living and working conditions in Poland, as well as the situation on the Polish labour market. You can find relevant information in this Brochure, as well as in the EURES European Job Mobility Portal and the Polish EURES website.
2. Check whether your vocational qualifications are recognised in Poland.
3. Start looking for a job and get some information about the employers you want to apply to after coming to Poland. You can use the EU database of job offers in the EURES European Job Mobility Portal, which has job adverts

from Poland. Also, you might want to use the services of an EURES advisor in your country or contact the Polish EURES personnel, preferably from the region where you are looking for a job, which will allow you to obtain information about the labour market, job offers and the working and living conditions in Poland. After you have found a job, learn about the working conditions offered and make sure that they come up to your expectations.

4. Obtain the European Health Insurance Card, as it guarantees access to health care services in case of an accident or sickness; buy accident insurance or private health insurance (optionally).
5. Prepare a set of documents including your valid identity document, your birth certificate, all contracts or correspondence with your employer, documents on your previous employment and education, courses, additional qualifications, and testimonials in Polish.
6. Find accommodation.
7. Prepare sufficient financial resources to support yourself until your first pay day. Persons crossing the national border are obliged to declare in writing, to the customs authorities or the Border Guard authorities, the import into and the export outside the country of foreign exchange gold or platinum, regardless of the quantity, as well as of domestic or foreign legal tenders, if their value is equal to or exceeds the total equivalent of EUR 10 thousand, with the exception of travellers crossing internal borders with other Member States belonging to the Schengen area.
8. If you are an employee posted to work in Poland, make sure that your employer has submitted a declaration to the authorities of the state of destination, providing information about *inter alia* your place of work, the period of delegation and contact details.

After coming to Poland:

1. Settle the accommodation-related issues (e.g. renting a flat).
2. Meet your employer to make sure that the earlier arrangements concerning your employment/job interview are still valid.
3. Open a bank account (bank accounts may be opened by foreign natural persons with full legal capacity, employed by an entity having its registered office in Poland, or a recipient of a disability pension, retirement pension or

scholarship). While applying for opening a bank account, you will normally be required to submit, in addition to your ID document, a certificate from your employer regarding your employment in Poland or a document which confirms that you receive a disability benefit, retirement pension or scholarship.

4. EU and EFTA Member State citizens are not required to have a permit to work in Poland, but they must register if they stay in Poland for longer than 3 months. If you must register, visit the Province Office (*Urząd Wojewódzki*) of your place of residence.
5. Apply to the tax office of your place of residence in Poland for your tax identification number (*numer identyfikacji podatkowej*, NIP).
6. Obtain your PESEL number by registering your residence or applying for the PESEL to the relevant City or Communal Office (*urząd miasta* and *urząd gminy* respectively). Your PESEL number will be used as your identifier in formal contact with offices and institutions.
7. Register with the outpatient clinic of your choice and choose your primary care doctor.
8. Settle the issues related to the admission of your child to a nursery, kindergarten or school (if your child is coming to Poland with you).
9. Buy a Polish mobile phone number. You will then be able to make cheaper phone calls than with your foreign mobile telephone number.

For more information visit

https://eures.ec.europa.eu/index_pl European Job Mobility Portal EURES

<https://eures.praca.gov.pl> Polish EURES website

<https://www.pip.gov.pl/pl/informacje-dla-obcokrajowcow> National Labour Inspectorate

<https://www.gov.pl/web/gov/uzyskaj-numer-pesel-dla-cudzoziemcow>

OBYWATEL portal – PESEL number for foreigners



4. WORKING IN POLAND

4.1. Free movement of workers in the EU/EFTA

Right to free movement of workers

In accordance with the Treaty on the Functioning of the European Union (TFEU), all citizens of EU Member States **have the right to move and reside freely within the EU**, subject to the conditions laid down by EU law. Freedom of movement within the EU is one of the fundamental rights of EU Member State citizens. In accordance with Article 45 of the TFEU, free movement of workers is based on equal treatment of EU Member State citizens as regards remuneration and other conditions of work and employment. Free movement of workers applies also to family members of migrants.

The right to free movement of workers in the EU **applies also** to citizens of EFTA Member States under separate association agreements and agreements with the EU.

The provisions on free movement of workers give the right to:

- seek employment in another EU or EFTA Member State,
- take up employment in another EU or EFTA Member State without the need to obtain a work permit,
- reside in another EU or EFTA Member State because of work,
- stay in another EU or EFTA Member State even upon termination of the employment, subject to conditions laid down by EU law,
- be treated on equal terms with citizens of a given EU or EFTA Member State as regards access to employment, work conditions, access to social and tax privileges, access to training, rules of membership in trade unions, access to housing, access to education, vocational educational and vocational training

for children of employees, as well as assistance provided by employment offices.

In Poland, **free legal advice with regard to the employee rights arising from the freedom of movement** is provided by **district labour inspectorates**. Providing such advice is among obligations of the Member States. A person who exercises his/her right to free movement of workers may refer to the competent institution in the host state to seek assistance. Information on the **competent institutions** is available on the European Commission website.

When entering into an employment contract with a Polish employer, an EU or EFTA Member State citizen is generally subject to Polish labour law and **does not have to apply for a work permit**. However, there are **restrictions concerning access of EU and EFTA Member State citizens to work in certain professions**. They apply to certain positions in the public sector, including the public administration - both at the government and local self-government levels, certain positions in the judiciary (e.g. judges, judge assistants, legal secretaries, prosecutors, jurors, probation officers, bailiffs) as well as Civil Service officers and Prison Guard officers.

As regards employment in the civil service, by making available information about vacancies, general directors of offices specify, subject to consent from the Head of the Civil Service, positions available to EU or EFTA Member State citizens who have the right to take up employment in Poland in accordance with Community law. A person who is not a Polish national may be employed in a position which does not involve any direct or indirect participation in the exercise of public authority or functions which are aimed at protecting general interests of the state, provided that he/she can prove their command of Polish. Furthermore, such persons must be able to communicate in Polish, which should be confirmed by a relevant document. A similar solution applies to employees of at the local self-governmental level.

It should be noted that **the posted workers** are allowed to work in Poland (under the freedom to provide services). These are workers who are employed by an employer with its registered office in another EU or EEA Member State or Switzerland and who have been posted to work in Poland on a temporary basis. In line with the rules laid down in the provisions on employee assignment, conditions ensured to such workers must be not less beneficial than those provided for under the Polish Labour Code and other provisions on the rights and obligations of workers. This applies to *inter alia* the minimum remuneration for work, the amount of remuneration and bonuses for overtime work, working norms and

time, annual leaves as well as health and safety at work.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

In the case of crossing the border with Poland, citizens of Ukraine have the right to a **legal stay in Poland for a period of 18 months, counting from 24 February 2022**, if they have arrived in Poland since 24 February 2022 from the territory of Ukraine in connection with hostilities and declare their intention to stay in Poland.

Citizens of Ukraine **lose** this right if they leave Poland **for a period of more than 1 month**.

Before the expiry of the above-mentioned period of 18 months (but **after 9 months** of stay in Poland), a citizen of Ukraine may obtain a temporary residence permit, which is granted for a period of 3 years. An application for a temporary residence permit is submitted to the Head of Province competent for the place of residence of a citizen of Ukraine in Poland.

Citizens of Ukraine – at their request – are assigned a PESEL number (details in section 3.1. Registration and residence permit).

In the event of crossing the border of a Member State other than Poland, citizens of Ukraine may, first of all, use the „so-called „**temporary protection**” pursuant to *Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection*.

Citizens of Ukraine will be covered by **temporary protection** under the above Directive, hereinafter referred to as the „*Temporary Protection Directive*” **for the period from 4 March 2022 to 4 March 2023**, which may be extended depending on the situation related to hostilities in Ukraine.

The rights related to temporary protection include, among others, residence permit, access to the labour market and accommodation, access to children’s education.

In order to acquire the rights related to temporary protection, a citizen of Ukraine must apply to the relevant authorities in the country where he/she is going to apply for temporary protection.

Temporary protection can be obtained in one EU Member State only. If a citizen of Ukraine obtained temporary protection in one EU Member State and wants to move to another Member State, he/she must first inform the authorities of that country that granted this citizen temporary protection. Then, the EU Member State to which a citizen of Ukraine wants to move will register this citizen and grant him/her the appropriate rights.

Citizens of Ukraine **do not have the right of free movement of employees** within the EU/EFTA, **on the other hand, they can exercise their rights under temporary protection**.

For more information visit

<https://ec.europa.eu/> European Commission website

<https://ec.europa.eu/social/main.jsp?catId=1277&langId=pl>

Institutions which promote equal treatment and support EU workers and their families

<https://www.gov.pl/web/sluzbacywilna> Civil Service website

<https://www.gov.pl/web/sluzbacywilna/praca> Guidelines for employment in the civil service and other useful information

<https://www.gov.pl/web/sluzbacywilna/faq> Civil Service FAQ

<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20090640539>

Regulation of the Prime Minister of 23 April 2009 on types of evidence of language proficiency of non-Polish nationals applying for employment in the civil service

More information for citizens of Ukraine

https://eu-solidarity-ukraine.ec.europa.eu/information-people-fleeing-war-ukraine_uk European Commission website for citizens of Ukraine

https://eu-solidarity-ukraine.ec.europa.eu/index_uk European Commission website for citizens of Ukraine

<https://psz.praca.gov.pl/pomocdlaukrainy> Information about support in the labour market for citizens of Ukraine in the portal of public employment services

4.2. Finding a job

EU and EFTA Member State citizens may take up employment in Poland under the same conditions as Polish citizens **without the need to obtain** a work permit.

In Poland, it is possible to seek work independently either by submitting CVs and letters of motivation to chosen employers or through:

- **the EURES (European Employment Services) network which is coordinated by the European Labour Authority and brings together public employment services and other authorised organization, and which is aimed at supporting employee mobility within EU or EFTA Member States.** Every citizen of these states may use services provided by the network, including EU job placement and provision of information on working and living conditions in the respective states. Polish job adverts are published in the European Job Mobility Portal which contains job adverts from all public employment services in EU and EFTA Member States as well as other EURES members and partners, including ones placed by Polish District Employment Offices and Voluntary Labour Corps;
- **District Employment Offices (*powiatowy urząd pracy*)**, which place job adverts in the Central Job Offers Database (*Centralna Baza Ofert Pracy*). To have access to all job adverts held by a District Employment Office, it is necessary to register with the Office as an unemployed person or a job seeker. Upon registering, it will also be possible to access those job adverts for which the data of the Polish employer has been made known to the Office which is to select appropriate candidates to work and refer them to the employer;
- **Voluntary Labour Corps (*Ochotnicze Hufce Pracy*)**, which provides recruitment services mainly to the youth, and its job adverts may be found in the Job Placement (*Pośrednictwo pracy*) Database and the Central Job Offers Database;
- **employment agencies, providing job placement and job placement services**, career guidance, personnel consultancy and temporary work. In order to operate legally in Poland, employment agencies must obtain a **certificate** which confirms that they have been entered into the National Register of Employment Agencies (KRAZ) by the Marshal of the Province of the agency's registered office. Employment agencies are not allowed to

charge the persons for whom they are seeking employment or any other paid work or whom it is assisting in selecting a proper job and place of work with any fees other than the fee related to delegating to work abroad for foreign employers (travel costs of the posted person, costs of visa, costs of medical examination and translation of documents). The fees may be charged for the costs actually incurred in relation to such delegation, provided that they are specified in the agreement concluded with the individual who is posted to work abroad. **A list of certified employment agencies** is available on the website (KRAZ): <https://stor.praca.gov.pl/portal/#/kraz>. In addition, employment agencies publish job adverts on their websites;

- **operators authorised to provide job placement services without the obligation to register as an employment agency**, i.e. foreign entrepreneurs from EU and EFTA Member States that hold certificates issued in the state of origin and provide job placement services in Poland (excluding temporary work) based on the notification submitted to the Province Marshall (*Marszałek Województwa*);
- **Internet portals** run by entities which provide job placement services only by storing and making available information about job adverts online in the form of electronic documents. These entities are not required to register as an employment agency.

Polish employers and employment agencies **publish** job adverts in the press, the Internet or in their premises, as well as by other means of communication e.g. social media.

Most **daily newspapers**, both nationwide and local, have special columns with job adverts.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the right to work in Poland **without obtaining a work permit**, on the same terms as Polish citizens.

A citizen of Ukraine has the right to perform work in the territory of the Republic of Poland during the period of stay consistent with the applicable legislation, if he/she is a citizen of Ukraine legally staying in the territory of the Republic of Poland – if **within 14 days from the date of commencement of work by a citizen of Ukraine the entity entrusting the performance of work notifies the district**

labour office competent for the registered office or place of residence of this entity of having entrusted the performance of work to this citizen.

In order to support citizens of Ukraine in taking up employment in Poland, an **ICT system (portal) entitled *Work in Poland*** (<https://pracawpolsce.gov.pl/>) has been launched with the objective to establish contacts between employers and citizens of Ukraine in search of work. Thanks to this new solution, every citizen of Ukraine staying in the territory of Poland and looking for a job may share information about his/her competences and needs and receive feedback regarding job offers and contact details to potential employers. A citizen of Ukraine completes a **professional profile** in his/her native language (or if he/she wants, in Polish or English), the system automatically connects **his/her profile with job adverts** and sends information to the e-mail inbox.

For more information visit

https://eures.ec.europa.eu/index_en European Job Mobility Portal of the European Commission

<https://oferty.praca.gov.pl> Central Job Offers Database

<https://praca.gov.pl> Electronic registration as an unemployed person/job seeker at a District Employment Office

<https://www.mbp.ohp.pl/> Job Placement Database of the Volunteer Labour Corps

<https://stor.praca.gov.pl/portal/#/kraz> Register of Employment Agencies

<https://stor.praca.gov.pl/portal/#/wpz> List of foreign entities authorised to provide job placement services in Poland

<https://psz.praca.gov.pl/> Public Employment Services Vortal

<https://www.powroty.gov.pl> The POWROTY portal is a knowledge base for Poles who are considering returning to Poland

<https://www.gov.pl/web/rodzina/aplikacja-epraca--nowoczesne-narzedzie-dla-tych-ktorzy-szukaja-pracy> ePraca app – enables independent and free of charge search for job offers, job expos and fairs, professional training, training as part of career counselling, etc.

More information for citizens of Ukraine

<https://pracawpolsce.gov.pl/> Government portal for establishing contacts between employers and citizens of Ukraine looking for a job

<https://psz.praca.gov.pl/pomocdlaukrainy> Information about support of labour offices for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

4.3. Applying for a job

By placing a job advert, employers normally request candidates to submit their CV (Curriculum Vitae) which should contain the following information: personal data (name and surname, address, contact telephone number and e-mail address), information about professional career (all types of work which has allowed the candidate to gain experience which may be useful for the new position), education, as well as the acquired professional qualifications and additional skills.

The CV should be as concise as possible. It should not exceed one or two A4-size pages of white paper. The CV should be followed by a signed consent for processing personal data with the following wording:

"I hereby express my consent to have my personal data included herein processed for the purposes of the recruitment process in accordance with the Act of 10 May 2018 on the protection of personal data (Journal of Laws of 2018, item 1000, as amended) and in accordance with Regulation (EU) of the European Parliament and of the Council No 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR)".

The other required document, a **letter of motivation**, justifies why a particular job has been applied for. It is more personal than the Curriculum Vitae. As a rule, it is handwritten and does not exceed one A4-size page.

Templates of CVs and letters of motivation are available e.g. on the Public Employment Services Vortal in the folder "For the unemployed and job seekers", or on the Europass website.

CVs and letters of motivation may be delivered in person, by post, or electronically. The form of contact with applicants is specified by employers in their job adverts. In addition, employers and operators providing job placement services in Poland have their own dedicated IT tools that can be used to apply for a job.

Employers make a preliminary selection of the candidates based on the documents they have submitted, and conduct interviews with the short-listed candidates.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the right to work in Poland without obtaining a work permit, on the same terms as Polish citizens.

Citizens of Ukraine can apply for a job in Poland on the same terms as Polish citizens.

For more information visit

<https://psz.praca.gov.pl> Public Employment Services Vortal

<https://europa.eu/europass/pl> Standard CV template used within the EU

<https://www.niepelnosprawni.pl> Portal for the disabled

<https://www.zielonalinia.gov.pl> Zielona Linia. Information and Consultation Centre of Employment Services

Links to sample websites with employment opportunities in Poland⁶:

<https://www.pracuj.pl/> <https://www.careerjet.pl/>

<https://www.gowork.pl/> <https://www.lento.pl/>

<https://www.workservice.pl/> <https://www.infopraca.pl/>

<https://www.praca.pl/> <https://pl.indeed.com/>

<https://hrk.pl/> <https://www.aplikuj.pl/>

⁶ These websites are mostly kept by private entities. Listing them does not constitute in any way a recommendation for the owner of the website by the Labour Market Department of the Ministry of Economy and Social Policy, but only an example illustrating a wide spectrum of possibilities of seeking employment in Poland.

More information for citizens of Ukraine

<https://europa.eu/europass/uk> EUROPASS CV in Ukrainian

<https://ec.europa.eu/migrantskills/#/> Tool to create a skills profile of third-country citizens

4.4. Recognition of professional qualifications

If an EU or EFTA Member State citizen wishes to take up employment in a **regulated profession** in Poland or if he/she has acquired qualifications in Poland and intends to work in another EU or EFTA Member State in a profession which is a regulated profession in that state, he/she must have his/her qualifications **officially recognised**. A profession may be a regulated profession in one EU or EFTA Member State, while it may be a non-regulated profession in other Member States.

Qualifications are recognised by competent **authorities of the host state**. As regards non-regulated professions, the decision regarding employment of a person who has acquired qualifications in another EU or EFTA Member State is made by the potential employer. Although no formal recognition of professional qualifications is required in such a case, recognition of the diploma itself may be required in order to confirm the level of education completed abroad. Certificates and other documents confirming education in foreign educational systems (at primary and secondary level) may be recognised in Poland by law or by the Education Superintendent as a result of administrative proceedings. However, in accordance with the current regulations a diploma issued by a tertiary school in the education system of an EU, OECD or EFTA Member State which confirm completion of:

- 3-year studies or first-cycle studies lasting at least 3 years – confirms that the holder has tertiary education at the level of first-cycle studies in Poland,
- second-cycle studies or at least 4-year long-cycle studies – confirms that the holder has tertiary education at the level of second-cycle studies in Poland.

A written acknowledgement of recognition of a diploma in Poland can be generated either in the **Kwalifikator** system available on the NAWA website or applied for directly to NAWA.

Professional qualifications are recognised automatically for the following **seven regulated professions: doctor (general practitioner and specialist), dentist, pharmacist, general care nurse, midwife, veterinarian and architect**. If a person has appropriate qualifications, as specified in applicable EU regulations (e.g. a diploma or a professional title), this is sufficient to have the qualification recognised and take up employment.

Recognition of qualifications in other regulated professions and activities is handled by competent authorities on a case-by-case basis. If there are significant differences regarding training for and conduct of a given profession, the competent authority may make the recognition dependent on one of compensatory measures, i.e. completion of an **adaptation period** or taking an **aptitude test**, where the choice is usually made by the applicant. Professional experience of the applicant is also taken into account.

Applications for recognising professional qualifications, complete with required annexes, should be submitted to the institution indicated as the competent authority for recognising qualifications to pursue a regulated profession.

In Poland, **the following authorities are competent** to recognise professional qualifications required to pursue regulated professions and to start and conduct a regulated activity:

- the Minister in charge of the government administration, or
- an authority authorised by the Minister by means of a regulation, an organisational unit subordinated to the Minister, a body of the professional self-government, an economic organisation, or a registration authority, or
- a body referred to in applicable regulatory provisions.

A decision on recognising professional qualifications should be issued within 3 months after the date on which the complete documentation is submitted. In exceptional cases, the time limit may be extended up to 4 months.

For selected professions, it is possible to conduct the procedure of recognising professional qualifications or to notify the intent to provide cross-border services in another EU Member State through obtaining the **European Professional Card**. At present, this applies to the following professions: **physiotherapists, pharmacists, general care nurses, mountain guides and real estate agents**. Unlike in the traditional procedure, applications for the European Professional Card are submitted via the dedicated European website to the body which is competent for the respective regulated profession in the Member State in which

the qualifications have been acquired. Electronic copies of relevant documents should be attached to the application.

At further stages of the procedure, the documents are available both to the competent body of the state in which the qualifications have been acquired and to its counterpart in the host state. If there are any doubts, the two bodies contact each other electronically in order to complete the procedure effectively.

Upon the successful examination of the case, the applicant receives the European Professional Card in the form of an electronic document. Offices, employers and all parties interested may verify the card's validity through the publicly available website.

The Polish support centre for the recognition of professional qualifications is the Department of International Cooperation at the Ministry of Science and Higher Education.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

In Poland, **there is no uniform system for the recognition of professional qualifications obtained in non-EU/EFTA countries**

Qualifications obtained in a non-EU/EFTA country are recognised in accordance with national rules. This means that in case of a will to take up work in a regulated profession, it is required to first obtain the equivalence of a foreign diploma so as to be able to apply for acquiring professional qualifications, in accordance with the legislation specifying the rules of practising a given profession.

The decision on facilitating access to regulated professions for non-EU employees is primarily up to the competent ministers governing access to a given regulated profession.

<https://psz.praca.gov.pl/dla-bezrobotnych-i-poszukujacych-pracy/podnoszenie-kwalifikacji/nostryfikacja>

Information about support with regard to financing a recognition fee

A citizen of Ukraine registered with a district labour office as an unemployed person or job seeker may, among others, use support in the form of financing from the Labour Fund for a fee charged for a recognition procedure or a proce-

dures on confirming the completion of studies at a specific level, referred to in Article 327(3) of the *Act of 20 July 2018 – Law on higher education and science*. Other costs of recognition are not covered by this financing.

In order to obtain support, an appropriate application should be submitted to the Head of the District through the district labour office.

For more information visit

<https://www.gov.pl/web/edukacja-i-nauka> Ministry of Science and Higher Education

<https://www.gov.pl/web/nauka/uznawanie-kwalifikacji-zawodowych-1>
Information about the recognition of professional qualifications pursuant to Directive 2005/36/EC

<https://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=regprofs> European Commission's regulated professions database

https://europa.eu/youreurope/citizens/work/professional-qualifications/european-professional-card/index_pl.htm European Professional Card

<https://www.biznes.gov.pl/przedsiębiorcy/> Information and service website for entrepreneurs

<https://prk.men.gov.pl/uznawanie-zagranicznych-dyplomow-i-swiadectw-w-systemie-oswiaty/> Recognition of foreign diplomas and certificates in the education system

<https://nawa.gov.pl/uznawalnosc> Information about the recognition of diplomas (in Polish)

<https://kwalifikator.nawa.gov.pl/> System allowing for automatic generation of information regarding the recognition of foreign diplomas in Poland (in English)

4.5. Provision of cross-border services

EU and EFTA Member State citizens who pursue a profession or conduct an economic activity in an EU or EFTA Member State in accordance with the legisla-

tion of that state have the right to **provide services** in the same profession/activity in another Member State.

Cross-border services may be provided under the following conditions:

- a service provider moves to another EU or EFTA Member State to provide his/her services on a temporary or occasional basis,
- if the profession in question is a regulated profession in the “host” Member State, but is a non-regulated profession in the Member State of the registered office, the service provider must provide evidence that he/she has pursued his/her profession or conducted an economic activity in the Member State of the registered office for at least 1 year in the last 10 years preceding provision of the service. This requirement does not apply if training for the profession or economic activity in question was subject to specific regulations.

If cross-border services are provided for the first time within a regulated profession which has an impact on the public health or security, and the incorrect performance of which may expose customers to serious consequences, the competent authority of the host Member State may verify the professional qualifications of the service provider (known as the prior check).

An EU or EFTA Member State citizen who has acquired professional qualifications in one Member State and would like to pursue his/her profession in Poland should first check whether his/her profession is a regulated profession in Poland. A list of regulated professions is available in the Regulated professions base on the website of the European Commission.

The International Cooperation Department of the Ministry of Education and Science is **the Polish Support Centre for Recognition of Professional Qualifications**.

For more information visit

<https://www.gov.pl/web/rozwoj-technologia/transgraniczne-swiadczenie-uslug> Ministry of Economic Development and Technology's website with regard to transboundary provision of services

4.6. Types of employment

An employment contract is the primary form of employment in Poland. The choice of an employment contract as the basis of employment belongs to the respective parties (employer and employee). Unless otherwise required under applicable regulations, an employment relationship may be established under a contract other than an employment contract.

Non-standard forms of “employment” include:

- civil law contracts, e.g. a contract of mandate (*umowa zlecenie*) and a specific-task contract (*umowa o dzieło*). In accordance with the principle of freedom of contract which is observed in Polish law, the parties may freely choose the basis on which the work is to be performed (either an employment contract or a civil law contract). It should be noted that contracts of mandate and specific-task contracts are regulated under the Civil Code, and the provisions of the Labour Code do not apply to them as a rule;
- temporary work where an individual is employed by a temporary work agency under an employment contract only to perform work on a temporary basis for and under the supervision of another entrepreneur, i.e. the hiring employer (temporary work contracts apply to seasonal, periodical and ad hoc work, or work which cannot be completed on time by the hiring employer’s personnel, or work performed as a replacement for an absent employee of the hiring employer). It may be performed under a civil law contract;
- teleworking, i.e. work which may be performed regularly outside of the place of work with the use of the means of electronic communication. Work may be performed in the form of teleworking from the very beginning of employment or it may be introduced during the period of employment. Both options of taking up teleworking are voluntary. The provisions on teleworking provide guarantees for teleworkers with regard to equal treatment and the prohibition of discrimination due to taking up teleworking or refusal to take up teleworking. Teleworking is performed under an employment contract.

At this point, it is worth noting that due to the common performance of work in the form of remote work during the COVID-19 epidemic and the demands made as regards the possibility of its continuation also after the cancellation of the state of epidemic, a *draft act amending the Act – Labour Code and certain other acts* has been prepared in the Ministry of Family and Social Policy, aimed at introducing

remote work permanently into the Labour Code. The draft act proposes that the new regulations concerning **remote work** replace the existing provisions of the Labour Code regarding **telework**. The date of entry of the new rules into force will depend on parliamentary work.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

4.7. Employment contract

The employment contract (*umowa o pracę*) specifies the parties to the contract, type of the contract, date of signature, terms and conditions applicable work and remuneration, in particular: type of work, place of work, remuneration for a given type of work with specification of the remuneration components, working time and the date for commencing the work.

The employment contract may be concluded with a person aged 18 or older. Employment contracts may also be concluded with young workers aged 15-18. However, it is prohibited as a rule to employ persons younger than 15.

The employment contract may be concluded for a probation period, indefinite period or fixed period of time.

The employment contract for a probation period (*umowa o pracę na okres próbny*), not exceeding 3 months, is concluded in order to check the qualification of the worker and the possibility of his/her employment in order to perform a specific type of work. The contract for a probation period may be renewed with the same worker, if the worker is to perform a different type of work or (if the worker is to perform the same type of work) upon the lapse of 3 years after the date the previous employment contract was terminated or expired.

The employment period under an **employment contract for a fixed period of time (*umowa o pracę na czas określony*)**, and the total employment period under employment contracts for a fixed period of time signed between the same parties to the employment relationship, must not exceed 33 months, and the total number of such contracts must not exceed three. If the employment period under an employment contract(s) exceeds 33 months or if the number of contracts for a fixed period of time exceeds three, it is deemed - from the next day after the lapse of that period or from the date of the fourth employment contract for a fixed period of time - that the worker is **employed under an employment contract for an indefinite period of time (*umowa o pracę na czas nieokreślony*)**.

The aforementioned restrictions do not apply to employment contracts for a fixed period of time signed to replace another worker during his/her justified absence from work, to perform an ad-hoc or seasonal work, to perform work during a term of office, and when the employer specifies objective reasons on its side for signing this type of a contract, provided that such contracts are signed to satisfy the actual temporary demand for workforce and are necessary in the light of any and all circumstance under which the employment contract is signed. This also applies to the situation in which an employment contract for a fixed period of time has been extended until the date of childbirth (which otherwise would be terminated upon the lapse of the third month of pregnancy).

The provisions provide for a possibility to employ workers on a **full-time** or **part-time** basis. Part-time employment must not lead to establishing work and remuneration conditions that would be less favourable than those offered for the same or similar type of work performed on a full-time basis.

Within the framework of an employment relationship, a worker may also be employed on the basis of an **appointment (*powołanie*)**, **election (*wybór*)**, **nomination (*mianowanie*)** or a **cooperative employment contract (*spółdzielcza umowa o pracę*)**.

An employment contract is concluded in writing, failing which the employer must give the employee a written confirmation of the agreed terms and conditions re-

garding the type and provisions of the contract before the employee is admitted to work.

Amendments to an employment contract must be in writing and may be effected either:

by mutual agreement of the parties – in which case the employer and the worker express their consent for amending the conditions of the contract and specify a day from which the amendments will enter into force, or

by the employer through a notice amending the work and/or remuneration conditions.

The amending notice is deemed to be effective if the employer has proposed the worker new conditions in writing. The notice should include an instruction regarding the right of the worker to accept or reject the new conditions. If no such instruction is given, the worker has time until the end of the notice period to submit his/her declaration on refusing to accept the proposed conditions.

If the worker receives a notice amending his/her work and/or remuneration conditions, he/she may:

make a declaration that he/she accepts the proposed conditions; the new conditions will then enter into force upon the lapse of the notice period,

submit a declaration that he/she refuses to accept the proposed conditions before the lapse of a half of the notice period; then the employment contract is terminated upon the lapse of the notice period,

submit no declaration, which is equivalent to his/her acceptance of the new conditions; the new conditions will then enter into force upon the lapse of the notice period.

Due to the need to implement Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union into the Polish legal order by 2 August 2022, a *draft act amending the Act – Labour Code and certain other acts* has been prepared, introducing, among others, **changes in the scope** of concluding contracts for employment for a probationary period.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

4.8. Internships and apprenticeships

Definition of internship, apprenticeship and vocational preparation

Although there is no uniform definition of the terms internship and apprenticeship in Poland, the following definitions used on the Polish labour market may be helpful in understanding the terms:

- 1) a form of professional activation of persons registered as unemployed and an instrument which enables those persons to acquire vocational skills;
- 2) apprenticeships for students at vocational education schools, excluding trade schools of 1st degree;
- 3) mandatory apprenticeships/internships for tertiary school students conducted as an element of the curriculum;
- 4) mandatory apprenticeships/internships required upon completion of education to be admitted to employment in regulated professions;
- 5) internships/apprenticeships offered by employers on the free market, including graduate apprenticeships;

- 6) pupil internships with employers for pupils at vocational education schools (i.e. pupils of trades schools of 1st degree who are not young workers and technical secondary school students).

Re. 1)

Internship as a form of professional activation of persons registered as unemployed and an instrument which enables those persons to acquire vocational skills

Arranging for an internship for a person registered as unemployed at a District Employment Office (*Powiatowy Urząd Pracy*) is regulated under the provisions of the Act on the rules of activation of the unemployed and job seekers. An internship should be adapted to the intern's abilities, education and current experience, and it should also be structured around a specific programme.

Internships for the unemployed are arranged by District Employment Offices which receive internship adverts from employers (who can also indicate the unemployed whom they wish to accept as an intern).

An unemployed person is issued with a referral to participate in an internship by the Head of District (*Starosta*) (the District Employment Office on his/her behalf), which signs a contract for arranging the internship with the employer. The employer must appoint a supervisor for the intern and put in place the internship programme agreed with the District Employment Office. Upon completion of the internship, the unemployed person receives the employer's assessment of the tasks performed and skills acquired, and with a document issued by the District Employment Office to confirm participation in this form of professional activation.

Although the initiative to take an intern is most often taken by employers, unemployed persons themselves can also seek for a place where they can complete an internship.

Internship programmes for the unemployed are addressed to people registered at District Employment Offices, but the participants are not deemed as employed persons.

Re. 2)

Apprenticeships for vocational school students (excluding trade schools of 1st degree)

Matters related to apprenticeships conducted as part of vocational education are regulated under the provisions of the Act on the Education Law and implementing acts thereto.

In accordance with regulations on practical vocational training, apprenticeships are organised for students of technical secondary schools, trade schools of 2nd degree and post-secondary non-tertiary schools in order to enable them to apply and broaden the acquired knowledge and vocational skills in real working conditions. The knowledge, skills and personal and social competences to be acquired by students during *inter alia* apprenticeships, as well as the number of apprenticeship hours, are defined in the curriculum of teaching a given profession. The place and number of weeks for apprenticeships are set forth in the core curriculum for a given profession of the trade education. Apprenticeship programmes are conducted under agreements between school principals and entities which accept pupils as apprentices, and can be arranged throughout the school year, including summer vacations.

Re. 3)

Apprenticeships for tertiary school students are regulated in the Act of 20 July 2018 on the Law on higher education and science, but there is no clear definition of the term. In accordance with the Act, curricula of practical studies provide for apprenticeships of at least: 6 months – for first-cycle studies and long-cycle Master's degree studies; 3 months – for second-cycle studies. The said provision does not apply to the curricula of studies which prepare students to pursue the following professions: doctor, dentist, pharmacist, nurse, midwife, laboratory diagnostician, physiotherapist, medical paramedic, veterinarian, architect, teacher - where education must be taken into account.

An education standard is a set of education rules and requirements regarding methods of education, teachers, general and detailed learning outcomes, and the method of verification of the learning outcomes achieved.

Study curricula should lay down the length, rules and form of apprenticeships and the ECTS score students must obtain during the apprenticeship.

Participation in an apprenticeship which is included in a study curriculum is obligatory and it is required to graduate and obtain a diploma confirming higher education at the level concerned.

Doctoral school curricula may provide for apprenticeships in the form of conducting classes, or participating in conducting classes, of maximum 60 teaching hours annually.

Re. 4)

Mandatory apprenticeships/internships required upon completion of education to be admitted to employment in regulated professions

In accordance with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, a regulated profession is **a group of professional activities, the pursuit of which requires meeting the requirements laid down in the rules of a given Member State concerning access to the profession concerned. Every EU Member State decides on regulating access to professions at its sole discretion. Therefore, a profession may be a regulated profession in one EU Member State, while it may be a non-regulated profession in other Member States.**

The **European Commission's Regulated Professions Database** contains professions which are regulated in respective EU Member States. Every profession must be considered on a case-by-case basis. Certain professions require completion of a mandatory apprenticeship or internship upon completing one's education in order to be granted access to employment, but there are some which are not subject to that requirement.

Apprenticeship is prescribed for such professions as construction engineer, architect, surveyor, geologist, tax adviser, auditor, teacher, property appraiser etc. A detailed description of the qualification criteria for respective regulated professions can be found in the Regulated Professions Database.

In accordance with the said Directive, if access to a specific regulated profession in the home Member State requires completing an apprenticeship, the competent authority of the home Member State, when considering an application for authorisation to pursue a regulated profession, shall recognise an apprenticeship completed in another Member State and shall take into account apprenticeships completed in third countries.

There is also the **adaptation period** (the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession). If any substantial differences are found during the vocational qualification recognition procedure regarding vocational training or education or regarding a specific profession itself, the competent authority may require the applicant to complete an adaptation period to complement the missing knowledge or skills. An adaptation period may take up to 3 years and involve additional fees. More detailed information about a specific regulated profession is provided by the au-

thority competent for that profession.

Re. 5)

Internships/apprenticeships offered by employers on the free market, including post-graduate apprenticeships

Employers offer internships/apprenticeships to persons who want to gain professional experience and in order to verify their skills and/or preparation to perform specific tasks before offering them full-time employment. They may do so at their sole discretion.

Matters related to **post-graduate apprenticeships** are regulated by the provisions of the Act of post-graduate apprenticeships. The purpose of internships based on these provisions is to help graduates acquire practical vocational skills. The apprenticeship organiser may take an apprentice who has completed at least a lower secondary school (*gimnazjum*) and is not older than 30 years of age as of the date of starting his/her apprenticeship. Post-graduate apprenticeship programmes are meant to help graduates acquire experience and practical skills which are required in the profession they will pursue. A graduate takes part in a post-graduate apprenticeship under an agreement between him/her and the apprenticeship organiser. The organiser may be a natural person, a legal person or an organisational unit without legal personality.

Re. 6)

Pupil internships with employers for vocational school pupils (i.e. pupils of trade schools of 1st degree who are not young workers and technical secondary school students)

In order to enable pupils of 1st degree students who are not young workers and students of technical secondary schools to acquire the required professional experience and practical skills in real working conditions under an agreement between them and the employer, the students are offered an opportunity to undergo pupil internship during the period of their education. This is organised under different rules than vocational preparation for young workers.

Pupil internship is a tool which enables employers to support pupils as early as at the school level, remunerate selected pupils and further the employer–pupil–school relationship. Pupil internship allows employers to acquire personnel that will match their respective business models and support the local labour market.

The scope of subjects covered during a pupil internship is agreed with the principal of the school concerned in consultation with the pupil or parents of an unde-

rage pupil. The term “pupil internship” is much broader than practical vocational training, but it can cover practical vocational training. During such an internship, pupils can absorb teaching content and acquire skills included in their vocational curricula, or learn things not covered by their curricula, which will improve their chances of employment in their acquired profession in the future. Where a pupil internship covers teaching content from a curriculum, the school principal can discharge the pupil from the obligation to undergo practical vocational training, in whole or in part, under a certificate issued by the employer. Subjects which go beyond the scope of practical vocational training can be covered as part of a pupil internship, but they cannot be credited as part of the practical vocational training.

An entity that accepts a pupil for a pupil internship is obliged to ensure that the pupil has safe and healthy working conditions in accordance with the Labour Code Act.

The pupil internship period counts as part of the period of employment related to the employee entitlements concerned.

Availability of internships and apprenticeships for EU or EFTA citizens

Internships, graduate traineeships and apprenticeships in Poland are open, on a general basis, to all citizens of EU and EFTA Member States.

Types of contracts during internships and apprenticeships

Internship for a person registered as unemployed at a District Employment Office

This type of internship is organised in accordance with the provisions of the Act on the promotion of employment and on labour market institutions, and is provided under an agreement concluded between the Head of District and the employer in accordance with the programme specified therein. The internship programme should take into account the unemployed person’s mental, physical and health abilities, level of education and current professional qualifications.

The internship programme should define:

- a) the name of the profession or specialisation concerned;

- b) the scope of tasks to be performed by the unemployed person;
- c) the type of vocational qualifications or skills to be acquired;
- d) the manner of confirming the vocational qualifications or skills acquired;
- e) the supervisor of the intern.

The Head of District inspects the course of the internship and whether it complies with the applicable agreement. Upon completion of the internship, he/she issues the unemployed person with an internship certificate.

Internship/apprenticeship on the free market

Internships and apprenticeships undertaken on the free labour market are based on various types of contracts concluded between the employer and intern/apprentice, e.g. a contract of fixed term employment, a contract of mandate contract, or voluntary work.

Post-graduate apprenticeships

It is a type of a civil-law contract concluded between the apprentice and employer. Applicants for post-graduate apprenticeships are not required to rely on the agency of an employment office or school, and the employer decides whether to take the apprentice at his/her sole discretion. Importantly, the prospective apprentice must complete a lower-secondary school (*gimnazjum*) and must not be older than 30 years of age as of the start of his/her apprenticeship. If the apprentice reaches the age of 30 during his/her apprenticeship, the apprenticeship is not interrupted and may be continued until the end of the term of the contract. Neither is the apprentice required to have the Polish citizenship - it is sufficient for him/her to have completed a school equivalent to the Polish lower-secondary school (*gimnazjum*).

Apprenticeship

The apprentice contract is a civil-law contract. It must be made in writing and include the following:

- a) the type of work in which the apprentice is to acquire experience and practical skills;

- b) the period of apprenticeship;
 - c) the weekly working time for the apprenticeship;
- if the apprenticeship is paid - the amount of the wage.

The employer must ensure that the conditions offered to the apprentice are equivalent to the conditions laid down in occupational health and safety (OHS) regulations. Furthermore, apprentices are also subject to the provisions on equal treatment. This means no discrimination on grounds of race, nationality, age, sex, religious denomination or disability.

Apprenticeships may not be longer than 3 months and, according to regulations, a new contract may not be signed with the same company after the lapse of this period, even after longer time. The apprentice's working time may not exceed 8 working hours a day, or 40 hours a week on average in the 5-day working week. The apprentice is also entitled to 11 hours of uninterrupted rest time a day and 35 hours of uninterrupted rest time a week.

Upon completion of apprenticeship, the employer is obliged to issue an apprenticeship certificate which should show the apprenticeship period, the number of hours, the type of tasks performed by the apprentice and, possibly, the employer's evaluation of the apprentice.

Apprenticeship as part of vocational education

The contract for practical vocational training, including apprenticeship, is concluded under the agreement concluded between the school principal and an entity which accepts pupils for practical vocational training, including apprenticeship.

The contract for practical vocational training should define:

- 1) the name and address of the entity which accept pupils for practical vocational training, and the place where the training is to be conducted;
- 2) the name and address of the school referring the pupil for practical vocational training;
- 3) the profession for which the practical vocational training will be provided;
- 4) a list with full names of the pupils to take part in the practical vocational training, divided into groups;
- 5) the form of practical vocational training to be provided - practical classes or

apprenticeship;

- 6) the rights and obligations of the parties to the contract;
- 7) the manner in which the parties will pay the costs related to the practical vocational training, including calculation of those costs;
- 8) additional arrangements between the parties to the contract regarding the practical vocational training.

Where to seek opportunities to take up internship and apprenticeship

Information about internships for unemployed persons registered at District Employment Offices is published in the Central Job Offers Database (<https://oferty.praca.gov.pl>) and is available directly at District Employment Offices.

Information about post-graduate apprenticeships is published:

- a) directly by entities that take apprentices;
- b) by academic career offices operating at tertiary education institutions;
- c) by entities which gather and provide information about vacancies through ICT systems (e.g. by websites with job adverts, websites for pupils/students, the "Zielona Linia" website and other entities).

Individual tertiary education institutions publish information about apprenticeships and internships e.g. via academic career offices. At larger tertiary education institutions, it often happens that individual departments themselves provide their students with opportunities to participate in internships and apprenticeships.

Information about places of practical classes / apprenticeships for pupils of the education system is provided either individually or through websites of respective schools.

Announcements regarding apprenticeships at public administration institutions for pupils and students, as well as internships and apprenticeships offered by employers on the free market is published in the Central Job Offers Database.

Where to announce offers of internships and apprenticeships

In accordance with information included in the Section "Where to seek opportunities to take up internship and apprenticeship", employers rely largely on the Central Job Offers Database to publish information about available internships and apprenticeships.

Published in that database are:

- a) **proposals of apprenticeships and internships submitted by employers themselves** on the electronic form available at <https://www.praca.gov.pl>. Once completed by an employer, the form is automatically forwarded to the Information and Consultation Centre of the Employment Services "Zielona Linia" (<https://zielonalinia.gov.pl>), where it is formally verified and sent to the Central Job Offers Database for publication;
- b) **proposals of student apprenticeships at public administration institutions** submitted by central agencies and their subordinate units on the electronic form available at <https://www.praca.gov.pl>. Once completed, the form is automatically forwarded to the system of the Central Job Offers Database. To verify the data received in the form, the system generates an automatic message to the sender with a request to formally confirm the data. Once the sender finally acknowledges the data, the proposal is published in the Central Job Offers Database;
- c) **proposals of internships from employment offices** controlled by respective district employment offices. These proposals are entered in the computer system of the public employment service and subsequently transferred to the Central Job Offers Database. Internships are addressed solely to unemployed persons registered at District Employment Offices who are in a special situation on the labour market. They are not equivalent to employment. Internship proposals are available at District Employment Offices indicated in respective offers.

Additionally, employers announce information about recruitment to apprenticeships by contacting individual persons and publishing adverts in the press and online, as well as through employment agencies, academic career offices operating at schools, the Voluntary Labour Corps, schools with which they cooperate, websites addressed to job seekers, legal entities and institutions and local government institutions.

Announcements of internships and apprenticeships which are published on websites either come from the owners of these websites or are retrieved from websites of other private or public institutions with which a given website cooperates.

Financial support for persons in the area of internships and apprenticeships

Internship as a form of professional activation of persons registered as unemployed and as an instrument enabling these persons to acquire professional skills

A person participating in this type of internship is entitled to a grant equal to 120% of the unemployment benefit paid by the District Employment Office which on behalf of the relevant Head of the District referred the person to the internship.

Apprenticeship for students of vocational education schools (excluding trade schools of 1st degree)

During the period of vocational training, a young worker is entitled to remuneration calculated as a percentage of the average monthly salary in the national economy in the previous quarter, applicable from the first day of the following month after its announcement by the President of the Central Statistical Office in the *Monitor Polski* Official Journal of the Republic of Poland. The percentage ratio of remuneration is:

- 1) in the first year of education - not less than 5%;
- 2) in the second year of education - not less than 6%;
- 3) in the third year of education - not less than 7%;
- 4) in the case of vocational training to perform specific work - not less than 4%.

Internships during degree programmes

A student is usually not remunerated during internships during degree programmes.

Compulsory internships/placements required after graduation in order to gain access to employment in regulated professions

Detailed information is provided by the competent authority for the regulated profession in question.

Internships/traineeships offered by employers on the open market, including graduate traineeships

Issues of remuneration for work performed during internships and traineeships on the free market are arranged individually between the person undertaking the internship or traineeship and the entity hosting the internship or traineeship.

As regards graduate traineeship, the law does not impose payment for graduate traineeship, which means that the parties may agree on whether it is paid or unpaid. In the case of a paid graduate traineeship, the remuneration cannot be higher than twice the minimum wage, as established under the Act on minimum wage (the law does not impose the payment of contributions for this type of traineeship).

In the case of an unpaid graduate traineeship, the contract may be terminated at any time by either party. If the trainee is paid, the contract can be terminated by giving seven days' notice. The termination shall be made in writing.

Apprenticeship with employers for students of vocational education schools (i.e. students of trade schools of 1st degree who are not young workers and technical secondary school students)

The apprentice shall receive a monthly allowance, unless the parties to the apprenticeship contract agree that the apprenticeship is unpaid.

The monthly cash allowance may not exceed the minimum wage.

Financial support for employers as regards internships and apprenticeships

In order to apply for financial support related to **taking an intern or apprentice**, employers should approach respective District Employment Offices or the Voluntary Labour Corps across Poland.

As regards apprenticeships for pupils, employers should approach relevant schools and education superintendent offices.

The cash allowance cost paid to a student taken on as a trainee may be deductible by the employer.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

A citizen of Ukraine, after registering with a district labour office, may use support offered by this office on the terms set out in the *Act on employment promotion and labour market institutions*.

If a citizen of Ukraine obtains the status of an unemployed person, he/she may use the full catalogue of forms of support specified in the legislation, including, among others:

- vocational training,
- Polish language training for foreigners,
- financing the costs of a recognition procedure or a procedure for confirming the completion of studies at a specific level
- co-financing for starting up economic activity,
- reimbursement of the travel and accommodation costs, to and from the place of work,
- reimbursement of the costs of care of a child below 7 or a dependent person,
- referral to subsidised jobs (intervention work, public works).

In the case of registering as a job seeker, a citizen of Ukraine may use the labour market services in the field of: job placement and career counselling, as well as Polish language training and financing for the costs of the recognition fee.

For more information visit:

<https://www.gov.pl/web/edukacja-i-nauka> Ministry of Education and Science

<https://www.gov.pl/web/edukacja/ksztalcenie-praktyczne-w-rzeczywistych-warunkach-pracy> Ministry of Education and Science – practical training in real working conditions

https://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=regprofs&id_country=23&quid=1&mode=asc&maxRows=*#top European Commission's Regulated Professions Database

<https://oferty.praca.gov.pl> Central Job Offers Database

<https://ohp.pl> Voluntary Labour Corps

<https://zielonalinia.gov.pl/> Information and Consultation Centre of Employment Services „Zielona Linia”

<https://psz.praca.gov.pl/> Portal of Public Employment Services

More information for citizens of Ukraine

<https://psz.praca.gov.pl/pomocdlaukrainy/wsparcie> Information about support offered by labour offices to citizens of Ukraine.

4.9. Vocational preparation

Definition of vocational preparation

In Poland, vocational preparation is defined as:

- 1) vocational preparation for young workers;
- 2) vocational preparation for adults as a form of professional activation for the unemployed allowing them to acquire practical experience and vocational qualifications.

Re. 1)

Vocational preparation for young workers

Vocational preparation of young workers is provided under a contract for work as part of vocational preparation programme and covers two forms of education: vocational training and specific work training. **Vocational training** is meant to prepare young workers to work as qualified workers or journeymen and covers practical vocational training which is arranged at the employer under terms and

conditions laid down in separate regulations, as well as theoretical training. **Specific work training** is meant to prepare young workers to work as trained workers and can concern selected works related to vocational training. Vocational training is not longer than 36 months and may be extended for longer than 12 months if the pupil concerned failed to pass to a higher school grade or graduate his/her school. Specific work training can take between 3 to 6 months. As regards young participants in the Volunteer Labour Corps, the time limit can be extended until completion of the 8-grade primary school and take a total of maximum 22 months.

An employer who employs young persons for the purpose of vocational preparation in the form of vocational training refers them to receive supplementary theoretical education either at a trade school of 1st degree (known as the school scheme) or a vocational training centre or a school which provides vocational education in the form of supplementary theoretical education classes for young people, in accordance with the provisions on lifelong learning in off-school forms; such an employer can also provide supplementary theoretical education on their own account. An employer who employs young persons for the purpose of vocational training follows a teaching programme which takes into account the relevant core curriculum for a profession taught at trade specified in the classification of professions for trade education system, or a programme which ensures satisfaction of the examination requirements specified in the standards which form the basis for journeyman exams in professions not specified in the classification of professions for trade education system, as laid down in regulations on classification of professions and specialisations for the purposes of the labour market. As regards specific work training, the duration, scope and programme of such training are established by the employer with account taken of selected teaching content based on the core curriculum for a profession taught at trade specified in the classification of professions for trade education system or a programme which ensures satisfaction of the examination requirements set out in the standards which form the basis for journeyman exams in professions not specified in the classification of professions for trade education system, but specified in regulations on classification of professions and specialisations for the purposes of the labour market.

Vocational preparation of young workers which is provided in the form of vocational training ends with an examination. A young person hired by an employer who is not a craftsman, who is taking supplementary education at a trade school of 1st degree, takes an exam confirming his/her vocational qualifications or a vocational exam (this applies to young workers who started vocational training in the

school year 2019/2020) before a regional examination committee. A young person hired by an employer who is a craftsman takes a journeyman qualification exam conducted by an examination commission of a relevant chamber of crafts. Specific work training ends with an exam. Young persons hired by employers who are not craftsmen take the exam directly before their employers, while young persons hired by employers who are craftsmen take the exam before an examination board of a relevant chamber of crafts as prescribed by the Polish Craft Association (*Związek Rzemiosła Polskiego*).

Re. 2)

Vocational preparation for adults as a form of professional activation for the unemployed allowing them to acquire practical experience and vocational qualifications.

Vocational preparation for adults is initiated and financed by District Employment Offices. This form of activation is available to persons registered as unemployed and certain categories of persons registered as job seekers at the District Employment Office. Vocational preparation for adults is provided under a contract concluded between the Head of the District (*Starosta*) and the employer or between the Head of the District, the employer and the training institution involved. The in-service practice component at the employer accounts for more than 80% of the vocational training programme. The theoretical part (maximum 20% of the programme) can be provided either by the employer or the training institution.

Vocational preparation for adults can have two forms:

- a) practical vocational training for adults – which takes 6-12 months and allows the trainee to take either an exam confirming his/her vocational qualifications or a journeyman exam;
- b) specific work training for adults – which takes 3-6 months and is meant to give selected vocational qualifications or skills which the trainee must acquire to perform specific professional tasks relevant for a profession listed in the classification of professions and specialisations for the purposes of the labour market.

An unemployed person who is in the course of vocational preparation is eligible for a grant paid by the District Employment Office. In addition, the Head of the District may partially refund the cost of vocational training materials to the employer. Programmes of vocational preparation for adults are addressed to persons registered at District Employment Offices and are not equivalent to employment.

Availability of vocational training for EU or EFTA citizens

In Poland, professional preparation of young workers and professional preparation of adults may be participated, in line with the general rules, by all citizens of EU and EFTA Member States.

Types of contracts during professional preparation

Young workers

Young workers are hired by an employer under an employment contract for the purpose of professional preparation. The issues of work conditions and remuneration in the case of employment of young workers are regulated by the Labour Code. Employers pay remuneration to young workers, which is reimbursed from the Labour Fund together with social security contributions.

The programme of vocational preparation of young people in school occupations is based on the core curriculum of education in trade school occupations as defined by the Regulation of the Minister of National Education or on standards of examination requirements by the Polish Craft Association.

If a participant of the vocational training passes the exams, the employer who educated him/her receives co-financing of the training costs from the Labour Fund. The issues of working conditions and remuneration in the case of employment of young workers are regulated in Section IX of the Labour Code.

Professional preparation of adults

Vocational preparation of adults as a form of professional activation of the unemployed registered with the District Employment Office is provided under a contract concluded between the Head of the District and the employer or between the Head of the District, the employer and the training institution. More than 80% of the programme accounts for the internship component at the employer. The theoretical part of the programme (no more than 20% of the programme) can be provided by the employer or the training institution.

This type of vocational preparation of adults for persons registered with the District Employment Office does not have the character of employment.

Where to find opportunities to undertake vocational preparation

Information about places where vocational preparation can be undertaken by young people is provided by craft chambers and guilds, and the Voluntary Labour Corps. Information about opportunities to undertake vocational preparation as a young worker is provided to candidates also by specific employers.

As regards **vocational preparation for adults**, relevant information can be sought in the Central Job Offers Database and directly at District Employment Offices.

Where to announce offers of vocational preparation

Proposals for vocational preparation places for young workers can be submitted by employers using the form on the website <https://men.gov.pl/dodatki/mapazawodowe/>, while **proposals for vocational preparation places for adults** can be advertised by employers in the Central Job Offers Database (before an adult vocational preparation offer is placed in the database, it is verified by a District Employment Office).

Financial support for persons undergoing professional preparation

Professional preparation of young workers

Remuneration issues in the case of employment of young workers are regulated by the Labour Code. Employers pay remuneration to young workers, which is reimbursed from the Labour Fund together with social security contributions.

Professional preparation of adults

An unemployed person in the period of professional preparation is entitled to a grant equal to 120% of the amount of the unemployment benefit paid by the District Employment Office.

Financial support for employers as regards professional preparation

In the case of professional preparation of young workers, the remuneration of a young person is paid by the employer. Remuneration of young workers together with social insurance contributions can be reimbursed to the employer

from the Labour Fund, provided that the employer has concluded a contract for reimbursement of remuneration and social insurance contributions with the relevant Regional Voluntary Labour Corps Headquarters and can be reimbursed from the Labour Fund. In order to obtain reimbursement, the employer submits an application for conclusion of a contract for reimbursement of remuneration to the Voluntary Labour Corps Centre for Education and Youth Work competent for the place of professional preparation. The application can be submitted independently or through an organisation of employers.

In addition, employers who have concluded an employment contract with young workers for the purpose of professional preparation are entitled to a subsidy of training costs, which is also financed from the Labour Fund. In the case of vocational training, employers can receive co-financing up to PLN 8,081 (EUR 1,741.6) for a period of 36 months. In the case of vocational training in professions identified by the minister competent for education and training in the forecast on the demand for professions in the domestic market, the amount of co-financing of training costs of one young worker is up to PLN 10,000 (EUR 2,155). In the case of apprenticeship to perform a specific work, the amount of co-financing of training costs is up to PLN 254 (EUR 54.7) for each full month of training. In order to obtain co-financing, the employer submits an application to the commune office competent for the place of residence of the young worker.

In the case of **vocational preparation of adults**, the district employment offices pay employers a monthly amount, as defined by regulations, of reimbursement of the costs of consumables and a premium for the education of the unemployed person after he/she passes the exams, upon completion of the activation programme.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

In the scope of taking up work in Poland by juvenile students being citizens from Ukraine, the relevant provisions of the *Labour Code* and the *Regulation of the Council of Ministers of 28 May 1996 on vocational training of juveniles and their remuneration* will apply.

For more information visit:

<https://www.gov.pl/web/edukacja-i-nauka> Ministry of Education and Science

<https://oferty.praca.gov.pl> Central Job Offers Database

<https://ohp.pl> Voluntary Labour Corps

<https://zielonalinia.gov.pl/> Information and Consultation Centre of Employment Services „Zielona Linia”

<https://www.biznes.gov.pl/pl/portal/00103> Employment of juveniles

4.10. Posting of workers

Posting of workers as part of provision of services

Posting of workers is a situation where a business operator is established in an EU or EEA Member States or Switzerland, provides services outside that State and **refers its workers to work temporarily** at the place of provision of those services in another EU or EFTA country:

- a) to perform a contract concluded by the posting undertaking with a foreign contractor, on that undertaking's own account and using its workers, who remain under its management throughout the period when the work is carried out abroad;
- b) to an establishment or an undertaking in another Member State, owned by a group of undertakings which includes the posting undertaking;
- c) as part of **temporary work**:
 - by hiring out workers from a temporary employment agency or a placement agency operating in one Member State to a user employer in another Member State, including
 - in a situation in which the user employer to whom a temporary employment agency has hired out a temporary agency worker performs services for an entity in another country and refers such a worker to that country (a temporary employment agency in country X – a user employer in country X or Y – a customer in country Z).

The employment relationship between an employer posting a worker and the posted worker continues **throughout the period of posting and the posting is temporary in nature.**

What criteria must be fulfilled by employers posting workers to Poland?

Not every arrival of a worker from another EU or EEA Member State or Switzerland in Poland for the purpose of carrying out a specific official task will qualify as posting in the framework of the provision of services.

In order for a specific situation to qualify as the posting of a worker to the territory of Poland, **specific conditions** must be met, concerning both the foreign employer and the worker assigned to Poland.

In order to be regarded as an employer posting a worker to Poland, a foreign employer must be **established and carry out substantial business activities in another Member State:**

- a) from which it temporarily refers the employee to Poland:
 - to perform a contract concluded by that employer with an entity operating in Poland,
 - to a branch or an undertaking owned by a group of undertakings which includes that employer, operating in Poland,
 - as a temporary employment agency or a placement agency hiring out the worker to a user employer in Poland.
- b) which is an entity which, as a temporary work agency or staff leasing agency, has assigned to a user employer a person who remains an employee of that entity throughout the period of assignment, where the user employer in the territory of the same or another Member State then temporarily assigns that employee to work in Poland.

In addition, the posting employer **cannot carry out purely internal management or administrative activities** in that Member State.

In the situation referred to in b), it is the agency that is bound by the obligations that rest on a posting employer.

In turn, the user employer who uses the temporary worker previously provided

from an employment agency **must notify the agency** of the intention to refer that worker to Poland **at least 15 working days before the planned assignment.**

When are workers deemed as workers posted to Poland?

A worker posted to the territory of Poland is a worker **employed in another EU or EEA Member State or Switzerland and temporarily assigned to Poland** by the posting employer:

- a) **to perform a contract** concluded by the posting employer with a contractor (in the framework of the services provided by that employer in Poland), on that employer's own account and using its workers, who remain under that employer's direction throughout the period when the work is carried out abroad;
- b) to an establishment or an undertaking in Poland, **owned by a group of undertakings** which includes the posting undertaking,
- c) as part of **temporary work:**
 - to work for a Polish user employer, or
 - in the framework of services provided by a foreign user employer for a Polish contractor in Poland, using persons hired out to that user employer by a temporary employment agency or a placement agency established in the same or another EU or EEA Member State or Switzerland.

A posted worker may be a person who is a worker under the Polish Labour Code, i.e. **a person employed on the basis of an employment contract, appointment, election, designation or a cooperative employment contract.**

Thus, if there are other types of legal ties between a person referred to Poland and the entity referring that person (e.g. a management contract, a civil law contract), that person **is not regarded as a worker posted** to the territory of Poland. If, however, the way in which work is carried out by a person referred to perform a specific task in the territory of Poland and the nature of this work, **regardless of the type of contract concluded with a foreign entity**, indicates that we are dealing with a worker within the meaning of the Polish Labour Code and the relationship between the parties bears the characteristics of an employment relationship, such a person will be regarded as a worker posted to the territory of

Poland. The foreign entity referring that person to Poland will be required to fulfil all the obligations relating to the posting of a worker to the territory of Poland.

Obligations of employers posting workers to Poland

Conditions of employment of workers posted for 12 months

An employer posting a worker to the territory of Poland **for 12 months** must provide to the posted worker the minimum range of **conditions of employment no less favourable than those applicable in Poland** arising from the Labour Code and other provisions governing the rights and obligations of employers and workers, including:

- the standards for and duration of working time and daily and weekly rest periods,
- the duration of annual leave,
- remuneration for work,
- occupational health and safety,
- the protection of workers when they are pregnant and during maternity leave,
- employment of young people,
- the performance of work or other gainful activities by children,
- the principle of equal treatment and the prohibition of discrimination in employment,
- reimbursement of the costs of business travel from the place of work in the territory of Poland to which the worker was posted to another place of work in the territory of Poland or outside it.

The period of 12 months during which an employer posting workers must provide to the posted workers the minimum range of conditions applicable to Polish workers **may be extended to 18 months**. To do so, you must submit a motivated notification to the National Labour Inspectorate.

During the period of posting to the territory of Poland, a worker temporarily posted to Poland is entitled to receive remuneration for work, including all its mandatory components, **on the same terms as a worker employed by a Polish employer arising from the generally applicable laws**. This applies also to an allowance for overtime.

The total gross remuneration, not individual components of remuneration, is taken into account when comparing remuneration paid to a posted worker by the employer posting that person and remuneration for work due under the Polish laws. An allowance for posting, in the part not paid in reimbursement of expenditure actually incurred in connection with the posting, such as travel, board and accommodation costs, is included in remuneration for work. If the law applicable to the employment relationship of a worker posted to the territory of Poland does not specify the part of the allowance for posting paid in reimbursement of expenditure actually incurred in connection with the posting, it is considered that the entire allowance is paid in reimbursement of this expenditure.

Collective agreements regarded as generally applicable across the country or for a specific industry are not concluded in Poland. Collective agreements are entered into on company level (for the employer concerned) and supra-company level (for several employers) and are binding on the parties to these agreements. The Polish system of collective labour agreements does not cover supra-company agreements which would be binding on all employers by operation of law.

If an employer posts a worker to the territory of Poland to carry out **initial assembly or installation work** in the position concerned **for a period not exceeding 8 days in a year** after the date on which the worker begins to work in this position, and this work is necessary in order to make use of supplied goods, that employer does not need to apply the conditions of employment concerning:

- the duration of annual leave,
- remuneration for work.

However, that employer is still required to apply other conditions of employment which do not depend on the duration of the period of posting.

In addition, this exception does not apply to workers who carry out construction work or building maintenance work, covering in particular excavation, earthmoving, assembly and dismantling of prefabricated elements, fitting out or installation, renovation, dismantling, demolition, maintenance and painting and cleaning work, for a period not exceeding 8 days in a year after the date on which the workers begin to work in the position concerned.

Employment conditions for posted temporary workers

The provisions concerning the minimum employment conditions that a posting

employer is obliged to provide to a posted employee in the period of up to 12 months of posting to work in Poland do not apply to an employer **that is a temporary work agency or an agency hiring out personnel**, which directs a temporary employee:

- to a user employer in Poland,
- to a user employer in the same or another Member State and which then temporarily sends that employee to work in Poland (as part of services provided to a Polish entity).

A temporary employment agency or an agency hiring out personnel, which posts an employee to perform work for a user employer in Poland, shall ensure to such employee, **during the period of his/her work for the user employer**, working conditions and other terms and conditions of employment **no less favourable than those to which temporary employees are entitled** under Polish legislation on the employment of temporary employees.

The same rule applies to a temporary employment agency or an agency hiring out personnel, posting a temporary employee to a user employer in the same or another Member State, which then temporarily assigns that employee to work in Poland.

The terms and conditions of employment for a temporary employee posted to Poland are laid down not only by the generally applicable provisions concerning the performance of temporary work. A temporary employee posted to work in Poland should also be provided with employment conditions resulting from collective (company or supra-company) agreements, other collective agreements based on the act, regulations and statutes laying down the rights and obligations of the parties to the employment relationship), not generally binding, in line with the same rules as those guaranteed to domestic temporary employees. This applies, *inter alia*, to the conditions of remuneration and accommodation provided to workers away from their normal place of work.

The user employer who makes use of temporary agency work is obliged to provide the foreign temporary employment agency or hiring out agency, i.e. the posting employer:

- written information about the website on which information about the terms and conditions of temporary work in Poland is posted,
- written information about the terms and conditions of employment resulting from the provisions of collective labour agreements and other collective

agreements, regulations and statutes laying down the rights and obligations of the parties to the employment relationship, which are in force at a given user employer, including accommodation conditions,

- the intention to assign that worker to another Member State **at least 15 working days** before the planned assignment.

A temporary employment agency or an agency hiring out personnel which posts an employee to Poland, just as any other employer who posts an employee to Poland, is obliged to notify the National Labour Inspectorate about it by submitting a statement on posting an employee to Poland. The declaration should be submitted to the National Labour Inspectorate **on the day of commencement of service provision in Poland at the latest**, i.e. on the first day of work of the employee posted to Poland. Such a declaration must also be submitted by a foreign temporary employment agency or an agency hiring out personnel, if the user employer from another Member State assigns an employee temporarily posted to it by this agency to work in Poland.

Conditions of employment of workers posted for a period exceeding 12 months

An employer posting a worker to the territory of Poland **for more than 12 months** (or 18 months if a notification with grounds is submitted) must provide to the posted worker conditions of employment no less favourable than those that Polish employers are required to provide under the Labour Code and other provisions governing workers' rights and obligations, excluding:

the rules and procedure for the conclusion and termination of employment contracts;

the rules and procedure for the use of non-competition clauses;

This means that a worker posted to the territory of Poland for more than 12/18 months **must be treated on the same terms arising from the generally applicable laws as a worker employed by a Polish employer in respect of conditions of employment**, and the employer posting the worker is bound by the Polish provisions on labour law to a broad extent, with the three exceptions indicated above (and subject to the terms and conditions of employment for posted temporary workers, as referred to above).

Posting of employees from third countries

Employers from third countries – from outside the European Union, the European Economic Area and Switzerland – may post their employees to work temporarily in Poland. At the same time, they must observe the provisions concerning, among others, the legality of stay and work of foreigners in the territory of Poland.

A posting employer with its registered office in a third country is obliged to observe:

- all regulations relating to the Posting of an employee to the territory of Poland,
- regulations regarding the legality of employment of a foreigner in Poland.

A foreign employer with its registered office in a third country, posting an employee to the territory of Poland **is obliged to indicate a person staying in the territory of Poland**, having documents confirming the fulfilment of the obligations imposed on the posting entity, acting on behalf of the employer and authorised to represent it, among others, before the authorities of the National Labour Inspectorate. This person should stay in Poland, and his/her data should be included in the statement on the Posting of an employee to the territory of Poland, submitted to the National Labour Inspectorate.

Foreigners from outside the European Union, the European Economic Area and Switzerland posted to work in Poland must hold a type C, D or E work permit.

A type C work permit should be held by a third-country citizen posted to work temporarily in the territory of Poland by an enterprise with its registered seat in a country other than a Member State of the European Union, the European Economic Area and Switzerland **for a period exceeding 30 days in a calendar year to a branch or establishment of a foreign entity or an entity related to a foreign employer.**

A type D work permit should be held by a third-country citizen who is referred to work in the territory of Poland **for the purpose of providing a temporary and occasional service, i.e. a so-called export service.**

A type E work permit should be held by a third-country citizen posted to the territory of Poland **for a period exceeding 30 days within the subsequent 6 months** for a purpose other than those indicated in permits C and D.

The posting employer does not have to apply for a work permit for a foreigner who has a place of permanent residence abroad and is posted to Poland for a period not exceeding 3 months in a calendar year, in order to:

- perform assembly, maintenance or repair works with regard to supplied devices, structures, machines or other equipment, if the foreign posting employer is their producer,
- accept ordered devices, machines, structures or other equipment made by a Polish entrepreneur,
- train employees of a Polish employer who is a recipient of devices, structures, machines or other equipment, within the scope of their operation or use,
- assemble and disassemble exhibition stands, supervise them, if an exhibitor is a foreign employer, posting a foreigner to the territory of Poland for this purpose.

The amount of remuneration for performing work granted to a foreigner posted from a third country to the territory of Poland **may not be lower by more than 30%** than an average monthly remuneration in the province, announced by the President of the Statistics Poland, applicable on the day of submitting the application for a work permit.

The remuneration of a foreigner posted to work as part of an intra-corporate transfer in the capacity of a managerial employee, specialist or trainee who stays in Poland based on a temporary residence permit granted for the purpose of performing work in the host entity, having its registered office in the territory of Poland, must be:

- higher than the income giving the right to cash social assistance benefits, determined in relation to a foreigner and each family member dependent on him/her,
- not lower than the remuneration of employees performing in the territory of the Republic of Poland, in the same working time, a comparable type of work or in a comparable position,
- not lower than 70% of an average monthly gross remuneration in the national economy in the province in which the host entity has its registered office, announced by the President of the Statistics Poland, in the year preceding the submission of the application for a permit.

A temporary employment agency or an agency hiring staff with its registered office in a third country **may not post** temporary agency employees to Poland.

If a foreigner is to perform work in connection with the performance of an

agreement the subject of which is the provision or hiring of employees by an agency with its registered office in a country other than the Member States of the European Union, of the European Economic Area or the Swiss Confederation, the Head of Province issues a work permit in a situation where the entity entrusting work to a foreigner pursues economic activity in the territory of Poland **through a branch that has been entered in the register of entities running employment agencies.**

Thus, the employer of a third-country citizen, referred to work for the Polish employer of the user, will be a Polish branch of a foreign employment agency. **In this situation, we are not dealing with the Posting of an employee as part of the provision of services.**

The prerequisite for the legal performance of work by a foreigner in the territory of Poland, also as part of Posting, is the legal crossing of the Polish border and the legal stay of a foreigner in Poland. In order to meet the above-mentioned prerequisite, it is necessary to hold **an appropriate residence title** (for example, a visa). The residence title must give the right to work in the territory of Poland (the visa cannot belong to the so-called negative visa list, i.e. it cannot be, for example, a tourist visa).

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

The solutions introduced by the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state* **do not apply** to citizens of Ukraine posted by foreign employers to the territory of Poland.

For more information visit

<https://www.biznes.gov.pl/pl/portal/0238> Information and services portal for entrepreneurs

<https://www.pip.gov.pl> National Labour Inspectorate

4.11. Safe and healthy working conditions

The right to safe and healthy working conditions

As laid down in Article 66 of the Constitution of the Republic of Poland, a person working in Poland **has the right to safe and healthy working conditions.** The relevant obligations of employers and workers are set forth in the Labour Code, other legislative and implementing acts as well as collective agreements, statutes and work regulations. The aforementioned general provisions are supplemented by specific provisions regarding respective sectors of the economy which are included in separate acts and regulations.

As a rule, **when employing** a new worker under an employment contract, the employer must **refer the worker to health surveillance examination.**

Medical screening is obligatory for:

- newly employed persons,
- young workers transferred to other jobs and other workers transferred to jobs where they are exposed to harmful agents or arduous working conditions.

Medical screening is **not obligatory** for:

- persons who are re-employed by the same employer to the same job or with the same working conditions within 30 days after the termination or lapse of the previous employment relationship with that employer,
- persons who are employed by another employer at a given position within 30 days after the termination or lapse of the previous employment relationship, provided that they hold a valid medical certificate which confirms that there are no contraindications to working under the working conditions specified in the referral to the medical screening, and the employer considers that these conditions correspond to the conditions in the job concerned; this does not apply to persons who are employed to perform particularly hazardous work. Such persons are required by the employer to produce a valid medical certificate which confirms that there are no contraindications to working at the position concerned, and the referral to the medical screening which was the basis for that certificate.

The aforementioned rule applies accordingly to employing a person who is simultaneously employed by another employer.

In addition, workers must undergo **periodic medical examinations**. In the event of incapacity for work which is longer than 30 days and is caused by an illness, a worker should undergo a **medical checkup** so that his/her capacity for work in the current job is established.

Where possible, periodic medical examinations and medical checkups are conducted in working hours. In such a case, a worker is entitled to receive remuneration for the time of his/her absence at work due to his/her medical examination/checkup, and if he/she must travel to another locality for the examination/checkup, he/she is entitled to have his/her travel costs reimbursed in accordance with the rules applicable to business travels.

The employer is not allowed to admit a worker to work if he/she does not have a valid medical certificate which confirms that there are no contraindications to working under the working conditions specified in the referral to the medical screening. Medical screening, periodic medical examinations and medical checkups are conducted under a referral issued by the employer.

Employers that employ workers in conditions of exposure to carcinogenic agents and substances or fibrogenic dusts must ensure that these workers have access to periodic medical examinations also when:

- they no longer have contact with such substances, agents or dusts,
- they have terminated their employment, provided that the person concerned requests such examinations.

Medical screening, periodic medical examinations and medical checkups of employees exposed to carcinogenic agents and substances or fibrogenic dusts are conducted at the employer's expense. Furthermore, the employer bears other costs of employee health surveillance required due to their working conditions.

Employers are obliged to keep certificates issued on the basis of the related medical examinations and referrals to medical examinations.

In connection with the occurrence of the state of an **epidemic**, significant changes affecting the existing rules of employers and workers in the field of health and safety were introduced in 2020.

Pursuant to the Act on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and crisis situations caused by them, in the event of the declaration of the state of a health risk or a state of the epidemic, as of the date of the declaration of the state of the epidemic, the performance of the following obligations is suspended:

- periodic examinations of workers,
- the issuance by the employer of referrals for periodic examinations;
- periodic examinations, after the worker no longer has contact with carcinogenic agents and substances or fibrogenic dusts or after termination of employment, if the person concerned submits a request for such examinations.

When the state of a health risk or the state of the epidemic are lifted, the employer and the worker are obliged to immediately resume the performance of the obligations suspended and to perform them within a period not exceeding 180 days after the date of their lifting.

Medical certificates issued for medical screening, periodic examinations and medical checkups, the validity of which expired after 7 March 2020, shall remain valid, but no longer than until the expiry of 180 days after the date of lifting of the state of a health risk, in the event that the state of the epidemic is not declared, or after the date of lifting of the state of a health risk. The suspension does not cover the performance of medical screening and checkups.

In the event that an occupational medicine physician authorised to perform the medical screening or medical checkup is not available, another physician may perform the examination and issue a relevant medical certificate. The medical certificate issued by another physician shall be provisional and shall cease to have effect 180 days after the date on which the state of a health risk is lifted, if the state of the epidemic is not declared, or after the date on which the state of the epidemic is lifted. The medical certificate issued by another physician shall be included in the employee's personal file.

During the state of a health risk or the state of the epidemic, medical screening shall not apply to persons who are:

- re-employed with the same employer for the same position or for a position with the same working conditions within 180 days (previously, it was 30 days) after termination or expiry of previous employment with that employer,
- employed with another employer in the position within 180 days (previously, it was 30 days) after termination or expiration of previous employment, if they have a current medical certificate stating that there are no contraindications to work in the working conditions set out in the medical referral and the employer states that the conditions correspond to those prevailing at the position, with the exception of persons employed to perform particularly hazardous work,

- employed in administrative and office jobs, if they have a current medical certificate stating that there are no contraindications to work in the working conditions set out in the medical referral and the employer recognises that the conditions correspond to the position.

Before commencing work, a worker must complete an **initial training in occupational health and safety - OHS** (in Polish *bezpieczeństwo i higiena pracy*, abbreviated as BHP). A worker must not be admitted to jobs for which he/she is not properly qualified or skilled or is not sufficiently familiar with the related OHS regulations. It is the responsibility of the employer to provide workers with an initial OHS training before allowing them to work, and to ensure that periodic training in this field is conducted.

The aforementioned pre-admission training is not required if the worker commences work for the employer in the same job he/she held at that employer immediately prior to signing a new employment contract with that employer. Training is provided during working hours and at the employer's expense.

A worker must acknowledge that he/she has been familiarised with OHS rules and regulations.

Regulations provide for **two types of OHS training**:

- initial training** – conducted prior to admitting a person to work in a given job. This type of training includes general and workstation instruction;
- periodic training** – aimed at refreshing and consolidating a worker's OHS knowledge and skills and familiarising him/her with new technical and organisational solutions in this field.

A worker who works in several jobs should complete the related workstation instruction for each of these jobs.

The employer and other persons who manage workers, particularly managers, masters and foremen, should complete their **first periodic training** within 6 months after starting work in their respective jobs. Other workers should complete their training within 12 months after starting work in their respective jobs.

Periodic training must be provided at the following intervals:

- once a year – workers employed in particularly hazardous jobs,
- once every 3 years – workers employed in blue-collar jobs,

- once every 5 years – employers and other persons who manage workers, in particular managers, masters and foremen; engineering and technical personnel, including designers, machine builders and constructors of other technical equipment, process engineers and manufacturing organisation experts; OHS service officers and other persons involved in activities of this service; workers exposed to harmful agents and arduous and hazardous conditions; workers with OHS-related responsibilities,
- once every 6 years – office and administration personnel.

Periodic training is not obligatory for office and administration personnel where the employer's core activity, within the meaning of the public statistics regulations, falls within a group of activities for which maximum Category 3 risk has been identified, as defined in the regulations on social insurance of accidents at work and occupational diseases⁷, unless the occupational risk assessment prepared and documented by the employer proves otherwise.

If the type of the employer's core activity, within the meaning of the public statistics regulations, falls within a group of activities for which the risk category is higher than Category 3, as defined by the regulations on social insurance of accidents at work and occupational diseases, the employer must provide periodic training in OHS within maximum 6 months after the day on which the higher risk category was established.

During the **state of a health risk or the state of the epidemic**, it is permissible for the initial OHS training to be conducted entirely by electronic means, with the exception of the workplace training for:

- a worker employed in a blue-collar job,
- a worker employed in a job where exposure to hazardous agents occurs,
- a worker transferred to the job referred to in the two items 1 and 2 above,
- a student undergoing practical training and a student trainee.

In the event that the deadline for periodic training in occupational health and safety or in occupational safety and health of service falls during the state of the

⁷ (manufacture of wearing apparel; manufacture of leather and related products; printing and reproduction of recorded media; manufacture of computer, electronic and optical products; wholesale and retail trade of motor vehicles; repair of motor vehicles; wholesale and retail trade, except of motor vehicles; air transport; accommodation and food service activities; information and communication; financial and insurance activities; real estate activities; professional, scientific and technical activities; travel agency, tour operator and other reservation service and related activities; investigation and security activities; office administrative and office support and other business support activities; public administration and national defence; compulsory social security; activities of extraterritorial organisations and bodies; education; culture, entertainment and recreation; other service activities; households as employers of domestic personnel; undifferentiated goods- and services-producing activities of private households for own use).

epidemic or within 30 days after the date of lifting it, the deadline is extended to 60 days after the date of lifting the state of the epidemic.

Employers must assess and document the **occupational risk** embedded in the work performed and undertake necessary preventive measures to reduce the risk. Employers must inform their workers about the occupational risk related to the work performed and principles of protection against threats.

Employers must provide their workers with free-of-charge working clothes and footwear which meet the requirements established in applicable Polish Standards:

- if the worker's own clothes may be damaged or significantly soiled,
- if this is required under technology, sanitary or OHS requirements.

An employer may identify jobs in which workers are allowed, upon their consent, to wear their own working clothes and footwear that meet applicable OHS requirements. Then, the employer must pay the workers a monetary equivalent in the amount corresponding to the current prices of such clothes and footwear. However, this must not apply to jobs which involve personal operation of machinery and other technical equipment or activities that cause intensive soiling or contamination of clothing and footwear with chemical or radioactive agents or biologically infectious materials.

Moreover, employers are obliged to provide their workers with free-of-charge personal protective equipment, if necessary for the job. An employer is obliged to ensure that the personal protection equipment as well as working clothes and footwear in use have protective and utility characteristics and to ensure that they are washed, maintained, repaired, cleaned of dust and disinfected accordingly. If the employer is unable to ensure that the working clothes are washed, such activities may be performed the worker himself/herself, provided that the employer pays the worker a monetary equivalent corresponding to the expenses incurred by the worker. This shall not apply to the personal protective equipment, working clothes and footwear which, following their use at work, were contaminated with chemical or radioactive agents or biologically infectious materials. Such items should be stored in a special designated place and it is inadmissible to give them to the workers to wash and maintain.

If work conditions do not meet the OHS regulations and pose an immediate risk to the worker's life or health, or if the work performed by the worker poses such a risk to other people, the worker **has the right to refrain from doing such work** and immediately notify his/her manager of the fact.

If refraining from work does not remove the risk, the worker has the right to **leave the risk area** and immediately notify his/her manager of the fact. The worker retains the right to receive remuneration for the period he/she refrains from doing his/her work or remains away from the risk area due to the aforementioned reasons.

A worker has the right to **refrain from performing work that requires special mental and physical fitness**, upon notifying his/her employer, if his/her mental and physical health does not ensure safe performance of such work and poses a threat to other people.

The right to refrain from performing work or to leave the risk area does not apply to persons whose professional responsibilities include saving human lives or property.

Where work is performed at the same site by workers employed by different employers, those employers must cooperate with one another, designate a coordinator to supervise OHS issues relating to all workers on site, establish rules of cooperation in case risks to health or life of the workers occur, and inform one another, as well as the workers or their representatives, about actions taken to prevent occupational risks at work. Designating an OHS coordinator does not relieve the respective employers from the duty to ensure OHS for their workers.

As regards **civil law contracts**, an employer is obliged to ensure health and safety at work for natural persons who perform work in the employer's establishment or at a site the employer might indicate, as well as for persons who perform self-employed activities in the employer's establishments or at a site the employer might indicate. However, regulations do not specify the manner in which this obligation must be met, as employers are not obliged to refer such persons to medical examinations, OHS training, or to equip them with personal protective equipment. However, if e.g. the type of work or the level of risks related to the working conditions or processes is significant and it is advisable that only medically fit persons be admitted to perform such work or operate in such conditions, the employer should make sure that these persons are able to perform tasks assigned to them under their respective civil law contracts.

Remote work during the epidemic.

During the state of a health risk or the state of the epidemic declared due to COVID-19 and for a period of 3 months after their lifting, in order to counteract COVID-19, the employer may order the worker to perform, for a specified period of time, work defined in the employment contract, outside the place of its regular

performance (**remote work**).

The performance of remote work may be requested if the worker has the skills and the technical and premises possibilities to perform such work and the type of work permits it. In particular, remote work may be performed by means of direct remote communication or concern the performance of production portions or tangible services.

The employer shall provide the tools and materials necessary for the performance of the remote work and the logistical support for the remote work. When performing remote work, the worker may use tools or materials not provided by the employer, provided that this enables maintaining and protecting confidential information and other proprietary secrets, including business secrets or personal data, as well as information the disclosure of which could expose the employer to loss.

At the employer's request, the worker performing remote work is obliged to keep a record of the activities performed, in particular a description of such activities, as well as the date and time of their performance. The employer may, at any time, lift the request to perform remote work.

The Ministry of Family and Social Policy prepared a *draft act amending the Act – Labour Code and certain other acts* aimed at introducing remote work permanently into the Labour Code. The draft act proposed that the new regulations concerning **remote work** should replace the applicable provisions of the Labour Code regarding **telework**. The date of entry of the new rules into force will depend on parliamentary work.

Accidents at work and occupational diseases

A worker who has suffered an accident at work should **immediately notify his/her superior of the accident**, provided that his/her health allows him/her to do so. If an **accident at work** occurs, the employer must take necessary actions to eliminate or limit the threat, ensure that first aid is provided for the injured, establish the circumstances and causes of the accident as foreseen by regulations, and take appropriate measures to prevent similar accidents.

An accident at work is defined as a **sudden work-related event caused by an external factor leading to injury or death** which takes place:

- during or in relation to performance of ordinary activities or instructions given by the superiors,

- during or in relation to performance of activities for the employer, even without any instructions to do so,
- while on duty for the employer on the way between the employer's registered office and the place of work arising from employment.

Deemed as equivalent to an accident at work are accidents suffered by workers:

- during business travels in circumstances other than the ones mentioned above, unless the accident has been caused by actions of the worker which are not related to the performance of his/her responsibilities,
- during training in common self-defence,
- when performing actions ordered by trade unions organisations operating at the employer's establishment.

Types of accidents at work:

- a fatal accident – an accident which has caused death within up to 6 months after the date of the accident,
- a severe accident – an accident which has caused a serious injury, e.g. blindness, loss of hearing, loss of speech, loss of reproductive capacity or other injuries or health disorders that impair basic bodily functions, as well as incurable or life-threatening diseases, chronic mental illnesses, complete or partial incapacity for to work in a given profession and serious permanent disfigurement or deformation of the body,
- a multiple accident – an accident suffered by at least two persons as a result of a single incident.

An employer must immediately notify the competent district labour inspector and prosecutor of a fatal, severe and multiple accident at work, and of any other work-related accidents which has entailed the aforementioned results, provided that such other accidents may be regarded as accidents at work.

The circumstances and causes of an accident are established by a two-person post-accident team appointed by the employer. The composition of such a team is determined under national law. On establishing the circumstances and causes

of the accident, the post-accident team draws up - **within up to 14 days after being notified of the accident** - a report on the circumstance and causes of the accident at work. The report must be presented to the injured person for review before its final approval. The injured person has the right to submit comments and reservations regarding the findings presented in the report, and this right must be brought to the injured person's attention by the post-accident team.

An employer is obliged to keep a register of accidents at work and to retain accident reports and the related documentation for 10 years after the report date.

Costs related to establishing the circumstances and causes of accidents at work are borne by the employer. Workers employed under employment contracts are covered by **insurance of accidents at work and occupational diseases**. The amount of the invalidity pension due to an accident at work or occupational disease is established in accordance with the rules applicable to invalidity pensions set forth in the provisions on pensions from the Social Security Fund.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Rights and obligations with regard to occupational health and safety regulations apply to Polish citizens and citizens of Ukraine to the same extent. Citizens of Ukraine should be informed about methods to perform work safely, in a language they understand. Also, training in the field of occupational safety and health should be conducted in a manner guaranteeing the understanding of the content being provided, getting to know the existing occupational and accident risks and, above all, the methods to effectively reduce or eliminate them.

The instructions issued by managers of employees should be understandable to the working citizens of Ukraine. Instructions related to occupational health and safety, in particular, those regarding the operation of machines and equipment, should be prepared in a language understandable to foreigners. A person operating a machine must know the rules of its operation, including the purpose and methods of functioning of control panel buttons.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.ciop.pl> Central Institute for Labour Protection – National Research Institute

<https://www.pip.gov.pl> National Labour Inspectorate

More information for citizens of Ukraine

<https://www.pip.gov.pl/pl/o-urzedzie/wyjasnienia-i-wsparcie-pip/-praca-w-polsce> National Labour Inspectorate in Ukrainian

4.12. Special categories of workers

Young workers

Persons aged between 15 and 18 (**young workers**) are employed under separate employment contracts concluded for the purpose of vocational training or performance of light work. It is prohibited to employ persons younger than 15 years of age. However, the Labour Code provides for **exceptions** to this rule.

As specified in the Labour Code, **children at the age of up to 15 years** are allowed to perform work or undertake any other paid activities exclusively for a cultural, artistic, sport or advertising entity, and then only upon a prior consent of the child's statutory representative or guardian and upon obtaining a permit from the competent labour inspector.

Employment of young workers is subject to certain working time restrictions (e.g. they must not work at night or overtime). It is also prohibited to employ young workers to perform prohibited types of work listed in applicable national regulations.

Pregnant women and mothers

Women at work are subject to special protection in relation to pregnancy and maternity:

- an employer must not terminate the employment contract during pregnancy or maternity leave;

- a fixed-term contract or a contract for a probation period longer than one month which would otherwise have been terminated upon the lapse of the third month of pregnancy must be extended until the date of delivery;
- a pregnant worker must not be employed overtime or at night. Without her consent, she must not be posted to a place outside her permanent place of work or be employed in a disjointed hour system;
- a breastfeeding worker has the right to two 30-minute breaks during work which are included in her working time, and a worker breastfeeding more than one child has the right to two 45-minute breaks. If the working time of a breastfeeding worker is shorter than 6 hours a day, she has the right to one break for breastfeeding. A breastfeeding worker is not entitled to a breastfeeding break if her daily working time is shorter than 4 hours;
- the Employer is obliged to grant leaves of absence to a pregnant worker for medical tests recommended by a doctor in relation with her pregnancy if such tests cannot be conducted outside working hours. Absence from work due to such tests shall be included in the worker's paid work time;
- pregnant or breastfeeding workers must not be employed in arduous, hazardous or harmful job listed in applicable regulations.

Persons with disabilities

In Poland, employment of persons with disabilities is regulated by law. Persons with disabilities **must not work longer than 8 hours a day and 40 hours a week**. A person with a significant or moderate degree of disability may work up to 7 hours a day and 35 hours a week. A person with a disability may not be employed for night and overtime work. These rules do not apply:

- to persons employed as security guards, and
- when, at the request of the person employed, the physician carrying out health surveillance examination of workers or, in the absence of such a physician, the physician taking care of the person so agrees.

Application of these working time rules must not affect the amount of the fixed monthly remuneration.

A disabled person has the right to **a break from work for physical exercises or rest**. The break is 15 minutes and is included in the person's working time.

A person with a significant or moderate degree of disability has the right to an

additional annual leave of 10 working days during the calendar year. Such a person acquires the right to his/her first additional annual leave after completing one year of work following his/her classification as a person with a significant or moderate degree of disability. A person entitled to an annual leave of more than 26 working days or entitled to an additional annual leave under separate provisions is not entitled to the aforementioned additional leave.

If the additional leave under separate provisions is shorter than 10 working days, then it is replaced by the additional 10-day leave provided for in the Act on professional and social rehabilitation and the employment of persons with disabilities.

A person with a significant or moderate degree of disability has the right to take paid **time off work**:

- 1) for a period of up to 21 working days in order to take part in a rehabilitation holiday, however not more than once a year;
- 2) to undergo special medical examinations, medical or rehabilitation treatment, as well as to acquire orthopaedic equipment or have such equipment repaired, provided that such activities cannot be performed outside working hours.

The remuneration for the aforementioned time off work is calculated as a monetary equivalent for the annual leave.

A person with a significant or moderate degree of disability may be employed by an employer that does not ensure protected labour conditions, provided that the employer adapts the workstation to the needs of that person (the adaptation is subject to inspection by the National Labour Inspectorate) or employs that person as a teleworker.

To obtain information on aid in enforcing the rights with regard to their employment and work conditions, persons with disabilities should contact the National Labour Inspectorate (*Państwowa Inspekcja Pracy*), i.e. the authority established to control and supervise compliance with the labour law, and labour courts.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.niepelnosprawni.gov.pl> Office of the Government Plenipotentiary for the Disabled

<https://www.pfron.org.pl> State Fund for Rehabilitation of Persons with Disabilities

<https://www.pip.gov.pl> National Labour Inspectorate

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

4.13. Working time

In Poland, the working time **must not exceed 8 hours a day and an average of 40 hours** in an average five-day working week. The working time is calculated for a reference settlement period of up to 4 months. If justified by objective or technical reasons concerning organisation of work, the settlement period may be extended up to 12 months, but this must comply with general rules regarding protection of employee health and safety. The settlement period may be extended under a collective agreement or in consultation with respective trade unions. If it is impossible to agree the content of such an agreement with all trade union organisations, the employer shall agree it either with representative trade unions, each of which shall include at least 5% of workers employed by that employer, or in an agreement with worker representatives appointed in accordance with the procedure in force at that employer. The weekly working time including overtime must not exceed an average of 48 hours in the assumed settlement period.

It is also possible to use **flexible working time** which entails different starting hours or time slots during which workers may start work. The daily working time may be extended in certain work time systems.

All workers are entitled to **uninterrupted daily rest** of at least 11 hours and continuous weekly rest of at least 35 hours, or at least 24 hours in certain cases.

If the daily working time is 6 hours or longer, a worker has the right to take a 15-minute **break from work**; such a break is included in the worker's working

time. An employer may introduce one break of maximum 60 minutes for meals or personal matters that is not included in the working time.

Work on Sundays and public holidays is allowed in situations listed exhaustively in the Labour Code, e.g. in the case of shift work, in transport and during work which is necessary due to its social utility and daily needs of the population.

Trade and trade-related activities at commercial establishments on Sundays and public holidays are subject to certain restrictions. In 2020 and following years, there will be 7 trading Sundays per year - the last Sunday in January, April, June and August, two successive Sundays before Christmas and the Sunday before Easter. In certain situations provided for by law, trading and conducting trade-related activities is allowed every Sunday. This applies to e.g. petrol stations, pharmacies and florists.

An employer is obliged to give another free day to its workers who work on Sundays and public holidays. Such workers should have a free Sunday at least once every 4 weeks. **Night work** lasts 8 hours between 9:00 pm and 7:00 am. A worker who performs night work has the right to additional remuneration for each hour of night work.

Overtime work entails performing work beyond the standard working time as well as performing work during an extended daily working time if it is necessary to carry out a rescue operation to protect human life or health, protect property or natural environment, resolve a failure or meet specific needs of the employer. The amount of overtime work performed in relation to specific needs of the employer must not exceed 150 hours during the calendar year. Overtime work is compensated by salary supplements or paid time off work.

The provisions of the Labour Code on working time do not apply to civil-law contracts. Furthermore, since this issue is not regulated by the provisions of the Civil Code either, it must be agreed by the parties to the employment contract. However, it is required to confirm the number of hours spent on performing an order or providing a service under a contract which provides for the minimum hourly rate for such activities.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

4.14. Leaves

Right to a leave

Workers have the right to continuous paid **annual leave**. Workers must not waive their right to a leave. Documented employment periods with foreign employers completed by EU or EFTA Member State citizens are included in the employment period for employee benefits in Poland.

There are the following types of leaves: annual leave (*urlop wypoczynkowy*), maternity leave (*urlop macierzyński*), leave under the maternity leave conditions (*urlop na warunkach urlopu macierzyńskiego*), paternity leave (*urlop ojcowski*), childcare leave (*urlop wychowawczy*), training leave (*urlop szkoleniowy*), parental leave (*urlop rodzicielski*), and unpaid leave (*urlop bezpłatny*).

Annual leave

Workers acquire the right to their first annual leave (equivalent to 1/12 of the annual leave available after completing one year of work) upon completing one month of work. The right to a further annual leave is acquired with each following calendar year of work. **The amount of an annual leave** is equal to 20 days – for workers who have been employed for less than 10 years, and 26 days – for workers who have been employed for at least 10 years. The employment period which is the basis for calculating the amount of the annual leave includes the period of secondary education. As part of the annual leave, employers may grant a **leave on request** (not more than 4 days in a calendar year) on days specified by the worker. The amount of the annual leave for workers who are employed on a part-time basis is calculated proportionately to the working time of the worker.

An employer grants a leave to a worker in the calendar year in which he/she has acquired the respective right. **Overdue annual leaves** should be used by the end of the third quarter of the following calendar year. If an annual leave is not used by the termination of the employment contract, an employee has the right to receive a monetary equivalent. When requested by the worker, the annual leave may be divided into parts of which at least one part should last at least 14 consecutive calendar days. For the time of his/her annual leave, a worker has the right to receive the remuneration he/she would have received if he/she had worked.

Unpaid leave

An unpaid leave is granted at the worker's written request (the leave is not included the employment period which is the basis for employee benefits). Notwithstanding the foregoing, the employer may - at the worker's written consent - grant the worker an unpaid leave for the purpose of performing work for another employer during a period specified in the respective agreement between the employers (the period of such leave is included in the employment period which is the basis for employee benefits at the current employer).

Maternity leave

Female workers have the right to a maternity leave of **20 weeks** in the case of giving birth to one child, **31 weeks** in the case of giving birth to two children in one delivery, **33 weeks** in the case of giving birth to three children in one delivery, **35 weeks** in the case of giving birth to four children in one delivery, and **37 weeks** in the case of giving birth to five or more children in one delivery.

Workers who have taken a child for upbringing and filed a motion with the guardianship court for instituting the adoption procedure or have taken a child for upbringing as a foster family (excluding professional foster families) have the right to **a leave under the conditions of the maternity leave**. The amount of the leave is the same as said above, but it is dependent on the number of the children adopted / taken for upbringing simultaneously and it may be used until the child has reached the age of 7 years or 10 years in the case of a child for whom the school attendance obligation has been postponed.

A maternity benefit is paid for the period of a maternity leave or a leave under the conditions of the maternity leave.

Parental leave

Immediately upon using his/her maternity leave, a worker has the right to a parental leave of **up to 32 weeks** in the case of the birth of one child in one delivery, and **up to 34 weeks** in the case of the birth of two or more children in one delivery.

Eligible to take a parental leave are also workers who have taken a child for upbringing and filed a motion with the guardianship court for instituting the adoption procedure or have taken a child for upbringing as a foster family (excluding professional foster families). The amount of the leave is the same as said above, but it varies due to the number of the children adopted/taken for upbringing simultaneously. The right to a parental leave is then available upon using the leave under the maternity leave conditions or upon using the maternity benefit for the period which corresponds to the leave under the maternity leave conditions.

A parental leave is granted at a written request of the worker. A parental leave may be used immediately upon using a maternity leave, at one time or in 4 parts at most. It is also possible to use up to 16 weeks of a paternity leave during a period which does not immediately follow the previous part of the leave used. This option can be used at the parents' discretion, but the number of parts of a parental leave granted in this mode decreases the number of parts of the due childcare leave.

No part of a parental leave may be shorter than 8 weeks. The leave may be used by the end of the calendar year in which the child has reached the age of 6 years.

It is possible to combine a parental leave with work (on a half-time basis) for the employer that grants that leave. If this is the case, the amount of the parental leave is appropriately extended – to a maximum of 64 or 68 weeks.

In addition, **parents** may **exchange between themselves** their parental leaves and maternity benefits during the leave if one of the parents is a worker and the other is covered by sickness insurance under a different scheme, e.g. is self-employed.

A maternity benefit is paid for the period of a parental leave.

Paternity leave

Working fathers have the right to be granted a paternity leave. This type of leave may be granted to fathers, but only until the child has reached the age of 24 months. It may also be granted to a working father who has adopted a child.

In this case, he may use it until the lapse of 24 months after the date the court decision about the adoption came into force, but not later than by the time the child reaches the age of 7 years, or 10 years in the case of a child for whom the decision on the postponement of the school attendance obligation has been issued. The amount of a parental leave is equal to **2 weeks**, and it may be divided into two parts, each of which may be used at any time. A maternity benefit is paid for the period of a paternity leave.

Childcare leave

The amount of a childcare leave is **up to 36 months**, however not longer than until the end of the calendar year in which the child has reached the age of 6 years. In order to use the leave, a worker must have an employment history of at least 6 months. A childcare leave may be granted to working mothers or fathers. A childcare leave is granted at a written request of the worker and may be divided into maximum 5 parts. While on a childcare leave, workers do not retain their right to receive remuneration (the leave is not paid as a rule) and are not entitled to any benefits, but are covered by retirement and health insurance which is paid by the employer.

Training leave

A training leave may be granted to a worker who is improving his/her qualifications on the initiative of the employer or at the employer's consent in accordance with the provisions of the Labour Code. The amount of the leave is as follows: **6 days** – for workers who are taking extramural exams; **6 days – for workers who are taking the matriculation exam**; **6 days** - for workers who are taking an exam to confirm qualifications in a profession or a vocational exam; **21 days** in the last year of studies – to write a diploma dissertation and prepare for and take the diploma exam. A worker retains his/her right to remuneration throughout the period of his/her training leave.

Holidays

In Poland, **Sundays** and the following **holidays** are public holidays: 1 January, 6 January, the first day of Easter, the second day of Easter, 1 May, 3 May, Pentecost, Corpus Christi, 15 August, 1 November, 11 November, 25 December and 26 December.

Days off work

There is a number of life events when workers may be granted time off work. **The most frequent occasions include** incapacity for work due to sickness, medical examinations, necessity to care for a child, as well as personal or family events such as marriages and funerals.

If time off work is granted to a worker due to e.g. the worker's **wedding**, the **birth of his/her child** or the **funeral** of his/her spouse, child, father, mother, step-father or step-mother, then the worker has the right to **2 days of time off work**. If time off work is due to the **wedding** of his/her child or the **death and funeral** of his/her sister, brother, mother-in-law, father-in-law, grandmother, grandfather or a person dependent of the worker or under his/her direct care, then the worker has the right to **1 day of time off work**. During time off work due to the aforementioned causes, the worker has the right to the same remuneration he/she would have received if he/she had worked.

A worker who **brings up at least 1 child** aged 14 years or younger has the right to take paid time off work equal to **16 hours** or **2 days** in one calendar year.

A worker who **is improving his/her professional qualifications** has the right (in addition to the aforementioned training leave) to take time off work for the whole or part of a working day which is required to arrive on time for the obligatory classes and to participate in the classes (the worker retain the right his/her remuneration for such time off work).

Civil law contracts are not subject to the provisions of the Labour Code on leaves and time off work or the provisions on public holidays. These matters are not regulated under the provisions of the Civil Code either.

PLANNED CHANGES

In connection with the need to implement into the Polish legal system *Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU*, hereinafter referred to as „Directive 2019/1158”, a *draft act amending the Act – Labour Code and certain other acts* has been prepared, introducing amendments, among others, in **the area of rights related to the performance of parental and care functions by employees**.

The most important solutions **in the field of parental leave** provided for in the

above-mentioned draft act will consist in:

- introducing an individual right to parental leave for female and male employees,
- making the right to parental leave independent from the fact of remaining of a child's mother in employment (insurance) on the day of delivery,
- introducing, as part of the above-mentioned duration of parental leave, a non-transferable part of this leave of up to 9 weeks for each parent, which will mean that each of the parents will have an opportunity to take up to 32/34 weeks of this leave,
- determining the amount of the maternity allowance for the entire period of parental leave at the level of 70% of the assessment basis of the allowance, with the simultaneous possibility for a female employee to submit an application, no later than 21 days after giving birth, for paying the maternity allowance for the period of maternity and parental leave in the amount of 81.5% of the assessment basis of the allowance. In any case, an employee – a father of a child will have the right to the allowance in the amount of 70% of the assessment basis of the allowance for the period of non-transferable 9-week part of this leave.

In addition, in accordance with the *draft act amending the Act – Labour Code and certain other acts*, it is planned to introduce a new one:

- **carers' leave** of up to 5 days in a calendar year – in order to provide personal care or support to a relative (son, daughter, mother, father or spouse) or having a common household who requires significant care or support for serious medical reasons, without retaining the right to the remuneration for the duration of this leave,
- **special leave due to force majeure** in urgent family matters caused by an illness or accident, if the immediate presence of an employee is necessary – 2 days or 16 hours in a calendar year, while retaining the right to 50% of the remuneration for the time of this special leave (calculated as the remuneration for the duration of annual leave).

The provisions of the above-mentioned draft act also contain solutions allowing for the **wider use of flexible organisation of work**, so as to increase an employee's rights consisting in adapting his/her organisation of work to individual needs, among others, through: telework, flexible working time schedules (flexitime, individual working time and intermittent working time) and part-time work. A

possibility to use flexible organisation of work will be granted to parents taking care of a child below 8 and to carers, i.e. employees providing care or support to a relative or a person living with an employee in the same household who require significant care or support for serious medical reasons. Rejection of an application for flexible organisation of work will require an employer to provide a written justification.

In connection with the provisions of Directive 2019/1158, it is also planned to **reduce the period during which it will be possible for an employee – a father raising a child, to take paternity leave – from 24 to 12 months** from the date of birth of a child, since the directive links this right to the birth of a child. The period for taking paternity leave by an employee who adopted a child at the statutory age will be reduced in the same way.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

4.15. Representation of workers

The freedom of association in trade unions is guaranteed to everyone who performs paid work in Poland. A trade union may be founded by a group of at least 10 workers who have the right to establish trade unions, and they decide, at their discretion, what persons (categories, groups, professions) will be members of the union.

The rules of membership in trade unions and the rules of performing union functions are specified in the statutes and resolutions of their bodies. A new member is usually accepted to join a trade union after he/she has submitted his/her **membership declaration**. The decision whether or not to approve a membership declaration is made by the competent statutory authorities of the trade union. Operating at a work establishment may be either a **workplace or inter-company trade union organisation**. Trade unions may form federations and confederations.

Membership in a trade union is voluntary. Nobody can suffer negative consequences of his/her membership in a trade union. Trade unions represent both collective and individual workers' rights and interests. As regards collective rights and interests, trade unions represent all workers, regardless of their trade union membership (e.g. they conclude collective agreements and accords, and agree on work regulations, principles of remuneration and the Company Social Benefits Fund). As regards individual employment-related matters, a worker may be represented by a trade union if he/she is a member thereof or if the union organisation of his choice agrees to defend his/her worker rights (e.g. trade unions are consulted on planned terminations of employment contracts).

On 1 January 2019, new legislation entered into force which gives all persons performing paid work the full right to create and join trade unions. According to the amended Act, a person performing paid work means both the worker within the meaning of the Labour Code and a person performing work for remuneration on a basis other than employment relationship, provided that the latter does not employ other persons to perform the work, irrespective of the actual basis of the employment. Furthermore, the latter has the same rights and interests relating to the performance of his/her work, and these rights and interests may be represented and defended by a trade union. The new provisions allow all persons who perform work under civil law contracts and natural persons who conduct a one-person non-agricultural economic activity (also referred to as self-employed persons) to establish and join trade unions. The right to join existing trade unions is now also vested in volunteers, apprentices and other persons who perform unpaid work in person.

Beginning on 1 January 2019, the privileges required to conduct trade-union activities, e.g. the right to be released from professional work for the duration of an *ad hoc* activity or the special protection of trade union activists against the termination or disadvantageous amendments to their employment contracts, are now guaranteed also for persons performing paid work other than workers.

According to data provided by the Public Opinion Research Centre (*Centrum Badania Opinii Społecznej*, CBOS) for the year 2021, members of trade unions accounted for 10.5% of all working persons.

At a work establishment, there may also be other forms of workers' representation, e.g. **work councils**.

Works councils which operate at employers that conduct economic activities and employ at least 50 workers form workers' representation for information and consultation purposes. Works councils are elected by workers and have the right to obtain information regarding the employer's activity and economic situation and to obtain information and conduct consultations regarding the status, structure and expected changes in employment and regarding activities which affect the organisation of work or employment basis.

The law on works councils **does not provide for any restrictions** regarding membership in works councils for EU and EFTA Member State citizens or their family members who are not EU or EFTA Member State citizens employed in Poland.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.gov.pl/web/dialog> Department of Social Dialogue and Partnership

<https://www.solidarnosc.org.pl> NSZZ Solidarność - a trade union

<https://www.opzz.org.pl> All-Poland Alliance of Trade Unions (*Ogólnopolskie Porozumienie Związków Zawodowych*)

<http://fzz.org.pl/> Trade Unions Forum (*Forum Związków Zawodowych*)

<https://www.pip.gov.pl> National Labour Inspectorate

More information for citizens of Ukraine

<https://www.praca.gov.pl> ICT system necessary for notifying the District Labour Office of taking up employment

<https://www.opzz.org.pl> All-Poland Alliance of Trade Unions (website available in Ukrainian)

4.16. Labour disputes and strikes

Collective disputes may concern work conditions, remuneration or social benefits, as well as trade union rights and freedoms. A collective dispute may not concern individual worker's claims which can be asserted before courts. If a collective dispute concerns the content of the collective agreement or any other agreement to which a trade union organisation is a party, then the dispute may be initiated and conducted only upon termination of such agreements.

Collective disputes are conducted between trade unions and an employer or employers. They are resolved through a process which consists of the following stages: negotiations between the parties, mediation, arbitration and strike. The first two are obligatory, while arbitration is optional.

Any person who is elected by all parties to the dispute or any person included in the list of mediators kept by the Minister competent for labour matters may become a mediator in a collective dispute.

Going on strike is the ultimate measure, and the decision to announce it should take into account whether the claims are commensurate with the strike-related losses. The announcement of a strike should be preceded by a referendum among workers of the work establishment concerned. Workers do not have the right to remuneration for the duration of the strike. Polish law does not provide for lockouts.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

- <https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy
- <https://www.gov.pl/web/dialog> Department of Social Dialogue and Partnership
- <https://www.solidarnosc.org.pl> NSZZ Solidarność - a trade union
- <https://www.opzz.org.pl> All-Poland Alliance of Trade Unions (*Ogólnopolskie Porozumienie Związków Zawodowych*)
- <http://fzz.org.pl/> Trade Unions Forum (*Forum Związków Zawodowych*)
- <https://www.pip.gov.pl> National Labour Inspectorate
- <https://www.pracodawcyrp.pl/> Employers of Poland (*Pracodawcy RP*)
- <https://www.konfederacjalewiatan.pl> Lewiatan Confederation
- <https://www.zrp.pl> Polish Craft Association (*Związek Rzemiosła Polskiego*)
- <https://www.bcc.org.pl> Business Centre Club – Employers' Association/
- <https://zpp.net.pl/> Association of Entrepreneurs and Employers (*Związek Przedsiębiorców i Pracodawców*)
- <https://www.rpo.gov.pl/> Civil Rights Ombudsman

More information for citizens of Ukraine

- <https://www.opzz.org.pl> All-Poland Alliance of Trade Unions (website available in Ukrainian)

4.17. Terminating employment

Forms of terminating employment

An employment relationship ends either through its **termination** or **expiry**.

An employment contract may be terminated by a **mutual agreement of the parties**; a declaration of one of the parties with an appropriate period of notice; by a

declaration of one of the parties without an appropriate period of notice; upon the lapse of the term for which the contract has been concluded. A statement by a party to an employment contract regarding its termination without a period of notice should be made in writing. Termination of an employment contract by a mutual agreement of the parties - the employer and the worker express their consent for terminating the employment contract on such date as they may agree.

An employment contract may be terminated **by serving a notice**; then, it is terminated through a written declaration of the worker or of the employer upon the agreed termination notice. It is possible to terminate the following types of employment contracts by serving a notice: an employment contract for an indefinite period of time, an employment contract for a probation period, and an employment contract for a fixed period of time. The period of termination notice for employment contracts for indefinite and fixed periods of time depends on the length of employment at a given employer and presents as follows: 2 weeks - for workers who have been employed for less than 6 months, 1 month - for workers who have been employed for at least 6 months and 3 months - for workers who have been employed for at least 3 years.

The period of termination notice for employment contracts for a probation period depends on the length of the probation period and presents as follows: 3 working days - if the probation period is not longer than 2 weeks, 1 week - if the probation period is longer than 2 weeks and 2 weeks - if the probation period is 3 months.

When terminating an employment contract, the employer may release the worker from the obligation to perform work until the end of the period of notice, during which time the worker retains his/her right to remuneration.

If an employment contract for an indefinite period of time is **terminated by the employer**, the employer must submit a written notification to the establishment's trade union which represents the worker regarding the intent to terminate the employment contract, specifying the reason for the termination. An employment contract may be terminated **without serving a notice** - then it is terminated through a written declaration of the worker or of the employer without any termination notice. An employer may terminate an employment contract **by fault of the worker** if the worker has:

- seriously violated his/her core employee responsibilities,
- committed a crime during the period of his/her employment contract, which makes it impossible to continue to employ him/her further in the current job,

provided that the crime is obvious or has been confirmed by a final and valid court judgement,

- lost by his/her authorisations to perform work in the current job due to his/her culpable actions.
- An employer may also terminate an employment contract **without serving a notice by no fault** of the worker if the worker:
 - is not capable to work due a sickness which continues for a period specified in the Labour Code,
 - is absent from work for longer than 1 month due to justified reasons other than sickness.

The employer's declaration regarding termination of an employment contract without serving a termination notice should specify the reason for the termination and should contain an instruction about the worker's right to appeal to the labour court.

A **worker** may terminate his/her employment contract **without serving a notice** if:

- it is confirmed by a medical certificate that the work has a harmful impact on the worker's health, and the employer fails to transfer the worker to a different job which would be appropriate for the worker's health and professional qualifications,
- the employer has seriously violated its basic responsibilities towards the worker.

An employment relationship expires automatically by operation of law in situations referred to in the Labour Code and in other specific provisions (e.g. death of the worker or the employer).

In Poland, there are specific provisions concerning the termination of employment relationships for reasons which are not attributable to workers. They regulate the manner in which collective and individual redundancies should be carried out and refer to employers who employ at least 20 workers.

Matters relating to termination of legal relationships arising under certain civil law contracts (e.g. contracts of mandate or specific-task contracts) are regulated - depending on the type of a contract between the parties - by applicable provisions of the Civil Code.

Reinstatement and re-employment

A worker may apply for **reinstatement** to work under previous conditions if:

- the employer has terminated his/her employment contract for an indefinite period of time by servicing a notice of termination without stating the reasons or in violation of the provisions on terminating employment contracts,
- the employer has terminated his/her employment contract without serving a notice of termination in violation of the provisions on terminating employment contracts in this mode.

Reinstatement to work is adjudicated by a **labour court** which examines the worker's claim following a prior submission of a relevant statement of claim by that worker. A worker has the right to **choose the labour court** which will be convenient for him/her depending on his/her place of residence/work or the registered office of the employer.

A worker who has taken up work **as a result of reinstatement** is eligible to receive remuneration for the time he/she remained unemployed, but not for longer than two months; where his/her period of notice was 3 months – for not longer than 1 month. In the event of termination of an employment contract with a worker who is in a pre-retirement protection period or with a female worker in pregnancy or on a maternity leave, the worker is eligible to remuneration for the entire time during which he/she remained unemployed. This applies also in the event of termination of an employment contract with a father bringing up a child or another closest relative on a maternity leave, or where the termination is subject to restrictions under specific regulations.

A worker whose employment contract has been terminated may be **re-employed** in the following situations:

- his/her employment contract has been terminated without serving a notice of termination due to his/her incapacity for work resulting from a long-term sickness or accident at work or occupational disease,
- his/her employment contract has been terminated without serving a notice of termination due to his/her justified absence longer than 1 month resulting from a cause other than a long-term sickness, accident at work or occupational disease,
- his/her employment contract has been terminated as part of collective redundancies (an employer that lays off workers as part of collective

redundancies must employ the workers laid off first after it has resolved its problems and opened a new recruitment process),

- his/her employment relationship has expired due to a provisional detention for 3 months, where the related criminal procedure has been discontinued (except for a discontinuation due to the lapse of the period of limitation or due to an amnesty, and except for a conditional discontinuation) or where an acquitting judgement has been passed, and the worker concerned has expressed his/her intention to come back to work within 7 days after the date on which the said judgement becomes final.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine have the same rights in this area as Polish citizens.

For more information visit

<https://www.pip.gov.pl> National Labour Inspectorate

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

More information for citizens of Ukraine

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

4.18. Unemployment and provision of employment support by employment offices

Unemployment and institutions of the labour market

Unemployment in Poland was in a **downward** trend between late 2013 and late 2019.

Towards the end of 2019, the registered unemployment rate was **5.2%**, the lo-

west level in Poland since December 1990. The beginning and rapid spread of the COVID-19 epidemic in 2020 as well as the restrictions on the operation of economic entities introduced as a result, disrupted the trends constantly observed in the labour market, but not as strongly as it was forecast after the announcement of the first lockdown. The number of unemployed persons at the end of 2020 amounted to 1,046.4 thousand and increased by 20.8% on an annual scale, while the registered unemployment rate increased to 6.3%. But since March 2021, these indicators have been systematically decreasing (with the exception of January 2022).

The registered unemployment rate at the end of June 2022 amounted to 4.9%, and the number of registered unemployed persons stood at 818.0 thousand, which means that when compared to February 2020 (before the COVID-19 epidemic), the unemployment rate decreased by 0.6 percentage points, and the number of unemployed by 101.8 thousand (by 11.1%). **At the end of June 2022, unemployment was the lowest in 32 years.**

The unemployment level in Poland has for years been marked by seasonality, growing in months starting and ending the year, and territorially diversified across the country. In June 2022, the unemployment rate remained at a single-digit level in all Polish provinces. The highest rate was reported in Warmińsko-Mazurskie Province (7.6%) and the lowest in Wielkopolskie Province (2.7%).

People from older age groups, poorly educated and without history of employment are among those who remain listed by employment services as unemployed for the longest period of time.

The state's responsibility to promote employment, mitigate the effects of unemployment and enable professional activation is handled by **labour market institutions**. Actions taken by labour market institutions are aimed at achieving full and productive employment.

These labour market institutions include:

- 1) **public employment services**, which consist of employment authorities (the Minister responsible for labour matters, Marshals of Provinces, Heads of Districts, Mayors of cities with the status of a District, and Heads of Provinces) along with District and Province employment offices, the office supporting the Minister responsible for labour matters, and Province Offices;
- 2) **the Voluntary Labour Corps**, which is a state unit specialised in activities for youths, particularly the youth threatened by social exclusion, and the unemployed aged 25 and younger;

- 3) **employment agencies**, which are non-public organisational units that provide job placement services, recruitment services on behalf of foreign employers, vocational guidance, HR consulting services, and agency services for temporary work;
- 4) **training institutions**, which are public and non-public entities that provide off-school education under separate legal provisions;
- 5) **institutions of social dialogue on the labour market**, which are organisations and institutions specialised in matters of the labour market, such as trade union organisations, employer and unemployed organisations, as well as non-governmental organisations whose statutory tasks include promotion of employment, mitigation of the effects of unemployment and professional activation;
- 6) **local partnership institutions**, which are groups of institutions involved in labour market ventures on a contractual basis.

Being part of the public employment services, **Province and District Employment Offices** assist the unemployed and job seekers in obtaining appropriate jobs, as well as employers in hiring appropriate personnel.

District Employment Offices (*powiatowy urząd pracy*) pay out benefits for the unemployed and acquire and manage funds for prevention of unemployment and actions on their local labour markets.

Province Employment Offices (*wojewódzki urząd pracy*) are institutions competent for accepting and examining applications from the unemployed for issuing documents related to unemployment benefits. They confirm insurance and employment periods completed in Poland to enable submission of the related data to authorities in other EU and EFTA Member States so that citizens can apply for unemployment benefits there. Province Employment Offices issue documents which entitle to transfer a Polish unemployment benefit to another EU or EFTA Member State. They also issue decisions on the right to unemployment benefits when the relevant employment period in a foreign country (an EU or EFTA Member State) has impact on the acquisition, amount or period of receiving the benefit.

Polish public employment services have been a member of the European Employment Services (**EURES**) since 1 May 2004. In addition, the Volunteer Labour Corps joined the network on 1 January 2015. Province and District Employment Offices and the Voluntary Labour Corps carry out activities within the EURES network, in particular international job placement services complete with adviso-

ry services on job mobility on the European labour market. Job placement services within the EURES network may also be provided by entities accredited by the Minister of Family and Social Policy. The EURES personnel, i.e. EURES advisers and assistants at Province Employment Offices and the Voluntary Labour Corps, and EURES customer advisers (recruitment agents) at District Employment Offices, assist EU and EFTA Member State citizens in finding appropriate jobs in Poland.

Registering as an unemployed person

To register as an **unemployed person**:

- 1) visit the District Employment Office of your place of permanent or temporary residence; if you have not registered your place of residence, visit the District Employment Office within whose operating area you are currently staying (a list of District Employment Offices can be found on the Public Employment Services Portal in the tab "Go to your Office"/"Przejdź do swojego urzędu");
- 2) use the **electronic registration system at a District Employment Office**; the system is addressed to all people who have access to the Internet. You can choose either of the following options:
 - a) **pre-registration**, in which you fill in an electronic application to be registered as an unemployed person. The form is available online on electronic services portal of Employment Offices. When completed, the application must be sent to the competent District Employment Office.

After the required data has been submitted, the District Employment Office schedules an appointment for you within 7 working days to deliver all documents that must be registered and to complete the registration process. If you fail to appear on the date set by the Office, the data you have submitted is deleted from its computer system;

or
 - b) **electronic registration** at a District Employment Office, in which you:
 - fill in an electronic application form to be registered as an unemployed person. The form is available online on electronic services portal of Employment Offices;
 - attach documents issued electronically and scans of documents issued in paper form, as required for registration;

- sign your application and attached documents as well as a declaration that the data you have provided is true and that you have been familiarised with the conditions for retaining the status of an unemployed person (which you submit (subject to criminal liability for making false statements) with a qualified electronic signature, a trusted signature or your personal signature; and
- send your application with the declaration and attachments to the competent District Employment Office.

You will acquire the status of an unemployed person on the day you:

- 1) **visit your District Employment Office** – after you have authenticated your data with your handwritten signature and submitted a declaration that the data provided is true and that you have read the conditions for retaining the status of an unemployed person (the declaration is made in the presence of an officer of the District Employment Office and you may be subject to criminal liability if the declaration is false); or
- 2) **submit your electronic application** – after signing it as well as the attached documents and the declaration referred to in Point 1 (Subject to criminal liability for making false statements) with a qualified electronic signature, a trusted signature or your personal signature.

Employment support provided by Employment Offices

Persons who register with District Employment Offices as unemployed persons or job seekers may use various **forms of assistance** provided by the Offices in accordance with applicable provisions of law.

In the first place, such persons may receive **appropriate job offers** as part of job placement services provided by Employment Offices. If there are no appropriate job offers, the Employment Office will provide assistance to facilitate finding a job as part of its **vocational guidance** services.

Unemployed persons and job seekers may also receive assistance in their further professional development, in particular through different types of **training**.

Moreover, there is a range of **instruments** dedicated to the unemployed which enable them to:

- gain professional experience through referrals to **internships** or **vocational preparation for adults** conducted by employers,

- take up **subsidised employment**,
- start a **business**, or
- take initiative in the field of professional activation through a **system of vouchers** which guarantee that the Employment Office will cover the expenses related to training, internship or employment, including outside of the current place of residence, provided that they are taken on the unemployed person's initiative.

An unemployed person is offered various forms of professional activation by his/her District Employment Office which are included in the **Individual Action Plan**.

EU and EFTA Member State citizens, as well as their family members who are not EU or EFTA Member State citizens, registered with a District Employment Office may receive assistance under the same conditions as Polish citizens.

Unemployment benefit

A person who registers with a District Employment Office as an unemployed person may receive financial support in the form of an **unemployment benefit**.

The right to receive such a benefit is granted to persons who had **worked for 365 days in the 18 months immediately preceding the registration at a District Employment Office (or provide evidence that they have completed 365 days of other “eligible” period⁸)**.

The right to the unemployment benefit is established on the basis of documents submitted during the registration process. The right to the unemployment benefit is valid for 180 days after the date of registration (or 365 days in special situations listed in the relevant Act).

As a rule, to receive the unemployment benefit in Poland you must meet the following requirements:

- 1) you must be registered with a District Employment Office as an unemployed person;
- 2) there are no suitable offers of job, internship, vocational preparation for adults, training, intervention work or public work;
- 3) you can provide evidence that in the 18 months immediately preceding the date of your registration, you completed at least 365 days of:

⁸ For full information visit <https://psz.praca.gov.pl/-/14263-zasilek-dla-osob-bezrobotnych>

- a) employment for which you received remuneration in the amount equal to at least the minimum remuneration for work which is subject to the obligation to pay contributions to the Labour Fund;
- b) working under a tolling contract for which you received an income equal to at least the minimum remuneration for work;
- c) providing services under an agency contract, contract of mandate or other form of a contract for services which is subject to the provisions of the Civil Code on awarding such contracts or cooperating in their execution (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum monthly remuneration for work);
- d) paying social insurance contributions from non-agricultural activity or cooperation (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum remuneration for work);
- e) working during the period of provisional detention or when serving a prison sentence (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum remuneration for work);
- f) working for an agricultural production cooperative, a cooperative of agricultural machinery rings or a cooperative of agricultural services while being a member of that cooperative (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum remuneration for work);
- g) paying contributions to the Labour Fund in the amount of 9.75% of the average remuneration for each month of work in connection with employment or performing any other paid work in another EU or EFTA Member State;
- h) employment abroad if you have come to Poland as a repatriate;
- i) employment, service or any other paid work for which you received remuneration or income which was subject to the obligation to pay contributions to the Labour Fund.

The period during which the unemployment benefit may be claimed depends mainly on the situation on the local labour market and is equal to:

- **180 days** – for the unemployed who reside in a given District while claiming the unemployment benefit, provided that the unemployment rate in that area did not exceed 150% of the average unemployment rate for the entire country as of 30 June of the year preceding the day on which the right to the unemployment benefit was acquired,
- **365 days** – for the unemployed who:
 - reside in a given District while claiming the unemployment benefit, provided that the unemployment rate in that area exceeded 150% of the average unemployment rate for the entire country as of 30 June of the year preceding the day on which the right to the unemployment benefit was acquired,
 - are 50 or older and have completed a period of at least 20 years entitling to receive the unemployment benefit, or
 - support at least one child aged 15 or younger, and whose spouse is also unemployed and has lost the right to the unemployment benefit due to its expiry (after the date the unemployed person acquired the right to the benefit), or
 - are single parents who bring up at least one child aged 15 or younger.

The amount of the unemployment benefit depends mainly on the completed period of employment and amounts to:

- **basic benefit** (100%) – for the unemployed who have between 5 and 20 years of employment history:
 - **PLN 1,304.10** (ca. EUR 281) a month for the first 90 days after acquiring the right to the benefit,
 - **PLN 1,024.10** (ca. EUR 220) a month throughout the rest of the period in which the right to the benefit is held;
- **reduced benefit** (80% of the basic benefit) – for the unemployed who have below 5 years of employment history:
 - **PLN 1,043.28** (ca. EUR 224) a month for the first 90 days after acquiring the right to the benefit,
 - **PLN 819.28** (ca. EUR 176) a month throughout the rest of the period in which the right to the benefit is held;

- **increased benefit** (120% of the basic benefit) – for the unemployed who have at least 20 years of employment history:
 - **PLN 1,564.91** (ca. EUR 337) a month for the first 90 days after acquiring the right to the benefit,
 - **PLN 1,228.91** (ca. EUR 264) a month throughout the rest of the period in which the right to the benefit is held.

The period required to acquire the right to the unemployment benefit in Poland includes also periods of employment completed in other EU/EFTA Member States.

The unemployment benefit acquired in another EU or EFTA Member State may be transferred to Poland.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine **can register with a district labour office** and can be recognised as unemployed persons or job seekers. This means that persons registered with the labour office as unemployed persons can make use of the forms of support offered by the labour office. Therefore, they can, among others, take part in an internship or training. Citizens of Ukraine can register with labour offices **regardless of age**, i.e. women older than 60 and men older than 65.

A citizen of Ukraine has the right to perform work in the territory of the Republic of Poland during the period of stay consistent with the applicable legislation, if he/she is a citizen of Ukraine legally staying in the territory of the Republic of Poland – **if within 14 days from the date of commencement of work by a citizen of Ukraine the entity entrusting the performance of work notifies the district labour office** competent for the registered office or place of residence of this entity of having entrusted the performance of work to this citizen.

Poland was very quick in opening its labour market to citizens of Ukraine. The Ministry of Family and Social Policy prepared appropriate regulations allowing citizens of Ukraine to access the labour market without any conditions and formalities.

Citizens of Ukraine can legally take up work for any employer in Poland without any additional permits. An employer is obliged to notify the district labour office of the fact of having taken up work by a citizen of Ukraine within 14 days of taking

up work. **The number of notifications on entrusting work to a citizen of Ukraine is constantly growing, from 15 March 2022 to 27 July 2022 it amounted to 361 thousand and by 22 September 2022 it amounted to 515 thousand.**

From 24 February to 27 July 2022, a total of 52.7 thousand citizens of Ukraine registered with labour offices, of which almost 92% of citizens of Ukraine registering with labour offices were women, almost 30% had higher education and nearly ¾ were below 45. In turn, **36.6 thousand persons were deregistered**, mainly due to the commencement of participation in the so-called active forms (most often internships, training, intervention works and public works), taking up unsubsidised employment or unsubsidised economic activity and failure to confirm readiness to work or voluntary resignation from the status of an unemployed person.

After several months of growth, the number of unemployed citizens of Ukraine in both May and June 2022 was decreasing, and the downward trend was also observed in July 2022. According to the Ministry of Family and Social Policy's data, on 22 September **17.4 thousand citizens of Ukraine were registered with labour offices**, of which 16 thousand unemployed persons and 1.4 thousand job seekers.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://psz.praca.gov.pl/> Public Employment Services Portal

<https://praca.gov.pl/> Portal of electronic services of Employment Offices

<https://zielonalinia.gov.pl/> Information and Consultation Centre of Employment Services

<https://eures.praca.gov.pl/> Polish EURES website

<https://ohp.pl/> Voluntary Labour Corps

<https://stor.praca.gov.pl/portal/#/kraz/wyszukiwarka> Register of Employment Agencies

<https://stor.praca.gov.pl/portal/#/ris> Register of Training Institutions

<https://stor.praca.gov.pl/portal/#/eures> Register of entities accredited to provide job placement services as part of the EURES network

More information for citizens of Ukraine

<https://psz.praca.gov.pl/pomocdlaukrainy> Labour market – aid to citizens of Ukraine

4.19. Business activities

General information

Everybody has the **freedom** to undertake, conduct and end business activities in Poland under equal rights and in accordance with law. The freedom of economic activity may be restricted only under applicable legislation and exclusively due to an important public interest.

Beginning in 2018, the definition of economic activity does not include activities conducted by a natural person whose income from those activities in any month does not exceed 50% of the minimum wage and who has not conducted any recorded activity in the past 60 months.

Polish law provides for a **catalogue of available forms** of economic activity, ranging from economic activities conducted by natural persons (including as part of civil partnerships) to partnerships and capital companies. Factors that determine the ultimate decision as to the form of the economic activity conducted include the requirements concerning the initial capital, the scope of material liability for the economic activity conducted and the formalities related to the registration of the activity.

An entrepreneur - a natural person - may start economic activity on the day he/she submits an **application for entry in the Central Registration and Information on Business** (*Centralna Ewidencja i Informacja o Działalności Gospodarczej*, CEIDG), and in the case of partnerships or capital companies - on the day he/she obtained an entry in the register of entrepreneurs of the National Court Register (*Krajowy Rejestr Sądowy*, KRS). A capital company in organisation may undertake economic activities before being entered in the register of entrepreneurs.

Foreign persons who come from the EU Member States may undertake and conduct economic activity under the same conditions as Polish citizens.

Citizens of states other than the EU Member States, if they want to undertake and conduct economic activities in Poland under the same conditions as Polish citizens, must meet the requirements set forth in the Act on the Principles of Participation of Foreign Entrepreneurs and Other Foreign Persons in Economic Transactions in the Territory of the Republic of Poland. Citizens of such countries must have e.g. a permanent residence permit, a temporary residence permit for the purpose of carrying out economic activity, granted due to continuation of economic activity already conducted, on the basis of an entry in the CEIDG or a valid Polish Card.

A representative or proxy may be appointed to represent or assist in pursuing economic activity. The representative can be a natural person, as well as a legal person, for example, an accounting office operating in the form of a commercial partnership. The scope of the representative's powers depends on the type of a power of attorney granted to them. The proxy has broader powers which include all activities related to pursuing economic activity. The proxy is a special representative for an entrepreneur whose rights are described in the Civil Code. The proxy's activity does not replace or limit any personal activity in the company. However, the proxy's powers cannot be modified – they cannot be limited with effect against third parties. An entrepreneur registered with CEIDG has a possibility of publishing in the register of information about its representative or proxy, and entities entered in the National Court Register may publish information about their proxy.

Persons who intend to start an economic activity as well as active entrepreneurs may seek support from the **Polish Agency for Enterprise Development** as well as entities belonging to the Polish Development Fund group.

Individual economic activity

The most popular form of conducting an economic activity is operation on the basis of an entry in the CEIDG.

To pursue such an activity, it is necessary to **submit an application for the entry in the CEIDG** by submitting the electronic form which is available on the CEIDG website. The application must bear a qualified electronic signature, a trusted signature or a personal signature.

The application may be submitted to any Communal Office (*urząd gminy*) in per-

son or sent by registered mail (in which case it must be signed by the applicant and confirmed by a notary). The CEIDG entry will be made at the latest on the business day following the date of submission.

A part of the application is a declaration on the lack of bans on conducting an economic activity adjudicated against the applicant as well as on the lack of bans on pursuing a specific profession and bans on conducting activities related to upbringing, treating, teaching or caring for minors. It is also necessary to submit a declaration that the applicant has the legal title to every real property whose address is entered in the CEIDG (an entrepreneur registered in the CEIDG must have the legal title to all properties subject to entry in the CEIDG). The aforementioned declarations are subject to criminal liability for submitting false declarations.

An application for an entry into the CEIDG is at the same time an application for assigning the REGON number (the register of business entities of the national economy), **an application for assigning the NIP number** (Tax Identification Number) and **a declaration regarding the chosen form of taxation**.

If the applicant is a contribution payer, he/she may attach an application to register for social and health insurance or health insurance, an application to register his/her family member for health insurance, an application to change data provided in the aforementioned applications, and an application to unregister from the aforementioned insurances.

The CEIDG sends the data to the competent tax office indicated by the applicant, the competent statistical office and the Social Insurance Institution or the Agricultural Social Insurance Fund.

Making an entry in CEIDG is free of charge.

A **print-out of the CEIDG website** serves as a certificate of the entry in the CEIDG.

Public administration bodies must not request entrepreneurs to present, transfer or attach to their applications any CEIDG entry certificates. The NIP number serves as an identification number of entrepreneurs in the course of trading.

The CEIDG website allows users to search for an entrepreneur – a natural person, and to obtain necessary information about his/her economic activity.

As regards the **form of taxation**, the basic form of taxation is the progressive tax rate under general rules according to the tax scale. The following options are available: a lump sum tax on registered income and a flat tax. In addition, the

applicant may indicate the type of accounting documents which will be kept: accounting books, revenue and expense ledger or other accounting records.

Entrepreneurs may **suspend their economic activity**. During the period of suspension, entrepreneurs may not conduct any economic activity, generate current revenues from non-agricultural economic activity, except for the situations provided for in law, or employ any workers.

Civil law partnerships

A civil law partnership is a form of pursuing economic activity, which is created by concluding an agreement by at least two persons, they are called partners. A civil law partnership does not have any legal personality and is not an entrepreneur, but all partners in it must have the status of an entrepreneur and are obliged to independently register their economic activities with the relevant register. No initial or founding capital is required to establish a civil law partnership. All shareholders are jointly and severally liable for the partnership's liabilities.

Commercial companies

Commercial companies include partnerships and capital companies.

There are the following types of **partnerships**:

- **a registered partnership** – the basic form of a partnership. The scope of the partners' liability is characteristic for this type of partnerships. They bear subsidiary and unlimited liability for the partnership's liabilities. Each of the partners has the right to represent his/her partnership;
- **a professional partnership** – devised to pursue liberal professions, as listed in the Commercial Companies Code. Acting as partners in such a partnership may be persons pursuing the following professions: lawyer, pharmacist, architect, civil engineer, certified accountant, insurance broker, tax adviser, stockbroker, investment consultant, accountant, medical practitioner, dentist, veterinarian, notary, nurse, midwife, legal counsel, patent attorney, property valuator and sworn translator. Provisions on professional partnerships regulate the matters of liability - partners are not liable for the partnership's liabilities which were incurred in connection with pursuing of a liberal profession by the other partners in the partnership, or for the partnership's liabilities arising from actions or omissions of persons employed by the partnership under an employment contract or other legal relationship who were managed by another partner when providing services related to the

partnership's business. Each partner has the right to represent his/her partnership individually. A professional partnership agreement may provide for entrusting the management board with handling the partnership matters and representing the partnership;

- **a limited partnership** – devised both for natural and legal persons. At least one of the partners – a general partner – is liable for the partnership's liabilities without limitation, while the liability of the other partners – limited partners – is limited to a specific amount, i.e. the limited partner's liability. A limited partnership is represented by general partners who have not been forbidden to represent the partnership by operation of law or under a valid court order;
- **limited joint-stock partnership** – devised to carry out economic activity on a large scale. The provisions lay down an obligation to pay in a minimum share capital in the amount of PLN 50,000 (ca. EUR 10,775). At least one partner is liable towards the creditors for the partnership's liabilities without limitation (general partner), and at least one partner acts as a shareholder. The shareholder is not liable for the partnership's liabilities. A limited joint-stock partnership is represented by general partners, but a shareholder may represent it as a proxy.

Capital companies include such companies as:

- **a limited liability company (sp. z o.o.)** – which is legal person. A limited liability company may be set up by both natural and legal persons. Such a company is liable for its liabilities with its whole property without limitations. The prerequisite is to pay in a minimum share capital in the amount of PLN 5,000 (ca. EUR 1,077). As a rule, partners bear liability up to the amount of the capital. The general meeting of partners is the supreme management body. A limited liability company is represented by the management board (which consists of at least one member) in accordance with the terms and conditions set forth in the articles of association. A limited liability company may also have a supervisory board or an audit committee or both.
- **a joint-stock company (S.A.)** – which is a legal person. A joint-stock company may be set up by both natural and legal persons. The prerequisite is to pay in a minimum share capital in the amount of PLN 100,000 (ca. EUR 21,551). The company is liable for its liabilities up to the amount of the stock capital as a rule. The general meeting of shareholders is the supreme management body. A joint-stock company is represented by the management board (which consists of at least one member) in accordance

with the terms and conditions set forth in the company statutes. A joint-stock company must have a Supervisory Board.

- **a simple joint-stock company (PSA)** – is a legal person. A company has been created mainly for start-ups. A share capital required when establishing a company can be PLN 1. The most important authority of a simple joint-stock company is the general meeting. It consists of shareholders, and if the company is one-person, the meeting will be composed of the founder only. The central authority of a company is a board of directors, combining the features of a management board and a supervisory board. It is also easier to manage the company's funds - no „frozen” share capital.

Branches and representations of foreign entrepreneurs

Foreign entrepreneurs may run business in Poland as part of **branch offices and representations**.

As defined in applicable legal provisions, a **branch office** is a separate and independent organisational unit of a business which operates outside the its registered office or main place of activity. A branch office of a foreign entrepreneur must be registered with the National Court Register.

Activities of a **representation** may include solely advertising and promotion of a foreign entrepreneur (excluding economic activity). A representation must be entered into the register of representations of foreign entrepreneurs which is kept by the Minister of Economic Development and Technology.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

In connection with the difficult situation of citizens of Ukraine, caused by the armed conflict, **separate rules to start up and pursue economic activity** have been established for them. They may start up and pursue economic activity in the territory of the Republic of Poland on the same terms as Polish citizens, provided that they stay in Poland legally and have a PESEL number.

The legality of stay will be verified pursuant to the *Act on assistance to citizens of Ukraine in connection with armed conflict in the territory of that state* as well as the *Act on foreigners*, in this case it covers all residence titles included therein.

A residence title is a document that gives the right to stay in the territory of Poland or another EU country. It can be:

- permanent residence permit,
- temporary residence permit,
- passport, in the case of entry and stay in the territory of Poland under visa-free traffic,
- certificate of temporary protection issued by the Office for Foreigners,
- imprint of the stamp, placed in the travel document of a citizen of Ukraine by the Head of Province, confirming the submission of an application for a temporary residence permit, an application for extension of a Schengen visa or a national visa or an application for a permanent residence permit or a residence permit for a long-term EU resident – such an imprint is also a residence title, the stay on this basis is legal from the date of submitting an application to the day, on which a decision on granting a temporary residence permit becomes final.

At the moment of losing the right to legal stay in the territory of the Republic of Poland, an entrepreneur – **a citizen of Ukraine will be deleted from CEIDG on general terms.**

Similarly, facilities have been introduced for spouses of citizens of Ukraine who arrived in the territory of the Republic of Poland after 24.02.2022. In this case, an application for entry in CEIDG must be accompanied by a marriage certificate along with a sworn translation, documents of both spouses and the confirmation of crossing the border after 24.02.2022 and such a person must have a PESEL number as well.

For more information visit

<https://www.gov.pl/web/rozwoj-technologie> Ministry of Economic Development and Technology

<https://www.ceidg.gov.pl> Central Registration and Information on Business (*Centralna Ewidencja i Informacja o Działalności Gospodarczej*)

<https://www.biznes.gov.pl/przedsiębiorcy> Information and services portal for entrepreneurs

<https://www.gov.pl/web/kas/dane-teleadresowe-jednostek-kas> Tax offices

<https://www.gov.pl/web/sprawiedliwosc> Ministry of Justice

<https://www.parp.gov.pl> Polish Agency for Enterprise Development (*Polska Agencja Rozwoju Przedsiębiorczości*)

<https://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*)

<https://www.gov.pl/web/kas> National Revenue Administration

<https://stat.gov.pl/> Statistics Poland (*Główny Urząd Statystyczny*)

<https://www.paih.gov.pl> Polish Investment and Trade Agency (*Polska Agencja Inwestycji i Handlu*)

<https://ems.ms.gov.pl/krs/wyszukiwaniepodmiotu> National Court Register (*Krajowy Rejestr Sądowy*)

<https://dane.gov.pl/dataset/1266> Register of representations of foreign entrepreneurs

More information for citizens of Ukraine

<https://www.biznes.gov.pl/pl/portal/001466> How a citizen of Ukraine may set up a company in Poland

<https://www.biznes.gov.pl/pl/portal/001481> How a citizen of Ukraine should prepare for registering a company with CEIDG

<https://pfr.pl/> Polish Development Fund's website



INCOME, REMUNERATION AND TAXES

5.1. Income and remuneration

Minimum remuneration for work

The rules and procedures for establishing the amount of the **minimum remuneration for work (wage)** and the minimum hourly rate for specific civil-law contracts are laid down in legislation. The amounts of the aforementioned wage guarantees are negotiated under the Social Dialogue Council on an annual basis.

In 2022, the minimum gross monthly wage for workers (i.e. persons employed under employment relationship) is **gross PLN 3,010** (ca. EUR 648). This amount is subject to deductions for *inter alia* social security contributions and advance personal income tax payments. The amount applies to a person who is employed on a full-time basis and is reduced accordingly for part-time workers. From 1 January 2023, the minimum remuneration will be PLN 3,490 gross (about EUR 752), while from 1 July 2023 – PLN 3,600 gross (about EUR 775).

The amount of the minimum remuneration for work includes all components of remuneration which are treated as payroll costs, excluding remuneration for overtime work, jubilee awards, severance payments paid at retirement, additional remuneration for night work and length-of-service allowance. It does not include payments from profit or balance-sheet surplus or the additional annual remuneration in the public sector. Should the remuneration of a worker be lower than the valid minimum remuneration for work in a given month due to the payment dates of certain remuneration components or the work time schedule, the worker has the right to receive a compensation which is paid together with his/her remuneration.

Remuneration

Remuneration systems **vary** from employer to employer. The terms and conditions for remunerating and granting other work-related benefits are **established under**:

- **collective agreements** (at the company or supra-company level – concluded by employers in whose establishments trade unions operate),

- **remuneration rules** (in the case of employers which employ at least 50 workers where no collective agreements have been concluded, or which employ between 20 and 50 workers if the relevant trade union organisation requests establishing such rules), or
- **employment contracts**.

The remuneration for work should be devised in a way which corresponds to the type of the work performed and to the required qualifications, and should take into account the volume and quality of the work performed. The remuneration is due for **completed work**. For the period during which work is not performed, the worker retains the right to remuneration only when provided for under the provisions of the labour law. To protect the remuneration for work, the Polish Labour Code contains a provision which states that a worker may not waive his/her right to remuneration or transfer it onto another person.

Employers are obliged to issue and keep a personal record (a list) for each worker separately which should specify the amount of remuneration for work paid out and other work-related benefits. If requested by the worker, the employer is obliged to make available the documents on the basis of which the remuneration has been calculated.

The remuneration is paid out **in cash**. It is possible to pay remuneration in a form other than cash, but only if such form is permitted under the provisions of the labour law or the collective agreement. The remuneration for work must be paid out **at least once a month** and on a fixed date which should be set up in advance, however not later than within the first 10 days of the next calendar month. As a rule, the remuneration is normally transferred into the worker's bank account. Should the worker wish to receive remuneration in cash directly to his/her hands, he/she will have to apply to the employer for such form of payment in writing or electronically.

Workers who receive income from employment are subject to **obligatory social insurance**. Employers are obliged to calculate contributions on the remuneration of the worker and to pay them to the Social Insurance Institution (ZUS). The **retirement pension contribution** of 19.52% is paid by the worker and by the employer in equal parts, the disability pension contribution of 8% is paid by the worker (1.5%) and by the employer (6.5%). The **sickness insurance contribution** of 2.45% is paid by the employee, while the accident insurance contribution is paid by the employer (from 0.67% to 3.33%). **Contributions to the Labour Fund (Fundusz Pracy)** (2.45%), the **Guaranteed Employee Benefits Fund (Fundusz Gwarantowanych Świadczeń Pracowniczych)** (0.10%) and **Solida-**

ity Fund (*Fundusz Solidarnościowy*) (0.15%) are paid by the employer.

The annual basis for assessment of retirement pension and disability pension contributions must not exceed the equivalent of thirty times the forecast average monthly remuneration. Working persons are also covered by **obligatory health insurance**. Health insurance contributions are paid in the amount of 9% of the assessment basis.

Matters related to payments of **remuneration under civil law contracts** are regulated primarily by the provisions of the Civil Code and depend on the type of the contract. As regards ensuring the minimum remuneration, the provisions of the Act on the minimum remuneration for work apply. A person who works under a contract of mandate (*umowa zlecenie*) or a service contract (*umowa o świadczenie usług*) subject to the provisions regarding mandates is entitled to a remuneration of at least the minimum hourly rate for each hour of work. In 2022, the minimum hourly rate for specific civil law contracts is **PLN 19.17** (ca. EUR 4.13) for each hour of work or provision of services. The minimum hourly rate is indexed annually and grows at the same rate as the amount of the minimum remuneration for work paid to workers. The minimum hourly rate **is not available** to persons who independently decide on the time and place for performing an order or providing a service; they are entitled only to the commission remuneration. In addition, the minimum hourly rate does not apply to specific contracts for care services, e.g. those concluded in order to run a family care home, agreements for caring for a child in foster care or caring for a group of people during trips that last longer than one day.

Average income

In the first quarter of 2022, **the average monthly gross remuneration was PLN 6,235.22 gross (ca. EUR 1,343)**. In June 2022, **the average monthly gross remuneration in the enterprise sector was 6,554.87 gross (ca. EUR 1,413)**.

For example, in the first quarter of 2022, **the average gross remuneration in Mazowieckie Province** (including the City of Warsaw) in respective sectors was: the enterprise sector – PLN 7,450 (ca. EUR 1,605), industry – PLN 6,886 (ca. EUR 1,484), industrial processing – PLN 6,762 (ca. EUR 1,457), construction – PLN 8,477 (ca. EUR 1,826), trade in and repairs of motor vehicles – PLN 7,517 (ca. EUR 1,620), transport and warehouse management – PLN 6,206 (ca. EUR 1,337), hospitality and catering – PLN 5,301 (ca. EUR 1,142), ICT – PLN 11,462 (ca. EUR 2,470), real estate services – PLN 8,423 (ca. EUR 1,815)

and administration and supporting services – PLN 5,310 (ca. EUR 1,144).

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

In terms of the minimum remuneration for work and the minimum hourly rate, citizens of Ukraine have the same rights as citizens of Poland.

For more information visit

<https://www.stat.gov.pl> Statistics Poland

5.2. Taxes

Types of taxes

In Poland, there are fifteen types of taxes which are divided into **direct taxes** (paid by a tax payer to the tax authority) and **indirect taxes** (paid when purchasing goods).

Direct taxes include:

- 1) personal income tax (PIT),
- 2) corporate income tax (CIT),
- 3) inheritance and donation tax,
- 4) tax on civil law transactions,
- 5) agricultural tax,
- 6) forest tax,
- 7) property tax,
- 8) tax on means of transport,
- 9) tonnage tax (levied on shipowners operating offshore commercial vessels in international shipping),
- 10) tax on the extraction of certain minerals,
- 11) tax on certain financial institutions,

12) tax on income subject to taxation in accordance with the principles set out in the Act on activation of the shipbuilding industry and complementary industries (tax on the value of production output sold),

13) retail sales tax.

Indirect taxes include:

- 1) value added tax (VAT – 23%, 8%, 5% and 0%),
- 2) excise duty,
- 3) gambling tax.

In the context of employment and conduct of economic activities in Poland, the most important taxes are the **Personal Income Tax** and the **Corporate Income Tax**.

Personal income tax

The most important tax for natural persons employed in Poland is the Personal Income Tax.

Income earned by natural persons is subject to the **Personal Income Tax**. If a tax payer earns income from more than one source in a given year, the sum of the income types from all sources in Poland and abroad is subject to taxation. **Income gained by non-residents in Poland or by Polish residents abroad is subject to the provisions of the relevant agreements concluded by Poland on the avoidance of double taxation.** Poland has signed such agreements with such countries as Austria, Germany, France and the United Kingdom. A full list of countries and agreements with them is available on the Ministry of Finance website.

Every person who resides in Poland must pay the tax on income earned. A person who resides in Poland means any person **whose “centre of personal or economic interests” is located in Poland** (e.g. he/she lives or works in Poland) or who stays in Poland for **longer than 183 days a year**. Such a person is a **tax resident** and is subject to taxation in Poland on the total amount of the income earned in a given year, both in Poland and abroad. A person who does not have a place of residence in Poland will pay his/her taxes in Poland only on his/her income received in Poland. Income is taxed in accordance with the principles set out in the agreements on the avoidance of double taxation concluded by Poland.

Income is taxable (revenues minus tax deductible expenses).

Tax deductible expenses are determined depending on the type of the revenues earned, e.g. for persons who earned revenues in 2022:

- from employment – the basic expenses amount to PLN 3,000 (ca. EUR 646) a year and PLN 250 (ca. EUR 54) a month,
- from contracts of mandate (*umowa zlecenia*) - the tax-deductible expenses are 20% of the revenues earned,
- from copyrights – the tax-deductible expenses are 50% of the revenues earned, but the total annual expenses must not exceed PLN 120,000 (ca. EUR 25,862),
- from economic activity – the tax-deductible expenses cover any costs which have been incurred in order to earn revenues or to maintain or secure the source of revenues, excluding the expenses listed in the Act as non-tax deductible.

The method for calculating the income tax depends on the source of revenues from which the income is earned. There are the following methods:

- 1) **progressive tax scale** with a tax-reducing amount – to natural persons taxing their revenue in line with general principles, a two-tier tax scale with rates amounting, from 1 July 2022, to **12%** and **32%** is applied, with one tax threshold of PLN 120,000 (about 25,862 EUR) and with a tax-reducing amount of PLN 3,600 (EUR 756).

The progressive tax scale applies to *inter alia* income earned from hired labour (employment relationship, contracts of mandate and specific-task contracts), old-age and disability pensions, economic activity, lease and rental.

The final settlement of this income and the advance tax payments made on it is made after the end of the year in the tax return (PIT-36 and PIT-37) submitted by the taxpayer or in the annual tax assessment (PIT-40A) submitted for the taxpayer by the pension authority, if the pension is the only source of income for the taxpayer.

Tax payers who have their income taxed according to the progressive tax scale, upon meeting the requirements specified by law, **following the request made in the PIT-36 or PIT-37 tax return may benefit from the joint taxation of income earned spouses or from preferential taxation of income earned by single parents.**

Spouses who have chosen this taxation method calculate their tax due as the double amount of the tax calculated for a half on their joint income.

On the other hand, single parents calculate the tax under preferential rules in the double amount of the tax calculated on a half of their income;

PIT-37 and PIT-36 tax returns are submitted to the tax office between 15 February and the end of April of the year following the tax year, unless the taxpayer leaves Poland earlier. In such case, the tax return must be submitted before departure.

2) 19% income tax on non-agricultural economic activity or special sections of agricultural production – income from non-agricultural economic activity or special sections of agricultural production (based on the accounting books) may be taxed with the tax rate of **19%**. The profit (loss) is settled under a separate PIT-36L tax return to be filed by the taxpayer between 15 February and the end of April in the year following the tax year;

3) flat-rate method of taxation for non-agricultural economic activity – taxpayers may choose, upon meeting the requirements specified by law, to tax revenue generated from non-agricultural economic activity in the form of a flat-rate tax on registered income.

The tax is calculated at a specific rate on revenue obtained. A separate tax return regarding this form of taxation is submitted from 15 February to the end of February of the year following the tax year (from 2023, the deadline will be until 30 April);

4) flat-rate method of taxation of revenues from lease and rental contracts - may be chosen by tax payers subject to meeting specific requirements specified by law. The tax rate is 8.5% on the revenues earned up to PLN 100,000 (EUR 21,551). The tax rate of 12.5% is charged on the surplus. A separate tax return is to be submitted between 15 February and the end of February of the following tax year (from 2023, the deadline will be until 30 April);

5) 19% income tax on certain capital gains – the uniform tax rate of 19% applies to certain capital gains (e.g. from the sale of securities or derivative financial instruments for a remuneration), the profit (loss) from which is settled under a separate PIT-38 tax return which the taxpayer files between 15 February and the end of April of the year following the tax year;

6) 19% income tax on the sale of properties for a remuneration – the

obligation to pay income tax of 19% on the income from the sale of properties for a remuneration comes into existence if the property is sold before the end of the period of 5 years starting from the end of the calendar year in which the property has been purchased or built, and if it is not part of economic activity; the income is settled under a separate PIT-39 tax return which the taxpayer files between 15 February and the end of April of the year following the tax year.

Income from the sale of real property for a fee is exempt from taxation if the respective revenues are used by the tax payer for his/her own housing purposes listed in the Polish tax regulations **within 3 years** after the end of the fiscal year in which the property was sold;

7) flat-rate income tax collected by the withholding agent – the tax applies to revenues (income) from e.g. winnings from lotteries, interests and discounts on securities, interests on cash (not related to the economic activity conducted) deposited in the bank account of the tax payer, participation in capital funds and dividends. Non-residents' income earned in Poland from such sources as interest, copyrights and related rights, know-how, advisory services, accounting services, legal services and advertising services is also subject to lump-sum tax withheld by the tax remitter. As a rule, these revenues (income) are not settled in a tax return, as the respective tax is collected and paid by the withholding agent.

8) preferential taxation with the so-called IP Box allows entrepreneurs to tax income obtained from qualified intellectual property rights, at a reduced tax rate, i.e.: 5%. IP Box is a solution supporting entrepreneurs at the stage of commercialisation of results of their research and development activity.

For more information on the filing of tax returns by natural persons who are personal income taxpayers, see Section 5.4.

Corporate income tax

Corporate income tax is paid by:

- **legal persons**,
- **organisational units without legal personality**, excluding inherited companies and companies without legal personality; the taxpayers are capital companies in organisation,

- limited partnerships and limited joint-stock partnerships with their registered office in Poland,
- general partnerships with their registered office in Poland, if the partners of the general partnership are not exclusively natural persons and the general partnership does not file certain information or its update with the competent head of the tax office,
- **tax capital groups** (i.e. groups which consist of at least two commercial law companies with legal personality which operate under capital associations and meet the conditions specified by law),
- **companies without legal personality with their registered office or central management in another state**, if they are treated as legal persons in accordance with the tax provisions of the that state and are subject to taxation on the total of their income in that state regardless of the place where the income is earned.

Tax payers with their **registered office or central management** in Poland are subject to taxation **on the total of their income**, regardless of the place where the income is earned. Tax payers which **do not have their registered office or central management** in Poland are subject to taxation **only on their income earned in Poland**.

Income tax is charged on income representing the sum of income from capital gains and income from other sources.

In principle, a surplus of total revenues earned from that source over the tax-deductible expenses achieved in a given tax year is deemed as **income** from a source of revenues. In the case of tax capital groups, a surplus of the total income of all companies from a given source of revenues over their total losses incurred on that source of revenues is the income from that source of revenues.

If the tax-deductible expenses exceed the sum of revenues (in the case of tax capital groups - if the sum of losses from a given source of revenues exceeds the sum of income from that source), the difference represents a loss from a source of revenues.

A taxpayer may use **the loss** to:

- reduce the profit in the next consecutive five tax years, but the reduction any of the years must not exceed 50% of the amount of the loss, or

- make a one-time reduction of the income from that source in the next consecutive five years by an amount of up to PLN 5,000,000 (EUR 1,077,586). If the loss incurred is higher, the amount that has not been deducted is subject to settlement in the remaining years of the 5-year period, but the reduction any of the years must not exceed 50% of the amount of the loss.

In the case of tax capital groups, losses incurred by a group are not covered from revenues of the respective group companies if the group agreement has expired or after the group has lost its status as a tax capital group. The group's revenues are not used for covering losses incurred by groups companies before the establishment of the group.

As regards **revenues from the share in profits** of legal persons (e.g. dividends) and **revenues of foreign entities from the license fees** (e.g. interests), the tax is charged on revenues.

In the case of capital relations and other specific associations, it is possible to tax income **by estimation**.

A specific form of taxation, potentially available to a large group of taxpayers from 1 January 2021, is the lump sum on income of limited companies. This is a new method of taxation linking taxable income to categories of balance sheet law and involving a change in the time when the tax obligation arises. In contrast to the classic CIT rules, a lump sum on income of limited companies links the emergence of the tax obligation with the distribution of the profit generated, and not with the generation of income. As a rule, the subject of taxation under the lump-sum system is the effective distribution of profit from a limited company, including to its shareholder. From 1 January 2022, the rules for using this preference have been additionally liberalised, *inter alia*, by expanding the catalogue of legal forms authorised to use the lump sum on income of companies by limited partnerships and limited joint-stock partnerships.

Polish tax law provides for a **catalogue of specific tax exemptions**, including for such taxpayers as unions, associations, foundations which pursue socially beneficial objectives listed in applicable regulations. For these taxpayers, the exemption applies to income which is used for performing the **socially beneficial objectives** specified in the national law. These objectives must correspond to the statutory objectives of these entities.

Taxable revenues include money received, pecuniary values, foreign exchange differences and the value of the items, rights or other services which have been received without a fee or for a partial fee. Regarded as revenues related to eco-

conomic activity and special sections of agricultural production and revenues from capital gains (excluding revenues from participation in profits of legal persons regarded as revenues in fact earned from such participation) earned in a given tax year are also revenues due, even if not actually received yet, excluding the value of the returned items and discounts and allowances granted.

Tax deductible costs are costs which are incurred to generate revenues or to maintain or secure a source of revenues, excluding the costs (expenses) which are not deemed to be incurred to generate revenues, as listed in applicable provisions of law.

Costs directly related to revenues are credited towards the tax-deductible costs in the tax year in which the related revenues were achieved.

Costs other than costs directly related to the respective revenues are deducted on the date they are incurred. Should the costs refer to a period which exceeds the tax year and it is not possible to determine which part refers to the particular tax year, they are treated as tax deductible costs proportionately to the length of the period they refer to.

The **tax base**, established as the difference between taxable revenues and tax-deductible costs, is a profit reduced by donations granted to public tasks specified in applicable provisions of law.

Donations for entities which carry out such activities in an EU Member State or an EEA Member State other than Poland may also be deducted under the joint limit of 10% of the income.

Donations for charity and care activities under the Church Acts – up to 100% of the income – are also deductible.

The value of the expenses incurred for research and development activities, i.e. the part of the costs for research and development which have also been treated as tax deductible costs, may also be deducted from the tax base.

The tax is equal to 19% of the tax base. Beginning on 1 January 2019, there is a 9% corporate income tax rate addressed to small taxpayers and start-ups; it applies to income other than from capital gains, provided that the taxpayer's revenues (regardless of the source) do not exceed EUR 2 million (expressed in PLN) in a given tax year.

As part of the CIT tax, it is possible to use preferential taxation with the so-called **IP Box**, which allows entrepreneurs to tax income obtained from qualified intellectual property rights, at a reduced tax rate, i.e.: 5%. IP Box is a solution suppor-

ting entrepreneurs at the stage of commercialisation of results of their research and development activity. Qualified intellectual property rights include, among others, a patent, a right from the registration of an industrial design or a copyright to a computer programme.

In addition, beginning in 2019, eligible income from eligible intellectual property rights, e.g. patents, rights from registration of industrial designs and copyrights to computer software, may be taxed with a **5% corporate tax as part of what is known as IP BOX**.

In addition, owners (co-owners) of fixed assets which are buildings located in Poland commissioned in whole or in part under rent, lease or other similar agreements pay the **income tax on revenues from buildings amounting to 0.035% of the tax base** for each month. The tax base is the sum of revenues from individual buildings minus PLN 10 million (EUR 2.1 million).

Tax payers and withholding agents **do not submit tax returns during the tax year**, but are obliged to **pay monthly advance payments**. Small taxpayers and start-up taxpayers have the right to pay income tax advance payments on a quarterly basis.

During the tax year, taxpayers can also settle their advance payments under the **simplified scheme**.

Taxpayers are obliged to submit their tax returns by the end of the third calendar month of the next year and, also by this date, pay the tax due or the difference between the income tax due as shown in the return and the sum of the advance payments due from the beginning of the year.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

The following applied to income from employment in Poland received by tax residents of Ukraine in 2021:

- convention of 12 January 1993 concluded between the Government of the Republic of Poland and the Government of Ukraine for the avoidance of double taxation and prevention of tax evasion with respect to taxes on income and capital (Journal of Laws of 1994 No. 63, item 269, as amended) – „convention”;

- multilateral convention of 24 November 2016 to implement tax treaty related measures to prevent base erosion and profit shifting (Journal of Laws of 2018, item 1369, as amended) – „MLI Convention”;
- Act of 26 July 1991 on personal income tax (Journal of Laws of 2021, item 1128, as amended) – „Act on PIT”.

The obligations of a citizen of Ukraine towards the Polish tax office depend on:

- how a citizen of Ukraine is employed;
- how income is qualified according to the convention and the Act on PIT.

Forms of employment and qualification of income obtained from employment:

- contract of employment (employment relationship) regulated in the Labour Code – it is hired labour within the meaning of Article 15 of the convention and employment relationship and related agreements under Article 10(1)(1) of the Act on PIT;
- contract of mandate concluded with an entrepreneur – a natural person, a company (a contract of mandate with an entrepreneur) governed in the Civil Code – are liberal professions within the meaning of Article 14 of the convention and activity pursued personally under Article 10(1)(2) of the Act on PIT;
- contract of mandate concluded with a natural person who does not pursue economic activity (an agreement with a person who does not pursue economic activity) regulated in the Civil Code – this is other income within the meaning of Article 21 of the convention and other sources under Article 10(1)(9) of the Act on PIT;
- harvest help contract regulated in the Act of 20 December 1990 on social insurance of farmers – this is other income within the meaning of Article 21 of the convention and other sources under Article 10(1)(9) of the Act on PIT.

Certain types of income may be specifically eligible under the convention, e.g. income obtained by artists and sportsmen, or by professors and research workers.

For more information visit

<https://www.gov.pl/web/finanse> Ministry of Finance

<https://www.podatki.gov.pl/> Tax portal

<https://www.podatki.gov.pl/abc-podatkow/broszury-informacyjne/>
Information brochures

<https://www.podatki.gov.pl/podatkowa-wspolpraca-miedzynarodowa/wy-kaz-umow-o-unikaniu-podwojnego-opodatkowania/> Ministry of Finance – list of countries with double taxation agreements

More information for citizens of Ukraine

https://www.podatki.gov.pl/media/7888/broszura_mf_rozliczenie_docho-dow_z_zatrudnienia_w_polsce_2022_ua.pdf Information brochure in Ukrainian

<https://www.podatki.gov.pl/pit/twoj-e-pit/informacje-w-jezyku-ukrainskim/>
Information in Ukrainian

5.3. Tax allowance and exemptions for natural persons

Rights to tax allowances and exemptions

Taxpayers in Poland are entitled to **certain tax allowances** and **tax exemptions** in accordance to applicable law.

Tax allowances

As regards taxpayers subject to **Personal Income Tax**, there are the following tax allowances:

- tax allowances deducted from taxable income,
- tax allowances deducted from the tax amount.

The following items may be **deducted from taxable income**:

- 1) **social insurance contributions** paid by the taxpayer;

- 2) **expenses for rehabilitation purposes** – the tax allowance is for persons with disabilities or taxpayers who support persons with disabilities. For the purposes of the tax allowance, it is deemed that a person with a disability is supported when his/her annual income does not exceed the equivalent of twelve social pensions in the amount as of December of the tax year. Additional annual monetary benefits for pensioners (known as the 13th and 14th pension), supplementary pension, payments for children's maintenance (alimony), care allowances, energy allowance, inflation allowance are not counted towards that income;
- 3) **donations** for:
- purposes listed in the Act on Public Benefit Activity and Volunteer Work, e.g. protection and promotion of health, culture, arts, science and education;
 - purposes of religious worship;
 - purposes of blood donation by voluntary blood donors;
 - purposes of vocational education conducted by public schools.
 - reconstruction of the Saxon Palace (*Pałac Saski*), Brühl Palace (*Pałac Brühla*) and tenement houses at ul. Królewska in Warsaw.
The total deductible amount must not exceed the equivalent of 6% of income;
- 4) **donations** for church legal persons which carry out charity and care activities – the allowance is subject to the Acts which regulate the relations between the state and individual churches and religious association. The deductible amount is 100% of the donation amount;
- 5) **donations to counteract COVID-19**, made e.g. to COVID hospitals, the Central Sanitary and Anti-Epidemic Reserve Base, shelters for the homeless, night shelters, social welfare homes, as well as in the form of tablets and laptops to schools, universities or bodies running these institutions.
In 2022, donations made from 1 January to the end of May, i.e. the month in which the state of the epidemic declared in Poland due to COVID-19 was lifted are deductible.
- 6) expenses on using the Internet – the deductible amount must not exceed PLN 760 (ca. EUR 163). The allowance may be used only during two consecutive tax years, provided that it was not used in the period immediately

- preceding these years;
- 7) expenses related to the **taxpayer's saving for retirement pension** – the payments made to the Individual Pension Security Account (*indywidualne konto zabezpieczenia emerytalnego*, IKZE) made by the taxpayer during the tax year are deductible up to the amount specified in the provisions on the Individual Pension Security Account. Payments made to the IKZE during the calendar year must not exceed the equivalent of 1.2 times the average monthly remuneration forecasted for the national economy for a given year in the Budget Act or in the Act on the Provisional Budget or drafts thereof, if the relevant Act have not been passed. In 2021, the maximum deductible amount is PLN 6,310.80 (ca. EUR 1,360). As of 1 January 2022, the contribution limit for persons conducting non-agricultural activity, is a value equivalent to 1.8 times the average projected monthly salary; in 2022, PLN 10,659.60 (EUR 2,297);
- 8) expenses of a taxpayer who is the owner or co-owner of a residential building related to **thermal insulation investments** in that building. The amount to be deducted must not exceed PLN 53,000 (EUR 11,422) for all thermal insulation investments made by the taxpayer;
- 9) **R&D relief** – allows to deduct tax-deductible costs incurred for research and development activity (eligible costs) from the tax base for entrepreneurs obtaining income other than from capital profits. As a consequence, expenses for research and development activity may be taken into account twice when calculating the income tax due. Such costs and expenses are taken into account for the first time in calculating income, by being considered tax-deductible costs, and then the tax base is reduced by eligible costs related to pursuing research and development activity. The solution applies to PIT and CIT taxpayers;
- 10) **relief for prototypes** – applies to entrepreneurs and consists in deducting from income the costs associated with the trial production of a new product and the placing of a new product on the market – the value of the deduction cannot exceed 30% of the costs incurred, however, not more than 10% of income. The solution applies to PIT and CIT taxpayers;
- 11) **relief for innovative employees** – applies to entrepreneurs and is an extension of the R&D relief, allows to reduce the advance payment for income tax collected by a taxpayer who is a withholding agent on income of natural persons, among others, from the employment relationship, obtained by

innovative employees, if a taxpayer (employer) suffered a loss in the tax year or did not obtain income allowing to deduct the amount of deduction due to it as part of the R&D relief. The amount of the deduction has been limited to the amount corresponding to the product of the lowest tax rate specified in the PIT tax scale (i.e. 12%) or 19% and the undeducted deduction under the R&D relief. The solution applies to PIT and CIT taxpayers;

- 12) **possibility of simultaneous use of IP Box preferences and R&D relief** – before 2022, it was not possible to apply the R&D relief and the IP Box relief concurrently to one (the same) income. It was possible to use both solutions in the same tax year for different categories of income – the R&D relief in relation to income taxed in line with general principles, and IP Box in relation to income from qualified intellectual property rights. The new solution consists in allowing to use the R&D relief, in a simultaneous manner, by a taxpayer obtaining income from intellectual property rights, which is covered by the IP Box regime. Therefore, a taxpayer commercialising the results of research and development and obtaining income from them which is qualified within the meaning of the legislation on IP Box will not be obliged to choose, at the end of the tax year, between two „mutually exclusive” preferences. The solution applies to PIT and CIT taxpayers;
- 13) **health insurance contributions paid in the tax year by taxpayers pursuing economic activity**, income from which is taxed at a uniform 19% tax rate (the so-called „flat tax”). The deduction applies from 1 July 2022, the maximum deduction limit is PLN 8,700 (EUR 1,875);
- 14) **membership fees paid to trade unions**, in the amount not exceeding PLN 500 (EUR 107) in the tax year;
- 15) **expenses incurred by an owner or co-owner of a historical monument** for:
- payments to the renovation reserve of a housing community or housing cooperative entered in the register of historical monuments or in the records of historical monuments, in the amount not exceeding 50% of the expenses incurred,
 - conservation, restoration or construction works in a historical monument entered in the register of historical monuments or in the records of historical monuments, in the amount not exceeding 50% of the expenses incurred,
 - acquisition of a historical monument entered in the register of historical

monuments, not more than the amount corresponding to the product of PLN 500 (EUR 107) and the number of square metres of usable area of this monument; the limit of deduction for all investment projects of a taxpayer in this regard may not exceed PLN 500,000 (EUR 107,758).

The following items may be **deducted from tax**:

child allowance – the allowance may be used by a taxpayer who brings up a minor child or maintains an adult disabled child who continues education or a child who continues education (up to the age of 25 years), with annual income/revenues not exceeding PLN 16,061.28 (EUR 3,461). The allowance may be used by parents, legal guardians (if the child lives with the guardian) and foster parents.

The deductible amounts are as follows:

- PLN 92.67 (ca. EUR 20) a month for the first and second child [PLN 1,112.04 (ca. 238 EUR) a year];
- PLN 166.67 (ca. EUR 35) a month for the third child [PLN 2,000.04 (ca. EUR 431) a year];
- PLN 225 (ca. EUR 48) a month for the fourth and each next child [PLN 2,700 each (ca. EU 581) a year].

Taxpayers whose **tax is not high enough** to deduct the full amount of the available allowance **have the right to receive the amount of the unused tax allowance**. However, it is to be born in mind that the amount of the unused allowance which is due to the taxpayer is limited. The amount of the limit is determined by the total of:

- deductible social security contributions paid for own insurance or collected by a withholding agent from the remuneration, less contributions deducted in the tax return from non-agricultural economic activity or special sections of agricultural production taxed with the 19% flat tax or the lump sum tax on registered income,
- health insurance contributions, less contributions deducted in the tax return from non-agricultural economic activity taxed with the 19% flat tax or the lump sum tax on registered income,
- social security contributions paid for own insurance or collected by a withholding agent from a taxpayer’s remuneration on revenue obtained, which are subject to exemption under the reliefs: relief for young people, relief

for return, relief for families 4+, relief for working seniors, except for revenue from non-agricultural economic activity taxed with the 19% flat tax, 5% tax on income from qualified intellectual property rights or lump sum income tax.

Tax exemptions

The purpose of **tax exemptions** is to *inter alia*:

- 1) **pursue the family policy** which provides for tax exemptions for e.g.
 - a) family benefits received under the provisions on family benefits, family and care bonuses, benefits for guardians under the provisions on the determination and payment of benefits for guardians, pecuniary benefits received in case it is impossible to support child maintenance, childbirth benefits received under separate provisions and parental benefits received under the provisions on the state aid in bringing up children;
 - b) maternity benefits received under the provisions on the agricultural social insurance;
 - c) one-time benefits received under the provisions on the support for pregnant women and families "For Life" (*Za życiem*);
 - d) one-time benefits on the occasion of the birth of a child which are paid out from trade union funds;
 - e) child maintenance (up to the age of 25 years and for children who receive benefits/additional payments/care benefits or social pensions, irrespective of their age), and up to the amount of PLN 700 (ca. EUR 150) a month for other persons;
 - f) **revenue** up to the amount **not exceeding PLN 85,528** (EUR 18,432) in the tax year obtained from: full-time work, contract of mandate, maternity benefits, economic activity taxed according to the tax scale, 19% flat tax, 5% rate (the so-called IP Box) and the lump sum tax on registered income, of a **taxpayer** who, in the tax year, in relation to at least 4 children: exercised parental authority, acted as a legal guardian if a child lived with him/her, or performed the function of a foster family based on the court decision or an agreement concluded with the Head of the District, and in the case of adult learning children, he/she performed the maintenance obligation incumbent on him/her, or who performed the function of a foster family, or whose children receive a nursing allowance or social pension or learn in schools until they reach the age of 25;

- 2) **support persons in a particularly difficult situation due to unexpected circumstances**, which is provided in the form of tax exemptions for e.g.
 - a) social aid benefits;
 - b) one-time benefits from the state budget or from the budget of a local self-government unit in connection with a life event;
- 3) **support pensioners**, which is provided in the form of tax exemptions for:
 - a) benefits received by pensioners from their former work establishments in connection with their service relationship, employment relationship or the cooperative employment relationship, and from trade unions – up to the amount which must not exceed PLN 4,500 (ca. EUR 969) in a given tax year;
 - b) rises (increases) in foreign pensions paid by a withholding agent, which have the nature of family allowances;
 - c) benefits meant to cover the total or partial amount of TV and radio subscription fees;
 - d) revenue up to an amount not exceeding PLN 85,528 (EUR 18,432) in the tax year obtained by taxpayers who, after turning 60 years old (in the case of women) and 65 years old (in the case of men), still remain economically active, and who, despite the acquisition of rights, do not receive an old age pension or other benefit of a similar nature. The exemption applies to revenue earned from full-time work, contract of mandate, maternity benefits, economic activity taxed according to the tax scale, 19% flat tax, 5% rate (the so-called IP Box) and the lump sum tax on registered income;
- 4) **aid in adaptation to work (prevention of unemployment) and fitness to take an active part in social life**, in the form of the tax exemptions for certain benefits granted to the unemployed under applicable provisions of national law;
- 5) **provide state support for investments in education of children and youths**, in the form of tax exemptions for, e.g.:
 - a) scholarships and financial aid for pupils and students under the Higher Education and Science Law;
 - b) material support provided to pupils and persons taking part in other forms of education, financed from the state budget, budgets of local self-government units and from schools' own funds under the provisions of the

system of education and other scholarships approved by the Minister competent for education;

- c) scholarships and other funds awarded within the framework of tasks undertaken by the Polish National Agency for Academic Exchange;
 - d) scholarships granted by the Polish Academy of Sciences and its scientific and research institutes;
 - e) awards and prizes won by pupils in competitions, tournaments and contests organized under the provisions on the system of education;
 - f) aid for students in relation to professional apprenticeships during studies and to the redemption of student loans;
 - g) lump sums for maintenance and accommodation costs paid from the state budget in relation to the referral to teaching at schools and academic centres abroad;
 - h) prizes for outstanding achievements in the field of science, culture and arts, as well as for activities for the human rights to the extent in which the awarded person allocates the prize for public benefit purposes;
- 6) **provide state support to investing entrepreneurs: the Polish Investment Zone** is an instrument thanks to which entrepreneurs can be exempt from income tax in connection with the implementation of a new investment project. It can be used throughout Poland. The decision on support is issued upon request of an entrepreneur, after meeting the statutory criteria for a definite period of 10 to 15 years, depending on the intensity of public aid specified for a given area. It is a solution intended, in principle, for all enterprises from the industrial sector and selected sectors of modern services. This solution replaced the previous so-called **Special Economic Zones**, i.e. the need to invest in a strictly defined area of the country, in order to obtain tax exemption (also provided that the criteria specified by law have been met);
- 7) **promote sustainable forms employment for young people** which is manifested by exemption from PIT, up to PLN 85,528 (EUR 18,432) in the tax year, **of revenue of persons** who are below 26 and obtain this revenue from work (i.e. from an employment relationship, cooperative employment relationship, labour-based relationship or home-based relationship), contracts of mandate concluded with a company, graduate internships and student internships as well as maternity allowance;
- 8) **provide state support to persons returning from abroad** in the form of an

exemption dedicated to persons who have lived abroad for at least three years, and e.g. before this period have lived in Poland for at least 5 years, and who decide to return to the country and change their tax residency to Polish one. The exemption applies to revenue earned from full-time work, contract of mandate, maternity benefits, economic activity taxed according to the tax scale, 19% flat tax, 5% rate (the so-called IP Box), lump sum tax on registered income. It amounts to no more than PLN 85,528 (EUR 18,432) in each of four consecutive tax years from the beginning of the year in which a taxpayer transferred his/her place of residence to Poland or from the beginning of the following year.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Citizens of Ukraine are subject to the same regulations as citizens of Poland.

For more information visit

<https://www.gov.pl/web/finanse> Ministry of Finance

<https://www.podatki.gov.pl/> Tax portal

<https://www.podatki.gov.pl/pit/ulgi-odliczenia-i-zwolnienia/> Ministry of Finance – tax reliefs

More information for citizens of Ukraine

https://www.podatki.gov.pl/media/7888/broszura_mf_rozliczenie_dochodow_z_zatrudnienia_w_polsce_2022_ua.pdf Information brochure in Ukrainian

<https://www.podatki.gov.pl/pit/twoj-e-pit/informacje-w-jezyku-ukrainskim/> Information in Ukrainian

<https://www.podatki.gov.pl/uk/> Ministry of Finance's website in Ukrainian

5.4. Natural person's tax return

The return shall be submitted by the taxpayer. The return shows the taxpayer's income earned or the losses incurred for the tax year.

A taxpayer submits the return on an appropriate form and by the prescribed deadline.

PIT-36, PIT-37, PIT-38, PIT-39 returns are submitted by taxpayers from 15 February to **30 April of the year following the tax year** and if the last day of the deadline falls on Saturday or a public holiday, the last day of the deadline is the day following the holiday.

The taxpayer shall **submit the tax return to the tax office competent for his/her place of residence**.

Tax returns may be submitted in traditional (paper) form or electronically using interactive forms (e-returns) or the Your e-PIT (*Twój e-PIT*) service.

The Your e-PIT service is active from 15 February each year following the tax year. It involves preparation of PIT-37 and PIT-38 tax returns by the tax office and making them available to the taxpayer at www.podatki.gov.pl.

If the taxpayer does not this tax return or settle the tax in another way (i.e. outside of the Your e-PIT service), the tax return prepared for him/her by the tax office will be automatically accepted upon expiry of the deadline for its submission.

In such a case, it is deemed that the return (in the form prepared by the tax office) was submitted by the taxpayer on the last day of the deadline for submission. If the return automatically accepted shows an "amount to be paid", and the taxpayer fails to pay this amount by the deadline for submission of the return, the tax office shall, within one month of the expiry of the deadline, inform the taxpayer of the amount and of the obligation to pay it within 7 days of receipt of the information from the tax office.

In 2020, the Your e-PIT service was extended to PIT-36 tax returns filed by taxpayers who settle income other than from economic activity or special sections of agricultural production, except that in this case the return is not automatically accepted.

The Your e-PIT service also applies to PIT-28 tax returns filed by taxpayers who settle income other than from economic activity.

The Ministry of Finance prepares separate information brochures for the tax re-

turns valid for the particular year and they are also available on the website of the Ministry of Finance.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

After the end of the tax year in which a citizen of Ukraine **obtained revenue from employment in Poland**, an entrepreneur (withholding agent) employing this citizen of Ukraine, by the end of February of a given year, prepares the following information:

- IFT-1/IFT-1R – which means that a citizen of Ukraine **does not submit a tax return in Poland** or
- PIT-11 – then, by May 2 of a given year, a citizen of Ukraine submits a PIT-37 tax return for the previous year to the Polish tax office.

If a citizen of Ukraine did not have a withholding agent, and performed work through a permanent institution in Poland and obtained income from work in Poland on the basis of:

- contract concluded with a natural person who does not pursue economic activity
- or
- harvest help contract

then, by May 2 of a given year, a citizen of Ukraine **submits a PIT-36 tax return** for the previous year. If a citizen of Ukraine obtained income subject to settlement in the PIT-37 tax return as well as in PIT-36, he/she submits only one return with the symbol PIT-36.

For more information visit

<https://www.gov.pl/web/finanse> Ministry of Finance

<https://www.podatki.gov.pl/> Tax portal

More information for citizens of Ukraine

<https://www.podatki.gov.pl/pit/twoj-e-pit/informacje-w-jezyku-ukrainskim/>
Information in Ukrainian, among others, brochure of the Ministry of Finance: settlement of income from employment in Poland (Ukrainian version)

https://www.podatki.gov.pl/media/7954/broszura_mf_rozliczenie_dochodow_z_zatrudnienia_w_polsce_2022.pdf Information in Ukrainian, among others, brochure of the Ministry of Finance: settlement of income from employment in Poland (Polish version)

5.5. Flow of capital and payments

In Poland, EU and EFTA Member State citizens may use all sorts of financial services, including opening bank accounts and taking out loans, and can purchase all financial instruments, including bonds and shares. Citizens of these countries may freely transfer money abroad, including income earned in Poland from work and from investments in financial instruments.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Persons crossing the national border are obliged to declare in writing, to the customs authorities or the Border Guard authorities, the import into and the export outside the country of foreign exchange gold or platinum, regardless of the quantity, as well as of domestic or foreign legal tenders, if their value is equal to or exceeds the total equivalent of EUR 10 thousand, with the exception of travellers crossing internal borders with other Member States belonging to the Schengen area.

For more information visit

<https://www.granica.gov.pl> Border Guard



SOCIAL SECURITY IN POLAND

6.1. Social insurance system in Poland

Scope

The Polish universal **social security system** includes retirement pension insurance, disability pension insurance, sickness insurance and accident insurance.

The insured person is any natural person who is subject to at least one of the social insurances.

In Poland, there are **obligatory** and **voluntary** types of insurance and it is possible to **continue insurance**.

Retirement insurance and disability insurance are obligatory for *inter alia* employees (excluding prosecutors), members of agricultural production cooperatives, contractors, persons carrying out non-agricultural activities (economic activities, authors, artists and freelancers), clergymen, persons receiving unemployment benefits, persons on childcare leaves or persons receiving maternity benefits.

Persons who are not subject to obligatory retirement insurance and disability insurance are free to join the respective scheme.

Sickness insurance is obligatory for persons who are subject to obligatory retirement insurance and disability insurance and who are: employees (excluding prosecutors), members of agricultural production cooperatives and members of machinery rings, and persons who serve alternative military service. Sickness insurance is **voluntary** (may be joined upon a request) for persons who are subject to obligatory retirement insurance and disability insurance and who, *inter alia*, carry out non-agricultural activity, perform work under contracts for services or agency contracts.

Accident insurance is obligatory for persons who are subject to obligatory retirement insurance and disability insurance, e.g. employees, contractors, members of agricultural production cooperatives, persons carrying out non-agricultural activity and persons cooperating with them.

Principle of equal treatment

In accordance with the valid legal provisions, the Polish social security system is based on the principle of **equal treatment** of all insured persons irrespective of their nationality, sex, ethnic origin, marital status and family status. The principle of equal treatment refers to, in particular: the conditions under which persons may be covered by the social security system, the obligation to calculate and pay contributions to social insurance, the calculation of the amounts of benefits, the period for paying out benefits and the retained right to benefits.

Thus, the legal provisions do not make the insurance coverage dependent on citizenship, place of residence, place of stay, etc. In terms of the insurance coverage, the following matters are of importance: the fact that an employment contract or any other contract has been concluded with a Polish employer (entity), a company operating in Poland or its branch in Poland, or for an employer from an EU or EFTA Member State, and that these contracts are covered by the Polish social insurance scheme and that work is performed under these contracts in Poland.

Family members of EU and EFTA Member State citizens who are not EU or EFTA Member State citizens and are employed in Poland **are not subject to the Polish social insurance legislation** if such obligation is excluded under Community law or under an international agreement Poland is a party to.

Under the Polish law, the compliance with the principle of equal treatment on behalf of retirement pension institutions is supervised by courts. Any insured person who is of the opinion that the principle of equal treatment has not been adhered to in their case has the right to claim compensation for social insurance benefits before common courts.

Social insurance contributions

The retirement, disability and sickness contributions are equal for all insured persons and amount to:

19.52% of the contribution assessment basis – for retirement insurance contributions (they are paid by the contribution payer and the insured person in equal parts – 9.76% each),

8% of the contribution assessment basis – for disability insurance contributions (the contribution payer pays 6.5% and the insured person pays 1.5%),

2.45% of the contribution assessment basis – for sickness insurance contributions (the entire amount is paid by the insured person).

The accident insurance contributions may have different amounts and are range from 0.4% to 3.6% of the contribution assessment basis depending on the group or type of activity the contribution payer belongs to in accordance with the Classification of Business Activity. The entire amount of the insurance contribution is paid by the employer.

Performance of tasks under the social insurance system

In Poland, the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*, ZUS) is the primary authority which implements the provisions on social insurance. It is responsible for *inter alia* collecting social insurance contributions and distributing benefits (including retirement benefits, disability benefits, or sickness and maternity benefits) in the amount and under the principles specified by law. ZUS manages the Social Insurance Fund which is a special state fund established to finance social insurance benefits.

ZUS keeps **accounts for all persons who have been registered under the social insurance system**. The accounts are opened on the basis of the first registration document submitted by the payer of contributions for the respective insured person. Accounts of insured persons are used for *inter alia* registering the amounts of the due and paid contributions to retirement insurance, disability insurance, sickness insurance, accident and health insurance, as well as the amounts of the due and paid contributions to open pension funds. By 31 August each year, ZUS is obliged to send to the insured persons born after 31 December 1948 a report on the balance of their account with ZUS as of 31 December of the preceding year. The insured persons can also check the mentioned data with the use of the **ZUS Platform of Electronic Services (*Platforma Usług Elektronicznych ZUS - PUE*)** which provides online access to the data stored on the accounts of the insured persons with ZUS.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

All persons (regardless of nationality) who are subject to compulsory or voluntary

social insurance under the Polish legislation have the same rights and obligations in the field of social security.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*)

<https://www.zus.pl/baza-wiedzy/o-platformie-uslug-elektronicznych-pue-/o-platformie-uslug-elektronicznych-pue/-informacje-dotyczace-pue>
ZUS Platform of Electronic Services

More information for citizens of Ukraine

<https://www.zus.pl/-/bazovi-viplati-na-vipadok-hvorobi?redirect=%2Fu-a%2Fholovna-storinka> Social Insurance Institution (Information for refugees from Ukraine who want to work in Poland – Types of social insurance in Poland)

6.2. Coordination of social security systems

General principles

EU legislation lays down the rules for determining the applicable legislation, i.e. determining the country in which a citizen of an EU or EFTA Member State is insured in, provided that he/she works or runs a business in one or several Member States.

The **principle of place of work** is the basic principle for determining the applicable insurance legislation - it means that a citizen of an EU or EFTA Member State is covered by social and health insurance and makes contributions to the insurance system in the state in which he or she works.

In accordance with this principle:

- a worker employed in an EU or EFTA Member State is subject to the state's legislation even if he/she resides in another state or if his/her enterprise or employer has registered its office or place of business in another Member State,
- a self-employed person who operates in one an EU or EFTA Member State is subject to the legislation of that state even if he/she resides in another Member State,
- a seafarer sailing on a vessel flying the flag of an EU or EFTA Member State is subject to the legislation of the flag state,
- civil servants are subject to the legislation of the EU or EFTA Member State in which they are employed by the state administration.

However, there are certain situations in which the principle of the place of work is not sufficient or valid for determining the applicable legislation. Therefore, to avoid situations in which migrant workers would be insured in more than one states at a time, the EU provisions provide for a number of specific regulations concerning:

- posted workers,
- self-employed persons who transfer their activity to another Member State on a temporary basis,
- persons who are normally employed and/or carry out economic activity at their own risk in two or more Member States,
- members of the contract staff of the European Communities.

Citizens of EU or EFTA Member States who move abroad to work or live are protected by the provisions on the coordination of the social security systems. The provisions on the coordination of the social security systems lay down principles which enable the persons who work in several Member States at a time or consecutively to avoid adverse consequences of being subject to the social security systems of different states. They ensure that all EU and EFTA Member State citizens are treated equally, and ensure the right to health care, sickness benefits, family benefits, pension benefits, disability allowances, or benefits for the unemployed. They indicate the state which a working person or a person carrying out economic activity in a foreign state are subject to. They guarantee that the benefits acquired in one state, e.g. pension, will be paid out even if the eligible person moves to a different state.

Types of benefits

The **EU coordination** applies to the following benefits:

- 1) **retirement benefits and disability allowances** – if an EU or EFTA Member State citizen has worked in Poland for period that is too short to acquire pension rights, the Social Insurance Institution (Zakład Ubezpieczeń Społecznych, ZUS) will take into account insurance periods completed in the states covered by the coordination system. If an EU or EFTA Member State citizen has worked abroad for a period that is too short, the ZUS counterpart institution in the respective states will take into account the insurance period completed in Poland. Employment periods completed in each of the states covered by the coordination system are calculated against the service period which is necessary to acquire the pension rights, and the employment period in Poland is calculated against the service period in each of the states likewise. The principle for summing up the insurance periods refers both to works and those who are self-employed.

A citizen of an EU or EFTA Member State may apply for the right to retirement pension, disability pension or survivor's pension in other Member States if they have been subject to insurance in any of these states for a at least one year, and the aggregate period permits granting the pension rights. If a citizen of an EU or EFTA Member State worked for a period **shorter than one year** in any of these Member States, the period will be calculated against the aggregate service period by other states when determining his/her pension rights in the states in which he/she has worked. Retirement and disability pensions are granted and calculated in accordance with the law of each of the EU and EFTA Member States in which the person has worked;

- 2) **benefits in the event of an accident at work or occupational diseases** – a pension in the event of an accident at work or an occupational disease is granted in accordance with the law of the state in which the EU or EFTA Member State citizen concerned worked when he fell ill or when the accident happened;
- 3) **family benefits** – in Poland, family benefits are financed from the state budget, and the right to receive them depends on the situation of a given family.

Family benefits are granted even if the eligible person lives in the territory of a state other than the state which is obliged to pay out the respective benefits. Family benefits are also granted if your family lives in a state other than the

state which has granted the respective benefits.

Should more than one state pay out family benefits, the order for paying out the benefits is the following: in the first place under the employment contract or self-employment, in the second place under the right to retirement benefits or disability allowances, and lastly on the basis of the place of residence;

In addition, from 1 January 2022, family care capital and the benefit for bringing up a child for the benefit period starting on 1 June 2022 are paid in the full amount due to a given parent, after meeting the statutory criteria, regardless of the application of priority rules to the payment of benefits;

- 4) **sickness and maternity benefits** and equivalent benefits for fathers which are covered by the social insurance coordination system include:
 - a) remuneration during sickness leave – which is due to workers for up to 33 days or up to 14 days during the calendar year respectively;
 - b) sickness benefit under the sickness or accident insurance – which is due to the persons who are covered by sickness or accident insurance for the period of sickness of up to 182 days, in the event of tuberculosis or during pregnancy – up to 270 days;
 - c) rehabilitation benefit under the sickness or accident insurance – which is due for the period of up to 12 months to the insured persons who are sick while receiving the benefits, if they give a chance that they will regain the capacity to work;
 - d) compensation benefit under the sickness or accident insurance – which is due for the period of professional rehabilitation, however not longer than 24 months;
 - e) maternity benefit – which is due to the insured person in the event of the birth of a child or of the adoption of a child;
 - f) care benefit – which are due to persons who are subject to obligatory sickness insurance and have been released from the obligation to work due to the need to care for a sick child or another family member;
- 5) **unemployment benefits**;
- 6) **health services**, including health care;
- 7) **funeral benefits** – the right to a funeral benefit in the event of death of the insured person or his/her family member is established and paid out by the

competent institution, i.e. the institution which has provided the respective insurance even if the insured person or his/her family member has lived in another EU or EFTA Member State.

The right the funeral benefit in the event of the death of a pensioner or a family member of a pensioner are established by the institution which has paid out the respective retirement pension or disability pension even if the pensioner used to live in an EU or EFTA Member State other than the one competent for the pension on the date of death, or if the death occurred in another Member State;

- 8) **pre-retirement benefits** – in the context of Polish law, they include:

- a) pre-retirement benefits;
- b) teacher compensation benefits.

Pre-retirement benefits are covered by the social insurance coordination system **to a very limited extent**. The principle of the export of benefits applies to them, but the principle of summing up the insurance periods does not. The right to claim pre-retirement benefits is established exclusively in accordance with the internal legislation applicable in a given Member State.

The benefits mentioned in points 1-4 are due to employed persons and persons carrying out economic activity in Poland and are governed by Polish law.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Although Ukraine is not an EU Member State, EU rules on the coordination of social security systems, in some situations, may also apply to citizens of Ukraine and their family members (third-country citizens and their family members), provided that they reside legally in the territory of a Member State (e.g. Poland) and are in a situation which in all terms concerns more than one Member State (there must be a cross-border relationship with more than one EU or EFTA country).⁹

If a citizen of a third country (Ukraine) is to receive an **A1 certificate**, he/she must legally reside in an EU Member State and move among the Member States. If such a person does not legally reside in an EU Member State, EU rules on the

⁹ The legal basis is Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010. Most often, these provisions will apply in a situation of seconding a citizen of Ukraine to work in another EU or EFTA country. To such persons, we apply Article 1 of Regulation No 1231/2010 [1].

coordination of social security systems do not apply to this person. Consequently, this person will not receive an A1 certificate.

The A1 certificate indicates the social security legislation that applies to a given person, i.e. indicates in which EU Member State social security contributions are paid for such a person.

A third-country citizen who wants to receive an A1 certificate must complete the **US-54 form „Information on the legality of residence of a third-country citizen”** available at PUE ZUS. The US-54 form is necessary for any application for an A1 for a third-country citizen.

ZUS will issue an A1 certificate if a person meets the condition of legal residence and the relevant conditions set out in the EU regulations, in particular, in the provisions of Regulation 883/2004 and Regulation 987/2009.

I. Residence titles giving the right to the A1 certificate

Specific residence titles give the right to an A1 certificate. Their list can be found on the ZUS website:

<https://www.zus.pl/-/ustalenie-miejsca-zamieszkania-w-przypadku-obywateli-panstw-trzecich-zmiana-zasad-od-2-maja-2018-r>

II. Withdrawal from submitting a certificate of tax residency to ZUS

From 29 March 2022, ZUS no longer requires attaching a certificate of tax residency (CFR-1) to an application for issuing an A1 certificate for a third-country citizen.

If an application for the A1 certificate was received by a ZUS facility before 29 March 2022 and was not accompanied by CFR-1, ZUS will no longer ask for its provision.

III. Biometric passports (visa-free traffic)

Citizens of Ukraine who arrived in Poland under the visa-free traffic on the basis of a biometric passport are also authorised to receive an A1 certificate.

IV. A1 certificates for citizens of Ukraine who have arrived in Poland since 24 February 2022.

A citizen of Ukraine who arrived in Poland after 23 February 2022 has the right to the legal stay for 18 months (until 24 August 2023) if he/she declares an intention to stay in Poland. Also, the stay of a spouse of a citizen of Ukraine who does not have a Ukrainian citizenship is considered legal.

However, the stay ceases to be legal if a person leaves Poland for a period of more than one month.

The right to the legal stay for 18 months in connection with arrival in the period from 24 February 2022 does not apply to citizens of Ukraine who have previously acquired the right to legal stay on any other grounds. The period of legality of stay of such persons will result from the residence title obtained before 24 February 2022.

An A1 certificate for such persons may be issued for a maximum period of legal stay, i.e. until 24 August 2023 (18 months counted from 24 February 2022).

A citizen of Ukraine whose stay is considered legal from 24 February 2022 may obtain a temporary residence permit for a period of three years. These people are allowed to work in Poland without a work permit. Applying for temporary residence for such persons is possible at the earliest 9 months after arrival in Poland.

A citizen of Ukraine who received a temporary residence permit for a period of 3 years may receive an A1 certificate. The date of validity of this certificate may not exceed the period indicated in the residence card.

V. A1 certificates for citizens of Ukraine who arrived in Poland before 24 February 2022.

Citizens of Ukraine who stayed legally in Poland before 24 February 2022 under the *Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict in the territory of that state* have their legality of stay and validity of residence permits automatically extended. Such persons may receive an A1 certificate for a maximum period of extended legality of stay.

The validity of temporary residence permits and Polish national visas (symbol D) is extended until 31 December 2022, if the current validity period expired after 23 February 2022. Extending the validity of a temporary residence permit does not authorise to obtain a new residence card. No new visa sticker is to be affixed to the travel document.

The legality of stay of citizens of Ukraine who arrived in Poland:

- under the visa-free traffic,
- on the basis of a Schengen visa (symbol C) issued by Poland,
- on the basis of a Schengen visa (symbol C) or a national visa (symbol D) issued by another Schengen State,

is extended by 18 months if the last day of the previous stay expires after February 23, 2022.

The validity of residence cards and Polish identity documents of a citizen of Ukraine is extended by 18 months if their current validity expires after 23 February 2022.

VI. Condition of insurance/residence for citizens of Ukraine

Citizens of Ukraine, like citizens of other third countries, still must meet the condition of being insured or residing in Poland for at least one month before being posted in order to make use of the provisions on Posting.

This condition should be met regardless of the date of arrival of a citizen of Ukraine in Poland – it applies to persons who arrived both before and after 24 February 2022.

Citizens of Ukraine legally residing in Poland can also be posted to the United Kingdom and covered by similar social protection as provided for by the EU legislation on the coordination of social security systems. This is guaranteed by the provisions of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, on the one hand, and the United Kingdom of Great Britain and Northern Ireland, on the other hand, concluded on 24 December 2020.

However, the **bilateral, non-EU, coordination of social security systems** may be most often applied to citizens of Ukraine, i.e. signed in Kyiv on 18 May 2012 and in force since 1 January 2014:

- Agreement between the Republic of Poland and Ukraine on social security, and
- Administrative agreement on the application of the Agreement between the Republic of Poland and Ukraine on social security.
- On the part of Poland, the above-mentioned Agreement applies to:

- sickness and maternity benefits,
- old age pensions, disability pensions due to incapacity to work and survivors' pensions,
- benefits for accidents at work and occupational diseases (disability pensions and one-off compensation),
- funeral allowances,
- unemployment benefits.

Obtaining the right to the above-mentioned benefits depends on being subject to social insurance in Poland **at the time of execution of the insurance risk** (e.g. sickness, birth of a child) or having insurance periods completed in Poland (e.g. applying for an old age or disability pension). The conditions required to acquire the right to the Polish benefit, which must be met by citizens of Ukraine, are the same as those which apply to citizens of Poland, and result from the Polish internal regulations. The principle of aggregation of insurance periods contained in the Polish-Ukrainian Agreement on social security is helpful in meeting these conditions.

The principle of aggregation of insurance periods facilitates the meeting of the condition of having an insurance period (e.g. required to acquire the right to an old age or disability pension). It allows to aggregate the insurance periods completed in Poland and Ukraine in order to receive the right to a benefit. If the aggregated Polish and Ukrainian periods are still insufficient to grant the benefit, it is possible to add an insurance period also completed in another country, provided that both Poland and Ukraine have an agreement with this country which provides for the aggregation of periods.

An important role is also played by the principle of transfer (export) of benefits. It allows to transfer Polish benefits to the bank accounts of beneficiaries residing in Ukraine and Ukrainian benefits to the bank accounts of eligible persons residing in Poland. This means that citizens of Ukraine currently residing in Poland, through ZUS, may submit an application for the transfer of a Ukrainian old age or disability pension to the bank account in Poland.

In each individual case, it is necessary to apply directly to the institution implementing the benefits, which, based on the data and documents provided, will inform about the procedure in a given case.

The list of institutions implementing the provisions on coordination can be found on the website of the Ministry of Family and Social Policy:

- EU coordination - <https://www.gov.pl/web/rodzina/wladze-i-instytucje>
- bilateral coordination - <https://www.gov.pl/web/rodzina/koordynacja-bilateralna>

More information for citizens of Ukraine

<https://www.gov.pl/web/rodzina/koordynacja-w-ramach-unii-europejskiej>

Ministry of Family and Social Policy

<https://www.gov.pl/web/rodzina/koordynacja-bilateralna> Ministry of Family and Social Policy

<https://www.gov.pl/web/rodzina/brexit2-> Ministry of Family and Social Policy

<https://www.zus.pl/swiadczenia/zasilki-dla-osob-pracujacych/zamieszkalych-za-granica/koordynacja-883/podstawowe-zasady-koordynacji-systemow-zabezpieczenia-spolecznego> Social Insurance Institution

<https://www.zus.pl/swiadczenia/emerytury-i-renty-dla-osob-pracujacych/zamieszkalych-za-granica/zasady-przyznawania-emerytur-i-rent-dla-osob-pracujacych-w-panstwach-umownych/umowa-z-ukraina-o-zabezpieczeniu-spolecznym> Social Insurance Institution

<https://www.krus.gov.pl/ue/realizacja-prawa-unijnego-przez-krus/> Agricultural Social Insurance Fund

<https://www.krus.gov.pl/zadania-krus/umowy-miedzynarodowe/umowy-dwustronne-o-zabezpieczeniu-spolecznym/umowy-o-zabezpieczeniu-spolecznym/umowa-z-ukraina/> Agricultural Social Insurance Fund

6.3. Sickness insurance

Insured persons and contribution

Obligatory sickness insurance and maternity insurance apply **mainly to workers**.

Those subject to obligatory pension insurance who *inter alia* perform work under agency contracts or contracts for services, carry out non-agricultural activity (economic activity, inventors, artists, freelancers) may join the sickness and maternity insurance schemes **voluntarily**.

The **contribution to sickness insurance and maternity insurance** amounts to 2.45% of the contribution assessment basis. The contribution is paid by the insured person.

Sickness and maternity benefits

The sickness and maternity insurances cover the following **benefits**:

- 1) **sickness benefit** – which is due to the insured person who has fallen ill during the sickness insurance period. As a rule, sickness benefits may be paid out upon the lapse of what is known as the **waiting period**. Persons who are subject to obligatory sickness insurance acquire the right to sickness benefits upon the lapse of 30 days of continuous sickness insurance. Those who are subject to this type of insurance on a voluntary basis acquire the right upon the lapse of 90 days of continuous sickness insurance.

Sickness benefits is due to the insured person **in the amount of 80%** of the assessment basis. However, when the incapacity for work occurred as a result of an **accident on the way to or from work**, during **pregnancy**, or affected **donors of tissues, cells or organs**, the sickness benefit is paid in the amount of **100%** of the assessment basis;

- 2) **maternity benefit** – which is due to the insured persons (women) who during the period of sickness insurance or maternity leave:
 - a) gave birth;
 - b) adopted a child at the age of up to 7 years or a child at the age of up to 10 years for whom a decision on the postponement of the school obligation has been taken, and has filed a motion with the guardianship court for its adoption;
 - c) taken a child at the age of 7 years or a child at the age of up to 10 years for whom a decision on the postponement of the school obligation has been taken for upbringing in a foster family, excluding professional foster families who are not relatives of the child.

The provision on the right to maternity benefits for those who take children for upbringing also apply to the insured male persons. Maternity benefits may also be used by the insured **father of the child**, if its mother has used at least 14 weeks of maternity leave.

Waiting periods do not apply to the maternity benefit.

The maternity benefit is due **for periods** which correspond to the periods of:

- a) maternity leave and a leave under the conditions of a maternity leave – from 20 to 37 weeks depending on the number of children who have been born at a time or the number of children who have been taken for upbringing;
- b) parental leave – up to 32 weeks in case one child has been born, up to 34 weeks in case two or more children have been born at a time, or up to 29 weeks in case a child has been taken for upbringing and the worker has the right to a leave under the conditions of a maternity leave of 9 weeks;
- c) paternity leave – 2 weeks.

The insured father of the child has the right to maternity benefit for the period which has been established as the period of parental leave **on equal terms** with the insured mother of the child. The maternity benefit for the period corresponding to the period of parental leave may also be used by both parents **simultaneously**, whereby the joint amount of the benefit due to both parents must not exceed 32, 34 or 29 weeks respectively.

The aforementioned principles also apply to the period during which maternity benefits are claimed by the insured persons who **are not workers**, persons receiving maternity benefits during childcare leaves and persons receiving maternity benefits upon the lapse of the insurance period.

There are also certain conditions (e.g. in case the child's mother who is not covered by sickness insurance dies or the child is abandoned by the mother), upon the fulfilment of which **maternity benefit is due to the insured father of the child** or any other insured member of the closest family who has acquired the right to maternity leave, a leave under the conditions of a maternity leave or parental leave or has ceased paid activity to provide personal care for the child.

Should the child's mother who does not have any title to be covered by sickness insurance take up employment at least on a half-time basis, **maternity**

benefit is due to the insured father of the child who has acquired the right to maternity leave, a leave under the conditions of a maternity leave or parental leave or has ceased paid activity to provide personal care for the child, **until the amount of the benefit has been used**, not longer than for the employment period of the mother.

The **maternity benefit** for the period determined as the period of maternity leave, a leave under the conditions of a maternity leave, and paternal leave, as a rule, is due in the amount of 100% of the assessment basis. On the other hand, in the period established as the period of the parental leave, the maternity benefit amount if 100% of the assessment basis for the first 6 (or 8 in the case of multiple birth) weeks of the leave, with in the remaining 26 weeks of the parental leave the benefit is 60% of the assessment basis.

If the insured woman applies for maternal benefit for the period of parental leave in the full amount within 21 days after giving birth to a child (or taking a child for upbringing), the maternity benefit for the joint period of the maternity and parental leave amounts to **80% of the calculation base**.

In the case of insured persons who are workers, the benefit assessment basis is the average monthly remuneration paid in the period of the 12 calendar months preceding the month in which the right to the benefit was established.

In the case of insured persons who are not workers, the benefit assessment basis is the average monthly revenue earned in the period of the 12 calendar months preceding the month in which the right to the benefit was established.

Pension insurance contributions are calculated on the maternity benefit (they are financed by the state budget);

- 3) **rehabilitation benefit** - which is granted to and insured person who has exhausted his/her right to claim sickness benefit, but he/she is **still not capable to work**, while the further treatment or rehabilitation **give a chance** to regain the capacity to work. This benefit due for the period which is necessary to restore the capacity to work, however not longer than 12 months;
- 4) **compensating benefit** - which is due to an insured person whose capacity to work is reduced and whose remuneration has been reduced due to professional **rehabilitation** (professional rehabilitation implies assistance for the person with disabilities to gain and maintain appropriate employment and promotion) in order to adapt or train for a particular job.

The compensating benefit is then due **throughout the period of rehabilitation**, however not longer than 24 months. The benefit is not due to a person who has the right to retirement pension or disability pension due to the incapacity for work.

The compensating benefits correspond to the difference between the average monthly remuneration for the period of 12 calendar months preceding rehabilitation and the monthly remuneration received while working for reduced remuneration;

- 5) **care benefit** - which is due to an insured person who has been released from the obligation to perform work due to the need to provide personal care for:
- a) a healthy child aged 8 or younger in the following situations: unexpected closure of the nursery, kindergarten or school attended by the child; childbirth or sickness of the child's parent or spouse who permanently cares for the child, if the childbirth or sickness does not allow the spouse or child's parent to care for the child; stay of the spouse or child's parent who permanently cares for the child in a health care facility;
 - b) a sick child aged 14 or younger;
 - c) a sick disabled child aged 18 or younger;
 - d) a disabled child aged 18 or younger in the event of childbirth or sickness of the spouse or child's parent who normally takes care for the child, provided that the spouse's or child's parent's childbirth or sickness prevented the spouse or child's parent to take such care or stay at the hospital with the child;
 - e) other sick family members (i.e. spouses, parents, child's parent, parents-in-law, grandparents, grandchildren, siblings and children older than 14 years of age) provided that they live in the same household during the period of care. The right to claim benefit is due to the mother and father of the child on equal terms, while the benefit is paid out to only one of the parents who applies for that for the particular period. The right to the benefit is available on equal terms to the mother and father of the child, but the benefit is paid only to one of them - the one who submitted the relevant application for a given period.

The care benefit is due for the period during which the insured person has been released from the obligation to perform work due to the need to provide personal care:

- a) **not longer than 60 days a year**, if care is provided to a healthy child aged 8 or younger or a sick child aged 14 or younger;
- b) **not longer than 30 days a year**, if care is provided to a sick disabled child aged between 14 and 18, or a disabled child aged between 8 and 18 in the event of childbirth or sickness of the spouse or child's parent who normally takes care for the child, provided that the spouse's or child's parent's childbirth or sickness prevented the spouse or child's parent to take such care or stay at the hospital with the child;
- c) **not longer than 14 days a year** if care is provided to a sick child aged 14 or older or another sick family member.

The care benefit is paid out in the amount of **80% of the remuneration** which the basis for assessing the benefit.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

By taking up employment or non-agricultural activity in Poland and having sickness insurance, a citizen of Ukraine can expect benefits from the Social Insurance Fund, including benefits and, among others, sickness, maternity or care benefits.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*)

<http://www.rodzicielski.gov.pl/> Special website with information about leaves related to child care

More information for citizens of Ukraine

<https://www.zus.pl/-/dopomoga=-na-vihovanna500--i-simejnj-kapital-opi1-?redirect-%2Fua%2Fholovna-storinka> Social Insurance Institution (sickness insurance benefits) – in Ukrainian

6.4. Benefits for families with children

Under the **system of family benefits**, parents have the right to claim three types of benefits:

- 1) **family benefit with extra payments** - the right to claim family benefit is due if the net monthly income of the family per person **does not exceed PLN 674** (ca. EUR 145) or PLN 764 (ca. EUR 164) if there is a child with disabilities in the family.

As of 1 July 2022, the monthly amount of the family benefit is:

- a) PLN 95 (EUR 20) for a child aged 5 years or younger;
- b) PLN 124 (EUR 26) for a child aged between 5 and 18 years;
- c) PLN 135 (EUR 29) for a child aged between 18 and 24 years.

A family eligible to receive the family benefit may use **extra payments to the family benefit** depending on their individual situation, these payments include:

- a) **a one-time childbirth grant** - PLN 1,000 (EUR 215);
- b) **extra payment for bringing up children in a large family** - PLN 95 (EUR 20) a month for the third child and each next child entitled to the family benefit;
- c) **extra payment for caring for children during childcare leave** - PLN 400 (EUR 86) a month during for period of 24 months;
- d) **extra payments for education and rehabilitation of a child with disabilities** - PLN 90 (EUR 20) a month for a child aged 5 or younger, or PLN 110 (EUR 23) a month for a child aged between 5 and 24;
- e) **extra payment for single parents** - PLN 193 (EUR 41) a month per child, however not more than PLN 386 (EUR 83) for all children; the payment is increased by PLN 80 (EUR 17) per child for children with disabilities, however not more than by PLN 160 (EUR 34) for all children;
- f) **extra payment for the beginning of the school year** - PLN 100 (EUR 21) per one child once a school year;

- g) **extra payment for children starting education outside of the place of residence** - in the following situations:

- the child or the studying person who holds a certificate of disability or a certificate on the degree of disability resides in the locality in which the secondary or artistic school is located and in which the school and education obligations are fulfilled or in which a primary school is located - in the amount of PLN 113 (24 EUR) a month per one child, or
- the child commutes from the place of residence to the locality in which the secondary or artistic school is located and in which the school and education obligations are fulfilled in terms of education which corresponds to secondary education - in the amount of PLN 69 (15 EUR) a month per one child,

- 2) **benefits related to childbirth** - these benefits include:

- a) **one-time support payment on the occasion of the birth of a child** in the amount of PLN 1,000 (EUR 215) depending on whether the income criterion has been met - the criterion is PLN 1,922 (EUR 414) net per person in a given family - and on whether the woman has been under medical care from the 10th week of pregnancy until the date of childbirth;
- b) **support payment which is granted under a resolution granted the Commune (*gmina*)** - paid from the own funds of the Commune. The Commune decides on whether it is going to pay out such payments, sets out the criteria for acquiring the right to the payments and their amount,
- c) **parental benefit** which is due to parents who cannot benefit from maternity benefit or maternity emolument due to their professional situation. This benefit is used by the unemployed, students and persons working under specific-task contracts. The parental benefit in the amount of PLN 1,000 (EUR 215) a month does not depend on the income criterion and is due for a period of one year (52 weeks) after childbirth, and may be extended to 71 weeks in the case of a multiple childbirth;

- 3) **care benefits** - these benefits include three types of benefits which are granted to persons who care for persons with disabilities (they cannot be collected together):

- a) **attendance benefits** - which is paid by Communes for parents who are not professionally active due to the necessity to provide care for a person

with disabilities who has become disabled before the age of 18 years or while studying at a school or university, however not later than by the age of 25 years. The attendance benefit does not depend on the income criterion and amounts to PLN 2,119 (EUR 456) a month, effective 1 January 2022. Contributions to retirement and disability and health insurance are also paid for a person who receives this benefit;

- b) **special care benefit** - which is paid by Communes to the carers of adult persons with disabilities who do not have the right to the attendance benefit and who are not professionally active due to the need to provide care for a family member with disabilities. This benefit is subject to meeting the income criterion - which amounts to PLN 764 (EUR 164) per family member - and is PLN 620 (EUR 133) a month. Contributions to retirement and disability and health insurance are also paid for a person who receives this benefit;
- c) **benefit for carers** - which is paid by Communes to carers of adult persons with disabilities who are not professionally active due to the need to provide care for a family member with disabilities. At present, the benefit may be claimed only by persons who have acquired the right to benefit for carers for the validity period of the certificate on disability or certificate on the degree of disability in relation to the issue of a new certificate. The benefit for carers does not depend on the income criterion and amounts to PLN 620 (EUR 133) a month. Contributions to retirement and disability and health insurance are also paid for a person who receives this benefit.

Furthermore, persons with disabilities who hold a relevant decision confirming disability and persons aged 75 or older have the right to an **attendance payment** which is a type of a family benefit paid by Communes for covering part of the expenses related to the need to receive care and assistance from another person. The payment does not depend on the income criterion and amounts to PLN 215.84 (EUR 46.51) a month. Persons entitled to a care allowance as part of a pension are not entitled to an attendance allowance.

As part of the system of family benefits, Communes may grant families an **additional benefit**. Taking into account local needs of their residents in terms of family benefits, a Commune may decide, by way of a resolution, to establish such family benefits. The decision regarding such an additional benefit and its amount is the exclusive competence of the Commune Council (*rada gminy*). The benefit is financed from the own funds of the Commune.

On 1 April 2016, a special **benefit for bringing up a child was introduced as**

part of the Rodzina 500+ (Family 500+) scheme. This benefit is available in the amount of PLN 500 (EUR 107) net per child in a family until the child reaches the age of 18. Beginning in July 2019, the benefit for bringing up a child is universal and applies to every child aged 18 or younger.

Introduced in 2018, the **Dobry start (Good Start) scheme** gives every school-child aged between 7 and 20 (24 for disabled children) a benefit of PLN 300 (EUR 64) each year in connection with the start of the school year. This benefit does not depend on the income criterion.

Persons who have the right to claim maintenance payments from the other parent under an enforceable title issued or approved by the court may claim payments from the **Fund for Maintenance Payments (fundusz alimentacyjny)**, provided that enforcement of the title has proved ineffective. Payments from the Fund for Maintenance Payments are due in the amount corresponding to the currently valid maintenance payments, however not more than PLN 500 (EUR 107) a month. Eligibility for the maintenance payment depends on meeting the income criterion, which is PLN 900 (EUR 193) per family member.

Execution of tasks regarding decisions to grant family benefits and payments from the Fund for Maintenance Payments is the responsibility of the Communal government (Heads of Communes, Mayors or Presidents of Cities). Tasks related to family benefits as regards coordination of social security systems are executed by the Provincial government – Heads of Province.

From 1 January 2022, the tasks in matters related to granting the benefit for bringing up a child are implemented by the Social Insurance Institution, which also deals with granting and payment of the benefit for bringing up a child, in cases where the legislation on the coordination of social security systems applies from 1 June 2022.

In matters concerning the benefit for bringing up a child, the Head of Province performs duties only in the scope related to the EU coordination of benefits.

Beginning on 1 July 2021, the granting and payment of the “*Dobry start*” benefit will be handled by the Social Insurance Institution. From 1 January 2022, the Social Insurance Institution also has dealt with granting and payment of the benefit for bringing up a child from the „Family 500+” programme.

From 1 January 2022 **Family Care Capital** has been functioning, i.e. a new benefit for parents of children between 12 and 36 months of age - a total of PLN 12,000 for the second and each subsequent child. The benefit is available regardless of income. The Social Insurance Institution will be in charge of the

implementation of the Family Welfare Capital, i.e. procedures concerning granting and payment of the benefit. The benefit has been paid from 1 January 2022.

On 1 March 2019, the „Mother 4+” programme (including fathers) came into force. The **parental supplementary benefit** is a special non-contribution benefit, financed from the state budget in the form of social assistance. It is the support for those persons who devoted themselves to raising at least four children, by giving up their professional work or working too short to get the right to even the lowest old age pension (from 1 March 2022 – PLN 1,338.44 gross).

The main aim of the supplementary parental benefit is to honour the persons who had to resigned from or were unable to take up paid work because they decided to bring up a large family. Acquiring the right to the supplementary parental benefit does not require any earlier payments for social insurance contributions. It is a financial benefit financed from the state budget which is only a supplement to alleviate the risk of old age. It is not equivalent to the retirement pension. The right to the benefit arises on the first day of the month in which the relevant decision was made, however not earlier than on the day the retirement age is reached.

The supplementary parental benefit programme is available to:

- a) a mother who either gave birth to and raised or raised at least four children, or to the father of the children who raised at least four children - if the mother died, abandoned her children or ceased to bring up her children for a long time;
- b) a person who does not have the necessary funds to live. After reaching retirement age - 60 years of age for women, 65 years of age for men;
- c) a person who resides only in Poland and who has (upon reaching the age of 16) the centre of vital interests in Poland – for at least 10 years;
- d) a Polish citizen or a person with the right of residence or permanent residence in Poland, an EU or EFTA Member State citizen or a foreign national legally staying in Poland.

If the person concerned already receives a benefit which is lower than the lowest retirement pension, the parental benefit will supplement the one already received to the amount of the lowest retirement pension - from 1 March 2022 PLN 1,338.44 (EUR 288). For a person who is not eligible to receive any benefits, the amount of the supplementary parental benefit will equal the lowest retirement pension.

The supplementary parental benefit will be available **at the request of the person concerned**. The relevant application should be submitted to a branch of the Social Security Institution (ZUS) or the Social Security Fund for Farmers (*Kasa Rolniczego Ubezpieczenia Społecznego*, KRUS). Applications can be submitted from 1 March 2019 on. Attached to the application should be birth certificates of the children, information of the PESEL numbers of the children, a statement on the applicant's personal, family, property and material situation and on other circumstances that are required for the benefit to be granted. Each application will be considered on a case-by-case basis, in the form of an administrative decision, by the President of ZUS or President of KRUS respectively.

The supplementary parental benefit is indexed annually. The benefit is subject to taxation and deduction of health insurance contributions in accordance with the provisions of the Act of 27 August 2004 on publicly-funded health care services.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

If a citizen of Ukraine applies for family benefits or a benefit for bringing up a child, the provisions on the coordination of social security systems (EU regulations) will apply in the case when the other parent or spouse of a person applying for the benefit lives, works or receives benefits (e.g. old age pension, disability pension, unemployment benefit and others) in the territory of another EU Member State, Norway, Switzerland, Liechtenstein, Iceland and, in some cases, the United Kingdom.

The parental supplementary benefit is also granted to citizens of Ukraine if they meet the above conditions.

Citizens of Ukraine and their families who, as a result of hostilities, have arrived in Poland from 24 February 2022 have access to family benefits within the meaning of Regulation (EC) No 883/2004, i.e.

- family benefits under the Act on family benefits (family allowance with appropriate supplements, one-off childbirth allowance, parental benefit, disability-related care benefits),

- benefits for bringing up a child under the Act on state aid in bringing up children,
- family care capital from the Act on family care capital, as well as the good start benefit,

on the same basis as citizens of Poland.

Pursuant to the regulations, the above-mentioned benefits are granted after meeting the appropriate conditions and criteria laid down in the laws and regulations governing these benefits.

It should be indicated that citizens of Ukraine who arrived in Poland after 23 February 2022 and who have been assigned a PESEL number have an additional UKR symbol assigned in the PESEL register and **it is the possession by a citizen of Ukraine of a PESEL number with the symbol „UKR” which confirms for the municipal competent authorities and ZUS the above-mentioned basic ground for the legality of stay and is the basis for obtaining benefits by a citizen of Ukraine.**

The tasks related to granting and payment of family benefits are implemented by the competent municipal authority, i.e. **the head of the commune, mayor of the town or city** or authorised **head/ employee of a social assistance centre** or other organisational unit of the municipality, competent **for the place of residence of an applicant.**

On the other hand, granting and payment of:

- good start benefit,
- benefit for bringing up a child under the „Family 500+” programme (in cases from applications submitted from 1 January 2022),
- family care capital,

is handled by the **Social Insurance Institution.**

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

More information for citizens of Ukraine

<https://www.zus.pl/ua/holovna-storinka/500-dla-gromadan-ukraini.-pitan->

na-ta-vidpovidi 500+ for citizens of Ukraine questions and answers in Ukrainian

<https://www.gov.pl/web/ua> Website for citizens of Ukraine

<https://www.gov.pl/web/rodzina/wiadczenia-rodzinne> Ministry of Family and Social Policy – family benefits

6.5. Pensions and old age benefits

Rights

The purpose of the retirement insurance is to secure income after reaching the retirement age and ending professional activity. The right to future pensions is dependent on the monthly contributions paid on the remuneration or revenues from any other paid activity which is subject to insurance, including *inter alia* under contracts of mandate and carrying out non-agricultural activity.

Pension schemes in Poland

The universal pension scheme consists of three pillars:

- 1) **the 1st pillar** is a pay-as-you-go scheme and is managed by a public institution - the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*, ZUS) which keeps individual accounts of the insured persons;
- 2) **the 2nd pillar is divided into open pension funds and sub-accounts kept by ZUS.**

Open pension funds (*Otwarty Fundusz Emerytalny*, OFE) are managed by private institutions - the pension fund companies (*Powszechnie Towarzystwo Emerytalne*, PTE). The open pension fund is a legal person the objective of which is to collect funds from insurance contributions and to invest them on the financial market. Until 31 January 2014, those born after 31 December 1968 were obliged to join the open pension funds. Beginning on 1 February 2014, persons who start their first job may choose whether they want part of their retirement insurance contribution to be paid to OFE or the total amount of the contribution to be paid to ZUS. Between 1 April and 31 July 2014, current members of open pension funds were allowed to decide on whether they would like to transfer their contributions to the open pension funds. The next

“transfer window”, i.e. the period during which the insured persons could change their decision on whether their contributions should be paid to open pension funds, was between 1 April until 31 July 2016. Further “transfer windows” are planned at 4-year intervals.

The sub-account is an account kept by ZUS under the insurance account to register the contributions to the 2nd pillar of the pension scheme which are not transferred to OFE. Funds on the sub-account are indexed with a co-efficient of average economic growth for the period of the last 5 years. In addition, starting from the date falling 10 before reaching the retirement age the sub-account is credited with the funds from OFE. This mechanism protects the insured persons against the risk of bad date, i.e. the collapse of the market at the time of retirement, which would trigger a decrease in the pension capital and consequently a decrease in retirement benefits;

3) **the 3rd pillar** is managed by private institutions. It is voluntary to join and its objective is to guarantee increased retirement benefits for an additional contribution. This pillar includes:

- a) Employee Pension Schemes (*pracowniczy program emerytalny*, PPE);
- b) Individual Pension Accounts (*indywidualne konto emerytalne*, IKE);
- c) Individual Pension Security Accounts (*indywidualne konto zabezpieczenia emerytalnego*, IKZE);
- d) Employee Capital Plans (*pracowniczy plan kapitałowy*, PPK).

The Employee Pension Schemes are a voluntary form of collective saving for retirement and are organised by employers in cooperation of workers. The basic contribution is financed by the employer, while the workers may declare that they will pay additional contributions which will be deducted from their remuneration. The funds transferred to the scheme are managed by a financial institution which is chosen by the employer and workers while setting up the scheme. A PPE member may get their funds paid out at a time or in instalments, however after reaching the age of 60 years. In 2022, members are allowed to pay additional contributions to one scheme up to the amount of PLN 26,649 (ca. EUR 5,743).

The **Individual Pension Accounts** and the **Individual Pension Security Accounts** are addressed to persons aged 16 or older. Under IKE and IKZE, there are separate accounts which are kept by: banks, insurance companies, voluntary pension funds, investment fund companies, or brokerage houses. Both IKE and IKZE enable to save for retirement **without the necessity to pay the income**

tax on capital gains of 19%. The difference between the two types of accounts is the date the funds are taxed with Personal Income Tax. In the case of **IKE**, the final withdrawal of the accumulated funds is **exempt from taxation**, while tax exemptions do not apply to payments made to the accounts. In the case of **IKZE**, **payments to the accounts are deducted from the tax base for Personal Income Tax**, while the withdrawal from the account after the saving period, i.e. after reaching the age of at least 65 years, will be taxed with a lump-sum tax rate of 10%. Payments to both types of accounts are subject to annual limits. For IKE, the contribution limit is the same for all and in 2022 it is PLN 17,766 (ca. EUR 3,828). However, in the case of IKZE, as of 2021, two contribution limits have been introduced, i.e. for persons conducting non-agricultural activity - PLN 10,659.60 (ca. EUR 2,297) and for other persons - PLN 7,106.40 (ca. EUR 1,531). The **Employee Capital Plans** were introduced under legal provisions, but they will start operating (depending on the employment level at a given entity) on 1 July 2019 for entities that employ at least 250 people, 1 January 2020 – for entities that employ at least 50 people, 1 July 2020 - for entities that employ at least 20 people, and 1 January 2021 for other entities which employ workers, including the state-budget units. PPK is a programme that will automatically cover all workers aged between 18 and 54 for whom their employers pay pension contributions (PPK does not cover self-employed persons, uniformed services or farmers). Persons aged between 55 and 69 may participate in PPK only after submitting a relevant declaration of will. A PPK member may resign from his/her participation in the programme.

The basic PPK contribution is financed by employers in the minimum amount of 1.5 % the gross remuneration and employees in the minimum amount of 2 % of the gross remuneration (the contribution is deducted from the worker’s remuneration). Additional contribution to PPK may also be paid - by the employer in the amount of up to 2.5%, and by the PPK member in the amount of up to 2% Moreover, supplementary payments are made to PPK from the Labour Fund in the amount of PLN 240 (EUR 51), and there is also the “welcome payment” of PLN 250 (EUR 53). Contributions, payments and the welcome payment are transferred to a financial institution of the employer’s choice (an investment fund managed by an investment fund company, a pension fund managed by PTE, an employee pension company or an insurance company). A PPK member may withdraw his/her accumulated funds after reaching the age of 60. In principle, a PPK member has the right to make a one-time withdrawal of 25% the funds accumulated in PPK, with the remaining 75% to be paid out in at least 120 monthly instalments. In such case, the withdrawal is exempted from taxation. However, if a PPK member decides to withdraw the remaining 75% in a smaller number of

instalments, then he/she will be obliged to pay flat rate income tax of 19% on gains from PPK.

A PPK member may withdraw all accumulated funds earlier, but this entails the requirement to pay a 19% income tax on capital gains. In the case of such withdrawal, the welcome and annual payment as well as the profit generated on the funds will be transferred to the State Treasury and treated as Labour Fund revenues. Furthermore, 30% of funds on the employer's the sub-account (the employer's deposits and the profit generated thereon) will be transferred to ZUS and treated as ZUS revenue. Information on the amount transferred to ZUS will be recorded on the worker's account as a contribution to pension insurance.

Contribution to pension insurance

The **contribution** equivalent to 19.52% of the calculation basis (remuneration/revenues) is transferred to retirement insurance.

The retirement insurance contribution is financed by the employer and by the insured person in equal parts, whereby the contribution paid to the open pension funds or registered on the sub-account comes from the part paid by the insured person.

The employer is responsible for paying the contribution to ZUS. The pension scheme is based on a strict relationship between the benefit amount and the amount of the factually paid contribution, as the pension benefit is calculated on the basis of the total amount of the retirement insurance contributions (the principle of the defined contribution).

There are two options for dividing the contribution under the 2nd pillar:

- if the insured person has not joined an open pension fund (OFE), the contribution is registered on: the account kept by the Social Insurance Institution - in the amount of 12.22%, on the sub-account kept by the Social Insurance Institution - in the amount of 7.3%,
- if the insured person decides to transfer the contribution to the account under the open pension fund scheme, the contribution is divided in the following way: 12.22% - the amount is registered on the account kept by the Social Insurance Institution, 4.38% - the amount is registered on the sub-account kept by the Social Insurance Institution, while 2.92% - the amount is registered on the account in OFE.

Granting of benefits

The retirement pension is **granted** - as a rule - **at the request** of the interested person. Decisions on granting the retirement pension are issued by retirement pension authorities which are competent for the place of residence of the person applying for the benefit. The procedure to granting the retirement pension is initiated after the interested person has applied for that.

The retirement pension is available to persons who have reached the **universal retirement age**.

The universal retirement age is **60 years for women** and **65 years for men** in Poland. For persons covered by the new pension scheme, there is no minimum insurance period required for the retirement pension to be granted.

Under the new principles, the **retirement pensions are calculated on the basis** of the total amount of the indexed contributions for the period from 1 January 1999, registered on the account of the insured person, and the indexed initial capital (calculated as an equivalent of the retirement insurance contributions paid before the 1 January 1999), increased by the amount of the contributions registered and indexed on the sub-account. The retirement pension is calculated by dividing the calculation basis by the expected period of the average life expectancy for persons at the age equivalent to the retirement age valid for the respective insured person.

The retirement pension is increased up to the amount of the lowest benefit, if the insured person:

- a man - can prove a contributory and a non-contributory period of at least 25 years,
- a woman - can prove a contributory and a non-contributory period of at least 20 years.

For citizens residing in another EU Member State and persons residing in states outside of the EU with which Poland has concluded international agreements on social insurance, the obligations related to granting benefits are performed by the **Foreign Pension Department of the Social Insurance Institution (Headquarters) and/or organizational units of the Social Insurance Institutions which have been designated by the President of the Social Insurance Institution**. A similar principle applies to the persons for whom the insurance periods in foreign countries have been taken into account by establishing the right and the amount of the retirement benefits, unless otherwise specified by international agreements.

In 2020, an additional **annual monetary benefit for pensioners** was introduced permanently into the insurance system (**known as the 13th pension**). Under law, this benefit is available annually to all pensioners and amounts to the lowest retirement pension as of 1 March of the year in which it is paid. Eligible to receive this benefit are persons who - on 31 March of the year in which the additional annual monetary benefit is paid - are eligible to receive retirement/disability pensions as part of the universal scheme, retirement/disability pensions for farmers, retirement/disability pensions for uniformed services, bridge pensions, pre-retirement benefits and payments, social pensions, teacher compensation benefits, supplementary parental benefits and disability pensions for war invalids and military personnel. The additional annual monetary benefit is not available to persons whose eligibility to receive benefits has been suspended as of 31 March of the year in which the additional annual monetary benefit is paid.

A further **annual cash benefit for old-age and disability pensioners** was paid in 2021 in addition to the 13th pensions. The so-called fourteenth pension was paid in autumn 2021. In contrast to the thirteenth pension, an income criterion of gross PLN 2,900 (EUR 625) has been introduced here while applying the zloty for zloty principle. In 2022, the 14th pension will also be paid on the similar terms as in 2021 (payments of this benefit will start at the end of August).

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

If a citizen of Ukraine worked in Poland and in Ukraine, he/she may receive **two benefits from ZUS and from social insurance institutions of Ukraine**. It is necessary to meet the conditions in the territory of both States. The legal basis is the *Agreement between the Republic of Poland and Ukraine on social security, signed in Kyiv on 18 May 2012*, which entered into force on 1 January 2014.

ZUS will pay a citizen of Ukraine an old age pension or other assistance for insurance periods in Poland, while a Ukrainian institution will pay for periods of work in Ukraine.

The rules of the Social Insurance Administration depend on whether a person was born before 1949 or after 1948. If a person was born before 1949, he/she is already a person of retirement age, which in Poland is 60 years for women, and for men – 65 years. ZUS will assign an old age pension if such a person demonstrates appropriate insurance experience. The insurance period required to receive an old age pension (payment periods of contributions and non-payment periods) is: 20 years for women, 25 years for men. If a given person cannot de-

monstrate such a long period of payment of contributions, he/she may obtain an old age pension if his/her experience is at least: 15 years for women, 20 years for men.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) – „benefits” tab

More information for citizens of Ukraine

https://www.zus.pl/documents/10182/167561/Emerytura+i+renty+dla+os%C3%B3b+na+Ukrainie_w+ukrai%C5%84ska_do+internetu.pdf/e7e27a16-6aac-0dea-9735-a32815468281?t=1583765257222

Social Insurance Institution – guide in Ukrainian on old age and disability pensions in Poland

6.6. Disability pensions

Entitlements and contributions

Disability insurance guarantees pecuniary benefits in case the insured person loses income due to **disability** (incapacity for work) or death of the breadwinner. In this situation, those who pay disability insurance contributions receive **disability pensions** which replace the lost remuneration or income, while **survivor's pensions** are paid to family members in case their breadwinner has died. As a rule, disability insurance is obligatory for the same categories of persons as retirement insurance.

The **contribution** to disability insurance amounts to 8% of the assessment basis, with 6.5% paid by the employer and 1.5% paid by the worker.

Payments under disability insurance

The following benefits are paid out disability insurance:

- 1) **allowances due to incapacity to work** - which are due to the insured person who has fulfilled the following conditions jointly:

- a) is not capable to work;
- b) has completed the required contributory and non-contributory period which covers at least five years of contributory and non-contributory periods during the last decade before submitting the application or before the incapacity to work has occurred; if the incapacity to work has occurred at the age of up to 30 years, the required contributory and non-contributory periods are shortened accordingly;
- c) the incapacity for work has occurred during the contributory and non-contributory periods or within 18 months from the end of the periods - the condition does not refer to the insured person who has proved the contributory and non-contributory period of at least 20 years for women and of 25 years for men, and is completely incapable to work.

A person is **not capable to work** if he or she has **completely** or **partially** lost the capacity to perform paid work due to physical impairment and does not give any chance to regain the capacity to work after requalification. The incapacity to work and its degree is established by the medical practitioner approved by ZUS as the first instance. The person concerned may appeal against the decision issued by the medical practitioner approved by the Social Insurance Institution to the Medical Committee of the Social Insurance Institution acting as the second instance.

The allowance due to partial incapacity to work amounts to **75% of the allowance due to complete incapacity to work**;

- 2) **survivor's pension** - this type of benefit is due to the eligible family members (children, widows, widowers, parents) of the person who has the established right to retirement benefit or disability allowance due to incapacity to work or has met the conditions for receiving one of the aforementioned benefits as of the date of his or her death. When examining the right to the survivor's pension, it is assumed that the deceased person was completely incapable to work.

The survivor's pension is due in the following amounts:

- a) **85% of the benefit** which would have been due to the deceased person, in the event when one person has the right to receive the survivor's pension;
- b) **90% of the benefit** which would have been due to the deceased person, in the event when two persons have the right to receive the survivor's pension;

- c) **95% of the benefit** which would have been due to the deceased person, in the event when three or more persons have the right to receive the survivor's pension.

All eligible family members have the right to claim **one joint survivor's pension** which is divided between the eligible persons in equal parts, if necessary. If the survivor is a complete orphan, he or she is eligible to an **extra payment to the pension for complete orphans**;

- 3) **training allowances** - which are due to those who have fulfilled the conditions for granting the allowance due to incapacity to work, against whom it has been decided that they should requalify due to their incapacity to work in the former profession. Training allowances are granted for a period of 6 months. The period may be shortened or extended up to 30 months as a maximum. The amount of the training allowance amounts to **75% of the assessment basis**; if the incapacity to work has been caused by an accident at work or an occupational disease, the amount of the allowance is equal to 100% of the assessment basis;
- 4) **funeral payments** - which are pecuniary benefits for covering costs of the funeral. Funeral payments are granted in the event of death of:
 - a) an insured person;
 - b) a person who receives retirement pension or disability pension;
 - c) a person who has not had the established right to retirement pension or disability pension on the date of death, but has fulfilled the conditions for claiming and receiving such benefits;
 - d) a person who receives sickness benefits, rehabilitation benefits, maternity benefits, or benefits in the amount of the maternity benefit for the period after the expiry of the insurance title;
 - e) a family member of the insured person or of the person receiving retirement pension or disability pension.

The funeral payment amounts to PLN 4,000 (ca. EUR 862) and is paid out by the branch offices of the Social Insurance Institution. The funeral payment is available to the family member who has covered the costs of the funeral and has applied for the payment.

The funeral payment may also be granted to **employers, social aid facilities, Communes, Districts, church legal persons or religious associations**, pro-

vided that they have covered the costs of the funeral. The funeral payment may also be granted to a person other than a family member or the aforementioned persons if the deceased person had his or her title to the funeral payment. In this situation, the amount of the funeral payment corresponds to the factually incurred costs of the funeral - up to the amount of PLN 4,000 as a maximum (ca. EUR 862).

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

Disability pensions and allowances

Disability pensions and allowances from disability insurance benefits are paid pursuant to the *agreement concluded between Poland and Ukraine, signed in Kyiv on 18 May 2012, which entered into force on 1 January 2014*.

The rights and disability pension contribution for citizens of Ukraine is the same as for citizens of Poland.

ZUS grants a benefit for incapacity for work (invalidity pension) if all the conditions are met, i.e.:

- a person is considered incapable of working (a certificate is issued by a competent ZUS doctor),
- a person has an insurance period corresponding to his/her age (contribution and non-contribution period):
 - 1 year of insurance period – if the incapacity for work emerged before the age of 20,
 - 2 years of insurance period – if a person became incapable of working between 20 and 22 years of age,
 - 3 years of insurance period – if a person became incapable of working between 22 and 25 years of age,
 - 4 years of insurance period – if a person became incapable of working between 25 and 30 years of age,
 - 5 years of insurance period – if a person became incapable of working after the age of 30.

Funeral payment

The funeral payment is a cash benefit granted to cover the funeral costs. It is granted to:

- family member,
- employer
- strange person,

if they paid the funeral costs

The funeral payment is granted in the event of death of:

- insured person,
- person receiving an old age and disability pension,
- person who, on the date of death, did not have an established right to receive an old age and disability pension but met the conditions for obtaining and receiving it,
- person receiving the sickness benefit, rehabilitation benefit, maternity allowance or allowance in the amount of maternity allowance for the period after the termination of the insurance title,
- family member of an insured person or of a person receiving an old age and disability pension.

It is also possible to apply for assistance to a Ukrainian institution under the established conditions of the Ukrainian legislation. Funeral assistance will be provided by an institution of a country where a person lived at the time of his/her death.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) – section „benefits”

More information for citizens of Ukraine

https://www.zus.pl/documents/10182/167561/Emerytura+i+ren-ty+dla+os%C3%B3b+na+Ukrainie_w+ukrai%C5%84ska_do+internetu.pdf/e7e27a16-6aac-0dea-9735-a32815468281?t=1583765257222

Social Insurance Institution – guide in Ukrainian on old age and disability pensions in Poland

6.7. Social benefits for accidents at work and occupational diseases

Entitlements and contributions

Insurance against accidents at work and occupational diseases covers persons who are subject to obligatory retirement and disability insurance, i.e. *inter alia* employees, persons working under contracts for services and those carrying out economic activity.

The **percentage contribution rate** for accident insurance varies for individual payers of contributions and is established depending on the level of occupational hazards and their adverse effects. Should the payer report up to 9 insured persons for accident insurance, the rate amounts to 50% of the highest percentage rate for the groups of activities and is equal to 1.8% of the assessment basis.

The total amount of the accident insurance contribution is paid by the employer.

Social benefits in the event of accidents at work and occupational diseases

Due to accidents at work and occupational diseases, the following benefits are due:

- **sickness benefits** – to the insured persons whose incapacity to work has been caused by an accident at work or occupational disease,
- **rehabilitation benefits** – paid out after the sickness benefits have been exhausted, if the insured persons is not capable to work yet, while the further treatment or rehabilitation give a chance that they will regain their capacity to work,
- **compensating benefits** – to the insured persons who are employees and whose remuneration has been decreased due to a permanent or long-term damage to their health,

- **one-time compensation** – to the insured persons who have suffered a permanent or long-term damage to their health or to family members of the deceased insured person or of the deceased person who used to receive a disability pension,
- **allowances in the event of incapacity for work** – to the insured persons who have become incapable to work due to an accident at work or occupational disease,
- **training allowances** – to the insured persons against whom it has been decided that they should requalify due to their incapacity to continue work in the former profession due to an accident at work or occupational disease,
- **survivor's pensions** – to family members of the deceased insured persons or to the persons who are eligible to claim allowances in the event of an accident at work or occupational disease, and additional payments to the survivor's pensions – to complete orphans (have lost both parents),
- **attendance allowances** – to the persons who are eligible to claim disability allowances, have been deemed to be completely incapable to work or to live independently, or to those who have reached the age of 75 years,
- **covering the costs of medical treatment** – dental services and preventive vaccination and orthopaedic equipment, as specified by law.

The amount of the allowance in the event of incapacity for work is calculated as a disability benefit, whereby it must not be lower than:

- 60% of the benefit assessment basis – for persons who are partially incapable to work,
- 80% of the benefit assessment basis – for persons who are completely incapable to work,
- 100% of the benefit assessment basis – for persons who are eligible to claim training allowances.

The amount of the one-off compensation in the event of an accident at work depends on the percentage degree of health detriment to be established by the approved medical practitioner or by a ZUS Medical Committee. Between 1 April 2022 and 31 March 2023, the injured persons are eligible to claim compensation in the amount of PLN 1,133 (EUR 244) for each percent of permanent or long-term health detriment. The persons who have been deemed completely incapable to work or live independently due to an occupational disease or ac-

cident at work are eligible to claim a one-off compensation in the amount of PLN 19,819 (EUR 4,271).

Liability of the insured person

Under the accident insurance, benefits **are not due to the insured person** in case an accident has been caused by the proved violation of the provisions on the **protection of life and health** by fault of the insured person, caused intentionally or as a result of gross negligence.

Neither are benefits due to the insured person who case significantly contribution to the accident while being **under the influence of alcohol or narcotic drugs and psychotropic substances**.

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

The right to an invalidity pension and one-off compensation in the event of an accident at work or an occupational disease will be determined by ZUS if a citizen of Ukraine was insured in Poland:

- at the time of an accident at work,
- when performing work, as a result of which an occupational disease occurred.

The right to assistance in connection with an accident at work or an occupational disease does not depend on the duration of the insurance period. The amount of assistance determined by ZUS is calculated on the basis of Polish insurance periods only.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family and Social Policy

<https://www.zus.pl/> Social Insurance Institution (Zakład Ubezpieczeń Społecznych), „benefits” tab

More information for citizens of Ukraine

https://www.zus.pl/documents/10182/167561/Emerytura+i+renty+dla+os%C3%B3b+na+Ukrainie_w+ukrai%C5%84ska_do+internetu.pdf/e7e27a16-6aac-0dea-9735-a32815468281?t=1583765257222

Social Insurance Institution – guide in Ukrainian on old age and disability pensions in Poland

6.8. Unemployment benefit – transfer

Should an EU or EFTA Member State citizen be eligible to claim the **unemployment** benefit in Poland, he/she is also eligible to receive it during the period of **seeking job** abroad in all EU or EFTA Member States.

If an EU or EFTA Member State citizen fails to get a job in another Member State and is still, in accordance with the national law, eligible to claim the benefit, he/she should return to his/her home country. Otherwise, he/she will lose the right to the benefit.

The unemployed who have acquired the right to unemployment benefits in the state of their last employment, one of the Member States of the EU or EFTA, and arrives in Poland to search for a job has the right to transfer the unemployment benefits. To do that, it is necessary to obtain the relevant document **PD U2** which gives the right to transfer the benefits (formerly, the form E 303). It is very important that the right to transfer (payments in a different Member State) the unemployment benefits **is limited in time and is due only to the persons who fulfil certain criteria**.

Unemployment benefits may be paid out during a period of **3 months** (with the option to extend it to 6 months) during which it is necessary to search for a job actively. The aim of the travel must factually be the intent to search for a job and not, for example, a tourist expedition, undertaking studies, or starting own economic activity.

The persons who wish to search for a job in a foreign country and receive the benefit there must **meet all the criteria for granting the benefits in their country** (they have lived or worked in recent years). Should a Polish citizen wish to look for a job in EU or EFTA Member States and receive the unemployment benefit there, he/she must meet the Polish criteria (he/she must work for 365 days during the last 18 months). **Additionally**, the person who wishes to transfer the benefits must:

- be registered as an unemployed person for at least 4 weeks (he or she may apply for shortening the period – the respective decision must be issued by the competent institution – the competent Province Employment Office in Poland),
- report to the competent institution in his/her country (he or she has lived or worked in recent years) the intent to leave the country to search a job in a different Member State of the EU or EFTA and submit an application for issuing the document PD U2 (if the intent to leave the country is not reported, the right to the unemployment benefits in the respective state may be lost),
- refer to (register with) the competent institution (employment office) of the state he or she intends to search for a job in within 7 days after the date of leaving the country (in exceptional situations, the deadline may be extended)
 - should the condition be fulfilled, it means that the unemployment benefits will also be paid out for the period of travelling; should the deadline of 7 days not be kept, the unemployment benefits will be due from the date of registration, reduced by the period of travelling,
- be in fact searching for a job, i.e. be available for the employment office.

Unemployment benefits are paid out by the competent institution of the EU or EFTA Member State from which the benefits have been transferred – **directly to the bank account of the unemployed person or in any other way agreed between the office and the unemployed person.**

District Employment Office (*powiatowy urząd pracy*) in Poland perform the tasks under the coordination of the social insurance systems, including the verification of job seekers as in case of the unemployed in Poland.

During the period for searching for a job, the benefits are paid out for a maximum period of 3 months after the date of leaving the respective Member State. There are some situations which it is possible to extend the period of transfer to a maximum period of 6 months. To extend the period of transfer, the unemployed person should submit an application for extending the period to the institution which has granted the right to benefits, within the first 3 months of the transfer. The transfer of the unemployment benefits is to search for a job in the territory of the Member State to which the benefits have been transferred.

The decision on extending the period of transferring the unemployment benefits to Poland is made by the competent institution in the state in which the benefits have been granted and from which they are transferred. The decision is assessed on an individual basis and discretionary. European law does not specify any

circumstances in which the period of transferring the benefits should be extended.

Social insurance contributions and taxes on the benefits paid out are paid in the country of origin (in accordance with the agreements for the avoidance of double taxation).

The unemployed persons may exercise the right to receive the benefits in the state in which they intend to search for a job during a maximum period of 3 months (optionally 6 months) between two employment periods.

Unemployment benefits – the principle for summing up the insurance periods and employment periods completed in one of the Member States

The principle for summing up the insurance periods and employment periods guarantees that the persons who transfer their place of residence to a different state are **protected in the event of unemployment**. Should the required employment and insurance periods in Poland and the employment and insurance periods in a foreign country be excessively short for the unemployed person to acquire the right to unemployment benefits, the **summing up, i.e. accumulating the years and months of employment in all the Member States of the EU or EFTA**, makes it possible to reach the required period to acquire the right to the benefits. This means that the employment or insurance periods completed in other Member States of the EU or EFTA are calculated against the period which gives the right to the benefits. All periods of employment, i.e. under employment contracts, contracts for services and self-employment, are summed up.

The document **PD U1** confirms the insurance or employment periods and may be applied for **by the unemployed persons by the institution of the state of the last employment**. Should the unemployed person fail to do that, the Provincial Labour Office in Poland will receive the data in the special SED documents which are issued by the competent institution of the respective Member State of the EU or EFTA.

EU law provides that citizens of the EU or EFTA Member States will be granted the benefits upon fulfilling all the requirements which are valid in the Member State of their last work.

Should citizens of the EU or EFTA Member States lose their job, e.g. in Sweden, their right to the unemployment benefits and their amounts will be established in accordance with the Swedish law, i.e. the legislation of the state in which they

have lost their job. **Exceptions to this include:**

- **posted persons** – they are subject to the legislation of the state in which the registered office of the posting company and not the state in which they work,
- **self-employed persons operating in at least two countries** they are subject to the legislation of the state in which they reside provided that they carry out part of the activity there. If they do not reside in any of the states in which they carry out their activity, they are subject to the legislation of the state in which they carry out the major part of their activity,
- **seafarers** – they are subject to the legislation of the flag state,
- **frontier workers** – they are subject to the legislation of the state they reside in and this is the only state in which they can apply for the right to the unemployment benefits after working in another Member State,
- **cross-border workers** – they may apply for the benefits either in the state of their last employment or in the state in which they reside.

Unemployment benefits – the principles for calculating the benefit amount

The law on the conditions for acquiring and the amount of the unemployment benefits is diversified in the EU or EFTA Member States. It provides for either:

- **fixed benefits**, irrespective of the last remuneration of the unemployed person (e.g. this rule applies in Poland where the salaries do not impact the benefit amount). The benefit amount is regulated by the legislation of the state which will pay out the benefits, or
- **variable benefits**, calculated on the basis of the amount of the last remuneration. For example, this rule applies in Germany.

In the case of a frontier worker or a cross-border worker - the institution competent for their place of residence takes into account the remuneration the worker has received in the state of his or her last employment. For other workers, the institution of the state which grants the benefits takes into account only the remuneration received in the state.

Frontier and cross-border workers

The EU provisions differentiate between **two specific categories of workers:**

frontier workers – they work in one Member State and live in another Member

State to which **they travel back every day or at least once a week**, e.g. Polish citizens who live in the Polish city of Zgorzelec and work in the German city of Goerlitz by commuting to their place of residence every day have the status of frontier-zone workers,

cross-border workers – they normally live in one Member State and work in a different Member State and do not have the status of frontier workers (i.e. do not have to travel back to their place of residence every day or at least once a week). For example, the Polish worker who went to work in Ireland for a short period of time and left his wife and children he supports in Poland (the centre of his life interests is located in Poland) and returns to the country after a year **has the status of a cross-border worker**. **Seasonal workers** are also deemed cross-border workers.

The normal **place of residence** is established on the basis of an individual assessment of the life situation in accordance with the established criteria. The **basic criteria** for establishing the place of residence are: length and continuity of the period of staying in both states, job nature, family situation, housing situation, tax residence, carrying out a not-for-profit activity. For students, sources of their income are also taken into account.

Additionally, **the right of the frontier worker to unemployment benefits** depends on whether the person is partially or completely unemployed. Partial unemployment implies a situation in which the particular person does not factually perform work (or performs it on a limited basis), but is employed (is party to the employment contract):

in the case of partial or temporary unemployment in the employing establishment, the worker has the right to unemployment benefits under the legislation of the competent state, i.e. the state of employment. The worker is then treated as if he or she lived in the territory of the state,

in the case of complete unemployment, the frontier worker uses the benefits exclusively under the legislation of the state in which he or she lives even if he or she fulfils the conditions for acquiring the right to the benefits under the legislation of the Member State of the last employment. The worker is not free to choose the state in this respect.

Different rules apply to cross-border workers:

- **if the worker is partially or temporarily unemployed** and is available for his or her employer in the territory of the state of the last employment, he/she uses the benefits under the legislation of the state and the benefits are paid

out by the competent institution as if the person lived in the territory of the state,

- **if the worker is completely unemployed and has decided to register in the state of the last employment**, he/she uses the benefits under the legislation of the state and the benefits are paid out by the competent institution as if the person lived in the territory of the state,
- **if the worker is completely unemployed and has decided to register with the employment services of the state of his/her normal residence**, he/she may use the benefits under the legislation of the state of the place of residence as if he/she were employed there.

Unemployment benefit - documents

The EU documents **series U** apply to the unemployment benefits (Standard Electronic Documents - **SEDs**), which refer to the unemployment benefits and are used exclusively by the competent institutions which examine the rights to the aforementioned benefits.

There are also documents which are issued by the competent institutions **at the request** of the unemployed person and which replaced the former forms series E-300. These documents are:

- **PD U1** – this document confirms the periods which should be taken into account by granting unemployment benefits,
- **PD U2** – this document confirms the retained right to unemployment benefits (their transfer)

Information for citizens of Ukraine who arrived in Poland in connection with hostilities

The **bilateral, non-EU, coordination of social security systems** may be most often applied to citizens of Ukraine, i.e. signed in Kyiv on 18 May 2012 and in force since 1 January 2014:

- Agreement between the Republic of Poland and Ukraine on social security, and
- Administrative agreement on the application of the Agreement between the Republic of Poland and Ukraine on social security.

On the part of Poland, the above-mentioned Agreement applies to, among

others, unemployment benefits. It provides the basis for **taking into account periods of work completed in Ukraine in order to acquire social security benefits in Poland in the field of, among others, unemployment benefits.**

Pursuant to Article 9(1) of this Agreement, taking into account the periods of work completed in Ukraine so as to determine the right to the benefit in Poland is possible only if an unemployed person has completed the last period of work in Poland. In order to obtain the right to the unemployment benefit in Poland, an unemployed citizen of Ukraine must submit to the Polish employment services a certificate confirming the insurance periods completed in the territory of Ukraine. This certificate is issued by a Ukrainian institution on the UA/PL form template agreed by both countries.

For more information visit

<https://www.gov.pl/web/rodzina/dsz-koordynacja-systemow-zabezpieczenia-spolecznego> Ministry of Family and Social Policy

www.gov.pl/web/rodzina/dsz-instytucje-lacznikowe Liaison institutions

<https://www.gov.pl/web/rodzina/zasady-ogolne> Guidelines for coordination of EU social security systems

<https://www.gov.pl/web/rodzina/wiadczenia-w-ramach-koordynacji-unijnej> Benefits as part of the EU coordination

<https://www.gov.pl/web/rodzina/ustawodawstwo-majace-zastosowanie-ustawodawstwo-wlasciwe> Applicable legislation

More information for citizens of Ukraine

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20130001373/O/D20131373.pdf> Agreement between the Republic of Poland and Ukraine on social security



7. COVID-19 – IMPACT OF THE EPIDEMIC ON LIFE AND WORK IN POLAND IN 2020

Visitors are advised to seek up-to-date information regarding the current rules on entry to Poland before they decide to visit the country.

7.1. General information regarding the epidemic

In late 2019 and early 2020, the world and Europe experienced the outbreak of the COVID-19 epidemics caused by the SARS-CoV-2 virus. The first confirmed case of the disease in Poland was reported in early March 2020. In response to the spread of the epidemic, Poland introduced the state of epidemic emergency in March 2020, followed by the state of epidemic. A number sanitary restrictions were put in place along with restriction to entry to Poland. The spread of the epidemic was monitoring on a regular basis. At first, measures were taken to „freeze” the country’s economy, and then to „unfreeze” it by stages.

Since various sanitary restrictions are put in place depending on how the epidemic situation develops in Poland, **it is advised to check updated information before coming to Poland.**

For more information visit

<https://www.gov.pl/web/koronawirus> Government website about the coronavirus

<https://www.gov.pl/web/tarczaantykrzysowa> Government website about the Anti-Crisis Shield, the support for businesses and workers

<https://psz.praca.gov.pl/dla-pracodawcow-i-przedsiębiorcow/tarcza>
Support under the Anti-Crisis Shield offered by employment offices

7.2. Rules regarding entry to Poland during the epidemic

Depending on how the COVID-19 situation develops, Poland puts in place certain restrictions regarding entry to the country, including the obligatory 14-day quarantine.

For more information visit

<https://www.gov.pl/web/koronawirus/informacje-dla-podrozujaacych>
Government website about the coronavirus

<https://strazgraniczna.pl/> Border Guards

<https://reopen.europa.eu/pl/map/POL> A dedicated European Commission website regarding entry to EU/EFTA Member States



eures.praca.gov.pl
ec.europa.eu/eures

Labour Market Department
Ministry of Family and Social Policy