

ACT
of 2 July 2004
ON FREEDOM OF ECONOMIC ACTIVITY

(Dziennik Ustaw 2004, No. 173, item 1807, No. 281, item 2777; 2005, No. 33, item 289, No. 94, item 788, No. 143, item 1199, No. 175, item 1460, No. 177, item 1468, No. 178, item 1480, No. 179, item 1485, No. 180, item 1494, No. 183, item 1538; 2006, No. 17, item 127)

(Excerpts)

Chapter 1. General Provisions

Article 1. This Act governs the assumption, conduct and termination of economic activity on the territory of the Republic of Poland and the tasks of public administration authorities in this respect.

Article 2. Economic activity shall mean a professional profit-gaining activity in the fields of production, construction, commerce, services and in the prospecting for, exploration and extraction of minerals from deposits, as well as a professional activity carried on in an organised and uninterrupted manner.

Article 3. The provisions of this Act shall not apply to agricultural production activity in the realm of crop farming and animal husbandry, horticulture, market gardening, forestry and inland-water fisheries, or to the renting by farmers of rooms, the sale of home meals and the provision in agricultural farms of other services in connection with the stay of tourists.

Article 4. 1. Within the meaning of this Act the entrepreneur shall be a natural person, legal person, and an organisational entity which is not a legal person and is endowed with legal capacity by force of a separate Act – carrying on economic activity in their own name.

2. Partners in a civil partnership shall also be entrepreneurs to the extent of an economic activity conducted by them.

Article 5. The terms used in this Act shall mean:

- 1) a concession-granting authority – a public administration authority empowered under this Act to issue, refuse, modify or withdraw concessions;
- 2) a foreign person:
 - a) natural person having their place of residence abroad, holding no Polish citizenship;
 - b) legal person having its seat abroad;
 - c) organisational entity which has no legal personality and is endowed with legal capacity, having its seat abroad;
- 3) foreign entrepreneur – a foreign person pursuing economic activity abroad;
- 4) branch – an isolated and organisationally independent part of economic activity carried on by an entrepreneur outside his seat or principal place of pursuit of the activity;
- 5) regulated activity – an economic activity the pursuit of which requires the satisfaction of special conditions laid down in provisions of law.

Article 6. 1. The assumption, conduct and termination of economic activity shall be free to all on an equal-rights basis, subject to conditions determined in provisions of law.

2. The public administration authority shall neither demand nor make its decision in the matter of the assumption, conduct, or termination of economic activity by an interested party conditional upon satisfaction by this party of additional conditions, including without limitation on the submission of documents or disclosure of information other than that set out in provisions of law.

Article 7. The State shall provide entrepreneurs with public aid on terms and in forms determined in separate provisions, subject to principles of equality and competition.

Article 8. 1. Public administration authorities shall encourage the development of entrepreneurship by creating advantageous conditions for the assumption and conduct of economic activity and they shall support in particular micro-entrepreneurs and small and medium-sized entrepreneurs.

2. Public administration authorities implementing aid programmes within the meaning of provisions on the admissibility and supervision of public aid for entrepreneurs shall by electronic means submit information on the terms and forms of the aid obtainable from them to the minister competent for the economy, who shall collect this information and make the same available on a website.

3. The information referred to in paragraph 2 above shall be submitted within 30 days from the date on which an aid programme was established, no later than 14 days before the elapse of a time limit set for the filing of applications for aid.

Article 9. While discharging their tasks, in particular in the field of supervision and inspection, the public administration authorities shall respect reasonable interests of the entrepreneur.

Article 10. 1. The entrepreneur may file an application with a competent authority demanding that a written interpretation be issued as to the extent and manner of administration, in his particular case, of provisions which give rise to the entrepreneur's duty to make performance of a public tribute.

2. The entrepreneur shall not be liable for any public tribute, financial sanction or penalty insofar as he has complied with the interpretation received.

3. The rules for the issue of interpretations shall be governed by separate Acts.

Article 11. Public administration authorities shall consider and decide entrepreneurs' matters without undue delay.

Article 12. While discharging their tasks public administration authorities shall cooperate with organisations of employers, organisations of employees, organisations of entrepreneurs, as well as professional and economic self-governments.

Article 13. 1. Foreign persons from the European Union's Member States and from Member States of the European Free Trade Agreement (EFTA) – parties to the Agreement on the European Economic Area may undertake and carry on economic activity on the same terms as Polish entrepreneurs.

2. Foreign persons who are citizens of states other than those referred to in paragraph 1 and who:

1) hold in the Republic of Poland:

a) a permit to settle;

b) a long-term resident of the European Communities' stay permit;

c) a permit to reside for a specified period of time granted as a result of there existing a circumstance referred to in Article 53, paragraph 1, subparagraphs 7, 13 and 14 of the Act of 13 July 2003 on Foreign Persons;

d) a consent for tolerated stay;

e) a refugee status;

2) enjoy temporary protection on the territory of the Republic of Poland

– may undertake and conduct economic activity on the territory of the Republic of Poland on the same terms as Polish citizens.

3. Persons other than those referred to in paragraphs 1 and 2 may undertake and carry on economic activity in no other form than that of a limited partnership, limited joint-stock partnership, limited liability company, and joint-stock company and they may join said partnerships or companies and take up or acquire shares in them, unless otherwise provided in international agreements.

Chapter 2. Rules for Undertaking and Pursuit of Economic Activity

Article 14. 1. The entrepreneur may undertake an economic activity upon being entered in the register of entrepreneurs of the National Court Register or in the Economic Activity Records, hereinafter called “the records”. A company in organisation may undertake economic activity prior to being entered in the register of entrepreneurs.

2. Subject to entry in the records shall be entrepreneurs who are natural persons. The rules on the entry in the register of entrepreneurs are laid down in separate provisions.

Article 15. The assumption and pursuit of economic activity may additionally involve, on terms set forth in this Act, the entrepreneur’s duty to obtain a concession or to be entered in a register of regulated activity, subject to Article 75.

Article 16. [*The provisions of this Article come into force on 1 January 2007.*] 1. The entrepreneur entered in the register of entrepreneurs or in the records shall at all times include, in such written statements as he may within the scope of his activity address to designated persons and bodies, his tax identification number (NIP) and shall use said number in legal and economic transactions.

2. The duty referred to in paragraph 1 shall be without prejudice to duties specified in special provisions.

3. The entrepreneur shall be identified in the different official registers by his tax identification number (NIP).

Article 17. The entrepreneur shall carry on economic activity according to principles of fair competition and of respect for good customs and legitimate interests of consumers.

Article 18. The entrepreneur shall fulfil the conditions for the conduct of economic activity laid down in provisions of law, including without limitation those concerning the protection of human life, health and public morals, as well as environmental protection.

Article 19. Where under special provisions appropriate occupational rights are required for the pursuit of a certain kind of economic activity, the entrepreneur shall ensure that acts falling within the scope of such economic activity are performed directly by a person possessed and capable of documenting their relevant occupational rights.

Article 20. An entrepreneur who introduces goods for trading on the territory of the Republic of Poland shall place on the goods or on its packaging, label or instruction a notice in Polish containing:

- 1) business name and address of the entrepreneur;
- 2) name of the goods;
- 3) such other markings and information as are required under separate provisions.

Article 21. The entrepreneur who offers goods or services on a direct selling or over-distance selling basis through mass media, data transmission networks or no-address printed matter shall state in the offer at least the following data:

- 1) the business name of the entrepreneur;
- 2) their tax identification number (NIP);
- 3) the seat and address of the entrepreneur.

Article 22. 1. Payments arising from the economic activity conducted shall be made or received through the entrepreneur's bank account, whenever:

- 1) the other party to the transaction which has given rise to the payment is an entrepreneur; and
- 2) the one-time value of the transaction, regardless of the number of payments arising therefrom, is in excess of an equivalent of EUR 15,000 converted into zlotys at the National Bank of Poland's average exchange rate published on the last day of the month preceding the month in which the transaction was made.

2. The entrepreneur who is a member of a co-operative savings-and-credit fund may discharge the duty referred to in paragraph 1 through an account in this co-operative savings-and credit fund.

3. The entrepreneur who carries on economic activity to the extent of making money transfers and acting as intermediary on effecting money transfers in foreign transactions shall comply with, respectively, the provisions of Article 63g and Article 111, paragraph 1, subparagraph 7 of the Act of 29 August 1997 – Banking Law (Dziennik Ustaw 2002, No. 72, item 665 with subsequent amendments).

Chapter 4. Concessions and Regulated Economic Activity

Article 46. 1. A concession shall be obtained for the pursuit of economic activity in the field of:

- 1) prospecting for or exploration of mineral deposits, extracting minerals from deposits, bulk storage of substances, and storing waste in rock mass, including in underground mine workings;
- 2) manufacture of and trading in explosives, arms and ammunition, and products and technology for military or police purposes;
- 3) manufacture, processing, storing, transmission, distribution and trading in fuel and energy;
- 4) protection of persons and property;
- 5) dissemination of radio and television programmes;
- 6) air carriage.

2. The detailed scope and conditions of the conduct of economic activity subject to concession-granting shall be determined by provisions of other Acts.

3. The introduction of other concessions in areas of economic activity which are of special importance for reasons of security of the State or of citizens, or by reason of another

important public interest, shall be permitted only where the activity concerned may not be conducted either freely or upon securing an entry in the register of regulated activity or a permit and it shall entail amending this Act.

Article 47. 1. Unless provisions of separate Acts otherwise provide, the grant, refusal, modification and withdrawal of a concession or the limiting of scope of the same shall fall under a minister competent for the object of the economic activity subject to concession-granting.

2. The grant, refusal, modification and withdrawal of a concession or the limiting of the scope of a concession relative to that requested in the application shall be effected by a decision.

3. A concession shall be granted for a definite period of no less than 5 years and no more than 50 years, except where the entrepreneur has requested that the concession be granted for a shorter period.

Article 48. 1. The concession-granting authority may lay down in the concession, within the limits of provisions of separate Acts, certain special conditions for the conduct of the economic activity covered by the concession.

2. The concession-granting authority shall supply each interested entrepreneur with detailed information on the conditions referred to in paragraph 1, immediately upon the institution of proceedings on the grant of concession.

Article 49. 1. The application for the grant or modification of a concession shall contain:

- 1) the business name of the entrepreneur, designation of his seat and address or place of residence and address and the address of the principal place of pursuit of the activity;
- 2) the applicant's number in the register of entrepreneurs or in the records and tax identification number (NIP);
- 3) a description of the kind and scope of the economic activity for which the concession is sought.

2. Stated in and attached to the application referred to in paragraph 1 shall be information and documents identified in provisions governing the economic activity subject to concession-granting.

Article 50. The concession-granting authority may, prior to taking decision on the grant or modification of concession:

- 1) call on the applicant to supplement, by a fixed time limit, such missing documentation as will certify that the applicant satisfies the conditions set forth in the provisions of law for the pursuit of a given economic activity, on pain of leaving the application unexamined;
- 2) check facts stated in the application for the grant of concession, to establish whether the entrepreneur satisfies conditions for the pursuit of the economic activity covered by the concession and whether he is fit to carry on properly the activity covered by the concession.

Article 51. 1. Whenever the concession-granting authority expects to grant a limited number of concessions, it shall make an announcement to this effect in *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski"* (the official gazette of the Republic of Poland "*Monitor Polski*").

2. The announcement referred to in paragraph 1 shall include:

- 1) a description of the object and scope of the economic activity for which a concession is to be granted;
 - 2) the number of concessions;
 - 3) special conditions for the conduct of the economic activity for which a concession is to be granted, if the concession-granting authority proposes, within the limits of provisions of separate Acts, to lay down the same;
 - 4) the time limit and place for filing applications for the grant of concession;
 - 5) the required documents and supplementary information;
 - 6) the term for which the concession may be granted.
3. The provision of paragraph 60 shall not apply.

Article 52. 1. Where the number of entrepreneurs who satisfy conditions for the granting of concession and are fit to properly carry on the activity covered by the concession exceeds the number of concessions to be granted, the concession-granting authority shall order tendering proceedings, the object of which is the grant of concession.

2. In proceedings on the granting of concessions for the dissemination of radio and television programmes the concession-granting authority shall order the tendering proceedings referred to in paragraph 1 if, following evaluation of applications according to a procedure laid down in Article 36 of the Act of 29 December 1992 on Radio and Television Broadcasting (*Dziennik Ustaw* 2001, No. 101, item 1114, with subsequent amendments) the number of entrepreneurs still exceeds the number of concessions.

Article 53. 1. The concession-granting authority shall announce in *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski"* (the official gazette of the Republic of Poland "*Monitor Polski*") the need to hold tendering proceedings among the entrepreneurs referred to in Article 52, paragraph 1.

2. In the announcement the concession-granting authority shall also determine:

- 1) the minimum fee for which a concession may be granted – no lower than a stamp duty or another public-law fee prescribed in separate provisions for the granting of concession;
- 2) the place and time limit for the submission of tenders;
- 3) the detailed requirements to be met by the tenders;
- 4) the amount, form and time limit for the submission of the tender security deposit;
- 5) the time limit for deciding on results of tendering proceedings.

3. The tendering proceedings shall be conducted by a competent concession-granting authority.

4. A tender in the Polish language shall be submitted by such date and in such place and form as may be prescribed pursuant to paragraphs 1 and 2, in sealed envelopes.

5. The tender shall state:

- 1) the business name of the entrepreneur, designation of his seat and address or place of residence and address, and the address of the principal place of pursuit of the economic activity;

- 2) the fee amount declared for the grant of concession.

6. Submitted tenders shall not be withdrawn.

Article 54. 1. The concession-granting authority shall select as many tenders as there are concessions referred to in Article 51, paragraph 2, subparagraph 2, according to amounts of declared fees for the grant of concession.

2. Where two or more entrepreneurs declared the same fee amounts, the concession-granting authority shall call on these entrepreneurs to declare again their fee amounts and shall choose the tender of an entrepreneur who declared the higher fee.

3. The concession-granting authority shall give the entrepreneurs who submitted tenders a written notification of results of the tendering proceedings promptly on the same having been decided, and:

1) shall return the tender security deposit to entrepreneurs whose tenders have not been chosen;

2) credit the tender security deposit towards the fee in respect of the entrepreneurs whose tenders have been chosen.

4. The concession-granting authority shall grant concession to the entrepreneurs whose tenders have been chosen.

Article 55. 1. The entrepreneur who in the course of proceedings on the granting of concession submits information which is a business secret of an enterprise within the meaning of provisions on the suppression of unfair competition may request that this information be awarded a confidentiality clause.

2. The information shall be awarded the confidentiality clause provided the entrepreneur:

1) substantiates his demand when supplying the information;

2) prepares a synopsis of the information supplied, to be made available to other participants of the proceedings.

3. The information which has been awarded the confidentiality clause shall not be made available to other participants in the proceedings without the consent of the entrepreneur who supplied it.

Article 56. 1. The concession-granting authority may refuse a concession or limit its scope, relative to that requested in the application for concession, or refuse to modify a concession:

1) where the entrepreneur fails to satisfy conditions for the conduct of the economic activity covered by the concession laid down in this Act or conditions made known to entrepreneurs pursuant to Article 48, paragraph 2, or Article 51, paragraph 1;

2) for reasons of a threat to the defence and security of the State, or to citizens;

3) where, as a result of the tendering proceedings referred to in Article 52, the concession was granted to another entrepreneur or entrepreneurs;

4) in cases laid down in separate provisions.

2. The concession-granting authority may temporarily stay the granting of concession for reasons specified in paragraph 1, subparagraph 2, and shall make announcement to this effect in *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski"* (the official gazette of the Republic of Poland "Monitor Polski").

Article 57. 1. The concession-granting authority may inspect economic activity to the extent of:

1) conformity of the economic activity conducted with the concession granted;

2) compliance with conditions of conduct of economic activity;

3) defence or security of the State, protection of citizens' security or personal interests.

2. Powers of persons authorised by the concession-granting authority to perform inspection shall include without limitation:

1) right to enter that immovable property, facility, premises or parts thereof where the economic activity covered by the concession is conducted, on days and during hours when the said activity is or should be conducted;

2) right to demand written or oral explanations, submission of documents or other information carriers, and access to data relating to the object of inspection.

3. The concession-granting authority may call on the entrepreneur to remove, within a fixed time limit, the irregularities disclosed.

Article 58. 1. The concession-granting authority shall withdraw a concession in the event that:

1) valid adjudication prohibiting the entrepreneur from conducting the economic activity covered by the concession has been made;

2) the entrepreneur has failed to undertake by an appointed time limit the economic activity covered by the concession despite being summoned to do so by the concession-granting authority, or has permanently discontinued the economic activity covered by the concession.

2. The concession-granting authority shall withdraw a concession or modify its scope in the event that the entrepreneur:

1) should flagrantly violate the terms laid down in the concession, or other terms of conduct of economic activity subject to concession and laid down in provisions of the law;

2) should fail to remove by an appointed time limit a state of fact or of law incompatible with the terms laid down in the concession or with the provisions regulating the economic activity covered by the concession.

3. The concession-granting authority may withdraw the concession or modify its scope on the grounds of a threat to the defence and security of the State or security of citizens, and in the event of the entrepreneur being declared bankrupt.

Article 59. The entrepreneur shall notify the concession-granting authority of any change in the data referred to in Article 49, within 14 days of the occurrence of the same.

Article 60. 1. The entrepreneur who proposes to undertake economic activity in a field subject to concession-granting may seek a promise that the concession will be issued, hereinafter called "promise". The promise shall make the granting of concession conditional upon the satisfaction of conditions for pursuit of the economic activity subject to concession-granting.

2. Except for Articles 52 to 54, the provisions on the granting of concession shall apply to proceedings on the granting of promise.

3. The validity of the promise shall be determined therein, provided that it shall be no shorter than six months.

4. During the validity period of the promise a concession for the pursuit of the economic activity identified in the promise shall not be refused, unless:

1) data stated in the application for promise have changed;

2) the applicant has failed to satisfy all the conditions stated in the promise;

3) circumstances referred to in Article 56, paragraph 1, subparagraphs 1 and 2 have arisen.

Article 61. The entrepreneur whose concession was withdrawn for reasons referred to in Article 58, paragraph 1, subparagraph 1 and paragraph 2, may re-apply for a conces-

sion covering the same scope of activity no earlier than on the elapse of three years from the issuing date of the decision on the withdrawal of concession.

Article 62. 1. Save as otherwise prescribed in separate provisions, the granting or modification of a concession and the issue of a promise shall carry a stamp duty, subject to paragraph 2.

2. Where the concession has been granted under tendering proceedings, the fee for the granting of concession shall be charged in the amount referred to in Article 54, paragraph 1 or paragraph 2.

3. Save as otherwise prescribed in the provisions of separate Acts, the fee referred to in Article 54, paragraph 1 or paragraph 2 shall be payable to the account of the concession-granting authority.

Article 63. In matters not covered in the provisions of Articles 47 to 61 the provisions of separate Acts regulating activity subject to concession-granting shall apply.

Article 64. Where under a provision of a separate Act a given kind of economic activity is a regulated activity within the meaning of this Act, the entrepreneur may carry on this activity provided he satisfies special conditions laid down in the provisions of that separate Act and upon being entered in the register of regulated activity, subject to Article 75.

2. Save as otherwise prescribed in separate provisions, an entry in the register of regulated activity shall carry a stamp duty.

Article 65. 1. A body which keeps a register of regulated activity pursuant to provisions regulating a given economic activity shall make an entry at the request of the entrepreneur, upon submission by the entrepreneur of a statement on the fulfilment of conditions required for the conduct of this activity.

2. The statement shall be submitted in writing to the body keeping the register of regulated activity.

3. The entrepreneur subject to entry in the records may also submit his application and statement to a competent records-keeping authority, indicating a body which keeps the register of regulated activity.

4. The contents of the statement, a manner of keeping the register, and data subject to entry in the register shall be determined by the provisions of Acts governing a given activity.

5. The body keeping the register of regulated activity shall ex officio issue a certificate of entry in the register.

Article 66. 1. The register of regulated activity shall be public. Anyone may access data contained therein, through the register-keeping authority.

2. Registration files shall be maintained in respect of the entrepreneur entered in the register, containing in particular documents on the basis of which the entrepreneur was entered and decisions on striking off the entry.

3. An entry in the register may be struck off only in cases provided in this Act.

4. The register-keeping body shall ex officio correct an entry containing obvious errors or discrepancies with the state of fact.

5. The entrepreneur shall report a change in the data entered in the register within 14 days from the occurrence of an event which brought about the change in the data.

Article 67. 1. The authority keeping a register of regulated activity shall enter the entrepreneur in said register within 7 days from the date on which it received an application for entry together with a statement on the fulfilment of conditions required for the conduct of the economic activity for which the register is kept.

2. Where the competent authority has failed to make the entry within the time limit referred to in paragraph 1 and on the elapse of 14 days from the date of receipt of the application by this authority the entrepreneur may commence activity upon giving a written notification to this effect to the authority which failed to make the entry. The aforesaid shall not apply where the authority called on the entrepreneur to supplement the application for entry no later than 7 days from receiving the same. In such a case the time limit referred to in the first sentence shall run, respectively, from the date of receipt of the supplement to application for entry.

Article 68. The authority keeping the register of regulated activity shall by decision refuse to enter the entrepreneur in the register where:

1) a valid pronouncement prohibiting the entrepreneur from conducting the economic activity covered by the entry has been issued;

2) the entrepreneur was struck off the register of this regulated activity for reasons referred to in Article 71, paragraph 1 within a period of 3 years preceding the filing of the application.

Article 69. The entrepreneur shall store all documents necessary for documenting the fulfilment of conditions required for the conduct of regulated activity.

Article 70. The fulfilment by the entrepreneur of the conditions required for the conduct of regulated activity shall be subject to inspection, including without limitation by an authority keeping the register for a given activity. The provision of Article 57 shall apply respectively.

Article 71. 1. The body keeping the register of regulated activity shall issue a decision on prohibiting the entrepreneur from conducting an activity covered by his entry where:

1) the entrepreneur made the statement referred to in Article 65 contrary to the state of fact;

2) the entrepreneur failed to rectify, within a time limit set by the authority, infractions of conditions required for the conduct of regulated activity;

3) is has established a flagrant breach of conditions required for the conduct by the entrepreneur of regulated activity.

2. The decision referred to in paragraph 1 shall be immediately enforceable.

3. Where the decision referred to in paragraph 1 has been issued, the body shall ex officio strike the entrepreneur's entry off the register of regulated activity.

Article 72. 1. The entrepreneur who has been struck off the register of regulated activity shall become eligible for re-entry in this register no earlier than on the elapse of 3 years from the issuing date of the decision on striking him off the register of regulated activity for reasons referred to in Article 71, paragraph 1.

2. The provision of paragraph 1 shall apply to the entrepreneur who conducted economic activity without having been entered in the register of regulated activity.

Article 73. The body keeping the register of regulated activity shall strike off the entrepreneur's entry in the register at his request.

Article 74. In matters not regulated in Articles 64 to 73, the provisions of the Acts which determine the conduct of economic activity under the entry in register of regulated activity shall apply.

Article 75. 1. A permit shall be required for the conduct of economic activity to the extent determined in the provisions:

1) of the Act of 26 October 1982 on Upbringing in Sobriety and on Counteracting Alcoholism (Dziennik Ustaw 2002, No. 147, item 1231, with subsequent amendments);

2) of the Act of 29 July 1992 on Gaming and Mutual Betting (Dziennik Ustaw 2004, No. 4, item 27);

3) of the Act of 20 October 1994 on Special Economic Zones (Dziennik Ustaw 1994, No. 123, item 600, with subsequent amendments);

4) of the Act of 13 September 1996 on Maintaining Clean and Orderly Condition in *Gminas* (Dziennik Ustaw 1996, No. 231, item 662, with subsequent amendments);

5) of the Act of 29 July 2005 on counteracting drug addiction (Dziennik Ustaw 2005, No. 179, item 1485);

6) of the Act of 20 June 1997 – Road Traffic Law (Dziennik Ustaw 2003, No. 58, item 515, with subsequent amendments) to the extent of manufacture of registration plates;

7) of the Act of 29 July 2005 on Trading in financial instruments (Dziennik Ustaw 2005, No. 183, item 1538);

7a) of the Act of 29 July 2005 on Public offer and the conditions of introducing financial instruments to organized trading system and on public companies (Dziennik Ustaw 2005, No. 184, item 1539);

8) of the Act of 28 August 1997 on Organisation and Operation of Retirement Pension Funds (Dziennik Ustaw 2004, No. 159, item 1667, with subsequent amendments);

9) of the Act of 29 August 1997 – Banking Law;

10) of the Act of 21 July 2000 – Telecommunications Law (Dziennik Ustaw 2000, No. 73, item 852, with subsequent amendments);

11) of the Act of 26 October 2000 on Commodity Exchanges ((Dziennik Ustaw 2000, No. 103, item 1099, with subsequent amendments);

12) of the Act of 27 April 2001 on Waste (Dziennik Ustaw 2001, No. 62, item 628, with subsequent amendments);

13) of the Act of 11 May 2001 – Law on Measures (Dziennik Ustaw 2001, No. 63, item 636, with subsequent amendments);

14) of the Act of 7 June 2001 on Collective Water Supply and Collective Wastewater Disposal ((Dziennik Ustaw 2001, No. 72, item 747; 2002, No. 113, item 984; 2004, No. 96, item 959);

15) of the Act of 22 June 2001 on Genetically Modified Organisms (Dziennik Ustaw 2001, No. 76, item 811, with subsequent amendments) to the extent of operating the reference laboratory;

16) of the Act of 23 August 2001 on Animal Feedstuffs (Dziennik Ustaw 2001, No. 123, item 1350; 2003, No. 122, item 1144, No. 208, item 2020; 2004, No. 91, item 877);

17) of the Act of 6 September 2001 – Pharmaceutical Law (Dziennik Ustaw 2004, No. 53, item 533, with subsequent amendments);

18) of the Act of 6 September 2001 on Road Transport (Dziennik Ustaw 2001, No. 125, item 1371, with subsequent amendments);

19) of the Act of 19 February 2004 on Fisheries (Dziennik Ustaw 2004, No. 62, item 574);

20) of the Act of 3 July 2002 – Aviation Law (Dziennik Ustaw 2002, No. 130, item 1112, with subsequent amendments);

21) of the Act of 12 September 2002 on Electronic Payment Instruments (Dziennik Ustaw 2002, No. 169, item 1385; 2004, No. 91, item 870, No. 96, item 959);

22) of the Act of 22 May 2003 on Insurance Activity (Dziennik Ustaw 2003, No. 124, item 1151; 2004, No. 91, item 870, No. 96, item 959);

23) of the Act of 22 May 2003 on Insurance Mediation (Dziennik Ustaw 2003, No. 124, item 1154; 2004, No. 96, item 959);

24) of the Act of 12 June 2003 – Postal Law ((Dziennik Ustaw 2003, No. 130, item 1188; 2004, No. 69, item 627, No. 96, item 959);

25) of the Act of 23 January 2004 on Excise Tax ((Dziennik Ustaw 2004, No. 29, item 257, No. 68, item 623);

26) of the Act of 27 May 2004 on Investment Funds ((Dziennik Ustaw 2004, No. 146, item 1546);

27) of the Act of 21 January 2005 on Experiments on Animals (Dziennik Ustaw 2005, No. 33, item 289);

28) of Article 19a of the Act of 28 September 1991 on Forests (Dziennik Ustaw 2005, No. 45, item 435, No. 157, item 1315, No. 167, item 1399 and No. 175, item 1460).

2. A permit shall be obtained for, or a notification given of the conduct of an activity involving exposure to ionising radiation, as defined in Act of 29 November 2000 – Nuclear Law (Dziennik Ustaw 2004, No. 161, item 1689).

2a. The permit shall be obtained in the case of running a workshop in the scope determined in the provisions of the Act of 29 July 2005 on digital tachograph system (Dziennik Ustaw 2005, No. 180, item 1494).

3. A license shall be obtained for the conduct of economic activity to the extent determined in the provisions:

1) of the Act of 6 September 2001 on Road Transport;

2) of the Act of 28 March 2003 on Railway Transport (Dziennik Ustaw 2003, No. 86, item 786, with subsequent amendments).

4. An approval shall be obtained for the operation of a payment system or securities settlement system to the extent laid down in the provisions of the Act of 24 August 2001 on Finality of Settlements Effected Through Payment Systems and Securities Settlement Systems and Principles of Supervision of These Systems (Dziennik Ustaw 2001, No. 123, item 1351, with subsequent amendments).

5. The authorities granting permits, licences and approvals and any and all conditions set for the conduct of activity subject to permits, licences and approvals, as well as the rules and procedures for issuing decisions in matters of permits, licences and approvals shall be set forth in the provisions of the Acts referred to in paragraphs 1 to 4.

Article 76. Where provisions regulating a given economic activity determine that the issuance, refusal, modification as to scope, and withdrawal of concessions and permits, as well as the keeping of registers of regulated activity, fall under the tasks of authorities of territorial self-government units, said tasks shall be performed as commissioned tasks in the field of government administration.

Chapter 5. Inspection of Entrepreneur

Article 77. 1. Public administration authorities shall inspect entrepreneurs on the terms set forth in this Act.

2. Provisions of special Acts shall apply to the extent not regulated in this Chapter.

3. The by-subject scope of inspection of the entrepreneur's activity and the authorities empowered to perform the inspection shall be determined in separate Acts.

Article 78. 1. Upon becoming aware that economic activity is being carried on contrary to the provisions of this Act, and upon establishing the presence of: a threat to human life or health, danger of incidence of substantial damage to property or of environmental impairment resulting from the conduct of said activity, the *voit*, mayor, or city president shall forthwith notify the competent public administration authorities.

2. The authorities so notified shall forthwith advise the *voit*, mayor, or president of a city of the measures they have undertaken.

3. Where giving the notification referred to in paragraph 1 is impossible, the *voit*, mayor, or city president may, by decision, order that the conduct of the economic activity be discontinued for such a period of time, not exceeding three days, as may be necessary.

4. The decision ordering the discontinuance of economic activity in the event of an established threat to human life or health, danger of incidence of substantial damage to property or of environmental impairment resulting from the conduct of said activity shall be immediately enforceable.

Article 79. 1. Inspection acts may be performed by employees of inspection authorities upon the presentation of a service identity card authorising the performance of said acts and upon serving upon the entrepreneur an authorisation to inspect his activity, unless special provisions admit performing inspection upon showing the service identity card. In this case the authorisation shall be served upon the entrepreneur within a time limit prescribed in said provisions.

2. Inspection acts may be performed by persons who are not employees of an inspection authority, insofar as provisions of separate Acts so rule.

3. Whenever substitution of persons authorised to perform inspection occurs, a separate authorisation shall be issued. Such a substitution shall not cause an extension of a previously set time limit for the completion of inspection.

4. The authorisation referred to in paragraph 1 shall contain, as a minimum:

- 1) indication of legal basis;
- 2) designation of the inspection authority;
- 3) date and place of issue;
- 4) the forename and surname of the employee of the inspection authority authorised to perform the inspection and their service identity card number;
- 5) the business name of the entrepreneur subject to inspection;
- 6) identification of the by-subject scope of inspection;
- 7) indication of an inspection commencement date and an estimated time limit for completing the inspection;
- 8) the signature of the person who issued the authorisation, stating their position or function;
- 9) notes of guidance on the rights and duties of the party under inspection.

5. The scope of inspection shall not extend beyond that indicated in the authorisation.

Article 80. 1. Inspection acts shall be performed in the presence of the party under inspection or of a person authorised by them.

2. The provision of paragraph 1 shall not apply where:

- 1) ratified international agreements provide otherwise;
- 2) performance of inspection is necessary for purposes of a pending investigation or enquiry against the entrepreneur;
- 3) separate provisions admit performing inspection in the course of proceedings conducted in respect of the entrepreneur;
- 4) conduct of inspection is warranted by a threat to life, health or the environment.

3. The party under inspection shall name in writing a person authorised to represent them in the course of inspection, in particular in their absence.

Article 81. 1. The entrepreneur shall maintain and keep in his seat an inspection log and authorisations and inspection records and shall make the same available upon demand to the inspection authority.

2. The inspection log shall contain entries made by the inspection authority. The entries shall cover:

- 1) designation of the inspection authority;
- 2) designation of the inspection authorisation;
- 3) by-subject scope of conducted inspection;
- 4) inspection commencement and inspection completion dates;
- 5) post-inspection recommendations and identification of applied post-inspection measures.

3. The entrepreneur shall enter in the inspection log information concerning the implementation of post-inspection recommendations or revocation of the same by the inspection authority or its superior body, or by an administrative court.

Article 82. 1. There shall be no more than one inspection of the entrepreneur's activity instituted and conducted at the same time. The aforesaid shall not apply where:

- 1) ratified international agreements provide otherwise;
- 2) performance of inspection is necessary for purposes of a pending investigation or enquiry against the entrepreneur;
- 3) separate provisions allow inspection to be performed in the course of proceedings conducted in respect of the entrepreneur;
- 4) conduct of inspection is warranted by a threat to life, health or the environment;
- 5) the inspection is concerned with establishing, prior to effecting a goods and services tax refund, whether legitimate grounds exist for this refund;
- 6) the inspection is conducted in discharge of duties arising from provisions of Community law on the protection of competition or of provisions of Community law to the extent of safeguarding financial interests of the European Community;
- 7) the inspection is concerned with establishing whether legitimate grounds exist for making goods and services tax refund pursuant to the provisions on refund of certain expenditures connected with housing to natural persons.

2. The inspection authority shall waive inspection acts and shall agree with the entrepreneur a time limit for conducting inspection if the activity of the entrepreneur is already subject to inspection by another authority.

Article 83. 1. The time of all inspections conducted by the inspection authority at the entrepreneur's during a single calendar year shall not exceed:

- 1) with respect to entrepreneurs referred to in Chapter 7 – 4 weeks;
- 2) with respect to other entrepreneurs – 8 weeks.
2. No limits on duration of inspections shall apply where:
 - 1) ratified international agreements provide otherwise;
 - 2) performance of inspection is necessary for purposes of a pending investigation or enquiry against the entrepreneur;
 - 3) separate provisions allow inspection to be performed in the course of proceedings conducted by the authority;
 - 4) performance of inspection is warranted by a threat to life, health or the environment;
 - 5) inspection is concerned with establishing, prior to effecting a goods and services tax refund, whether legitimate grounds exist for this refund;
 - 6) inspection is conducted in discharge of duties arising from provisions of Community law on the protection of competition or of provisions of Community law to the extent of safeguarding financial interests of the European Community;
 - 7) inspection refers to the subjects to which, by virtue of separate provisions, a competent authority issued a decision on the recognition of correctness of the choice and application of the method of fixing a transaction price between related subjects – to the extent connected with the implementation of this decision;
 - 8) the inspection is concerned with establishing whether legitimate grounds exist for making goods and services tax refund pursuant to the provisions on refund of certain expenditures connected with housing to natural persons.
3. A statement of reasons for extending the time of inspection indicated in the authorisation shall be provided in writing. The statement of reasons shall be served upon the entrepreneur and entered in the inspection log prior to the commencement of other inspection acts.
4. Where inspection findings have exposed flagrant violations of the law by the entrepreneur, another inspection may be conducted in the same by-subject scope in a given calendar, its duration not included in the time referred to in paragraph 1.

Article 84. The provisions of Articles 82 and 83 shall not apply to entrepreneurs' activities coming under:

- 1) special tax supervision pursuant to the Act of 24 July 1999 on Customs Service (Dziennik Ustaw 2004, No. 156, item 1641);
- 2) supervision of the capital market pursuant to the Act of 29 July 2005 on the Supervision over capital market (Dziennik Ustaw 2005, No. 183, item 1537), the Act of 29 July 2005 on Trading in financial instruments, the Act of 29 July 2005 on Public offer and the conditions of introducing financial instruments to organized trading system and on public companies, the Act of 27 May 2004 on Investment Funds (Dziennik Ustaw 2004, No. 146, item 1546 and 2005, No. 83, item 719 and No. 183, items 1537 and 1538), and the Act of 26 October 2000 on Commodity Exchanges;
- 3) banking supervision pursuant to the Act of 29 August 1997 – Banking Law and Act of 29 August 1997 on the National Bank of Poland (Dziennik Ustaw 1997, No. 140, item 938 with subsequent amendments), and supervision of electronic money institutions pursuant to the Act of 12 September 2002 on Electronic Payment Instruments;
- 4) insurance supervision pursuant to the Act of 22 May 2003 on Insurance Activity and the Act of 22 May 2003 on Insurance and Retirement Pension Supervision and on Com-

missioner of the Insured (Dziennik Ustaw 2003, No. 124, item 1153, No. 170, item 1651; 2004, No. 93, item 891, No. 96, item 959);

5) retirement pension supervision pursuant to the Act of 22 August 1997 on Employees' Retirement Pension Schemes (Dziennik Ustaw 2001, No. 60, item 623; 2002, No. 25, item 253, No. 141, item 1178), the Act of 28 August 1997 on Organisation and Operation of Retirement Pension Funds (Dziennik Ustaw 2004, No. 159, item 1667) and the Act of 22 May 2003 on Insurance and Retirement Pension Supervision and on Commissioner of the Insured;

6) veterinary supervision pursuant to the Act of 21 August 1997 on Animal Welfare (Dziennik Ustaw 2003, No. 106, item 1002, as amended), the Act of 23 August 2001 on Animal Feedstuffs (Dziennik Ustaw 2005, No. 255, item 2143), the Act of 6 September 2001 – Pharmaceutical Law (Dziennik Ustaw 2004, No. 53, item 533, as amended), the Act of 27 August 2003 on Veterinary Border Inspection (Dziennik Ustaw 2003, No. 165, item 1590; 2004, No. 69, item 625; 2006, No. 17, item 127), the Act of 10 December 2003 on Veterinary Inspection in Trade (Dziennik Ustaw 2004, No. 16, item 145; 2006, No. 17, item 127), the Act of 29 January 2004 on the Veterinary Inspection Office (Dziennik Ustaw 2004, No. 33, item 287, as amended), the Act of 11 March 2004 on Animal Health Protection and Control of Infectious Animal Diseases (Dziennik Ustaw 2004, No. 69, item 625; 2005, No. 23, item 188, No. 33, item 289; 2006, No. 17, item 127), and the Act of 16 December 2005 on Products of Animal Origin (Dziennik Ustaw 2006, No. 17, item 127);

7) sanitary supervision pursuant to the Act of 14 March 1985 on the State Sanitary Inspection Office (Dziennik Ustaw 1998, No. 90, item 575, with subsequent amendments) and the Act of 11 May 2001 on Health conditions of food and nutrition (Dziennik Ustaw 2005, No. 31, item 265, No. 178, item 1480), within the scope related to food safety.

Chapter 6. Branches and Agencies of Foreign Entrepreneurs

Article 85. 1. Foreign entrepreneurs may, for purposes of pursuing economic activity on the territory of the Republic of Poland, create branches with the seat on the territory of the Republic of Poland, hereinafter called “branches”, subject to reciprocity, unless international agreements ratified by Poland otherwise provide.

2. The provision of Article 13, paragraph 1 shall apply respectively to the forming of branches by foreign entrepreneurs from Member States of the European Union and Member States of the European Free Trade Agreement (EFTA) – parties to the Agreement on the European Economic Area.

Article 86. The foreign entrepreneur who creates a branch may carry on economic activity solely to the extent of the object of the foreign entrepreneur's activity.

Article 87. The foreign entrepreneur who creates a branch shall appoint a person authorised, in the branch, to represent the foreign entrepreneur.

Article 88. The foreign entrepreneur may assume economic activity within the framework of a branch, upon having the branch entered in the register of entrepreneurs. The terms of entry in the register of entrepreneurs are laid down in the provisions of a separate Act.

Article 89. Notwithstanding the duties set forth in the provisions on the National Court Register, the foreign entrepreneur shall:

1) state the forename and surname and an address in the Republic of Poland of the person authorised in the branch to represent the foreign entrepreneur;

2) append a notarially certified specimen signature of the person referred to in subparagraph 1;

3) if it carries on activity on the basis of a founding act, partnership or company deed, or company articles – deposit the copies thereof in the branch registration files together with a certified translation into Polish; where the foreign entrepreneur has established more than one branch on the territory of the Republic of Poland, these documents may be deposited in the files of one branch provided that the branch in which the said documents have been deposited shall be indicated in the registration files of the other branches together with the designation of the court with which the files are kept and the number assigned to the branch in the register;

4) if it exists or carries on activity on the basis of a register entry – deposit a copy of the relevant excerpt from the register in the branch registration files together with a certified translation into Polish; where the foreign entrepreneur has established more than one branch on the territory of the Republic of Poland, these documents may be deposited in the files of one of the branches provided that the branch in which the said documents have been deposited shall be indicated in the registration files of the other branches together with the designation of the court with which the files are kept and the number assigned to the branch in the register.

Article 90. The foreign entrepreneur who established a branch shall:

1) use, for purposes of designating the branch, the original name of the foreign entrepreneur together with the name of its legal form translated into Polish, with words “*oddział w Polsce*” (“branch in Poland”) added;

2) keep for the branch separate account books in the Polish language, in accordance with the accounting provisions;

3) notify the minister competent for the economy of any and all changes in the state of fact and state of law, to the extent of changes in the circumstances referred to Article 91, paragraph 1, subparagraph 2, within 14 days of their occurrence.

Article 91. 1. The minister competent for the economy shall issue a decision on prohibiting the foreign entrepreneur from conducting economic activity within the framework of the branch in the event that:

1) the branch should flagrantly violate the Polish law or fail to discharge the duty referred to in Article 90, subparagraph 3;

2) liquidation proceedings should be instituted in respect of the foreign entrepreneur who created the branch, or the said entrepreneur should forfeit the right to carry on economic activity;

3) activity of the foreign entrepreneur should jeopardise the defence and security of the State, the security of a state secret, or another important public interest.

2. Where the decision referred to in paragraph 1 has been issued, the minister competent for the economy shall notify the person referred to in Article 89, subparagraph 1 of the duty to institute liquidation proceedings in respect of the branch within a designated time limit which shall be no shorter than 30 days. The minister shall send a copy of the decision referred to in paragraph 1 to the competent registration court.

Article 92. The provisions of the Code of Commercial Partnerships and Companies on the liquidation of a limited liability company shall apply respectively to the liquidation of the branch.

Article 93. Foreign entrepreneurs may create agencies with the seat on the territory of the Republic of Poland, hereinafter called “agencies”.

Article 94. The scope of activity of the agency shall cover no other pursuits than promoting and advertising the foreign entrepreneur.

Article 95. 1. Agencies may also be created by foreign persons established for purposes of promoting the economy of the country in which they have their seat, provided that the scope of activity of such a agency shall cover no other pursuits than promoting and advertising the economy of its country.

2. Provisions of this Chapter shall apply respectively to the agency referred to in paragraph 1.

Article 96. 1. The establishment of an agency shall require having it entered in the register of foreign agencies, hereinafter called “register of agencies”, maintained by the minister competent for the economy.

2. The entry in the register of agencies shall be made on the basis of a filed application and in accordance with its contents.

Article 97. 1. The application referred to in Article 96, paragraph 2, executed in Polish, shall state:

- 1) the name, seat and legal form of the foreign entrepreneur;
- 2) the object of the foreign entrepreneur’s activity;
- 3) the forename and surname and address in the Republic of Poland of the person authorised in the agency to represent the foreign entrepreneur;
- 4) the address of the agency on the territory of the Republic of Poland.

2. The application shall be appended with:

- 1) if the foreign entrepreneur operates on the basis of a founding act, partnership deed or company deed, or company articles – a copy of the same;
- 2) if the foreign entrepreneur exists or carries on activity on the basis of a register entry – a copy of a relevant excerpt from this register;
- 3) a statement by the foreign entrepreneur on the setting up of agency on the territory of the Republic of Poland;
- 4) a document attesting the legal title of the foreign entrepreneur to the premises (immovable property) at which the activity is to be conducted.

3. The documents referred to in paragraph 2, if executed in a foreign language, shall be submitted together with a certified translation into Polish.

Article 98. 1. A certificate shall be issued ex officio to attest to the agency having been entered in the register of agencies. The certificate shall contain the data referred to in Article 97, paragraph 1, and the number and date of entry in the register of agencies.

2. The register shall be public.

Article 99. 1. The minister competent for the economy shall by decision refuse the entry in the register of agencies if:

1) creating the agency would threaten the defence and security of the State, or the security of a state secret, or another important public interest;

2) application referred to in Article 96, paragraph 2 concerns an activity which extends beyond the scope determined in Article 94 and Article 95, paragraph 1, or is flawed with deficiencies which have not been removed by a fixed time limit, likewise when the documents referred to in Article 97, paragraph 2 have not been appended to the application.

2. The refusal of entry for the reasons referred to in paragraph 1, subparagraph 1 shall not require substantiation by facts.

Article 100. The foreign entrepreneur who established an agency shall:

1) use, for purposes of designating the agency, the original name of the foreign entrepreneur together with the name of its legal form translated into Polish, with words “*przedstawicielstwo w Polsce*” (“agency in Poland”) added;

2) keep for the agency separate account books in the Polish language, in accordance with the accounting provisions;

3) notify the minister competent for the economy of any and all changes in the state of fact and state of law to the extent of data referred to Article 97, of the commencement and completion of liquidation of the foreign entrepreneur, and of forfeiture by the foreign entrepreneur of the right to carry on economic activity or to have his property at disposal, within 14 days of the occurrence of such events; the provisions of Article 97 shall apply respectively to the notification of changes.

Article 101. 1. The minister competent for the economy shall issue a decision on prohibiting the entrepreneur from conducting economic activity within the framework of the agency in the event that:

1) the agency flagrantly violates the Polish law or fails to discharge the duty referred to in Article 100, subparagraph 3;

2) liquidation proceedings have been opened in respect of the foreign entrepreneur who created the agency, or the said entrepreneur has forfeited the right to carry on economic activity;

3) activity of the foreign entrepreneur poses a threat to the defence and security of the State, security of a state secret, or another important public interest.

2. The provision of Article 91, paragraph 2 and provisions of the Code of Commercial Partnerships and Companies on the liquidation of a limited liability company shall apply respectively to the liquidation of agency.

Article 102. 1. The foreign entrepreneur shall notify the minister competent for the economy of the completion of liquidation of the agency within 14 days from the completion of the liquidation of agency.

2. On the completion of liquidation of the agency the minister competent for the economy shall by decision have the agency removed from the register of agencies.

Chapter 7. Micro-, Small and Medium-sized Entrepreneurs

Article 103. The State shall, while observing the principles of equality and competition, create advantageous conditions for the operation and development of micro-entrepreneurs, small, and medium-sized entrepreneurs, in particular by:

1) initiating such changes in the state of law as will encourage the development of micro-entrepreneurs, small and medium-sized entrepreneurs, including changes relating to access to credit and loan funds and credit suretyships;

2) supporting institutions which enable economic activity to be financed on advantageous terms within the framework of government programmes in progress;

3) ensuring equal conditions for economic activity in terms of public-law burdens;

4) facilitating access to information, training and counselling;

5) supporting institutions and organisations acting on entrepreneurs' behalf ;

6) promoting co-operation of micro-entrepreneurs, small and medium-sized entrepreneurs with other Polish and foreign entrepreneurs.

Article 104. The micro-entrepreneur shall mean an entrepreneur who in at least one of the two recent financial years:

- 1) had an average annual employment of less than 10; and
- 2) showed an annual net turnover from sales of goods, products and services and from financial operations of no more than a zloty equivalent of 2 million euro, or a balance-sheet assets total, as at the end of either of these two years, of no more than a zloty equivalent of 2 million euro.

Article 105. The small entrepreneur shall mean an entrepreneur who in at least one of the two recent financial years:

- 1) had an average annual employment of less than 50 and
- 2) showed an annual net turnover from sales of goods, products and services and from financial operations of no more than a zloty equivalent of 10 million euro, or a balance-sheet assets total, as at the end of either of these two years, of no more than a zloty equivalent of 10 million euro.

Article 106. The medium-sized entrepreneur shall mean an entrepreneur who in at least one of the two recent financial years:

- 1) had an average annual employment of less than 250 and
- 2) showed an annual net turnover from sales of goods, products and services and from financial operations of no more than a zloty equivalent of 50 million euro, or a balance-sheet assets total, as at the end of either of these two years, of no more than a zloty equivalent of 43 million euro.

Article 107. The euro-denominated amounts referred to in Articles 104 to 106 shall be converted into zlotys at an average exchange rate published by the National Bank of Poland on the last day of the financial year selected for purposes of establishing the entrepreneur's status.

Article 108. Repealed.

Article 109. 1. An average annual employment shall be reckoned in terms of full-time jobs.

2. For purposes of establishing the annual average employment, employees on maternity and upbringing leaves, or those employed with a view to receiving an occupational training shall not be taken into account.

3. With regard to the entrepreneur who has carried on economic activity for less than one year both his expected annual net turnover from sales of goods, products and services and from financial operations and his average annual employment shall be determined by assessment on the basis of data for the most recent period for which the entrepreneur provided supporting data.

4. Repealed.

Article 110. 1. An entrepreneur applying for being granted public aid shall file a declaration with an aid-providing authority stating that he fulfills the prerequisites specified in Annex I to Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (Official Journal of EC, L 010, 13/01/2001), amended by Regulation (EC) No 364/2004 of 25 February 2004 (Official Journal of EC, L 63, 28/02/2004).

2. The statement shall be in writing, save as otherwise provided for in separate provisions.

3. The provisions of paragraphs 1 and 2 shall be without prejudice to the aid-providing authority's powers to inspect the state of fact in the entrepreneur's business.

4. The amounts denominated in euro and referred to in Annex 1 to the Regulation specified in paragraph 1 shall be converted into zlotys at an average exchange rate announced by the National Bank of Poland on the last day of the financial year chosen for the purpose of defining the status of the entrepreneur.

Chapter 8. Final Provision

Article 111. This Act shall come into force on the date and on the terms laid down in the Act – Provisions Introducing the Act on Freedom of Economic Activity.

Translated by *Elżbieta Gołębiowska*