



# ADMINISTRATIVE SIMPLIFICATION IN POLAND

Prof. Zofia Wysokińska

Advisor to the Minister

Ministry of Economy

Department of Economic Strategy

Poland



## Improvement of the climate for conducting business activity:

- The reviewing compatibility of legislation with the economic policy, taking into account the need for stabilisation of the business law;
- Continuation of work on alignment of Poland's legal system with the EU system;
- Improving the procedures in administration and state apparatus, including civilian courts;
- Simplification and acceleration of administrative procedures for foreigners.



The State attaches great importance to the development of SMEs. A governmental document entitled „The direction of the government action towards small and medium - sized enterprises was adopted on May 11th 1999 by the Council of Ministers.



## Legal instruments for SMEs include:

- law dated November 19th 1999 The Business Activity Law (Dz. U. No 101, item 1178), where the entire Chapter 6 deals with SMEs;
- law dated November 9th 2000 on establishing the Polish Agency for Enterprise Development (Dz. U. No 109, item 1158);
- law dated June 30th 2000 on the condition for admissibility and monitoring of public aid for entrepreneurs (Dz. U. No 60, item 704);



## Public Administration Reform

- Law dated June 5th 1998 the voivodship self - government (Dz. U. No 91, item 576 with subsequent amendments);
- Law dated June 5th 1998 on governmental administration in the voivodship (Dz. U. 91, item 577 with subsequent amendments);
- Law dated June 5th 1998 of self-government in poviats (Dz. U. 91, item 578 with subsequent amendments);



## The Local Public Tasks Performed by the Commune (gmina)

- Technical (roads, waterworks , public transport, sewage treatments plants);
- Social (schools, health protection);
- Public order and safety;
- Land use and ecology (land management)



## The Business Activity Law

The law provided a new legal framework for enterprise functioning in Poland. Pursuant to the provisions of the Law business activity shall be based on the principle of freedom to undertake and conduct business equal rights for entrepreneurs, fair competition and consumer rights protection as well as observance of fair practices in trade. These principles have their roots in the Constitution of the RP.



The number of areas of activity subject to licensing was reduced from about 30 to 8

- exploration or identification of minerals, excavation of minerals from deposits, non-tank storage of substances in mounds and storing waste in underground excavations,
- manufacturing and trading in explosives, weapons and ammunition and goods and technology for military or police usage,

To be continued



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- manufacturing, processing, storing, transmitting, distributing and trading in fuels and energy,
- protecting persons and property,
- air transportation and performing other air services,
- building and operating or only operating toll motorways and expressways which are under the Act of Toll Motorways,
- managing rail lines and providing rail transport,
- broadcasting of radio and television programmes.



In 12 areas licences were replaced by permits. Any control was abolished as regards 11 areas of business:

- processing and trading in precious metals and stones,
- processing and trading in non-ferrous metals,
- trading in cultural artefacts dating back to before 9 May 1945,
- passport services,
- transferring audio or audio-visual recordings onto tapes, discs,
- cassettes, video cassettes and video discs,

To be continued



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- producing, writing, distributing and disseminating movies,
- conducting bazaars,
- marine transportation and managing other marine ports besides those ports of fundamental importance for the national economy,
- tourist services, except for organising tourist events and intermediary services in executing contracts to render tourist services under contract by clients,
- professional sports, except for activity in sphere of professional sports competition,
- exploration and excavation of mineral resources located in the waste left over after mining works and after the processes of enriching minerals.



The Act regulates the principles of issuing permits and licences to conduct business activity.

Establishing an obligation to obtain licence for undertaking and conducting business activity may only refer to these areas that are or should be covered with exclusivity of the State (the monopoly), or to the areas of special meaning accounting for citizens' safety or other important public business, or related to the ownership of the State.

Legal terms of obtaining permits must be clearly specified in a separate act, and their fulfilment should decide upon the obligation to issue a permit.