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by

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Abstract

Poland's foreign direct investment screening regime features a dual structure operating under the Act of 24 July 2015 on the Control of Certain Investments. The Designated-entity Mechanism protects a limited list of strategically important companies through minister-led review with mandatory interagency consultation via the Consultative Committee. The Sectoral Mechanism, introduced in 2020 as a broader activity-based screening tool targeting non-EU/EEA/OECD investors, was made permanent in July 2025. While the Designated-entity Mechanism features legally mandated interagency review through the Committee, the Sectoral Mechanism relies on more flexible, network-based coordination without compulsory committee consultation. At the EU level, Poland participates in the cooperation mechanism under the EU FDI Screening Regulation, with coordination expected to intensify following the anticipated strengthening of the EU framework. Investors occupy a central procedural position under both mechanisms, with the ability to influence outcomes through comprehensive notifications, prompt responses to information requests, and substantive submissions addressing potential public order or security concerns.

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CELIS Issue Note on Interagency Review, Poland, 2026

Katarzyna Stradomska and Dominika Pietkun

1. Decision-Making Structure in the Polish FDI Screening Regime

1.1. The Dual Structure of the Polish FDI Screening Regime

As explained in the Country Note, Poland's FDI screening regime is characterised by a dual structure: two distinct, parallel screening mechanisms operate under the same foundational statute – the Act of 24 July 2015 on the Control of Certain Investments, as amended (the "**2015 Act**").[1] The 2015 Act was originally designed as a targeted instrument aimed at preventing unwanted changes of control in a limited set of strategically important Polish companies, predominantly operating in specified sensitive sectors such as energy, fuels, telecommunications, and defence-related industrial activities (the "**Designated-entity Mechanism**").

The dual structure emerged when Poland added a second track in 2020 – the so-called Sectoral screening mechanism (the "**Sectoral Mechanism**"). It applies to acquisitions by **non-**EU/EEA/OECD investors**,** including certain entities established in EU/EEA/OECD jurisdictions for less than a specified period (i.e. two years) in Polish companies operating in strategic sectors that generated a turnover of at least EUR 10 million.[2]

1.2. Designated-Entity Mechanism

This original, company-centric track protects targets placed on a government list of protected entities adopted by regulation.[3] Currently, the government list of protected entities includes 24 companies. The list (applicable from 1 January 2025 until 31 December 2027) covers, *inter alia*, companies active in energy and fuels (e.g., ORLEN S.A., TAURON Polska Energia S.A.),

[1] Act of 24 July 2015 on the Control of Certain Investments (Ustawa z dnia 24 lipca 2015 r. o kontroli niektórych inwestycji), Journal of Laws 2015, item 1272, as amended, unofficial English translation by authors.
[2] Article 12b of the 2015 Act.
[3] Article 3(1) point 5 and Article 4(2) of the 2015 Act; Article 13a of the 2015 Act (authorisation for the Council of Ministers to adopt regulations specifying protected entities).

telecommunications (e.g., Orange Polska S.A., T-Mobile Polska S.A.), and broadcasting (e.g., Cyfrowy Polsat S.A., TVN S.A.).[4]

Institutionally, the Designated-entity Mechanism is minister-led**.** The "competent authority" is typically the minister designated for the particular sector in which a given protected entity operates. For example, under the current regulation listing protected entities, the Minister responsible for State Assets is indicated as the control authority for most listed companies, while the Minister of National Defence is indicated for selected defence-related entities (e.g., Centrum Rozwojowo-Wdrożeniowe "Telesystem-Mesko" Sp. z o.o. and WB Electronics S.A.).[5]

Importantly, the 2015 Act embeds formal interagency review via the Consultative Committee (in Polish: Komitet Konsultacyjny) **(the "Committee").**[6] Under the Designated-entity Mechanism, the competent minister is required to obtain the Committee's opinion / recommendation before adopting a decision to object.[7]

The Committee's composition is interagency by design, drawing from multiple ministries, security and intelligence services, and regulators.[8] This makes the Designated-entity Mechanism an example of a legally structured interagency screening architecture: the "lead" minister remains the decision-maker, but the 2015 Act ensures that security and sectoral viewpoints can be integrated into the assessment through a formal, repeatable procedure.[9]

1.3. Sectoral Mechanism

The Sectoral Mechanism shifted the regime from a narrowly targeted "list-based" model to a broader "activity-based" model: acquisitions in certain sectors became reviewable regardless of whether the target appeared on an official list. The covered sectors include, *inter alia*, energy and fuels, telecommunications, IT, medical and pharmaceutical products and equipment, food

[4] Regulation of the Council of Ministers of 18 December 2024 on the list of entities subject to protection and their competent control authorities, Journal of Laws 2024, item 1892, as amended (by Regulation of the Council of Ministers of 11 February 2025, Journal of Laws 2025, item 181).

[5] Regulation of the Council of Ministers of 18 December 2024, Journal of Laws 2024, item 1892, Annex.

[6] Article 13 of the 2015 Act.

[7] Article 10(1) of the 2015 Act.

[8] Article 13(3) and Article 14 of the 2015 Act.

[9] See Mataczyński, M. (ed.), *Act on the Control of Certain Investments. Commentary*, Warsaw 2016, commentary to Arts. 7 and 11.

processing and distribution, and activities involving classified information or certain dual-use technologies.[10]

Initially, the Sectoral Mechanism empowered the President of the Office of Competition and Consumer Protection (in Polish: Prezes Urzędu Ochrony Konkurencji i Konsumentów – UOKiK) **(the "UOKiK President")** to conduct the screening.[11] In July 2025, Poland implemented an important institutional shift**:** responsibility for sectoral screening was transferred from the UOKiK President to the Minister responsible for the Economy (currently described in practice as the Minister of Development and Technology).[12] In practice, shortly after the institutional shift, the Ministry of Development and Technology published its own clarifications and guidance on notifications and the conduct of proceedings under the Sectoral Mechanism.[13] In substance and structure, these explanations closely mirror the earlier clarifications published on behalf of the UOKiK President. This may be read as a positive signal that the new screening authority intends to ensure continuity and to follow the established administrative approach developed under the UOKiK President, thereby supporting predictability for investors during and after the transition.

Under the Sectoral Mechanism, the screening authority is not required to consult the Committee. This divergence in procedural design within the same Act introduces raises questions as to the rationale for differentiated interagency involvement.

1.4. Summary of the Polish FDI Screening Regime

The Polish FDI screening regime may be summarised as follows:

a) **Designated-entity Mechanism (since 2015)** – applies to acquisitions involving entities that fall within the statutory definition of a "protected entity" and are listed in a government regulation, and is administered by a competent minister specified by the 2015 Act for the relevant category of target (predominantly the Minister responsible for state assets, or the Minister of National Defence for defence-related entities).

[10] Article 12a of the 2015 Act.

[11] Article 12c of the 2015 Act (as in force from June 2020).

[12] Act of 24 July 2025 amending the Act on the control of certain investments, Journal of Laws 2025, item 973.

[13] Ministry of Development and Technology (Poland), "Investment control" (webpage), including the document "Explanations regarding notifications to the minister competent for the economy under the Act of 24 July 2015 on the Control of Certain Investments" (in Polish: *Wyjaśnienia w zakresie zawiadomień do ministra właściwego do spraw gospodarki…*), available at: https://www.gov.pl/web/rozwoj-technologia/kontrola-inwestycji, accessed 26 February 2026.

b) **Sectoral Mechanism (since 2020)** – covers acquisitions in defined strategic sectors by certain foreign investors from outside the EU/EEA/OECD, is administered by the minister responsible for economic affairs (with practical guidance frequently referring to the Ministry of Development and Technology).

It is particularly important as it draws a clear line between (i) an interagency review model where the Committee's opinion is a required procedural step (the Designated-entity Mechanism), and (ii) an interagency review model where cross-government inputs may occur but are not procedurally "hard-wired" through that Committee (the Sectoral Mechanism).

2. "Lead Authority" Model and Role of Advisory Body

From an interagency-review perspective, the dual structure of the Polish FDI screening regime matters in particular because the two tracks differ not merely in scope (who/what is covered), but also in institutional design, including (i) which authority leads the review and (ii) whether a formal interagency advisory body is legally required in the decision-making process.

In both tracks, Poland's system is not designed as a "joint decision" by multiple ministries (as for example in the German cabinet-style sense[14]). Instead, under both screening mechanisms, a single screening authority issues the decision but may be required (under the Designated-entity Mechanism) or allowed (as provided in the Sectoral Mechanism) to integrate inputs from across government.

In the Designated-entity Mechanism**,** interagency review is hard-wired by statute through the Committee step. In the Sectoral Mechanism, interagency engagement is more "network-based", meaning that the authority (Minister of Development and Technology) has the tools to request information and coordinate, but there is no universally applicable statutory rule that a committee opinion is mandatory for each case (and past administrative clarifications deny such a committee consultation step in the Sectoral Mechanism).

3. Administrative-Law Framework and Interagency Review

FDI screening proceedings under the 2015 Act are conducted as administrative proceedings. The 2015 Act provides that, in matters not regulated therein, the Code of Administrative

[14] See Brüggemann, M.; Hendricks, T., CELIS Issue Note on Interagency Review, Germany, 2024, 6 November 2024, section 2.1.

Procedure (in Polish: *Kodeks postępowania administracyjnego*)[15] (the "**Code of Administrative Procedure**") applies, and the screening outcome takes the form of an administrative decision (subject to administrative-court review).[16]

This "administrative-law backbone" carries several consequences relevant to interagency review:

a) **File-based decision-making with formal steps, decisions, and service requirements**: the administrative procedure requires the authority to maintain a case file containing all relevant documentation, notifications, and correspondence. Decisions must be issued in writing and formally served on the parties. Where the authority adopts a blocking decision, it must provide adequate factual and legal reasoning. This ensures a clear procedural record that can be examined in any subsequent judicial review;
b) **Requests for information and explanations that can suspend statutory timelines (a "stop-the-clock" logic)**: the authority may request additional information or clarifications from the notifying party, and the statutory deadline for issuing a decision is suspended during the period allowed for the party to respond. This mechanism enables the authority to obtain complete information before proceeding to the substantive assessment;
c) **Administrative-court review pathways**: decisions issued under the 2015 Act may be challenged before administrative courts (complaints to the Regional Administrative Court, with cassation appeals to the Supreme Administrative Court), reinforcing legal accountability in a system otherwise dominated by security and policy considerations.

Under the Sectoral Mechanism, a request for information addressed to another state body does not suspend the statutory deadline. The Minister must therefore structure the proceedings so as to secure the necessary information within the time limits set by the Act. This design places the burden of procedural coordination on the authority and may create practical tension between the need for comprehensive fact-finding and the strict temporal framework of the screening regime.

Whereas, with respect to the Designated-entity Mechanism, the 2015 Act's text indicates that before issuing the substantive decision, the authority applies to the Committee to present a

[15] Code of Administrative Procedure (Act of 14 June 1960) (Polish: *Kodeks postępowania administracyjnego*), Journal of Laws 1960 No. 30, item 168, as amended.
[16] Article 11(5) of the 2015 Act.

recommendation within a specified period, and it may request additional written explanations from the notifying entity.[17]

This shows that interagency input (committee recommendation) and investor input (explanations) are both explicitly recognised procedural steps in the decision phase of the Designated-entity Mechanism, which is not mandatory under the Sectoral Mechanism.

4. Interagency Consultations

4.1. The Committee as the Centerpiece of Formal Interagency Review under the Designated-Entity Mechanism

The 2015 Act establishes the Committee (as defined above) as an advisory body to the screening authority and assigns its core tasks: providing recommendations (including factual and legal justifications) as to whether the authority should issue decisions objecting to the transaction.[18]

The Committee's membership design is explicitly interagency and security-oriented: it includes representatives of the Prime Minister, multiple competent ministers (including, by functional portfolio: economy, energy, internal affairs, foreign affairs, transport and others), the heads of key security and intelligence bodies (including internal security, foreign intelligence, military counterintelligence and military intelligence), and sector regulators (e.g., electronic communications and energy regulation), as well as the Government Centre for Security.[19] This composition particularly matters because it provides a procedural channel through which: (i) security services can feed risk assessments into the administrative record, (ii) sector regulators can highlight vulnerabilities or critical dependencies, and (iii) ministries can align the screening outcome with broader state policy assumptions, while respecting the 2015 Act's express statement that decisions cannot be based purely on the state's economic interest.[20]

The 2015 Act also embeds operational features typical of security-sensitive interagency screening: members may be required to have security clearance (authorising access to "secret" classified information), the Prime Minister appoints the Committee's members and

[17] Article 10 of the 2015 Act.
[18] Article 13(2) of the 2015 Act.
[19] Article 13(3) of the 2015 Act.
[20] Article 11(4) of the 2015 Act. See also Mataczyński, M. (ed.), *Act on the Control of Certain Investments. Commentary*, Warsaw 2016, commentary to Art. 11.

chair, and the Chancellery of the Prime Minister provides organisational support.[21] In result, under the Designated-entity Mechanism interagency review is rather a formal, institutionalised governance layer, rather than merely informal coordination.

The procedure prevents the responsible minister from issuing a decision without first obtaining an opinion from the Committee. It is worth underlining that the Minister is not bound by that opinion and remains formally empowered to adopt a decision that diverges from it. Yet, in practice, such divergence would constitute a rare occurrence. In particular, the adoption of a blocking decision without positive reinforcement from the Committee may prove more vulnerable to judicial review and therefore more readily contestable before the court.

The Minister may also request the Committee's opinion with regard to other pending issues arising in the course of the proceedings. The Act does not, however, specify the Committee's role where the Minister's findings lead to consideration of whether an administrative fine for failure to notify should be imposed. This legislative silence creates a degree of interpretative uncertainty as to whether the Committee's advisory function extends to sanctioning decisions, or whether the imposition of fines remains reserved to the Minister's autonomous assessment.

4.2. The Sectoral Mechanism and the Absence of Mandatory Committee Consultation in Administrative Practice

Even absent mandatory committee consultation, sectoral FDI reviews are inherently likely to engage other authorities, especially where the target operates in critical or sensitive sectors typically associated with heightened security sensitivity, such as energy and fuels, telecommunications, or defence-related manufacturing and technologies. Such exchange may take place through information requests, informal consultations, or coordination via the EU mechanism.[22]

The Minister conducts administrative proceedings prior to issuing the screening decision. To these proceedings, the provisions of the Code of Administrative Procedure apply in full. In particular, the authority is required to collect and examine all evidence necessary for the thorough clarification of the factual circumstances of the case, acting in accordance with the

[21] Article 13(3)–(5) of the 2015 Act.

[22] See Article 12a of the 2015 Act (defining the covered sectors under the Sectoral Mechanism); Articles 6–8 of Regulation (EU) 2019/452 (providing for the EU cooperation mechanism and information exchange between Member States and the Commission).

principle of objective truth.[23] Within that framework, the Minister may request information from other public authorities, summon witnesses, appoint expert witnesses, and rely on any evidence admissible under the Code. The evidentiary initiative is not confined to the parties' submissions, as the authority is both empowered and obliged to act *ex officio* where required for a proper risk assessment of the transaction.

Requests addressed to other state bodies form part of the general duty of administrative cooperation and allow the screening authority to integrate sectoral, regulatory, or security-specific expertise into the evidentiary record. Information obtained in this manner constitutes evidence within the meaning of the Code and must be assessed together with the remaining material gathered in the proceedings. At the same time, such consultation does not shift decision-making responsibility: the screening decision remains attributable solely to the Minister, who must independently evaluate the material collected and provide adequate reasoning.

The practical implication is that Poland's Sectoral Mechanism's interagency element is less formal, less transparent, and less procedurally structured than in the Designated-entity Mechanism. Even in the Sectoral Mechanism, interagency practice can influence outcomes through "soft" pathways:

a) **Security-sensitive fact-checking**: where intelligence services or sector regulators possess relevant information, the screening authority may consult them informally (even if not required), especially in cases involving critical technologies, data, or infrastructure;
b) **Policy alignment without explicit committee procedures**: interagency alignment can be achieved through governmental coordination norms, even if the legal procedure is formally run by one competent authority.

[23] See Article 7 and 77 of the Code of Administrative Procedure.

5. Cooperation with Authorities in Other Jurisdictions – the EU Coordination Mechanism

5.1. The EU Cooperation Mechanism under the EU FDI Screening Regulation

Poland participates in the EU's FDI cooperation mechanism (provided under the EU FDI Screening Regulation (EU) 2019/452), which enables information exchange, comments by other Member States, and opinions by the Commission where an investment may affect security or public order.[24] The national contact point framework enables the Minister to obtain relevant information concerning the investor's previous activities in other Member States, any concerns raised in parallel screening proceedings, or observations issued by the European Commission. From an interagency perspective, the EU mechanism can broaden "interagency review" beyond Poland's borders, because comments/opinions can introduce risk information (e.g., supply chain dependencies, dual-use issues) originating in other Member States or the European Commission. Their relevance lies particularly in cases involving complex cross-border investment structures, where the facts cannot be fully reconstructed on the basis of domestic information alone. In any case, the Member State carrying out screening retains the final decision, but the mechanism can materially shape the assessment in sensitive cases, as it may constitute a valuable evidentiary source.[25] The mechanism may also serve as a source of information regarding unnotified transactions or enable the early identification of risks before they materialize in Poland.

6. To What Extent can an Investor (or Others) be Heard or Influence Proceedings?

6.1. The Investor's Procedural Position: Party Status and Evidence-Driven Influence

In Poland, the investor (or other notifying entity, depending on the statutory trigger) is central because the system is notification-driven and administratively structured. The obligation to submit a notification rests with the investor, who must assess whether the transaction falls within the scope of the screening requirements. The investor also bears responsibility for any violation of the notification obligations under the 2015 Act. Investors can influence outcomes primarily through:

[24] Articles 6–8 of Regulation (EU) 2019/452.
[25] Article 6(9) of Regulation (EU) 2019/452.

a) **High-quality, complete notifications**: including the ownership and control chain, beneficial ownership, financing arrangements, governance rights, and target activities mapped to covered sectors;
b) **Rapid, accurate responses to authority requests**: for information or explanations, given that time limits can be suspended pending responses;
c) **Substantive submissions**: explaining why the acquisition does not threaten protected interests (public order, security, health or life of the population) and how risks will be managed (such as governance safeguards, data and access controls, or ring-fencing of sensitive activities, to the extent compatible with Polish law and administrative practice).[26]

These forms of influence are largely similar to other EU systems, but Poland's dual-track nature makes it particularly important for investors to understand which track applies to the relevant transaction.

6.2. Rights of Third Parties and External Stakeholders

Generally, Poland's FDI screening process does not provide any specific procedural rights for third parties. In other words, third parties are not involved and that the only party to the FDI review proceedings is the notifying party (in practice, the investor).

Should a third party become aware of pending proceedings, it may submit a written contribution expressing its position on the contemplated investment. Such submission may be incorporated into the case file as part of the evidentiary material. It does not, however, bind the screening authority, which remains responsible for independently assessing the relevance and probative value of the information provided.

At the same time, interagency bodies and EU partners can act as "functional stakeholders" because their comments, risk information, and policy priorities may enter the assessment through: (i) the Committee (the Designated-entity Mechanism), (ii) informal domestic

[26] See Articles 5–8 of the 2015 Act (providing the framework for the substantive assessment and decision-making, within which investors may address potential concerns); See also Ministry of Development and Technology (Poland), "Investment control" (webpage), including the document "Explanations regarding notifications to the minister competent for the economy under the Act of 24 July 2015 on the Control of Certain Investments" (in Polish: *Wyjaśnienia w zakresie zawiadomień do ministra właściwego do spraw gospodarki…*), available at: https://www.gov.pl/web/rozwoj-technologia/kontrola-inwestycji, accessed 26 February 2026.

coordination (the Sectoral Mechanism), and (iii) the EU cooperation exchanges via the contact point as provided under the EU FDI Screening Regulation.

7. Conclusions and Practical Assessment for "Interagency Review"

Poland's dual-track FDI screening regime presents two distinct models of interagency coordination:

1. First, **the Designated-entity Mechanism** offers a highly institutionalised approach where interagency review is embedded in statute through the mandatory consultation of the Committee. This body brings together representatives from across government – including security and intelligence services, sector regulators, and relevant ministries – ensuring that decisions objecting to transactions are informed by a broad range of security and policy perspectives. The Committee's legally mandated role provides procedural transparency and predictability for investors, who can anticipate that sensitive transactions involving listed entities will receive multi-stakeholder scrutiny.
2. Second, **the Sectoral Mechanism** relies on a more flexible, network-based approach to interagency engagement. While the competent authority (now the Minister of Development and Technology) retains discretion to consult other bodies, there is no mandatory committee consultation. This design prioritises administrative efficiency and adaptability but may result in less transparency regarding the extent and nature of interagency coordination in individual cases.

Looking forward, the anticipated strengthening of the EU FDI cooperation mechanism is likely to increase the importance of cross-border interagency coordination in Poland's screening practice. National authorities will need to ensure effective internal coordination to meet enhanced procedural expectations at the EU level.

For investors, the key practical implication is the need to engage early and comprehensively with the screening process under both mechanisms. Understanding which track applies, preparing thorough notification documentation, and responding promptly to authority requests remain essential to achieving timely and favourable outcomes.

Annex 1: Relevant Laws, Ordinances, Regulatory Guidelines

- Constitution of the Republic of Poland (Act of 2 April 1997) (Polish: Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.) [in Polish], (Dz.U. 1997 nr 78 poz. 483);
- Act on Special Rights of the State Treasury and their Exercise in Companies of Significant Importance for Public Order or Public Security (Act of 3 June 2005) (Polish: Ustawa z dnia 3 czerwca 2005 r. o szczególnych uprawnieniach Skarbu Państwa…) [in Polish], (Dz.U. 2005 nr 132 poz. 1108);
- Act on Special Powers of the Minister Competent for Energy in Certain Companies or Corporate Groups in the Electricity, Oil and Gas Sectors (Act of 18 March 2010) (Polish: Ustawa z dnia 18 marca 2010 r.…) [in Polish], (Dz.U. 2010 nr 65 poz. 404);
- Energy Law (Act of 10 April 1997) (Polish: Prawo energetyczne) [in Polish], (Dz.U. 1997 nr 54 poz. 348);
- Crisis Management Act (Act of 26 April 2007) (Polish: Ustawa o zarządzaniu kryzysowym) — consolidated text: (Dz.U. 2013 poz. 1166) [in Polish];
- Act on the Rules of Participation of Foreign Entrepreneurs and Other Foreign Persons in Trade on the Territory of the Republic of Poland (Act of 6 March 2018) (Polish: Ustawa z dnia 6 marca 2018 r.…) [in Polish], (Dz.U. 2018 poz. 649);
- Act on the Control of Certain Investments (Act of 24 July 2015) (Polish: Ustawa z dnia 24 lipca 2015 r. o kontroli niektórych inwestycji) [in Polish], (Dz.U. 2015 poz. 1272);
- Aviation Law (Act of 3 July 2002) (Polish: Prawo lotnicze) [in Polish], (Dz.U. 2002 nr 130 poz. 1112);
- Banking Law (Act of 29 August 1997) (Polish: Prawo bankowe) [in Polish], (Dz.U. 1997 nr 140 poz. 939);
- Act on Organising Defence-Related Tasks Implemented by Entrepreneurs (Act of 23 August 2001) (Polish: Ustawa z dnia 23 sierpnia 2001 r.…) [in Polish], (Dz.U. 2001 nr 122 poz. 1320);
- Strategic Reserves Act (Act of 29 October 2010) (Polish: Ustawa o rezerwach strategicznych) [in Polish], (Dz.U. 2010 nr 229 poz. 1496);
- Act on Access to Public Information (Act of 6 September 2001) (Polish: Ustawa o o dostępie do informacji publicznej) [in Polish], (Dz.U. 2001 Nr 112 poz. 1198);
- Regulation of the Council of Ministers of 8 May 2020 amending the regulation on the list of entities subject to protection and their competent control authorities (Polish: Rozporządzenie Rady Ministrów z dnia 8 maja 2020 r.…) [in Polish], (Dz.U. 2020 poz. 880);
- Regulation of the Council of Ministers of 11 February 2025 amending the regulation on the list of entities subject to protection and their competent control authorities (Polish: Rozporządzenie Rady Ministrów z dnia 11 lutego 2025 r.…) [in Polish], (Dz.U. 2025 poz. 181);

- Regulation of the Council of Ministers of 18 December 2024 on the list of entities subject to protection and their competent control authorities (Polish: Rozporządzenie Rady Ministrów z dnia 18 grudnia 2024 r.…) [in Polish], (Dz.U. 2024 poz. 1892);
- Regulation of the Council of Ministers of 19 December 2024 amending the regulation on the list of entities subject to protection and their competent control authorities (Polish: Rozporządzenie Rady Ministrów z dnia 19 grudnia 2024 r.…) [in Polish], (Dz.U. 2024 poz. 1891);
- Treaty on European Union (consolidated version 2016), Official Journal C 202, 7.6.2016; EUR-Lex: https://eur-lex.europa.eu/eli/treaty/teu_2016/oj;
- Treaty on the Functioning of the European Union (consolidated version 2016), Official Journal C 202, 7.6.2016; EUR-Lex: https://eur-lex.europa.eu/eli/treaty/tfeu_2016/oj;
- Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union, Official Journal L 79I, 21.3.2019, p. 1–14; EUR-Lex: https://eur-lex.europa.eu/eli/reg/2019/452/oj;

Annex 2: Relevant Administrative and Court Cases

- Decision of the President of the Office of Competition & Consumer Protection (UOKiK), 8 October 2020, ref. DKK-179/2020;
- Judgment of the Regional Administrative Court (Warsaw), 17 October 2017, ref. VI SA/Wa 727/17 – WSA (first instance).
- Judgment of the Regional Administrative Court (Warsaw), 17 October 2017, ref. VI SA/Wa 728/17 – WSA.
- Judgment of the Regional Administrative Court (Warsaw), 17 October 2017, ref. VI SA/Wa 776/17 – WSA.
- Judgment of the Supreme Administrative Court, 27 January 2022, ref. II GSK 594/18 – NSA (cassation).
- Judgment of the Supreme Administrative Court, 27 January 2022, ref. II GSK 596/18 – NSA.

Annex 3: Relevant Literature

a. Treatises

- Opalski, A., in: Sołtysiński, S. (ed.), Commercial Companies Law. System of Private Law, Vol. 17B, 2nd ed., Warsaw 2016, Legalis.

b. Commentaries

- Bielecki, L.; Ruczkowski, P., Commentary to the Act on the Rules of Participation of Foreign Entrepreneurs and Other Foreign Persons in Trade on the Territory of the Republic of Poland, in: Constitution for Business. Commentary, WKP 2019, Lex.
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