

WARSAW, JULY 2009

THE LATEST CHANGES IN POLISH LAW
NEWSLETTER

CIVIL PROCEEDING

On 1st July 2009 came into force the Act of 5th December 2009 amending the Civil Proceeding Code and certain other laws (Journal of Laws 2008, No. 234, Item 1571). Fundamental aim of this Act is to introduce the supplementary and executive regulations relatively to Community regulations establishing the proceeding concerning European warrant for payment and European proceeding concerning small claims.

By virtue of the Act, plaintiff decides to commence European injunction proceeding. District Court is the proper Court to adjudicate in the European injunction proceeding, European warrant for payment can also be delivered by Court referendary. Court referendary can also pass decrees. Cognisance of the case will take place on closed session.

Power to state execution of European warrant for payment ex officio was granted by the amending Act to the Court which passed the warrant. Execution stated by court allows to initiate the execution procedure in every member state.

EMPLOYMENT AND LABOUR LAW

On 3rd of July 2009 came into force the Act from 22th of May 2009 concerning the amendments to the Labour Code and certain other laws (Journal of Laws 2009, No. 99, item 825).

On this ground the following changes were introduced:

- the definition and diagnostication of occupational disease were circumscribed;
- subjects endowed with a right to notify groundless suspicion of occupational disease occurrence to public sanitary inspector (apart from employers, doctors and dentists) were extended;
- the scope of the employer's obligations concerning occupational diseases and industrial accidents was enlarged.

Concurrently, the Regulation of Council of Ministers of 30th June 2009 treating of occupational diseases (Journal of Laws No. 105, item 869) came into effect and completed the latest changes in The Code of Labour. The list of occupational diseases was completed with pneumoconiosis, malignant neoplasm of voice box, nose and sinus etc.

TELECOMMUNICATIONS LAW

On 6th of July 2009 came into effect the Regulation of Ministry of Infrastructure of 17th June 2009 concerning legal requirements for using public mobile phone network (Journal of Laws 2009, No. 97, item 810).

Due to implemented changes in law, the process of porting mobile phone numbers (by dint of shortening porting periods and specifying closing dates) will be improved and more efficient.

Up till now, there was no interchangeable regulation concerning the sphere of the mentioned problem and exert an effect in time-consuming proceedings, which span of 28 days on average.

Enforced solutions concern principally the possibility to port few mobile numbers to new mobile network operator at the same time and the possibility to port several mobile numbers within framework of the same mobile phone network (for instance changing the right of use from pre-paid to fee or vice versa). Due to the Regulation, the portability of mobile numbers is going to be free of charge.

ECONOMIC LAW

On 21st of July 2009 came into force the Act of Computerization the Activity of Entities Exercising Public Tasks (Journal of Laws 2008, No. 127, Item 817).

Pursuant to The Act, the obligations to obtaining and using the certificated electronic signature in connection with the Social Insurance Institution, which appertained applications, personal monthly reports, statements of account and other documents, concern taxpayers who (cumulatively) employ more than five employees and settle with Social Insurance Institution via the Internet.

TAX LAW

On 23rd of July 2009 came into force the Regulation of the Ministry of Finance dated on 29th July 2009 concerning the abandonment of exaction of income tax of individual or legal entities (Journal of Laws 2009, No. 209, item 1545).

In this Regulation the Ministry of Finance administers to abandon collection of income tax from revenues of non-residents, as far as the indicated revenues were obtained from interest on bonds issued in foreign markets in 2009 by Mazovian province or by virtue of the disposal of these bonds.

If you have any questions or doubts, please do not hesitate to contact me.

Yours sincerely,

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