

WARSAW, OCTOBER 2009

**THE LATEST CHANGES IN POLISH LAW**  
**NEWSLETTER**

**COMMUNITY CODE ON VISAS**

The European Parliament and the Council Regulation of 13th July 2009 (No. 810/2009), which establishes the Community Code on Visas came into force on 5th October 2009.

The aim of the regulation is to define all legal instruments and conditions concerning visa decisions. The provisions mainly concern transits through the territory of the member states of the European Union or intended stays not exceeding three months in any six-month period (short-term visas).

The Community Code on Visas applies to:

- the third states whose nationals must be in possession of visas when crossing the external borders of the Schengen area according to the Council Regulation (EC) of 15 March 2001 (No. 539/2001).

**CONSTRUCTION LAW**

On 15th October 2009 came into force the Act of 27th August 2009 amending the construction and management of properties law Acts. The Act introduces following changes:

- the imposition on the owners of the building properties the obligation to possess the energy description certificate, also those who sell their properties on the aftermarket;
- the extension of the group of persons who has the right to draw up the energy description certificates. According to the Act, construction engineers, even though they did not obtain the master degree, but finished the engineer studies on the following specializations: architecture, construction, environment engineering, energetic or related, obtain the right to draw up the energy description certificates. Moreover, other participants of the construction process are entitled, such as property developers and building designers.

**COMPANY LAW**

On 21st October 2009 the Directive 2009/101/EC of 16th September 2009 of the European Parliament and the Council coordinating the company law of the member states of the European Union came into force. The Directive applies to the limited liability companies, limited joint-stock partnerships and to the joint-stock companies. It obligates all of the member states to:

- guarantee to the companies the opportunity to submit the documents in the electronic form;
- introduce the openness of all basic documents and all other information concerning the companies;
- enable the companies to submit the documents not only in the official language of the particular member state, but also in all other official languages of the European Community;
- establish homogeneous standards for the validity of the companies obligations.

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On 21st October 2009 the Directive 2009/102/EC of 16th September 2009 of the European Parliament and the Council coordinating the company law of the member states of the European Union came into force (Journal of Laws, No. 258, Item 20). The Directive applies to sole shareholder limited liability companies and to similar forms of companies.

The Directive harmonizes the regulations concerning sole shareholder limited liability companies through:

- the introduction of the regulations, which enable the entrepreneurs to form limited companies with a sole partner, either from the moment of the foundation of the company or as a result of accumulation of all shares of the company by one shareholder;
- the introduction of the regulations, which obligate the entrepreneurs to reveal certain information about the company, in particular the fact that all shares of the company are accumulated by one shareholder. Also to disclose his or her identity, by entering this information either in the official register or in the one conducted by the company and open to public;
- the authorization granted to the member states to establish specific regulations or sanctions, in a situation where either one natural person is a partner in many companies or sole shareholder company or other legal entity is a sole partner of the company;
- the regulation that grant to the member states the right to refuse the creation of the sole shareholder limited liability companies in a situation, where the member state regulations provide for the individual entrepreneurs the possibility to establish the company with the responsibility limited to the sum allocated for the specific activity.

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

*Yours sincerely,*

**Maciej Szulikowski**

*Legal Counsel and Managing Partner*

*M. Szulikowski and Partners*

*Law Office*