

[Annex to the announcement of the Speaker of the Sejm of the Republic of Poland dated February 2, 2017.](#)
[\(Journal of Laws 2017 item 248\)](#)

U S T A
of July 7, 2005.

ON LOBBYING ACTIVITIES IN THE LAWMAKING PROCESS

Chapter 1
GENERAL PROVISIONS

Article 1

The law defines the principles of openness of lobbying activities in the lawmaking process, the rules for performing professional lobbying activities, the forms of control of professional lobbying activities, and the rules for keeping a register of entities performing professional lobbying activities.

Article 2

(1) Within the meaning of the Law, lobbying activity is any activity conducted by legally permissible methods aimed at influencing public authorities in the law-making process.

(2) Within the meaning of the Law, professional lobbying activity is paid lobbying activity conducted for the benefit of third parties in order to take into account the interests of such third parties in the lawmaking process.

(3) Professional lobbying activities may be carried out either by an entrepreneur or by a natural person who is not an entrepreneur under a civil law contract.

Chapter 2
PRINCIPLES OF OPENNESS OF LOBBYING ACTIVITIES IN THE LAWMAKING PROCESS

Article 3 ¹⁾

(1) The Council of Ministers shall maintain a list of legislative work of the Council of Ministers, hereinafter referred to as the "list", including:

- 1) draft assumptions of draft laws;
- 2) draft laws;
- 3) draft regulations of the Council of Ministers.

2 The list includes, in particular:

- 1) concise information on the reasons and need for the solutions planned to be included in the project;
 - 2) indication of the essence of the solutions that are planned to be included in the project;
 - 3) identification of the authority responsible for the development of the project;
 - 4) the name and position or function of the person responsible for developing the project;
 - 5) identification of the body responsible for submitting the project to the Council of Ministers;
 - 6) information about the abandonment of work on the project, including the reason for this abandonment - in the case of abandonment of work on the project.
- (3) The list shall be made available in the Public Information Bulletin.

Article 3a ²⁾

- (1) The Council of Ministers or its subsidiary body may set a date for the planned adoption of a listed project by the Council of Ministers.
- (2) The Council of Ministers shall submit to the Seimas, once every 6 months of the calendar year, a list in terms of draft laws, as to which the planned date for their adoption by the Council of Ministers has been determined.

Article 4 ³⁾

- (1) The Prime Minister and ministers shall maintain lists of legislative work including draft regulations of the Prime Minister and ministers, respectively.
- (2) The lists referred to in paragraph (1) shall specify the planned date of issuance of the regulation. The provisions of Article 3 (2) (1), (2), (4) and (6) and paragraph (3) shall apply accordingly.

Article 5 ³⁾

Draft assumptions of draft laws, draft laws and draft regulations are made available in the Public Information Bulletin as soon as the drafts are submitted for consultation with members of the Council of Ministers.

Article 6 ³⁾

As soon as the lists referred to in Articles 3 and 4 are made available in the Public Information Bulletin, or, if the project was not included in any of these lists, as soon as the project is made available in the Public Information Bulletin, all documents relating to the work on the project are also made available in the Public Information Bulletin.

Article 7

1. ⁴⁾ As soon as the lists referred to in Article 3 and Article 4 are made available in the Public Information Bulletin, or, if the project was not included in any of these lists, as soon as the project was made available in the Public Information Bulletin, anyone may declare an interest in working on the draft of the bill, the draft law or the draft regulation.

2. ⁴⁾ The notification referred to in paragraph 1 shall be submitted on an official form to the authority responsible for:

1) submission of the draft assumptions of the draft law or draft law to the Council of Ministers;

2) development of a draft regulation.

3. ⁴⁾ The notification referred to in paragraph 1 shall be made available, with the exception of addresses of individuals, in the Public Information Bulletin as a document relating to the work on the draft assumptions of the draft law, the draft law or the draft regulation.

(4) The entity making the notification referred to in paragraph (1) shall state in the notification:

1) ⁵⁾ Names and addresses of persons authorized to represent this entity in the work on the draft assumptions of the draft law, draft law or draft regulation;

2) if it is on behalf of a legal entity - the name and headquarters of the legal entity;

3) if it is acting for an entity other than a legal entity - its name and address or its name and registered office, as appropriate;

4) the interest it intends to protect with regard to the regulation in question, and the legal solution it will seek to include.

5. ⁶⁾ The notification referred to in paragraph 1 shall be accompanied by:

1) if the entity making the notification is acting in the framework of professional lobbying activities - a certificate or statement of registration in the register of entities engaged in professional lobbying activities;

2) if the filing entity is acting on behalf of a legal entity registered in the National Court Register - an excerpt or a statement of entry in the Register of Entrepreneurs in the National Court Register concerning the legal entity.

5a. ⁷⁾ The statements referred to in paragraph 5 shall be made under penalty of criminal liability for making false statements. The person making the statement is obliged to include the following clause: "I am aware of the criminal liability for making a false statement". This clause replaces the authority's instruction on criminal liability for making false statements.

6. ⁸⁾ Entities that have declared an interest in the work on the draft assumptions of the draft law, the draft law or the draft regulation, shall be obliged to notify changes in the notifiable data within 7 days from the date of their occurrence to the body responsible for, respectively:

1) submission of the draft assumptions of the draft law or draft law to the Council of Ministers;

2) development of a draft regulation.

7. ⁸⁾ The Council of Ministers shall determine, by regulation:

1) the procedure for declaring interest in the work on the draft of the bill, draft law or draft regulation,

2) the model of the official form of notification of interest in the work on the draft assumptions of the draft law, draft law or draft regulation

- guided by the need to facilitate applications.

Article 8

(1) After a bill is brought before the Sejm, a public hearing on the bill may be held, under the terms of the Sejm's rules of procedure.

(2) An entity that has declared an interest in the work on a bill may, under the terms of the rules of procedure of the Sejm, participate in a public hearing on the bill.

Article 9

(1) The entity responsible for developing the draft regulation may hold a public hearing on the draft.

(2) Information on the date of the public hearing on the draft regulation shall be made available in the Public Information Bulletin at least 7 days before the date of the public hearing.

(3) The right to participate in the public hearing referred to in paragraph (1) shall be open to any entity that has declared an interest in the work on the draft regulation at least 3 days before the day of the public hearing.

(4) If for premises or technical reasons, in particular due to the number of people willing to participate in the public hearing, it is not possible to hold a public hearing on a draft regulation, the entity authorized to organize it may:

1) change the date or place of the public hearing, stating in the Public Information Bulletin the reasons for the change and the new date or place of the public hearing;

2) cancel the public hearing, stating in the Public Information Bulletin the reasons for the cancellation.

5. the entity organizing the public hearing in particular:

1) directs the conduct of the public hearing;

- 2) ensures the smooth conduct of the public hearing;
- 3) gives the floor to participants in the public hearing.

(6) The Council of Ministers shall determine, by regulation, the procedure for holding a public hearing on draft regulations and the manner of documenting its proceedings, with a view to ensuring the identification of persons participating in the public hearing, the freedom of presentation of the rationale and arguments of the participants in the public hearing, and the smooth conduct of the hearing.

Chapter 3

REGISTER OF ENTITIES ENGAGED IN PROFESSIONAL LOBBYING ACTIVITIES AND RULES OF PROFESSIONAL LOBBYING ACTIVITIES

Article 10

(1) A register of entities engaged in professional lobbying activities, hereinafter referred to as "the register", shall be established.

(2) The minister responsible for public administration shall maintain the register in the form of a database recorded on computer data carriers within the meaning of the provisions of the Act of February 17, 2005 on computerization of the activities of entities performing public tasks (Journal of Laws of 2014, item 1114, and of 2016, item 352 and 1579).

(3) The register shall contain the following data:

- 1) the company, headquarters and address of the entrepreneur performing professional lobbying activities or the name, surname and address of a natural person who is not an entrepreneur performing professional lobbying activities;
- 2) ⁹⁾ for entrepreneurs performing professional lobbying activities - the number in the register of entrepreneurs in the National Court Register, if they have such a number, and the tax identification number (NIP).

4 The register is public.

(5) The information contained in the register shall be made available in the Public Information Bulletin, except for the addresses of individuals.

Article 11

(1) Entry in the register shall be made on the basis of an application.

(2) The application referred to in paragraph (1) shall be submitted on an official form and shall state:

- 1) the company, headquarters and address of the entrepreneur performing professional lobbying activities or the name, surname and address of a natural person who is not an entrepreneur performing professional lobbying activities;

2) ¹⁰⁾ for entrepreneurs performing professional lobbying activities - the number in the register of entrepreneurs in the National Court Register, if they have such a number, and the tax identification number (NIP).

3. ¹¹⁾ The notification referred to in paragraph 1 shall be accompanied by:

1) proof of payment of the registration fee or a copy thereof;

2) copies of the pages of an identity document - in the case of individuals who are not entrepreneurs, performing professional lobbying activities under a civil law contract.

(4) If formal deficiencies are found in the notification referred to in paragraph (1), the registry authority shall call on the entity making the notification to remove the deficiencies.

(5) In the case of obvious unreasonableness of the application or failure to remove, within 7 days, despite the summons of the body keeping the register, formal deficiencies of the application, the body keeping the register shall refuse to make an entry in the register. Refusal to make an entry shall be made by means of an administrative decision.

(6) Entry in the register shall be subject to a fee. The fee for entry in the register shall be paid by making an application. The fee shall not exceed PLN 100.

(7) Entities entered in the register shall be obliged to notify the authority keeping the register of changes in the data subject to registration within 7 days of their occurrence.

8. ¹²⁾ The registry authority shall issue a certificate of registration at the request of the registrant.

(9) The registering authority shall, at the request of an entity entered in the register, remove the entity from the register.

(10) The minister responsible for public administration shall determine, by regulation:

1) the method of reporting and making entries in the registry and their updates, including a model form for reporting,

2) (repealed) ¹³⁾

3) the template of the certificate of registration,

4) the amount of the fee for entry into the register, set at a level that does not constitute a restriction on reporting professional lobbying activities to the register

- guided by the need to facilitate applications.

Article 12

Professional lobbying activities may be carried out after registration.

Article 13

In the case of a final judgment prohibiting the performance of professional lobbying activities under Article 41 of the Penal Code or Article 9(1)(5) of the Act of October 28, 2002 on the responsibility of collective entities for acts prohibited under penalty (Journal of Laws of 2016, item 1541), the body keeping the register shall remove from the register the entrepreneur or natural person affected by the judgment. Removal from the register shall be by administrative decision.

Article 14

(1) An entity engaged in professional lobbying activities shall also have the right to carry out such activities at the premises of the office serving the public authority.

(2) The head of the office referred to in paragraph (1) shall ensure that the entities engaged in professional lobbying activities included in the register have access to the office headed by him in order to enable the proper representation of the interests of the entities for the benefit of which this activity is carried out.

(3) The rules for carrying out professional lobbying activities in the Sejm and the Senate are determined by the rules of the Sejm and the rules of the Senate, respectively.

Article 15 ¹⁴⁾

(1) An entity engaged in professional lobbying activity shall be obliged to deliver to the public authority or an employee of the office serving the public authority before which it appears a certificate or a statement of registration in the register referred to in Article 11, and a statement indicating the entities for which it performs this activity.

(2) To the statements referred to in paragraph (1), the provision of Article 7, paragraph (5a) shall apply mutatis mutandis.

Chapter 4

CONTROL OF PROFESSIONAL LOBBYING ACTIVITIES

Article 16

(1) Public authorities are obliged to immediately make available in the Public Information Bulletin information on actions taken against them by entities engaged in professional lobbying activities, together with an indication of the manner of resolution expected by these entities.

(2) Heads of offices serving public authorities, each within the scope of its operation, shall determine the detailed manner of conduct of employees of the subordinate office with entities engaged in professional lobbying activities and with entities performing professional lobbying activities without registration, including the manner of documentation of contacts undertaken.

Article 17

If it is found that activities falling within the scope of professional lobbying activities are performed by an entity not listed in the register, the competent public authority shall immediately inform the minister responsible for public administration in writing.

Article 18

(1) Heads of offices serving public authorities shall prepare once a year, by the end of February, information on the activities undertaken towards these authorities in the previous year by entities engaged in professional lobbying activities.

(2) The information referred to in paragraph 1 shall include:

- 1) identification of the cases in which professional lobbying activities were undertaken;
- 2) Identification of entities that performed professional lobbying activities;
- 3) specifying the forms of professional lobbying activity undertaken, including whether it consisted of supporting specific projects or speaking against them;
- 4) Determination of the impact that the professional lobbying entity has had in the lawmaking process in the case in question.

(3) The information referred to in paragraph (1) shall be immediately made available in the Public Information Bulletin.

Chapter 5 **SANCTIONS FOR VIOLATIONS OF THE ACT**

Article 19

(1) An entity that performs activities falling within the scope of professional lobbying activities without being entered in the register shall be subject to a fine of from PLN 3,000 to PLN 50,000.

(2) The penalty referred to in paragraph (1) shall be imposed by administrative decision by the minister responsible for public administration.

(3) In determining the amount of the fine, the degree of influence of the entity referred to in paragraph (1) on a particular decision of a public authority on lawmaking shall be taken into account, as well as the extent and nature of the professional lobbying activities undertaken by the entity.

(4) The fine may be imposed repeatedly if the activities of professional lobbying activities continue without registration.

Article 20

(1) The funds obtained from the fines referred to in Article 19 shall constitute revenue for the state budget.

(2) The fine shall be paid within 14 days from the date on which the decision of the minister responsible for public administration became final, to the bank account of the office serving that authority.

(3) The costs associated with the payment of the fine shall be borne by the payer.

Chapter 6
AMENDMENTS TO EXISTING REGULATIONS, TRANSITIONAL AND FINAL
PROVISIONS

Articles 21-23 (omitted) ¹⁵⁾

Article 24

The law enters into force after 6 months from the date of promulgation ¹⁶⁾.

¹⁾ As amended by Article 1 item 1 of the Law of May 13, 2011 amending the Law on Lobbying Activities in the Lawmaking Process (Journal of Laws, item 966), which entered into force on September 1, 2011.

²⁾ Added by Article 1, point 2 of the law referred to in Reference 1.

³⁾ As amended by Article 1, point 3 of the law referred to in Reference 1.

⁴⁾ As amended by Article 1, point 4(a) of the law referred to in Reference 1.

⁵⁾ As amended by Article 1, point 4(b) of the law referred to in Reference 1.

⁶⁾ As amended by Article 71(1)(a) of the Act of March 25, 2011 on Reducing Administrative Barriers for Citizens and Entrepreneurs (Journal of Laws, item 622), which entered into force on July 1, 2011.

⁷⁾ Added by Article 71(1)(b) of the law referred to in Reference 6.

⁸⁾ As amended by Article 1, point 4(c) of the law referred to in Reference 1.

⁹⁾ As amended by Article 39(1) of the Law of September 25, 2015 amending the Law on Freedom of Economic Activity and certain other laws (Journal of Laws, item 1893), which entered into force on May 19, 2016.

¹⁰⁾ As amended by Article 39(2) of the law referred to in Reference 9.

¹¹⁾ As amended by Article 71(2)(a) of the law referred to in Reference 6.

¹²⁾ As amended by Article 71(2)(b) of the law referred to in Reference 6.

¹³⁾ Through Article 71(2)(c) of the law referred to in Reference 6.

¹⁴⁾ As amended by Article 71(3) of the law referred to in Reference 6.

¹⁵⁾ Posted in Announcement.

¹⁶⁾ The law was promulgated on September 6, 2005.