FOREIGN FOUNDATIONS IN POLAND

How to establish and manage a branch of a foreign foundation in Poland
Meeting objectives

<table>
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<tr>
<th>After the meeting you should be able to:</th>
<th>Know the basic legal acts governing the establishment of the branches of the foreign foundations in Poland.</th>
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<td>Correctly identify entities registering branches of foreign foundations in Poland.</td>
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<td>Know what applications, attachments and fees should be submitted in the registration proceedings.</td>
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<td>Assess how long the registration takes.</td>
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Attorney at Law Martyna Majewska
PRIMARY LEGISLATION

International and Polish law
Primary legislation

• The Convention of the 5th of October 1961, Abolishing the Requirement of Legalisation for Foreign Public Documents
• Act of April 6th, 1984, on foundations
• Act of September 15th, 2017, on the National Institute of Freedom - Center for Civil Society Development
• Act of November 16th, 2006, on stamp duty.
• Act of June 14, 1960th, Code of administrative procedure.
• Order No. 5 of the Director General Of The Foreign Service of March 5th, 2010, on the rules and procedure for carrying out activities in the Ministry of Foreign Affairs with the supervision of foundations and representative offices of foreign foundations
REGISTRATION
AND SUPERVISION
ENTITIES
Registration and supervision entities

I. Registration:
   1. Ministry of Health
   2. Ministry of Interior and Administration

II. Supervision
   1. Ministry of Foreign Affairs

Attorney at Law Martyna Majewska
Registration and supervision entities

Ministry of Health

Is capable of carrying out the registration of foundations, providing medical assistance or dealing with preventive care.

Ministry of Interior and Administration

Is capable of carrying out the registration of other foundations.

Ministry of Foreign Affairs

Is capable of supervising foreign foundations in Poland.
APPLICATION,
ATTACHMENTS,
FEES
APPLICATION, ATTACHMENTS, FEES

The Polish Law on Foundations allows the establishment in the territory of the Republic of Poland in representative offices, and of foundations having their seat abroad (Art.19) based on a permit issued by the appropriate minister.
Anyone who operates a foreign foundation must ensure that the representative office of his foundation will serve socially or economically useful purposes consistent with the fundamental interests of Poland, in particular:

- health protection,
- development of the economy and science,
- education and upbringing,
- culture and art,
- care and social welfare,
- environmental protection and care of historical monuments.
APPLICATION, ATTACHMENTS, FEES

Note:

The Ministry of Health issues permits only to foundations that wish to operate in the health sphere.
The application is made on paper (it is not possible to apply online).

You must indicate the entity that you wish to register in Poland.

operational address in Poland

persons to represent

field of activity

objectives and methods of their implementation

Persons representing the entity
APPLICATION, ATTACHMENTS, FEES

Attachments

1. a statement of the competent authority of the foreign foundation on its intention to establish a representative office in Poland. Specify in it the goals that will be implemented by the representative office, it must be translated into Polish by a sworn translator,

2. certified statute of the foreign foundation and its sworn translation into Polish,

3. certificate (excerpt) from the register of the foreign foundation and its sworn translation into Polish (if the foreign foundation is subject to registration),

4. statement on the selection of a person authorized to act for, and on behalf of, the representative office in Poland,

5. confirmation of payment of PLN 855
APPLICATION, ATTACHMENTS, FEES

Note:

The statute of the foreign foundation and the certificate (extract) from the register of the foreign foundation should be certified by "apostille".
TIMELINE
The application is processed for up to 30 days after the submission of the documents.

If the case is particularly complicated - the procedure can take up to 2 months.

The procedure will end when you receive a letter with a decision on granting or refusing to open a representation.

Appeal against a negative decision must be made within 14 days.
Thank you for your attention

Contact
Email: info@radcaprawnytoronto.ca
Phone: +1 416 838 0268