

TRANSFORMATION OF PERPETUAL USUFRUCT INTO OWNERSHIP UPON REQUEST

Polish legislator is finally, after a three-year delay, finalizing work on the implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of October 23, 2019 on the protection of persons who report breaches of Union law (hereinafter referred to as the "Directive"). On August 1, 2023, the ninth draft of the Act on the protection of persons reporting violations of the law, prepared by the Minister of Family and Social Policy, appeared on the website of the Government Legislation Center (the draft is dated July 12, 2023). The proposed act will protect persons who report or disclose information or have reasonable suspicions of a violation of the law, working in the private or public sector, who obtained information about a violation in a work-related context. As of the date of publication of the last draft, Poland is one of two countries (along with Estonia) that have not yet implemented the Directive.

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The whistleblower will have the opportunity to report violations inside and outside the organization (to a designated body or to the media). The level of protection is to be the same regardless of the reporting method.

The legislator waived the extended deadline for introducing regulations for medium-sized enterprises (50-249 employees). In practice, **this means that the day after the act enters into force, all entities employing more than 50 people will have to have internal reporting procedures.** It is worth remembering that, according to the project, a properly implemented procedure must undergo consultations with the company's trade union (or trade unions) or employee representatives. Consultations are expected to last from 7 to 14 days.

Our law firm remains at your disposal with regard to all actions aimed at implementing a whistleblower protection system in your organization, i.e.:

1. Designing the process of reporting, receiving and handling reports
2. Preparation of internal documents that must be in force in your organization
3. Conducting trainings
4. Support in internal and external communication
5. Implementation of tools for receiving and handling whistleblower reports

6. Comprehensive support in explaining potential violations reported by a whistleblower or in the general scope of compliance.

Should you have further questions, we remain at your disposal.

** This Newsletter does not constitute legal or tax advice.*