

**12 November 2024**

**Positive preliminary assessment of the satisfactory fulfilment of milestones and targets related to the second payment request submitted by Poland on 13 September 2024, transmitted to the Economic and Financial Committee by the European Commission**

**Executive summary**

In accordance with Article 24(2) of Regulation (EU) 2021/241, on 13 September 2024, Poland submitted a request for payment for the second and third instalments of the non-repayable support and the second and third instalments of the loan support. The payment request was accompanied by the required management declaration and summary of audits.

To support its payment request, Poland provided due justification of the satisfactory fulfilment of the 27 milestones and targets of the second and third instalments of the non-repayable support and the 14 milestones and targets of the second and third instalments of the loan support, as set out in in Section 2 of the Council Implementing Decision of 17 June 2022 on the approval of the assessment of the recovery and resilience plan for Poland<sup>1</sup>.

In its payment request, Poland has confirmed that measures related to previously satisfactorily fulfilled milestones and targets have not been reversed. The Commission does not have evidence of the contrary. Upon receipt of the payment request, the Commission has assessed on a preliminary basis the satisfactory fulfilment of the relevant milestones and targets. Based on the information provided by Poland, the Commission has made a positive preliminary assessment of the satisfactory fulfilment of all 41 milestones and targets.

The milestones and targets positively assessed as part of this payment request demonstrate significant steps in the implementation of Poland's Recovery and Resilience Plan. They notably highlight the continuation of the reform momentum in key policy areas. This includes, among others, reforms in the areas of health, digitalisation, spatial planning, the labour market, air quality and clean mobility. The milestones and targets also confirm progress towards the completion of investment projects related to the development of digital skills, improving the energy efficiency of companies, providing infrastructure and equipment to oncological hospitals, as well as supporting municipalities in the development of land use.

By the transmission of this positive preliminary assessment and in accordance with Article 24(4) of Regulation (EU) 2021/241, the Commission asks for the opinion of the Economic and Financial Committee on the satisfactory fulfilment of the relevant milestones and targets.

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<sup>1</sup> ST 15835 2023 INIT, ST 15835 2023 ADD 1.

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## Non-repayable support – Second instalment

**Number and name of the Milestone:** A13G - Publication of a document that determines the allocation mechanism and indicative amount of support to be given to each municipality in Poland for the implementation of the land-use planning reform.

**Related Measure:** A.1.3.1 Implementation of the land-use planning reform.

**Qualitative Indicator:** Publication on the Ministry of Economic Development and Technology website

**Time:** Q3 2022

### 1. Context:

The measure aims at providing support to municipalities to implement the land-use reform set out in reform A.1.3. The support will help the municipalities to prepare a new category of the spatial plans, the general spatial development plans.

Milestone A13G concerns the adoption of a document which sets out the allocation mechanism for the support given to municipalities in order to implement the land-use planning reform. The allocation mechanism specifies the scope of the support.

Milestone A13G is the first step of the implementation of the investment. It will be followed by target A14G (under the fifth instalment) and target A15G (under the ninth instalment) both related to the number of staff of municipalities who will have finished courses or postgraduate studies on the new spatial development law, target A16G (under the sixth instalment) related to the number of municipalities which start the preparation of the general spatial development plans and target A17G (under the ninth instalment), related to the number of municipalities with adopted general spatial development plans. The investment has a final expected date for implementation on 30 June 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Copy of the Statute concerning the selection of projects for non-repayable support from the Recovery and Resilience Plan for Investment A1.3.1, approved on 21 May 2024 by the Minister of Technology and Development ( <a href="#">Nabór wniosków dot. wdrożenia reformy planowania i zagospodarowania przestrzennego, wsparcie dla gmin- inwestycja A1.3.1 - Ministerstwo Rozwoju i Technologii - Portal Gov.pl (www.gov.pl)</a> ), under the name <i>Regulamin gminy</i>	The document sets out the conditions for receiving support by the municipalities to implement the land-use reform and includes the allocation mechanism. Annexes 8 and 9 of the document define the indicative amounts of support for each municipality. The online document was checked by the Commission services on 30 October 2024.
3	Copy of the Report by the Ministry of Economic Development and Technology from the public	The document summarises the results of the public consultation on the Statute under

<p>consultation on the allocation mechanism. The document was published on the webpage of the Ministry of Technology and Development on 27 May 2024</p> <p><a href="https://www.gov.pl/web/rozwój-technologia/informacja-o-konsultacjach-publicznych-dla-gmin">https://www.gov.pl/web/rozwój-technologia/informacja-o-konsultacjach-publicznych-dla-gmin</a></p>	<p>evidence No. 2.</p> <p>The online document was checked by the Commission services on 30 October 2024.</p>
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Following a public consultation, publication of a document that determines the allocation mechanism and indicative amount of support that each municipality shall receive for the implementation of the land-use planning reform set out in milestone A12G.**

The Statute concerning the selection of projects for non-repayable support from the Recovery and Resilience Plan for Investment A1.3.1 (the 'Allocation mechanism') was approved on 21 May 2024 by the Minister of Technology and Development and was published on the same day on the website of the Ministry of Technology and Development ([Nabór wniosków dot. wdrożenia reformy planowania i zagospodarowania przestrzennego, wsparcie dla gmin- inwestycja A1.3.1 - Ministerstwo Rozwoju i Technologii - Portal Gov.pl \(www.gov.pl\)](#)), under the name *Regulamin gminy*.

Annexes 8 and 9 to the Allocation mechanism define the indicative amounts of support for each municipality in line with paragraph 5(3) point 1 (covering the general spatial development plans of municipalities) and paragraph 5(3) point 3 (covering the municipal revitalisation programmes) of the Allocation mechanism.

Paragraph 4(1) of the Allocation mechanism specifies that the purpose of the investment is the implementation of measure A1.3.1 under the Polish Council Implementing Decision concerning the implementation of the land-use planning reform. In addition, paragraph 4(2) of the Allocation mechanism specifies the result indicators for the municipalities which receive support which are (i) the publication of the adopted general spatial development plans, (ii) the publication of the local spatial development plans and (iii) the adoption of municipal revitalisation programmes.

The Report by the Ministry of Economic Development and Technology from the public consultation on the allocation mechanism provides a summary of the consultation and proves that the stakeholders were consulted in the preparation of the mechanism. The consultations were open to all stakeholders and citizens and took place between 5 and 24 February 2024. 275 proposals, comments and questions were submitted during the consultation, which came from 83 entities. Most of them came from the local authorities. The Ministry of Technology and Development accepted a number of comments concerning e.g. the eligibility rules and the algorithm of the allocation mechanism. Comments which were not accepted concerned e.g. the VAT eligibility and broadening the scope of the allocation mechanism by providing support for other types of documents.

**In particular, the document shall indicate the amount of support to be provided to each municipality and explain for which type of activities the support shall be used for.**

The Allocation mechanism outlines the following types of activities for which the following amounts of support can be used by each municipality:

- development of general spatial development plans, for which the total resources are set at PLN 457,779,000.00 (paragraph 5(1) point 1 of the Allocation mechanism),
- preparation of local land-use plans, for which the total resources are set at PLN 319,441,000.00 (paragraph 5(1) point 2 of the Allocation mechanism),
- preparation of municipal regeneration programmes, for which the total resources are set at PLN 94,070,000.00 (paragraph 5(1) point 3 of the Allocation mechanism).

Annex 8 of the Allocation mechanism contains the indicative amounts of maximum support for all 2477 Polish municipalities for the preparation of the general spatial development plans.

In line with paragraph 5(4) of the Allocation mechanism, the municipalities may use the support for the expenditure which are necessary for the preparation of the land-use documents. Paragraph 5(5) of the Allocation mechanism specifies that only expenditure incurred between 1 February 2020 and 30 June 2026 is eligible.

**All municipalities in Poland shall receive support for the implementation of this measure.**

Paragraph 5(3) of the Allocation mechanism specifies that the support is provided to municipalities for the implementation of the investment. Annex 8 to the Allocation mechanism as indicated above covers all 2477 Polish municipalities and indicates the maximum support for each municipality for the preparation of the general spatial development plans which demonstrates that all municipalities are covered by the support.

**The amount of support to be allocated to each municipality shall take into account the population and area size of the municipality (more populated/extensive municipalities shall receive more support).**

Paragraph 5(3) point 1 of the Allocation mechanism defines the ways in which the support is to be calculated for each municipality for the preparation of the general spatial development plans. It gives higher support to more populated municipalities (by using the parameter  $L$  (population of a municipality) in the allocation algorithm) and to municipalities with bigger areas (by using the parameter  $A$  (land area of a municipality) in the allocation algorithm). Both parameters increase the overall maximum amount of support which can be received by a municipality as a function of the increase of  $L$  or  $A$  (the higher the value of  $L$  or  $A$  the higher the maximum amount of support).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Target:** A49G - Setting up of functioning Regional Coordination Teams coordinating the policy in vocational education and training and lifelong learning

**Related Measure:** A.3.1.1 Investments in modern vocational training, higher education and lifelong learning

**Quantitative Indicator:** Number

**Baseline:** 0

**Target:** 14

**Time:** Q3 2022

### 1. Context:

The investment aims to establish and ensure the complete operability of the Sectoral Skills Centers network, which will support the development of contemporary vocational training, higher education and lifelong learning. This will involve creating the Skills Centers, providing vocational training courses and curricula tailored for adults, students, young people, vocational education and training teachers as well as employees. The investment is connected to reform A3.1 "Investments in modern vocational training, higher education and lifelong learning".

Target A49G provides for at least 14 Regional Coordination Teams to be established with the overall objective of creating 16 Regional Coordination Teams (one for each 'voivodeship'). The Regional Coordination Teams are comprised of key stakeholders. Their role is to coordinate policies in vocational education and training, as well as lifelong learning. Provided there is mutual agreement to do so, the Regional Coordination Teams also collaborate with higher education institutions.

Target A49G is the first step of the implementation of the investment. It will be followed by targets A44G, A45G, (in the fifth and eighth instalments, respectively) related to the number of fully functioning Sectoral Skills Centres and targets A50G (fourth instalment; operationalised implementation programmes for the Integrated Skills Strategy) as well as A46G, A47G, A48G (in the sixth, eighth and ninth instalments respectively), related to the number of people trained in the Sectoral Skills Centres. The investment has a final expected date for implementation on 30 June 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;
2	Overview of resolutions on the establishment of RCTs, by respective voivodeships' executive boards.	This document contains an overview of the resolutions by executive boards (evidence No. 3-27).
3	Resolution on the establishment of the Regional Coordination Team of the dolnoslaskie voivodship of 25.7.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.



4	Resolution on the establishment of the Regional Coordination Team of the kujawsko-pomorskie voivodship of 14.09.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
5	Changed Resolution on the establishment of the Regional Coordination Team of the kujawsko-pomorskie voivodship of 28.11.2023	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
6	Changed Resolution on the establishment of the Regional Coordination Team of the kujawsko-pomorskie voivodship of 9.4.2024	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
7	Resolution on the establishment of the Regional Coordination Team of the lubelskie voivodship of 23.8.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
8	Changed Resolution on the establishment of the Regional Coordination Team of the lubelskie voivodship of 8.11.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
9	Changed resolution on the establishment of the Regional Coordination Team of the lubelskie voivodship of 21.11.2023	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
10	Changed resolution on the establishment of the Regional Coordination Team of the lubelskie voivodship of 12.3.2024	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
11	Resolution on the establishment of the Regional Coordination Team of the lubuskie voivodship of 18.10.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
12	Resolution on the establishment of the Regional Coordination Team of the lodzkie voivodship of 4.10.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
13	Resolution on the establishment of the Regional Coordination Team of the malopolskie voivodship of 20.9.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
14	Resolution on the establishment of the Regional Coordination Team of the mazowieckie voivodship of 27.9.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
15	Changed resolution on the establishment of the Regional Coordination Team of the mazowieckie voivodship of 19.3.2024	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
16	Resolution on the establishment of the Regional Coordination Team of the opolskie voivodship of 5.9.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and

		lays out rules of procedure of the RCT.
17	Resolution on the establishment of the Regional Coordination Team of the podkarpackie voivodship of 24.10.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
18	Changed resolution on the establishment of the Regional Coordination Team of the podkarpackie voivodship of 19.3.2024	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
19	Resolution on the establishment of the Regional Coordination Team of the podlaskie voivodship of 22.9.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
20	Resolution on the establishment of the Regional Coordination Team of the pomorskie voivodship of 29.11.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
21	Resolution on the establishment of the Regional Coordination Team of the slaskie voivodship of 20.7.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
22	Changed resolution on the establishment of the Regional Coordination Team of the slaskie voivodship 20.3.2024	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
23	Resolution on the establishment of the Regional Coordination Team of the swietokrzyskie voivodship of 11.1.2023	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
24	Resolution on the establishment of the Regional Coordination Team of the warminsko-mazurskie voivodship of 26.9.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
25	Resolution on the establishment of the Regional Coordination Team of the wielkopolskie voivodship of 29.9.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
26	Changed resolution on the establishment of the Regional Coordination Team of the wielkopolskie voivodship of 7.3.2024	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
27	Resolution on the establishment of the Regional Coordination Team of the zachodniopomorskie voivodship of 9.11.2022	This resolution, adopted by the executive board of the voivodeship, establishes the Regional Coordination Team (RCT) in the voivodeship and lays out rules of procedure of the RCT.
28	Declaration of the adoption of a cooperation and coordination mechanism for the dolnoslaskie voivodship of 22.6.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in

		the voivodeship.
29	Declaration of the adoption of a cooperation and coordination mechanism for the kujawsko-pomorskie voivodship of 22.6.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
30	Declaration of the adoption of a cooperation and coordination mechanism for the lubelskie voivodship of 22.6.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
31	Declaration of the adoption of a cooperation and coordination mechanism for the lubuskie voivodship of 26.8.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
32	Declaration of the adoption of a cooperation and coordination mechanism for the lodzkie voivodship of 29.9.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
33	Declaration of the adoption of a cooperation and coordination mechanism for the malopolskie voivodship of 22.6.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
34	Declaration of the adoption of a cooperation and coordination mechanism for the mazowieckie voivodship of 27.9.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
35	Declaration of the adoption of a cooperation and coordination mechanism for the opolskie voivodship of 26.8.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
36	Declaration of the adoption of a cooperation and coordination mechanism for the podlaskie voivodship of 28.4.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
37	Declaration of the adoption of a cooperation and coordination mechanism for the pomorskie voivodship of 28.9.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.
38	Declaration of the adoption of a cooperation and coordination mechanism for the slaskie voivodship of 22.6.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodeship's executive board, confirms the adoption of regional coordination mechanism in the voivodeship.

39	Declaration of the adoption of a cooperation and coordination mechanism for the swietokrzyskie voivodship of 22.6.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodship's executive board, confirms the adoption of regional coordination mechanism in the voivodship.
40	Declaration of the adoption of a cooperation and coordination mechanism for the warminsko-mazurskie voivodship of 29.9.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodship's executive board, confirms the adoption of regional coordination mechanism in the voivodship.
41	Declaration of the adoption of a cooperation and coordination mechanism for the wielkopolskie voivodship of 22.6.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodship's executive board, confirms the adoption of regional coordination mechanism in the voivodship.
42	Declaration of the adoption of a cooperation and coordination mechanism for the zachodniopomorskie voivodship of 26.8.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodship's executive board, confirms the adoption of regional coordination mechanism in the voivodship.
43	Declaration of the adoption of a cooperation and coordination mechanism for the Podkarpackie voivodship of 29.9.2022	This declaration, signed by the Ministry responsible for education and representatives of the voivodship's executive board, confirms the adoption of regional coordination mechanism in the voivodship.
44	Mechanism of cooperation and coordination for the dolnoslaskie voivodship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the dolnoslaskie voivodship of 22.06.2022
45	Mechanism of cooperation and coordination for the kujawsko-pomorskie voivodship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the kujawsko-pomorskie voivodship of 22.06.2022
46	Mechanism of cooperation and coordination for the lubelskie voivodship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the lubelskie voivodship of 22.06.2022
47	Mechanism of cooperation and coordination for the lubnot uskie voivodship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the lubuskie voivodship of 26.08.2022
48	Mechanism of cooperation and coordination for the lodzkie	This document describes the mechanism of cooperation and coordination for the RCT. It

	voivodeship	constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the lodzkie voivodeship of 29.09.2022
49	Mechanism of cooperation and coordination for the malopolskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the malopolskie voivodeship of 22.06.2022
50	Mechanism of cooperation and coordination for the mazowieckie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the mazowieckie voivodeship of 27.09.2022
51	Mechanism of cooperation and coordination for the opolskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the opolskie voivodeship of 26.08.2022
52	Mechanism of cooperation and coordination for the podkarpackie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the Podkarpackie voivodeship of 29.09.2022
53	Mechanism of cooperation and coordination for the podlaskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the podlaskie voivodeship of 28.04.2022
54	Mechanism of cooperation and coordination for the wielkopolskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the wielkopolskie voivodeship of 22.06.2022
55	Mechanism of cooperation and coordination for the pomorskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the pomorskie voivodeship of 28.09.2022
56	Mechanism of cooperation and coordination for the slaskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the slaskie voivodeship of

		22.06.2022
57	Mechanism of cooperation and coordination for the swietokrzyskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the swietokrzyskie voivodeship of 22.06.2022
58	Mechanism of cooperation and coordination for the warminsko-mazurskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the warminsko-mazurskie voivodeship of 29.09.2022
59	Mechanism of cooperation and coordination for the zachodniopomorskie voivodeship	This document describes the mechanism of cooperation and coordination for the RCT. It constitutes an annex to the Declaration of the adoption of a cooperation and coordination mechanism for the zachodniopomorskie voivodeship of 26.08.2022
60	List of stakeholders participating in the Regional Coordination Team of the dolnoslaskie voivodeship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the dolnoslaskie voivodeship of 25.7.2022, with later changes.
61	List of stakeholders participating in the Regional Coordination Team of the kujawsko-pomorskie voivodeship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the kujawsko-pomorskie voivodeship of 14.9.2022, with later changes.
62	Updated list of stakeholders participating in the Regional Coordination Team of the kujawsko-pomorskie voivodeship	This updated document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the kujawsko-pomorskie voivodeship of 14.9.2022, with later changes.
63	List of stakeholders participating in the Regional Coordination Team of the lubelskie voivodeship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the lubelskie voivodeship of 23.8.2022, with later changes.
64	Updated list of stakeholders participating in the Regional Coordination Team of the lubelskie voivodeship	This updated document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the lubelskie voivodeship of 23.8.2022, with later changes.
65	List of stakeholders participating in the Regional Coordination Team of the lubuskie voivodeship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the lubuskie

		voivodship of 18.10.2022.
66	List of stakeholders participating in the Regional Coordination Team of the lodzkie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the lodzkie voivodship of 4.10.2022.
67	List of stakeholders participating in the Regional Coordination Team of the malopolskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the malopolskie voivodship of 20.9.2022.
68	List of stakeholders participating in the Regional Coordination Team of the mazowieckie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the mazowieckie voivodship of 27.9.2022, with later changes.
69	Updated list of stakeholders participating in the Regional Coordination Team of the mazowieckie voivodship	This updated document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the mazowieckie voivodship of 27.9.2022, with later changes.
70	List of stakeholders participating in the Regional Coordination Team of the opolskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the opolskie voivodship of 5.9.2022.
71	List of stakeholders participating in the Regional Coordination Team of the podkarpackie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the podkarpackie voivodship of 24.10.2022, with later changes.
72	Updated list of stakeholders participating in the Regional Coordination Team of the podkarpackie voivodship	This updated document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the podkarpackie voivodship of 24.10.2022, with later changes.
73	List of stakeholders participating in the Regional Coordination Team of the podlaskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the podlaskie voivodship of 22.9.2022.
74	List of stakeholders participating in the Regional Coordination Team of the pomorskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the pomorskie voivodship of 29.11.2022.
75	List of stakeholders participating in the Regional Coordination Team of the slaskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the

		Regional Coordination Team of the slaskie voivodship of 20.7.2022, with later changes.
76	Updated list of stakeholders participating in the Regional Coordination Team of the slaskie voivodship	This updated document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the slaskie voivodship of 20.7.2022, with later changes.
77	List of stakeholders participating in the Regional Coordination Team of the swietokrzyskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the swietokrzyskie voivodship of 11.1.2023.
78	List of stakeholders participating in the Regional Coordination Team of the warminsko-mazurskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the warminsko-mazurskie voivodship of 26.9.2022.
79	List of stakeholders participating in the Regional Coordination Team of the wielkopolskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the wielkopolskie voivodship of 29.9.2022, with later changes.
80	Updated list of stakeholders participating in the Regional Coordination Team of the wielkopolskie voivodship	This updated document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the wielkopolskie voivodship of 29.9.2022, with later changes.
81	List of stakeholders participating in the Regional Coordination Team of the zachodniopomorskie voivodship	This document lists stakeholders forming the RCT in the voivodeship. It constitutes an annex to the Resolution on the establishment of the Regional Coordination Team of the zachodniopomorskie voivodship of 9.11.2022.
82	Act on regional self-government (Ustawa o Samorządzie wojewodzkim, published on 21 March 2024 in the Official Journal 2024, item 566; it entered into force on 4 <sup>th</sup> April 2024)	This document contains the Act on regional self-government which specifies the responsibility of voivodeship executive boards for designing and implementing the development policy of each region, including in the area of skills.
83	Order of the Prime Minister establishing the Interministerial Taskforce for Lifelong Learning (consolidated text published in the Official Journal of 2023, item 1212, entered into force on 1.11.2023)	This document is an order of the prime minister, which establishes the Interministerial Taskforce for Lifelong Learning, to the meetings of which members of RCTs are invited.
84	List of presence at a meeting of the Dolnoslaskie Regional Coordination Team of 15.03.2024	Signed list of presence at a meeting of the Dolnoslaskie Regional Coordination Team held on 15.03.2024
85	Minutes of the meeting of the Dolnoslaskie Regional Coordination Team of 15.03.2024	Minutes of the meeting of the Dolnoslaskie Regional Coordination Team of 15.03.2024 signed and approved by its President



86	List of presence at a meeting of the Kujawsko-pomorskie Regional Coordination Team of 3.07.2024	Signed list of presence at the second meeting of the Kujawsko-pomorskie Regional Coordination Team of 3.07.2024
87	Minutes of a meeting of the Kujawsko-pomorskie Regional Coordination Team of 3.07.2024	Minutes of the meeting of the Kujawsko-pomorskie Regional Coordination Team held on 3.07.2024
88	List of presence at a meeting of the Lodzkie Regional Coordination Team of 20-21.11.2023	Signed list of presence at the fourth meeting of the Lodzkie Regional Coordination Team of 20-21.11.2023
89	Resolution 1/23 of 20.11.2023 of the provincial coordination team for the implementation of the integrated skills strategy 2030 accepting the works report of the Lodzkie Regional Coordination Team for the period January-June 2023	Resolution 1/23 of 20.11.2023 of the provincial coordination team for the implementation of the integrated skills strategy 2030 accepting the works report of the Lodzkie Regional Coordination Team for the period January-June 2023, signed by the Director of Sports and Education Department
90	List of presence at a meeting of the Opolskie Regional Coordination Team of 29.11.2023	Signed list of presence at a meeting of the Opolskie Regional Coordination Team of 29.11.2023
91	Minutes of a meeting of the Opolskie Regional Coordination Team of 29.11.2023	Minutes of a meeting of the Opolskie Regional Coordination Team of 29.11.2023 approved and signed by 14.12.2023 by its President
92	List of presence at a meeting of the Slaskie Regional Coordination Team of 19.01.2024	Signed list of presence at a meeting of the Slaskie Regional Coordination Team of 19.01.2024
93	Minutes of a meeting of the Slaskie Regional Coordination Team of 19.01.2024	Minutes of a meeting of the Slaskie Regional Coordination Team of 19.01.2024 approved and signed by its President/Vice-President
94	List of presence at a meeting of the Swietokrzyskie Regional Coordination Team of 26.09.2024	Signed list of presence from the meeting of the Swietokrzyskie Regional Coordination Team of 26.09.2024
95	Minutes of the meeting of the Swietokrzyskie Regional Coordination Team of 26.09.2024	Minutes of the meeting of the Swietokrzyskie Regional Coordination Team of 26.09.2024 signed and approved by its President (4/2024)
96	List of presence at a meeting of the Warminsko-mazurskie Regional Coordination Team of 28.02.2024	Signed list of presence from the meeting of the Warminsko-mazurskie Regional Coordination Team of 28.02.2024
97	Minutes of the meeting of the Warminsko-mazurskie Regional Coordination Team of 28.02.2024	Minutes of the third meeting of the Warminsko-mazurskie Regional Coordination Team of 28.02.2024, signed by the Chairperson of the meeting
98	List of presence at a meeting of the Wielkopolskie Regional Coordination Team of 10.09.2024	Signed list of presence at a meeting of the Wielkopolskie Regional Coordination Team of 10.09.2024
99	Minutes of the meeting of the Wielkopolskie Regional Coordination Team of 10.09.2024	Minutes of the meeting of the Wielkopolskie Regional Coordination Team of 10.09.2024 (4/2024)
100	List of presence at a meeting of the Zachodniopomorskie Regional Coordination Team of 22.05.2024	Signed list of presence at a meeting of the Zachodniopomorskie Regional Coordination Team of 22.05.2024
101	Minutes of the meeting of the	Minutes of the meeting of the

	Zachodniopomorskie Regional Coordination Team of 22.05.2024	Zachodniopomorskie Regional Coordination Team of 22.05.2024, issued and signed by the Chairperson on 23.05.2024
102	List of presence at a meeting of the Malopolskie Regional Coordination Team of 11.03.2024	Signed list of presence at a meeting of the Malopolskie Regional Coordination Team of 11.03.2024
103	Minutes of the meeting of the Malopolskie Regional Coordination Team of 11.03.2024	Minutes of the meeting of the Malopolskie Regional Coordination Team of 11.03.2024 signed by the Chairperson
104	List of presence and the minutes of a meeting of the Podkarpackie Regional Coordination Team of 5.07.2024	List of presence and the minutes of a meeting of the Podkarpackie Regional Coordination Team of 5.07.2024 signed by the Chairperson
105	List of presence at a meeting of the Lubuskie Regional Coordination Team of 14.06.2024	Signed list of presence at the fifth meeting of the Lubuskie Regional Coordination Team of 14.06.2024
106	List of presence and the minutes of a meeting of the Podlaskie Regional Coordination Team of 17.01.2024	Signed list of presence and the minutes of the first meeting of the Podlaskie Regional Coordination Team of 17.01.2024, signed and approved by the Chairperson on 21.02.2024
107	List of presence at a meeting of the Pomorskie Regional Coordination Team of 8.12.2023	Signed list of presence at a meeting of the Pomorskie Regional Coordination Team of 8.12.2023
108	Minutes of the meeting of the Pomorskie Regional Coordination Team of 8.12.2023	Minutes of the meeting of the Pomorskie Regional Coordination Team of 8.12.2023 signed by its President

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the target.

**At least 14 Regional Coordination Teams shall be established, with an overall objective of 16 Regional Coordination Teams (one for each ‘voivodeship’).** In addition, the description of the measure requires that **the investment shall also set up at least 14 functioning Regional Coordination Teams.**

The Resolutions on the establishment of the Regional Coordination Teams (RCT) demonstrate that 16 Regional Coordination Teams have been established, in accordance with Article 41 of the Act on regional self-government (Ustawa o Samorządzie wojewódzkim, published on 21 March 2024 in the Official Journal 2024, item 566; the “Act”, evidence No. 82), – one for each of the 16 voivodeships in Poland (evidence No. 3-27). All 16 Regional Coordination Teams are already functioning at the time of this assessment. Apart from the Resolutions, this is demonstrated by the fact that the relevant stakeholders for all the Regional Coordination Teams have been selected (evidence No. 60-81) and meetings of all RCTs have already taken place which has been demonstrated through the signed lists of presence as well as the minutes of the meetings (evidence No. 84-108).

All 16 voivodeships accepted the coordination mechanisms based on a template proposed by the Ministry of Education and Science (currently Ministry of National Education) with regard to the Declarations of the adoption of a cooperation and coordination mechanism (evidence No. 28-43) and the Mechanisms of cooperation and coordination, (evidence No. 44-59). The declarations of acceptance were signed by representatives of the Ministry of Education and Science and the

executive boards of the respective voivodeship, confirming the agreement on the content of each mechanism. All 16 voivodeship executive boards adopted resolutions establishing Regional Coordination Teams and specifying the stakeholders involved (Resolutions on the establishment of the Regional Coordination Teams, (evidence No. 3-27).

### **The Regional Coordination Teams, consisting of key stakeholders**

The selection of stakeholders was made by each voivodeship specifically to ensure the involvement of representatives of key institutions relevant for lifelong learning policies in each region.

The stakeholders selected for each Regional Coordination Team fit into the following 5 key coordination pillars: education, economy and labour market, strategic planning, European funds management and social dialogue (lists of stakeholders, evidence No. 78-97). The voivodeships' executive boards proposed a set of institutions to be represented in the Regional Coordination Teams and the selection was based on the description of the 5 pillars and taking into consideration each region's characteristics. The five pillars had been pre-defined (by the Ministry) to allow for the selection of stakeholders that can be considered as key per each category. For example, for education, the key stakeholders should be selected among the representatives of Marshal's Office (unit responsible for education, including higher education), teacher training institutions, Education Board, schools (primary and/or secondary) and universities.

### **shall coordinate policies in vocational education and training and lifelong learning**

The 16 Regional Coordination Teams were established by the respective voivodeship executive boards in accordance with Article 41 of the Act on regional self-government (Ustawa o Samorządzie wojewódzkim, published on 21 March 2024 in the Official Journal 2024, item 566; the "Act", evidence No. 82), which assigns the responsibility to voivodeship executive boards to design and implement the development policy for each region. In addition, Article 11 paragraph 2 of the Act encompasses, among others, measures aimed at enhancing the skills of the voivodeship's population.

As explained in the Integrated Skills Strategy 2030 (Strategy), the Regional Coordination Teams serve to assist the voivodeship executive boards in executing their duties related to the implementation, and monitoring as well as to coordinate actions (projects, measures) undertaken in line with the Strategy. As per the regional coordination mechanisms (evidence No. 44-59), and in some cases, further detailed in the RCTs terms of reference, this assistance varies per region, but in each case involves various actions related to lifelong learning policies.

The element of 'lifelong learning' is defined in the Strategy as: learning in various forms and places (in formal, non-formal and informal contexts) at all stages of life. This definition follows the holistic understanding of lifelong learning expressed by the Commission since the 2001 communication (Making a European Area of Lifelong Learning a Reality) as well as by UNESCO and OECD. Therefore, the references to lifelong learning in the provided documents also cover vocational education and training (VET) and higher education, which are part of lifelong learning policy.

Taking all of the above into consideration, this proves that RCTs are tasked with coordinating policies in vocational education and training and lifelong learning.

### **cooperate with higher education where relevant and if agreed with the higher education institutions concerned.**

The Regional Coordination Teams of all 16 voivodeships cooperate with higher education institutions from their region, and the institutions are involved in the works of the Regional Coordination Teams.

More specifically, each of the 16 Regional Coordination Teams includes higher education institutions as their stakeholders (evidence No. 60-81). The Mechanism of cooperation and coordination defines their role as such as concern for the social and professional inclusion of people of all ages by initiating or supporting activities aimed at developing their skills at all stages of formal, non-formal and informal education (evidence No. 44-59). Furthermore, the Regional Coordination Teams can present positions to the Management Board of the Voivodeships which can concern initiatives and projects on the development of the offer of universities in terms of fields of study, forms of work with students and cooperation with the socio-economic environment.

**Furthermore, in line with the description of the measure, the investment shall include support and development of coordination mechanisms at central and regional level, as well as support for activities of the regional teams to perform their tasks.**

The Regional Coordination Teams support and develop the coordination mechanisms in the field of lifelong learning at regional level, as explained here-above. Indeed, the regional coordination mechanism (evidence No. 44-59) specify that their objective is to support the implementation, coordination and monitoring of the Integrated Skills Strategy 2030 at the level of the respective voivodeships. The outlined principles of the mechanisms specify the whole range of activities to be coordinated at the level of voivodship, e.g. promotion of the idea of lifelong learning or long-term planning of the skills development. As set out above, the investment consists in setting up functioning Regional Coordination Teams and their work is supported by a dedicated back office, as specified in the regional coordination mechanism (evidence No. 44-59). Its tasks include: preparing analyses and reports in the area of lifelong learning in the relevant voivodship; proposing solutions to issues raised by the Regional Coordination Team and providing organisational support to the Regional Coordination Team.

When it comes to the central level, the Regional Coordination Teams provide expertise and advice to the Ministry of National Education on legislation. More specifically, as outlined in each regional coordination mechanism (evidence No. 44-59), RCTs share responsibility for the national lifelong learning policy as they are tasked with ensuring the coherence of state and voivodeship policy for developing skills, including by referring to strategic documents, in particular to the Integrated Skills Strategy 2030, Strategy for Responsible Development 2030 (...) the voivodeship development strategy (...) and by referring to Smart Specialisation. For instance, they have been consulted on the acts necessary for the fulfilment of milestone A43G (“Entry into force of the acts amending the Act on regional self-government, the Act on labour market institutions, the Act on county self-government and other relevant acts for the coordination of vocational education and training and lifelong learning in the regions”) as well as on further systemic changes needed in particular on the impact areas of the Integrated Skills Strategy.

The coordination mechanism at central level facilitates support of systemic changes from the regions, as regional experts are invited to take part in meetings and working groups of Interministerial Taskforce for Lifelong Learning (evidence No. 83).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** A53G - Carry out a consultation process of social partners on the potential for collective agreements and conduct a comprehensive study on the potential role of a single labour contract to bring new flexibility and security in the Polish labour market.

**Related Measure:** A.4.1 Effective institutions for the labour market.

**Qualitative Indicator:** Publication by the Ministry of Family and Social Policy (MRiPS) of a report on consultation with social partners.

**Time:** Q4 2022

### 1. Context:

The objective of the reform is to increase labour market participation by bringing new flexibility and security in the Polish labour market. To this end, the measure envisages the entry into force of new legislation and standards to improve the functioning of Public Employment Services (PES), and new legislation to ease the hiring of foreign workers and simplify recruitment procedures. The measure also explores ways for enhancing the use of collective agreements and of a single labour contract as effective ways to increase flexibility of the labour market.

Milestone A53G consists of completing a consultation process of social partners on the potential for collective agreements and conducting a comprehensive study on the potential role of a single labour contract. Both the consultation and the study aim at identifying reform priorities to improve the flexibility of the Polish labour market.

Milestone A53G is the first milestone of this reform. It is interrelated with milestone A54G (under the sixth instalment), which foresees the implementation of relevant reform priorities as identified in the consultation and in the study completed under milestone A53G. The two other milestones of this measure are milestone A51G (under the fifth instalment) which is related to the legislation to ease the hiring of foreign workers and simplify recruitment procedures, and milestone A52G (under the sixth instalment) which is related to the provision of standards for PES. The investment has a final expected date for implementation on 31 December 2024.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Report on consultation of social partners on the potential of collective agreements - the "Consultation report" – published by the Ministry of Family and Social Policy ( <a href="https://www.gov.pl/web/dialog/krajowy-plan-odbudowy">https://www.gov.pl/web/dialog/krajowy-plan-odbudowy</a> ) on 28 November 2022.	Report of the consultation with social partners by the Ministry of Family and Social Policy detailing the participants and summaries of contributions and specifying how they were taken into account.
3	Report on the potential role of a single labour contract to introduce new flexibility and safety in the Polish labour market by the Institute of Labour and Social Studies – the "Report on a	The report analyses the potential role of a single labour contract to increase flexibility and security on the Polish labour market.

	<p>single labour contract”.</p> <p>The report was published on the website of the Ministry of Family and Social Policy (<a href="https://www.gov.pl/web/rodzina/krajowy-plan-odbudowy">https://www.gov.pl/web/rodzina/krajowy-plan-odbudowy</a>) on 22 December 2022.</p>	
4	<p>Study on the state of play and prospects for the development of collective agreements in Poland, commissioned by the Andrzej Bączkowski Social Partnership Centre, Office of the Social Dialogue Council, to Błażej Mądrzycki (University of Silesia) and Łukasz Pisarczyk (University of Warsaw and University of Silesia, published on the website of the Ministry of Family and Social Policy (<a href="https://www.gov.pl/web/dialog/krajowy-plan-odbudowy">https://www.gov.pl/web/dialog/krajowy-plan-odbudowy</a>) on 28 November 2022.</p>	<p>Expert study on the state of play and prospects for the development of collective agreements in Poland.</p>
5	<p>Letter of the Chair of the Panel for the development of social dialogue to the Secretary of State in the Ministry of Family and Social Policy from 28 October 2022 on the acceptance of the study on collective agreements by the Social Dialogue Council – the “Acceptance Letter”. The letter was published on the website of the Ministry of Family and Social Policy (<a href="https://www.gov.pl/web/dialog/krajowy-plan-odbudowy">https://www.gov.pl/web/dialog/krajowy-plan-odbudowy</a>) on 28 November 2022.</p>	<p>Letter informing about the acceptance of the study on collective agreements by the President and the panel for the development of social dialogue of the Social Dialogue Council.</p>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Publication by the Ministry of Family and Social Policy (MRiPS) of a report on consultation with social partners.**

The Report on consultation with social partners on the potential of collective agreements (the ‘Consultation report’) was published on 28 November 2022 on the website of the Ministry of Family and Social Policies (currently the Ministry of Family, Labour and Social Policy).

#### **Carry out a consultation process of social partners on the potential for collective agreements [...];**

The consultation of social partners on the potential of collective agreements was conducted by the Ministry of Family and Social Policies with representatives of the Social Dialogue Council between May 2021 and November 2022 (pages 8-10 of the Consultation report).

The Consultation report lists the trade unions and employers’ organisations represented in the Social Dialogue Council that took part in the consultation (pages 1 and 2 of the Consultation report).

The consultation process included the following steps (pages 8-10 of the Consultation report):

- i. A preliminary consultation phase was conducted between May 2021 and January 2022, resulting in the Social Dialogue Council's agreement to request an expert study on the potential of collective agreements in Poland.
- ii. The implementation phase, held between January and August 2022, which consisted in the contracting of experts (academics) from the University of Warsaw and the University of Silesia to conduct the study and to hold the substantive discussions with the Social Dialogue Council on the preliminary findings. The expert study (evidence No. 4) which incorporated the comments from the social partners, was submitted by the contractor to the Social Dialogue Council on 12 August 2022.
- iii. The adoption phase, which consisted in the adoption of the expert study by the Social Dialogue Council. The acceptance letter of 28 October 2022 (evidence No. 5) informs that the expert study had been conducted in consultation with social partners and had been adopted by the Social Dialogue Council on the topic of collective agreements.

The Consultation report provides information on the current role of collective agreements in Poland and a summary of the position of social partners and the Government towards these instruments (page 9 to 16). In its Annex (pages 18 to 20) it also provides reflections on potential changes to the legal framework needed to provide more flexibility to the labour market and to increase the use of collective agreements in Poland.

The information included in the Consultation report is further detailed in the expert study on 'The state of play and prospects for the development of collective agreements in Poland' (evidence No. 4). The expert study, which incorporates the substantive positions of social partners on the matter, maps out the extent, quality and potential of collective agreements in the Polish labour market.

**A study shall be carried out to look at the potential for a possible single labour contract, provide analytical and legal underpinning and use comparative analysis.**

Furthermore, in line with the description of the measure, [...] **a comprehensive study on the potential role of a single labour contract shall be conducted.**

The study on the potential role of a single labour contract was carried out by the Institute of Labour and Social Affairs (IPiSS) and its results were published in the Report on the potential role of a single labour contract for the introduction of new flexibility and security on the Polish labour market (the 'Report on a single labour contract'. The Report was published on the website of the Ministry of Family and Social Policy on 22 December 2022.

Chapter II of the Report on a single labour contract (pages 15 to 57) provides a comprehensive analysis of contracts on the basis of which employees are employed in Poland, with particular emphasis on those relating to flexible forms of employment and work organization. It also provides an analysis of statistical data showing the scale of employment of people outside contracts for an indefinite period.

Chapter III (pages 58 to 79) analyses the legal framework, including existing and planned regulations in the field of fixed-term contracts in terms of ensuring flexibility and security on the Polish labour market. It also includes a comparative analysis of the solutions implemented in the national legal systems in selected other EU Member States (pages 61 to 66).

The outcomes of the study as presented in the concluding chapter of the Report on a single labour contract (Chapter V, pages 99 to 103) look at the potential effects of the introduction of a single labour contract in Poland, particularly with regard to flexibility and security of the labour market. The Report also presents the view of social partners relative to the single employment contract. The conclusions do not recommend the introduction of a single labour contract in the Polish labour market.

Furthermore, in line with the description of the measure, **relevant reform priorities, as identified in the consultation and in the study shall be implemented through entry into force of an amendment of relevant laws[...]**

The Annex to the Consultation report identifies a list of reform priorities to increase the use of collective agreements in Poland, both pertaining to the current legal framework and to the status of collective bargaining (pages 18 to 20). The Consultation report (page 16) also clarifies that the findings of the study will be subject to further work, both within the Ministry of Family and Social Policy and in the framework of the social dialogue, with a view to fulfill milestone A54G on the entry into force of an amendment of relevant laws to implement the reform priorities.

As mentioned above, the Report on a single labour contract (evidence No. 3, Chapter V, pages 99 to 103) does not identify relevant reform priorities, as based on the analysis carried out and related consultations with social partners. Conclusions of the study do not recommend the introduction of a single labour contract in the Polish labour market.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.



**Number and name of the Milestone:** A65G - Entry into force of the act amending the Labour Code introducing the permanent institution of remote work to the provisions of the Labour Code and flexible forms of working time arrangements.

**Related Measure:** A.4.4 Making forms of employment more flexible and introducing remote work.

**Qualitative Indicator:** Provision in the act amending the Labour Code indicating its entry into force.

**Time:** Q3 2022

### 1. Context:

The objective of the reform is to increase labour market participation by reconciling family and professional responsibilities and facilitating employment of groups with low labour participation rates.

Milestone A65G relates to the entry into force of an amendment to the Labour Code. It consists of introducing the possibility of remote work outside the workplace and establishing related rules in agreement between the employee and the employer. It covers the definition of specific cases in which remote work could be performed at the employer's request and the establishment of an obligation for the employer to provide materials and tools necessary to perform remote work and/or the use of employees' private equipment. Finally, the milestone requires the implementation of flexible forms of working time arrangements.

Milestone A65G is the only one envisaged for completion of the reform.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Act of 1 December 2022 amending the Labour Code and some other Acts published on 6 February 2023 in the Journal of Laws of 2023, item 240. Article 1(2) introducing remote work in the Labour Code entered into force on 7 April 2023. The Act is available at this link: <a href="https://dziennikustaw.gov.pl/D2023000024001.pdf">https://dziennikustaw.gov.pl/D2023000024001.pdf</a> .	The Act introduces remote work in the Labour Code.
3	Act of 9 March 2023 amending the Labour Code and some other Acts published on 4 April 2023 in Journal of Laws of 2023, item 641. Article 1(42) introducing flexible forms of working time arrangements in the Labour Code entered into force on 26 April 2023. The Act is available at this link: <a href="https://dziennikustaw.gov.pl/D2023000064101.pdf">https://dziennikustaw.gov.pl/D2023000064101.pdf</a> .	The Act introduces flexible forms of working time arrangements in the Labour Code.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of the act amending the Labour Code introducing the permanent institution of remote work to the provisions of the Labour Code and flexible forms of working time arrangements.**

Two Acts amending the Labour Code on the subject of remote work and flexible forms of working time arrangements were adopted and entered into force.

The Act of 1 December 2022 amending the Labour Code and certain other acts (the “Act of 1 December 2022”) amends the Labour Code by providing for the permanent institution of remote work. Article 1(2) of the Act of 1 December 2022 introduces Chapter II c on Remote work in the Labour Code. According to its Article 21, the provisions introducing remote work entered into force two months after their publication on 6 February 2023, that is on 7 April 2023.

The Act of 9 March 2023 amending the Labour Code and certain other acts (the “Act of 9 March 2023”) amends the Labour Code by providing for the wider use of flexible forms of working time arrangements. Article 1(42) of the Act of 9 March 2023 introduces Article 188<sup>1</sup> (and its appropriate application to carers in accordance with Article 173<sup>3</sup>) in the Labour Code. Article 46 of the Act indicates its entrance into force 21 days after its publication on 4 April 2023, that is on 26 April 2023.

#### **[...] which shall help to better reconcile professional and private responsibilities, respond to the crisis, and provide support to help inactive people with lower economic activity in finding permanent employment.**

The revised acts introduce several elements in the Labour Code that help to better reconcile professional and private responsibilities. According to Article 67<sup>19</sup>(6) of the Labour Code introduced by the Act of 1 December 2022, the employer has to accept the application for remote work of a pregnant worker, a worker raising a child under the age of four, as well as a worker caring for another immediate family member or other person in a common household holding a disability certificate or a certificate of severe disability, unless this is not possible due to the type of work performed by the worker.

Article 67<sup>19</sup>(3) of the Labour Code introduced by the Act of 1 December 2022 addresses the need to respond to the crisis, as it also allows remote work to be carried out on the instructions of the employer during periods of emergency, including of an epidemic nature, or during a period in which it is temporarily impossible for the employer to ensure safe and healthy working conditions at the worker’s temporary place of work due to *force majeure*.

The acts amending the Labour Code also reduce barriers to finding permanent employment for people with lower economic activity, who may have difficulties in entering or continuing employment when it is not possible to meet fixed working times or work in presence daily. Flexible forms of employment, such as remote work and flexible working time arrangements, are indeed tools to improve the employability of people in particular employment situations such as older people, family carers, parents of young children, single parents, people living in peripheral areas with difficulties in accessing the workplace, etc. These tools increase availability of work that can be performed outside the workplace (e.g. at home) and outside of fixed working hours, thus providing for more options to combine work with care for dependants.

As stated in the Polish Recovery and Resilience Plan, in Poland family responsibilities are the most common cause of inactivity among women aged 25-54. The need to care for family members, including young children, poses a barrier to returning to work.

To provide support to people with lower economic activity, the Act of 9 March 2023, as per Articles 1(22) and 1(42), increases the flexibility of working time arrangements for employees raising a child up to the age of eight and employees caring for dependants, meaning a person who is a family member (a son, daughter, mother, father or spouse) or living in the same household in need of care or support for serious medical reasons. Moreover, pursuant to Article 67<sup>19</sup> (6) of the Act of 1 December 2022, applications to work remotely by pregnant employees, employees raising a child up to the age of four and employees caring for another member of the immediate family or another person in a common household with a disability certificate or a severe disability certificate are binding for the employer and can be refused only if remote work cannot be performed due to the organisation of work or the type of work performed by the employee and only subject to communication of the refusal to the employee.

**The reform shall consist in: - introducing the possibility of remote work (entirely or partially) outside the workplace on the basis of agreements between the employee and the employer made at the conclusion of the employment contract or during employment;**

In accordance with Article 67<sup>18</sup> of the Labour Code introduced by the Act of 1 December 2022, work may be performed at any place indicated by the employee and agreed with the employer, including the employee's home address, in particular by means of direct remote communication (remote work). The article also provides for remote work to be conducted entirely or in part by the employee, as agreed with the employer.

An agreement between the parties to the employment contract on the performance of telework by the employee may be concluded either at the time of the conclusion of the employment contract or in the course of the employment, in accordance with Article 67<sup>19</sup>(1) points 1 and 2 of the Labour Code introduced by the Act of 1 December 2022.

**[...] - establishing rules on remote work in agreement between the employer and employees' representatives;**

Pursuant to Article 67<sup>20</sup>(1) of the Labour Code introduced by the Act of 1 December 2022, the arrangements for remote work shall be laid down in an agreement between the employer and the company trade union organisation and, where there is more than one company trade union organisation, in an agreement between the employer and those organisations.

Pursuant to Article 67<sup>20</sup>(2) of the Labour Code introduced by the Act of 1 December 2022, if it is not possible to agree on the content of the agreement with all the company trade unions, the employer shall agree on the content of the agreement with the representative trade unions within the meaning of Article 25<sup>3</sup>, paragraph 1 or 2 of the Trade Union Act, each of which includes at least 5% of the employees employed by the employer.

Paragraphs 3 and 4 clarify that if, within 30 days of the submission of the draft agreement by the employer, no agreement has been reached in accordance with paragraphs 1 or 2, the employer shall lay down the rules for the performance of remote work in a regulation, taking into account the arrangements concluded with the company trade union organisations during consultation of the agreement. If there are no company trade union organisations at the employer concerned, the employer shall lay down the rules governing the performance of remote work in a regulation after

consulting the employees' representatives selected in accordance with the procedure adopted by the employer concerned.

Article 67<sup>20</sup>(5) of the Labour Code introduced by the Act of 1 December 2022 allows for remote work to be performed even if the agreement referred to in paragraph 1 or 2 has not been concluded or the rules referred to in paragraphs 3 or 4 have not been issued. In such a case, the employer shall lay down the rules for the performance of remote work either in the order to perform remote work (when this is initiated by the employer in case of emergency of force majeure – as referred to in Article 67<sup>19</sup>(3) of the Labour Code introduced by the Act of 1 December 2022) or in an agreement concluded with the individual worker, as appropriate.

In accordance with Article 67<sup>20</sup>(6) of the Labour Code introduced by the Act of 1 December 2022, such agreements between the employer and employees' representatives shall specify in particular:

- 1) the group or groups of workers likely to be covered by remote work;
- 2) the rules for the payment by the employer of costs of remote work (as defined in Art. 67<sup>24</sup>(1)(2) and (3) of the Labour Code introduced by the Act of 1 December 2022);
- 3) the rules for communication between the employer and the worker carrying out remote work, including the way in which the worker performing remote work is to be present at the workplace;
- 4) rules on controlling the performance of work by a remote worker;
- 5) rules on health and safety at work;
- 6) rules on compliance with security and information security requirements, including on the protection of personal data;
- 7) rules for the installation, inventory, maintenance, updating of software and servicing of the work tools.

**[...] - including specific cases in which remote work could be performed at the employer's request (such as during extraordinary circumstances);**

In accordance with Article 67<sup>19</sup>(3) point 1 and 2 of the Labour Code introduced by the Act of 1 December 2022, remote work may be carried out at the employer's request: during a state of emergency, epidemic or pandemic and for a period of 3 months after its termination; or during a period when, due to *force majeure*, it is temporarily impossible for the employer to ensure safe and hygienic working conditions at the employee's current place of work. Start of the remote work at the request of the employer is conditioned by the submission by the employee, immediately before the order is issued, of a declaration in paper or electronic form that he has the premises and technical conditions to carry out the work (Art. 67<sup>19</sup>(3) point 3).

**[...] - establishing an obligation for the employer to provide materials and tools necessary to perform remote work and/or the use of employees' private equipment;**

The employer's obligations regarding the provision of technical conditions and access to facilities for teleworking are detailed in Article 67<sup>24</sup> of the Labour Code introduced by the Act of 1 December 2022, including the obligation to provide materials and work tools, the installation, service, maintenance of work tools or cover the costs related to it, cover the costs of electricity and telecommunication services necessary to perform remote work, provide the training and technical assistance necessary to perform the work.

**[...] - implementing flexible forms of working time arrangements.**

The Act of 9 March 2023 includes as flexible forms of working time arrangements, flexible working hours (individual working hours, weekend working, reduced working week and intermittent working), part-time working and remote work. Under Article 188<sup>1</sup> of the Labour Code introduced by the Act of 9 March 2023, an employee raising a child up to the age of eight can request flexible working arrangements such as the use of remote working, flexible work schedules (e.g. intermittent working time schedules, individual working hours, weekend schedules, shortened working week) or reduced working hours. Moreover, the Act of 9 March 2023 also introduced in the Labour Code Article 173<sup>3</sup>, under which an employee who provides personal care or support to a person who is a family member or lives in the same household and who requires care or support for serious medical reasons may also request flexible working arrangements (as per Article 188<sup>1</sup> above).

Furthermore, in line with the description of the measure, **the amendment shall allow remote work anytime, and not only in extraordinary circumstances, and implement flexible forms of working time arrangements [...]**

As described above, pursuant to Articles 67<sup>18</sup> and 67<sup>19</sup> of the Labour Code introduced by the Act of 1 December 2022, remote work may be performed at any place indicated by the employee and agreed with the employer at any time, and not only in extraordinary circumstances as was the situation before the adoption of the Act of 1 December 2022.

The Council Implementing Decision states in the description of measure A4.4 that the amendment shall allow remote work at any time and not only in extraordinary circumstances. However, the Council Implementing Decision also states in the description of milestone A65G that the law shall introduce the possibility of remote work (entirely or partially) outside the workplace on the basis of agreements between the employee and the employer. Similarly, the Polish Recovery and Resilience Plan provides for the introduction of teleworking in the Labour Code and states that the draft law should introduce the provision that remote work shall be carried out on the basis of arrangements between the worker and the employer at the time of the conclusion of the contract of employment or during the employment.

The adopted amendment to the Labour Code allows for making a request for remote work either 1) when concluding an employment contract, or 2) in the course of employment. Remote working arrangements are then agreed between the parties as specified in Article 67<sup>20</sup> of the Labour Code introduced by the Act of 1 December 2022 (i.e. through the model, in line with which the remote work arrangements are concluded either in the agreement between employer and (company/representative) trade-union, in employer's regulation/order to perform remote work or (as the last resort) in an agreement between the employer and the individual worker). While the amendment itself does not set forth the specific remote work arrangements, it does set forth the waterfall model (with possibility of concluding, as a last resort, an agreement on remote work between the employer-individual employee) which establishes a clear framework for conclusion of the remote work arrangements and allows for remote work at any time and not only in extraordinary circumstances. This is in line with the contextual interpretation of the measure description, which also takes into consideration requirements of the milestone description and the Polish Recovery and Resilience Plan. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Under Articles 173<sup>3</sup> and 188<sup>1</sup> (1) of the Labour Code introduced by the Act of 9 March 2023 flexible forms of working time arrangements are also allowed at any time, and not only in extraordinary circumstances, to employees raising a child up to the age of eight and employees who provide personal care or support to a person who is a family member or lives in the same household.

According to article 188<sup>1</sup> (6) a worker making use of the flexible working arrangements referred to in Article 188<sup>1</sup> (1) may also at any time submit an application, in paper or electronic form, for a return to the previous work organisation.

Finally, in line with the description of the measure, **the amendment shall also define [...] (iii) the creation of a framework for health and safety principles applicable to the remote work.**

Article 67<sup>31</sup> of the Labour Code introduced by the Act of 1 December 2022 sets up a framework for health and safety principles applicable to remote work, consisting of imposing on the employer the obligation to prepare an occupational risk assessment (Article 67<sup>31</sup> (5)) before allowing an employee to work remotely. The employer may prepare a universal occupational risk assessment for individual groups of remote work positions. On the basis of the results of the assessment, the employer is obliged to prepare information containing:

- 1) the rules and modalities for the proper organisation of the remote working station, taking into account ergonomic requirements;
- 2) the principles of safe and hygienic remote work;
- 3) activities to be performed after the end of remote work;
- 4) rules for dealing with emergency situations posing a risk to human life or health.

Article 67<sup>31</sup> (4) also excludes the following types of work from the possibility of performing them remotely:

- 1) Work that is particularly dangerous;
- 2) which results in exceedances of the permissible physical factors prescribed for living quarters;
- 3) hazardous chemical agents as referred to in occupational safety and health legislation related to the presence of chemical agents at work;
- 4) related to the use or secretion of harmful biological agents, radio-active substances and other substances or mixtures which emit nuisance odours;
- 5) causing intense dirt.

The Council Implementing Decision required that the amendment shall allow remote work at any time and not only in extraordinary circumstances. However, Polish authorities have introduced a limited amount of exemptions from the possibility of performing remote work within the establishment of the framework for health and safety principles applicable to remote work.

Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, all listed exemptions are limited in scope and predetermined and based on the reasons of ensuring health and safety at work or on the type of work, which, by its very nature, makes work dangerous or very difficult to perform remotely. These exclusions are introduced for the implementation of the requirement to define the relevant framework for health and safety principles applicable to remote work. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone A65G represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** A67G - Entry into force of the act amending the Act on personal income tax implementing from 2023 a personal income tax reduction for those who reached the retirement age but continue working

**Related Measure:** A.4.5 Extend careers and promote working beyond the statutory retirement age

**Qualitative Indicator:** Provision in the act amending the Act on personal income tax indicating its entry into force

**Time:** Q4 2022

### 1. Context:

The measure aims to increase workers' ability and motivation to remain in the labour market beyond the retirement age. A tax reform should be implemented for workers who reached the statutory retirement age with the aim to incentivise them to extend their careers.

Milestone A67G concerns the adoption of an amendment to the act on the personal income tax, which should reduce the personal income tax for those who reached the statutory retirement age but continue working. The workers who do not retire, whose income falls into the first income tax bracket (PLN 85 528 in 2021) and who earn no more than the average gross wage in the national economy in Poland, should be exempted from personal income tax. Moreover, the personal income tax rate of those with an income above the first bracket (PLN 85 528 in 2021) should be reduced.

Milestone A67G is the first step of the implementation of the reform. It will be followed by milestone A68G (under the sixth instalment), related to a report on the evaluation of the effect of the amendments to the personal income tax on the effective retirement age. The measure has a final expected date for implementation on 31 December 2024.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;
2	Copy of the Act of October 29, 2021 amending the act on personal income tax, the act on corporate income tax and some other acts (Journal of Laws, item 2105 as amended), published in the Journal of Laws (item 2105) on 23 November 2021 and entered into force on 1 January 2022 according to Article 89. Official Journal: <a href="https://dziennikustaw.gov.pl/DU/2021/2105">https://dziennikustaw.gov.pl/DU/2021/2105</a>	The Act implements the main elements of the reform, in particular the tax allowance for working seniors, but also other elements of the Polish deal tax reform not relevant for the milestone.
3	Copy of the Act of June 9, 2022 amending the act on personal income tax and certain other acts (Journal of Laws, item 1265 as amended), published in the Journal of Laws (item 1265) on 15 June 2022 and entered into force on 1 July 2022 according to Article 40. Official Journal: <a href="https://dziennikustaw.gov.pl/DU/2022/1265">https://dziennikustaw.gov.pl/DU/2022/1265</a>	The Act implements the main elements of the reform, in particular the lower tax rate, but also other elements of the Polish deal tax reform not relevant for the milestone.

4	Copy of the Announcement of the President of the Central Statistical Office of February 9, 2024 on the average salary in the national economy in 2023 (Polish Monitor, item 110). Polish Monitor: <a href="https://monitorpolski.gov.pl/MP/2024/110">https://monitorpolski.gov.pl/MP/2024/110</a>	The announcement provides the average salary in the national economy in 2023 in Poland.
5	Copy of Budget Act for 2024 of January 18, 2024 (Journal of Laws, item 122). Official Journal: <a href="https://dziennikustaw.gov.pl/DU/2024/122">https://dziennikustaw.gov.pl/DU/2024/122</a>	The legal act sets the budget for 2024 which also includes the assumed average gross wage in Poland in 2024.
6	Copy of the Analysis of data from the Register of contracts for specific task forms submitted from 1 January to 31 December 2023: <a href="https://www.zus.pl/documents/10182/2422424/2024-Rejestr+um%C3%B3w+o+dzie%C5%82o.pdf/7ce4e5ec-31ed-8504-ba87-14d9b105d331?t=1712816782171">https://www.zus.pl/documents/10182/2422424/2024-Rejestr+um%C3%B3w+o+dzie%C5%82o.pdf/7ce4e5ec-31ed-8504-ba87-14d9b105d331?t=1712816782171</a>	Analysis of data from the Register of contracts for specific task forms submitted from 1 January to 31 December 2023 by the Polish Social Insurance Institution (ZUS)
7	Copy of the Act of 13 October 1998 on the social insurance system (Official Journal 2024 item 497, 863, 1243)  <a href="#">Journal of Laws 2024, item 497 (dziennikustaw.gov.pl)</a>  <a href="#">Journal of Laws 2024, item 863 (dziennikustaw.gov.pl)</a>  <a href="#">Journal of Laws 2024, item 1243 (dziennikustaw.gov.pl)</a>	The legal act that sets the social insurance contributions including pension contributions.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of the act amending the Act on personal income tax.**

In line with the description of the measure, a number of amendments affecting the Act on personal income tax (PIT) entered into force in 2022:

- *The Act of October 29, 2021 amending the Act on personal income tax, the Act on corporate income tax and certain other acts* was published in the Journal of Laws (item 2105) on 23 November 2021 and entered into force on 1 January 2022 according to its Article 89.
- *The Act of June 9, 2022 amending the Act on personal income tax and certain other acts* was published in the Journal of Laws (item 1265) on 15 June 2022 and entered into force on 1 July 2022 according to its Article 40.

Furthermore, in line with the description of the measure, **a tax incentive shall be implemented for those who reached the statutory retirement age but prefer to not retire and continue working. The reform shall consist of the adoption of an amendment to the act on the personal income tax. The amendment shall reduce as from 2023 the personal income tax for those who reached the statutory retirement age but do not want to retire and continue working.**

*The Act of October 29, 2021 amending the Act on personal income tax, the Act on corporate income tax and certain other acts* introduced the tax incentive for working seniors in Article 1 point 13 letter



(a) indent 13 from 1 January 2022. The tax incentive for seniors applies to incomes received by the taxpayer after reaching the statutory retirement age of 60 for a woman and 65 for a man who work and receive income from an employment contract and similar contracts, from mandate contracts concluded with the company and from non-agricultural economic activities, while at the same time, the working senior, despite acquiring the right, does not receive neither old-age pension nor family allowance pension from any of the national pension systems. Moreover, the *Act of June 9, 2022 amending the Act on personal income tax and certain other acts* in Article 1 point 13 lowered the tax rate from 17 percent to 12 percent up to taxable income of 120 000 PLN including for working seniors.

The Council Implementing Decision required that personal income tax incentive shall be for those taxpayers who reach the statutory retirement age and decide not to retire but continue working. Pursuant to Article 1 point 13 letter (a) indent 13 of the Act of October 29, 2021, the tax exemption applies to incomes received by the taxpayer after reaching the statutory retirement age of 60 for a woman and 65 for a man: (1) from employment contract and all similar contracts i.e. an appointment, an election, a nomination or a cooperative contract of employment, (2) from mandate contracts concluded with the company and (3) from non-agricultural economic activities up to the income limit of PLN 85,528 in the tax year (agriculture activity as such is exempted from the personal income tax).

The tax incentive for working seniors who reached the statutory retirement age does not apply to income from management contracts ('kontrakt menedżerski') and contracts for a specific task ('umowa o dzieło'). Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the following should be noted.

Contracts for a specific task are concluded occasionally and for a short period of time (the average period for such contracts was 29 days, the median value was 8 days) according to the Analysis of data from the Register of contracts for specific task forms submitted from 1 January to 31 December 2023 by the Polish Social Insurance Institution (ZUS). They are characterised as occasional and short-term, and therefore not aligned with the objective of the measure of increasing workers' ability and motivation to remain in the labour market beyond the retirement age. In addition, contracts for specific task are not subject to pension insurance according to Article 6 of the Act of 13 October 1998 on the social insurance system (Official Journal 2024, items 497, 863, 1243). This means that pension capital does not increase due to the income received from the contract for specific task. In light of these elements, a further tax incentive for these types of contracts would not further incentivise workers to extend their careers and remain in the labour market beyond the retirement age as required under this measure.

Regarding management contracts (a heterogeneous group of flexible contracts in the Polish legal system), the personal income tax legislation removed the specific treatment of income from this type of contracts (taxation with a 19% flat tax as part of business activities) due to concerns of using this type of contracts as an avoidance of the tax scale and the higher second tax rate. Due to this concern, the Polish legislation has regulated explicitly that for personal income tax purposes this type of contracts should be classified separately from business activity as the so-called activity carried out personally according to Article 13(9) of the Personal Income Tax Act and taxed according to the tax scale (Article 27(1) of the Personal Income Tax Act). For the same reason, income from management contracts was not included in the coverage of the tax reduction for working seniors who reached statutory retirement age. It should further be noted that managers receive high remuneration and therefore a special tax incentive would not further incentivise them to remain in the labour market after reaching retirement age in order to increase the future pension.

As the management contracts already have specific treatment in the personal income tax legislation and contracts for a specific task have temporary nature without impact on future pensions, these types of contracts do not align with the overarching objective of the reform to increase workers' ability and motivation to remain in the labour market beyond the retirement age, those minimal deviations do not change the nature of the measure and do not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**Those workers shall be exempted from income tax to a certain limit of income (no more than the first income tax bracket, PLN 85 528 in 2021, and no more than average gross wage in the national economy in Poland). The personal income tax rate shall be reduced for other workers with higher earnings who reached the statutory retirement age but do not retire and continue working. Thanks to this tax incentive taxpayers shall earn additional amounts corresponding to the amount of unpaid income tax which aims to incentivise them to extend careers.** Furthermore, in line with the description of the measure, **workers falling into the first income tax bracket (PLN 85 528 in 2021) and earning no more than the average gross wage in the national economy in Poland shall be exempted from income tax. Thanks to this tax incentive taxpayers shall earn additional amounts corresponding to the amount of unpaid income tax which aims to incentivise them to extend their careers.**

The *Act of October 29, 2021 amending the Act on personal income tax, the Act on corporate income tax and certain other acts* introduced the exemption for working seniors in Article 1 point 13 letter (a) indent 13 from 1 January 2022. The tax exemption for seniors applies to incomes received by the taxpayer after reaching the statutory retirement age of 60 for a woman and 65 for a man up to the income limit of PLN 85 528 in the tax year. The income limit of PLN 85 528 in a tax year has been fixed, which means that there is no mechanism for indexation of this limit for subsequent years enshrined in the law. Seniors, who benefit from the tax exemption up to the limit of PLN 85 528 pay tax only on the remuneration (salary) that surpasses the exemption limit of PLN 85 528. Consequently, taxpayers earn additional amounts corresponding to the amount of unpaid income tax. The additional income gained from work beyond the retirement age incentivises extending careers and prolonging working lives.

Putting in place this framework that does not include a reference to the average gross wage, the Act provides a tax exemption also for workers with earning higher than the average gross wage, thus going beyond the requirement of the Council Implementing Decision.

**The personal income tax rate of those above the first bracket shall be reduced.**

The *Act of June 9, 2022 amending the Act on personal income tax and certain other acts* in Article 1 point 13 lowered the tax rate from 17 percent to 12 percent up to taxable income of 120 000 PLN including for working seniors. Before 2022, a working senior salary exceeding PLN 85 528 (the first threshold in the tax scale in 2021) was subject to a 32 percent tax rate. After 2022, the 32 percent tax rate applies to a working senior salary exceeding PLN 205 528 (the sum of tax exemption limit of PLN 85 528 and the threshold in the tax scale of PLN 120 000). Due to the 2022 amendments, the effective tax rate applied to the annual salary income of less than PLN 205 528 for working seniors above the 2021 first income tax bracket of PLN 85 528 was reduced from 32 percent to 12 percent.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** B4G - Entry into force of an amendment to the Regulation by the Minister of Climate and Environment on quality standards for solid fuels.

**Related Measure:** B.1.1 Clean Air and energy efficiency

**Qualitative Indicator:** Provision in the amendment to the Regulation on quality standards for solid fuel indicating its entry into force

**Time:** Q4 2022

**1. Context:**

The reform measure B1.1 Clean Air and energy efficiency aims to reduce greenhouse gas emissions from and increase the energy efficiency of selected economic sectors.

Milestone B4G involves enacting a regulatory amendment on coal-based solid fuels, developed based on legislative revisions proposal by an inter-ministerial team and after consulting with NGOs and representatives from the coal sector. This amendment shall implement a ban on misleading branding by coal solid fuel producers.

Milestone B4G is the third milestone of the reform, and it follows the completion of milestone B3G and milestone B1G (part of the first payment request). It will be followed by milestone B2G (under the same payment request) related to the update of the “Clean Air” priority programme supporting thermal renovations of homes and milestone B5G (under the fourth instalment), related to the adoption of quality standards for biomass-based solid fuels.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	The regulation of the Minister for Industry and the Minister of Climate and Environment on quality requirements for solid fuels, published on 4 November 2024 in the Official Journal, item 1618.	The new regulation of the Minister for Industry and the Minister of Climate and Environment on quality requirements for solid fuels, which repeals and substitutes the Regulation of the Minister of Climate and Environment of 23 December 2022 on quality requirements for solid fuels (Official Journal of 2022 item 2856) and lays down new minimum quality requirements for different types of coal-based fuels that may be placed on the market. It is available on the Official Journal website under this link: <a href="https://dziennikustaw.gov.pl/DU/2024/1618">https://dziennikustaw.gov.pl/DU/2024/1618</a>
3	Report on the review of quality requirements for solid fuels with attachments, signed on 20 July 2021 by the	Document describing the working process, positions expressed by members and conclusions reached by the inter-ministerial

	Minister of Climate and Environment	team established to review existing coal quality standards. It also includes the team's recommendations
4	Public consultations report drawn up by the Ministry of Climate and Environment of 10 September 2024	Document describing the process and outcomes of the public consultation on the draft amendment. It was also published on the Governmental Legislative Process portal on 29 October 2024 and is available under this link: <a href="https://legislacja.rcl.gov.pl/projekt/12384557/katalog/13055724#13055724">https://legislacja.rcl.gov.pl/projekt/12384557/katalog/13055724#13055724</a>
5	Annex 2 to the public consultations report	List of contributions submitted as part of the consultation
6	Appointment of a team to review quality requirements for solid fuels, signed by the Minister of Climate and Environment on 23 October 2020	Document specifies the tasks and responsibilities of the review team. It is published under the following link: <a href="https://dziennikurzedowy.mos.gov.pl/skorowidz/powolanie-zespolu/zarzadzenie/poz-6-zarzadzenie-ministra-klimatu-i-srodowiska-z-dnia-23-pazdziernika-2020-r-w-sprawie-powo/">https://dziennikurzedowy.mos.gov.pl/skorowidz/powolanie-zespolu/zarzadzenie/poz-6-zarzadzenie-ministra-klimatu-i-srodowiska-z-dnia-23-pazdziernika-2020-r-w-sprawie-powo/</a>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **On the basis of recommendations on necessary or recommended legislative changes prepared by an inter-ministerial team [...]**

The new Regulation of the Minister for Industry and the Minister for Climate and the Environment on quality requirements for solid fuels ('the new Regulation' – evidence No. 2) is based on the recommendations issued by an interministerial team which was established pursuant to the Ordinance of the Minister of Climate and Environment of 23 October 2020 for the purpose of reviewing the quality requirements for solid fuels (evidence No. 6). The interministerial team, chaired by the Secretary of State at the Ministry of Climate and Environment, included representatives from the ministries responsible for climate, economy, health and mineral deposit management as well as the President of the Office of Competition and Consumer Protection, the Chancellery of the Prime Minister and the Plenipotentiary of the Prime Minister for the 'Clean Air' programme (see evidence No. 3 - 'Report on the review of quality requirements for solid fuels').

The positions of the members of the inter-ministerial team are summarized, and the team's recommendation on the revision of legislation regarding the quality requirements for solid fuels are included in the same Report on the review of quality requirements for solid fuels (evidence No. 3). In particular, the interministerial team prepared recommendation 1 which is to "amend the provisions of the Regulation of the Minister of Energy of 27 September 2018 on quality requirement for solid fuels (Official Journal of 2018, item 1890) based on the positions of the members of the team" (evidence No. 3, page 11). The regulation in question is the predecessor of the Regulation of 23 December 2022 - Official Journal of 2022 item 2856. The positions of most members of the

interministerial team call for a tightening of the existing parameters, though they propose different levels of ambition, while the position of the Ministry of State assets calls for the quality parameters to remain unchanged. All members of the interministerial team agree that misleading designations should be addressed, but they propose different ways in which this could be done (see evidence No. 3, pages 9-11).

Following Recommendation 1, the new Regulation reconciles those different positions by laying down more stringent quality requirements for solid fuels, which are to be introduced in a phased manner, and by replacing the misleading trade designations identified by the team members with more accurate ones.

**[...] and followed by a consultation of the proposals with NGO's and coal sector chambers [...]**

The proposed new Regulation was consulted with NGOs and coal sector organizations including the Economic Chamber of Polish Coal Retailers, Economic Chamber of the Polish Heating Sector and the Polish Economic Chamber of Coal Retailers. The draft new Regulation was submitted for public consultation as part of the legislative process on 24 April 2024 and the consultation ended ten days later, as specified in the consultation report (see evidence No. 4, page 1). 45 bodies were consulted, including coal mining companies, academic and research institutions, industry associations and chambers of the coal sector, trade unions of the coal sector, as well as environmental and health non-governmental organizations (see list on pages 1-2 of the consultation report – evidence No. 4). Annex 2 of the consultation report lists all the contributions submitted and includes contributions by health and environmental NGOs as well as coal industry organizations and coal mining companies.

**[...] the amendment to the regulation on coal-based solid fuels shall enter into force.**

The new Regulation of the Minister of Industry and the Minister of Climate and Environment on quality requirements for solid fuels, which repeals and substitutes the previous Regulation of the Minister of Climate and Environment of 23 December 2022 – published in the Official Journal of 2022, item 2856 (the 'Regulation' – evidence No. 2) entered into force on 8 November 2024 (Official Journal of 2024, item 1618) published on 4 November 2024 pursuant to its paragraph 8 (three days from the date of publication).

**[the amendment] shall ban producers of coal solid fuels from using misleading branding.**

The Regulation previously in force included two designations for commonly used types of coal fuel, i.e. '*eko-groszek*' (Table 4 in the Annex to the Regulation of the Minister of Climate and Environment of 23 December 2022 on quality requirements for solid fuels) and '*eko-miał*' (Table 6 in the Annex to the Regulation of the Minister of Climate and Environment of 23 December 2022 on quality requirements for solid fuels) which were considered misleading as they suggested the fuel in question was environmentally friendly (evidence No. 3, pages 6 – 8 and pages 10-11).

The new Regulation establishes the trade designations under which different types ('*sortymenty*') of coal-based fuels can be marketed in Poland. Producers can market their products only under those names, all of which have their corresponding quality standards ('cobble coal', 'nut coal', 'pea coal', 'standard nut coal for class 3, 4 and 5 heating appliances or meeting eco-design requirements', 'standard pea coal for class 3, 4 and 5 heating appliances or meeting eco-design requirements', 'fine coal' and 'anthracite coal' (Tables 1 to 9 in the Appendix to the Regulation – evidence No. 2). The new Regulation (evidence No. 2) introduces new trade designations for the two commonly used types of coal fuels, replacing their trade names with new names without the '*eko*' prefix (Tables 4 and 6 in the Annex to the amended Regulation), thus banning the possibility of using misleading names.

Furthermore, according to the measure description, [...] Further to the banning of low-quality coal for **this amendment shall also set minimum standards for solid fuels.**

The Regulation of the Minister of Energy of 27 September 2018 on quality requirement for solid fuels (Official Journal of 2018, item 1890) introduced quality requirements for coal-based solid fuels that did not exist before. It also provided that the two most polluting types of fine coal would be discontinued on 30 June 2020. That Regulation was repealed and substituted by the Regulation of the Minister of Climate and Environment of 23 December 2022, which introduced quality requirements for an additional type of high-quality 'premium' solid fuel.

The new Regulation of 4 November 2024 (evidence No. 2) repealed and replaced the Regulation of the Minister of Climate and Environment of 23 December 2022 on quality requirements for solid fuels (Paragraph 7 – evidence No. 2).

The new Regulation defines more stringent minimum quality standards with regard to the maximum permitted content of ash, sulphur and humidity and the minimum calorific value, for all types of coal-based solid fuels that can be placed on the market for home heating and for combustion plants with rated capacity below 1 MW. In particular, Paragraph 1 of the new Regulation provides that coal-based solid fuels must meet the minimum quality requirements laid down in Tables 1-9 in the Annex to the new Regulation (evidence No. 2). Paragraphs 3, 4 and 5 define the requirements for certain types of coal fuel for which the parameters laid down in the Annex will be introduced in a staggered manner, with the first round of gradual tightening of the quality standards entering into application on 1 December 2024 (Paragraph 4(1) and Paragraph 5(1) of the Regulation - evidence No. 2), followed by another round entering into application on 1 July 2025 (Paragraph 4(2) and Paragraph 5(2) of the Regulation - evidence No. 2).

The Council Implementing Decision required that this amendment sets minimum standards for solid fuels. The new Regulation was adopted on 4 November 2024, however, as noted above, the gradual tightening of the quality standards for solid fuels will become applicable on 1 December 2024. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision, the delay between the adoption and publication of this new Regulation (November 2024) and the actual application of the provisions (December 2024) is considered both limited and proportional, notably the interval between the adoption of the Regulation and the actual application of the amended quality standards for solid fuel is deemed limited and proportionate (less than a month), particularly in light of the need for affected parties to have sufficient time to adapt to the new requirements. Moreover, the parameters in Paragraph 4 and Paragraph 5 and in the Annex to the Regulation are clear and their application is not linked to or conditional on the adoption of any other legal act and will enter into force on the date indicated in the Regulation. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C3G Amendment of the regulation on Single Information Point

**Related Measure:** C1.1 Facilitating the development of network infrastructure to ensure universal access to high-speed internet

**Qualitative Indicator:** Provision in the amendment of the regulation indicating the entry into force

**Time:** Q4 2022

### 1. Context:

The reform aims to guarantee universal access to high-speed internet and digital services throughout Poland, including the so-called 'white spots' where no high-capacity broadband infrastructure exists. This objective is to be achieved firstly by removing legislative barriers to broadband investment and secondly by aligning national legislation with the EU-wide Connectivity Toolbox of 25 March 2021. The legal changes are to envisage, inter alia, amendments to the Regulation on Telecom Infrastructure Inventory and to the Regulation on the Single Information Point (SIP) system.

Milestone C3G requires the entry into force of the amendment of the regulation on the Single Information Point to provide operators with information on infrastructure for telecom investments and a planning tool.

Milestone C3G is the third and last milestone of the reform. It follows the completion of milestone C1G (first payment request), related to setting up a framework to co-finance broadband projects in white Next Generation Access (NGA) areas, where no NGA network exists at present, and milestone C2G in the same payment request, which concerns amending the regulation on national inventory of telecom infrastructure and services.

The reform has a final expected date for implementation on 31 March 2023.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Copy of the Regulation of the Minister of Digital Affairs of 8 March 2023 on the information on technical infrastructure, cable ducts and rates of the toll for occupying the road lane, published on 3 April 2023 in the Official Journal (item 628), with entry into force on 17 April 2023, with the exception of § 6 point 3, with entry into force on 1 May 2023	The Regulation improves the process of collecting information on the existing technical infrastructure and investment plans in the field of ongoing or planned construction works, as well as on the applicable rates of the tolls and defines the information to be submitted, shared and be made accessible via the Single Information Point (SIP)

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

### **Entry into force of the amendment of the regulation on Single Information Point**

Poland adopted a new regulation on Single Information Point, i.e. the Regulation of the Minister of Digital Affairs of 8 March 2023 on the information on technical infrastructure, cable ducts and rates of the toll for occupying the road lane – the “2023 Regulation”, which replaced the previous regulation, i.e. the Regulation of the Minister of Digitalization of 31 July 2019 on information of technical infrastructure, road ducts and on the rates of fees for the use of road lanes (Official Journal of 2019, item 1618) the “2019 Regulation”.

In line with the article 34 point 1 of the act of 30 September 2019, amending the act on supporting the development of telecommunication services and networks and amending other acts (Official Journal of 2019, item 1815) and under the requirements of Polish legal system, stemming from paragraph 32(2) of the Regulation of the Prime Minister concerning the "Principles of Legislative Technique" (consolidated text of 29 February 2016, Official Journal of 2016, item 283), the 2019 Regulation expired on 1 January 2022.

The 2023 Regulation not only covered the scope of the 2019 Regulation, thus substituting it, but also expanded it by specifying the process, format and scope of data to be submitted through the Single Information Point.

The 2023 Regulation entered into force on 1 May 2023, with the exception of § 6 point 3, which entered into force on 1 May 2023, as stipulated in Paragraph 7 of the Regulation.

### **to provide operators with information on infrastructure for telecom investments**

The 2023 Regulation improves the process of collecting information on the existing technical infrastructure and investment plans in the field of ongoing or planned construction works, as well as on the applicable rates of the tolls and defines the information to be submitted, shared and made accessible via the Single Information Point (SIP), a system for the electronic provision of information on physical infrastructure (by network operators and public sector bodies). It also introduces a requirement for sharing information on future physical infrastructure roll-out, the terms and conditions of access to the existing physical infrastructures, as well as a single-entry point for submitting applications for permits.

In particular, paragraph 2 of the 2023 Regulation sets out the scope of information that needs to be provided on the existing technical infrastructure and cable ducts. This includes their location and mileage, their type, current state and indication of whether it is possible or not to locate in it the elements of the telecommunications infrastructure or networks, current utilization purpose, and contact details for access.

Paragraph 3 of the 2023 Regulation introduces the same requirements for the scope of investment plans for ongoing or planned construction works related to technical infrastructure. Apart from the location and type of works, the 2023 Regulation requires information on the technical infrastructure or technological ducts to which the construction work relates, the expected start date of the works, and their expected duration.

Finally, paragraph 4 of the 2023 Regulation specifies the necessary information to be collected on applicable road occupation charge rates for telecommunication infrastructure. This includes the designation of the local government unit whose authority has adopted the resolution and the level of toll rates for road lane occupation.

### **And [to provide operators with] planning tool**



The additional information accessible via the Single Information Point (SIP) system, required by the 2023 Regulation, provides operators with up-to-date information, as well as a wider range of information on the telecommunication infrastructure which can be used at the planning stage of telecommunications investments. Single Information Point (SIP) constitutes a planning tool for the operators to better plan relevant investment processes, concerning the development of high-speed internet infrastructure. Specifically, SIP allows operators to match the information gathered based on paragraph 2 of the 2023 Regulation (location and mileage, (i.e., road number, kilometerage), township designation, parcel identifier, on which the technical infrastructure element is located, parcel identifier for which the road administration authority issued a decision), with the data collected on the basis of paragraph 4 of the 2023 Regulation (i.e., information on the applicable fee rates for occupation of the road lane for telecommunications infrastructure), thus giving operators an insight into the current and future costs of implementing or maintaining the investment. This data matching via SIP provides operators with a planning tool for optimal financial planning of their investments, not only in terms of Capital expenditure (CapEx) and operating expenditure (OpEx). For this purpose, the 2023 Regulation divides the information in three groups. The first group, identified in paragraph 2 of the Regulation, is information on existing technical infrastructure other than the infrastructure covered by the inventory, as well as information on technological ducts. The second group, indicated in paragraph 3 of the Regulation, is information on investment plans for ongoing or planned construction works, financed in whole or in part with public funds, concerning technical infrastructure or technological ducts. The third group, referred to in paragraph 4 of the Regulation, concerns information on the applicable fee rates for road lane occupation with respect to telecommunications infrastructure. This allows entrepreneurs to receive information helpful in planning new infrastructure, so that they can take into account the costs of this implementation resulting from one-off and long-term fees related to the occupation of the road lane.

Data collected through SIP is processed also in a tool accessible at <https://inteli.uke.gov.pl/map>. It is a side-tool of SIP, allowing operators to estimate the attractiveness of investment in given area with input data collected e.g. under the 2023 Regulation's requirements. The tool recalculates different indexes, representing different areas of viability assessment (population, broadband coverage, existence of physical infrastructure, rates of fees, etc.), allowing investors to better assess their investment decisions in a given area.

Furthermore, in line with the description of the measure, **the aim of the reform shall be achieved by removing legislative barriers to broadband investment**

The 2023 Regulation, replacing and updating the 2019 Regulation, addressed the legislative barriers to broadband investment stemming from the outdated character of the 2019 Regulation. Lack of legal obligation imposed on reporting entities to provide timely, in-depth and electronic provision and thus lack of availability of information via the Single Information Point (SIP) on the existing physical infrastructure and future physical infrastructure roll-out, presented a legislative barrier to the investment processes in this area. The 2023 Regulation, in particular paragraphs 2 and 3, addressed this legislative barrier by introducing the electronic provision of in-depth information via the Single Information Point (SIP) on physical infrastructure and future physical infrastructure roll-out, the terms and conditions of access to the existing physical infrastructures, as well as SIP being a single-entry point for submitting applications for permits.

**Furthermore, in line with the description of the measure, the aim of the reform shall be achieved by aligning national legislation with the EU-wide Connectivity Toolbox of 25 March 2021**

The 2023 Regulation implements recommendations on improving transparency through the Single Information Point (SIP), which are included in the EU wide Connectivity Toolbox of 25 March 2021 (best practices: 5 and 11-15).

Paragraph 5 of the 2023 Regulation specifies formats for submitting electronic data by indicating the names and standards of required formats for transferring data in the ICT system operating behind the Single Information Point (SIP). This follows best practices 12 and 13 of the EU-wide Connectivity Toolbox.

In order to further ensure the availability of information via the Single Information Point (SIP) in an electronic format (best practice 12 of the EU-wide Connectivity Toolbox), appendix 1 - 3 of the 2023 Regulation contain templates of the forms for submitting information with relevant instructions.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C9G - Minimum binding standards for equipping all schools with digital infrastructure to enable the use of digital technologies in learning on an equal level in each school

**Related Measure:** C.2.1 Scaling up digital applications in the public sphere, the economy and society

**Qualitative Indicator:** Adoption of the standards

**Time:** Q3 2022

**1. Context:**

The reform encompasses various strands that promote the digitalisation of the Polish society, ranging from digital public services to digital education of citizens and workers.

Milestone C9G relates to the adoption of minimum binding standards for equipping schools with digital infrastructure to achieve the same level of digital infrastructure. The milestone requires that the development of the standards is consulted with a wide group of stakeholders and the local government.

Milestone C9G is the first step of the implementation of the reform. It will be followed by milestone C10G (under the same payment request), which relates to the establishment of the Digital Competence Development Programme as well as milestone C7G (under the sixth instalment) and milestone C8G (under the eight instalment), related to, respectively, computerisation of the activities of entities performing public tasks and the use of structured invoices. The reform has a final expected date for implementation on 31 December 2025.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document duly justifies how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Regulation of the Minister of Education of 25 September 2024 amending the Regulation on the basic conditions necessary for schools and teachers to carry out tasks related to teaching, education and care as well as to implement curricula, published on 30 September 2024 in the Official Journal, item 1442, and entered into force 15 October 2024	The Regulation establishes an obligation for schools to be equipped with computer and ICT equipment and sets minimum standards in this regard.
3	Report from the public consultations of 19 September 2024, with annex detailing the input received	The report lists the entities consulted and the annex describes their input and explains how this input was considered in the Regulation.

**3. Analysis:**

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

## **Adoption of binding standards for equipping schools with digital infrastructure**

The Regulation of the Minister of Education of 25 September 2024 amending the Regulation on the basic conditions necessary for schools and teachers to carry out tasks related to teaching, education and care as well as to implement curricula was published in the Official Journal (item 1442) on 30 September 2024 ('amending Regulation').

As per paragraph 1(1)(a) of this amending Regulation, paragraph 2(1a) of the Regulation of 17 December 2010 on the basic conditions necessary for schools and teachers to carry out tasks related to teaching, education and care as well as to implement curricula (the 'Regulation of 17 December 2010') is amended to provide that primary and upper secondary schools providing day-time education are to be equipped with computer equipment, including desktop computers, all-in-one desktop computers, laptops, browser laptops or tablets, enabling the use of digital technologies for teaching, educational and care tasks as well as complying with the minimum requirements set out in Annex 1 to the Regulation.

Furthermore, paragraph 1(1)(c) of the amending Regulation adds to the Regulation of 17 December 2010 a new paragraph 2(1c), which provides that primary and upper secondary schools providing day-time education are to be equipped with information and communication technologies supporting the implementation of teaching, educational and care tasks as well as complying with the minimum requirements laid down in Annex 2 to the Regulation.

Annex 1 and Annex 2 of the amending Regulation are annexed to the Regulation of 17 December 2010 (see Paragraphs 1(2) and 1(3) of the amending Regulation) and they relate to, respectively 'Minimal requirements for computer equipment' and 'Minimal requirements for information and communication technologies'. Annex 1 sets minimal technical specifications (for instance with regard to a screen and a central processing unit) for computer equipment for students (Section I) and teachers (Section II). Annex 2 sets the minimal requirements for ICT (for instance with regard to Internet connection) for primary schools (Section 1) and upper secondary schools (Section 2).

As per paragraph 4 of the amending Regulation, the amending Regulation enters into force 14 days after its publication (on 15 October 2024).

The Council Implementing Decision required that the minimum binding standards to equip schools with digital infrastructure had entered into force. As per the amending Regulation, the binding standards are adopted and have entered into force. Under paragraph 3 of the amending Regulation, primary schools and upper secondary schools providing day-time education, which on the day of the entry into force of the amending Regulation on 15 October 2024 do not meet the minimum requirements set in Annex 2, are to ensure compliance by 31 August 2026. Whilst this constitutes a minimal temporal deviation, the delay between the adoption of the standards and the compliance obligation with regard to Annex 2, is considered both limited and proportional, notably considering the following. Firstly, the amending Regulation itself has already entered into force on 15 October 2024 and it contains a specific deadline for the obligation to comply with Annex 2, which is not subject to the adoption of any further legal act. Secondly, the reason for ensuring compliance by 31 August 2026 is that the schools, which will need to be equipped with the digital infrastructure, will need the time to complete these investments into the digital infrastructure required in order to comply with the minimum binding standards. Thirdly, as an additional proof for the certainty of the application, the key investment that will support schools in being equipped in accordance with the binding standards (and therefore in compliance with the requirements of the amending Regulation) is already in the course of being deployed – this is supported under the Polish Recovery and

Resilience Plan with measure C2.1.2 ‘Level playing field for schools with mobile multimedia devices – investments related to the fulfilment of minimum equipment standards’ of the Council Implementing Decision, with target C15G (‘New portable computers (laptops and browser laptops) and tablets at disposal of students’) which has an indicative date of completion in Q3 2025. As the date for completion of the investments is in the middle of the school year 2025-2026, the date of 31 August 2026 ensures that the minimum binding standards will be complied with at the latest at the start of the new school year in September 2026. Moreover, the delay between the adoption of the provision and the actual deadline for the compliance with the minimum requirements in the Annex 2 is proportional to the time necessary for schools, which will need to be equipped with the digital infrastructure, to complete these investments into the digital infrastructure required and to comply with the minimum binding standards. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**that shall be mandatory for schools [...]**

Following the adoption and the entry into force of the amending Regulation, paragraphs 2(1a) and 2(1c) of the Regulation of 17 December 2010 impose an obligation on primary and upper secondary schools providing day education to be equipped in line with the minimum standards for computer equipment and ICT provided in Annex 1 and 2.

**in order to achieve the same level of digital infrastructure.**

In addition to ‘the same level of digital infrastructure’, referred to in the milestone, the measure description requires that the standards ‘ensure a minimum level of Information and Computer Technology (ICT) equipment’. The analysis below covers both elements.

The adopted standards contribute to achieving the same level of digital infrastructure and ICT equipment, as Annex 1 of the amending Regulation sets minimum requirements for computer equipment for students and teachers and Annex 2 sets minimum requirements for information and communication technologies.

Specifically, for instance, Section I.1 of Annex 1 provides that in terms of computer equipment for a student, a desktop computer set should include, amongst others, a central processing unit, a screen, a mouse, a keyboard, etc. Further, it provides relevant technical specifications for the relevant elements of the set and lists the software that needs to be installed or be freely made available.

Then, Annex 2 provides minimum requirements for information and communication technologies. For instance, as for digital infrastructure specifically, it provides that both primary and upper secondary schools should have broadband internet access with a symmetrical speed of at least 100 Mb/s, with at least one access point (see Sections 1.1 and 2.1 of Annex 2). Further, as for computer equipment specifically, it sets the minimum requirement as 1 piece of computer equipment (including desktop computers, all-in-one desktop computers, laptops, browser laptops or tablets) for 6 students for both levels of schools covered by the standards (see Sections 1.2 and 2.2 of Annex 2). The minimum standards also cover certain other types of equipment - primary schools should be equipped with, for instance, interactive, touchscreen monitors with a screen diagonal of at least 55 inches and a 3D printer (see Section 1.3-4 of Annex 2), while upper secondary schools should be equipped with interactive, touchscreen monitors with a screen diagonal of at least 55 inches or interactive boards with multimedia projectors (see Sections 2.3).

As such, schools are to follow the same standards when equipping their premises and should therefore reach the same level of digital infrastructure and ICT equipment.

**The development of the standards shall be consulted with stakeholders and the local government.**

As per the report from the public consultations of 19 September 2024 (evidence No. 3), the amending Regulation was subject to comments of a wide group of stakeholders, including schools, other educational institutions as well as non-governmental organisations. The draft of the amending Regulation was also consulted with local governments as well as the Joint Commission of the Government and the Local Government. The annex to the report summarises the comments received and explains how they were taken into account.

Furthermore, in line with the measure requirements, the minimum binding standards shall ensure a minimum level of Information and Computer Technology (ICT) equipment **for every school in Poland.**

Under paragraphs 2(1a) and 2(1c) of the Regulation of 17 December 2010 as amended by the amending Regulation, the minimum standards set out in Annexes 1 and 2 apply to primary and upper secondary schools providing day-time education. Under Article 4(29a) of the Education Act of 14 December 2016 (published in the Official Journal of 2017, item 59), ‘day-time education’ is defined as schooling which takes place either five days a week or six days a week in specifically defined cases. *A contrario*, the minimum binding standards do not apply to schools providing schooling in other modes (either three to four days a week or two days every two weeks / every week, pursuant to article 4(29b) and (29c) of the Education Act of 14 December 2016).

Primary schools, general secondary schools, technical schools, stage I sectoral vocational schools, special vocational schools and artistic schools are the types of schools that provide day-time education (Article 18(2a) of the Education Act of 14 December 2016). Under the same provision, also stage II sectoral vocational schools and post-secondary non-tertiary schools can provide day-time education (in addition to other modes of schooling). Under Article 18(2b) of the same act, schools for adults provide schooling solely in other modes. On this basis, the minimum binding standards do not apply to schools providing schooling in other modes (either three to four days a week or two days every two weeks / every week, pursuant to article 4(29b) and (29c) of the Education Act of 14 December 2016). These schools include therefore schools for adults, and those among the stage II sectoral vocational schools as well as post-secondary non-tertiary schools that do not provide day-time education.

The Council Implementing Decision states that minimum binding standards should apply to every school in Poland. However, while the Polish Recovery and Resilience Plan provides in the description of the relevant reform C.2.1 Scaling up digital applications in the public sphere, the economy and society that the adoption of the standards ‘will help to equalise educational opportunities for students across Poland’. On this basis, the Council Implementing Decision should be read as requiring the minimum binding standards to be applicable to every school for students (pol. ‘uczniowie’). *A contrario*, the requirement does not apply to those types of schools, which are not attended by students. In particular, schools for adults, stage II sectoral vocational schools and post-secondary non-tertiary schools do not fall within the scope of the requirement, as they are not attended by ‘students’ (pol. ‘uczniowie’), but ‘listeners’ (pol. ‘słuchacze’) (see, for instance, Article 44r of the Law on the education system of 7 September 1991, published in the Official Journal of 1991, No. 95, item 425).

Finally, when reading other parts of the Recovery and Resilience Plan and the Council Implementing Decision, it becomes clear that when a measure is meant to cover adults (in addition to students), it is explicitly stated. This is the case for, for instance, for measure A3.1.1 Investments in modern

vocational training, higher education and lifelong learning, with the Council Implement Decision referring to 'provision of vocational training courses and curricula, including for adults, students, young people, vocational education and training teachers, and employees'.

Therefore, the binding standards apply to all schools for students and the relevant requirement is fulfilled.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C10G - Entry into force of the resolution of the Council of Ministers on the Digital Competence Development Programme

**Related Measure:** C.2.1 Scaling up digital applications in the public sphere, the economy and society

**Qualitative Indicator:** Provision in the resolution of the Council of Ministers indicating its entry into force

**Time:** Q3 2022

**1. Context:**

The reform encompasses various strands that promote the digitalisation of the Polish society, ranging from digital public services to digital education of citizens and workers.

Milestone C10G concerns the creation of the Digital Competence Development Programme, which aims to establish the Digital Competence Development Centre and the policy for the development of digital competences.

Milestone C10G is the second milestone of the reform, with the preceding milestone C9G on the minimum binding standards for equipping all schools with digital infrastructure assessed in the same payment request. It will be followed by milestone C7G and milestone C8G (in respectively sixth and eight instalments), related to, respectively, computerisation of the activities of entities performing public tasks and the use of structured invoices. The reform has a final expected date for implementation on 31 December 2025.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document duly justifies how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Resolution of the Council of Ministers of 21 February 2023 on the establishment of a government program called 'Digital Competences Development Programme', published on 30 March 2023 in the Official Gazette, item 318, with entry into force on 31 March 2023	The governmental resolution establishes the 'Digital Competences Development Program'. It sets the timeframe for the implementation of the Programme and defines the implementation responsibilities; the Programme is included as an Annex to the resolution.
3	Act of 6 December 2006 on the principles of development policy, published in the Official Journal of 2006, No 277, item 1658, entry into force on 26 December 2006	The Act sets principles of development policy, including a definition of a programme and its constitutive elements.
4	Copy of the Report from the consultations by the Ministry of Digitalisation of 26 October 2022 accompanied by three summary documents on the consultation process, by the Ministry of Digitalisation of 26 October 2022	The report lists the stakeholders consulted and the summary documents accompanying it list the submitted comments and explain how the comments were addressed.



### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone. In particular:

#### **Entry into force of the resolution of the Council of Ministers on the Digital Competence Development Programme [...]**

The Resolution of the Council of Ministers of 21 February 2023 on the establishment of a government program called 'Digital Competences Development Programme' (the 'Resolution', evidence No. 2) was published in the Official Gazette on 30 March 2023, item 318. As per its paragraph 9, the Resolution entered into force the day after its publication, i.e. on 31 March 2023.

#### **(which is a multiannual programme until 2030), including the implementation plan, evaluation and monitoring measures in accordance with the "Act on the principles of development policy".**

The Resolution (evidence No. 2) was adopted on the basis of Article 15(1) of the Act of 6 December 2006 on the principles of development policy (published in the Official Journal of 2006, No 277, item 1658, the 'Act on the principles of development policy', evidence No. 3). This Article provides that programmes are operational and implementation documents established to implement the development strategy, setting out the activities to be implemented in accordance with the programme implementation system and the financial plan which form part of the programme. The programmes are to be adopted by means of a resolution or decision of the relevant authority.

Paragraph 1 of the Resolution provides that the governmental programme entitled 'Digital Competence Development Programme' (the 'DCDP', (evidence No. 2)), which constitutes an annex to the Resolution, is established. Under paragraph 2 of the Resolution, the DCDP is to be implemented until 31 December 2030. This is further confirmed in the DCDP itself which, in Chapter 3 entitled 'Description of the Programme', provides that Poland should implement the objectives and actions of the DCDP until 2030 (evidence No. 2, page 11 of the DCDP).

#### **including the implementation plan, evaluation and monitoring measures in accordance with the "Act on the principles of development policy".**

Chapter 3 of the Act on the principles of development policy (evidence No. 3) is devoted to operational and development programmes. As for the milestone requirements on the implementation plan, evaluation and monitoring measures, Article 17(1) of this Act provides that a programme defines, among others, an implementation system as well as a method of monitoring and evaluating the extent to which main and specific objectives are met.

As for the implementation plan, Chapter 10 of the DCDP (evidence No. 2) is devoted to 'Priorities, specific objectives and actions of the DCDP'. The actions cover the following five priorities for digital competences development: 1) development of digital education, 2) provision of opportunities for everyone to develop their digital competences, 3) support for the digital competences of working people, 4) development of advanced digital competences, 5) strengthening the governance of the development of digital competences. For each of these priorities, the DCDP proposes specific objectives and actions. Then, for these actions, the DCDP (evidence No. 2) provides objectives, descriptions, lead entities, cooperating entities, financing and the realisation status. This therefore establishes how these actions are to be implemented, by whom and when.

As for monitoring and evaluation measures, Chapter 13 of the DCDP (evidence No. 2) is dedicated to 'Monitoring and evaluation'. As per Chapter 13, the Minister for Digitalisation is responsible for the

organisation of the process of monitoring of the DCDP. It is then the Digital Competences Development Centre (the 'DCDC') that is responsible for monitoring the implementation of the DCDP, based on a set of established indicators (included in Chapter 13 in Tables 8 and 9, pages 124-132). As for the evaluation of the DCDP, a mid-term evaluation will be conducted in 2025, with the final evaluation report to be prepared in 2031 (see Chapter 13, page 133).

Thus, the DCDP (evidence No. 2) includes the implementation plan as well as evaluation and monitoring measures in accordance with the Act on the principles of development policy.

**The Program shall be developed adopting a multi- stakeholder approach.**

As per the Report from the consultations by the Ministry of Digitalisation of 26 October 2022, hereinafter 'the Report' (evidence No. 4), the draft DCDP was subject to consultations in July 2022, when the draft programme was published for comments online and sent to several governmental entities, local authorities and non-governmental organisations. The consultation of different government and local authorities spanned over 10 days, while the public consultation lasted 18 days. The Joint Commission of the Government and Local Government was consulted over 21 days.

As per the Report (evidence No. 4), comments on the draft DCDP were submitted by 28 consulted entities. The comments were subsequently analysed, discerning which of them should be taken on board (fully or partially) or dismissed, as evidenced by the documents accompanying the report: i) 'Comments from public consultations on the Digital Competences Development Program' (8<sup>th</sup> column of the table included in the document); ii) 'Summary of comments - opinions after the second round' (5<sup>th</sup> column of the table included in the document) and iii) 'Comments from the inter-ministerial arrangements for the Digital Competence Development Program' (5<sup>th</sup> column of the table included in the document).

**The Programme shall, inter alia, establish the Digital Competence Development Centre (DCDC) [...] Furthermore, in line with the description of the measure, the establishment and functioning of the Digital Competence Development Centre shall be clearly formulated in the programme.**

The DCDP (evidence No. 2) provides for the establishment of the Digital Competence Development Centre (DCDC) with Action V.1.1, entitled 'Establishment of the Digital Competence Development Centre as an implementing organ in the area of implementation of the DCDP', under Priority V, related to 'Strengthening the governance of the development of digital competences' (evidence No. 2, DCDP, page 109). The role of the DCDC is further described in Chapter 11 ('Governance of the DCDC'). The effective creation of the DCDC is assessed under milestone C16G (under the same instalment).

In addition to the establishment of the DCDC addressed above, the DCDP (evidence No. 2) also clearly formulates the functioning of the Digital Competence Development Centre. This is provided for in the 'Description of the action' section concerning Action V.1.1, entitled 'Establishment of the Digital Competence Development Centre as an implementing organ in the area of implementation of the DCDP' (DCDP, page 110). This section defines the role of the Centre (for instance 'collecting and analysing knowledge on digital competences and their role for social and economic development') as well as tasks (for instance 'coordination of implementation and updating of the DCDP'). Finally, Chapter 11 of the DCDP (page 112), entitled 'Governance of the DCDP', specifies that the DCDP functions within the office of the minister responsible for digitalisation matters.

**and the policy for the development of digital competences.**

As provided by the DCDP itself (evidence No. 2), it aims to create a stable and flexible system of education and training to enable citizens to develop digital competences in line with their needs and expectations and changing technological, societal and economic circumstances (see page 10). Chapter 9 of the DCDP (evidence No. 2) sets out main objectives for the development of digital competences, whereas Chapter 10 of the DCDP (evidence No. 2) provides priorities, specific objectives as well as actions related to the digital competences' development. Jointly, these constitute the policy for the development of digital competences.

Furthermore, in line with the description of the measure, **the programme shall define a comprehensive, long-term set of requirements to support the development and monitoring of digital competences in formal, nonformal and informal education.**

As per the above, Chapter 10 of the DCDP (evidence No. 2) is devoted to 'Priorities, specific objectives and actions of the DCDP'. The DCDP defines a set of requirements through the concrete actions devised to achieve the specific objectives under Chapter 10. These are comprehensive as they address all priorities of the DCDP (listed above) and they are long-term as they span over the whole duration of the programme, i.e. until 2030. These actions support the development and monitoring of digital competences in formal education, for instance through Action I.2.2 Monitoring of the functioning in school practice of the core curriculum for general education in the area of developing digital competences of children and young people (evidence No. 2, DCDP, page 66). As for nonformal education, under, for instance, Action IV.1.5 IT Talent Development Programme for 2019-2029, it is planned to organise a non-formal system of developing advanced digital competences of school and university students through educational trips, e-learning or competitions (evidence No. 2, DCDP, page 106). With regard to informal education, under Action II.2.1. Development of digital competences of excluded persons, persons with disabilities or with low level of digital competences, forms of informal education will be used to incentivise self-development and demonstrate how acquired skills can improve one's personal and professional situation (evidence No. 2, DCDP, page 84).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C16G - Creation of a Digital Competence Development Centre (DCDC)

**Related Measure:** C.2.1.3 E-competences

**Qualitative Indicator:** Report on the organisational set-up and functioning of the DCDC

**Time:** Q4 2022

### 1. Context:

The investment relates to e-competences and covers, first, the provision of trainings to increase the overall level of digital competences in society and improve the country's digitalisation process and, second, the creation of the Digital Competence Development Centre.

Milestone C16G concerns the creation of the Digital Competence Development Centre (the 'DCDC'), to be established within the office of the Minister responsible for digitalisation. The objective of the Centre is to enhance and improve the system of coordination of digital competence development in Poland through the realisation of the following sub-functions: research and analysis, test and implementation as well as education and popularisation.

Milestone C16G is the first step of the implementation of the investment. It will be followed by targets C19G (under the sixth instalment) and C20G (under the ninth instalment), both related to the provision of trainings in digital competences, including digital literacy. The investment has a final expected date for implementation on 30 June 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) has been satisfactorily fulfilled
2	Ordinance No. 14 of the Prime Minister of 4 February 2022, amending the ordinance on granting the statute to the Chancellery of the Prime Minister, published in the Official Gazette on 10 February 2022, item 183, entered into force on 11 February 2022	Ordinance of the Prime Minister establishing the DCDC within the Chancellery of the Prime Minister
3	Regulation of the Council of Ministers of 20 April 2023 on the establishment of the Ministry of Digital Affairs, published in the Official Journal on 25 April 2023, item 781, entered into force on 1 May 2023	Regulation of the Council of Ministers establishing the Ministry of Digital Affairs
4	Ordinance No. 661 of the Prime Minister of 29 December 2023 on granting a statute to the Ministry of Digital Affairs, published in the Official Gazette on 2 January 2024, item 2, entered into force on 3 January	Ordinance granting a statute to the Ministry of Digital Affairs, listing the DCDC among the constitutive entities of the Ministry

	2024	
5	Ordinance No. 2 of the Minister of Digitization of 8 January 2024 on the organisational rules of the Ministry of Digital Affairs, published in the Official Gazette of the Minister for Digitalisation on 8 January 2024, item: 2, entered into force 9 January 2024	Ordinance establishing the organisational rules of the Ministry of Digital Affairs, establishing the functions of the DCDC
6	Activity Report of the Digital Competence Development Centre, dated 9 August 2024 and prepared by the Digital Competence Development Centre	Activity Report describing the organisational set-up and functioning of the DCDC
7	Resolution No. 24 of the Council of Ministers of 21 February 2023 on the establishment of a government programme called "the Digital Competence Development Programme", published in the Official Gazette Monitor Polski on 30 March 2023, item 318, with entry into force on 31 March 2023	Resolution establishing the Digital Competence Development Programme (constituting an annex to the Resolution), which covers the functioning of the DCDC
8	Internal Rules of Procedure of the Digital Competence Development Centre, electronically signed by the Director General of the Ministry for Digitalisation on 24 January 2024	Internal Rules of Procedure of the DCDC describing the organisational set-up and the functions of the Centre
9	29 'job description in the civil service' official documents for each of the experts, advisors and digital specialists supporting the implementation of digital policies in the DCDC, prepared by the Ministry of Digitisation	The job description documents stipulating, for instance, the name of the post, the name of the post holder, the goals, duties and tasks for post holders

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone. In particular:

The qualitative indicator for this milestone is a '**Report on the organisational set-up and functioning of the DCDC**'.

The Activity Report of the DCDC (evidence No. 6) describes its organisational set-up providing that the DCDC was established on 4 February 2022 within the office of the Minister of Digital Affairs – first as a department within the structure of the Chancellery of the Prime Minister, and then within the Ministry of Digital Affairs (page 1). It also describes the functioning of the DCDC - it explains the functions of the Centre and provides examples of activities, such as studies commissioned or pilot projects launched (pages 1-14).

**The Digital Competences Development Centre (DCDC) shall be established within the office of the Minister responsible for digitalisation. Creation of a Digital Competence Development Centre (DCDC)**

The DCDC was established by Ordinance No. 14 of the Prime Minister of 4 February 2022 (evidence No. 2) (published in the Official Gazette on 10 February 2022, item 183). Under paragraph 2, the Ordinance entered into force the day following its publication, i.e. on 11 February 2022. Paragraph 1 of this Ordinance amends paragraph 8(1)(8) of the Ordinance No. 2 of the Prime Minister of 5 January 2016 on the provision of the statute to the Chancellery of the Prime Minister (evidence No. 5) (published in the Official Gazette on 7 January 2016, item 7), adding the DCDC to the list of constitutive entities of the Prime Minister's Chancellery.

Subsequently, paragraph 1 of the Regulation of the Council of Ministers of 20 April 2023 on the establishment of the Ministry of Digitalisation (evidence No. 3) (published in the Official Journal on 25 April 2023, item 781) created the Ministry for Digitalisation (see paragraph 1). As per paragraph 2 of this Regulation, it entered into force on 1 May 2023.

Ordinance No. 661 of the Prime Minister of 29 December 2023 on the provision of the statute of the Ministry of Digitalisation (evidence No. 4) (published in the Official Gazette on 2 January 2024, item 2) provided the Ministry for Digitalisation with a statute, annexed to the Ordinance (see paragraph 1). Under paragraph 3 of the Ordinance, this Ordinance entered into force the day following its publication, i.e. on 3 January 2024. Under paragraph 2 of the annexed statute, the DCDC is listed among the constitutive entities of the Ministry for Digitalisation.

**The main objective of DCDC is to enhance and improve the system of coordination of digital competence development in Poland**

Paragraph 1 of Ordinance No. 2 of the Minister for Digitalisation of 8 January 2024 on the organisational rules of the Ministry of Digitalisation (evidence No. 5) (published in the Official Gazette of the Minister for Digitalisation on 8 January 2024, item 2) sets the organisational rules for the Ministry for Digitalisation, annexed to this Ordinance (the 'Organisational Rules of the Ministry for Digitalisation', (evidence No. 5)). Under paragraph 3 of the Ordinance, it entered into force the day following its publication, i.e. on 9 January 2024.

Paragraph 13 of Chapter 2 of the Organisational Rules of the Ministry for Digitalisation (evidence No. 5) establishes the functions of the DCDC. Under paragraph 13 point 1, the DCDC carries out tasks relating to the development of the information society, including coordination of activities related to the development of digital competences.

Paragraph 1 of Resolution No. 24 of the Council of Ministers of 21 February 2023 on the establishment of a government programme called "the Digital Competence Development Programme" (evidence No. 7), (published in the Official Gazette on 30 March 2023, item 318; 'Resolution') establishes the Digital Competence Development Programme (the 'DCDP', evidence No. 7). The DCDP is annexed to the Resolution (see paragraph 1). Under Paragraph 9, this Resolution entered into force the day after its publication, i.e. on 31 March 2023. Entry into force of the resolution of the Council of Ministers on the Digital Competence Development Programme is assessed under the same payment request, under milestone C10G.

Priority V of the DCDP (evidence No. 7) relates to 'Strengthening the governance of the development of digital competences', with the dedicated Action V.1.1 consisting of 'An establishment of the Digital Competence Development Centre as the implementing organ for the implementation of the DCDP', in charge of, among others, coordination of the implementation of the DCDP (the DCDP, page 110), thus enhancing and improving the system of coordination of digital competence development in Poland.

Finally, as per the Activity Report of the DCDC (evidence No. 6), '[t]he main objective of the Digital Competence Development Centre is to strengthen and improve the coordination system for the development of digital competencies in Poland' (the Activity Report, page 1).

**through the realization of following sub-functions:**

- **Research and analytical function**

**This function shall involve research and monitoring actions regarding digital competences**

Under paragraph 13 of the Organisational Rules of the Ministry for Digitalisation (evidence No. 5), the DCDC carries out tasks relating to the development of the information society, including monitoring of activities related to the development of digital competences (point 1) and conducting research with a particular focus on the issue of digital competences (point 5).

This is further reiterated in the Activity Report of the DCDC (evidence No. 6), which provides that [t]he main objective of the Digital Competence Development Centre is to strengthen and improve the coordination system for the development of digital competencies in Poland by implementing the following sub-functions: Research and analytical function and that this function includes activities involving research and monitoring in the field of digital competence. (the Activity Report, page 1).

**[...] combined with the observatory function that shall gather and structure knowledge in this regard.**

The DCDP (evidence No. 7), provides that the DCDC supports the digital transformation of the country by gathering and analysing the knowledge on the digital competences and their role in social and economic development (evidence No. 7, the DCDP, page 110).

The Activity Report of the DCDC (evidence No. 6), further confirms that the research and analytical function of the DCDC is combined with the observational function of gathering and organizing knowledge in this area (the Activity Report, page 1).

**This shall lead to the formulation of recommendations and proposals for relevant activities.**

Under the DCDP (evidence No. 7), tasks of the DCDC include the formulation of conclusions and recommendations and proposing new initiatives based on the results of analyses (the DCDP, page 110).

With regard to the combination of the research and analytical function with the observational function, the Activity Report of the DCDC confirms that this leads to the formulation of recommendations and proposals for appropriate action (the Activity Report, page 1)

- **Test and implementation function**

**This function shall involve tests in the form of pilot actions and implementation of the most valuable and promising solutions, recommendations and proposals resulting from the pilot actions and realization of the research and analytical function.**

Under Paragraph 13(1) of the Organisational Rules of the Ministry for Digitalisation, the DCDC (evidence No. 5), carries out tasks relating to the development of the information society, including initiation' and 'implementation of activities related to the development of digital competences.

The DCDP (evidence No. 7) states that the DCDC supports the digital transformation of the country though creating pilot and systemic projects, key for development of digital competences in Poland

(the DCDP, page 110). It then lists among the tasks of the DCDP developing the concept of implementation of the DCDP's initiatives and conducting preparatory works for realisation of actions (recommendations, standards, training programmes, pilot projects, instructions for leaders and trainers) (the DCDP, page 110)

The Activity Report of the DCDC (evidence No. 6) further confirms that the test and implementing function of the DCDC includes testing in the form of pilot activities and implementation of the most valuable and promising solutions, recommendations and proposals resulting from the pilot activities and implementation of the research and analysis function (the Activity Report, page 1).

- **Education and popularisation function.**

**This function shall involve such actions as consultancy, mentoring, seminars, training and courses**

Chapter 2, paragraph 6(4) of the Internal Rules of Procedure of the DCDC of 24 January 2024 (evidence No. 8) provides that the Digital Competence Department (one of the Departments composing the DCDC under Chapter 2, paragraph 3) is responsible for the implementation of tasks related to improving digital competences.

Further, the DCDP (evidence No. 7) lists among the tasks of the DCDC popularisation of the results of research, analyses, good practices and initiatives for the development of digital competences conducted under the DCDP (the DCDP, page 110).

The Activity Report of the DCDP (evidence No. 6) reiterates the education and popularisation function of the DCDP, reaffirming that this includes activities such as counselling, mentoring, seminars, training and courses, as well as dissemination of the results of the Centre's activities through an information portal (the Activity Report, page 1).

The Activity Report of the DCDP (evidence No. 6) provides examples of such activities, with the report stating that mentoring, seminars and trainings are also carried out, including cyclical trainings on digital accessibility (the Activity Report, page 12). Examples of the relevant activities are, for instance, 'Available Wednesdays' - open meetings with digital accessibility experts from the DCDC, trainings for public and non-public entities on digital accessibility and a government digital accessibility portal (the Activity Report, page 12).

The Polish authorities provided in the Activity Report (evidence No. 6) a list of such actions as consultancy, mentoring, seminars, training and courses delivered by the DCDC, with links to government websites advertising and describing these activities. These websites and links were checked by Commission services on 30 October 2024.

**[...] and also dissemination of the results of the Centre's actions through an information portal.**

As per the Activity Report of the DCDC (evidence No. 6), the kompetencjcyfrowe.gov.pl portal was launched on 15 July 2024 (page 12). The portal serves as an information repository and disseminates the results of the activities of the DCDC (pages 12-13). For instance, it promotes the trainings organised by the DCDC and makes available the results of its research. Poland provided a link to the portal which has been published at the website of kompetencjcyfrowe.gov.pl. This website was checked by Commission services on 30 October 2024.

Furthermore, in line with the description of the measure, the DCDC shall be **composed by experts, advisors and digital specialists supporting the implementation of digital policies.**



The Activity Report (evidence No. 6) provides that the DCDC consists of qualified employees with experience in the development of digital competences in Poland (the Activity Report, page 13), with their support for the implementation of digital policies resulting from the functions of the DCDC (as described above).

Among the staff of the DCDC, there are experts, advisors and specialists supporting the implementation of digital policies, as evidenced by the job description in the civil service official documents (evidence No. 9), which indicate the name of the post and the name of the post holder.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D2G - Entry into force of the Order of the President of the National Health Fund (NFZ) and respective legal acts on strengthening primary care and coordinated care, followed by financial provisions (including amendments to contracts), allowing for national-wide implementation

**Related Measure:** D.1.1 Improving the effectiveness, accessibility and quality of health services

**Qualitative Indicator:** Provision in the Order indicating the entry into force

**Time:** Q3 2022

### 1. Context:

The objective of this reform is to ensure a lasting improvement in the resilience, effectiveness, quality and accessibility of healthcare and long-term care, the financial situation of public hospitals, and the processes of supervision and management of these entities. The reform is contributing to changing the pyramid of healthcare by introducing new provisions concerning primary healthcare.

Milestone D2G requires the adoption and entry into force of provisions strengthening primary care and coordinated care including the relevant financial provisions.

Milestone D2G is the first step of the implementation of the reform and is accompanied in this payment request by three milestones, D3G related to the quality of healthcare and patient safety, D4G related to the National Oncological Network and D7G related to the monitoring centres for oncological network. It will be followed by milestone D1G (under the fifth instalment) related to the modernisation and improvement of hospitals' efficiency, milestone D5G (under the fifth instalment) related to the National Cardiological Network, milestone D8G (under the seventh instalment) related to the evaluation of the National Oncological Network and milestone D6G (under the ninth instalment) related to the e-health services. The reform has a final expected date for implementation on 31 March 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone was satisfactorily fulfilled
2	Order No 79/2022/DSOZ of the President of the National Health Fund of 29 June 2022 on the conditions for concluding and implementing contracts for the provision of healthcare services such as primary healthcare, published on 29 June 2022 in the official database of the legal acts of the National Health Fund and available at this link: <a href="https://baw.nfz.gov.pl/NFZ/document/43278/">https://baw.nfz.gov.pl/NFZ/document/43278/</a> . Entered into force on 1 July 2022 (according to Article 59).	The order introduced arrangements for providing additional financial resources for primary care by introducing the financial provisions concerning the entrusted budget for primary and preventive care, the provisions concerning the incentives and the task fees and by introducing provisions on the coordinator under the coordinated care.
3	Order No 124/2022/DSOZ of the President of the National Health Fund of 29 September 2022 amending the Order on the conditions for	The order introduced arrangements strengthening the primary care and coordinated care by introducing

	<p>concluding and implementing contracts for the provision of healthcare services such as primary healthcare, published on 29 September 2022 in the official database of the legal acts of the National Health Fund and available at this link: <a href="https://baw.nfz.gov.pl/NFZ/document/1475/Zarza-dzenie-124_2022_DSOZ">https://baw.nfz.gov.pl/NFZ/document/1475/Zarza-dzenie-124_2022_DSOZ</a>. Entered into force on 1 October 2022 (according to Article 2).</p>	<p>supplementary provisions on the entrusted budget for primary care, by adding supplementary provisions on the tasks of the coordinator under the coordinated care and by increasing the task fees for the primary and preventive care and introducing the task fees for coordinated care.</p>
4	<p>Order No 172/2023/DSOZ of the President of the National Health Fund of 29 November 2023 amending the Order on the conditions for concluding and implementing contracts for the provision of healthcare services such as primary healthcare, published on 29 November 2023 in the official database of the legal acts of the National Health Fund and available at this link: <a href="https://baw.nfz.gov.pl/NFZ/document/2083/">https://baw.nfz.gov.pl/NFZ/document/2083/</a>. Entered into force on 30 November 2023 (according to Article 3).</p>	<p>The order introduced arrangements strengthening the primary care by introducing the financial provisions on incentives for the primary and preventive care (breast cancer prevention) and the preventive care for patients over forty years old.</p>
5	<p>Order No 61/2024/DSOZ of the President of the National Health Fund of 28 June 2024 amending the Order on the conditions for concluding and implementing contracts for the provision of healthcare services such as primary healthcare, published on 28 June 2024 in the official database of the legal acts of the National Health Fund and available at this link: <a href="https://baw.nfz.gov.pl/NFZ/document/43277/">https://baw.nfz.gov.pl/NFZ/document/43277/</a>. Entered into force on 29 June 2024 (according to Article 3).</p>	<p>The order introduced arrangements strengthening the primary care and coordinated care by introducing the financial provision which increased the task fees for primary care and coordinated care.</p>
6	<p>Order No 99/2023/DSOZ of the President of the National Health Fund of 28 June 2024 amending the Order on the conditions for concluding and implementing contracts for the provision of healthcare services such as primary healthcare, published on 29 June 2023 in the official database of the legal acts of the National Health Fund and available at this link: <a href="https://baw.nfz.gov.pl/NFZ/document/1885/">https://baw.nfz.gov.pl/NFZ/document/1885/</a>. Entered into force on 1 July 2023 (according to Article 3).</p>	<p>The order introduced arrangements strengthening the primary care and coordinated care, by introducing the financial provision which increased the task fees for primary care and coordinated care.</p>
7	<p>Regulation of the Minister for Health of 15 September 2022 amending the Regulation on guaranteed benefits in the field of primary healthcare (Journal of Laws 2022, item 1965),</p>	<p>The Regulation introduced provisions concerning the coordinated care services in relation to chronic diseases.</p>

	<p>available at this link:  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/W DU20220001965/O/D20221965.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/W DU20220001965/O/D20221965.pdf</a>.</p> <p>Entered into force on 1 October 2022 (according to Article 2).</p>	
8	<p>Regulation of the Minister for Health of 14 June 2021 on pilot prevention programme 'Prevention 40 PLUS' guaranteed benefits under the healthcare programmes (Journal of Laws 2021, item 1081) and available at this link:  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/W DU20210001081/O/D20211081.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/W DU20210001081/O/D20211081.pdf</a>. Entered into force on 18 June 2021 (according to Article 13).</p>	<p>The Regulation introduces the pilot prevention programme under the primary care 'Prevention 40 PLUS'.</p>
9	<p>Regulation of the Minister for Health of 26 June 2024 amending the Regulation on the pilot programme "Prevention 40 plus" (Journal of Laws 2024, item 932), available at this link:  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/W DU20240000932/O/D20240932.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/W DU20240000932/O/D20240932.pdf</a>. Entered into force on 30 June and 1 July 2024 (according to Article 2).</p>	<p>The Regulation expands the implementation of the Prevention 40 plus" programme under the primary care.</p>
10	<p>Order No 51/2022/DSM of the President of the National Health Fund of 14 April 2022 laying down the conditions for the conclusion and performance of contracts for primary healthcare for night and Christmas care, published on 14 April 2022 in the official database of the legal acts of the National Health Fund, available at this link:  <a href="https://baw.nfz.gov.pl/NFZ/document/290/Zarzadzenie-51_2022_DSM">https://baw.nfz.gov.pl/NFZ/document/290/Zarzadzenie-51_2022_DSM</a>. Entered into force on 15 April 2022 (according to Article 18).</p>	<p>The order provides the provisions for the primary care for night and holiday care.</p>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of the Order of the President of the National Health Fund (NFZ) and respective legal acts which shall strengthen primary care and coordinated care, allowing for nation-wide implementation**

Poland adopted the Order of the President of the National Health Fund (NFZ) as well as the legal acts which strengthen primary care and coordinated care and allow for nation-wide implementation:

- The Order No 79/2022/DSOZ of the President of the National Health Fund of 29 June 2022 (the '79/2022 Order', evidence No. 2) was published on 29 June 2022 in the official database of the legal acts of the National Health Fund. It entered into force on 1 July 2022.

The 79/2022 Order and its modifications introduced provisions strengthening the primary and coordinated care by introducing task fees for primary and coordinated care, the incentives for primary care and by introducing provisions concerning the tasks of the coordinators of the coordinated care. The orders modifying the 79/2022 Order were:

- Order No 124/2022/DSOZ of the President of the National Health Fund, published on 29 September 2022 in the official database of the legal acts of the National Health Fund, with entry into force on 1 October 2022 (evidence No. 3), which introduced supplementary provisions on the entrusted budget for primary care, added supplementary provisions on the tasks of the coordinator under the coordinated care and increased the task fees for the primary and preventive care and introducing the task fees for the coordinated care.
- Order No 172/2023/DSOZ of the President of the National Health Fund published on 29 November 2023 in the official database of the legal acts of the National Health Fund, with entry into force on 30 November 2023 (evidence No. 4), which introduced the financial provisions on incentives for the primary and preventive care (breast cancer prevention) and the preventive care for patients over forty years old.
- Order No 61/2024/DSOZ of the President of the National Health Fund, published on 28 June 2024 in the official database of the legal acts of the National Health Fund, with entry into force on 29 June 2024 (evidence No. 5), which introduced the financial provision which increased the task fees for the primary care and task fees for the coordinated care.
- Order No 99/2023/DSOZ of the President of the National Health Fund, published on 29 June 2023 in the official database of the legal acts of the National Health Fund, with entry into force on 1 July 2023 (evidence No. 6), which introduced the financial provision which increased the task fees for the primary care and for the coordinated care.

In addition, Poland adopted the following legal acts which strengthen primary care and coordinated care:

- Regulation of the Minister for Health of 15 September 2022 amending the Regulation on guaranteed benefits in the field of primary healthcare (Journal of Laws 2022, item 1965), with entry into force on 1 October 2022 (evidence No. 7) which introduced provisions concerning the coordinated care services in relation to chronic diseases.
- Regulation of the Minister for Health of 14 June 2021 on pilot prevention programme 'Prevention 40 PLUS' guaranteed benefits under the healthcare programmes (Journal of Laws 2021, item 1081), with entry into force on 18 June 2021 (evidence No. 8). The Regulation set up the 'Prevention 40 PLUS' programme under primary care.
- Regulation of the Minister for Health of 26 June 2024 amending the Regulation on the pilot programme "Prevention 40 plus" (Journal of Laws 2024, item 932), with entry into force on 30 June and 1 July 2024 (evidence No. 9). The Regulation prolonged the 'Prevention 40 PLUS' programme under the primary care.

All the acts do not limit their applicability to specific groups or regions. The orders of the President of the National Health Fund and the Regulations of the Minister of Health cover the whole territory of Poland and allow for the nation-wide implementation of adopted provisions concerning the primary and coordinated care.

### **[...] and covering the preventive health care (task fee):**

The task fee for preventive health with regard to primary care (including application of the entrusted budget under coordinated care), is covered by the 79/2022 Order (evidence No. 2) and by the two orders introducing changes to the 79/2022 Order (evidence No. 5 and 6).

According to Article 23(5) of the 79/2022 Order, its annex I sets out additional fees for the services under primary care which are currently not covered by the caption rate. The caption rate is set out in Article 23(1) of 79/2022 Order and it is an annual rate used for financing primary care in addition to the task fees and additional financial incentives.

Poland introduced task fees under the primary and coordinated care in order to strengthen the preventive care by defining the valuation of medical consultations and checks concerning the preventive care. The following changes were implemented under the reform (the references concern the currently binding task fees introduced by the orders revising the 79/2022 Order):

- new valuation of the fees under primary care concerning the prevention of the cardiovascular diseases was set out (points 1.2 (task fee for doctors) and 2.6 (task fee for nurses) of Annex I) with the order No 61/2024/DSOZ of the President of the National Health Fund published on 28 June 2024 in the official database of the legal acts of the National Health Fund, with entry into force on 29 June 2024 (evidence No. 5),
- new valuation of the fees under primary care concerning the prevention of cervical cancer (point 3.10 (task fee for midwives) of Annex I) was set out with the Order No 61/2024/DSOZ of the President of the National Health Fund published on 28 June 2024 in the official database of the legal acts of the National Health Fund, with entry into force on 29 June 2024 (evidence No. 5),
- new valuation of the fees under the coordinated care concerning the services covered by the entrusted budget of the coordinated care (points 7.1-7.24 of Annex I) was set out with order No 61/2024/DSOZ of the President of the National Health Fund published on 28 June 2024 in the official database of the legal acts of the National Health Fund, with entry into force on 29 June 2024 (evidence No. 5),
- new valuation of the fees under primary care concerning the prevention of the cervical cancer (point 1.9 (task fee for doctors) of Annex I) was set out with the order No 99/2023/DSOZ of the President of the National Health Fund, published on 29 June 2023 in the official database of the legal acts of the National Health Fund, with entry into force on 1 July 2023 (evidence No. 6).

### **[...] (covering) expected health outcomes and quality of care (incentives introduction)**

When it comes to introducing incentives, the provisions defining the additional payments for medical services for preventive care under primary care introduced by the 79/2022 Order (evidence No. 2) are the following:

- quarterly and annual incentive allowance for healthcare providers providing cardiovascular disease prevention services (Article 18 (3 and 6)),
- an incentive allowance for healthcare providers calculated on the basis of the number of patients reporting for cervical cancer prevention (Article 18 (7)),
- a quarterly correction coefficient linked to the improvement of the quality and accessibility of the benefits provided under the pilot Prevention 40 PLUS Programme (Article 54 (2)); the implementation of the programme is periodically prolonged and currently its implementation is guaranteed until 31 December 2024 (Article 1 point 1 of the Regulation of

the Minister for Health of 26 June 2024 (evidence No. 9)); the programme was set up by the Regulation of the Minister for Health of 14 June 2021 (evidence No. 8) and according to its Article 2 the programme covers patients from the age of 40 and allows for the preventive diagnostics for the most common health problems,

- a correction coefficient for medical services related to prevention of breast cancer (Article 18 (10) of the 79/2022 Order, introduced by the order No 172/2023/DSOZ of the President of the National Health Fund published on 29 November 2023 in the official database of the legal acts of the National Health Fund, with entry into force on 30 November 2023 (evidence No. 4)).

Those provisions will increase the quality of care and strengthen the expected health outcomes by providing additional incentives under the primary care to provide to patients medical consultations and checks covering the prevention of diseases. In particular, this will be done as the incentive cover the prevention of the diseases.

Furthermore, the expected health outcomes and quality of care were also strengthened by the introduction of coordinated care and the entrusted budget for coordinated care. Those elements allowed for broadening preventive care by providing additional financing for primary and coordinated care. Poland adopted the following provisions to the 79/2022 Order (evidence No. 2) with this respect:

- Order No 124/2022/DSOZ of the President of the National Health Fund, published on 29 September 2022 in the official database of the legal acts of the National Health Fund, with entry into force on 1 October 2022 (evidence No. 3) introduced an entrusted budget for coordinated care (new Article 15(1a)) which allows for financing activities expected to bring positive health outcomes by:
  - setting up quality conditions for setting up the entrusted budget (revised Article 16 (2), (4), (5 point 4), (6), (8), (12) of the 79/2022 Order) which ensures that resources provided under the entrusted budget will cover consultations and checks done by the specialised doctors;
  - financing day-to-day contact with patients and their families (revised Article 39 (2) (b) in the 79/2022 Order);
  - financing of the monitoring of the Individual Medical Care Plans for patients (revised Article 39 (2) (g) in the 79/2022 Order);
  - introducing in Annex I additional valuation for medical services and for the coordinated care (points 6.1 and 7).

The order No 61/2024/DSOZ of the President of the National Health Fund published on 28 June 2024 in the official database of the legal acts of the National Health Fund, entry into force on 29 June 2024 (evidence No. 5) modified annex I of the 79/2022 Order which in point 6.1 increased the incentive (caption rate for coordinated care).

### **[...] (covering) the chronic care disease management programme and care coordinator**

The 79/2022 Order (evidence No. 2) sets out the conditions for work of the care coordinator (Article 39(1)). The chronic disease management is done through coordinated care in line with Article 39(2) point 1 letter a and b which was introduced by the Order No 124/2022/DSOZ of the President of the National Health Fund published on 29 September 2022 in the official database of the legal acts of the National Health Fund, with entry into force on 1 October 2022 according to which the care

coordinator should promote the preventive tests done by the patients and should set up the dates of the tests.

The chronic care disease management programme is implemented by the Individual Plans of Medical Care (IPMC) which belong to the tasks of the care coordinator in line with the provisions of Article 39(2) point 2 letter d introduced by the order No 124/2022/DSOZ of the President of the National Health Fund, published on 29 September 2022 in the official database of the legal acts of the National Health Fund, with entry into force on 1 October 2022 (evidence No. 3). The IPMC cover the individual recommendations and guidelines for the treatment of the diseases covered by coordinated care.

The Regulation of the Minister for Health of 15 September 2022 amending the Regulation on guaranteed benefits in the field of primary healthcare (the "Regulation", evidence No. 7) lays down a list of coordinated care services and the conditions for their implementation in relation to chronic diseases most common in the Polish patient population (Annex to the Regulation), which covers diseases in endocrinology, diabetology, cardiology and allergology (point 1 of the Annex).

The Regulation sets out in its annex 1 the specific scope of services to be provided by the medical personnel, describes the procedures to be followed and sets out the medical equipment which is required for the chronic disease management under coordinated care. Annex I under point 5 of the parts *Organisation of the provisions of services* for each of the diseases covered by coordinated care sets out the requirements which must be met for the preparation of the IPMC, in particular the IPMC must include recommendations concerning the control visits, doctors and nurses' recommendations for the patient, control tests and dietetical consultations.

**The Order shall introduce financial arrangements providing for additional financial resources for the primary healthcare contracts, excluding night and holiday health care.**

In line with the creation of the entrusted budget under coordinated care and according to the data of the National Health Fund the resources allocated for this purpose were 6 166 038 PLN (3 months in 2022 after the introduction of the entrusted budgets), 222 681 432 PLN (2023). The planned amount for 2024 is 286 977 534 PLN.

The exclusion of night and holiday health care is ensured as this kind of care is covered by separate funding, which is governed by Order No 51/2022/DSM of the President of the National Health Fund of 14 April 2022 laying down the conditions for concluding and implementing contracts such as primary care for night and holiday healthcare.

Furthermore, in line with the name of the milestone, the entry into force of the Order of the President of the National health Fund (NHF) and respective legal acts on strengthening primary care and coordinated care, are to be **followed by financial provisions (including amendments to contracts)**

The 79/2022 Order (evidence No. 2) in Annex 2 introduced new templates for the contracts for the provision of primary healthcare services. The new template allows for the signature of contracts for the services guaranteed under the entrusted budget (which cover task fees and financial incentives).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.



**Number and name of the Milestone:** D3G - Entry into force of the Act on quality in health care and patient safety, together with necessary implementing regulations

**Related Measure:** D.1.1 Improving the effectiveness, accessibility and quality of health services

**Qualitative Indicator:** Provision in the act indicating its entry into force.

**Time:** Q3 2022

### 1. Context:

The objective of this reform is to ensure a lasting improvement in the resilience, effectiveness, quality and accessibility of healthcare and long-term care, the financial situation of public hospitals, and the processes of supervision and management of the hospitals. The reform is complemented by establishing the National Oncological Network and National Cardiological Network, as well as the improvement of quality and patient safety in health care system. The measure is linked with Investment D1.1.1. which supports hospitals only where investment needs have been identified as a result of the reform processes under reform D.1.1.

The milestone requires the entry into force of the Act on quality in health care and patient safety together with necessary implementing regulations to strengthen the quality of health services provided by the medical services to safeguard the patients' safety.

Milestone D3G is the second step in the implementation of the reform, and it is accompanied in this payment request by milestone D2G, related to strengthening primary care, milestone D4G, related to establishing the National Oncology Network and milestone D7G related to the establishment of voivodeship monitoring centres. Furthermore, this milestone will be followed by milestone D1G, related to the hospitals' efficiency, milestone D5G, related to the National Cardiology Network (both under the fifth instalment), D8G, related to providing the report on the evaluation of the oncological care network (under the seventh instalment) and finally milestone D6G, related to the launch national e-health services (under the ninth instalment).

The reform has a final expected date for implementation on 31 March 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Copy of the Act of 16 June 2023 on quality in health care and patient safety, published in the Official Journal in 2023, item 1692, entered into force on 7 September 2023	The Act lays down the rules for the functioning of the health care quality system and patient safety.
3	Copy of the Regulation of the Minister of Health of 10 September 2024 on healthcare quality indicators published on 11 September 2024 in the Official Journal 2024 item 1349, entered into force on 13 September 2024	This regulation is issued on the basis of the article 4 paragraph 2 of the Act on quality in health care and patient safety and concerns indicators to monitor the quality in healthcare taking into account the specificity of healthcare provisions and the

		need to ensure the provision of high-quality healthcare services.
4	Copy of the Notice of the Minister of Health of 6 September 2024 on accreditation standards for medical activities of the 24/7 and stationary type hospital health services published on 6 September 2024 in the Official Journal of the Minister of Health 2024, item 73, entered into force on the date of publication	The notice provides the standards for hospital care according to which the assessment towards the accreditation can be processed.
5	Copy of the Regulation of the Minister of Health of 22 November 2013 on guaranteed benefits in the field of hospital treatment (Annex to the Notice of the Minister of Health of 13 March 2023 on the publication of the consolidated text of this regulation published on 9 May 2023 in the Official Journal 2023, item 870, entered into force on the date of publication)	The regulation that concerns 'basket requirements' for hospital treatment.
6	Copy of the Regulation of the Minister of Health of 11 September 2024 on the template for applying for authorisation, published on 12 September 2024 in the Official Journal, item 1355, entered into force on 26 September 2024	The regulation provides for the application template for authorisation in the attachment to this regulation.
7	Copy of the Regulation of the Minister of Health of 9 September 2024 to specify the conducting the procedure for assessing the compliance with single accreditation standards, published on 13 September 2024 in the Official Journal 2024, item 1357, entered into force on 27 September 2024	<p>The Regulation specifies:</p> <ul style="list-style-type: none"> <li>• details of how the procedure to assess compliance with single accreditation standards will be carried out.</li> <li>• a template for the accreditation certificate.</li> <li>• the method of calculating the fees for carrying out the evaluation procedure.</li> </ul>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of the Act on quality in health care and patient safety [...]**

The Act of 16 June 2023 on quality in health care and patient safety (the "Act on quality"), published in the Official Journal 2023, item 1692 entered into force on 7 September 2023 in accordance with its Article 67, with the exception of the following provisions, relevant for the assessment:

- Article 26 paragraphs 1 to 3 and 5, Articles 28 to 41, Articles 44 to 53, which entered into force on 1 January 2024, as set forth in Article 67 point 1).

[...] that shall include provisions on the following elements:

**1) authorisation: a system for assessing entities performing medical activities such as hospital services in the light of their compliance with the requirements of the Ministry of Health and the National Fund for Health (so-called “basket requirements”);**

The milestone description states: “authorisation: a system for assessing entities performing medical activities such as hospital services (...)”. The Council Implementing Decision in the measure description D1.1 also states: “The hospital sector reform is to be complemented by the reforms of the National Oncological Network and National Cardiological Network, as well as the quality in health care and patient safety.” Poland adopted the Act on quality in which Articles 6-17 concern the authorisation. ‘Authorisation’ is defined as a confirmation of the fulfilment by the hospitals of the set of conditions specified in Article 7 of the Act on quality in order to be able to provide the medical services financed from public funds. Linking the ‘authorisation’ to the treatment in hospitals exclusively is fully in line with the provision of the measure description. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Pursuant to article 7 of the Act on quality, the hospital may obtain an authorisation if it fulfils the following conditions:

- operates an internal quality and safety management system,
- provides healthcare services, while respecting the requirements of their implementation, concerning the place of providing healthcare services, medical staff and equipment, specified in the provisions issued on the basis of Article 31d and Article 31da(1) of the Act of 27 August 2004 on health care services financed from public funds (Official Journal 2004 no 210, item 2135 with amendments, that entered into force on 1 October 2004). These provisions set out the basis for the Minister of Health to issue the regulation that concerns a list of guaranteed medical services and the requirements for their implementation (so called: “basket requirements”). These requirements of the Minister of Health for guaranteed services in the field of hospital treatment are specified in the paragraphs 1-10b of the Regulation of the Minister of Health of 22 November 2013 on guaranteed benefits in the field of hospital treatment, entered into force on 9 May 2023 (evidence No. 5). Furthermore, the President of the National Fund for Health issued the Ordinance no 37/2024/DSOZ of 29 March 2024 on defining the conditions for the conclusion and execution of contracts in the hospital treatment - highly specialised services (published in the Internal Database of the National Fund for Health on the same day and entered into force on the next day on the basis of its paragraph 31).

The authorisation is granted by the President of the National Fund for Health by means of an administrative decision (Article 9(1)) for the period of 5 years (Article 8(1)). The procedure of issuing the decision for authorisation is described in Article 10: the President of the National Fund for Health concerns the application for authorisation within 3 months from the day of the submission. The President of the National Fund for Health assesses whether the conditions for issuing the authorisation referred to in Article 7 (explained above) are met, including by a conducting on-the-spot check. The President of the National Health Fund requests clarifications and additional information and documents if needed from the applicant to assess compliance with the conditions for issuing authorisations referred to in Article 7.

According to Article 16 of the Act on quality, information on authorisations granted, refusals of the applications or authorisations revoked should be published in the Public Information Bulletin of the National Fund for Health.

With a view to ensuring the efficiency of the procedure for issuing authorisations, the Minister of Health issued the regulation of 11 September 2024 that concerns the template for applying for authorisation (evidence No. 6).

## **2) accreditation: a framework for the external evaluation of the quality of health care and patient safety in hospitals;**

The Act on quality introduces new provisions in respect to the accreditation, which was regulated, until 1 January 2024, by the Act of 6 November 2008 on accreditation in the healthcare sector (Official Journal of 2016, item 2135). Pursuant to Article 21 of the Act on quality, accreditation in health care is aimed at confirming that the entity performing medical activity meets accreditation standards in their provision of health care services. Pursuant to article 22(5) of the Act on quality, the minister responsible for health shall publish, by means of a notice, in the official bulletin, the accreditation standards for the type of medical activity or the range of services broken down by policy fields, with a view to continuously improving the quality and patients' safety of healthcare services provided on the basis of a systematic analysis of the functioning of healthcare providers. The Minister of Health issued on 6 September 2024 the accreditation standards for medical activities of the 24/7 and stationary type hospital health services (Official Journal of the Minister of Health 2024, item 73, evidence No. 4).

The period of validity of accreditation has been extended from 3 to 4 years (article 21 paragraph 2 of the Act on quality). At the same time, additional conditions for granting accreditation have been introduced, which have been specified in Article 37 paragraph 3 of the Act on quality:

- compliance with individual mandatory accreditation standards,
- score of at least 75 % of the maximum possible sum of the total points of each accreditation standard,
- score at least 50 % of the maximum possible sum of points of each accreditation standard per thematic unit.

The evaluation of quality of health care and patient safety is carried out externally from the Ministry of Health by a dedicated team of inspectors chosen from the list of inspectors by the head of the accreditation centre (Article 31(1) of the Act on quality). In order to become an accreditation inspector, one needs to pass the exam (Article 42 and 43 of the Act on quality). The accreditation centre is responsible for the process of assessment of the application for granting the accreditation (Article 26 of the Act on quality). The head of the accreditation centre submits the evaluation report to the Accreditation Board (Article 36(1) of the act on quality). Based on the report, the Accreditation Board should submit to the minister responsible for health affairs its recommendation for granting accreditation or refusing to do so (Article 36(2) of the act on quality).

The evaluation of the entities is based on the accreditation standards. According to Article 22(1) of the Act on quality, these standards are prepared by the Accreditation Board and then published by the Minister of Health in its bulletin (article 22(5)). According to article 24 of this act, the accreditation standards should be revised by the Accreditation Board at least every 5 years. The Minister of Health issued the Regulation of 9 September 2024 to specify the rules of conducting the

procedure for assessing the compliance with single accreditation standards (the Official Journal, item 1357, entered into force on 27 September 2024, evidence No. 7).

**3) monitoring of adverse events: a framework for activities carried out by medical entities, in particular conducting a systematic analysis of adverse events with a view to prevent the occurrence of similar adverse events;**

According to Article 18(1) of the Act on quality, every entity carrying out a medical activity under a contract concluded with the National Fund for Health for the provision of healthcare, services financed from public funds is required to have an internal system consisting of rules, procedures, methods and job descriptions in order to prevent adverse events.

As set out in Article 18(3) point 5 of the Act on quality, this entity, within the framework of its internal system, must monitor adverse events. In addition, pursuant to Article 19(2) of the Act on quality, the head of the medical entity is obliged to:

- carry out an analysis of the root causes of the adverse events,
- prepare documents setting out rules, procedures, methods and job descriptions referred to in Article 18(1) of the Act on quality (i.e. to prevent the adverse events).

**4) medical registers: specifying the rules for the creation and financing of medical registers and strengthening their role in ensuring quality in health care;**

Medical registers are regulated by the Act of 28 April 2011 on the information system in health care sector (consolidated text published in the Official Journal of 2023, item 2465, entered into force on 1 January 2012, the “Act on the information system”. The Act on quality provides for important changes to the Act on the information system.

Firstly, by means of Article 57 point 2(a) of the Act on quality, a new point 5 was added to paragraph 1 of Article 19 of the Act on the information system that provide for a new purpose for creating a medical register - ‘monitoring the quality of healthcare services provided by the healthcare providers’. This provision enables the access to the publicly available data on patients’ conditions, diagnosis and treatment (these data must be published in a form that makes it impossible to link it to an individual person) that allows for monitoring the quality of healthcare services, which effectively strengthens the role of medical registers in ensuring the quality in the healthcare system.

Secondly, Article 57 point 2(b) of the Act on quality changes the wording of Article 19(1b) of the Act on the information system which specifies that the medical register may be created at the request of a body carrying out a medical activity, the National Health Fund, other entities subordinate to or supervised by the minister responsible for health or medical scientific societies. Until now, the medical register could only be established on the initiative of the Minister.

Thirdly, Article 57 point 2(d) of the Act on quality, changes the wording of Article 19(4b) of the Act on the information system to specify the criteria according to which the financial support for creating or maintaining the medical registers should be provided. These criteria are transparency, rationality and efficiency of the medical register.

**5) patients’ experience: establishing a framework for measuring patients’ experience in relation to National Health Fund (NFZ) contracting provisions;**

According to Article 18(1) of the Act on quality, an entity carrying out a medical activity under a contract concluded with the National Fund for Health for the provision of healthcare services

financed from public funds is required to have an internal system consisting of rules, procedures, methods and job descriptions in order to prevent adverse events. According to Article 18(3) point 7) one of the duties relates to the internal system for preventing adverse events is to carry out the surveys of opinions and experiences of patients on the basis of the questionnaire referred to in Article 20(1).

According to Article 20(1) the survey of the patient's opinion and experience is carried out by means of a questionnaire, the template of which the Minister of Health publishes on the website. This template was published in the ministerial bulletin on 13 August 2024 and can be found under the link: <https://www.gov.pl/web/zdrowie/ankiety-badania-doswiadczen-i-opinii-pacjenta>.

Pursuant to Article 20(2) of the Act on quality, when a patient stays in an entity providing inpatient and 24/7 care (hospital), an anonymised survey of patients' opinions and experience is carried out after the patient has left the hospital.

#### **6) rehospitalisation: a framework for tracking and analysing 30 days re-admission rates connected to the NFZ contracting provisions (via implementing regulation).**

The Regulation of the Minister of Health of 11 September 2024 on healthcare quality indicators Issued on the basis of Article 4(2) of the Act on quality, provides for a framework including the indicators for rehospitalisation as well as their definition was published in the Official Journal 2024 item 1349. Pursuant to its paragraph 2, the regulation entered into force on 12 September 2024. (evidence No. 3). Pursuant to Article 5(1), the National Fund for Health (NFZ) is responsible for the monitoring of the indicators. The achievement of the indicators is taken into account in the settlement of the healthcare services by NFZ, on the basis of the agreements concluded with hospitals on the provision of healthcare services (Article 5(3)).

Annex 1 to this regulation includes the list of healthcare indicators within the clinical area. Indicators that represent the hospitalisation are:

- Frequency of repeated hospitalisations (rehospitalisation) after cholecystectomy (indicator I.12)
- Frequency of rehospitalisation after appendectomy (indicator I.13)
- Frequency of rehospitalisation after hospitalisation due to pneumonia (indicator I.14)
- Frequency of rehospitalisation after hospitalisation due to chronic obstructive pulmonary disease (indicator I.15)
- Frequency of rehospitalisation with high amputation of the limb after vascular procedures (indicator I.16)
- Frequency of rehospitalisation after aortal-coronary bridging (Indicator I.17)
- Frequency of rehospitalisation for the same reason (Indicator II.1)

All of these above indicators will track and analyse re-admission within 30 days after leaving the hospital.

#### **4. Commission Preliminary Assessment: Satisfactorily fulfilled.**

**Number and name of the Milestone:** D4G - Entry into force of the Act on the National Oncological Network and the relevant legal acts establishing the rules for the operation of the network by introducing a new structure and a new model of cancer care management.

**Related Measure:** D.1.1 Improving the effectiveness, accessibility and quality of health services

**Qualitative Indicator:** Provision in the act indicating the entry into force

**Time:** Q3 2022

**1. Context:**

The objective of this reform is to ensure a lasting improvement in the resilience, effectiveness, quality and accessibility of healthcare and long-term care, the financial situation of public hospitals, and the processes of supervision and management of the hospitals. The reform is complemented by establishing the National Oncological Network and National Cardiological Network, as well as the improvement of quality and patient safety in health care system. The measure is linked with Investment D1.1.1. which supports hospitals only where investment needs have been identified as a result of the reform processes under reform D.1.1.

The milestone requires the entry into force of the legislative and legal acts to establish the rules for the operation of the National Oncological network by introducing a new structure and a new model of cancer care management.

Milestone D4G is the third step in the implementation of the reform, and it is accompanied in this payment request by milestone D2G, related to strengthening primary care, milestone D3G, related to the quality in healthcare and milestone D7G, related to the establishment of voivodship monitoring centres. Furthermore, this milestone will be followed by milestone D1G, related to improving the hospitals' efficiency, milestone D5G, related to the National Cardiology Network (both under the fifth instalment), milestone D8G, related to providing the report on the evaluation of the oncological care network (under the seventh instalment) and finally milestone D6G, related to the launch of national e-health services (under the ninth instalment).

The measure has a final expected date for implementation on 31 March 2026.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document justifying how the milestone was satisfactorily fulfilled.
2	Copy of the Act of 9 March 2023 on the National Oncology Network that entered into force on 20 April 2023 (Official Journal 2023, item 650).	The Act on the National Oncology Network lays down the provisions establishing the National Oncology Network
3	Copy of the List of healthcare providers qualified for the National Oncology Network published by the National Health Fund on 25 July 2024 in the Public Information Bulletin of the National Health Fund with entry into force and entered into force on 26 July 2024.	For each voivodship a list of hospitals assigned to different levels of oncological care (SOLO I, II and III) together with a list of cooperating entities was published. The lists are valid from 26 July 2024 to 26 July 2026.

		The list has been published under the following link: <a href="https://www.nfz.gov.pl/bip/wykaz-swiadczeniodawcow-zakwalifikowanych-do-krajowej-sieci-onkologicznej/">https://www.nfz.gov.pl/bip/wykaz-swiadczeniodawcow-zakwalifikowanych-do-krajowej-sieci-onkologicznej/</a>
4	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in ovarian cancer published in the Official Journal of the Minister of Health on 6 September 2024 (item 65) and entered into force on the same day.	Key recommendations that set “patients’ path” for ovarian cancer.
5	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in thoracic tumors published in the Official Journal of the Minister of Health on 6 September 2024 (item 66) and entered into force on the same day.	Key recommendations that set the “patients’ path” for thoracic tumors
6	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in prostate cancer published in the Official Journal of the Minister of Health on 6 September 2024 (item 67) and entered into force on the same day.	Key recommendations that set the “patients’ path” for prostate cancer
7	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in renal cell carcinoma published in the Official Journal of the Minister of Health on 6 September 2024 (item 68) and entered into force on the same day.	Key recommendations that set the “patients’ path” for renal cell carcinoma
8	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in colon cancer published in the Official Journal of the Minister of Health on 6 September 2024 (item 69) and entered into force on the same day.	Key recommendations that set the “patients’ path” for colon cancer
9	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in bladder cancer published in the Official Journal of the Minister of Health on 6 September 2024 (item 70) and entered into force on the same day.	Key recommendations that set the “patients’ path” for bladder cancer
10	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in breast cancer published in the	Key recommendations that set the “patients’ path” for breast cancer



	Official Journal of the Minister of Health on 6 September 2024 (item 71) and entered into force on the same day.	
11	Copy of the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in hepatocellular carcinoma published in the Official Journal of the Minister of Health on 6 September 2024 (item 72) and entered into force on the same day.	Key recommendations that set the “patients’ path” for hepatocellular carcinoma
12	Copy of the Notice of the Minister of Health of 84 2024 on key recommendations in oncology care for the organisation and clinical management in primary bone cancer published on 11 October 2024 (item 84) and entered into force on the same day.	Key recommendations that set the “patients’ path” for primary bone cancer
13	Copy of the Notice of the Minister of Health of 85 2024 on key recommendations in oncology care for the organisation and clinical management in skin cancer published on 11 October 2024 (item 85) and entered into force on the same day.	Key recommendations that set the “patients’ path” for skin cancer
14	Copy of the Notice of the Minister of Health of 86 2024 on key recommendations in oncology care for the organisation and clinical management in melanoma published on 11 October 2024 (item 86) and entered into force on the same day.	Key recommendations that set the “patients’ paths” for mucous skins and membranes (annex 1) and in vascular membrane of the eye (annex 2)
15	Copy of the Notice of the Minister of Health of 89 2024 on key recommendations in oncology care for the organisation and clinical management in neuroendocrine tumours of the gastrointestinal tract and the stomach and duodenum published on 11 October 2024 (item 89) and entered into force on the same day	Key recommendations that set the “patients’ paths” for the gastrointestinal tract (annex 1) and stomach and duodenum (annex 2)
16	Copy of the Notice of the Minister of Health of 90 2024 on key recommendations in oncology care for the organisation and clinical management in intestinal neuroendocrine tumours and symphysis, intestines coarse and pancreas published on 11 October 2024 (item 90) and entered into force on the same	Key recommendations that set the “patients’ paths” for the small intestines (annex 1), colorectal (annex 2) and pancreas (annex 3).
17	Copy of the Notice of the Minister of Health of 91 2024 on key recommendations in oncology care for the organisation and clinical management in soft tissue sarcomas published on 22 October 2024 (item 91) and entered into force on the same	Key recommendations that set the “patients’ paths” for the soft tissue sarcomas.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Entry into force of the Act on National Oncological Network and the relevant legal acts that shall ensure that all patients, regardless of their place of residence, receive oncological care based on the same diagnostic and therapeutic standards.**

The Act of 9 March 2023 on the National Oncological Network (the 'Act on NoN', evidence No. 2) was published on 5 April 2023 in the Official Journal 2023 under item 650. Pursuant to its article 58, this Act entered into force 14 days after its publication, i.e. on 19 April 2023.

Article 4(2) of the Act on NoN (evidence No. 2) requires hospitals that are part of the National Oncological Network to provide healthcare services in accordance with the key recommendations for cancer care concerning the organisation of care and the clinical treatment (patients' paths). The key recommendations define the harmonised procedures and standards in clinical practice in order to improve the quality of care for all the patients with the same disease (Article 24 (1) and Article 24 (2) of the Act on NoN). The Act on NoN as well as the recommendations are applicable to all patients regardless of their place of residence.

The Minister of Health adopted on the basis of Article 24(1) of the Act on NoN (evidence No. 2) the Key recommendations for the organisation and clinical conduct in the oncological treatment (evidence No. 4-17) by means of notice and covering the following cancers:

- ovarian cancer
- thoracic tumors
- renal cell carcinoma
- prostate cancer
- colon cancer
- bladder cancer
- breast cancer
- hepatocellular carcinoma
- skin cancer
- primary bone cancer
- mucous skins and membranes
- vascular membrane of the eye
- gastrointestinal tract
- stomach and duodenum
- small intestines
- colorectal
- pancreas
- soft tissue sarcomas.

All these notices were published in the Official Journal of the Minister of Health (under items 65-72, 84-86 and 89-90). The notices become effective on the date of their publication.

**These acts shall focus on:**

**- improving the organisation of the oncological care system by providing patients with access to the highest-quality diagnostic and therapeutic processes and comprehensive care along the entire**

**"patient path" in the areas of primary care, specialised outpatient healthcare (AOS), hospital treatment and rehabilitation;**

Article 24 of the Act on NoN (evidence No. 2) provides the legal requirements for the adoption of the key recommendations (also called 'patients' paths') for the oncological care in the form of notices. According to Article 2 point 16 of the Act on NoN, patients' paths are defined as an algorithm for cancer care to maximise its effectiveness.

The Act on NoN (evidence No. 2) and the notices (evidence No. 4-17) focus on improving the organisation of the oncological care system. Pursuant to Article 24(1) of the Act on NoN, the key recommendations are prepared for ensuring the high-quality of the treatment covering the diagnostic and therapeutic processes. Furthermore, the improvement of the organisation of the oncological treatment is done by way of adopting the key recommendations as in line with Article 24(2) they cover the areas for which it is relevant to standardise the cancer treatment.

Each notice adopted on the basis of Article 24(1) of the Act on NoN (evidence No. 2) includes a reference to the source of these requirements. For instance, the basis for the preparation of the Key recommendations for the organisation and clinical management of ovarian cancer is the 'National Comprehensive Cancer Network Clinical Practice Guidelines in Oncology, Poland Edition Ovarian Cancer Including Fallopian Tube Cancer and Primary Peritoneal Cancer Version 5.2022.'

The Ministry for Health adopted 14 notices for Key recommendations (evidence No. 4-17) which provide patients with access to the highest-quality diagnostic and therapeutic processes and comprehensive care for 18 different cancer diseases. These 18 patients' paths cover the cancer diseases responsible for the highest mortality caused by cancer in Poland being lung, prostate and colon cancers for men and lung, breast and colon cancer for women. Overall, these 18 patients' paths cover more than two thirds of the cancer deaths in Poland (74% for men and 69% for women (evidence No. 1)).

The 18 patients' paths (evidence No. 4-17) cover the entire patients' path in the area of primary care, specialised outpatient healthcare (AOS), hospital treatment and rehabilitation. For instance, the Notice of the Minister of Health of 6 September 2024 on key recommendations in oncology care for the organisation and clinical management in breast cancer set the patients' path for the treatment of breast cancer (evidence No. 10) in which:

- In area of primary care: the general practitioner (primary care service) or specialist in the ambulatory centre is responsible for conducting the interview and risk assessment (recommendation 2, page 2), and for the follow up after the treatment with the recovery plan (recommendation 23, page 3).
- In AOS and area of hospital treatment: mammography (recommendation 15, page 3) or consultations with specialists regarding fertility (recommendation 18, page 3) are to be carried out by the ambulatory care or hospitals.
- In AOS and area of hospital treatment: Likewise ambulatory care or hospital treatment are covering the targeted treatment such as chemotherapy or radiotherapy (recommendations 12-14, page 3) depending on the situation of a patient while recommendations for surgeries (recommendation 9-11, page 2) or breast reconstruction are to be followed in hospitals.
- In area of rehabilitation: Recommendation 17 (page 3) provides for an access to early rehabilitation, specialist psychological assistance and, where relevant, psychiatric consultation to the patient.

**- creating a new organizational structure and new model of cancer care management, including the monitoring centres;**

When it comes to the new organisational structure of cancer care management, pursuant to Article 3(2) of the Act on NoN (evidence No. 2), the National Oncological Network is composed of: (i) Specialised Oncological Treatment Centers (divided into three levels - SOLO level I, SOLO level II, SOLO level III) and (ii) Cooperation Centers.

The SOLO entities provide the following three types of treatment:

- surgical interventional treatment,
- chemotherapy and other systemic treatments,
- oncological radiotherapy.

For the categorisation into a SOLO level, the Act on NoN (evidence No. 2) provides that for SOLO I level, the entities should cover one out of the three areas mentioned above, whereas for SOLO II level – two of the three areas mentioned above. For SOLO III level, the entities should cover all three areas (Article 6 (1), Article 7 (1) and Article 8 (1), respectively). This means that SOLO III is the most specialised level of cancer care in the network.

Articles 9-15 of the Act on NoN (evidence No. 2) set out the rules of how the entities will be attributed to the different levels of the network, as well as the rules for the periodic evaluation of SOLOs to assess whether they meet the criteria for the specific level of care. In particular, according to the provisions of Article 13(3), the Minister of Health sets out detailed criteria for the qualification to the National Oncology Network.

In addition, the new organizational structure also includes Cooperation Centers which, pursuant to Article 2, point 10 of the Act on NoN (evidence No. 2) are the entities that provide the ambulatory medical service and which cooperate with the SOLO entities.

When it comes to the new model of cancer care management within the National Oncology Network, this consists of the appointment of coordinators for the oncological care. The coordinator provides information to the patients on the diagnosis and care process and coordinates all stages of the care provided to patients (Article 2(4) of the Act on NoN, evidence No. 2). According to Article 6(2) and Article 7(2) of the Act on NoN, SOLO I and SOLO II entities appoint a coordinator for oncological care, provide the patients with the possibility to contact and change the time of the provision of cancer care services through an ICT system or other communication system available and carry out a systematic assessment of the satisfaction of recipients of benefits in a structured manner, on the basis of anonymous surveys. In addition, the SOLO I entities report to the SOLO III entities on the implementation of the oncological treatment plan.

Pursuant to Article 8(2) of the Act on NoN (evidence No. 2), SOLO III entities among other things, are required to:

- appoint a coordinator and provide substantial support to the coordinator designated by the SOLO I entities;
- provide SOLO I and SOLO II entities with the opportunity to seek advice and consultation, including through electronic or communication systems;
- provide patients with the possibility to contact and change the deadline for the provision of cancer care services through ICT system or other communication system available;
- supervise the implementation of oncological treatment plans of SOLO I entities, including the power to recommend the modification of the treatment plans.

Furthermore, on 25 July 2024, acting on the basis of Article 9(1) of the Act on NoN (evidence No. 2), the President of the National Fund for Health published a list of SOLO entities by category as set out in article 3(2) of the Act on NoN, i.e. SOLO I, SOLO II, SOLO III as well as the list of cooperation centres (evidence No. 3). The categorisation became valid on the next day after the publication in the Public Information Bulletin on the Fund's website i.e on 26 July 2024 for the next two years (Article 9(5)).

According to Article 21 of the Act on NoN (evidence No. 2), the monitoring of the quality of cancer care will be carried out by the National Monitoring Centre and the Voivodeship Monitoring Centers. By virtue of Article 22(1) of the Act on NoN, the function of the National Monitoring Centre was given to The Marie Skłodowska-Curie National Oncology Institute – National Research Institute in Warsaw. Pursuant to Article 23(1) of the Act on NoN, the role of the Voivodeship Monitoring Centers is carried out by SOLO III entity in a given voivodeship, which has the highest percentage of healthcare services provided among all SOLO III entities in that voivodeship.

**- improving the quality of life of patients during and after oncological treatment.**

In order to improve the quality of life during the treatment, each SOLO level entity has to designate a dedicated coordinator, whose task is to guide and help each patient throughout all the stages of the cancer treatment (Article 2(4) of the Act of NoN, evidence No. 2). This covers full recovery of the patients or providing palliative care (Article 2(5)).

The Act on NoN (evidence No. 2) enshrines that a systematic assessment of a patient's satisfaction will be carried out at each SOLO level (Article 6(2) point 4, Article 7(2) point 5 and Article 8(2) point 7, respectively for SOLO level I, SOLO II and SOLO III).

Article 2 point 8 of the Act on NoN (evidence No. 2) provides for the definition of monitoring which means the verification of the effectiveness and safety of cancer treatment during and after this treatment for a period of 5 years, in line with the key recommendations specified in the Article 24(1).

According to Article 26(1) point 3 of the Act on NoN (evidence No. 2), all entities of the National Oncology Network should publish on the website of the Public Information Bulletin or on their website an annual report on the level of quality of oncological care generated from the National Oncology Network system, containing information for the previous year on the number and scope of health care services provided in the field of cancer care and quality indicators for cancer care achieved. The achievement of the target value of the key quality indicators of cancer care is taken into account when settling healthcare services provided within the National Oncology Network (Article 35(1) and (2)).

Furthermore, in order to improve the quality of life of patients after oncological treatment, each patients' path contains a recommendation for ensuring that a patient has access to early rehabilitation, specialised psychological support and – if needed - psychiatric consultation.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D9G - Entry into force of a legal act on a list of criteria for qualifying hospitals for each level of oncology care.

**Related Measure:** D.1.1.1 Development and modernisation of the infrastructure of highly specialised care centres and other healthcare providers

**Qualitative Indicator:** Provision in the legal act indicating the entry into force

**Time:** Q4 2022

**1. Context:**

The objective of investment D1.1.1 is to support public hospitals with investment needs resulting from reform D1.1. The main investment categories shall consist of investments in new medical equipment, infrastructure or construction works.

Milestone D9G requires the entry into force of a legal act by the Minister of Health on a list of criteria on the basis of which oncological hospitals should be assigned to different categories/levels of the National Oncological Network. These categories/levels will help to identify investment needs arising from the reform establishing the National Oncological Network as required by milestone D4G.

Milestone D9G is the first step in the implementation of the investment. It will be followed by milestone D10aG (under the fourth instalment), related to the publication of the first call for proposals for hospitals under the National Oncological Network and outpatient care centres (AOS) cooperating with them, milestone D10bG (under the sixth instalment), related to the publication of the first call for proposals for hospitals under the National Cardiological Network, milestone D10cG (under the sixth instalment), related to the publication of the first call for proposals for hospitals undergoing the restructuring processes including by consolidating, re-profiling or changing the scope or structure of healthcare services provided by hospitals as described in milestone D1G, targets D11G (under the sixth instalment) and D12G (under the seventh instalment), related to the signature of contracts between hospitals and the Ministry of Health for the purchase of medical equipment or for infrastructure investments, target D13G (under the ninth instalment), related to the completion of the infrastructure investments or purchase or upgrade of the medical equipment in 59 hospitals of the National Oncological Network and target D14G (under the ninth instalment), related to the completion of the infrastructure investments or purchase or upgrade of the medical equipment in at least 74 hospitals of the National Cardiological Network. The investment has a final expected date for implementation on 30 June 2026.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document justifying how the milestone was satisfactorily fulfilled.
2	Regulation of 3 July 2024 of the Minister of Health on detailed criteria determining the affiliation of an entity performing medical activities to the level of oncological care coverage of the National Oncological Network, Specialized Oncological	The regulation defines criteria for qualifying oncological hospitals to three different levels (SOLO I, II and III) of the National Oncological Network. The criteria are specified in the Annex to the Regulation.

	Treatment Center that entered into force on 24 July 2024 (Official Journal 2024, item 1008).	
3	The list of healthcare providers qualified for the National Oncology Network published by the National Health Fund on 25 July 2024 in the Public Information Bulletin of the National Health Fund with entry into force on 26 July 2024.	For each voivodeship a list of hospitals assigned to different levels of oncological care (SOLO I, II and III) together with a list of cooperating entities was published. The lists are valid from 26 July 2024 to 26 July 2026.  The list has been published under the following link: <a href="https://www.nfz.gov.pl/bip/wykaz-swiadczeniodawcow-zakwalifikowanych-do-krajowej-sieci-onkologicznej/">https://www.nfz.gov.pl/bip/wykaz-swiadczeniodawcow-zakwalifikowanych-do-krajowej-sieci-onkologicznej/</a>
4	Copy of the Act of 9 March 2023 on the National Oncology Network, which entered into force on 20 April 2023 (Official Journal 2023, item 650).	Article 13(3) of the Act on the National Oncological Network includes the legal basis for the Regulation of 3 July 2024.
5	Copy of the Act of 22 February 2024 amending the act on National Oncology Network that entered into force on 31 March 2024 (Official Journal 2024, item 414)	The amendment to the act under point 4 postpones the applicability of some provisions of the act on the National Oncological Network.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of a legal act by the Minister of Health (...)**

The Regulation of 3 July 2024 of the Minister of Health on detailed criteria determining the affiliation of an entity performing medical activities to the level of oncological care coverage of the National Oncological Network, Specialized Oncological Treatment Center, published in the Official Journal 2024, item 1008 on 9 July 2024 (hereinafter the 'Regulation'; evidence No. 2) entered into force on 24 July 2024, according to its Article 3.

#### **(...) on a list of criteria on the basis of which oncological hospitals shall be assigned to different categories/levels of the National Oncological Network.**

The Regulation in its Article 1 sets out criteria for the categorisation of oncological hospitals to each of the levels of oncological care coverage provided by the National Oncological Network (SOLO levels). As referred to in its Article 1, the Annex to the Regulation defines detailed criteria determining the affiliation of an entity performing medical activities to the level of oncological care provided by the National Oncological Network.

Based on these criteria and in line with Article 9 (1) of the Act of 9 March 2023 on the National Oncological Network (the 'Act on NoN'), the President of the National Health Fund categorised hospitals into SOLO I, SOLO II and SOLO III levels. Each SOLO level specifies medical services required for qualification to the Network. According to Articles 6 to 8 of the Act on NoN, hospitals categorised

into a specific SOLO level are assigned to provide specific oncological services in one, two or three of the following areas, respectively:

- i. procedural and surgical treatment,
- ii. chemotherapy and other systemic treatment methods,
- iii. oncological radiation therapy.

According to the Act on NoN, SOLO I hospitals have to provide treatment in one of the above areas (Article 6); SOLO II hospitals have to provide treatment in two of the above areas (Article 7) and SOLO III hospitals have to provide treatment in all three areas (Article 8).

According to Article 13(1) of the Act on NoN (evidence No. 4) the assignment to one of three levels of oncological care is based on the following: (1) number and qualifications of medical staff, (2) diagnostic and therapeutic capacity to ensure the quality and safety of medical services and (3) number and type of medical procedures carried out or number of recipients to whom healthcare services are provided.

The list of healthcare providers qualified for the National Oncology Network (the 'list of entities') includes the entities qualified to a specific level of oncological care, as evidenced by the list of entities (evidence No. 3). According to Article 9(1) of the Act on NoN (evidence No. 4), the President of the National Health Fund qualifies entities to the National Oncological Network, based on the general criteria set out in Articles 3(1) and 3(2) of the Act on NoN and the detailed criteria specified in the Regulation (evidence No. 2) adopted on the basis of Article 13(3) of the Act on NoN. The first qualification to the respective SOLO level was completed on 25 July 2024 and the lists of entities qualified to the network in each voivodeship, accompanied by a list of cooperating entities, were published in the Public Information Bulletin of the National Health Fund according to Article 9(4) of the Act on NoN. This action has been completed within the deadline of 31 March 2025 imposed by Article 1 point 4) of the act amending the act on National Oncology Network (evidence No. 5). Pursuant to Article 9(5) of the Act on NoN, this list of medical entities qualified to the respective SOLO levels is valid for 2 years starting from the day following its publication in the Public Information Bulletin on the National Health Fund website, i.e. for the period from 26 July 2024 to 26 July 2026. According to Article 14 of the Act on NoN, the first categorisation of hospitals into SOLO levels will be followed by a verification and a new list of categorised hospitals will be published every two years.

**These categories/levels shall help to identify investment needs arising from the reform D4G.**

The categorisation of hospitals into one of the three SOLO levels, as required by Article 9 of the Act on NoN and based on the criteria specified in the Regulation (evidence No. 2) issued on the basis of Article 13(3) of the Act on NoN, constitutes the effective implementation of the establishment of the National Oncological Network arising from milestone D4G, which requires entry into force of the Act on the National Oncological Network and the relevant legal acts establishing the rules for the operation of the network by introducing a new structure and a new model of cancer care management.

The categorisation of hospitals into different levels of oncological care (SOLO I, II and III), in line with their definition included in Articles 6, 7 and 8 of the Act on NoN as described above, defines their scope and scale of activities, i.e. the oncological diagnostic and treatment services provided. Article 13(3) of the Act on NoN requires that continuity and comprehensiveness of provision of health care service is ensured at each SOLO level. The investment needs will be determined by the specific types



of oncological services defined for each SOLO level hospital. Hence, these provisions of the Act of NoN help identify investment needs of hospitals qualified to the National Oncological Network.

**The categorisation criteria shall be based on:**

- **coverage (such as, covered population; covered benefits; need for timely access to care);**

Article 9(4) of the Act on NoN requires that the President of the National Health Fund publishes in the Public Information Bulletin the list of hospitals categorised into the three SOLO levels and the list of cooperating entities, broken down by voivodeship. Article 9(4) also requires the publication of the information which SOLO III hospital supervises SOLO I hospitals in case there is more than one SOLO III hospital in a voivodeship. This implies that in each of 16 voivodeships of Poland there is at least one SOLO III hospital, which provides comprehensive oncological treatment in all three areas: 1) procedural and surgical treatment, 2) chemotherapy and other systemic treatment methods and 3) oncological radiation therapy. This fulfils the requirement that the categorisation of hospitals is based on the criterion of coverage, ensuring provision of coordinated oncological care by SOLO III hospitals within the National Oncological Network to residents of all 16 voivodeships and thus guaranteeing timely access to high-quality oncological care for population from all regions of Poland.

- **equity (such as, equity in delivery and use);**

This requirement is fulfilled by introducing equal standards for provision of oncological care services financed by public means through condition (1) included in section 'Criterion II. Diagnostic and therapeutic potential, type of criterion – 2. Delivery of healthcare services' of the Annex to the Regulation. To qualify for one of the three SOLO levels, the hospital must ensure the provision of health care services in accordance with the detailed conditions specified in the regulations of the Minister of Health adopted on the basis of Article 31d of the Act of 27 August 2004 on healthcare services financed from public funds (Journal of Laws of 2024, item 146, as amended, the 'Act of 27 August 2024') within the scope referred to in Article 15(2) points 2 and 3 of this Act, further explained below. Article 31d relates to provision of guaranteed health care services financed from public funds, which according to Article 5 of the Act of the NoN pertains to all healthcare services provided within the National Oncological Network. Furthermore, the Act of 27 August 2004 specifies the status of the guaranteed health care services (Article 5 point 35), to which free and universal access is granted to all insured persons as defined in Article 2 and Article 3 of the Act. The regulations of the Minister of Health<sup>2</sup> adopted on the basis of Article 31d of the Act of 27 August 2004 specify the conditions for financing of the guaranteed health care services and for their standardised provision in terms of medical staff, equipment and medical procedures. Article 15(2) defines the scope of the application of the above-mentioned conditions as the areas of outpatient specialised care (point 2) and hospital treatment (point 3). In line with the above provisions, the oncological health care services provided within the National Oncological Network are delivered to all insured persons in Poland according to the same standards, which fulfils the criterion of equity.

- **efficiency;**

This requirement is fulfilled by the required minimal numbers of specific medical procedures for hospitals at the three different SOLO levels, which are defined in the section 'Criterion III. Number

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<sup>2</sup> Regulation of the Minister of Health of 6 November 2013 on guaranteed services in the field of outpatient specialised care (Journal of Laws 2016, item 357, as amended), Article 3 and Article 6a; and Regulation of the Minister of Health of 22 November 2013 on guaranteed services in the field of hospital treatment (Journal of Laws of 2023, item 870, as amended), Article 4a; sections 1 and 1a, Annex 3 and Annex 3a.

and type of medical procedures or number of beneficiaries' (pages 9-22) of the Annex to the Regulation. This results in concentration of treatment of oncological patients in hospitals with the highest experience in terms of medical staff and adequate medical equipment and infrastructure. For SOLO I and SOLO II the minimum number of healthcare services related to surgical treatment of cancers is set for 150 treatments or meeting the condition of carrying out a minimum number of treatments in at least 1 of the 16 groups of cancer specified in Part B of the Annex to the Regulation (pages 10-22) in the year preceding the categorisation. For SOLO III the minimum number of healthcare services related to surgical treatment of cancers is set for 500 treatments or meeting the condition of carrying out a minimum number of treatments in at least 5 of the 16 groups of cancer specified in Part B of the Annex to the Regulation (pages 10-22) in the year preceding the categorisation. The number of surgical procedures performed in a hospital is linked to the efficiency in performance of these procedures. The specialisation of SOLO hospitals in the treatment of a defined number of specific groups of cancer contributes to effective use of resources within the National Oncological Network.

- **quality of care and**

The requirement is fulfilled by introducing standards related to quality of care in section 'Criterion II. Diagnostic and therapeutic potential', type of criterion '3. Organization of providing services' in the Annex to the Regulation (pages 8-9). The standards relate to availability of multi-specialist consultations, treatment of complications, accommodation and transportation for patients and – in addition only for SOLO III – combined treatment (radio-, chemo- and surgical therapy). These are relevant parameters for quality of care.

- **availability of resources (such as, human resources and financial resources).**

The requirement is fulfilled by introducing the minimal number of specialist doctors for hospitals at the three different SOLO levels, which are defined in section 'Criterion I. Number and qualifications of medical staff' in the Annex to the Regulation (pages 2-3). For instance, point 1: 'Medical personnel' specifies that to qualify for SOLO I and SOLO II, the equivalent of two full-time specialist doctor positions is required in the field of: 1) oncological or general surgery in the case of providing services in the area of surgical treatment or 2) oncological radiotherapy in the case of providing health care services in the field of oncological radiotherapy. To qualify for SOLO III, hospitals are required to employ a doctor specialist in the fields of: 1) surgery - the equivalent of 5 full-time positions, including oncological surgery - the equivalent of 3 full-time positions; 2) clinical oncology or chemotherapy – the equivalent of 6 full-time positions; 3) radiation oncology – the equivalent of 5 full-time positions; 4) pathology – the equivalent of 2 full-time positions.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D25G - Entry into force of the legislative Act on the profession of paramedic and the self-government of paramedics, which shall introduce the possibility of creating second-cycle programmes in the field of preparation for the profession of paramedic

**Related Measure:** D.2.1 Creating the right conditions for an increase in the number of medical staff

**Qualitative Indicator:** Provision in the legislative Act on the profession of paramedic and the self-government of paramedics indicating its entry into force

**Time:** Q3 2022

### 1. Context:

The reform aims to align the supply of medical professionals with healthcare needs in Poland by encouraging young people to pursue medical careers within the country. It introduces a loan program for medical students that offers financial benefits for those who choose to practice in Poland after graduation, establishes advanced degree programs for emergency medical practitioners to enhance their skills and income, and revises legislation to make medical professions more attractive through increased salaries, flexible post-graduate training, and a redistribution of responsibilities among healthcare workers.

Milestone D25G requires the entry into force of the legislative act on the profession of paramedics which will create second-cycle programmes for master's degree.

Milestone D25G is the second milestone of the reform and follows the completion of milestone D23G related to the revision of the acts on higher education and on physicians and dentists (assessed under the first payment request) and is accompanied in this payment request by milestone D27G, related to improving the legal conditions for medical jobs and medical workers. It will be followed by target D24G (under the ninth instalment), related to providing financial support to medical students, target D26G (under the eight instalment), related to the number of paramedics who completed the master's degree and target D28G (under the ninth instalment), related to the number of doctors and students who obtained medical certificates. The reform has a final expected date for implementation on 30 June 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone was satisfactorily fulfilled.
2	The Act of 1 December 2022 on the profession of emergency medical worker and the self-governance of emergency medical workers was published in the Journal of Laws (Journal of Laws 2022, item 2705) on 21 December 2022, with the relevant provisions set to enter into force on 22 June 2023.	The Act establishes the framework for the education and professional development of emergency medical workers, including the creation of second-cycle studies for paramedics.
3	Regulation of the Ministry of Science. The Regulation was published in the Journal of Laws (Journal of Laws 2024, item 1514) on 15 October 2024, with entry into force on 16 October 2024	The Regulation established the program base and basic requirements necessary for universities to be able to create master's studies for paramedics.

4	Act of 8 June 2017 on the method of determining the lowest basic salary of certain workers employed in medical entities was published in the Journal of Laws (Journal of Laws 2022, item 2139) on 19 October 2022, with entry into force on 20 October 2022	The Act specifies the salary coefficient for emergency practitioners.
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Entry into force of the legislative Act on the profession of paramedic and the self-government of paramedics.** Furthermore, in line with the description of the milestone, **in order to improve the competences of paramedics, a legislative act shall enter into force**

The Act of 1 December 2022 on the profession of emergency medical worker and the self-governance of emergency medical workers was published in the Journal of Laws (Journal of Laws 2022, item 2705) on 21 December 2022 (“the Act on Paramedics”). Article 234 sets out that the provisions of the Act on Paramedics which are relevant for milestone D25G entered into force six months after its publication, i.e. on 22 June 2023.

Article 2(4) letter (b) of the Act on Paramedics contributes to the improvement of competences of paramedics by enabling the creation of second-cycle programmes in the field of paramedics, allowing them to obtain a master’s degree in their field. In the context of the Polish healthcare system, emergency medical workers are understood as paramedics.

**[...] and enable the creation of second-cycle programmes in the field of paramedics, defined as two-year studies ending with obtaining a master’s degree:**

Before the adoption of the Act on Paramedics, the maximum level of qualification for the paramedics was the title of bachelor (as per Article 10 of the Act of 8 September 2006 on the State Medical Emergency (Journal of Laws 2006, item 191/1410). Article 2(4) letter (b) of the Act on Paramedics specifies that the profession of paramedics can be performed by a person who carried out *after the academic year 2018/2019 studies preparing for the profession of emergency medical practitioner, conducted in accordance with the rules issued on the basis of Article 68. Point 3(1) of the Higher Education and Science Act of 20 July 2018 (Journal of Laws 2023, items 742, 1088, 1234 and 1672), and who obtained a Bachelor’s or Master’s degree.*

These provisions create a framework, which enables the creation of master’s degree programmes for paramedics. The time reference starts with the academic year 2018/2019 as this is the time when bachelor studies for paramedics were initiated.

The detailed conditions and standards concerning the masters studies and in particular the time duration (two years, 4 semesters) is regulated in the Regulation of the Minister of Science amending the Regulation on education standards for the professions of doctor, doctor dentist, pharmacist, nurse, midwife, laboratory diagnostic, physiotherapist and paramedic, which was adopted on 10 October 2024 (Journal of Laws 2024, item 1514) and pursuant to its paragraph 4 entered into force on 16 October 2024 (the ‘Regulation on Standards’). According to annex 1 (page 144) the second

cycle master's degrees for paramedics are defined as four-semester studies with at least 120 ECTS points.

**Obtaining the master's degree shall allow paramedics to gain additional qualifications**

Paramedics will gain additional qualifications during the master's studies. The Regulation on Standards in Annex 1 describes the scope of these qualifications.

After obtaining the master's degree, paramedics will be able to gain additional qualifications through specialist training. In accordance with the provisions in Article 85 of the Act on Paramedics, specialist training for medical emergency workers is provided on the basis of the rules laid down in the Act of 24 February 2017 on obtaining the title of specialist in the fields applicable to health protection (Journal of Laws 2017, item 506). Article 8(1) states that a person who holds a Master's degree or equivalent may join the specialisation training courses. In the light of the above, it will be possible for the profession of emergency medical practitioner to start postgraduate education (specialisation training) after obtaining a master's degree.

[...] **which aims to translate into higher ranking in the salary category.** Furthermore, in line with the description of the milestone, **the reform comprises the creation of second-cycle studies for medical emergency practitioners, which shall translate in increased revenues for concerned professionals.**

Increased revenues for medical emergency practitioners will be achieved in line with the Annex to the Act of 8 June 2017 on the method of determining the lowest basic salary of certain workers employed in medical entities (Journal of Laws 2017, item 2139) which states that workers employed in medical entities with a master level education have a higher salary multiplier than those with bachelor level education. Specifically, thanks to the Act on Paramedics, paramedics with a master's degree will fall under group 5 instead of group 6 of the annex which will increase the basic salary multiplier to 1,02 from 0,94 for paramedics with a bachelor's degree.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D27G - Entry into force of legal acts aiming at improving attractiveness of medical jobs and working conditions of medical workers

**Related Measure:** D.2.1 Creating the right conditions for an increase in the number of medical staff

**Qualitative Indicator:** Provisions in the legal acts indicating their entry into force

**Time:** Q4 2022

### 1. Context:

The reform aims to align the supply of medical professionals with healthcare needs in Poland by encouraging young people to pursue medical careers within the country. It introduces a loan program for medical students that offers financial benefits for those who choose to practice in Poland after graduation, establishes advanced degree programs for emergency medical practitioners to enhance their skills and income, and revises legislation to make medical professions more attractive through increased salaries, flexible post-graduate training, and a redistribution of responsibilities among healthcare workers.

Milestone D27G requires the implementation of a comprehensive legislative package, including regulations on medical professionals' competencies and revisions to the postgraduate training system for doctors and dentists. Key changes include streamlining medical specializations in favour of certified competences, establishing a centralized system for allocating specialization placements, creating specialist training for nurses and paramedics to support doctors, increasing the base salaries for various healthcare workers, and transferring certain tasks from nurses to medical carers.

Milestone D27G is the third milestone of the reform, and it follows the completion of milestone D23G, concerning financial support for students, assessed under the first payment request, and milestone D25G, concerning competences of paramedics, assessed under the same payment request. It will be followed by target D26G (under the eight instalment), concerning number of paramedics who completed the studies assessed under this milestone, targets D24G, concerning the number of students who received financial support, and D28G, concerning the number of doctors and dentist who received certificates of professional competences (both under the ninth instalment). The reform has a final expected date for implementation on 30 June 2023.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Regulation on the professional skills of doctors and dental practitioners. It was published in the Journal of Laws on 23 June 2023 (Journal of Laws 2023, item 1189). The regulation entered into force on 7 July 2023.	This Regulation establishes the types and codes of professional skills for which doctors and dental practitioners can obtain a certificate of professional competence.
3	Regulation amending the Regulation on post-graduate internship of doctors and dentists. It was published in the Journal of Laws on 28 February 2023 (Journal of Laws 2023, item 377). The regulation entered into force on 1 March 2023.	This Regulation revises the postgraduate internship program for doctors and dentists, including the duration and organization of internship.

4	Act of 16 July 2020 amending the Act on the professions of doctor and dental practitioner and certain other acts. It was published in the Journal of Laws on 24 July 2020 (Journal of Laws 2020, item 1291). The Act entered into force on 7 August 2020.	This Act modifies the Act on the professions of doctor and dental practitioner, including changes to the specialization examination eligibility and postgraduate training requirements.
5	National Oncological Network Act of 9 March 2023. It was published in the Journal of Laws on 9 March 2023 (Journal of Laws 2023, item 650). The Act entered into force on 15 March 2023.	This Act introduces amendments to the Act on the professions of doctor and dental practitioner, adding an additional stage in the qualification procedure for specialist training in priority areas.
6	Regulation of 10 November 2021 amending the Regulation of the Minister for Health on specialisations in fields applicable to health care. It was published in the Journal of Laws on 25 November 2021 (Journal of Laws 2021, item 2131). The Regulation entered into force on 26 November 2021.	This Regulation introduces a new field of specialization, a surgical assistant for doctors, and outlines the training program for this role.
7	Programme of specialisation in surgical medical assistant approved by the Minister of Health on 7 February 2022. Link: <a href="https://www.cmkp.edu.pl/ksztalcenie/ochrona-zdrowia/programy-specjalizacji-w-dziedzinach-majacych-zastosowanie-w-ochronie-zdrowia-2">https://www.cmkp.edu.pl/ksztalcenie/ochrona-zdrowia/programy-specjalizacji-w-dziedzinach-majacych-zastosowanie-w-ochronie-zdrowia-2</a>	This program defines the curriculum and requirements for the specialization of surgical medical assistants.
8	Act of 28 May 2021 amending the Act on the method of determining the minimum basic salary of certain employees employed in medical entities and certain other acts. It was published in the Journal of Laws on 21 June 2021 (Journal of Laws 2021, item 1104). The Act entered into force on 22 June 2021.	This Act increases the labour coefficients for all professional groups in healthcare and advances the requirement for medical establishments to meet guaranteed salary levels.
9	Act of 26 May 2022 amending the Act on the method of determining the minimum basic salary of certain employees employed in medical entities and certain other acts. It was published in the Journal of Laws on 28 June 2022 (Journal of Laws 2022, item 1352). The Act entered into force on 29 June 2022.	This Act redefines the professional groups and labour coefficients for healthcare employees, reflecting the agreements with trade unions and the Tripartite Panel for Health Protection.
10	Regulation of the Minister for Education and Science of 28 May 2021 amending the Regulation on core curriculum for training in professional education professions and additional professional skills for selected professions of sectoral education. It was published in the Journal of Laws on 18 June 2021 (Journal of Laws 2021, item 1087). The Regulation entered into force on 1 September 2021.	This Regulation amends the curriculum for training in professional education professions, including the profession of medical carer, to transfer certain nursing competences to medical carers.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**A package of legal acts shall enter into force and consist of a regulation on the professional competence of doctors and dentists, an amendment to the regulation on postgraduate internship for doctors and dentists, an amendment to the regulation on the core curriculum for education in the vocational education professions, an amendment to the act on the method of determining the lowest basic salary of certain employees working in healthcare entities**

The regulation on the professional skills of doctors and dental practitioners ('the Regulation on professional skills') was published in the Official Journal 2023 item 1189 on 23 June 2023. Pursuant to paragraph 4, this regulation entered into force on 8 July 2023.

The regulation amending the Regulation on post-graduate internship for doctors and dentists ('the Regulation on post-graduate internship') was published in the Official Journal 2023 item 377 on 28 February 2023. Pursuant to paragraph 14 this regulation entered into force on 25 February 2023.

The regulation of the Minister for Education and Science amending the Regulation on the core curriculum for training in professional education professions and additional professional skills for selected professions of sectoral education ('the Regulation on core curriculum') was published in the Official Journal 2021 item 1087 on 28 May 2021. Pursuant to paragraph 3 this regulation entered into force on 1 September 2021.

The regulation amending the Act on the method of determining the minimum basic salary of certain employees employed in healthcare entities ('the Regulation on minimum basic salary') was published in the Official Journal 2022 item 1352 on 26 May 2022. Pursuant to Article 6, this regulation entered into force on 29 June 2022.

**Including provisions on:**

- 1) Increasing the flexibility of the postgraduate medical education process by introducing certified medical competencies.** Furthermore, in line with the description of the measure, **this legislation shall increase the flexibility of post-graduate training, including by enabling doctors to be awarded a new certificate of professional competence in various specialised fields.**

The Regulation on the professional skills specifies the types of, and conditions for obtaining certified professional competences by doctors and dental practitioners. The Regulation increased the flexibility of post medical education process by introducing the certification for 57 skills. Pursuant to paragraph 1, the regulation introduces a list of 57 competencies (such as andrology, tissue and cell banking, bronchoscopy, head and neck surgery, head surgery, dermatosurgery, etc.) (listed in Annex 1 of the regulation), for which doctors can receive certification.

**(...) making it possible to take the specialisation examination after the penultimate year of specialization training has been completed**

Article 1(39) of Act of 16 July 2020 amending the Act on the professions of doctors and dental practitioners of 5 December 1996 ('the Act on professions of doctors and dental practitioners') modified Article 16b(b), allowing doctors and dental practitioners to take the State Specialisation Examination (PES) after completing the penultimate year of their specialization training. This legislative amendment enables candidates to obtain the title of specialist immediately after completing their training, thereby speeding up the time needed for them to start working as specialists. Pursuant to paragraph 28, the relevant provisions entered into force on 30 July 2020.

**(...) and changing the postgraduate internship program**



The Regulation on post-graduate internship introduces a personalized learning pathway for postgraduate internship. Annex 1 Section B of the Regulation lays down the specific elements of the personalised part of the internship, which adds to the mandatory internship program. The personalised part allows for the selection of up to three additional medical fields by the participants and allows participants to take informed decisions about their future specializations.

Annex 4 of the Regulation provides standardized employment contracts for postgraduate internships and declarations of compliance with organisational and personnel conditions, ensuring uniformity in the execution of postgraduate internships across the country.

## **2) introducing a central system for qualifying and allocating specialisation places**

Article 1(22) of the Act on professions of doctors and dental practitioners amended Article 16c of the Act of 5 December 1996, introducing a centralized recruitment process, through the Education Monitoring System of Medical Workers (SMK). The system allows doctors and dentists to apply for specialist training across all provinces simultaneously and to list up to 15 preferences for the field, regime, and place of specialist training, enhancing flexibility and accessibility of specialist training opportunities for medical professionals.

Further amendments to the Act of 6 December 1996 on the professions of doctor and dental practitioner were made by the National Oncology Network Act of 9 March 2023, which added Article 16ca. Pursuant to Article 58, the relevant provision entered into force on 19 April 2023. This amendment introduces an additional stage in the qualification procedure starting from the autumn 2023 qualification process. The additional stage is designed to allocate all positions for specialist training, especially in priority areas.

Article 16ca stipulates, that during this additional stage, candidates who have not been selected in the earlier stages but have indicated a preference for a residential and priority medical field will have another opportunity to be selected for any remaining places. The rules from the first and second stages of the selection procedure apply to this additional stage, ensuring a consistent and fair process. This amendment aims to allocate all available specialisation training places, particularly in priority medical fields, by offering additional chances to applicants and thereby addressing potential shortages in critical areas of healthcare.

## **3) relieving doctors by launching specialist training courses in the field of operational aid for nurses and paramedics,**

Paragraph 1 of the Regulation of 10 November 2021 amending the Regulation of the Minister of Health of 13 June 2017 on specializations in the fields applicable to health care ('the Regulation on specialisations') introduced a new field of specialization, a surgical assistant for doctors. Article 1(3) lists nurses and paramedics as eligible to apply to and follow the specialist training course. Pursuant Article 2, the Regulation entered into force on 26 November 2021.

The program of the specialist training course in the field of surgical medical assistant was approved on 7 February 2022 by the Minister of Health. The Act outlines the conditions for obtaining the title of specialist (Article 2), the elements of the specialization training program and its design and approval (Articles 3 and 4), conditions for accreditation by entities providing specialisation training (Article 6), and conditions for admission to specialisation training (Article 8).

The specialisation program equips surgical assistants with the substantive knowledge and practical skills necessary to perform certain pre-operational activities, assist at the operating table, and carry out specific post-surgical activities, relieving doctors of these procedures and improving the efficiency of surgical operations within the healthcare system.

## **4) updating the lowest basic salary of employees working in healthcare entities by increasing working rates for all occupational groups referred to in the Act of 8 June 2017 and bringing forward by half a year the requirement for all medical establishments to meet statutorily**

**guaranteed levels of basic salaries for medical workers: doctors, dentists, trainee doctors and dentists, nurses, midwives, laboratory diagnosticians, physiotherapists, pharmacists and other medical professionals.** Furthermore, in line with the description of the measure, **the legislation shall also increase the lowest basic salary for a wide range of medical professionals**

The Act of 28 May 2021 amending the Act on the method of determining the minimum basic salary of certain employees employed in medical entities and certain other acts, Journal of Laws of Laws, item 1104, came into force on 22 June 2021 as per Article 5. The Act of 28 May 2021 covers all categories of employees working in healthcare entities referred to in the Annex to the Act of 8 June 2018. Pursuant to Article 1(2) of the Act the requirement for all medical establishments to achieve statutorily guaranteed levels of remuneration for medical workers was accelerated by half a year, effective from July 2021.

Furthermore, the Act of 26 May 2022 ('The Act on the method of determining the minimum basic salary'), Journal of Laws 2022, item 1352, changed the Annex to the Act of 8 June 2017, establishing a new assignment into professional groups according to the qualifications required for the post occupied and new levels of labour coefficients. The new professional groups cover all medical professions covered under the Act of 28 May 2021 and the coefficients of all professional groups have been increased, compared to the Annex to the Act of 8 June 2017, in effect updating the lowest basic salary of all employees working in healthcare entities. The reclassification of job positions and the increase in labour coefficients have been particularly impactful for professional groups such as pharmacists, physiotherapists, laboratory diagnosticians, and nurses, who have seen their positions move to higher categories with corresponding increases in their work coefficients. Pursuant Article 6, the Regulation entered into force on 29 June 2022.

The Act on the method of determining the minimum basic salary amended Article 5 of the Act of 8 June 2017 to link the rules for remuneration of employees to the average wage growth of the medical establishment concerned.

The Act on the method of determining the minimum basic salary added Article 5a to the Act of 8 June 2017, introduced a provision requiring the employer to specify in the employment contract the professional group to which an employee should be assigned. This change ensures clarity and consistency in the application of the updated basic salary levels across different professional groups within the healthcare sector.

- 5) transferring some competences from nurses to medical carers.** Furthermore, in line with the description of the measure, **the legislation shall reorganise the attribution of certain competences between doctors and specialised medical professionals, emergency medical professionals, nurses and other medical caregivers, after providing appropriate training.**

The Regulation of the Minister for Education and Science of 28 May 2021 ("Regulation of 28 May 2021") amending the Regulation of 16 May 2019 on program bases for training in professional education professions and additional professional skills for selected professions of sectoral education outlines the program bases for training in sectoral education professions and additional professional skills for selected professions, including medical carers.

The Council Implementing Decision states that the package of legal acts shall transfer some competences from nurses to medical carers. The Recovery and Resilience Plan in the version submitted by Poland on 3 May 2021 provides that the relevant competences which are to be transferred, have insofar been reserved only to nurses. Paragraph 1(4) of Regulation ("Regulation of 28 May 2021") amended Annex 20 of the Regulation of 16 May 2019 changing the curriculum basis for training in the profession of medical caregiver. It extends the existing activities of medical carers to include specific nursing and medical care activities. The new competencies introduced for medical

carers include the collection of venous and Trichinella blood and other materials for laboratory examination, performing subcutaneous injections, and administering medication to sick and dependent individuals upon the request of a doctor or nurse. This is in line with the purpose of the reform clarified in the Recovery and Resilience Plan, as these competencies will no longer be reserved only to nurses (as was the case before the adoption of the Regulation of 28 May 2021), and can be performed by medical carers now, reducing the burden on nurses. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** satisfactorily fulfilled.

**Number and name of the Milestone:** D32G - Entry into force of the Act on clinical trials of medicinal products for human use

**Related Measure:** D.3.1 Increasing the efficiency and quality of the healthcare system by supporting Polish research and development potential in the field of medical sciences and health sciences

**Qualitative Indicator:** Provision in the Act indicating its entry into force

**Time:** Q4 2022

### 1. Context:

The objective of this reform is to support research and development activities in the medical field. This should contribute to improving the quality and efficiency of the healthcare sector. The reform consists of a new legislation on clinical trials of medicinal products for human use and creation of a strategy for the development of biomedical sector in Poland.

Milestone D32G requires the entry into force of an Act on clinical trials of medicinal products for human. It aims at encouraging clinical trials in Poland, improving their quality and streamline the process. The Act will also update the legal framework governing the biomedical sector in general in Poland, including research and development, insofar as such an update is considered necessary in the Government's Strategic Plan for the Development of the Biomedical Sector in Poland.

Milestone D32G is the first step of the implementation of the reform. It is followed by milestone D33G, related to the implementation of the key actions specified in the Government's Strategic Plan for Development of the Biomedical Sector, assessed under the same payment request. The reform has a final expected date for implementation of 31 December 2022.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	The Act of 9 March 2023 on clinical trials on medicinal products for human use was published in the Journal of Laws (Journal of Laws 2023, item 605) on 30 March 2023, it entered into force on 14 April 2023  Link to the publication: <a href="https://dziennikustaw.gov.pl/DU/rok/2023/pozycja/605">https://dziennikustaw.gov.pl/DU/rok/2023/pozycja/605</a>	The Act constitutes a new legislation in the field of clinical trials of medicinal products for human use. The law addresses the issues left for Member States by the Regulation No 536/2014. The legislation includes the definitions, description of processes, allocates the responsibilities and other practical aspects of conducting a clinical trial.
3	The annex to Resolution No. 141/2022 of the Council of Ministers of 21 June 2022, entitled "Government's Strategic Plan for the Biomedical Sector Development	The annex to the Resolution provides the content of the strategy.

	<p>for 2022-2031" (Strategic Plan). Link to the publication on the website of the Ministry of Health:  <a href="https://www.gov.pl/web/zdrowie/uchwala-rady-ministrow-z-dnia-21-czerwca-2022-r-w-sprawie-przyjecia-dokumentu-rzadowy-plan-rozwoju-sektora-biomedycznego-na-lata-2022-2031">https://www.gov.pl/web/zdrowie/uchwala-rady-ministrow-z-dnia-21-czerwca-2022-r-w-sprawie-przyjecia-dokumentu-rzadowy-plan-rozwoju-sektora-biomedycznego-na-lata-2022-2031</a></p>	
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **The Act on clinical trials of medicinal products for human use shall enter into force...**

Furthermore, in line with the description of the measure, **the reform shall consist of new legislation in the field of clinical trials of medicinal products for human use.**

The Act of 9 March 2023 on clinical trials for medicinal products for human use (the "Act") is new legislation in the field of clinical trials for medicinal products for human use and was published in the Journal of Laws on 30 March 2023 (Journal of Laws 2023, item 605). According to its Article 93 it entered into force 14 days from the date of publication, i.e. on 14 April 2023.

#### **[The Act shall] include transparent rules, additional facilities and mechanisms encouraging clinical trials in Poland and improving the quality and streamlining of clinical trials in Poland**

Regarding transparent rules for clinical trials, detailed provisions for conducting clinical trials for medicinal products for human use in Poland are laid down in Chapter 2 of the Act (Articles 9-13), which sets out the general process, and Chapter 5 of the Act (Articles 21-35), which deals with the ethical evaluation of clinical trials. In particular, Article 9 of the Act defines the scope and the entity responsible for carrying out the relevant procedures, Article 10 defines the technical aspects of the documentation which needs to be submitted, Article 21 defines the entity responsible for the ethical evaluation and Articles 22-35 provide details of the evaluation process.

Regarding including additional facilities and mechanisms encouraging clinical trials in Poland and streamlining of clinical trials in Poland, the Act introduced a number of measures. First, Article 10 the Act allows for certain parts of the documentation to be submitted only in English language, which streamlines the process and encourages clinical trials. Furthermore, the Act streamlined the rules governing the data protection processes of certain trials classified as scientific research, via its Article 8. Additionally, non-commercial clinical trials are further encouraged by removing some of the financial obligations related to conducting clinical trials, as specified in Article 59(3) of the Act.

To increase the quality of clinical trials in Poland, the Article Act 5 of the Act includes the definition of non-commercial clinical trials, which restricted the possibility to conduct such trials to a person having the status of researcher (whereas previously any physical person was allowed to conduct clinical trials), which should contribute to the improvement in quality of clinical trials.

Furthermore, the Act also set up the Clinical Trial Compensation Fund in its Article 41. The fund aims at guaranteeing to participants of clinical trials a quicker and simpler way to claim compensation for damage suffered as a result of a clinical trial as specified in Articles 41-57 of the Act. The fund increases the quality of clinical trials in Poland by increasing the financial responsibility of the entities undertaking such activities by collecting dedicated funds which could serve as compensation

for persons who suffered as a result of clinical trials, without the need to initiate legal proceedings. A person seeking compensation will still have the right to commence legal proceedings in court. More detailed provisions governing the operations of the fund and the procedures regulating the compensation process are defined in Articles 41-57 of the Act.

**This Act shall also update the legal framework governing the biomedical sector in general in Poland, including Research and Development, insofar as such an update is considered as necessary in the Government's Strategic Plan for the Development of the Biomedical Sector in Poland.**

The Government's Strategic Plan for the Development of the Biomedical Sector in Poland for 2022-2031 (the "Strategic Plan"), which is being assessed under milestone D33G in the same payment request, was adopted by the Council of Ministers by Resolution No. 141/2022 of 21 June 2022 and published on the website of the Ministry of Health on 4 July 2022. The final sections defining the key actions recommended by the Strategic Plan do not include recommendation to update the legal framework governing the biomedical sector in general in Poland (pages 37-40 of the Strategic Plan – evidence No. 3).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D33G - Entry into force or implementation of the key actions specified in the Government's Strategic Plan for the Development of the Biomedical Sector in accordance with the timeline set out in the Strategic Plan

**Related Measure:** D.3.1 - Increasing the efficiency and quality of the healthcare system by supporting Polish research and development potential in the field of medical sciences and health sciences

**Qualitative Indicator:** Provisions in the underlying documents indicating their entry into force or their implementation, depending on the type of key actions identified in the Strategic Plan

**Time:** Q4 2022

### 1. Context:

The objective of the reform is to support research and development activities in the medical field. This should contribute to improving the quality and efficiency of the healthcare sector. The reform consists of a new legislation on clinical trials and creation of a strategy for the development of biomedical sector in Poland.

Milestone D33G concerns the adoption of the Government's Strategic Plan for the Development of the Biomedical Sector in Poland which sets out key priorities for the sector in the years to come. The key actions from the Plan should be implemented according to the schedule, which will include at least the design of the sector development management system, first grant competitions in priority areas and the permanent monitoring of the Polish biomedical market.

Milestone D33G is one of the two milestones constituting the reform, and its implementation precedes the completion of milestone D32G, related to the entry into force of the act on clinical trials of medicinal products for human use, also part of the same payment request. The reform has a final expected date for implementation on 31 December 2022.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Resolution No. 141/2022 of the Council of Ministers of 21 June 2022, on the adoption of the document Government's Strategic Plan for the Development of the Biomedical Sector. It entered into force on 21 June 2022 pursuant to Article 6 of the Resolution. Link to the publication on the website of the Ministry of Health: <a href="https://www.gov.pl/web/zdrowie/uchwala-rady-ministrow-z-dnia-21-czerwca-2022-r-w-sprawie-przyjecia-dokumentu-rzadowy-plan-rozwoju-sektora-biomedycznego-na-lata-2022-2031">https://www.gov.pl/web/zdrowie/uchwala-rady-ministrow-z-dnia-21-czerwca-2022-r-w-sprawie-przyjecia-dokumentu-rzadowy-plan-rozwoju-sektora-biomedycznego-na-lata-2022-2031</a>	The resolution proves that the Strategic Plan was adopted and entered into force.

3	<p>The annex to Resolution No. 141/2022 of the Council of Ministers of 21 June 2022, entitled "Government's Strategic Plan for the Biomedical Sector Development for 2022-2031". Link to the publication on the website of the Ministry of Health:</p> <p><a href="https://www.gov.pl/web/zdrowie/uchwala-rady-ministrow-z-dnia-21-czerwca-2022-r-w-sprawie-przyjecia-dokumentu-rzadowy-plan-rozwoju-sektora-biomedycznego-na-lata-2022-2031">https://www.gov.pl/web/zdrowie/uchwala-rady-ministrow-z-dnia-21-czerwca-2022-r-w-sprawie-przyjecia-dokumentu-rzadowy-plan-rozwoju-sektora-biomedycznego-na-lata-2022-2031</a></p>	<p>The annex to the Resolution provides the content of the strategy.</p>
4	<p>Ordinance of the Minister of Health of 25 May 2023, on the appointment of the Team for supporting the implementation of the Government's Plan for the Biomedical Sector Development for 2022-2031. The ordinance entered into force on 26 May 2023. Link to the publication in the official journal of the Ministry of Health:</p> <p><a href="https://dziennikmz.mz.gov.pl/DUM_MZ/2023/41/akt.pdf">https://dziennikmz.mz.gov.pl/DUM_MZ/2023/41/akt.pdf</a></p>	<p>The team is a subsidiary body of the Minister of Health and is responsible for the implementation of the plan.</p>
5	<p>Ordinance No. 19 of the President of the Medical Research Agency of 30 March 2023, amending Ordinance 10/2022 of the President of the Medical Research Agency of 9 March 2022, on the adoption of the Organizational Regulations of the Medical Research Agency. The ordinance entered into force on 1 April 2023, pursuant to Article 3 of the Ordinance.</p>	<p>The ordinance introduced a change in the organisational structure of the Medical Research Agency to facilitate the implementation of the first priority of the Strategic Plan, i.e. management system.</p>
6	<p>Ordinance No. 55 of the President of the Medical Research Agency of 27 November 2023, on the appointment of the Coordination and Monitoring Committee to support the implementation of the Government's Strategic Plan for the Development of the Biomedical Sector and the appointment of the Programme Manager. The ordinance entered into force on 28 November 2023</p>	<p>The committee supports the performance of the tasks of the Team implementing the Strategic Plan.</p>
7	<p>Medical Research Agency's Interim Report on the Implementation of the Government's Strategic Plan for the Development of the Biomedical Sector for the year 2022 signed by the Medical Research Agency on 26 July 2023.</p>	<p>The report presents the activities of the Medical Research Agency for the year 2022.</p>
8	<p>Medical Research Agency's Interim Report on the Implementation of the Government's Strategic Plan for the Development of the Biomedical Sector for 2023 signed by the Medical Research Agency on 13 August 2024.</p>	<p>The report presents the activities of the Medical Research Agency for the year 2023 and the first quarter of the year 2024.</p>



### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Actions identified as "key actions" in the Strategic Plan shall enter into force or be implemented in accordance with the schedule included in the Strategic Plan and to the extent determined by the Strategic Plan. (...)**

The Government's Strategic Plan for the Development of the Biomedical Sector for 2022-2031 (the 'Strategic Plan') was adopted by Resolution No. 141/2022 of the Council of Ministers of 21 June 2022 and published on the website of the Ministry of Health on 4 July 2022. It entered into force on 21 June 2022 pursuant to Article 6 of the Resolution.

The Strategic Plan defines ten key actions included in four priority areas (pages 28 and 35):

- 1) Area: Management System
  - 1.1. Establishment of a monitoring and support centre for the development of the biomedical sector in Poland, together with models for managing the potential of the sector
  - 1.2. Warsaw Health Innovation Hub (WHIH)
- 2) Area: Innovative Therapies and drugs of the future
  - 2.1 Development of targeted / personalised medicine
  - 2.2 Ensuring the safety of Poland through the development and production of active substances, the development of new forms of authorised pharmaceutical medicines and biosimilar medicines
- 3) Area: Medical Devices and Digital Health
  - 3.1 The use of artificial intelligence and big data to improve the efficiency of the health system
  - 3.2 Development of telemedicine for detection, diagnosis, and treatment
  - 3.3 Development of new diagnostic methods
  - 3.4 Medical devices for medical treatment and rehabilitation
- 4) Area: Development of the sector's potential
  - 4.1 Financial instruments for research & development
  - 4.2 Development of a network of clinical trial support centres

The schedule and the extent of the implementation of the actions is defined in the Strategic Plan (pages 37-40). The Strategic Plan foresees an implementation schedule for the short term 2022-2023, for the medium term 2022-2026 as well as for the long term 2022-2031. Progress has been made in the implementation of actions within all four priority areas. In particular, the design of the sector development management system, the first grant competitions in priority areas and the permanent monitoring of the Polish biomedical market are being completed in line with the schedule of the Strategic Plan. The details of progress and the extent of implementation of each action is described here below, separately for each priority area.

With regard to the priority area management system, a number of measures took place in order to implement the first key action "1.1. Establishment of a monitoring and support centre for the development of the biomedical sector in Poland, together with models for managing the potential of the sector". The timeline for this action has been defined as 2022-2023 in case of punctual activities linked to establishment of institutions, which have been completed as required by the Council Implementing Decision, and as 2022-2031 for the longer-term activities linked to monitoring, which have started and will continue. This has been evidenced by the following activities:

- A dedicated team with the responsibility to implement the Strategic Plan was established by Article 1 of the Ordinance of the Minister of Health of 25 May 2023. The ordinance entered

into force on the day following the day of its publication, i.e. 26 May 2023, as specified in its Article 13.

- A coordination and monitoring committee was created by Ordinance No. 55 of the President of the Medical Research Agency of 27 November 2023 to support the implementation of the Plan. The ordinance entered into force on the day following its signing, i.e. 28 November 2023, as specified in its Article 11.
- Ordinance No. 19 of the President of the Medical Research Agency of 30 March 2023 changed the organisational structure of the Medical Research Agency to organise the management system. A dedicated unit was established within the Medical Research Agency to coordinate and monitor biomedical programs, which deals with the activities foreseen by the strategy under the “management system” area. The ordinance entered into force on 1 April 2023, as specified in its Article 3.
- The monitoring activities were conducted, and they were facilitated by the government system MonAliZa, where the monitoring indicators were defined (evidence No. 7 page 2, and evidence No. 8, pages 2-4).

The activity of the Warsaw Health Innovation Hub continued, which constitutes the second key action “1.2. Warsaw Health Innovation Hub (WHIH)”. New partnership agreements have been concluded and several projects launched in the area of medical research in 2022-2023 (pages 3-4 of evidence No. 7 and pages 4-6 of evidence No. 8).

The remaining three priority areas concern mostly the organisation of grant schemes for supporting research projects, and in the last priority area, the development of clinical trials support centres. Progress has already been made in the following areas:

- Innovative therapies and drugs of the future, two calls for proposals were prepared and published on the website of the Medical Research Agency in the period 2022-2023, following which a number of grant agreements were signed in the years 2022-2023. They concerned personalised medicines and medicines security via the development of pharmaceutical products. Overall, 25 projects have been financed in this priority area so far (as per Annex 2 to the Activity report, evidence No. 7 and 8). This constitutes progress made towards the following two priority actions from the Strategic Plan: 2.1 Development of targeted / personalised medicine and 2.2 Ensuring the safety of Poland through the development and production of active substances, the development of new forms of authorised pharmaceutical medicines and biosimilar medicines.
- Medical devices and digital health, two calls for proposals were published, concerning innovative products and digital solutions in 2022. First agreements have been signed and the process of finding new beneficiaries is currently ongoing. Those activities provide evidence of progress towards the following priority actions: 3.1 The use of artificial intelligence and big data to improve the efficiency of the health system, 3.2 Development of telemedicine for detection, diagnosis, and treatment and 3.3 Development of new diagnostic methods. Preparatory works have also started for the remaining key action “3.4 Medical devices for medical treatment and rehabilitation” (evidence No. 7, page 8). The timeline of implementation of this action in the Strategic Plan has been defined as 2022-2026.
- Development of sector potential, the Strategic Plan foresees grant agreements to provide financial instruments to companies and support the development of Clinical Support Research Centres. Two calls for proposals have been published in 2021, which resulted in granting funds to 13 beneficiaries (Annex 1 of evidence No. 8, pages 9-14). The works have been completed on an electronic platform for cooperation for the Polish Clinical Trial Network which facilitates the access to information on innovative therapies for patients and

facilitates the activities of the network. This activity had a timeline of 2022-2023 in the Strategic Plan. This demonstrates the achievement and progress towards the key action “4.2 Development of a network of clinical trial support centres”. Preparatory works have started for the key action “4.1 Financial instruments for research & development” (evidence No. 7, page 9). The timeline of implementation of the action in the Strategic Plan has been defined as 2022-2026.

**The adoption of the Strategic Plan itself in the form of a resolution of the Council of Ministers shall take place in 2022.**

The Strategic Plan was adopted by Resolution No. 141/2022 of the Council of Ministers of 21 June 2022 to which it is an Annex (evidence No. 2 and 3). It was published on the website of the Ministry of Health on 4 July 2022 and entered into force on the day of its adoption, pursuant to its Article 6.

**Key actions shall include the design of the sector development management system, first grant competitions in priority areas and the permanent monitoring of the Polish biomedical market.**

The key actions in the Strategic Plan presented above (evidence No. 3, pages 37-40) include all of the elements required:

- the sector development management system and the permanent monitoring of the Polish biomedical market (evidence No. 4-8) have been covered by the first priority area, i.e. the management system, for which progress was described in the analysis here above.
- The first grant competitions in priority areas took place. The Activity reports provide an annex with the list of all grant schemes publications, and the current status of the grant agreements signed (evidence No. 7, Annex 2 and evidence No. 8, Annex 1).

Furthermore, in line with the description of the measure, **the reform shall consist of (...) designing and implementing a Strategic Plan for the development of the biomedical sector in Poland, based on an assessment of the needs of the Polish biomedical sector, of the existing barriers to its development and of areas with a potential competitive advantage.**

The Strategic Plan includes a detailed analysis of the biomedical sector in Poland (evidence No. 3, pages 6-13), the assessment of the needs of the Polish biomedical sector (pages 16-20), the identification of barriers to its development (pages 20-21) and the identification of areas with a potential competitive advantage (pages 22-23). The Strategic Plan is based on these elements as demonstrated by the diagnosis section which presents for the four priority areas the diagnosis and the expected changes (evidence No. 3, pages 28-32). As discussed above a Strategic Plan was designed and is implemented for this reform.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D34G - Entry into operation of an electronic platform for the Polish Clinical Trial Network

**Related Measure:** D.3.1.1 Comprehensive development of research in the field of medical sciences and health sciences

**Qualitative Indicator:** Entry into operation of the platform for the Polish Clinical Trial Network

**Time:** Q4 2022

### 1. Context:

The measure aims at strengthening the resilience of the healthcare system by supporting research and development in the medical and health fields. It consists of financing research activities through grant competitions, developing a number of Clinical Trial Support Centers as well as supporting the communication through development of an electronic platform and of a search engine.

Milestone D34G concerns the creation of an electronic communication platform for the Polish Clinical Trial Network, as well as a search engine for clinical trials. The platform will include tools to coordinate the network activities and facilitate the organisation of clinical trials by professionals, as well as a publicly accessible search engine to facilitate the communication with patients looking for an opportunity to take part in clinical trials.

Milestone D34G is the first step of the implementation of the investment. It will be followed by target D36G (under the ninth instalment), related to the financial support provided for a number of research projects granted through competitions, and target D37G (under the ninth instalment), related to creation and modernisation of existing Clinical Trial Support Centers. The investment has a final expected date for implementation on 30 June 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled. The note contains the links to the two platforms and to the search engine.
2	Final acceptance protocol signed by the contractor Transition Technologies Science Sp. z o.o. and the Medical Research Agency on 19 October 2023	The protocol demonstrates that the platform has been completed and is operational. It specifies the scope of works completed within the project i.e. analysis, supply of equipment, tests and correction implementations, system optimisation and receipt
3	Link to the electronic communication platform: <a href="https://psbk.abm.gov.pl/pl">https://psbk.abm.gov.pl/pl</a>	The platform provides a communication tool for the Polish Clinical Trials Network. The link has been checked by Commission services on 30 October 2024.
4	Link to the eCRT platform: <a href="https://ecrf.abm.gov.pl">https://ecrf.abm.gov.pl</a>	An IT system used for the preparation of standardised documentations for clinical trials. The link has been checked by Commission services on 30 October 2024.

5	Link to the search engine: <a href="https://wyszukiwarka.abm.gov.pl">https://wyszukiwarka.abm.gov.pl</a>	A publicly available search engine allowing to search for clinical trials and supplementary information. The link has been checked by Commission services on 30 October 2024.
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone. According to the milestone description:

#### **The electronic platform shall enter into operation.**

The final acceptance protocol signed on 19 October 2023 by the IT developer (Transition Technologies Science Sp. z o.o.) and the Medical Research Agency demonstrates that the platform for the Polish Clinical Trials Network has been completed and is operational from October 2023 onwards.

#### **The platform shall include tools to coordinate the network operation, (...) a search engine for professionals engaged in the development of or conducting clinical trials.**

The online electronic communication platform serves as a communication tool for the Polish Clinical Trials Network. The platform contains resources for professionals working in medical science and for conducting medical trials. It contains, among others, the map and contact details of the network members, the ready templates of documentation and forms which will help to streamline the process of clinical trials and facilitate the exchange of information, among others by the members of the Polish Clinical Trial Network. The portal provides information about the available training courses and conferences to raise awareness of clinical research among stakeholders.

In addition, the eCRF - case report form - system allows for the preparation of standardised documentations for clinical trials. The eCRF platform was created for stakeholders conducting clinical trials. The system allows the preparation of Case Report Forms (CRFs) and the aggregation of data from a clinical trial or medical experiment, which would allow to create standardised reports. It also serves as a search engine for professionals engaged in the development of or conducting clinical trials, as the tool allows to standardise the data related to conducting of clinical trials.

The implementation of the two platforms will contribute to the improvement of cooperation within the network by facilitating the exchange of knowledge and good practices and will indirectly contribute to the standardisation and harmonisation of the process of conducting scientific projects of the Polish Clinical Trials Network. The communication platform is also a tool to facilitate contacts between researchers conducting clinical trials. It also provides a public, freely accessible knowledge repository and a database of template documents used in clinical trials, such as a template tripartite agreement, a template informed consent form or a template investigator brochure.

#### **(...) a search engine allowing to identify clinical trials, a website utilising the abovementioned search engine dedicated for patients looking for an opportunity to take part in clinical trials.**

The search engine facilitates the communication with patients looking for an opportunity to take part in a clinical trial by providing easily available information about the ongoing clinical trials with the relevant requirements to participate as well as the contact details to the points where the patient can subscribe to the trial. The website allows to search for available clinical trials by selecting the relevant therapeutical area or geographical location of the institute conducting the trial.

### **4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** E15G - Entry into force of an act amending the Rail Transport Act ensuring resilience of railway operators. Ministerial decision on establishing priorities for intermodal transport and on removals of bottlenecks to foster railways' capacity

**Related Measure:** E.2.1 Enhance the competitiveness of the railways sector

**Qualitative Indicator:** Provision in the act amending the Rail Transport Act indicating its entry into force, and adoption of decision by Minister for Infrastructure on bottlenecks.

**Time:** Q4 2022

### 1. Context:

The objective of the reform is to enhance the resilience of railway operators and to increase the competitiveness and efficiency of the railways sector in Poland. This will be achieved by establishing priorities for intermodal transport and improving the capacity to plan and deploy railway transportation projects. It will also be achieved by enabling infrastructure managers to reduce fees for the infrastructure access.

Milestone E15G requires the adoption of a legislative act which shall enable infrastructure managers to reduce fees for infrastructure access (with adequate compensation). The development of intermodal transport shall be fostered via a number of activities undertaken by a newly established intermodal unit in the Ministry of Infrastructure. A Decision shall be taken on priorities for the removal of bottlenecks based on an analysis of the network status to increase of railways capacity.

Milestone E15G is the first step of the implementation of the reform and it will be followed by target E16G (under the sixth instalment) related to the extension of the tolling system on roads. The reform has a final expected date for implementation on 31 December 2022.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone was satisfactorily fulfilled.
2	Act of 16 June 2023 amending the Act on public collective transport and certain other acts published in the Journal of Laws on 28 August 2023 (Journal of Laws 2023, item 1720), with entry into force on 27 September 2023.	The Act establishes the framework for reducing the basic fee charged by the infrastructure manager.
3	Decision of the Minister of Infrastructure of 20 February 2023 on establishing priorities for intermodal transport and removing bottlenecks in order to increase railway capacity. Link to publication: <a href="https://www.gov.pl/web/infrastruktura/decyzja-o-priorytetach-dla-transportu-intermodalnego-w-zakresie-usuwania-waskich-gardei">https://www.gov.pl/web/infrastruktura/decyzja-o-priorytetach-dla-transportu-intermodalnego-w-zakresie-usuwania-waskich-gardei</a>	Decision of the Minister of Infrastructure listing the priority investments.  The Decision entered into force on the day same day.
4	Annex to the Decision of the Minister of Infrastructure providing the underlying analysis, with a full list of	Analysis of the condition of railway infrastructure and investment activities

	investments.	aimed at improving the conditions for intermodal transport, with particular emphasis on bottlenecks.
5	Rules of Procedure of the Department of Railway Transport approved on 23 December 2023 by the Director General of the Ministry of Infrastructure, with entry into force on 23 December 2023.	Internal regulation of the Ministry of Infrastructure specifying the tasks of the Department of Railway Transport.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Entry into force of an act amending the Rail Transport Act ensuring resilience of railway operators. A legislative act amending the Rail Transport Act shall enable infrastructure managers to reduce fees for the infrastructure access and compensate infrastructure managers for the reductions of charges.**

The Act of 16 June 2023 amending the Act on public collective transport and certain other acts, (the "Act", evidence No. 2), was published in the Official Journal on 28 August 2023. The provisions of the Act which are relevant for this milestone (Article 8, point 9 and 10) entered into force 14 days after publication in the Official Journal, that is on 12 September 2023, in line with Article 28(4) of the Act.

Article 8(9) of the Act introduces a new Article 33a in the Rail Transport Act which stipulates that, during a state of emergency, martial law, state of natural disaster, state of epidemic threat or state of epidemic introduced throughout the territory of the Republic of Poland, in order to eliminate their effects, the infrastructure manager, after consultation with the minister responsible for public finances and the minister responsible for transport, may decide not to charge a part of the basic fee for the infrastructure access related to the type of transport performed or the reservation fee for failure to use the allocated capacity. The infrastructure manager may also decide to collect a basic fee reduced by no more than 50% of the amount of this fee.

The Council Implementing Decision states that the legislative act amending the Railway Transport Act shall enable infrastructure managers to reduce fees for the infrastructure access and compensate infrastructure managers for the reduction of charges. Poland adopted the Act, which enables infrastructure managers to not charge part of the basic fee for the infrastructure access in a pre-determined above listed cases (during a state of emergency, martial law, state of natural disaster, state of epidemic threat or state of epidemic introduced throughout the territory of the Republic of Poland). The Recovery and Resilience Plan in the version submitted by Poland on 3 May 2021 provides that the reduction of fees for the infrastructure access would only apply in extraordinary circumstances as prescribed in the Act. The context of the reform was furthermore explained in relation to Regulation (EU) 2020/1429 of the European Parliament and of the Council of 7 October 2020 establishing measures for a sustainable rail market in view of the COVID-19 outbreak. This is reflected in Article 8(9) of the Act. This is in line with the purpose of the reform clarified in the Recovery and Resilience Plan. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Article 8(10) of the Act introduces Article 38aa to the Rail Transport Act which stipulates that, in the event of granting the aid referred to in Article 33a mentioned above, the infrastructure manager shall receive funding from the state budget in an amount corresponding to the amount of revenue lost due to the resignation from collection of part of the basic fee or reservation fee for failure to use

the allocated capacity or collection of a reduced basic fee. The payment of funds from the state budget shall be made by the minister responsible for transport.

**The development of intermodal transport shall be fostered via the following measures: planning, coordination of programmes, innovation, investments, leading to increased intermodal capacity, along with the establishment of an intermodal unit in the Ministry of Infrastructure.**

Paragraph 2(1) of the Rules of Procedure of the Department of Railway Transport, approved on 23 December 2023 by the Director General of the Ministry of Infrastructure, with entry into force on 23 December 2023 (“Rules of Procedure”) **established a unit dedicated to intermodal transport** in the Ministry of Infrastructure. According to paragraph 23 of the Rules of Procedure, they have entered into force on the same day, i.e. 23 December 2023.

In line with Paragraph 19 of the Rules of Procedure, the tasks performed by the unit for intermodal transport include **planning, coordination of programmes, innovation, investments**:

In particular, the unit is responsible for defining development directions and coordinating necessary activities regarding intermodal transport, including:

- i. collecting the necessary data, statistics and analysing them in order to identify needs and develop recommendations and conclusions regarding the creation of conditions for the development of intermodal transport, including for planning routes of transport corridors and the construction of transport hubs - relevant to **planning and investments**
- ii. managing Poland's participation in international projects regarding the development of intermodal transport - relevant to **innovation and investments**
- iii. analysing development trends and identifying barriers to the development of the intermodal transport market, including developing materials for the needs of members of the Ministry's management - relevant to **planning, coordination of programmes and investment**
- iv. creation and updating of national programming documents regarding transport policy in the field of intermodal transport - relevant to **planning and coordination of programmes**

Furthermore, the unit determines the directions of development and coordinates the necessary activities regarding transport logistics, including handling matters related to its adaptation to transport trends resulting from changes in the characteristics of shipped and received loads, related to economic development or adaptation of the economy to the legal framework resulting from national and EU legislation.

Finally, the unit is responsible for the implementation of tasks resulting from the regulations specifying the responsibilities of the governmental administration and from certain principles and procedures of cooperation established in the Ministry, in particular cooperation with the organizational units of the Ministry in determining the directions of development and necessary actions regarding the development of intermodal transport and transport logistics.

The Annex to the Decision of the Minister of Infrastructure of 20 February 2023 on priorities for the removal of bottlenecks (published on 28 February 2023 and entered into force on 20 February 2023 (“the Decision of the Minister”), includes a list of prioritized bottlenecks on the main railway corridors (part 4, page 8), which removal will **increase intermodal capacity** in these corridors (part 4, page 9).

The Decision of the Minister tasked the railway manager company, PKP PLK SA, with the implementation of the decision (page 1), which necessitates direct investment from the company into the intermodal transport infrastructure. Investment projects will particularly support the process of gradual elimination of bottlenecks, while preventing the emergence of new ones. As



specified on page 11 of the Annex to the Decision of the Minister, this will be achieved by improving the technical parameters of the railway lines covered by the investments:

- increasing the permissible speeds (to at least 100 km/h) for freight trains,
- increasing the permissible axle loads (up to 22.5t on entire transport routes),
- achieving a useful length of station tracks (up to 750 m) to enable longer trains to run,
- full electrification of the corridors,
- installation of the ERTMS system.

**Adoption of decision by Minister for Infrastructure on bottlenecks. The network status shall be analysed with emphasis on bottlenecks and a Decision shall be taken by the Minister of Infrastructure on priorities for the removal of bottlenecks, leading to increase of railways capacity. Furthermore, the measure description requires (...) establishing priorities for intermodal transport and improving the capacity to plan and deploy railway transportation projects.**

The Decision of the Minister of Infrastructure of 20 February 2023 on establishing priorities for intermodal transport and removing bottlenecks (the “Decision on intermodal priorities”) was adopted and entered into force on the same day (i.e. 20 February 2023).

The Ministry of Infrastructure analysed the network status and outlined its findings in the Annex to the Decision on intermodal priorities (part 4, page 8). This analysis identified key bottlenecks on main railway corridors and prioritized them for action. The Decision on intermodal priorities assigned PKP PLK SA, the railway manager company, with implementing the decision (page 1). By providing a clear list of prioritized projects, the analysis enables more effective planning and deployment of railway transportation projects. Removing these bottlenecks will ultimately increase the overall capacity of these corridors (part 4, page 9).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** F4G - Entry into force of amendments of the Rules of Procedure of the Sejm, the Senate and the Council of Ministers

**Related Measure:** F.2.1 Improving the process of law-making

**Qualitative Indicator:** Provisions in the legal acts indicating the entry into force

**Time:** Q3 2022

### 1. Context:

The objective of the reform is the improvement of the process of law-making.

Milestone F4G concerns the amendments to the Rules of Procedure of the Sejm, the Senate and the Council of Ministers. The amendments shall limit the use of fast-track procedures for adoption of laws and require an impact assessment and public consultation of draft laws.

Milestone F4G is the only milestone of this reform.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Resolution of the Sejm of the Republic of Poland of 26 July 2024 amending the Rules of Procedure of the Sejm of the Republic of Poland (Official Gazette (Monitor Polski) 2024, item 751).  (entry into force on 31 August 2024 and 1 October 2024)	Rules of Procedures of the Sejm.
3	Resolution No. 90 of the Council of Ministers of 13 August 2024 amending the resolution - Rules of Procedure of the Council of Ministers (Official Gazette (Monitor Polski) 2024, item 757).  (entry into force on 20 August 2024)	Rules of Procedures of the Council of Ministers.
4	Resolution of the Senate of the Republic of Poland of 13 December 2023 amending the Rules of Procedure of the Senate - entered into force on the day of its adoption and published in the Official Gazette (Monitor Polski) 2023, item 1405).  (entry into force on 13 December 2023)	Rules of Procedures of the Senate.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Entry into force of amendments to the Rules of the Procedure of the Sejm**

The Resolution of the Sejm of 26 July 2024 amending the Rules of Procedure of the Sejm (the 'Resolution amending the RoP of the Sejm') was published in the Official Gazette (Monitor Polski) on 16 August 2024 (evidence No. 2). Article 3 of this Resolution specifies that the amendments enter into force 14 days after the publication, i.e. on 31 August 2024, except for modifications introduced in Article 1 point 1 letter f points 2 and 5 of the Resolution which enter into force on 31 October 2024.

**that shall limit the use of fast-track procedures to justified cases**

Article 1 point 8 of the Resolution amending the RoP of the Sejm introduced Article 51(2) according to which the use of fast-track procedures for the adoption by the Sejm of laws can be done upon a reasoned request clarifying the justification for the use of the fast-track procedure. It also introduced Article 51(3) which provides that such reasoned request must be confirmed by the Sejm through a majority vote with at least half of the deputies present or through a majority vote in a parliamentary commission based on the reasoned request and its justification.

The introduction of a requirement to provide a reasoned request for the use of the fast-track and the requirement of the vote of the Sejm both limits the use of fast track-procedures as the law to date did not regulate this matter and ensures that these are only used for justified cases.

**and introduce for draft laws proposed by deputies the requirement that, except for justified cases, there is an impact assessment**

Article 1 point 1 letter f of the Resolution amending the RoP of the Sejm introduced Article 34(9a) according to which the Marshal of the Sejm, before the start of proceeding on a draft law proposed by the deputies, orders the Chancellery of the Sejm to prepare an impact assessment. The newly introduced provisions do not foresee exceptions for justified cases, fully implementing the reform on the improvement of the process of law-making.

**(and introduce for draft laws proposed by deputies the requirement that, except for justified cases, there is an impact assessment) and public consultation**

Article 1 point 2 of the Resolution amending RoP of the Sejm introduced Article 34a to the Rules of Procedure of the Sejm. According to this article, the Marshal of the Sejm, before the start of proceeding on a draft law proposed by the deputies, orders a publication of the draft law in the Sejm Information System in order to conduct the public consultation which according to Article 34a(4) shall last 30 days. According to Article 34a(5), in 'justified cases', the Marshal may order to shorten the public consultation or not conduct it.

**Entry into force of amendments to the Rules of the Procedure of the Council of Ministers**

The Resolution of the Council of the Ministers of 13 August 2024 amending the Rules of Procedure of the Council of Ministers (the 'Resolution amending the RoP of the Council of Ministers') was published in the Official Gazette (Monitor Polski) on 19 August 2024 (evidence No. 3). Paragraph 8 of this Resolution specifies that the amendments enter into force the day following the publication, i.e. on 20 August 2024.

**that shall limit the use of fast-track procedures to justified cases.**

Paragraph 1 point 32 of the Resolution amending the RoP of the Council of Ministers introduced an additional limitation to Paragraph 99(3) on the use of fast-track procedures. Before the modification, Paragraph 99(3) allowed for the use of fast-track procedures 'where the importance or urgency of a matter requires that the matter be dealt with immediately by the Council of Ministers'. The modified text of Paragraph 3 restricts this possibility to justified cases through an additional condition requiring that 'a lack of immediate action constitutes, in particular, the threat to security, public order, healthcare or environmental protection'.

### **Entry into force of amendments to the Rules of the Procedure of the Senate**

The Resolution of the Senate of 13 December 2023 amending the Rules of Procedure of the Senate (the 'Resolution amending the RoP of the Senate') was published in the Official Gazette (Monitor Polski) on 18 December 2023 (evidence No. 4). Article 2 of this Resolution specifies that the amendments enter into force upon their adoption, on 18 December 2023.

**that shall introduce for draft laws proposed by the Senate the requirement that, except for justified cases, there is an impact assessment.**

Article 1 point 5 letter a of the Resolution amending the RoP of the Senate modified Article 77(2) point 4 of the Rules of Procedure of the Senate by specifying that a draft law to be proceed as a Senate draft law shall be accompanied by an impact assessment. The newly introduced provisions do not foresee exceptions for justified cases, fully implementing the reform on the improvement of the process of law-making.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

## Loan support – Second instalment

**Number and name of the Milestone:** A1L - Adoption of a policy paper for supporting green and digital actions in the cultural and creative sectors (CCS)

**Related Measure:** A.2.5 Strengthening the potential of the cultural sector and cultural industries for economic development

**Qualitative Indicator:** Publication of a policy paper

**Time:** Q4 2022

### 1. Context:

The measure aims to support the cultural and creative sectors (CCS) after the COVID-19 pandemic by adopting a policy paper addressing key challenges and opportunities. This includes promoting green and digital tools, knowledge sharing between the CCS and with the sectors of science, education, technology, and business, as well as adherence to EU principles like gender equality and non-discrimination.

The milestone concerns the adoption of a policy paper for supporting the CCS after a public consultation, with the Minister responsible for cultural affairs overseeing the process. The paper should address key challenges, lessons from COVID-19, compliance with EU principles such as gender equality and non-discrimination, and the potential of green and digital tools. It will also cover cooperation and knowledge sharing between CCS and other sectors and identify preferred public support options for actions in the CCS.

Milestone A1L is the only milestone of the reform.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document justifying how the milestone has been fulfilled
2	Copy of a Programme document – framework to support Cultural and Creative Sectors in Poland, adopted by the Minister responsible for cultural affairs, published on 12 December 2022 in the Bulletin of Public Information of the Ministry of Culture and National Heritage of the Republic of Poland.	The policy paper identifies key medium- and long-term challenges in the CCS and looks into the compliance of CCS projects with EU rules, the potential of ecological and digital tools and platforms for the CCS as well as the cooperation and transfer of knowledge and skills between the CCS and science, education, technology, and business sectors. Furthermore, the paper identifies preferable public support options for the CCS, available under the address:  <a href="https://bip.mkidn.gov.pl/pages/legislacja/wykaz-projektow-poddawanych-konsultacjom-publicznym/zakonczone-konsultacje-publiczne.php?p=4024">https://bip.mkidn.gov.pl/pages/legislacja/wykaz-projektow-poddawanych-konsultacjom-publicznym/zakonczone-konsultacje-publiczne.php?p=4024</a>
3	Summary of the results of the consultation process issued by the Ministry of Culture and National	The summary of the results of the consultation process covers the form and process of the consultation, the participants, and the list of comments raised by the

	<p>Heritage and published on 5 December 2022 in the Bulletin of Public Information of the Ministry of Culture and National Heritage of the Republic of Poland.</p>	<p>participants together with reactions to those comments. available under the address:  <a href="https://bip.mkidn.gov.pl/pages/legislacja/wykaz-projektow-poddawanych-konsultacjom-publicznym/zakonczone-konsultacje-publiczne.php?p=4024">https://bip.mkidn.gov.pl/pages/legislacja/wykaz-projektow-poddawanych-konsultacjom-publicznym/zakonczone-konsultacje-publiczne.php?p=4024</a></p>
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Following a public consultation, [...]**

The report ‘Summary of the results of the consultation process’ (evidence No. 3) was published on the Ministry of Culture and National Heritage’s website on 5 December 2022. The public consultation started on 21 October 2022 and last comments were received on 25 November 2022 (see pages 2 and 4 respectively). The report contains a list of entities that submitted comments (page 4 and 5) as well as information on the content of the comments and the reactions to them (pages 6-28).

#### **[...] adoption by the Minister responsible for cultural affairs of a policy paper for supporting the cultural and creative sectors (CCS)**

The policy paper ‘Programme document – framework to support Cultural and Creative Sectors in Poland’ (the ‘Programme document’) was signed by the Minister of Culture and National Heritage on 8 December 2022. It was published in the Bulletin of Public Information of the Ministry of Culture and National Heritage of the Republic of Poland on 12 December 2022.

#### **In particular, the document shall address the following issues:**

##### **1. Identifying key medium to long-term challenges in the CCS, including lessons learnt from the Covid-19 crisis**

Chapter III of the ‘Programme document’ (pages 9-16) identifies key medium to long-term challenges in the Cultural and Creative Sectors (“CCS”), including global loss of employment in the CCS of more than 10 million people, a major loss of turnover of the CCS in the Central-Eastern European region, the higher impact of the pandemic on the Central-Eastern European CCS in comparison to the rest of Europe, the negative impact of the Covid-19 pandemic on the growth trend of CCS, the decrease in the number of museum visitors after the pandemic restrictions loosened, the closures of bookshops, the de-registrations of cultural operators, the negative impact of lower participation in cultural activities, and the impact of the Covid-19 pandemic on the video games industry with challenges arising in production, advertising, attracting investors, or of switching to fully-remote working. The challenges listed can become persistent in the medium- and long-term.

Lessons learnt from the Covid-19 crisis (pages 13-16) include the need and importance of intensifying the digitalisation of culture, introducing more sustainable activities in the CCS, designing and implementing adequate public support mechanisms, building the CCS’s resilience to future crises and challenges in the long term through promoting flexibility, green and digital skills, knowledge sharing within the CSS and with other sectors, social inclusion and cultural participation, facilitating access to finance for the CCS to support its liquidity, and adapting the legal framework to take into account CCS’s specificities.

## **2. Ensure compliance with EU general principles including gender equality and non-discrimination is addressed in the projects to be supported.**

Ensuring compliance with EU general principles in the projects to be supported, including gender equality and non-discrimination, is one of the overarching purposes of the 'Programme document', as stated in the introduction (page 3) and is covered in chapter IX (pages 40-45). It discusses steps needed to ensure better social inclusion within the CCS, such as gender equality and non-discrimination, including in projects to be supported under the RRF. The EU general principles were analysed on the basis of key EU programmes, documents, and recommendations, including the European Pillar of Social Rights Action Plan, the Gender Equality Strategy 2020-2025, the expert report 'Gender Equality: Gender Balance in the Cultural and Creative Sectors' (Voices of Culture) ('Programme document', pages 40-42). The 'Programme document' specifies that projects meant to enhance social inclusion in the CCS should consider the need to prevent all forms of discrimination based on sex, racial, ethnic origin, religion, belief, disability, age, sexual orientation, place of residence, special needs or living situation related to refugee or migration (page 40). The document also states that the inclusiveness of cultural processes, projects and programmes will be considered in all initiatives related to the implementation of the Recovery and Resilience Plan (pages 43-44). The chapter covers the commitment to anti-discrimination principles, with a focus on EU anti-discrimination documents and recommendations, such as the European Pillar of Social Rights Action Plan (page 40).

The guidelines on what needs to be considered when implementing projects and programmes, especially under the Recovery and Resilience Plan in the context of the CCS, are explained in chapter IX of the 'Programme document' (pages 44-45). Those guidelines include the provision of opportunities regardless of gender, promotion of education and skills for CCS staff, women-empowerment initiatives, supporting CCS's in less populated areas, strengthening initiatives addressing equality issues, establishing equality advocates and persons of trust within CCS to address discrimination and harassment, and promoting fair treatment and appropriate stands of work within the culture field.

## **3. Identifying the potential for green and digital tools and platforms to address these challenges**

Chapter VI of the 'Programme document' (pages 25-34) identifies the potential for green and digital tools and platforms to address challenges for the CCS, especially those identified in chapter III, by analysing key European Union programmes, documents and recommendations, including the European Green Deal, the New European Bauhaus, a new industrial strategy for Europe, or 2030 Digital Compass: the European way for the Digital Decade (pages 25-26). It, among others, underlines the need for building the CCS's resilience to future crises and challenges in the long term through promoting green and digital skills. Those potentials include: horizontal actions, such as coordinated creation of blueprint plans for climate adaptation for the use of entities within the CCS ('Programme document', page 29); adapting the cultural sector's financial support programmes to allow green costs to be accounted for in projects (page 29); building competences and knowledge of tools (page 30); unlocking the potential of the Polish CCS by building access to their services through digital platforms (page 32); enabling access to state-of-the-art technologies in the digital area for the CCS, especially those associated with virtual and augmented reality (pages 32-33); continuing the good practices of open access to public data embraced by the CCS, that supports their competitiveness (page 33); involving Polish cultural entities in the creation of the European media data space (page 33); continuing to build a secure digital space in which the CCS operates by supporting increased cybersecurity and ensuring the effective protection of intellectual property rights of all owners of creative products and services (pages 33-34). The identified potentials could help addressing challenges such as: higher unemployment in the CCS, a lower growth trend, lower cultural participation, and the loss of turnover, among others.

#### **4. Developing concepts for the cooperation and transfer of knowledge and skills between the CCS and with the sectors of science, education, technology and business with a focus on EU general principles including gender equality and non-discrimination, green and digital.**

Developing concepts for the cooperation and transfer of knowledge and skills between the CCS and with the sectors of science, education, technology, and business with a focus on EU general principles including gender equality and non-discrimination, green and digital, is addressed in chapters VIII and IX of the 'Programme document' (pages 37-40 and 40-45). The 'Programme document' refers to several actions and concepts to foster the transfer of knowledge and skills between the CSS and other sectors with a focus on EU general principles including gender equality and non-discrimination, digital and green, such as: the principle of partnership with the relevant departments of government and the sectors of science, education, business, technology and health, through specialised cultural institutions (non-discrimination; pages 37-38); the development of the research system for Polish CCS to investigate links between CCS and other areas of social and economic life (page 38); including knowledge of state-of-the-art technologies (including digital and green) and creativity as cross-sectoral skills in educational programmes designed for entities in the CCS (pages 38-39); raising awareness of R&D support mechanisms for the purpose of cross-sectoral cooperation (page 39); supporting Polish CCS entities to participate in international cooperation networks in the fields of science, education, business and technology (crucial for green and digital transformation; pages 39-40); creating conditions for equal access to culture and to career growth opportunities in the CCS for people living in rural and non-metropolitan regions (page 42); ensuring integration, equal opportunities and access to culture in education (gender equality and non-discrimination; page 44). The document further underlines a point that is important in the context of cooperation and transfer of knowledge between the CCS and other sectors - the safety standards in workplaces, with the focus on creating comfortable and safe workspaces for the purpose of enabling the exploration of ideas and unleashing creativity (page 43), which is in line with the EU principles of gender equality and non-discrimination. One of the concepts for ensuring safety standards and compliance with EU principles could be creating institutions of advocates for equality and non-discrimination ombudsmen in different branches and organisations of the CCS (page 45).

#### **Identifying preferred options to provide public support for actions in the CCS**

Chapter V of the 'Programme document' – preferred support tools for CCS development (pages 20-25) identifies preferred options to provide public support for actions in the CCS. The options identified include: the optimisation of existing financial support tools and the launch of new financial support tools for the development of the CCS through developing the existing ministerial programmes, improving access to private capital for SMEs among others (pages 21-22); comprehensive and coordinated public sector action for the development of the CCS, including support for innovation and creativity incubators (page 22); developing cooperation between the CCS and the financial sector (page 22); building digital competences of the CCS representatives (page 23); developing public policies based on the principles of partnership between the government, creative industries, local and regional authorities, NGOs, the private sector, and citizens (page 23); benefitting from existing EU programmes, including the Creative Europe Programme, Horizon Europe and Structural funds (pages 23-24).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.



**Number and name of the Milestone:** A2L - Selection criteria for the support of projects in the cultural and creative sectors (CCS)

**Related Measure:** A.2.5.1 A program to support the activities of entities in the cultural and creative industries to stimulate their development

**Qualitative Indicator:** Publication of the selection criteria and setting-up of the independent selection committee

**Time:** Q4 2022

### 1. Context:

This measure aims to reinvigorate the cultural and creative sectors (CCS) post-COVID-19, promoting green and digital transitions through financial and technical aid for entities like cultural institutions, NGOs, and SMEs. It encompasses a grant scheme supporting projects that enhance digital and green skills, cultural activities, and cross-sector collaboration, as well as a fellowship programme to develop the professional abilities of creatives. Both strands incorporate EU principles of gender equality and non-discrimination.

Milestone A2L consists of the adoption and publication by the Ministry of Culture and National Heritage of selection criteria and the set-up of an independent selection committee for granting support to SMEs, cultural institutions, and NGOs in the cultural and creative sectors (CCS). Selection criteria for project grants will prioritize projects that contribute to the digital and green transitions, require a solid business plan for grant utilisation.

Milestone A2L is the initial step of the implementation of the investment. It will be followed by targets A3L and A4L (under the eighth instalment), related to the number of signed contracts for projects by cultural institutions and other entities in the cultural and creative sector (target A3L), and the number of fellowships awarded in the cultural and creative sector (target A4L). The investment has a final expected date for implementation on 31 December 2025.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document justifying how the milestone has been fulfilled.
2	A copy of the Evaluation Criteria for proposals (formal, horizontal, specific) Component: Resilience and competitiveness of the economy Investment A.2.5.1 A programme to support the activities of entities in the cultural and creative industries to stimulate their development, approved by the Minister of Culture and National Heritage on 30 March 2023, adopted and published by the Ministry of Culture and National Heritage.	Document consists of the selection criteria for projects supporting SMEs, cultural institutions and non-governmental organizations within the cultural and creative industries sector, which include formal criteria, horizontal criteria, and separate specific criteria for the grants and fellowship, published on the Ministry of Culture and National Heritage's website under the link: <a href="https://www.gov.pl/web/kultura/kryteria-wyboru-projektow-w-sektorze-kultury-i-przemyslow-kreatywnych-kpo">https://www.gov.pl/web/kultura/kryteria-wyboru-projektow-w-sektorze-kultury-i-przemyslow-kreatywnych-kpo</a> .

3	Copy of the Appointment of the Selection Committee and Appeal Committee, signed by the Director of the National Institute of Music and Dance on 6 June 2024.	The document includes the appointment of an independent selection and appeal committee with experts of various disciplines for the selection of applications for project grants and fellowships and specifies its responsibilities.
4	Copy of the Supplementary Appointment of the Selection Committee and Appeal Committee, signed by the Director of the National Institute of Music and Dance on 21 August 2024.	An official document including supplementary appointments to the selection and appeal committee and specifying its duties (supplementary nominations).
5	Copy of a list of members of the independent selection committee signed by the Minister of Culture and National Heritage on 12 June 2024 and published by the Ministry of Culture and National Heritage.	The list of members of the independent selection committee, indicates for each member their specialization (discipline) and the organization or institution to which they belong. The list is published on the Ministry of Culture and National Heritage's website under the link: <a href="https://www.gov.pl/web/kultura/komitet-selekcyjny">https://www.gov.pl/web/kultura/komitet-selekcyjny</a> .
6	Copy of the Addendum - List of members of the independent selection committee, indicating for each member their specialisation (discipline) and of the organisation or institution to which they belong, signed by the Minister of Culture and National Heritage on 27 August 2024.	A list of members of the independent selection committee, indicating for each member their specialisation (discipline) and the organisation or institution to which they belong. The list is published on the Ministry of Culture and National Heritage's website under the link: <a href="https://www.gov.pl/web/kultura/komitet-selekcyjny">https://www.gov.pl/web/kultura/komitet-selekcyjny</a> .
7	Copy of 'Terms and regulations', signed on 31 May 2024 by the director of the National Institute of Music and Dance	The 'Terms and regulations' defines the key objectives of the action and the final beneficiary of support. It is published on the Ministry of Culture and National Heritage's website under the link: <a href="https://www.gov.pl/web/kultura/program-wspierania-dzialalnosci-podmiotow-sektora-kultury-i-przemyslow-kreatywnych-na-rzecz-stymulowania-ich-rozwoju">https://www.gov.pl/web/kultura/program-wspierania-dzialalnosci-podmiotow-sektora-kultury-i-przemyslow-kreatywnych-na-rzecz-stymulowania-ich-rozwoju</a>
8	Copy of the amendment to the 'Terms and regulations', signed on 26 June 2024 by the director of the National Institute of Music and Dance	A document showing the changes done to the 'Terms and regulations' through the amendment.

9	Copy of the amendment to the 'Terms and regulations', signed on 15 July 2024 by the director of the National Institute of Music and Dance.	A document showing the changes done to the 'Terms and regulations' through the amendment.
10	Copy of the amendment to the 'Terms and regulations', signed on 29 August 2024 by the director of the National Institute of Music and Dance.	A document showing the changes done to the 'Terms and regulations' through the amendment.
11	Changes in 'Terms and regulations' and technical assistance	An explanatory document showing chronologically how the 'Terms and regulations' were changed and what technical assistance has been available to the applicants for grant' and fellowship' schemes

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**The Ministry of Culture and National Heritage shall adopt and publish the selection criteria to support SMEs, cultural institutions and NGOs in creating projects within the cultural and creative sectors (CCS).**

On 30 March 2023, the Minister of Culture and National Heritage adopted the criteria for the selection of projects in the cultural and creative industries sector for two support programs: one for grants and one for scholarships (the 'Evaluation criteria for proposals' – evidence No. 2).

The 'Evaluation criteria for proposals' (evidence No. 2) were published on the Ministry of Culture and National Heritage's official website about measure A2.5.1. This website was created to announce the programme to the public, provide information about it and announce the call for projects. The 'Evaluation criteria for proposals' (evidence No. 2) specify (page 1) that they were adopted for the purpose of investment A2.5.1 'A programme to support the activities of entities in the cultural and creative industries to stimulate their development', and aimed at entities in the CCS that include SMEs, cultural institutions, and NGOs. Furthermore, the 'Terms and regulations' (evidence No. 7, page 6) lists the following entities and individuals that will be allowed to apply for funding under grants or fellowship programmes: cultural institutions, NGOs, and SMEs. The 'Terms and regulations' have been amended several times (evidence No. 8, 9 and 10), which involved minor changes without impact on the 'Evaluation criteria for proposals' or the call for proposals. The complete chronology of the changes is explained in evidence No. 11 'Changes in 'Terms and regulations' and technical assistance'.

The 'Evaluation criteria for proposals' (evidence No. 2) were divided between formal, horizontal, and detailed criteria. Formal and horizontal criteria are common for grants and fellowships, and project proposals need to comply with them.

- Formal criteria (page 2) include points such as submitting proposals within the given timeframe, and not applying with the same proposal under both grants and fellowships.

- Horizontal criteria (page 3 and 4) include points such as proposals being in line with the Recovery and Resilience Plan and within the RRF's timeframe.
- The specific criteria are separate for grants (page 5 and 6) and fellowships (page 7). Each specific criterion grants additional points to proposals. Specific criteria for grants include educational value of a project, or innovative value of a project for wide use and transfer of knowledge and technology. Specific criteria for fellowships include the originality of a project, or its substantive value.

**Furthermore, an independent selection committee with experts of various disciplines shall be set up, including representatives of independent CCS organisations and institutions. The selection committee shall decide on the provisions of grants and fellowships.**

The document appointing the selection and appeal committees was signed on 6 June 2024 by the Director of the National Institute of Music and Dance ('Appointment of the Selection Committee and Appeal Committee' – evidence No. 3). Due to the large number of applications for projects submitted, a supplementary appointment from the reserve list of experts was carried out on 21 August 2024 ('Supplementary Appointment of the Selection Committee and Appeal Committee' – evidence No. 4).

The responsibilities of the Committees for distributing grants and fellowships were specified in the appointment acts (evidence No. 3, page 8; evidence 4, page 8). The lists of experts include experts of various disciplines, including music, theatre, museology, visual arts, dance, and folk and traditional culture. The list of experts is published on the Ministry of Culture and National Heritage's website (evidence No. 5 - 'List of members of the independent selection committee' and evidence No. 6 'Addendum - List of members of the independent selection committee'). Those lists also demonstrate affiliations of experts to various institutions, including independent institutions and organisations in the CCS, such as the Association of Polish Artists and Designers (ZPAP) (evidence No. 5, page 5; evidence No. 6, pages 1 and 2), AMA Film Academy (evidence No. 6, page 1), and 'Glissando' magazine about contemporary music (evidence No. 5, page 2). The 'Appointment of the Selection Committee and Appeal Committee' (evidence No. 3, page 8) and the 'Supplementary Appointment of the Selection Committee and Appeal Committee' (evidence No. 4, page 8) specify that the evaluation and selection of projects for the provision of grants and fellowships under the investment A2.5.1 is a duty of the appointed committees, which is further confirmed on the Ministry of Culture and National Heritage's homepage. The selection of projects is done based on the ranking list after granting points to each project based on the 'Evaluation criteria' (evidence No. 2).

**The criteria for the selection of applications for project grants from cultural institutions, NGOs, SMEs and microenterprises in the CSS, corresponding to one of the NACE sectors as defined by Eurostat [...]**

The grant part will cover cultural SMEs and micro-enterprises, certified by the relevant PKD (*Polska Klasyfikacja Działalności* – Polish Classification of Activities) code, cultural institutions, NGOs, SMEs, as per the 'Terms and regulations' (evidence No. 7, pages 6 and 7). PKD numbers listed in the 'Terms and regulations' (evidence No. 7), specified in the Regulation of the Council of Ministers of the Polish Classification of Activities of 24 December 2007 (Dz.U. Nr 251, poz. 1885), correspond to the same numbers in Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (Dz.U. L 393 z 30.12.2006 r., s. 1).

**[...] [shall] give preference to projects that are likely to have a lasting impact in the digital and green transitions in the CCS.**

Specific criteria for the grants' allocation in the 'Evaluation criteria for proposals' (evidence No. 2) demonstrate that additional points are provided to projects that fulfil those requirements and are likely to have a lasting impact in the digital and green transition through education, development of skills, and focus on green and digital technologies and continuous improvement of applicants' competences:

- The educational value of the undertaking (including various forms of delivery, including the development of digital and green competences in the cultural and creative sectors) – criterion 3, page 5.
- In the undertaking, the presence of elements resulting in the continuous improvement of the applicant's digital and environmental competences – criterion 4, page 5.
- The use of digital and green technologies in the implementation of the undertaking – criterion 13, page 6.

**[...] [shall] give preference to those beneficiaries that have a business plan on how the grants shall be used to finance the costs of the project.**

This requirement is achieved through specific criteria on grants' allocation, as additional points are provided to projects in line with those requirements, as demonstrated in the 'Evaluation criteria for proposals' (evidence No. 2):

- Efficiency and reasonableness of how support is used to finance the costs of the undertaking (business plan) – criterion 16, page 6.

**[...] [shall] give preference to those beneficiaries that have a track record of activities or projects in the last 24 months related to the project proposal.**

This requirement is achieved through specific criteria on grants' allocation, as additional points are provided to projects in line with those requirements, as demonstrated in the 'Evaluation criteria for proposals' (evidence No. 2):

- The applicant's experience in implementing activities or projects similar to the investment segment in the 24 months preceding the date of publication of the call for applications – criterion 19, page 6.

**EU general principles including gender equality and non-discrimination shall be considered in all projects.**

The principles of gender equality and non-discrimination are included in 'Evaluation criteria for proposals' (evidence No. 2: criterion 5, page 3; criterion 7, page 5, respectively). Criterion 7 (page 5) provides additional points to projects promoting stances based on awareness of one's own cultural identity and respect and tolerance for other nations and different religious, political, and moral beliefs. Those criteria are to be considered in all projects. Projects not in compliance with the non-discrimination and equality principles are automatically disqualified (evidence No. 2, page 3, criterion No. 5; evidence No. 7, page 12, points 7.4, 7.5 and 7.6).

Furthermore, in line with the description of the measure, **the investment shall provide financial support and technical assistance to cultural institutions, NGOs, artists, micro-enterprises and SMEs in the CCS.**

Evidence No. 7 (page 2) specifies that the aim of the programme is to provide financial support in the form of grants and fellowships to cultural institutions, NGOs, artists, micro-enterprises, and

SMEs in the CCS, with a goal of preventing long-term negative impact of the Covid-19 pandemic and incentivising the green and digital transformations in the CCS. Evidence No. 11 ('Changes to 'Terms and regulations') shows that in addition to the financial support presented above, technical assistance in the form of webinars, presentations, instructions, FAQs, active phone line and mailbox for the purpose of guiding the applicants on how to properly apply to the grant and fellowship schemes, has been provided before, during and after the call for projects. Evidence No. 11 shows those forms of technical assistance in links to websites listing them. These websites and links were checked by Commission services on 30 October 2024. The target group of grants and fellowships are cultural institutions, NGOs, artists, micro-enterprises, and SMEs in the CCS, as demonstrated in 'Terms and regulations' (evidence No. 7, pages 6 to 9).

Furthermore, in line with the description of the measure, **The investment shall create a grant programme to cultural institutions, NGOs, SMEs and microenterprises in the CCS to support the implementation of projects related to: (i) improving digital and green competences in the CCS; (ii) developing cultural/creative activities, such as concerts, performances and exhibitions including in virtual formats; (iii) creating educational programmes and workshops on architecture, design, and the creative arts to help artists and designers develop their green and digital skills; (iv) Building workshops to support cooperation and the exchange of knowledge and skills between the CCS and with the sectors of science, technology, and business; (v) developing new products and services that use disruptive technologies such as Artificial Intelligence, blockchain, and the Internet of Things in the CCS.**

The 'Terms and regulations' (evidence No. 7, page 2) specify that the grant programme will cover cultural institutions, NGOs, SMEs and microenterprises in the CCS. They also specify that it will support the implementation of projects in line with the measure description: (i) improving digital and green competences in the CCS; (ii) developing cultural/creative activities, such as concerts, performances and exhibitions including in virtual formats; (iii) creating educational programmes and workshops on architecture, design, and the creative arts to help artists and designers develop their green and digital skills; (iv) Building workshops to support cooperation and the exchange of knowledge and skills between the CCS and with the sectors of science, technology, and business; (v) developing new products and services that use disruptive technologies such as Artificial Intelligence, blockchain, and the Internet of Things in the CCS.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** B2L - Financing instructions (including eligibility and selection criteria) for the support scheme targeting energy efficiency and RES in companies, including those covered by the EU Emissions Trading System

**Related Measure:** B.1.2.1 Energy efficiency and RES in companies – investments with the highest greenhouse gas reduction potential

**Qualitative Indicator:** Publication of the support scheme

**Time:** Q4 2022

### 1. Context:

The investment aims at reducing final energy consumption and greenhouse gas emissions of companies. In particular it aims to support (i) the construction, extension or modernisation of existing industrial and production installations, industrial equipment and electricity installations aimed at improving their energy efficiency; (ii) the construction and installation of own renewable energy sources in companies, including wind turbines, solar collectors, photovoltaic panels, geothermal systems, heat pumps; (iii) the construction of energy storage facilities in companies in connection with the production of energy from renewable sources; (iv) building/upgrading own (internal) low-carbon energy sources, including cogeneration; (v) increasing the share of low- or zero-emission fuels in manufacturing processes, respecting the highest emission standards; (vi) replacing low-energy heat sources using fuels (solid, liquid, gas) or electricity with more energy efficient sources; (vii) thermo-modernisation of buildings and facilities used in industrial processes.

Milestone B2L concerns the publication of the support scheme, including the financing instructions (including eligibility and selection criteria) for the support scheme targeting energy efficiency and RES in companies, including those covered by the EU Emissions Trading System. The investment policy of the scheme should include at least the following eligibility and project selection criteria: (i) the objective of the lowest price per ton of the greenhouse gas saved; (ii) ensuring compliance with the DNSH Technical Guidance (2021/C58/01) through the use of the exclusion list and compliance with EU and national environmental laws and (iii) specifying decarbonisation targets.

Milestone B2L is the first step of the implementation of the investment. It will be followed by target B3L (under the fourth instalment), which concerns the award of all contracts for the implementation of energy efficiency and RES in enterprises. The investment has a final expected date for implementation on 31 December 2023.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) has been satisfactorily fulfilled.
2	A copy of the instructions for financing the support scheme for energy efficiency and renewable energy sources in companies, including those covered by the EU Emissions Trading System and a link to the website on which the Financing Instructions were published.	These are the financing instructions for the support scheme for energy efficiency and renewable energy sources in companies, including those covered by the EU Emissions Trading System. The Financing Instructions were published on the website of the Ministry of State Assets: <a href="https://www.gov.pl/web/aktywa-panstwowe/b121-efektywnosc-energetyczna-i-oze-w-przedsiębiorstwach--inwestycje-o-największym-">https://www.gov.pl/web/aktywa-panstwowe/b121-efektywnosc-energetyczna-i-oze-w-przedsiębiorstwach--inwestycje-o-największym-</a>

		<a href="#">potencjale-redukcji-gazow-cieplarnianych2</a> The online document was checked by the Commission services on 30 October 2024.
3	Regulation of 15 November 2023 on the granting of State aid for investments in support of energy efficiency and renewable sources energy in enterprises under the National Recovery and Resilience Plan (published in the Official Journal of 20 November 2023, item 2515) It entered into force on 21 November 2023.	This regulation established the support scheme for energy efficiency and renewable energy sources in companies, including those covered by the EU Emissions Trading System.  This regulation was published on the website of the Ministry of State Assets: <a href="https://www.gov.pl/web/aktywa-panstwowe/b121-efektywnosc-energetyczna-i-oze-w-przedsiębiorstwach--inwestycje-o-największym-potencjale-redukcji-gazow-cieplarnianych2">https://www.gov.pl/web/aktywa-panstwowe/b121-efektywnosc-energetyczna-i-oze-w-przedsiębiorstwach--inwestycje-o-największym-potencjale-redukcji-gazow-cieplarnianych2</a>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### Publication of the support scheme

The support scheme is established by the Regulation of 15 November 2023 on the granting of State aid for investments in support of energy efficiency and renewable sources energy in enterprises under the National Recovery and Resilience Plan (the ‘Regulation’, evidence No. 3). The Regulation lays down the conditions under which public aid can be granted for investments in support of energy efficiency and renewable sources energy in enterprises under measure B1.2.1 of the Polish Recovery and Resilience Plan. The support scheme targets energy efficiency and RES in companies, including those covered by the EU Emissions Trading System. This is defined in paragraph 8 of the Regulation.

The Regulation was published in the Official Journal of 20 November 2023, item 2515, as well as on the website of the Ministry of State Assets (evidence No. 3). Paragraph 17 of the Regulation specifies that the Regulation enters into force on the day after its publication. Given that the Regulation was published in the Official Journal of 20 November 2023, it entered into force on 21 November 2023.

#### Financing instructions (including eligibility and selection criteria) for the support scheme targeting energy efficiency and RES in companies, including those covered by the EU Emissions Trading System

The financing instructions for the support scheme are included in the instructions for financing the support scheme for energy efficiency and renewable energy sources in companies, including those covered by the EU Emissions Trading System (the ‘Financing Instructions’ – evidence No. 2). The eligibility and selection criteria for the support scheme are included in paragraph 11 of the Financing Instructions (pages 5-18). The requirement that the support scheme will target energy efficiency and RES in companies is included in paragraph 4 of the Financing Instructions (evidence No. 2, page 1).

The requirement that the support scheme will target companies, including those covered by the EU Emissions Trading System, is included in paragraph 3 of the Financing Instructions (evidence No. 2, page 1).

#### The investment policy of the scheme shall include at least the following eligibility and project selection criteria: (i) the objective of the lowest price per ton of the greenhouse gas saved;

This requirement of the objective of the lowest price per ton of greenhouse gas saved is included in paragraph 11.1 of the Financing Instructions (evidence No. 2, page 6).



**(ii) ensuring compliance with the DNSH Technical Guidance (2021/C58/01) through the use of the exclusion list and compliance with EU and national environmental laws**

The requirement of compliance with the DNSH Technical Guidance through the use of the exclusion list and the requirement of compliance with EU and national environmental laws are included in paragraph 11.2 of the Financing Instructions (evidence No. 2, page 6).

**(iii) specifying decarbonisation targets.**

This requirement of specifying decarbonisation targets is included in paragraph 11.3 of the Financing Instructions (evidence No. 2, page 7).

Furthermore, in line with the description of the measure, **the investment shall, in particular, support (i) the construction, extension or modernisation of existing industrial and production installations, industrial equipment and electricity installations aimed at improving their energy efficiency; (ii) the construction and installation of own renewable energy sources in companies, including wind turbines, solar collectors, photovoltaic panels, geothermal systems, heat pumps; (iii) the construction of energy storage facilities in companies in connection with the production of energy from renewable sources; (iv) building/upgrading own (internal) low-carbon energy sources, including cogeneration; (v) increasing the share of low- or zero-emission fuels in manufacturing processes, respecting the highest emission standards; (vi) replacing low-energy heat sources using fuels (solid, liquid, gas) or electricity with more energy efficient sources; (vii) thermo-modernisation of buildings and facilities used in industrial processes.**

This requirement as regards the investment to be supported is included in paragraph 4 'Types of investments' of the Financing Instructions (pages 1-2). Paragraph 4 of the Financing Instructions more particularly contains a list of the different types of projects to which support will be given. This list includes all the abovementioned types of projects, in line with the description of the measure in the Council Implementing Decision.

Furthermore, in line with the description of the measure, **projects shall be selected on the basis of an open competition, taking into account the following criteria: (i) readiness – maturity of the project for implementation; (ii) consistency with existing plans for climate neutrality; (iii) the degree of reduction of CO<sub>2</sub> and PM<sub>2,5</sub> and PM<sub>10</sub> emissions; (iv) the degree of reduction in primary energy consumption.**

The requirement that projects shall be selected on the basis of an open competition is included in paragraph 8 (evidence No. 2, page 2).

The requirement that projects shall be selected taking into account the criteria (i) readiness – maturity of the project for implementation, (ii) consistency with existing plans for climate neutrality, (iii) the degree of reduction of CO<sub>2</sub> and PM<sub>2,5</sub> and PM<sub>10</sub> emissions and (iv) the degree of reduction in primary energy consumption is included in paragraph 11.4 of the Financing Instructions (evidence No. 2, page 7).

Furthermore, In line with the description of the measure, **in order to ensure that the measure complies with the 'Do no significant harm' Technical Guidance (2021/C 58/01), the eligibility criteria contained in terms of reference for upcoming calls for projects shall exclude the following list of activities: (i) activities related to fossil fuels, including downstream use<sup>1</sup>; (ii) activities under the EU Emission Trading System (ETS) achieving projected greenhouse gas emissions that are not lower than the relevant benchmarks<sup>2</sup>; (iii) activities related to waste landfills, incinerators<sup>3</sup> and mechanical biological treatment plants<sup>4</sup>; and (iv) activities where the long-term disposal of waste may cause harm to the environment.**

These requirements are included in paragraph 11.2 of the Financing Instructions (evidence No. 2, page 6). Paragraph 11.2 of the Financing Instructions more particularly contains a list of actions that

will be excluded by the eligibility criteria of the scheme, in order to ensure that the measure complies with the technical guidance on the application of the DNSH principle. This list includes all the abovementioned activities, reflecting the wording of the description of the measure in the Council Implementing Decision.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** B14L - Entry into force of a law to facilitate a comprehensive elimination of the negative environmental impact of large-scale post-industrial areas.

**Related Measure:** B.3.2 Support for environmental restoration and protection against hazardous substances

**Qualitative Indicator:** Provision in the law indicating its entry into force

**Time:** Q4 2022

### 1. Context:

The objective of the measure is to facilitate the restoration of degraded land areas and maritime sites that have been contaminated with hazardous substances.

Milestone B14L concerns the adoption of a legal act that removes organizational and legal barriers to comprehensive restoration in relation to specific post-industrial sites named in the law. It aims to enable the reconnaissance and inventory of the sites, assessment of the problems faced by those sites and the development of comprehensive investment documentation for these areas, with a view to reducing the negative environmental impact of large-scale degraded land.

Milestone B14L is the first step of the implementation of the reform. It will be followed by milestone B15L (under the seventh instalment), related to the entry into force of a legal act dedicated to hazardous materials in the Baltic Sea. The reform has a final expected date for implementation on 30 June 2025.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document describing the contents of the reform and including a link to the publication of the Act of 16 June 2023 on large-scale degraded areas in the Official Journal.
2	Copy of the Act of 16 June 2023 on large-scale degraded areas, published in the Official Journal on 28 August 2023 ((item 1719). Entered into force on 12 September 2023	Link to the publication: <a href="https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230001719">https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230001719</a> The Act defines large-scale degraded areas and mandates competent authorities to take actions related to creating an inventory of such areas, assessing their environmental condition and development of plans and documents that will provide basis for investments in their rehabilitation. It entered into force on 12 September 2023

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Entry into force of a law aimed at increasing safety for human health and the condition of the environment.**

The Act of 16 June 2023 on large-scale degraded areas (the "Act") was published in the Official Journal of 2023, item 1719 on 28 August 2023. The date of entry into force is indicated in Article 27 of the Act as 14 days from the date of publication. The Act entered into force on 12 September 2023.

**The law shall remove organisational and legal barriers occurring to the comprehensive elimination of the negative environmental impact of large-scale post-industrial areas.**

The Act removes the organisational and legal barriers stemming from the absence, in Polish legislation, of legal bases and procedures for environmental and local authorities to take actions aimed at assessing the condition and planning for the rehabilitation of contaminated sites of large-scale post-industrial areas.

To resolve those difficulties, the Act:

- introduces, in Article 2(7), the definition of a large-scale post-industrial area, to which the Act's provisions apply
- identifies mayors and, in the case of closed areas, Regional Directors for Environmental Protection, as competent authorities and mandates them with the task of taking action to improve the condition of the environment in large-scale degraded areas in Art. 5
- prescribes the scope and method of performing necessary tests (such as tests of waste present in the large-scale degraded areas, soil contamination, surface and underground water contamination and mapping of impacts on water bodies, air pollution and other necessary tests, in Art. 6
- defines the scope of the necessary documentation needed to determine the real costs of activities that need to be undertaken to remedy the situation and prepare a schedule of remedial action in Art. 6
- introduces detailed solutions regarding access to private real estate for the purpose of carrying out environmental testing, expropriation and temporary occupation of real estate, as well as, among others, securing the area in Art. 9.

In this way, the Act creates a previously lacking legal framework for actions needed to address the problem of environmental degradation of large-scale post-industrial sites.

**It is a form of pilotage for pre-defined locations. The law shall provide rules for four independent field components (different locations and scopes of works): 1) former "Tarnowskie Góry" Chemical Plant in Tarnowskie Góry; 2) former "Zachem" Chemical Plant in Bydgoszcz; 3) "Organika-Azot" Plant in Jaworzno; 4) former "Boruta" Dyes Industry Plant in Zgierz.**

Under Art. 3.1 of the Act, the list of recognized large-scale degraded areas is specified in the Annex to the Act. The Annex contains a list of recognized large-scale degraded areas in which actions aimed at improving the condition of the environment are necessary and it includes the areas identified in the milestone description, i.e. 1) former "Tarnowskie Góry" Chemical Plant in Tarnowskie Góry; 2) former "Zachem" Chemical Plant in Bydgoszcz; 3) "Organika-Azot" Plant in Jaworzno; 4) former "Boruta" Dyes Industry Plant in Zgierz, as well as a fifth area, the "Wistom" Chemical Fibres Plant in Tomaszów Mazowiecki.

Art. 3.2 of the Act provides that Articles 5 – 20 of the Act, which mandate different competent authorities with tasks related to assessing the condition of the sites and planning remedial measures and detail the modalities of those tasks, apply solely to recognized large-scale degraded areas specified in the Annex to the Act. The annex currently covers the five areas listed above, and the provisions of the Act will be applied for the first time to those areas in what is a pilot implementation of the new rules that will allow the public authorities involved to gain experience in

applying the Act. Under Art. 3 of the Act, the Annex may be amended to include more sites that will benefit from this initial institutional learning.

**The scope of the project includes the reconnaissance and inventory of the areas,**

While the Annex to the Act lists the already identified sites to which the Act applies, Art. 3(2) - (8) of the Act establishes the procedure for identifying further such sites that were not previously recognized and adding them to the inventory. In Art.3(9), the Act mandates the Chief Inspector for Environmental Protection to maintain a registry (inventory) of all identified degraded sites to which new, previously unrecognized sites may be added. Additionally, Article 2 points 2, 5 and 7 of the Act 1) introduce the necessary definitions, including of the historical industrial waste collection sites, historical industrial waste landfill and large-scale post-industrial areas.

**... preparation and assessment of the scale of problems related to reducing the environmental impact of large brownfield sites**

Article 6(1-14) of the Act introduces new obligations for competent authorities, mandating them to carry out comprehensive assessments of the environmental condition in the large-scale post-industrial areas. In accordance with Article 6(2) of the Act, such assessment should include:

- testing the properties of waste,
- testing the contamination of the land surface (including soil), surface waters and underground waters,
- testing air pollution, if volatile substances are found in waste or the land surface that may affect human health,
- other necessary testing to develop the draft environmental improvement plan.

Article 6(16) of the Act lays down the technical and organizational conditions to be met by contractors conducting such comprehensive assessments of the environmental condition on large-scale post-industrial sites.

**... and the development of comprehensive investment documentation for these areas.**

Comprehensive investment documentation concerns the complete set of documents needed to start an investment in the reclamation of a degraded post-industrial area. The Act mandates relevant authorities to prepare such documentation, including a comprehensive assessment of the given site's condition and a plan detailing remedial actions to be taken, and, on this basis, to apply for the issuance of an administrative decision ordering relevant bodies to undertake remedial action in line with the plan and its appendices. Specifically, Article 6(1) and (15-19) of the Act obliges competent authorities to conduct comprehensive assessments and develop draft plans for improving the environmental condition of large-scale post-industrial areas. Article 6 (15) states that the draft plan should contain information about the planned methods and schedules of waste disposal or securing of waste storage sites, their reclamation and treatment of waste generated as a result of these activities; reclamation of the degraded or devastated land; remediation of the contaminated land surface; actions to protect waters or the land surface; restoring natural elements, if necessary; monitoring the state of the environment or the geotechnical stability of stored or collected waste during the performance of the activities described above; placement of warning signs at the boundary of the historical industrial waste disposal site or a historical industrial waste collection site, or an area where land surface remediation is being carried out; fencing or maintaining a visual control system for a landfill or place where historical industrial waste is stored, or limiting the use of the property where it is located, if it is necessary to ensure the safety of human life and health or to maintain the effects of the above-described activities.

Article 7 obliges the competent authority to prepare an application for an administrative decision on improving the state of the environment in the given large-scale post-industrial area. This application should include, as appendices, the comprehensive assessment of environmental condition of the site, the plan of reclamation actions, an estimation of costs and proposed sources of financing, a list of previously issued administrative decisions and pending proceedings with regard to the given site, and a list of real estate, the occupation of which is necessary to implement this plan. Article 8(1) authorizes the district head (*starosta*) to issue, at the request of the competent authority, an administrative decision ordering relevant bodies to start the implementation of the plan to improve the condition of the environment.

Furthermore, in line with the description of the measure, **the legislation enacting these changes shall enter into force by 31 December 2022.**

The Council Implementing Decision required that the Act shall enter into force by 31 December 2022. As indicated above however, the Act was published in the Official Journal of 2023 on 28 August 2023 and entered into force on 12 September 2023. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the Act had entered into force at the time of the assessment. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** B34L - Entry into force of a regulation laying down a plan of renewables auctions for the years 2022 - 2027

**Related Measure:** B.3.6 Improving the conditions for the development of renewable energy sources

**Qualitative Indicator:** Provision in the regulation indicating its entry into force

**Time:** Q3 2022

### 1. Context:

The objective of the reform is to improve the regulatory environment for distributed and prosumer energy, develop the supply chain for offshore wind energy, implement energy management systems, increase the installed capacity of renewable energy sources and increase the share of energy from renewable energy sources.

Milestone B34L concerns the entry into force of a regulation laying down a plan of renewables auctions per technology (including for new onshore wind farms). The plan shall set a budget and a volume of electricity that shall be available through competitive auctions for the period 2022- 2027.

Milestone B34L is the second step of the reform, following the first steps under milestones B33L and B39L as well as target B35L (all under the first payment request). It is followed by milestone B40L related to the implementing regulation on the promotion of electricity generation in offshore wind farms and milestone B32L related to amendments to the Renewable Energy Act, Energy Act and certain other acts and targets B36L and B37L (all under the same payment request) and target B38L (under the fourth instalment), related to increasing the installed capacity of onshore wind farms and photovoltaic installations.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) has been satisfactorily fulfilled.
2	Regulation of the Council of Ministers of 27 September 2022 on the maximum volumes and values of electricity from renewable energy sources that may be sold by auction in individual consecutive calendar years 2022-2027 (published in the Official Journal of 12 October 2022, item 2085, entered into force on 13 October 2022).	Regulation laying down a plan of renewables auctions per technology (including for new onshore wind farms)
3	Renewable Energy Sources Act of 20 February 2015 (published in the Official Journal of 2022, item 1378 and 1383)	The Regulation of the Council of Ministers of 27 September 2022 (evidence No. 1) contains references to the Renewable Energy Sources Act that are relevant for the assessment of this milestone.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of a regulation laying down a plan of renewables auctions per technology (including for new onshore wind farms).**

The Regulation of 27 September 2022 of the Council of Ministers on the maximum volumes and values of electricity from renewable energy sources that may be sold by auction in individual consecutive calendar years 2022-2027 (the "2022 Regulation") was published in the Official Journal of 2022 on 12 October 2022 under item 2085. Pursuant to paragraph 37 of the 2022 Regulation, it entered into force the day after its publication i.e. on 13 October 2022.

The legal basis for the auctions themselves can be found in article 184h of the Renewable Energy Sources Act of 20 February 2015, published on 3 April 2015 in the Official Journal of 2015, item 478, entered into effect on 4 May 2015 (the "Renewable Energy Sources Act"), in which it is specified that the maximum quantities and values of electricity from renewable energy sources that may be auctioned in 2022-2027 will be laid down in a regulation.

The 2022 Regulation lays down a plan of renewable auctions per technology. More specifically, for every year in the period 2022-2027, the 2022 Regulation defines in paragraphs 1 – 36 the budget and a volume of electricity available through competitive auctions, for different renewable energy technologies. As regards the types of technology, paragraphs 1 – 36 of the 2022 Regulation refer to article 77(5) of the Renewable Energy Sources Act, which lists the different types of renewable energy technologies (namely renewable energy installations generating electricity using biogas, hydropower, biomass, waste incineration, bioliquids, wind, geothermal, solar) in the different subparagraphs, including renewable energy installations using onshore wind for electricity generation (i.e. onshore wind farms) in article 77(5) point 16 and article 77(5) point 17 of the Renewable Energy Sources Act.

The 2022 Regulation also addresses *new* renewable energy installations (including new onshore wind installations) in paragraphs 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33 and 34, by defining the budget and volume of electricity available through competitive auctions for generators that generated electricity for the first time after the closing date of the auction session.

**The plan shall set a budget and a volume of electricity that shall be available through competitive auctions for the period 2022- 2027.** In addition, the description of the measure requires that **the plan shall set a budget and a volume of electricity that shall be available for each competitive auction for the period 2022-2027.**

The 2022 Regulation sets a budget and a volume of electricity available through competitive auctions for the period 2022- 2027:

- Paragraphs 1 – 6 of the 2022 Regulation set the budget and volume of electricity (per type of technology) available through competitive auctions for the year 2022;
- paragraphs 7 – 12 of the 2022 Regulation set the budget and volume of electricity (per type of technology) available through competitive auctions for the year 2023;
- paragraphs 13 – 18 of the 2022 Regulation set the budget and volume of electricity (per type of technology) available through competitive auctions for the year 2024;
- paragraphs 19 – 24 of the 2022 Regulation set the budget and volume of electricity (per type of technology) available through competitive auctions for the year 2025;
- paragraphs 25 – 30 of the 2022 Regulation set the budget and volume of electricity (per type of technology) available through competitive auctions for the year 2026; and



- paragraphs 31 – 36 of the 2022 Regulation set the budget and volume of electricity (per type of technology) available through competitive auctions for the year 2027.

For example, pursuant to paragraph 4 (4) of the Regulation, the maximum amount of electricity from new (meaning producing electricity for the first time after the closing date of the auction) onshore wind installations with a total capacity of more than 1 MW that can be auctioned in 2022 is 11 250 000 MWh, with a value of PLN 3 600 000 000.

**In line with the description of the measure, the regulation providing a plan of renewables auctions per technology (including for new onshore wind farms) shall be published by 30 September 2022.**

The Council Implementing Decision required that the Regulation providing a plan of renewables auctions per technology (including for new onshore wind farms) shall be published by 30 September 2022. As indicated above however, the 2022 Regulation was published in the Official Journal of 12 October 2022 and entered into effect on 13 October 2022. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the Regulation had entered into force at the time of the assessment. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Target:** B36L - T2 - Installed capacity of onshore wind and photovoltaic installations (in GW)

**Related Measure:** B.3.6 Improving the conditions for the development of renewable energy sources

**Quantitative Indicator:** Number

**Baseline:** 18

**Target:** 20

**Time:** Q3 2022

### 1. Context:

The objective of the reform is to improve the regulatory environment for distributed and prosumer energy, develop the supply chain for offshore wind energy, implement energy management systems, increase the installed capacity of renewable energy sources and increase the share of energy from renewable energy sources.

Target B36L requires total installed capacity of onshore wind and photovoltaic to reach 20GW.

Target B36L is the second step of the investment, following the first steps under milestones B33L and B39L as well as target B35L (all under the first payment request). It is followed by milestone B34L related to a regulation providing a plan of renewables auctions per technology, milestone B40L related to the implementing regulation on the promotion of electricity generation in offshore wind farms and milestone B32L related to amendments to the Renewable Energy Sources Act, Energy Act and certain other acts (all under the same payment request) and targets B37L (under the same payment request) and B38L (under the fourth instalment), related to increasing the installed capacity of onshore wind farms and photovoltaic installations.

The investment has a final expected date for implementation on 30 September 2023.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled.
2	A copy of the Bulletin No. 12 (348) of the Energy Market Agency S.A - Statistical information about electricity, published in Warsaw in December 2022	The Bulletin provides comprehensive statistical information on the state of the electricity market in Poland, including data on production and consumption and its sources. Link: <a href="#">ARE Shop</a>
3	A copy of the Bulletin No. 7(343) of the Energy Market Agency S.A - Statistical information about electricity, published in Warsaw in July 2022	The Bulletin provides comprehensive statistical information on the state of the electricity market in Poland, including data on production and consumption and its sources. Link: <a href="#">ARE Shop</a>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the target.

**Total installed capacity (20 GW) of onshore wind and photovoltaic installations.** Furthermore, the description of the measure requires, that **Poland shall progressively increase the installed capacity of onshore wind farms and photovoltaic installations to contribute to the green transition**

According to Table 3 "Installed electrical capacity" of the Bulletin of the Energy Market Agency S.A., No. 12 (348) December 2022, published on the website of the Energy Market Agency S.A., in December 2022, a total of 20.44 GW of onshore wind and photovoltaic energy was installed in Poland, including 8.25 GW of onshore wind and 12.19 GW of photovoltaic installations. According to Table 3 "Installed electrical capacity" of the Bulletin of the Energy Market Agency S.A., No. 7 (343) July 2022, published on the website of the Energy Market Agency S.A., in July 2022, a total of 18.1 GW was installed in Poland, including 7.521 GW of onshore wind and 10.586 GW of photovoltaic installations. This represents an increase of 0.729 GW on onshore wind and 1.604GW of photovoltaic installations in five months. This is part of the progressive increase in the installed capacity of onshore wind farms and photovoltaic installations, contributing to the green transition.

Statistical information is compiled by the Energy Market Agency S.A. within the framework of surveys on fuel and energy balances and electricity and heat, carried out on behalf of the responsible authorities (minister responsible for energy matters President of the Central Statistical Office, President of the Energy Regulatory Office) in accordance with the Public Statistics Act.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** B40L - Entry into force of the implementing regulation following from the Act of 17 December 2020 on the promotion of electricity generation in offshore wind farms

**Related Measure:** B.3.6 Improving the conditions for the development of renewable energy sources

**Qualitative Indicator:** Provision in the regulation indicating its entry into force

**Time:** Q4 2022

### 1. Context:

The objective of the reform is to improve the regulatory environment for distributed and prosumer energy, develop the supply chain for offshore wind energy, implement energy management systems, increase the installed capacity of renewable energy sources and increase the share of energy from renewable energy sources.

Milestone B40L requires the adoption of a Regulation on the types of cash flows to be taken into consideration in calculating the adjusted price and the detailed method of calculating the adjusted price.

Milestone B40L is the second step of the reform following the first steps under milestones B33L and B39L as well as target B35L (all under the first payment request). It is preceded by milestone B34L related to a regulation providing a plan of renewables auctions per technology (including for new onshore wind farms) and followed by milestone B32L related to amendments to the Renewable Energy Sources Act, Energy Act and certain other acts (under the same payment request) and targets B36L and B37L (under the same payment request) and B38L (under the fourth instalment), related to increasing the installed capacity of onshore wind farms and photovoltaic installations.

### 2. Evidence provided:

		Name of the evidence	Short description
1		Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2		Regulation of the Minister for Climate and Environment of 16 December 2022 on the types of cash flows to be taken into account in calculating the adjusted price and the detailed method of calculating this price, published	The Regulation specifies: (i) the types of cash flows taken into account in the calculation of the adjusted price referred to in Article 11 paragraph 3 of the Act of 17 December 2020 on the promotion of electricity generation in offshore wind farms and (ii) the detailed method for calculating the adjusted price.  The Regulation is available at this link: <a href="https://dziennikustaw.gov.pl/DU/rok/2022/pozycja/2753">https://dziennikustaw.gov.pl/DU/rok/2022/pozycja/2753</a>

		in Journal of Laws of 2022, item 2753 It entered into force on 23 December 2022.	
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of the Regulation of the Ministry for Climate and Environment**

The Regulation of the Minister of Climate and Environment on the types of cash flows to be taken into consideration in calculating the adjusted price and the detailed method of calculating the adjusted price (Journal of Laws of 2022, item 2753, hereinafter: ‘the Regulation’), entered into force on 23 December 2022 pursuant to its paragraph 5.

**The regulation shall specify the types of cash flows to be taken into account in calculating the adjusted price and the detailed method of calculating the adjusted price. During the process, such factors as investment aid, the date of granting investment aid and the rules of granting public aid in the area of environmental protection and energy shall be taken into account.**

Paragraph 2 of the Regulation concerning the types of cash flows and adjusted price prescribes the categories of cash flows to be considered when determining the adjusted price, as referenced in Article 11(3) of the Act of 17 December 2020 on the promotion of electricity generation in offshore wind farms (hereinafter ‘the Offshore Wind Act’). These cash flows pertain to the revenues generated from the operation of the power plant, less applicable taxes on goods, services, and corporate income. They also include costs associated with the execution of the contract for the sale of the plant, the expenses incurred for the maintenance and operation of the power generation facility, the costs related to the construction of the plant, and any loss of depreciation relating to the power generation facility.

Paragraph 3 of the Regulation details the method for calculating the adjusted price (by using the technical and economic parameters to avoid so-called ‘over-support’ for generators and the types of cash flow referred to in paragraph 2), while paragraph 4 provides that, where investment aid has been granted prior to the sale of the power plant, such aid must be considered in the calculation of the adjusted price, in particular the date on which the investment aid was granted and the rules for granting State aid in the field of environmental protection and energy referred to in Article 10(1) of the Offshore Wind Act.

Furthermore, in line with the description of the measure, **the implementation of this action shall be completed by 31 December 2022**

As noted above, the Regulation entered into force on 23 December 2022, ahead of the year-end deadline.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C8L - Adoption of a new digitalisation policy for education, constituting the basis for changes in the education system and implementation of investments in ICT and defining the directions of digitization of the education system process in the short and long term.

**Related Measure:** C2.2 Reform the foundations of digitalisation of the education system

**Qualitative Indicator:** Adoption of the policy

**Time:** Q3 2022

### 1. Context:

The objective of reform C2.2 is to digitise the education system in Poland. This is being achieved by establishing a digitalisation policy for education, with the goal of equipping children and young individuals for the information age. The objectives implemented through the reform provide for an efficient and meaningful integration of new technology in teaching, learning, and evaluation processes. The policy was to be developed through a collaborative approach.

Milestone C8L requires that the Council of Ministers adopts a resolution, establishing a comprehensive strategy for digitising the education sector. This framework aims to guide State policies and actions related to digitalisation of education across various timeframes. In addition, the document serves as a reference for stakeholders, outlining the tools necessary for establishing a fully digitalised education system tailored to contemporary challenges in pre-school and general education environments. The policy should incorporate an implementation plan, evaluation, and monitoring measures, developed through a participatory approach.

Milestone C8L is the only milestone of this reform.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Resolution of the Council of Ministers on the adoption of the Digital Transformation of Education Policy of 12 September 2024 (publication in the Official Journal of 17 September 2024, item 812) with annexed 'Policy of Digital Transformation of Education in Poland' and its annexes; it entered into force on 18 September 2024	Resolution of the Council of Ministers on the adoption of the Digital Transformation of Education Policy of digitisation of the education area, setting the framework for State policy and activities undertaken in the area of digitalisation of education in the short, medium and long term. The link to the website where the Resolution can be found: <a href="https://monitorpolski.gov.pl/MP/2024/812">https://monitorpolski.gov.pl/MP/2024/812</a>
3	Copy of the Consultation report on public consultations and opinions presented on the draft resolution of the Council of Ministers on the adoption of a public policy called "Digital Transformation of Education	Consultation report detailing the participants and summaries of contributions and specifying how they were taken into account. Link to the website where the documents to be consulted were made available: <a href="#">Polityka Cyfrowej Transformacji</a>

Policy" of 10 July 2024, prepared by the Ministry of Education and Science	<a href="#">Edukacji - projekt uchwały Rady Ministrów skierowany do konsultacji - Ministerstwo Edukacji Narodowej - Portal Gov.pl (www.gov.pl)</a>
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Adoption by the Council of Ministers of a resolution on the policy of digitisation of the education area**

The Council of Ministers adopted on 12 September 2024 the Resolution on the adoption of the Digital Transformation of Education Policy (publication in the Official Journal of 17 September 2024, item 812; hereinafter referred to as the "Resolution" (evidence No. 2). According to its paragraph 4, the Resolution entered into force on 18 September 2024.

#### **[...] having the nature of a program and strategic document, setting the framework for State policy and activities**

The Resolution's (evidence No. 2) legal basis, as stipulated in the first paragraph of the Resolution, is Article 21f(1, 4) of the Act of 6 December 2006 (Journal of Laws 2006 No. 227 item 1658, hereinafter referred to as the "Act"), which states that the competent Minister develops the public policy in consultation with members of the Council of Ministers and that the public policy is adopted by the Council of Ministers by way of resolution. In addition, according to Article 5, paragraph 7b of this Act, a public policy document is a document that defines the basic conditions, objectives and directions of the country's development in the social, economic and spatial dimensions in a given area or field. Furthermore, article 1 of the Resolution (evidence No. 2) states that the Policy of Digital Transformation of Education in Poland (hereinafter 'the Policy') is adopted and is legally binding. Section 2 of the Policy (Annex as part of evidence No. 2) refers to its strategic dimension: It is specified that the Policy should be considered as a programmatic and strategic document, setting the framework for State policy and activities (page 11). Section 5 of the Policy (page 19) describes in detail the strategic objectives of the digital transformation of education in Poland while its Section 6 (page 21) describes the areas of intervention and sets out actions to be taken.

The Resolution (evidence No. 2) with the annexed 'Policy of Digital Transformation of Education in Poland' can therefore be considered as a program and strategic document, setting forth the framework for the state policy and activities in the area of digitalisation of education.

#### **[...] undertaken in the area of digitalisation of education in the short, medium and long term.**

The 'Policy of Digital Transformation of Education in Poland' (the "Policy" - Annex as part of evidence No. 2) covers three time perspectives: short, medium and long-term (page 11 of the Policy). Their respective timelines, as well as the actions covered, are outlined in the Annex III to the Policy, in the format of a Gantt schedule.

The short-term perspective covers the timeline from 2024 until 2027 and provides for actions such as: development of guidelines for conducting research and pilots before introducing changes in education; development of guidelines for the use of artificial intelligence-based systems by students and teachers in the learning and education process; development of a system for supporting nationwide initiatives aimed at popularising computer science education among students and teachers (evidence No. 2: Annex III to the Policy on the adoption of the Digital Transformation of Education Policy of digitisation of the education area).

The medium-term perspective (until 2030) provides for actions such as: development and introduction of a module on computer science education in pedagogical studies, educating future teachers of preschool and early school education; development and implementation of standards in teaching courses concerning the use and integration of digital technologies in the teaching of a given subject; improving and developing teachers' digital skills in the field of artificial intelligence and digital education (evidence No. 2: Annex III to the Policy).

The long-term perspective (until 2035) provides for actions such as: increasing the number of IT specialists on the market, including teachers, by including more women in this profession; preparation and launch of projects aimed at methodological and organisational preparation of teachers to conduct classes outside the classroom and cross-subjects, e.g. through projects, thematic blocks, practical extracurricular experiments. (evidence No. 2: Annex III to the Policy).

In the Gantt schedule, all actions/tools are assigned to a specific time category (short/medium/long-term) and the timeframe necessary for their implementation is also indicated (evidence No. 2: Annex III to the Policy). For example, the activity "Analysis of solutions in the field of digital education adopted in the core curricula in other countries" (point 4 in the chapter "Evaluation of the state of digital education") was classified as short-term activities, to be implemented in the period 2024-2026.

#### **This document shall constitute the basis for the activities of stakeholders and actors-participants**

According to the information on page 11 of the Policy (Annex as part of evidence No. 2) (Chapter I "Introduction"), the document *is to provide the basis for the activities of stakeholders and participants in the education system, as well as to define the tools for achieving an education system that is adapted to modern challenges.*

**(This document) defines the tools for achieving a fully digitalised education system adapted to contemporary challenges of pre-school and general education environment.** Furthermore, in line with the description of the measure, **the reform shall lay the foundation for the digitalisation of the education system via the adoption of the digitalisation policy for education, in order to prepare children and youth for the information society. The objectives of this strategic document shall focus on efficient and meaningful integration of new technologies in teaching, learning and assessment**

Fully digitised education refers to a comprehensive transformation of the pre-school and general education system, where digital technologies are integrated into all aspects of learning, teaching, and assessment. This includes a) developing digital competencies among both students and teachers, enabling them to effectively use digital tools and technologies, as well as b) using digital technologies to enhance and strengthen learning, teaching, and assessment processes, making education more accessible and inclusive for all (evidence No. 2, page 4, 5 and 6). The goal is to prepare future generations of citizens for the challenges of a digital society, where information and digital technologies play a crucial role (page 6). In addition, to define 'fully digitised education', the Polish authorities based themselves on the goals set in the Digital Education Action Plan (2021-2027). In conjunction with the Digital Education Action Plan, the Policy (Annex as part of evidence No. 2) further identifies strategic objectives (pages 8-12), which are later clarified in individual chapters and the Implementation Plan. For example, the Digital Education Action Plan, priority No. 2 is enhancing digital skills and competences for the digital transformation. Strategic Objective 1 of the Policy states (page 23) that the development of students' digital competencies should be ensured. The Implementation Plan indicates that the tools to achieve this goal will be activities 2.2 through 2.6 (evidence No. 2, Annex II to the Policy).



Furthermore, the Policy (Annex as part of evidence No. 2) proposes ten key contemporary challenges that require action and intervention, “Decalogue of the Digital Transformation of Education” (page 8) – done in reference to the current European frameworks (pages 13-16). These areas are identified through an analysis of the current status of digital education in Poland (pages: 22, 27, 30, 34, 37, 41, 45, 51 and 53), referencing European frameworks, and aligning with the goals set in the Digital Education Action Plan (2021-2027). One of them involves an overhaul of the current curriculum for both pre-school and general education (page 28).

The challenges identified are then developed into concrete actions/tools that are necessary to address them (Annex as part of evidence No. 2, in the section ‘Suggested actions’, pages 25, 28, 31, 35, 39, 42, 52, 56). These actions and tools are designed to enhance digital skills and competences for both students and teachers, improve the use of digital technologies in teaching and learning, and increase educational opportunities for all children and students. For example, one of the areas covered is "Education methods, digital didactics, digital teaching resources" (Annex as part of evidence No. 2, pages 32-36). The Policy identifies challenges in this area (Annex as part of evidence No. 2, page 35), such as the lack of connection between digital resources and the core curriculum, the predominance of traditional teaching methods, and the limited availability of digital technologies in kindergartens. To address these challenges, the Policy (Annex as part of evidence No. 2) proposes concrete actions and tools, such as including digital technology in the core curriculum, preparing teachers to integrate digital technology into their teaching practices, and developing a publicly accessible educational platform with high-quality educational e-materials (Annex as part of evidence No. 2, pages 36-37).

Finally, the Policy’s objective (Annex as part of evidence No. 2) focuses on efficient and meaningful integration of new technologies in teaching, learning and assessment, e.g., introducing the position of a digital education coordinator in schools, as well as a platform on which those coordinators can exchange (page 57-58), forming new specialists in the field (pages 44-47), integrating new technologies into the formation programmes for the teachers (pages 40-41), creating educational spaces, fostering the use of information and communication technologies (page 53), equipping the schools with the necessary hardware and software (pages 41-42), introducing the new technologies in the school curriculum (page 36), as well as by introducing regular tests to assess the level of students' achievements in terms of knowledge and skills related to this field (pages 32-33).

### **The policy shall include the implementation plan**

The Policy (Annex as part of evidence No. 2) is accompanied by Annex II (evidence No. 2, Annex II to the Policy) covering a detailed implementation plan. For each of the 10 actions described under the Policy (and divided in more detailed sub-actions), the plan contains the following pieces of information for every action and sub-action: monitoring indicator; unit of measurement; baseline; final target; source of data about the implementation; timeline; entity in charge of the implementation; source of funding and other related policies.

The implementation plan puts the Policy into action (evidence No. 2, Annex II to the Policy). For example, ‘Action 5’ focuses on improving teachers' qualifications, particularly in using new technologies (page 38). However, the Policy identifies a challenge – a need to update the education and training of IT teachers (page 38). To address this, five actions are proposed (page 39), including teacher training institutions offering professional development on the latest technologies. The implementation plan translates this into Action 5.4 that involves introducing a computer science module in pedagogical studies for future preschool and early schoolteachers by 2028.

### **[...] evaluation measures**

The Policy (Annex as part of evidence No. 2) contains provisions for its evaluation (page 57). This includes evaluation studies to be carried out in stages to reflect the short-term (by June 2027), mid-

term (by June 2030) and long-term actions (by June 2035) and to determine the progress of key performance indicators through surveys conducted among representative samples of schools and teachers.

In addition to that, the evaluation of the Policy (Annex as part of evidence No. 2) is one of the actions foreseen, translated into Action 1.15 (Implementation Plan, Annex II, page 128). According to the Article 3 of the Resolution (evidence No. 2), the relevant minister (in charge of the national education and upbringing) submits to the Council of Ministers every year by 15 June of the given year, information on the implementation of activities for the previous year.

### **[...] monitoring measures**

The Policy (Annex as part of evidence No. 2) contains legally binding provisions regarding its monitoring (page 58). The responsibility for this is given to the minister responsible for education and upbringing, in cooperation with the minister responsible for digitalisation and the minister responsible for higher education and science.

As part of the monitoring, the minister responsible for education prepares an annual report on the digitalisation of education, starting from 2025 (the Policy, Annex as part of evidence No. 2, page 58). The report shall include the following pieces of information (as specified on page 58):

- i. Description of actions taken in individual areas of intervention in accordance with the Action Plan in the calendar year preceding the publication of the report (together with information on the public expenditure incurred for them) and the status in these areas at year end;
- ii. Description of identified problems and difficulties in the implementation of the Policy;
- iii. Review of the results of the Policy evaluation and the most important studies, analyses and expert opinions in the area of digital transformation of education, announced in the calendar year preceding the publication of the report;
- iv. Recommendations for actions taken to solve identified problems and difficulties in the implementation of the Policy or recommendations for changes in the Policy that would be desirable in light of the results of research, analyses and expert opinions;
- v. Values of indicators for monitoring the implementation of the Digital Transformation of Education Policy achieved in individual years, based on the most up-to-date data available at the time of preparation of the Report.

As specified in the article 3 of the Resolution (evidence No. 2) and in the Policy itself (Annex as part of evidence No. 2, page 58), the report needs to be finalised by 15 June of each year and becomes public when it is adopted by the Council of Ministers.

### **[...] and it shall be developed applying a participatory approach.**

In the process of the preparation of the Policy, the Ministry of Education consulted the stakeholders through the educational information system (including more than 50 000 entities) and through a form on the website available to all interested parties <https://www.gov.pl/web/edukacja/polityka-cyfrowej-transformacji-edukacji---projekt-uchwaly-rady-ministrow-skierowany-do-konsultacji2>. The largest group consulted were schools (primary and secondary) and establishments (kindergartens, school complexes) of the educational system and their leading bodies, whose data was collected in the Educational Information System (more than 50 000 entities), including: more than 23 000 schools and more than 22 000 kindergartens and other forms of kindergarten education and kindergarten branches in elementary school (5.2 million students and 700 000 teachers) and more than 5 000 governing bodies. The consultations were held between 6 and 28 August 2024 (evidence No. 3: Consultation report on public consultations and opinions presented on the draft resolution of the Council of Ministers on the adoption of a public policy called "Digital Transformation of Education Policy" of 10 July 2024).

**Furthermore, in line with the milestone name:**

**...adoption of a new digitalisation policy for education...**

The Council of Ministers adopted on 12 September 2024 the Resolution on the adoption of the Digital Transformation of Education Policy (publication in the Official Journal of 17 September 2024, item 812; evidence No. 2), with the 'Policy of Digital Transformation of Education in Poland' in the annex.

**...constituting the basis for changes in the education system...**

As outlined in the sub-section **"undertaken in the area of digitalisation of education in the short, medium and long term"** (above), the adopted Policy (Annex as part of evidence No. 2) covers a wide set of actions designed to ensure systemic changes in the Polish education system. More specifically, it envisages a comprehensive transformation of the education system, where digital technologies are integrated into all aspects of learning, teaching, and assessment. The Policy (Annex as part of evidence No. 2) comprehensively deals with various key aspects of education systems, such as (and not limited to): curricula, teaching methods, teachers training, ICT use in schools, digital security, or governance of ICT (pages 7-11). The identified policy challenges are paired with concrete policy responses, accompanied by their implementation plan and timeline. Therefore, as a strategic document with system-wide relevance and a clear implementation plan (Annex II to the policy, page 128), as well as evaluation and monitoring measures (pages 58-59), the adopted Policy (Annex, part of evidence No. 2) constitutes the basis for changes in the education system.

**...and implementation of investments in ICT...**

As per the 6<sup>th</sup> area of intervention of the Policy (Annex as part of evidence No. 2; page 42), entitled **"equipping students, teachers, and schools [with ICT]"**, one of the policy's goals is to improve access to ICT, the Internet, and educational resources at schools. According to the relevant part of the implementation plan (Annex as part of evidence No. 2, page. 128), this goal is to be achieved via, among others, the purchase of laptops, tablets, and other ICT equipment to be used by teachers and students, as well as the purchase of equipment for AI and STEAM labs. As indicated in the plan, this purchase is also part of the Polish Recovery and Resilience Plan – more specifically, milestones and targets envisaging ICT investments, e.g. target C6aG **"Classrooms in schools equipped with Local Area Network (LAN) connection"** as part of measure C1.1.1, as well as target C12L **"Classrooms in vocational schools and general education institutions equipped with IT tools to allow for remote teaching"** and target C13L **"Artificial Intelligence (AI) and Science, Technology, Engineering and Mathematics (STEM) laboratories set-up in schools"** forming part of C2.2.1 (page 138). Therefore, as an enabling reform, adoption of the Policy in question does constitute a basis for implementation of investments in ICT.

**...and defining the directions of digitization of the education system process in the short and long term.**

The 'Policy of Digital Transformation of Education in Poland' (Annex to the Resolution as part of evidence No. 2, page 12) covers the directions of digitization of the education system process in three-time perspectives: short, medium and long-term. For further analysis, please see the sub-section **"undertaken in the area of digitalisation of education in the short, medium and long term"** (see above).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C9L - Public consultation on the framework defining the procedures for the distribution of ICT equipment and for the provision of infrastructure to schools

**Related Measure:** C2.2.1 Equipping schools/institutions with adequate ICT devices and infrastructure to improve the overall performance of education system

**Qualitative Indicator:** Report summarising the results of the public consultation and the following government response

**Time:** Q3 2022

### 1. Context:

Investment C2.2.1 aims to increase the level of digital ICT equipment and infrastructure in schools beyond the minimum standards. The equipment and infrastructure consist of IT-kits for remote teaching for 100 000 classrooms and AI and STEM laboratories for 16 000 schools. These will be distributed among schools based on population density and geographical coverage via an open, fair, and transparent procedure for the selection of entities providing network infrastructure or ICT equipment.

Milestone C9L consists of preparing, carrying out, and summarising a public consultation involving different stakeholders and social partners on the framework for the distribution of ICT equipment (IT kits for remote teaching) and for the provision of infrastructure (STEM and AI laboratories, LAN connections) to schools.

Milestone C9L is the first milestone of investment C2.2.1, followed by milestone C10L in the same payment request. Milestone C10L relates to the introduction of a framework defining the procedures for the distribution of ICT devices and for providing infrastructure to schools. Milestone C10L will be followed by milestones C12L (in the seventh instalment), C13L and C14L (both in the eighth instalment), related to, respectively, the distribution of IT tools for distance learning, setting up AI and STEM laboratories in schools, and the digitalisation of the examination system. The investment has a final expected date for implementation on 31 December 2025.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Report on public consultation on the framework defining procedures for the distribution of ICT equipment and for provision of infrastructure to schools and other educational institutions (with annexes) by the Ministry of Education and the Institute for Educational Research of 4 October 2024 published on 11 October 2024 on the Ministry of National Education's website at this link: <a href="https://www.gov.pl/web/edukacja/polityka-cyfrowej-transformacji-edukacji---projekt-uchwaly-rady-">https://www.gov.pl/web/edukacja/polityka-cyfrowej-transformacji-edukacji---projekt-uchwaly-rady-</a>	Report summarising the results of the public consultation and the government's follow-up to the comments received in the consultation process.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Public consultation involving different stakeholders and social partners...**

The public consultation on the Framework defining the procedures for the distribution of ICT equipment and for the provision of infrastructure to schools (thereinafter 'the Framework') took place from 5 to 22 August 2024, as stipulated in the 'Report on public consultation on the framework defining procedures for the distribution of ICT equipment and for provision of infrastructure to schools and other educational institutions' by the Ministry of Education and the Institute for Educational Research of 4 October 2024 (section 3, page 25), thereinafter 'the Report'. The consultation consisted of three online meetings (page 25 of the Report). Information about the consultation, including the draft Framework to be consulted, was posted, i.e. on public websites of the [Institute for Educational Research](#), [the Ministry of National Education](#), and regional Boards of Education, e.g., in [Poznań](#) or [Łódź](#). Comments and opinions could be submitted in writing to the Ministry, as stipulated on the Ministry's website: <https://www.gov.pl/web/edukacja/konsultacje-spoeczne-ram-dystrybucji-sprzetu-i-wyposazenia-dla-szkol-realizowanego-w-ramach-krajowego-planu-odbudowy>.

Section 2.1 of the Report (page 21) provides a detailed list of stakeholders and social partners that took part in the public consultation. Those include social partners (e.g. business association 'Konfederacja Lewiatan' and a bookkeepers' association 'Polish Book Chamber'), public sector entities (e.g., the Ministry of Digital Affairs, city councils), public and private schools of various levels, private sector entities (e.g., IT companies like Microsoft, AMD, and Cisco), as well as NGOs, and miscellaneous entities grouped as 'other' (such as teaching centres, teacher developments centres).

#### **...on the framework for the distribution of ICT equipment (IT kit for remote teaching) and for the provision of infrastructure (LAN connection, STEM and AI laboratories) to schools.**

The Report states in section 1.2 that the public consultation covered the draft Framework (page 9-18), available to the stakeholders on the public website of the Ministry of National Education: <https://www.gov.pl/web/edukacja/konsultacje-spoeczne-ram-dystrybucji-sprzetu-i-wyposazenia-dla-szkol-realizowanego-w-ramach-krajowego-planu-odbudowy>. The Framework sets out the minimum conditions for the distribution of ICT equipment (IT kits for remote teaching) and for the provision of infrastructure to the beneficiary schools (LAN connections, STEM and AI laboratories), as resulting from the public consultation with different stakeholders and social partners (page 2 of the Framework). The Framework also refers to the public consultation in its first section, stating that it was subject to public consultation and that the relevant comments from stakeholders or social partners were included in the Report (page 2 of the framework). Furthermore, the Framework establishes clear criteria for the selection of beneficiary schools, reflecting the needs for ICT equipment and infrastructure, and their potential impact on the educational performance of the beneficiary schools.

#### **The results of the consultation shall be summarised in a report, containing the main comments from stakeholders and social partners and the government's follow-up to these comments.**

The results of the consultation were summarised in the 'Report on public consultation on the framework defining procedures for the distribution of ICT equipment and for provision of infrastructure to schools and other educational institutions' by the Ministry of Education and the

Institute for Educational Research of 4 October 2024. Section 3 of the Report (pages 25-28) includes the answers to questions stakeholders raised during the consultation (listed in Section 1.3, grouped by consultation meeting). Section 4 (pages 30-40) lists the detailed comments made by stakeholders and social partners, whether the comment was considered by the Ministry of Education, and the Ministry of Education's explanation as to why each comment was considered or disregarded in shaping the framework. Furthermore, section 5 of the Report includes a summary of recommendations resulting from the public consultation identified by Polish authorities for further development of the Framework (pages 42-44).

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D2L - Entry into force of a legislative act on the support for establishing long-term care and geriatric care units/centres in district hospitals, based on the results of the review

**Related Measure:** D.1.2 Increasing the efficiency, availability and quality of long-term care services of healthcare providers at district level

**Qualitative Indicator:** Provision in the legislative act indicating the entry into force

**Time:** Q3 2022

### 1. Context:

The objective of reform D.1.2 is to help district hospitals in Poland reprofile into long-term care and geriatric care units or centres and therefore respond to the increasing demand for care for seniors.

Milestone D2L requires the entry into force of a legislative act based on the results of the review of the potential for establishing long-term care and geriatric care units/centres in district hospitals in Poland. The legislative act should specify how the support for establishing long-term care units and geriatric units and/or centres in district hospitals will improve the provision of care at local level.

Milestone D2L is the second and last milestone of the reform and it follows the completion of milestone D1L, related to publication of the review on the potential for establishing long-term care and geriatric care units/centres in district hospitals (assessed under the first payment request). The review provides an analysis of gaps in the availability of long-term care services at district level and identifies potential solutions to address them, including by improving access to these services, their quality, and the working conditions of staff.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document justifying how the milestone was satisfactorily fulfilled.
2	Copy of the Act of 16 November 2022 amending the Act on the professions of physician and dentist and certain other acts (Official Journal 2022, item 2770) that entered into force on 1 January 2023. Provisions relevant for milestone D2L, i.e. Article 2(17) and Article 24, entered into force on 27 December 2022.	Pursuant to Article 2 point 17) of the Act of 16 November 2022, the new Article 95ba was added to the Act of 27 August 2004 on health care services financed from public funds which authorises the Minister of Health to develop documents other than maps of health needs (Article 95a) and the national transformation plan (Article 95b), specifying how to support activities aimed at increasing access to healthcare services. In relation to this, Article 24 of the Act of 16 November 2022 on the professions of physician and dentist was introduced to provide for a detailed instruction regarding the development of such document.
3	Copy of the 'Executive document' developed by the Minister of Health in 2023 on the basis of	The executive document specifies how to support relevant changes in the

	<p>article 95ba of the Act of 27 August 2004 on health care services financed from public funds and article 24 of the Act of 16 November 2022 amending the Act on the professions of physician and dentist and certain other acts, entitled <i>The scope of support for changes in the organizational structure of district hospitals in the field of long-term or geriatric care at the local level in the territory of the Republic of Poland- the "Executive document of 2023"</i>. This was published on 14 July 2023 on the website of the Ministry of Health</p> <p><a href="https://www.gov.pl/web/zdrowie/wsparcie-zmian-struktury-organizacyjnej-szpitali-powiatowych-w-zakresie-opieki-dlugoterminowej-lub-geriatrycznej">https://www.gov.pl/web/zdrowie/wsparcie-zmian-struktury-organizacyjnej-szpitali-powiatowych-w-zakresie-opieki-dlugoterminowej-lub-geriatrycznej</a></p>	<p>organizational structure of district hospitals in order to improve long-term and geriatric care for seniors at local level.</p>
4.	<p>Copy of the document "Healthy future. Strategic framework for the development of the health care system for 2021-2027, with an outlook to 2030" adopted by the Council of Ministers by way of Resolution no 196/2021 on 27 December 2021, published on the website of the Ministry of Health. <a href="https://www.gov.pl/web/zdrowie/zdrowa-przyszlosc-ramy-strategiczne-rozwoju-systemu-ochrony-zdrowia-na-lata-2021-2027-z-perspektywa-do-2030">https://www.gov.pl/web/zdrowie/zdrowa-przyszlosc-ramy-strategiczne-rozwoju-systemu-ochrony-zdrowia-na-lata-2021-2027-z-perspektywa-do-2030</a></p>	<p>The document outlines activities aimed at improving the situation in the Polish health care system, which are grouped in four main areas: patient, processes, development and finance, defining goals for each of them, which in turn translate into specific directions of intervention.</p>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### Entry into force of a legislative act, (...)

The Act of 16 November 2022 (the "2022 Act") amending the Act on the professions of physician and dentist and certain other acts (published in the Official Journal 2022, item 2770) entered into force on 1 January 2023, according to its Article 29. Provisions relevant for milestone D2L, i.e. Article 2 point17) and Article 24 of the 2022 Act, entered into force on 27 December 2022, according to its Article 29.

#### (...) based on the results of the review of the potential for establishing long-term care and geriatric care units/centres in district hospitals in Poland.

The Ministry of Health published on 30 June 2022 the report entitled "Comprehensive overview of options for establishing long-term care centres and geriatric wards in district hospitals in Poland" (the 'Review'). This review was relevant for milestone D1L and was assessed under the first payment request. It performs a comparative analysis of supply and demand for long-term care at district level (Section 4), as well as an assessment of the possibility of transforming hospital wards into long term-care units (Section 5).



The following elements stemming from the results of this review are reflected in article 24 of the 2022 Act, namely those relating to:

- improving the provision and the quality of long-term care (conclusions 19 and 22 of the Review)
- eliminating the inequality in accessing long-term care (conclusion 20 of the Review)
- improving quality of the long-term care (conclusion 21 of the Review).

**The act shall specify how the support for establishing long-term care units and geriatric units and/or centres in district hospitals shall improve the provision of care, among others, to seniors at a local level.**

Article 24(1) of the 2022 Act requires that the Minister responsible for health draws up a document on the possibility of changing the organisational structure of medical entities for the purpose of setting up medical establishments or organisational units in which healthcare services in the area of geriatric care and care services will be provided in the context of long-term care. Under Article 24(2) of the 2022 Act, the document shall determine how to provide support to restructuring of medical entities aimed at establishing long-term care units and geriatric units and/or centres.

In line with the requirements of Article 24(2) of the 2022 Act, the Minister of Health adopted in 2023 'Executive document' (evidence No. 3), which sets out the objectives of the support for district hospitals to establish long-term care units and geriatric units and centres. This measure will contribute to improving the provision of care, including to seniors, at local level (page 5 of the 'Executive document') by:

- (i) improving the quality and accessibility to health- and long-term care services;
- (ii) eliminating inequalities in access to the services;
- (iii) improving the working conditions of the personnel providing the services

The 'Executive document' (page 9) specifies the scope of the support, which covers the reconstruction of hospitals and the purchase of new equipment in order to improve the provision of long-term and geriatric care. The 'Executive document' specifies that the subjects of the support are the district hospitals, which provide health care services at local level and which provide long-term care permanent services and hospital geriatric care (page 9). While long-term care can be addressed to dependent people of all ages, geriatric care can only be provided to seniors.

The Council Implementing Decision required that a legislative act specifies how the support for establishing long-term care and geriatric units and/or centres in district hospitals shall improve provision of care to seniors at a local level. Poland has introduced provisions in the 2022 Act (Article 2(17) and Article 24) providing the legal basis for the development of an executive document specifying how to support activities aimed at increasing access to healthcare services. On this basis, in 2023 the Minister of Health adopted a document ('Executive document') specifying how to support relevant changes in the organizational structure of district hospitals in order to improve long-term and geriatric care for seniors at local level. Hence, the detailed specifications are included in the 'Executive document' and not in the legislative act. Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, it is acceptable as it ensures implementation of all relevant elements of the description of the milestone. In line with internal legislative procedures of Poland, legislative acts do not include detailed specifications as these are outlined in implementing legal acts or (executive) documents. As of this, this minimal deviation does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**The legislative act shall be in line with the “Strategic framework on healthcare system development in Poland 2021-27 - Healthy Future”.**

The government document ‘Healthy Future. Strategic framework for the health care system for the years 2021-2027 with an outlook to 2030’ adopted on 27 December 2021 by a resolution of the Council of Ministers (evidence No. 4) specifies six ‘directions of interventions’ in which public support is warranted. They include the ‘Direction of Intervention no 3 Improving the availability and effectiveness of healthcare through the development and modernisation of the healthcare system infrastructure’, which outlines the areas to be supported. One of them is the adaptation of the resources and structure of hospitals to the demographic changes, particularly with regard to the care for the elderly: in particular, long-term care and geriatric care. (page 196). Accordingly, the ‘Executive document’ (evidence No. 3) envisages increasing the number of places in long-term care facilities, where there is a need, by transforming organizational units of hospitals where beds are not fully used into long-term care facilities or geriatric wards, along with a modernization activities.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** E5L Entry into force of a legal act introducing improvements to passenger rights in the field of rolling stock requirements

**Related Measure:** E.2.3 Enhance transport accessibility, security and digital solutions

**Qualitative Indicator:** Provision in the legal acts indicating the entry into force

**Time:** Q4 2022

### 1. Context:

The reform aims to increase the accessibility of transport. It consists of an accelerated implementation of Regulation (EC) No 1371/2007 (the 'Regulation 1371/2007') on rail passenger's rights and on rolling stock adaptations to passengers with reduced mobility. The reform also includes relevant provisions to upgrade national, international, and regional rolling stock with requirements for passengers with disabilities.

The milestone concerns technical and functional standards for railway investments to be introduced by a legal act in order to ensure adequate infrastructure solutions fulfilling needs of passengers with reduced mobility. For this purpose, the legal act shall repeal the relevant national provisions for derogation from Regulation 1371/2007 on rail passengers' rights and obligations.

Milestone E5L is the first step of the implementation of the reform. It will be followed by milestone E6L (under the fifth instalment), related to the obligation to upgrade national, international, and regional rolling stock with requirements for passengers with disabilities.

The reform has a final expected date for implementation on 30 June 2024.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	A summary document duly justifying how the milestone (including all constitutive elements) was satisfactorily achieved.
2	The Act of 9 May 2023 amending the Act on the management of agricultural real estate of the State Treasury, the Construction Law Act and the Railway Transport Act (Official Journal 2023, item 967). Entry into force of relevant provisions: 7 June 2023. Link to publication in Official Journal: <a href="https://dziennikustaw.gov.pl/DU/2023/967">https://dziennikustaw.gov.pl/DU/2023/967</a>	Legal act adopted by Parliament specifying the scope of application of Regulation (EU) 2021/782, repealing national derogations from the Rail Passenger Rights Regulation.
3	Regulation of the Minister of Infrastructure of 24 March 2023 amending the Regulation on exemption from the application of certain provisions of Regulation (EC) No. 1371/2007 of the European Parliament and of the Council regarding the rights and obligations of passengers in rail traffic (Official Journal 2023, item 631). Entry into force: 7 April 2023. Link to publication in Official Journal: <a href="https://dziennikustaw.gov.pl/DU/2023/631">https://dziennikustaw.gov.pl/DU/2023/631</a>	Regulation of the Minister of Infrastructure amending an earlier regulation allowing exemptions from application of certain provisions of Regulation 1371/2007, repealing national derogations from the Rail Passenger Rights Regulation as of 3 December 2023.

4	<p>Explanatory memorandum to the Regulation of the Minister for Infrastructure amending the Regulation on exemption from certain provisions of Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations. Link to the document: <a href="https://legislacja.gov.pl/docs//521/12364953/12917947/12917948/dokument579607.pdf">https://legislacja.gov.pl/docs//521/12364953/12917947/12917948/dokument579607.pdf</a></p>	<p>Supporting document with supplemental explanations for the Regulation of the Minister of Infrastructure amending an earlier regulation allowing exemptions from application of certain provisions of Regulation 1371/2007, repealing national derogations from the Rail Passenger Rights Regulation as of 3 December 2023.</p>
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Technical and functional standards for railway investments shall be introduced by a legal act in order to ensure adequate infrastructure solutions fulfilling needs of passengers with reduced mobility. For this purpose, the legal act shall repeal the relevant national provisions for derogation from the regulation (EC) 1371/2007 on rail passengers' rights and obligations.** The measure description further provides that the reform shall **consist of an accelerated implementation of Regulation 1371/2007.**

Chapter V (Articles 19 to 25) of Regulation 1371/2007 contains the relevant requirements linked to technical and functional standards for railway investments related to adequate infrastructure solutions fulfilling needs of passengers with reduced mobility. National law contained a derogation from Article 21(1) of Regulation 1371/2007, under which railway undertakings and station managers shall, through compliance with the technical specifications for interoperability (TSI) for persons with reduced mobility, ensure that the station, platforms, rolling stock and other facilities are accessible to disabled persons and persons with reduced mobility.

The national provisions relating to the above derogation were set out in the following legal acts:

- Regulation of the Minister for Infrastructure of 27 November 2019 (Journal of Laws 2019, 2330) provided in Paragraph 1 that Article 21(1) of Regulation 1371/2007 is exempted from application to long distance train services until 2 December 2024.
- The Rail Transport Act of 28 March 2003 (Journal of Laws 2003, item 789, later amended) provided in Article 3a that Article 21(1) of Regulation 1371/2007 is exempted from application to regional rail passenger transport services.

Both above listed national provisions containing derogations from Article 21(1) of Regulation 1371/2007 (relating to both long distance trains and regional trains) were removed.

The Regulation of the Minister of Infrastructure of 24 March 2023 (the '**Ministerial Regulation of March 2023**') amended the Regulation of the Minister for Infrastructure of 27 November 2019 in such a way it repealed the national derogations for domestic (i.e., long-distance) passenger services and therefore accelerated the implementation of Regulation (EC) 1371/2007. The Ministerial Regulation of March 2023 entered into force on 7 April 2023 as per its Paragraph 2.

The Council Implementing Decision required that technical and functional standards for railway investments shall be introduced by a legal act in order to ensure adequate infrastructure solutions fulfilling needs of passengers with reduced mobility. For this purpose, the legal act was to repeal the

relevant national provisions for derogation from the regulation (EC) 1371/2007 on rail passengers' rights and obligations. The Recovery and Resilience Plan in the version submitted by Poland on 3 May 2021 provides that the adaptation of rolling stock to the requirements of the regulation (EC) 1371/2007 applies only to rolling stock, for which the investment is justified and reasonable taking into account the remaining period of service of the rolling stock. The Ministerial Regulation of March 2023 repealed the relevant national provisions containing above derogations from Regulation (EC) 1371/2007 for all domestic trains with the exception of trains, for which the retrofitting is not economically viable, meaning that the end date of the exploitation period for the rolling stock is earlier than 2 December 2026, as set forth in Paragraph 1 of the Ministerial Regulation of March 2023 and further confirmed in the Explanatory Memorandum to the Ministerial Regulation of March 2023). This is in line with the purpose of the reform clarified in the Recovery and Resilience Plan. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Furthermore, the Act of 9 May 2023 amended the Act on the management of agricultural real estate of the State Treasury, the Construction Law Act and the Rail Transport Act (the '**Act of 9 May 2023**'). It was published in the Official Journal on 19 May 2023, and the relevant provisions entered into force on 7 June 2023 in accordance with its Article 5.

Article 3 of the Act of 9 May 2023 repealed Article 3a of the Rail Transport Act, which contained the exemption from Article 21(1) of Regulation 1371/2007 for regional rail transport services. Article 3 introduced a new Article 3a to the Rail Transport Act which does not contain a derogation from technical and functional standards for railway investments which ensure adequate infrastructure solutions fulfilling needs of PRM. It rather clarifies that the chapter on the rights of PRM (Articles 21 to 26 of Regulation 2021/782, which replaced Chapter V of Regulation 1371/2007 in the meantime) is fully applicable to regional rail transport services.

The Council Implementing Decision required that technical and functional standards for railway investments shall be introduced by a legal act in order to ensure adequate infrastructure solutions fulfilling needs of passengers with reduced mobility. For this purpose, the legal act was to repeal the relevant national provisions for derogation from the regulation (EC) 1371/2007 on rail passengers' rights and obligations. Poland adopted legal acts, which repealed the relevant national provisions containing above derogations from Regulation (EC) 1371/2007 for all regional and domestic trains, with the exception of tourist/historic trains (as set forth in Article 3 of the Act of 9 May 2023 and Paragraph 1 of the Ministerial Regulation of March 2023). This exclusion is justified. Component E of the Council Implementing Decision states that '*The main objective of the component is thus to introduce reforms and investment to promote sustainable transport, via public urban transport, clean vehicles and the corresponding infrastructure, modal shift from road to railways (...)*'. Increasing the accessibility of historic and tourist trains does not support such a modal shift as these services are not a practical mode of transport and do not represent a viable alternative to road transportation, therefore are not covered by reforms in Component E. Additionally, tourist/historic trains often use vintage rolling stock or travel on historic routes that may not be modernised to meet new standards without compromising their historical integrity. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

#### **The reform shall enter into force by 31 December 2022**

The Council Implementing Decision required the legal act to enter into force by 31 December 2022. The Ministerial Regulation of March 2023 entered into force on 7 April 2023 (as set forth in its

paragraph 2) and the Act of 9 May 2023 entered into force on 7 June 2023 (as set forth in its article 5). Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, both legal acts already entered into force at the time of the assessment. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** satisfactorily fulfilled.

## Non-repayable support – Third instalment

**Number and name of the Milestone:** A12G - Entry into force of a new act on spatial planning

**Related Measure:** A.1.3 Land-use planning reform

**Qualitative Indicator:** Provision in the act on spatial planning indicating its entry into force

**Time:** Q1 2023

### 1. Context:

The objective of the reform is to adopt a new legal framework for the land-use and in particular to create a stable and predictable investment climate for the construction sector. The reform introduced clearer rules for the development of the land-use planning documents and it provided for a new enhanced role for the participation of stakeholders in preparation of the planning documents. The reform is delivered by adopting a revised law on spatial planning.

Milestone A12G concerns the adoption and entry into force of the law on spatial planning. It introduces a new category of general spatial development plans for municipalities and it increases the role of stakeholders in the drafting of land-use planning documents. In addition, it sets out the rules for the investors and municipalities to agree on implementation of additional investments in social infrastructure facilities (like investments in roads, public transport, education facilities) which are necessary in order to allow for the housing investments.

Milestone A12G is the only milestone of this reform, related to adoption of the new law on land-use in municipalities.

### 3. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone was satisfactorily fulfilled.
2	Act of 7 July 2023 amending the Spatial Planning and Planning Act and certain other Acts, published in the Official Journal on 24 August 2023, item 1688, with entry into force on 24 September 2023.	The legislative Act introduced a reform concerning the land-use of municipalities. In particular it introduced a new planning tool – the general plan. It lays out the conditions for the preparation of the general plans, including the role of the public consultation with stakeholders and the need to define the standards for the necessary investments in the social infrastructure.
3	Draft proposal of the Act amending the Spatial Planning and Planning Act and certain other Acts, published in the Official Journal on 23 March 2023. <a href="https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=3097">https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=3097</a>	The impact assessment is included on pages 190-207 and the report from the public consultations on pages 208-216. The report the public consultation provides detailed information on the public consultation of the Act, it summarizes

		<p>the opinions submitted during the consultation and describes how the comments were incorporated in the draft Act presented to Parliament. The online document was checked by the Commission services on 30 October 2024.</p>
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Following a public consultation, entry into force of a new act on spatial planning**

A new act on spatial planning was adopted with the Act of 7 July 2023 amending the Spatial Planning Act (Official Journal in 2023, item 1688, hereinafter called “the Act”).

The Act was published in the Official Journal on 24 August 2023, item 1688, and according to Article 78 point 1, it entered into force 30 days after the publication i.e. on 24 September 2023. The public consultation on the draft Act started on 25 April 2022 and lasted for 23 days (point 5 of the Impact Assessment, pages 11-13). Local and regional authorities submitted comments which tackled the timeline of the introduction of the proposed changes and in particular the timeline for the preparation of the general plans. Comments also tackled a possibility of adopting a new Act on spatial planning revoking the currently binding one. Those comments were rejected due to the decision of taking a different approach which allows for adopting changes to the spatial planning Act in a gradual way without imposing risks to the investment framework in Poland.

**which shall 1) introduce a requirement for all municipalities to prepare and adopt general spatial development plans, to be converted into local legislation, which shall lay down the general rules for building in the municipal area;**

Article 1 point 12 of the Act introduced new Articles 13a-13m to the Spatial Planning Act. Article 13a(1) of the Spatial Planning Act sets out an obligation for the municipalities to adopt general spatial development plans (the “general plans”). Article 13i of the Spatial Planning Act specifies the procedure for preparation of the general plans. According to the provisions of Article 13a(1) point 7 of the Spatial Planning Act, the general plans should have a status of local legal acts. The general plans set out the general rules for building in the municipal areas by defining the planning zones (Article 13a(4) point 1 letter a of the Spatial Planning Act) and municipal standards for land-use (Article 13a(4) letter b of the Spatial Planning Act). A new article 13c(2) of the Spatial Planning Act defined the concept of the planning zones which cover different categories of investments, including housing investments.

**2) introduce a requirement that obliges investors to carry out additional projects for the benefit of the municipality when building new development projects, with a view to, inter alia, reduce the development of housing without a sufficient provision of services.**

Article 1 point 39 of the Act introduced the new Articles 37ea - 37eg to the Spatial Planning Act. Article 37ed (1) of the Spatial Planning Act sets out the new concept of Spatial Plan Agreements which are concluded between investors and municipalities, those provisions do not limit the scope of investments for which the Spatial Plan Agreements are concluded. The Spatial Plan Agreements oblige the investor to implement a complementary investment which according to the newly introduced Article 2 point 5a to the Spatial Planning Act covers elements of infrastructure and facilities of common benefit like public roads, education facilities, medical facilities, cultural facilities



and recreation areas (the “complimentary investment”). Paragraph 2 point 2 of the newly introduced Article 37ed of the Spatial Planning Act, specifies the examples of the requirement which can be put on the investor by the Spatial Plan Agreement which in particular cover the obligation to the investor to finance all or part of the complementary investment.

In addition, under Article 37ec (2) point 9 of the Spatial Planning Act, the Integrated Investment Plan is part of the Spatial Plan Agreement as its annex. The Integrated Investment Plan according to Article 37ea (3) of the Spatial Planning Act has a status of a local land-use plan and as per Article 37ea (2) of the Spatial Planning Act it covers the main and the complementary investment. The Integrated Investments Plans are subject to public consultation in line with the provisions of the newly introduced Article 37ec (2) point 4 letter d of the Spatial Planning Act. This allows the stakeholders to comment and influence the final shape of the complementary investment and provides the safeguards for ensuring that investments will not be implemented without sufficient development of services.

The provisions introducing the Spatial Development Agreements, the complementary investments and the Integrated Investment Plans ensure that investors will carry out the agreed set of complementary investments to implement the proper standards of social infrastructure and services for the housing investments. The process is done in line with the existing legal framework and in particular, it safeguards the interests of investors, municipalities and stakeholders (in particular local citizens) by defining the process for reaching the agreement on the scope of complementary investment and by the introduction of the Spatial Development Agreements which provide binding requirements for investors.

### **3) define the process in which stakeholders may participate in the drafting of strategies and general plans in municipalities**

Article 1 point 10 of the Act introduced Articles 8e – 8m in the new Chapter 1a (Social participation) to the Spatial Planning Act which defines the process of stakeholder participation in the preparation of the land-use acts concerning municipalities (such as general plans of municipalities, local land-use plans of municipalities, and regional spatial development plans which are the key documents for the development of municipalities and regions which all are strategic documents for the land-use planning).

In particular, according to the newly introduced Article 8e point 1 of the Spatial Planning Act the stakeholders are entitled to take part in the development of the land-use acts. The authorities responsible for the preparation of the land-use acts are obliged by Article 8h paragraph 3 of the Spatial Planning Act to organise the consultation process in a way which will enable the participation of the broadest group possible of stakeholders. The catalogue of possible ways how the public consultation can be done is listed in Article 8i of the Spatial Planning Act. The possible methods cover: collecting written comments, organising open meetings and expert panels, organising field visits, preparing surveys and creating possibilities for discussions with urban planners. Paragraph 2, Article 8i of the Spatial Planning Act defines the minimal requirements concerning which methods for public consultation need to be used, which ensures that while conducting the public consultation the respective authority must always gather comments, organise a meeting or workshop and use at least one of the following methods: organise field visits, prepare surveys and geo-surveys and allow for meetings and with urban planners. Under Article 8j point 1 of the Spatial Planning Act, the public consultations should last at least 28 days. Finally, under Article 8k(2) of the Spatial Planning Act, when a municipality council receives a draft land-use document, this needs to be accompanied by a detailed report from the public consultation, with proposed decisions concerning the follow-up for each of the submitted comments.

### **4. Commission Preliminary Assessment: Satisfactorily fulfilled.**

**Number and name of the Milestone:** A33G - Entry into force of an act amending the Act on the Polish Air Navigation Services Agency

**Related Measure:** A.2.3 Providing the institutional and legal basis for the development of the unmanned aerial vehicles (UAVs)

**Qualitative Indicator:** Provision in the act amending the Act on the Polish Air Navigation Services Agency indicating its entry into force

**Time:** Q2 2023

### 1. Context:

The objective of the reform is to set up an entity to support the testing and implementation of new UAV-based solutions, in particular in urbanised areas.

Milestone A33G concerns granting the Polish Air Navigation Services Agency the right to own equity in commercial companies and shall authorise it or its subsidiaries to conduct pilot projects supporting the implementation of business models and services based on UAVs. The Polish Air Navigation Services Agency should also act as a provider of specialized services for UAVs within the planned network of competence centres.

Milestone A33G is the only milestone of this reform.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) has been satisfactorily fulfilled.
2	The Act of 16 June 2023 amending the act on public collective transport and some other acts (published in the Official Journal of 28 August 2023, item 1720). The Act of 16 June 2023 entered into force on 29 August 2023.	The Act grants the Polish Air Navigation Services Agency certain rights in respect of unmanned aerial vehicles, in line with the milestone description.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **Entry into force of an act amending the Act on the Polish Air Navigation Services Agency**

The Act of 16 June 2023 amending the act on public collective transport and some other acts which includes in its Article 10 the amendment to the Act on the Polish Air Navigation Services Agency (the "Act") was adopted on 16 June 2023. Pursuant to Article 28(2) of the Act, Article 10 of the Act shall enter into force on the day after the date of publication. The Act was published in the Official Journal of 28 August 2023 (item 1720), and Article 10 of the Act entered into force on 29 August 2023. The rest of the Act (with certain exceptions) entered into force 30 days after its publication, pursuant to Article 28 of the Act.

**The amending act shall grant the Polish Air Navigation Services Agency (PANSa) the right to own equity in commercial companies and shall authorise PANSa or its subsidiaries to conduct pilot projects supporting implementation of business models and services based on UAV.**

Article 10 of the Act introduces a new paragraph 7 to Article 4 of the Polish Air Navigation Agency Act, which grants the Polish Air Navigation Services Agency (PANSa) the right to own equity in commercial companies.

In addition, Article 10 of the Act introduces a new paragraph 4a to Article 4 of the Polish Air Navigation Agency Act, which authorises PANSa to conduct pilot projects supporting the implementation of business models and services based on UAVs.

Furthermore, in line with the description of the measure, **the Polish Air Navigation Services Agency shall also act as a provider of specialized services for UAVs within the planned network of competence centres (which are the subject of investment A2.3.1 of the Polish RRP).**

The Council Implementing Decision states that the Polish Air Navigation Services Agency shall also act as a provider of specialized services for UAVs within the planned network of competence centres. The network of competence centres is the subject of investment A2.3.1 of the Polish RRP. The indicative timeline for the first target (target A36G) of this measure is Q1 2025, therefore after the assessment of milestone A33G. This also explains why the description of measure A2.3 mentions 'planned' network of competence centres. The specialised services for UAVs can therefore only be provided by the Polish Air Navigation Services Agency once the network of competence centres has been established. The objective of the milestone is therefore to grant the Polish Air Navigation Services Agency the necessary rights for the future, so that the Polish Air Navigation Services Agency can use these rights to provide specialised services for UAVs, once the network of competence centres has been established. This is also clear from the fact that the name of the measure is "Providing an institutional and legal basis for the development of the unmanned aerial vehicles (UAV)".

In light of the contextual interpretation of this requirement from the Council Implementing Decision, this requirement is therefore to be regarded as an obligation to create a legal basis for the Polish Air Navigation Services Agency to provide specialized services for UAVs, so that the Polish Air Navigation Services Agency can provide such services in the future, once the network of competence centres (which is the subject of investment A2.3.1 of the Polish RRP) is established.

Article 10 of the Act introduces a new paragraph 4a to Article 4 of the Polish Air Navigation Agency Act, which authorises PANSa to provide services to UAV operators. This is a general prerogative, which also enables PANSa to provide specialised services for UAVs within the network of competence centres, in line with the contextual interpretation of this milestone. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** B2G - Update of the “Clean Air” Priority Programme

**Related Measure:** B.1.1 Clean Air and energy efficiency

**Qualitative Indicator:** Adoption of amendments to the “Clean Air” Priority Programme by the National Fund for Environment Protection, including provisions for support targeted at (a) higher-income households notably with the involvement of the banking sector providing loans combined with grants; (b) low-income households; (c) lowest-income households

**Time:** Q1 2023

### 1. Context:

Measure B1.1 Clean Air and energy efficiency aims to reduce GHG emissions and improve energy efficiency in certain economic sectors. It also aims to improve air quality by accelerating the replacement of polluting heat and power sources.

Milestone B2G concerns the adoption of amendments to the “Clean Air” Priority Programme by its implementing body, the National Fund for Environmental Protection and Water Management. The amendments are aimed at introducing three kinds of home renovation support targeted at beneficiaries with different income levels, to be made available by 31 March 2023.

Milestone B2G is the third milestone of the reform, and it follows the completion of milestone B3G and milestone B1G (both in the first payment request) and is accompanied in this payment request by milestone B4G. It will be followed by milestone B5G, related to the adoption of quality standards for biomass-based solid fuels (fourth instalment).

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) has been satisfactorily fulfilled.
2	Decision No 8/2022 of the Deputy President of the National Fund for Environmental Protection and Water Management signed on 28 December 2022	The Decision determines the date of publication and of the entry into operation of the amended Clean Air Priority Programme and the announcement of the terms and conditions of the new programme
3	Resolution No B/37/17/2022 of the Board of the National Fund for Environmental Protection and Water Management of 20 September 2022	The Resolution of the National Fund for Environmental Protection and Water Management Board on the adoption of an amendment to the “Clean Air” Priority Programme and amendment to its implementation
4	Explanatory note on compliance with the long-term building renovation strategy, issued by the Ministry of Climate and Environment on 3 March 2023	An explanatory note demonstrating how the adopted amendments to the Clean Air Priority Programme (CAPP) contribute to the objectives of the long-term renovation strategy under the Energy Performance of Buildings Directive. The long-term building renovation strategy is published on the website of the Ministry of Economic Development and Technology and can be accessed via the following link:

		<a href="https://www.gov.pl/attachment/5720cb23-15d2-473d-829f-ff1010c89ecc">https://www.gov.pl/attachment/5720cb23-15d2-473d-829f-ff1010c89ecc</a>
5	Appendices No 2, 2a and 2b to the Clean Air Priority Programme defining eligible costs	Documents specifying eligible costs, maximum intensity of support and grant caps for the three income categories of recipients
6	Appendix 1 to the Clean Air Priority Programme	Instructions on combining support under the Clean Air Priority Programme with the thermos-modernization tax credit
7	The Clean Air Priority Programme; Appendix 1 to Resolution No B/37/17/2022)	A copy of the amended Clean Air Priority Programme laying down the scheme's scope, objectives, budget, duration and terms and conditions on which beneficiaries can apply for support
8	Links to publication of the amended programme on the websites of the Regional Funds for Environmental Protection and Water Management	<p>Online publication of the amended "Clean Air" Priority Programme documents on the websites of the Regional Funds for Environmental Protection and Water Management (implementing partners of the National Fund for Environmental Protection and Water Management):</p> <ol style="list-style-type: none"> <li>1. <a href="https://portal.wfosigw.bialystok.pl/dokument-y-od-03012023-r-do-21042024-r">https://portal.wfosigw.bialystok.pl/dokument-y-od-03012023-r-do-21042024-r</a></li> <li>2. <a href="https://portalbeneficjenta.wfos.gdansk.pl/wymagana-dokumentacja-dla-wnioskow-zlozonych-oddnia-03012023-sciezka-przez-wfo">https://portalbeneficjenta.wfos.gdansk.pl/wymagana-dokumentacja-dla-wnioskow-zlozonych-oddnia-03012023-sciezka-przez-wfo</a></li> <li>3. <a href="https://portal.wfosigw.katowice.pl/dotacja-z-prefinansowaniem">https://portal.wfosigw.katowice.pl/dotacja-z-prefinansowaniem</a></li> <li>4. <a href="https://portalbeneficjenta.wfos.com.pl/wymagana-dokumentacja-sciezka-wfosigw">https://portalbeneficjenta.wfos.com.pl/wymagana-dokumentacja-sciezka-wfosigw</a></li> <li>5. <a href="https://docs.google.com/document/d/1Qr8AOeP8IMPt_iICMXlfx-xELTqn_avzCJj1DhBLNFo/edit?tab=t.0#heading=h.vh5tkxyr7dau">https://docs.google.com/document/d/1Qr8AOeP8IMPt_iICMXlfx-xELTqn_avzCJj1DhBLNFo/edit?tab=t.0#heading=h.vh5tkxyr7dau</a></li> <li>6. <a href="https://portal.wfosigw.lodz.pl/wymagana-dokumentacja-sciezka-przez-wfoigw">https://portal.wfosigw.lodz.pl/wymagana-dokumentacja-sciezka-przez-wfoigw</a></li> <li>7. <a href="https://portal.wfos.lublin.pl/wymagana-dokumentacja-sciezka-przez-wfoigw">https://portal.wfos.lublin.pl/wymagana-dokumentacja-sciezka-przez-wfoigw</a></li> <li>8. <a href="https://wfosigw.olsztyn.pl/czyste-powietrze/portal-beneficjenta-programu-czyste-powietrze/">https://wfosigw.olsztyn.pl/czyste-powietrze/portal-beneficjenta-programu-czyste-powietrze/</a></li> <li>9. <a href="https://portal.wfosigw.opole.pl/sciezka-przez-wfosigw">https://portal.wfosigw.opole.pl/sciezka-przez-wfosigw</a></li> <li>10. <a href="https://www.wfosgw.poznan.pl/czyste-powietrze/informacje-o-programie/wczesniejsze-wersje-programu/">https://www.wfosgw.poznan.pl/czyste-powietrze/informacje-o-programie/wczesniejsze-wersje-programu/</a></li> <li>11. <a href="https://beneficjent.wfosigw.rzeszow.pl/wymagana-dokumentacja">https://beneficjent.wfosigw.rzeszow.pl/wymagana-dokumentacja</a></li> <li>12. <a href="https://wnioski.wfos.szczecin.pl/program-">https://wnioski.wfos.szczecin.pl/program-</a></li> </ol>

		<p>priorytetowy-czyste-powietrze-obowiazujacy-od-dnia-03012023-r-do-21042024-r</p> <p>13. <a href="https://portal.wfosigw.torun.pl/wymagana-dokumentacja-od-03012023-r-do-21042024-r">https://portal.wfosigw.torun.pl/wymagana-dokumentacja-od-03012023-r-do-21042024-r</a></p> <p>14. <a href="https://portal.wfosigw.pl/sciezka-przez-wfosigw">https://portal.wfosigw.pl/sciezka-przez-wfosigw</a></p> <p>15. <a href="https://portal.fos.wroc.pl/wymagana-dokumentacja-sciezka-przez-wfoigw">https://portal.fos.wroc.pl/wymagana-dokumentacja-sciezka-przez-wfoigw</a></p> <p>16. <a href="https://portal.wfosigw.zgora.pl/wymagana-dokumentacja-sciezka-przez-wfoigw">https://portal.wfosigw.zgora.pl/wymagana-dokumentacja-sciezka-przez-wfoigw</a></p>
9	Europe's air quality status 2023	<p>Briefing by the European Environment Agency providing information on the air quality situation and trends in Member States, available under this link: <a href="https://www.eea.europa.eu/publications/europes-air-quality-status-2023">https://www.eea.europa.eu/publications/europes-air-quality-status-2023</a></p>
10	<p>"Clean Air Priority Programme gains speed – more than 100000 applicants just this year (<i>Program Czyste Powietrze po zmianach dynamicznie przyspieszył - ponad 100 tysięcy chętnych tylko w tym roku</i>)"</p>	<p>Press release announcing the increase in the number of applications for support, published on 4 July 2023 on the website of the Ministry of Climate and Environment, available under this link: <a href="https://www.gov.pl/web/klimat/program-czyste-powietrze-po-zmianach-dynamicznie-przyspieszyl---ponad-100-tysiecy-chetnych-tylko-w-tym-roku">https://www.gov.pl/web/klimat/program-czyste-powietrze-po-zmianach-dynamicznie-przyspieszyl---ponad-100-tysiecy-chetnych-tylko-w-tym-roku</a></p>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **The National Fund for Environment Protection shall adopt amendments to the "Clean Air" Priority Programme**

The National Fund for Environment Protection adopted the amendments to the "Clean Air" priority programme by way of its Resolution No B/37/17/2022 (evidence No. 3) and Appendix 1 to the Resolution, which contains the updated text of the programme (evidence No. 7). The Resolution authorised the Deputy President of the National Fund for Environmental Protection and Water Management to determine the date of entry into application of the amended programme.

The Deputy President of the National Fund for Environmental Protection and Water Management set the date of publication of the announcement of the amended programme to 30 December 2022, and the entry into force of the amended programme to 3 January 2023 in their Decision No 8/2022 of 28 December 2022 (evidence No. 2, page 1). The amended programme was published on the websites of the sixteen Regional Funds for Environmental Protection and Water Management, which are the programme's implementing partners (evidence No. 8).

#### **in line with long-term renovation strategy under the Energy Performance of Buildings Directive,**

The amendment to the "Clean Air" Priority Programme is in line with the Polish long-term building renovation strategy adopted under the Energy Performance of Buildings Directive. The "Clean Air" Priority Programme is explicitly identified in the Polish long term renovation strategy as one of the measures to achieve the strategy's objectives (page 9 of the long-term building renovation strategy referenced under evidence No. 4). Moreover, as the "Clean Air" Priority Programme financially

supports the replacement of polluting coal boilers in single-family houses with cleaner heat sources and thermal renovations of such houses, it contributes to Polish long term renovation strategy's objectives of:

- phasing out the use of coal in all residential buildings by 2040, and in cities - until 2030, while maintaining the possibility of using smokeless fuel until 2040,
- phasing out the use of heating based on direct combustion of coal in buildings undergoing thermal modernization and replacement of heat sources,  
(Guidelines for supporting building renovations in Poland, page 10 of the long-term building renovation strategy referenced under evidence No. 4)

The "Clean Air" Priority Programme also prioritizes energy efficiency and non-fossil solutions by awarding higher support to heat pumps, district heating and energy efficiency improvements, contributing to the Polish long term renovation strategy's objective of:

- phasing out of the use of remaining fossil fuels, in particular gas, in residential and non-residential buildings until 2050:
- to move away from the use of fossil fuel sources (including natural gas) as basic energy carriers in thermal modernization of residential and non-residential buildings until 2030, while maintaining the applicability of hybrid solutions and zero-emission sources alternatives,
- phasing out the use of fossil fuels by replacing heat sources or use of zero-emission alternatives (e.g. biomethane, synthetic fuels, hydrogen) in other buildings with a parallel deep thermal modernization by 2050.  
(Guidelines for supporting building renovations in Poland, page 10 of the long-term building renovation strategy referenced under evidence No. 4)

The "Clean Air" Priority Programme is also aligned with the building renovation pathway recommended under the Polish long term renovation strategy (Section 9.4: Recommended scenario, page 112 of the long-term building renovation strategy referenced under evidence No. 4). Under that pathway, Poland should implement a mass replacement of heat sources combined with shallow thermal modernization until 2030 (the renovations should be planned in steps and allow achieving zero-emission standard by 2050), while gradually increasing the share of deep thermal modernization to the level of approx. 3% annually in the next years. In line with this, at this stage the "Clean Air" Priority Programme provides financial support to mass replacement of inefficient heat sources and thermal renovations of single-family houses, aiming to reach 3 million houses within its lifetime (evidence No. 7, page 1).

Furthermore, in line with the description of the measure, the "Clean Air" priority programme **shall be the main vehicle for energy efficiency measures in buildings.**

Poland's long-term building renovation strategy states that the optimal building renovation scenario is to focus on the worst-performing buildings in the initial phase of the strategy's implementation, i.e. until 2027. Single-family houses account for most buildings in this category (pages 107 and 112 in the long-term building renovation strategy referenced under evidence No. 4). As a scheme financing mass replacement of heat sources and building renovations in single-family houses, which targets more than three million such houses and dwellings (evidence No. 7, point 2 in the "General Scope" section on page 1), the "Clean Air" Priority Programme is therefore the main vehicle for supporting and promoting energy efficiency improvements in buildings.

**including dedicated support targeted at (a) higher-income households notably with the involvement of the banking sector providing loans combined with grants; (b) low-income households; (c) lowest-income households (in line with the applicable definitions under the "Clean Air" Priority Programme).**

The “Clean Air” Priority Programme is divided into three ‘parts’ offering support under different conditions, dedicated to beneficiaries falling into three different income categories. Each part includes a separate definition of ‘beneficiary’, based on that person’s legal title to the building and income level (evidence No. 7, pages 4, 12 and 21). Appendices 2, 2a and 2b to the “Clean Air” Priority Programme (evidence No. 5) specify the eligible costs and maximum amounts of grants for beneficiaries meeting the different definitions.

The first category of dedicated support is beneficiaries defined as natural persons who own or co-own a single-family residential building or a separate apartment within a single-family residential building for which a separate entry in the real estate registry exists, whose annual income does not exceed PLN 135 000.00 – this is the first category which is for higher income households eligible for support covering 40-55% of the eligible cost of renovation (exclusive of VAT) (evidence No. 7, page 4).

The second category of dedicated support, in Part 2, is for beneficiaries defined as a natural person who jointly meet the following criteria and who therefore belong to the category of low-income households eligible for support of 70-80% of the cost of renovation (exclusive of VAT):

- a. owner or co-owner of a single-family residential building or a separate apartment within a single-family residential building for which a separate entry in the real estate registry exists,
- b. average monthly income per one household member not higher than PLN 1 894.00 for multi-person households and PLN 2 651.00 in single-person households. For beneficiaries involved in business activity, the annual revenue does not exceed the amount corresponding to forty times the legal minimum wage (evidence No. 7, page 12).

As set out in Parts 1 and 2 of the “Clean Air” priority programme, the dedicated support targeted at those categories of beneficiaries notably involves the banking sector providing loans combined with grants – beneficiaries may apply for simple grants (evidence No. 7, page 7 - section 9.1 point 1 of the programme terms and conditions), or grants for partial repayment of a banking loan (evidence No. 7, page 15 - section 9.1 point 2). In the latter option, the beneficiary contracts a loan for home renovation or heat source replacement from one of the banks participating in the programme, and the support granted is used to partly repay that loan.

The third category of dedicated support, in Part 3, under which the highest level of co-financing (up to 100% of eligible costs exclusive of VAT) is provided, is for beneficiaries defined as a natural person who jointly meets the following criteria, and who therefore belong to the category of the lowest-income households:

- a. owner or co-owner of a single-family residential building or a separate apartment within a single-family residential building for which a separate entry in the real estate registry exists,
- b. average monthly income per one household member not higher than: PLN 1 090 for multi-person households and PLN 1 526 in single-person households; or the beneficiary has an established right to a permanent allowance, periodic allowance, family allowance or a special carer’s allowance. For beneficiaries engaging in business activity, the annual revenue does not exceed the amount corresponding to twenty-times the legal minimum wage (evidence No. 7, pages 21-22).

For comparison, the average monthly remuneration in the first quarter of 2023 was PLN 7 124.26

**By 31 March 2023, the provisions providing targeted support to the mentioned groups shall be fully operational and recipients shall have access to this support.**

In accordance with the Decision No 8/2022 of the Deputy President of the National Fund for Environmental Protection and Water Management, the amended “Clean Air” Priority Programme



including the provisions described above on providing targeted support to the mentioned groups, entered into application on 3 January 2023 (evidence No. 2, page 1). Poland provided a copy of the updated Clean Air Priority Programme and its appendices, which have been published at the websites of the Regional Funds for Environmental Protection and Water Management, which are the programme's implementing partners (evidence No. 8). Those websites were checked by Commission services on 30 October 2024. Based on the published documents, beneficiaries were able to apply for support under the amended terms.

Furthermore, in line with the description of the measure:

**[The reform] aims at improving air quality by accelerating the process of replacing polluting sources of heat and power generation. [...]**

In Poland, coal-fired boilers in residential buildings are the key source of air pollution, notably particulate matter, according to the European Environment Agency briefing on Europe's air quality status 2023 (evidence No. 9). Eliminating such boilers is a crucial measure to improve air quality. Supporting their replacement and energy efficiency improvements in buildings is the headline objectives of the "Clean Air" Priority Programme, which also supports RES installations. The programme is the main support scheme financing home renovations in Poland in terms of its projected total budget of more than PLN 103 billion and the headline target of replacing polluting heat sources in more than 3 million homes, as stated in the Clean Air Priority Programme text (evidence No. 7, Section 2: Performance indicators on page 1 and Section 3: Budget on page 2).

The update of the "Clean Air" Priority Programme contributed to accelerating the rate of heat source replacements by offering support on terms that correspond to the needs and financial capacities of potential beneficiaries belonging to different income groups, and by creating the option to apply for support via a bank and combine the grant with a loan (for Parts 1 and 2), or receive prefinancing (for Parts 2 and 3). As a result, according to information published by the Ministry of Climate and Environment on 4 July 2023, in the first half of 2023, 101 173 applications for support were filed, compared to 158 000 in the whole of 2022 (evidence No. 10).

**The efficiency of the implementation of the current Clean Air Programme shall thus be increased by streamlining application procedures.**

The amendments to the "Clean Air" Priority Programme increased the efficiency of its implementation because they improved access to home renovation subsidies by introducing the possibility to apply for support via a bank. This created an additional delivery channel for support which previously was provided solely via the National Fund for Environmental Protection and Water Management and the Regional Funds for Environmental Protection and Water Management. With this new option, the bank acts as a one-stop-shop for applicants eligible under Parts 1 and 2 of the programme and simultaneously handles applications for the grant and the banking loan (evidence No. 7, Part 1, section 9.3.1 General conditions of the award and disbursement of financing, point 2 on page 7 and Part 2, section 9.3.1 General conditions of the award and disbursement of financing, point 3 on page 15). Moreover, a prefinancing option was offered under Parts 2 and 3 (evidence No. 7, pages 16 and 24). Those improvements made the "Clean Air" Priority Programme accessible to a wider range of potential beneficiaries, further strengthening the effects of the introduction of support targeted to different income groups.

**These changes shall set the ground for deploying support under investment B1.1.2 "Replacement of heat sources and improvement of energy efficiency in single family residential buildings" [...] allowing significantly scaling up the rate of building renovations and heater replacement supported under that programme.**

The update of the "Clean Air Priority Programme" sets the ground for the implementation of Investment B1.1.2, which concerns the replacement of heat sources and improvement of energy

efficiency in single-family residential buildings, which are channelled via the Clean Air Priority Programme whose upgrade in line with long-term renovation strategy under the Energy Performance of Buildings Directive is one of the key measures under this reform. The update opened access to the programme to a wider range of beneficiaries by introducing funding conditions adapted to the needs of different income groups and thus eliminating financial barriers to applying (evidence No. 7, Part 1 on page 4, Part 2 on page 12 and Part 3 on pages 21-22).

Notably, the updated “Clean Air” Priority Programme offers the lowest-income households the possibility to apply for support covering up to 100% of eligible costs (exclusive of VAT) and to receive prefinancing, while giving the other two income categories of recipients the possibility to conveniently borrow money to finance their own contribution to the cost of renovation (evidence No. 7, pages 7, 15 and 25). In this way, the update removes financial barriers to applying for support and allows for an acceleration of the programme’s implementation as regards the rate of building renovations and heater replacement and set it on a pathway to achieving the targets of Investment B1.1.2.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C2G Amendment of the regulation of the Minister for Digitization on annual telecommunications infrastructure and services inventory

**Related Measure:** C1.1 Facilitating the development of network infrastructure to ensure universal access to high-speed internet

**Qualitative Indicator:** Provision in the amendment of the regulation indicating the entry into force.

**Time:** Q1 2023

### 1. Context:

The reform aims to guarantee universal access to high-speed internet and digital services throughout Poland, including the so-called 'white spots' where no high-capacity broadband infrastructure exists. This objective is to be achieved firstly by removing legislative barriers to broadband investment and secondly by aligning national legislation with the EU-wide Connectivity Toolbox of 25 March 2021. The legal changes are to envisage, inter alia, amendments to the Regulation on Telecom Infrastructure Inventory and to the Regulation on the Single Information Point (SIP) system.

Milestone C2G requires the entry into force of the amendment of the regulation on national inventory of telecom infrastructure and services to better identify areas requiring additional support from public interventions.

Milestone C2G is the second milestone of the reform, and it follows the completion of milestone C1G (first payment request), related to the setting up a framework to co-finance broadband projects in white Next Generation Access (NGA) areas, where no NGA network exists at present. Milestone C3G in the same payment request relates to the amendment of the regulation on Single Information Point.

The reform has a final expected date for implementation on 31 March 2023.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary note	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Copy of Regulation of the Minister of Digitalisation of 19 of December 2022 on the inventory of telecommunications infrastructure and services, published on 28 December 2022 in the Official Journal (item 2796), with entry into force on 1 January 2023.	The Regulation of the Minister of Digitalisation of 19 of December 2022 on the inventory of telecommunications infrastructure and services modifies and broadens the scope of information collected by the national inventory of telecommunications infrastructure and services <a href="https://dziennikustaw.gov.pl/DU/2022/2796">https://dziennikustaw.gov.pl/DU/2022/2796</a>

### 3. Analysis:

The justification and substantiating evidence provided by Poland cover all constitutive elements of the milestone.

## **Entry into force of the amendment of the regulation on national inventory of telecom infrastructure and services**

Poland adopted the Regulation of the Minister of Digitalisation of 19 December 2022 on the inventory of telecommunication infrastructure and services - the "2022 Regulation", which replaced the previous regulation, i.e. the Regulation of the Minister for Digitization on the inventory of telecommunication infrastructure and services of 24 February 2014 (Official Journal of 2014, item 276) - the "2014 Regulation".

In line with the article 34 point 1 of the act of 30 September 2019, amending the act on supporting the development of telecommunication services and networks and amending other acts (Official Journal of 2019, item 1815) and under the requirements of Polish legal system, stemming from paragraph 32(2) of the Regulation of the Prime Minister concerning the "Principles of Legislative Technique" (consolidated text of 29 February 2016, Official Journal of 2016, item 283), the 2014 Regulation expired on 1 January 2022.

The 2022 Regulation not only covered the scope of the 2014 Regulation, thus substituting it, but also expanded it by introducing an obligation to provide information on: nodes of public telecommunications networks, the routes of cable lines (both optical and non-optical cable lines, which provide or enable the provision of access to high-speed internet), information on cells of mobile public telecommunications networks, wireless lines, the mobile coverage of public telecommunications networks; services based on telecommunications and public infrastructure telecommunications networks providing fixed broadband Internet access, buildings enabling colocation.

The 2022 Regulation entered into force on 1 January 2023, as stipulated in paragraph 7 of the Regulation.

### **to better identify the areas requiring additional support from public interventions.**

One of the objectives of the 2022 Regulation, stated in the Summary note, duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled, was to contribute to improving the identification of areas requiring additional support from public interventions, via improving the data collection system and broadening the scope of information collected. The 2022 Regulation modified and broadened the scope of information collected by the national inventory since 2014, increasing the amount and the specificity of the collected data. This Regulation was preceded by the Regulation of the Minister for Digitization of 24 February 2014 on the inventory of telecommunication infrastructure and services (Official Journal, item 276), the 2014 Regulation. The 2022 Regulation improved the previous data collection system (e.g. through electronic means), online data presentation (as maps and tables) and wider scope of information on infrastructure at the authorities' disposal, presenting the public authorities with a better reflection of the actual situation on the ground, thus allowing to better identify additional support from public interventions.

In particular, paragraphs 3 and 4 of the 2022 Regulation:

- a) set out a new obligation to provide information on the routes of cable lines (both optical and non-optical, which provide or enable the provision of access to high-speed internet). It requires a provision of information on all parts of routes of cable lines: starting points, drop points of the cable line joints, and their endpoints.

- b) requires a provision of data on cells of base stations of mobile public telecommunications networks and their location, technology, and parameters. The relevant information relates to the devices applied in mobile network cells, their functionality and specificity, so as to better reflect the situation on the ground.

Paragraph 5 of the 2022 Regulation specifies the format of the online presentation of the data collected, while Appendix 1 to the 2022 Regulation specifies the exact types of information to be transferred to the inventory and provides templates for submitting the relevant information. Appendix 2 to the Regulation contains a set of dictionaries of admissible parameter values required in specific fields of the forms specified in Appendix 1.

Altogether, the new set of data - collected in line with the provisions of the 2022 Regulation - provides the National Regulatory Authority (entity responsible for identifying white spots for public interventions) with a better quality of input to better identify the areas requiring additional support from public interventions, i.e. mapping the white spots and calculating Capital expenditure (CapEx) costs of covering them with VHCN networks. Especially data on the routes of cable lines proves to be the most useful enhancement, serving at least 2 purposes: i) marking the address points in range as „black” – thus eliminating them from public interventions (as they no longer require public support), ii) lowering the estimated state-aid levels required to connect white spots in the near proximity (as the knowledge of existing cable routes helps to better estimate the routes of missing cables, thus calculating their costs and expected state aid more precisely).

**Furthermore, in line with the description of the measure, the aim of the reform shall be achieved by removing legislative barriers to broadband investment.**

The 2022 Regulation, replacing and updating the 2014 Regulation, addressed the legislative barriers to broadband investment stemming from the outdated character of the 2014 Regulation. Lack of legal obligation imposed on reporting entities to provide actual, detailed and broad information, stemming from a lack of suitable regulation, presented a legislative barrier to the investment processes in this area. For example, the barrier of no legal obligation imposed on operators to provide a larger set of data increased the information uncertainty and investment risk. The 2022 Regulation, in particular paragraphs 3, 4 and 5, addressed the legislative barriers by introducing wider scope of information on the routes of cable lines, as well as an obligation to provide information regarding the cells of mobile network base network stations which enables the authorities to create a well-functioning Single Information Point. Therefore, the measure contributes to achieving more effective and less time-consuming investments in the area of telecommunications infrastructure.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** D7G - Entry into force of the regulation on the list of voivodeship monitoring centres for the oncological network

**Related Measure:** D.1.1 Improving the effectiveness, accessibility and quality of health services

**Qualitative Indicator:** Provision in the regulation indicating the entry into force

**Time:** Q1 2023

### 1. Context:

The objective of this reform is to ensure a lasting improvement in the resilience, effectiveness, quality and accessibility of healthcare and long-term care, the financial situation of public hospitals, and the processes of supervision and management of the hospitals. The reform is complemented by establishing the National Oncological Network and National Cardiological Network, as well as the improvement of quality and patient safety in health care system. The measure is linked with Investment D1.1.1. which supports hospitals only where investment needs have been identified as a result of the reform processes under reform D.1.1.

Milestone D7G requires the entry into force of the regulation on the list of voivodeship monitoring centres for the oncological network. Establishment of the monitoring centres for oncology results from the creation of the National Oncological Network.

Milestone D7G is the fifth step in the implementation of the reform, and is accompanied in this payment request by milestone D2G, related to strengthening primary care, milestone D3G, related to ensuring the quality in healthcare and milestone D4G, related to establishing the National Oncology Network. Furthermore, this milestone will be followed by milestone D1G, related to the hospitals' restructuring, debt relief and supervision, milestone D5G related to the National Cardiology Network (both under the fifth instalment), milestone D8G, related to providing the report on the evaluation of the oncological care network (under the seventh instalment) and finally milestone D6G related to the launch of national e-health services (under the ninth instalment).

The reform has a final expected date for implementation on 31 March 2026.

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Copy of the regulation of 10 September 2024 of the Minister of Health on the list of Voivodeship Monitoring Centres which entered into force on 11 September 2024 (Official Journal 2024, item 1347).	The regulation is issued on the basis of Article 23(3) of National Oncology Network. The regulation provides for a legal basis to establish 16 Voivodeship Monitoring Centres (one per voivodship).
3	Copy of the Act of 9 March 2023 on the National Oncology Network, which entered into force on 20 April 2023 (Official Journal 2023, item 650).	The act on National Oncology Network lays down the provisions on the basis of which the regulation on the list of Voivodeship Monitoring Centres was issued. Furthermore, this act sets out the specific features of these centres.

### **3. Analysis:**

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

#### **The regulation shall enter into force and provide for the establishment of voivodeship monitoring centres**

The regulation of 10 September 2024 of the Minister of Health on the list of Voivodeship Monitoring Centres (the 'Regulation on VMC') was published on the same day in the Official Journal 2024, item 1347. Pursuant to its paragraph 2 it entered into force the day after the publication in the official journal, i.e., on 11 September 2024.

By virtue of paragraph 1 thereof, 16 Voivodeship Monitoring Centres (VMC) are established.

#### **(...) which shall be medical entities selected from the oncological network in each of the 16 voivodeships**

Paragraph 1 of the Regulation on VMC (evidence No. 2), provides a list of 16 VMCs – one for each voivodeship. According to article 21 of the Act of 9 March 2023 on the National Oncology Network (the 'Act on NoN', evidence No. 3), the VCMs monitor the quality of oncological health care within the National Oncology Network. According to article 23(1) of the Act on NoN the function of VMC is performed by the SOLO III hospital in a given voivodeship which has the highest percentage of healthcare services provided among SOLO III hospitals.

#### **(...) specialising in oncological care**

Article 23(1) and article 8 (1) of the Act on NoN provides that the function of VMC is performed by the SOLO III hospital in a given voivodeship, which has the highest percentage of oncological treatment among the SOLO III hospitals in the given voivodeship in the area of: 1) surgical interventional treatment, 2) chemotherapy and other systemic treatments and 3) oncological radiotherapy.

#### **(...) and providing comprehensive oncological treatment and monitoring.**

The VMC (SOLO III hospital) is a medical entity providing the comprehensive treatment in all three areas of oncological care: 1) procedural and surgical treatment, 2) chemotherapy and other systemic treatment methods and 3) oncological radiation therapy within the National Oncological Network and has multidisciplinary therapeutic teams (article 8(1) and 8(2) of the Act on NoN).

The tasks of the VMC are set out in article 23(2) of the Act on NoN. These tasks include, among others:

- contribution to the analysis prepared by the National Fund for Health by providing the verification of the achievement of the quality indicators of cancer care at the level of the voivodeship concerned (article 23(2) point 3),
- monitoring of the progress, quality and impact of cancer prevention health programmes in relation to patients receiving cancer care in the voivodeship and submitting to the National Monitoring Centre proposals to modify the implementation of these programmes (article 23(2) point 5).

#### **4. Commission Preliminary Assessment: Satisfactorily fulfilled.**

**Number and name of the Milestone:** E2G - Measures to support the development of Sustainable Urban Mobility Plans (SUMPs) and adoption of incentives for SUMPs' implementation providing technical and financial support to all functional urban areas by the Ministry of Infrastructure

**Related Measure:** E.1.1 Increase in the use of environmentally friendly transport

**Qualitative Indicator:** Provision indicating the entry into force

**Time:** Q1 2023

**1. Context:**

The reform aims at contributing to the sustainable modes of transport by: i) setting up an obligation for operators and organizers of public transport to exclusively purchase zero-emission buses in cities above 100 000 inhabitants, ii) a set of measures supporting local authorities to set up and implement Sustainable Urban Mobility Plans, iii) introduction of a registration fee and an environmental fee for emissions-related vehicles in line with the "polluter pays" principle and iv) a specific target for the number of bus lines supported by the Public Bus Transport Fund. The investment element of the same measure consists of a grant scheme to provide support for the acquisition of zero-emission vehicles.

Milestone E2G concerns the support for development and implementation of Sustainable Urban Mobility Plans (SUMPs). The support will be provided via i) a new structure for SUMPs implementation support with a SUMP Steering Committee to stimulate the development and implementation of SUMPs, ii) a SUMP competence centre within the Ministry of Infrastructure, which shall provide advisory and financial support to local government units and iii) the Plenipotentiary for SUMP in the Ministry of Infrastructure. The new framework will allow for the provision of adequate technical and financial support to entities interested in the preparation of the SUMPs and improve the activities undertaken in this area by the central administration.

Milestone E2G is the first milestone of this measure. It will be followed by a number of different milestones and targets, in particular milestone E3G related to the registration fee for emissions-related vehicles, milestone E4aG related to the launch of the grant scheme to provide support for the acquisition of zero-emission vehicles and target E6G related to the number of bus lines supported by the Public Bus Transport Fund (6<sup>th</sup> instalment). Furthermore, it will be followed by target E4bG related to legal agreements signed with final beneficiaries of the grant scheme to provide support for the acquisition of zero-emission vehicles and target E5G related to the number of cities which adopt a new SUMP (7<sup>th</sup> instalment). Finally, it will be followed by milestone E1G related to entry into force of a law setting an obligation for operators and organizers of public transport to exclusively purchase zero-emission buses in cities above 100 000 inhabitants, milestone E4G related to entry into force of a legal act introducing an environmental fee for emissions-related vehicles in line with the "polluter pays" principle, target E4cG related to legal agreements signed with final beneficiaries of the grant scheme to provide support for the acquisition of zero-emission vehicles and target E7G related to increasing the share of new zero-emission vehicles in the market (9<sup>th</sup> instalment). The measure has a final expected date for implementation on 30 June 2026.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the



		milestone (including all constitutive elements) was satisfactorily achieved.
2	<p>Order No. 1 of the Minister of Infrastructure of 20 January 2023 on the establishment of a Steering Committee to support Sustainable Urban Mobility Plans.</p> <p>Entry into force: 21 January 2023.</p> <p>Link to publication in the Official Journal of the Minister of Infrastructure item 2,20 January 2023:  <a href="https://www.gov.pl/attachment/7fd040c3-e7ca-42d7-aa2f-a7adc502e456">https://www.gov.pl/attachment/7fd040c3-e7ca-42d7-aa2f-a7adc502e456</a> - The "Order No. 1 of 2023"</p>	Legal act issued by the Minister of Infrastructure establishing the Steering Committee for SUMP
3	<p>Order No. 24 of the Minister of Infrastructure of 27 October 2022 amending the Order on establishing the organizational regulations of the Ministry of Infrastructure.</p> <p>Entry into force: 29 October 2022.</p> <p>Link to publication in the Official Journal of the Minister of Infrastructure, item 36, 28 October 2022:  <a href="https://www.gov.pl/attachment/7bee7d2a-33c6-477c-90dd-8310f1e04e8e">https://www.gov.pl/attachment/7bee7d2a-33c6-477c-90dd-8310f1e04e8e</a>  - The "Order No. 24 of 2022"</p>	Legal act issued by the Minister of Infrastructure designating the role of the competence centre for SUMPs.
4	<p>Order No. 1 of the Minister of Infrastructure of 8 January 2021 on establishing the organizational regulations of the Ministry of Infrastructure.</p> <p>Entry into force: 9 January 2021.</p> <p>Link to publication in the Official Journal of the Minister of Infrastructure item 1, 8 January 2021:  <a href="https://www.gov.pl/attachment/14a87185-3ec6-4000-b212-9a5019da0d2c">https://www.gov.pl/attachment/14a87185-3ec6-4000-b212-9a5019da0d2c</a>  - "The Order No. 1 of 2021"</p>	Legal act issued by the Minister of Infrastructure defining the organizational structure of the Ministry of Infrastructure.
5	<p>Rules of Procedure of the Department of Transport Strategy approved on 23 February 2023 by the Director General of the Ministry of Infrastructure.</p> <p>Entry into force: 23 February 2023.</p> <p>- "The Rules of Procedure"</p>	Internal regulation of the Ministry of Infrastructure defining the tasks of the SUMP competence centre.
6	<p>Order No. 4 of the Minister of Infrastructure of 23 March 2022 on the appointment and tasks of the Plenipotentiary of the Minister of Infrastructure for Sustainable Urban Mobility Plans.</p> <p>Entry into force: 24 March 2022.</p> <p>Link to publication in the Official Journal of the Minister of Infrastructure, item 7, 24 March 2022:  <a href="https://www.gov.pl/attachment/a144b33a-b114-4f50-9a26-a57f0160180d">https://www.gov.pl/attachment/a144b33a-b114-4f50-9a26-a57f0160180d</a>  - "The Order no. 4 of 2022"</p>	Legal act issued by the Minister of Infrastructure appointing the Plenipotentiary for SUMP (an official designated by the Minister of Infrastructure to oversee the SUMP process on behalf of the Minister)
7	<p>Example of a 2021-2027 EU cohesion policy programme where funding has been made available to local governments for the development of Sustainable Urban Mobility Plans: <i>European Funds for Infrastructure, Climate and Environment</i>.</p>	Example of a programme defining the scope of support eligible for cohesion policy funding.

<p>Link to a call for proposals directed to local governments under these programmes with support for the development of SUMP:</p> <ul style="list-style-type: none"> <li>- <a href="https://www.cupt.gov.pl/pozakonkursowy/aktualnie-trwajace/dzialanie-fenx-03-01-transport-miejski/">https://www.cupt.gov.pl/pozakonkursowy/aktualnie-trwajace/dzialanie-fenx-03-01-transport-miejski/</a></li> </ul>	<p>Example of a call for proposals under the respective programme, specifying the conditions of support.</p>
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### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Introducing measures to support development and implementation of Sustainable Urban Mobility Plans (SUMP). Those measures shall include:**

**[...] a new structure for SUMP implementation support with a SUMP Steering Committee to stimulate the development and implementation of SUMP.** Furthermore, in line with the description of the measure, **the use of environmentally friendly transport shall be encouraged through a set of measures supporting local authorities to set up and implement Sustainable Urban Mobility Plans (“SUMP”).**

A SUMP Steering Committee was set up by Order No. 1 of the Minister of Infrastructure of 20 January 2023 (published in the Official Journal of the Minister of Infrastructure on 20 January 2023, item 2, - the 'Order No. 1 of 2023') providing for a new structure for SUMP implementation support. According to paragraph 14 of Order No. 1 of 2023, it entered into force on the day following its publication, i.e. on 21 January 2023.

As per paragraph 3 of Order No. 1 of 2023, the Steering Committee consists of representatives of the governmental administration, as well as representatives of regional and local authorities from all administration levels.

As per paragraph 1 of Order No. 1 of 2023, the Steering Committee was set up to coordinate and support the development of SUMP. In line with paragraph 5 of Order No. 1 of 2023, the tasks of the SUMP Steering Committee stimulate the development and implementation of SUMP as they include:

- providing opinions to legislative acts, strategic governmental documents and other documents relevant to SUMP,
- issuing recommendations regarding the tasks formulated in strategic governmental documents and other documents relevant to SUMP,
- formulating the proposals of legislative changes and changes to strategic governmental documents and other documents with regard to SUMP,
- providing opinions and recommending solutions with regard to the assessment and evaluation of SUMP in the context of implementing European funds 2021-2027,
- supporting the Plenipotentiary for SUMP in the field of promoting the development and implementation of SUMP by cities,
- providing opinions and undertaking actions stimulating the awareness in the field of SUMP.

**[...] a SUMP competence centre within the Ministry of Infrastructure, which shall provide advisory and financial support to local government units.** Furthermore, in line with the description of the measure, **an appropriately resourced administrative structure shall be set up to provide technical and financial support for the development of local SUMP.**

The SUMP competence centre was established within the structures of the Ministry of Infrastructure by paragraph 1, point 15e of the Order No. 24 of the Minister of Infrastructure of 27 October 2022

(published in the Official Journal of the Minister of Infrastructure on 28 October 2022, item 36 - the Order No. 24 of 2022), concerning the internal organization of the Ministry of Infrastructure. In line with paragraph 3 of the Order, it entered into force on the day following its publication, i.e. on 29 October 2022.

The tasks of the SUMP competence centre were further defined in the Rules of Procedure of the Department of Transportation Strategy approved by the Director-General in the Ministry of Infrastructure on 23 February 2023. According to paragraph 16 of the Rules of Procedure, they entered into force on the same day, i.e. 23 February 2023.

According to paragraph 12 point 2 of the Rules of Procedure of the Department of Transportation Strategy, the SUMP competence centre provides advisory support to local government units by performing the following tasks:

- coordination of advisory support to local government units in the process of preparing, implementing, monitoring and updating SUMPs,
- acquisition and updating of data for monitoring the progress of cities in implementing SUMPs, in accordance with the EC guidelines for Sustainable Urban Mobility Indicators (SUMI), including maintenance of a repository of Sustainable Urban Mobility Plans,
- ensuring the operation of a system of assessment and evaluation of Sustainable Urban Mobility Plans,
- dissemination of knowledge and best practices on the preparation of SUMPs and in the area of Sustainable Urban Mobility Indicators to local government units.

The Council Implementing Decision required that the SUMP competence centre within the Ministry of Infrastructure provides advisory and financial support to local government units for the development of local SUMPs. The financial support is provided to local government units by the Centre for EU Transport Projects (CEUPT), which is an administrative unit supervised by the Minister of Infrastructure. When it comes to the source of financing this is provided from EU cohesion policy programmes. For example, in the framework of the *European Funds for Infrastructure, Climate and Environment* programme, the CEUPT has run a call for proposals between 31 January 2024 and 28 June 2024, which allowed local governments to apply for funding for the development of SUMPs. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision that the financial support be provided by the SUMP competence centre within the Ministry of Infrastructure, it is acceptable, given that the CEUPT and the SUMP competence centre which is established within the Ministry of Infrastructure jointly form an administrative structure providing both technical and financial support for the development of SUMPs. Furthermore, the joint activities of the SUMP Competence Centre within the Ministry of Infrastructure and the CEUPT confirm that an appropriately resourced administrative structure has been set up to provide technical and financial support for the development of local SUMPs.

As of this, this minimal deviation does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Furthermore, the joint activities of the SUMP Competence Centre within the Ministry of Infrastructure and the CEUPT confirm that an appropriately resourced administrative structure has been set up to provide technical and financial support for the development of local SUMPs.

#### **[...] - the Plenipotentiary for SUMP in the Ministry of Infrastructure.**

The Order No. 4 of the Minister of Infrastructure of 23 March 2022 (published on 24 March 2022 in the Official Journal of the Minister of Infrastructure, item 7 - the 'Order No. 4 of 2022') created the

institution of the Plenipotentiary for SUMP in the Ministry of Infrastructure. In line with paragraph 5 of the Order, it entered into force on the day of publication, i.e. on 24 March 2022.

Paragraph 2 point 1 of Order No. 4 of 2022 includes the tasks of the Plenipotentiary which support the development and implementation of SUMPs.

**The new framework shall allow for the provision of adequate technical and financial support to entities interested in the preparation of the SUMPs and shall improve the activities undertaken in this area by the central administration.**

As set out above, the new framework encompasses:

- the creation of the SUMP Steering Committee,
- the creation of the SUMP competence centre,
- the appointment of a Plenipotentiary for SUMP in the Ministry of Infrastructure,

The creation of the new administrative structure allows for the provision of financial support for the development of SUMPs. Entities interested in the preparation of SUMPs are able to receive adequate financial support under the 2021-2027 EU cohesion policy programmes at national level (*European Funds for Infrastructure, Climate and Environment, European Funds for Eastern Poland*, as well as in programmes at regional level. One example of such funding possibilities includes Measure 3.1 *Urban transport* in the *European Funds for Infrastructure, Climate and Environment* Programme: under a call for proposals lasting from 31 January 2024 to 28 June 2024 where local governments at municipal level were entitled to apply for funding for development of a SUMP. Poland provided a copy of the call for proposals which has been published at the website of the CEUPT (evidence No. 7). This website was checked by Commission services on 30 October 2024.

Furthermore, the new framework improves the activities undertaken in this area by the central administration in the field of SUMPs. For example, the Plenipotentiary of the Minister of Infrastructure for SUMPs as part of the activities of the SUMP competence centre had coordinated a project under the European Commission's Technical Support Instrument "Support for Polish cities/urban areas/metropolitan areas in the preparation of Sustainable Urban Mobility Plans." The direct beneficiaries of the project are 15 cities/urban areas/metropolitan areas that will receive advisory support in the SUMP preparation process.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

## Loan support – Third instalment

**Number and name of the Milestone:** B32L - Entry into force of acts amending the legislative framework for renewable energy communities and biomethane: Amendments to the RES Act, Amendments of legislation concerning energy market, and entry into force of a Regulation to the RES Act

**Related Measure:** B.3.6 Improving the conditions for the development of renewable energy sources

**Qualitative Indicator:** Provisions in the amending acts and in the regulation indicating their entry into force

**Time:** Q1 2023

### 1. Context:

The objective of the reform is to improve the regulatory environment for distributed and prosumer energy, develop the supply chain for offshore wind energy, implement energy management systems, increase the installed capacity of renewable energy sources and increase the share of energy from renewable energy sources.

Milestone B32L consists of a series of amendments to the Polish legislative framework) to i) facilitate the development of energy clusters, ii) implement collective models of energy prosumers, iii) accelerate the creation of renewable energy communities, iv) introduce new principles of energy accounting for energy cooperatives and v) lay down new rules for the biomethane sector.

Milestone B32L is the second step of the reform following the first steps under milestones B33L and B39L as well as target B35L (all under the first payment request). It follows the assessment of milestone B40L related to the implementing regulation on the promotion of electricity generation in offshore wind farms and milestone and B34L related to the entry into force of a regulation laying down a plan of renewables auctions for the years 2022-2027 (both under the same payment request). Milestone B32L is accompanied by several targets regarding the installed capacity of onshore wind and photovoltaic installations, target B35L (under the first payment request), targets B36L and B37L (under the same payment request) and target B38L (under the fourth instalment).

### 2. Evidence provided:

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) is satisfactorily fulfilled.
2	“Act of 17 August 2023 amending the Renewable Energy Sources Act and certain other acts (UC99) ( <i>Ustawa z dnia 17 sierpnia 2023 r. o zmianie ustawy o odnawialnych źródłach energii oraz niektórych innych ustaw</i> ).” The Act was published on 31 August 2023 in the Official Journal of 2023, item 1762. Link to the publication in the Official Journal:	The Act amends the Act of 20 February 2015 on Renewable Energy Sources (Journal of Laws of 2023, items 1436, 1597 and 1681) as referred to in the Council Implementing Decision Annex and introduces new provisions for the operation of energy clusters and creates better conditions for their establishment. The Act also establishes

	<a href="https://dziennikustaw.gov.pl/D2023000176201.pdf">https://dziennikustaw.gov.pl/D2023000176201.pdf</a>	rules for conducting business in the biomethane sector. It entered into force on 1 October 2023.
3	"Act of 29 October 2021 amending the Renewable Energy Sources Act and certain other acts ( <i>Ustawa z dnia 29 października 2021 r. o zmianie ustawy o odnawialnych źródłach energii oraz niektórych innych ustaw</i> ). The Act was published on 21 December 2021 in the Official Journal of 2021, item 2376. Link to the publication in the Official Journal: <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20210002376/T/D20212376L.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20210002376/T/D20212376L.pdf</a>	The Act amends the Act of 20 February 2015 on Renewable Energy Sources (Journal of Laws of 2021, items 610, 1093 and 1873) and introduce new provisions for regulating the production of electricity for collective and virtual prosumers. It entered into force on 1 April 2022.
4	"Act of 28 July 2023, amending the Energy Law Act and Certain Other Acts (UC74) ( <i>Ustawa z dnia 28 lipca 2023 r. o zmianie ustawy – Prawo energetyczne oraz niektórych innych ustaw</i> )". The Act was published on 23 August 2023 in the Official Journal of 2023, item 1681). Link to the publication in the Official Journal: <a href="https://dziennikustaw.gov.pl/DU/rok/2023/pozycja/1681">https://dziennikustaw.gov.pl/DU/rok/2023/pozycja/1681</a>	The Act amends the Act of 10 April 1997 - Energy Law (Journal of Laws of 2022, item 1385) by introducing a legal framework to enable citizen energy communities and the Central Energy Market Information System (CSIRE). The Act entered into force on 7 September 2023.
5	"Regulation of the Ministry for Climate and Environment of 23 March 2022 on the registration, balancing and provision of measurement data and billing of energy cooperatives ( <i>Rozporządzenie Ministra Klimatu i Środowiska z dnia 23 marca 2022 r. w sprawie dokonywania rejestracji, bilansowania i udostępniania danych pomiarowych oraz rozliczeń spółdzielni energetycznych</i> )". The on 30 March 2022 in the Journal of Laws 2022, item 703). Link to the publication in the Official Journal: <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220000703/O/D20220703.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220000703/O/D20220703.pdf</a> Entered into force on 1 April 2022.	Regulation of the Ministry for Climate and Environment of 23 March 2022 on the registration, balancing and provision of measurement data and billing of energy cooperatives.

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

### Adoption and entry into force of amending acts and regulation

- The Act of 17 August 2023 amending the Renewable Energy Sources Act and Certain Other Acts (Journal of Laws 2023, 1762), the “Act of 17 August 2023”, entered into force on the first day of the month after one month of its publication, that is on 1 October 2023, according to Article 50 of the Act of 17 August 2023. Within the Act of 17 August 2023, Article 1(3)(g) defining an energy cluster, Article 1(31) introducing Articles 38(aa), 38(ab) 38(ac), 38(ae) and 38(af) to the Renewable Energy Sources Act regulating the energy clusters’ agreement, area of activity, registry, distribution system obligations and rules of cooperation and Article 16 establishing a register of energy clusters, all entered into force on 1 January 2024.
- The Act of 29 October 2021 amending the Renewable Energy Sources Act and certain other Acts (Journal of Laws 2021, 2376), the “Act of 29 October 2021” was published in the Journal of Laws on 21 December 2021 and entered into force on 1 April 2022 as per Article 9 except for the provisions related to virtual prosumers of renewable energy which entered into force on 2 July 2024.
- The Act of 28 July 2023 amending the Energy Law Act and Certain Other Acts (UC74) (Journal of Laws 2023, 1681), the “Act of 28 July 2023” was published in the Journal of Laws on 23 August 2023 and entered into force on 7 September 2023 as per Article 48 with the exception of Article 1(41) introducing Article 11(zm) to 11(zn) in the Energy Law Act which entered into force one year after its publication, that is on 24 August 2024.
- The Regulation of the Ministry for Climate and Environment of 23 March 2022 on the registration, balancing and provision of measurement data and billing of energy cooperatives, (Journal of Laws 2022, 703), the “Regulation of 23 March 2022” was published in the Journal of Laws on 30 March 2022 and entered into force on 1 April 2022 as per Paragraph 7 of the Regulation.

**including:**

**Amendments to the Act of 20 February 2015 on renewable energy sources (RES Act) shall reformulate principles of operation for energy clusters (better conditions to establish such entities) by providing: rules, definitions or notions regarding: the scope, agreements, subject matter of energy cluster, registry of energy cluster or cooperation between individual members of the energy cluster and system operators.**

The Act of 17 August 2023 amends the Act of 20 February 2015 on Renewable Energy Sources (“RES Act”) introducing changes to the rules of operation for energy clusters, providing an updated definition and delineating the scope and content of the agreements establishing energy clusters, their area of activity, and the cooperation mechanisms with system operators, therefore improving the operation of the energy clusters in the country and creating better conditions for their establishment.

Article 1(3)(g) of the Act of 17 August 2023 amends in Article 2(15) of the RES Act by broadening the definition of an energy cluster, including energy storage into a cluster’s scope of activities and emphasizing the clusters’ objective of providing economic, social or environmental benefits to the parties or to increase the flexibility of the electricity system.

Additionally, Article 1(31) of the Act of 17 August 2023 introduces in the RES Act new provisions to conclude energy clusters agreements (Article 38aa in the amended RES Act), defines the area of activity of an energy cluster (Article 38ab in the amended RES Act), introduces a register of energy clusters (Article 38ac in the amended RES Act) and rules for cooperation between individual members of the energy cluster and system operators (Article 38ae in the amended RES Act). In particular the new provisions establish:

- The format and content of the energy clusters agreement such as the rights and obligations of the parties and the coordinator, the duration of the agreement or the area of activity of the cluster (Article 38aa in the amended RES Act).
- The area of activity of a cluster which can only be carried out in one county or five neighbouring municipalities with the energy cluster operating always within the area of one electricity distribution system operator (Article 38ab in the amended RES Act).
- The register of energy clusters will be maintained by the President of Energy Regulatory Office (ERO). The register must be public and kept in electronic form. The rules for the operation of the energy cluster register, including the type of information to be included, the rules for submitting an application to enter in the register, the content of the application as well as the data required are also specified (Article 38ac in the amended RES Act).
- The obligation of the electricity distribution system operator, at the request of the coordinator of the energy cluster entered in the register, to conclude new or amended distribution service agreement with all parties of the energy cluster agreement within 90 days from the date of the request (Article 38ae in the amended RES Act).

**Amendments to the RES Act shall implement collective models of energy prosumers.**

The Act of 29 October 2021 amends the RES Act. Article 1(2)(c) of the Act of 29 October 2021 introduces Articles 2(27b) and 2(27c) in the RES Act defining renewable virtual energy self-consumer and renewable collective self-prosumer respectively, i.e. two models of collective energy prosumers.

The detailed framework for the operation of collective models of energy prosumers is set in chapter II of the RES Act renamed “rules for the production of electricity by renewable self-consumers, renewable collective self-consumers and renewables virtual self-consumers” as per Article 1(3) of the Act of 29 October 2021. Article 1(4) of the Act of 29 October 2021 amends Article 4 of the RES Act, laying down rules for the billing of the electricity fed into the grid by renewable self-consumers and renewable collective self-consumers and set energy balancing rules for collective models of energy prosumers, authorisation periods for their energy production or the conditions to conclude agreements with distribution system operators.

Moreover, Article 1(5) of the Act of 29 October 2021 introduces Article 4(a), Article 4(b), Article 4(c) and Article 4(d) into the RES Act which lay down provisions on concluding agreements on cooperation between prosumers as well as the methodology to settle the value of electricity, the obligation to maintain a prosumer’s deposit and prosumers’ rights and obligations with regards to the renewable energy sources installations and energy production. In addition, Article 1(6) of the Act of 29 October 2021 specifies in Article 5 of the amended RES Act the obligation for the representatives of collective and virtual renewable energy prosumers to provide information on the connection, the changes and the management of micro-installations to distribution system operators and the energy market information operator while Article 1(7) to Article 1(12) of the Act of 29 October 2021 further details the settlements principles and information obligations related to the connection and generation of electricity by virtual and collective renewable energy prosumers. This includes requirements for reports, contracts, and electricity settlements.

The introduction of collective and virtual models of energy prosumers in the RES Act accompanied with a framework laying down the obligations to establish models of energy prosumers enable the implementation and operation of collective models of energy prosumers in Poland.



**Amendments of legislative acts concerning energy market shall implement provisions on new renewable energy communities, which shall ensure that final customers, in particular household customers, are entitled to participate in a renewable energy community.**

The Act of 28 July 2023 introduces a legal framework for the operation of citizen energy communities (CEC). Article 1(2)(i) of the Act of 28 July 2023 introduces in Article 3(13f) of the amended Energy Law Act the definition of a CEC. The definition grants CECs legal capacity and defines the principles of voluntary and open participation, lays down the goal of providing environmental, social or economic benefits and specifies the list of activities that can be carried out while granting the decision-making and control powers to their members.

Article 1(41) of the Act of 28 July 2023 introduces “Chapter 2e: Citizen energy communities” in the Energy Act. The new chapter regulates CEC rights and obligations. Article 1(41) of the Act of 28 July 2023 introduces Article 11(zi) in the Energy Law Act which lists legal entities that can carry out the activities in the form of a citizen energy community such as cooperatives, housing communities, associations, partnerships, and farmers’ cooperatives. These entities have final customers, including household customers, as their members, hereinafter enabling their participation in a CEC.

Moreover, Article 1(41) of the Act of 28 July 2023 also defines the area of operation of the CEC (Article 11zk of the Energy Act), defines rules for entering the registry managed by the President of ERO ahead of starting operating (Article 11zm and Article 11zn of the Energy Act) and sets provisions on the billing and distribution of the electricity as well as with regards to the obligations of the President of ERO regarding the registry (Article 11zl of the Energy Act).

Finally, Article 1(41) of the Act of 28 July 2023 implements new provisions for citizen energy communities operating exclusively in the field of renewable energy sources such as granting decision making and control powers to members, shareholders, or partners who have their residence or registered office in the area of operation of the same electricity distribution system operator (Article 11zi(2) and Article 11zi(3) of the Energy Act ).

**Regulation to the RES Act regarding the principles of energy accounting for energy cooperatives shall introduce provisions specifying principles of operations for one of models of renewable energy community.**

Article 2(33a) of the RES Act defines the objective of an energy cooperative which aims to produce, trade or store electricity, biogas, or heat from a renewable energy installation for the benefit of the cooperative and its members. Article 38(c)(14) of the RES Act provides that a delegated regulation should specify the rules for operating this type of renewable energy community.

As a result, the Regulation of 23 March 2022 was adopted, defining the scope and method of recording measurement data in paragraph 1 of the Regulation of 23 March 2022 and the method for balancing the amount of energy fed into the distribution network and settle the energy balancing afterwards in paragraph 2 of the Regulation of 23 March 2022.

The Regulation of 23 March 2022 also provides a method for calculating fees in relation to the prices and rates of the tariff groups applied to the energy cooperative and its individual members, provides information on the method and form of transmission of metering data between electricity undertakings and the energy cooperatives and its members, as well as on the scope of the billing information.

**Amendments to the RES Act – that shall lay down rules governing the running of a business for the biomethane sector.**

The Act of 17 August 2023 introduces provisions in the RES Act to regulate the conduct of business activities in the biomethane sector. The Act of 17 August 2023 introduces in Article 2 of the RES Act a

legal definition of biomethane. Moreover, Article 1(9) of the Act of 17 August 2023 lays down the conditions for biomethane producers to carry out their business including the obligation to possess the relevant documentation, follow safety and environmental requirements or enter the business register and keep records of the biomethane production.

The register of biomethane producers is public and electronic and is kept by the President of ERO (Article 1, points 7 to 19 of the amended RES Act), except for biomethane produced from agricultural biogas whose producers' register is kept by the Director General of the National Centre for Agricultural Support (Article 1(23) to (26) of the amended RES Act).

#### **The implementation of the action shall be completed by 30 March 2023**

The Council Implementing Decision required that the implementation of the amendments to the RES Act (such as introducing better conditions for the operation of energy clusters, implementation of collective models of energy prosumers, implementation of provisions on new renewable energy communities, introduction of provisions specifying the principles of operations for one of models of renewable energy community and the adoption of the principles of running a business for the biomethane sector) shall be completed by 30 March 2023. As indicated above however, the majority of the legislative acts introducing the above listed amendments entered into force after 30 March 2023. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, all of the legislative acts introducing the amendments listed in the Council Implementing Decision had entered into force at the time of the assessment. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Target:** B37L - T3 - Installed capacity of onshore wind and photovoltaic installations (in GW)

**Related Measure:** B.3.6 Improving the conditions for the development of renewable energy sources

**Quantitative Indicator:** Number

**Baseline:** 20

**Target:** 23

**Time:** Q1 2023

**1. Context:**

The objective of the reform is to improve the regulatory environment for distributed and prosumer energy, develop the supply chain for offshore wind energy, implement energy management systems, increase the installed capacity of renewable energy sources and increase the share of energy from renewable energy sources.

Target B37L requires total installed capacity of onshore wind and photovoltaic to reach 23GW.

Target B37L is the third step of the investment, following the first steps under milestones B33L and B39L as well as target B35L (all under the first payment request). It is accompanied by milestone B32L related to amendments to the Renewable Energy Sources Act, Energy Act and certain other acts, milestone B34L related to a regulation providing a plan of renewables auctions per technology and milestone B40L related to the implementing regulation on the promotion of electricity generation in offshore wind farms and milestone (all under the same payment request). It is accompanied by target B36L (under the same payment request) and B38L (under the fourth instalment), related to increasing the installed capacity of onshore wind farms and photovoltaic installations.

The investment has a final expected date for implementation on 30 September 2023.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled.
2	A copy of the Bulletin of the President of the Energy Market Agency S.A, No. 6(354) - Statistical information about electricity, published in Warsaw in June 2023	The Publication provides comprehensive statistical information on the state of the electricity market in Poland, including data on production and consumption and its sources. Link: <a href="#">ARE Shop</a>
3	A copy of the Bulletin No. 12 (348) of the Energy Market Agency S.A - Statistical information about electricity, published in Warsaw in December 2022	The Bulletin provides comprehensive statistical information on the state of the electricity market in Poland, including data on production and consumption and its sources. Link: <a href="#">ARE Shop</a>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the target.

**Total installed capacity (23 GW) of onshore wind and photovoltaic installations.** Furthermore, the description of the measure requires that **Poland shall progressively increase the installed capacity of onshore wind farms and photovoltaic installations to contribute to the green transition.**

According to Table 3 "Installed electrical capacity" of the Bulletin of the Energy Market Agency S.A., No. 6 (354) June 2023, published on the website of the Energy Market Agency S.A., in June 2023, a total of 23.13 GW of onshore wind and photovoltaic energy was installed in Poland, including 8.86 GW of onshore wind and 14.27 GW of photovoltaic installations. According to Table 3 "Installed electrical capacity" of the Bulletin of the Energy Market Agency S.A., No. 12 (348) December 2022, published on the website of the Energy Market Agency S.A., in December 2022, a total of 20.44 GW of onshore wind and photovoltaic energy was installed in Poland, including 8.25 GW of onshore wind and 12.19 GW of photovoltaic installations. This represents an increase of 0.61 GW on onshore wind and 2.08GW of photovoltaic installations in five months. This is part of the progressive increase in the installed capacity of onshore wind farms and photovoltaic installations, contributing to the green transition.

Statistical information is compiled by the Energy Market Agency S.A. within the framework of surveys on fuel and energy balances and electricity and heat, carried out on behalf of the responsible authorities (minister responsible for energy matters President of the Central Statistical Office, President of the Energy Regulatory Office) in accordance with the Public Statistics Act.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.

**Number and name of the Milestone:** C10L - Framework defining the procedures for the distribution of ICT devices and for the provision of infrastructure to schools

**Related Measure:** C2.2.1 Equipping schools/institutions with adequate ICT devices and infrastructure to improve the overall performance of education system

**Qualitative Indicator:** Adoption by the Ministry of Education and Science

**Time:** Q2 2023

**1. Context:**

Investment C2.2.1 aims to increase the level of digital ICT equipment and infrastructure in schools beyond the minimum standards. The equipment and infrastructure consist of IT-kits for remote teaching for 100 000 classrooms and AI and STEM laboratories for 16 000 schools. These will be distributed among schools based on population density and geographical coverage via an open, fair, and transparent procedure for the selection of entities providing network infrastructure or ICT equipment. To comply with DNSH conditions, the ICT equipment is to meet the energy-related requirements, and the material efficiency requirements. In addition, the ICT equipment should not contain the restricted substances listed in Annex II to Directive 2011/65/EU.

Milestone C10L consists of introducing a framework setting out the minimum conditions for the distribution of ICT equipment and for the provision of infrastructure to the beneficiary schools, as resulting from the prior public consultation with different stakeholders and social partners. Furthermore, the framework should set out clear criteria for the selection of beneficiary schools, reflecting the needs for ICT equipment and infrastructure, and their potential impact on the educational performance of the beneficiary schools.

Milestone C10L is the second milestone of implementation of the investment. It follows the completion of milestone C9L, in the same payment request, related to preparing, carrying out, and summarizing a public consultation involving different stakeholders and social partners on the framework. Milestone C10L will be followed by milestones C12L (in the seventh instalment), C13L, and C14L, related to, respectively, the distribution of IT tools for distance learning, setting up AI and STEM laboratories in schools, and the digitalisation of the examination system (both in the eighth instalment).

The investment has a final expected date for implementation on 31 December 2025.

**2. Evidence provided:**

	Name of the evidence	Short description
1	Summary document	Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
2	Framework setting out procedures for the distribution of ICT devices and the provision of infrastructure to schools adopted by the Ministry of National Education, adopted on 10 October 2024 and published on 11 October 2024 on the Ministry of National Education's	Framework defining the procedures for the distribution of ICT devices and for providing infrastructure to schools.

	<p>website at this link:  <a href="https://www.gov.pl/web/edukacja/komunikat-ministerstwa-edukacji-narodowej-dot-przyjetych-ram-dystrybucji-okreslajacych-procedury-dystrybucji-urzadzen-teleinformatycznych-oraz-udostepniania-infrastruktury-szkolom-oraz-innym-placowkom-oswiatowym-po-odbyciu-konsultacji-spolecznych">https://www.gov.pl/web/edukacja/komunikat-ministerstwa-edukacji-narodowej-dot-przyjetych-ram-dystrybucji-okreslajacych-procedury-dystrybucji-urzadzen-teleinformatycznych-oraz-udostepniania-infrastruktury-szkolom-oraz-innym-placowkom-oswiatowym-po-odbyciu-konsultacji-spolecznych</a>.</p>	
3	<p>Report on public consultation on the framework defining procedures for the distribution of ICT equipment and for provision of infrastructure to schools and other educational institutions (with annexes) by the Ministry of Education and the Institute for Educational Research of 4 October 2024 published on 11 October 2024 on the Ministry of National Education’s website at this link:  <a href="https://www.gov.pl/web/edukacja/komunikat-ministerstwa-edukacji-narodowej-dot-przyjetych-ram-dystrybucji-okreslajacych-procedury-dystrybucji-urzadzen-teleinformatycznych-oraz-udostepniania-infrastruktury-szkolom-oraz-innym-placowkom-oswiatowym-po-odbyciu-konsultacji-spolecznych">https://www.gov.pl/web/edukacja/komunikat-ministerstwa-edukacji-narodowej-dot-przyjetych-ram-dystrybucji-okreslajacych-procedury-dystrybucji-urzadzen-teleinformatycznych-oraz-udostepniania-infrastruktury-szkolom-oraz-innym-placowkom-oswiatowym-po-odbyciu-konsultacji-spolecznych</a>.</p>	<p>Report summarising the results of the public consultation and the government’s follow-up to the comments received in the consultation process.</p>

### 3. Analysis:

The justification and substantiating evidence provided by the Polish authorities cover all constitutive elements of the milestone.

**Adoption by the Ministry of Education and Science. The framework shall set out the minimum conditions for the distribution of ICT equipment and for the provision of infrastructure to the beneficiary schools...**

The framework setting out procedures for the distribution of ICT devices and the provision of infrastructure to schools (the “Framework”) was adopted by the Polish Ministry of National Education on 10 October 2024 and published on the Ministry’s [website](#) on 11 October 2024.

The Framework sets out minimum conditions for the distribution of ICT equipment and the provision of infrastructure to schools in section II (pages 4-10). Section II.1 sets out the minimum conditions for the provision of LAN connections to classrooms (page 8), and section II.2 sets out the minimum conditions for the provision of remote teaching kits to classrooms and section II.3 sets out the minimum conditions for the establishment of AI and STEM laboratories in beneficiary schools (page10).

**...as resulting from the prior public consultation with different stakeholders and social partners.**

The Framework stipulates that it was subject to a public consultation with different stakeholders and social partners (page 1), such as the business association ‘Konfederacja Lewiatan’ and a bookkeepers’ association ‘Polish Book Chamber’ (social partners), public sector entities (e.g., the Ministry of Digital Affairs and city councils), public and private schools of various levels, private sector entities (e.g., IT companies including Microsoft, AMD, and Cisco), as well as NGOs, and miscellaneous entities grouped as ‘other’ (such as teaching centres, teacher developments centres). The consultations took place between 5 and 22 August 2024. The assessment of milestone C9L in the

same payment request sets out the different stakeholders and social partners that were consulted and how the comments submitted in the consultation process are reflected in the minimum conditions for the distribution of ICT equipment and for the provision of infrastructure to the beneficiary schools set out in the final version of the Framework.

The results of the consultation were summarised in the “Report on public consultation on the framework defining procedures for the distribution of ICT equipment and for provision of infrastructure to schools and other educational institutions” by the Ministry of Education and the Institute for Educational Research of 4 October 2024, hereinafter referred to as the “Report”, published together with the Framework on the same website (evidence No. 3). Section 4 of the Report (pages 28-38) lists the detailed comments made by stakeholders and social partners i) on the minimum conditions for the distribution of ICT equipment and for the provision of infrastructure to the beneficiary schools and ii) on the selection criteria for beneficiary schools, whether the comment was considered by the Ministry of Education, and the Ministry of Education’s explanation as to why each comment was considered or disregarded in shaping the Framework. Furthermore, section 5 of the Report includes a summary of recommendations resulting from the public consultation identified by Polish authorities to (pages 38-39) and a list of comments on the selection criteria to be included in the final version of Framework (pages 39-42). Comments on the minimum conditions made in the consultation process were deemed legally inadmissible and therefore the Ministry of National Education was not in a position to reflect these comments in the minimum conditions included in the final adopted version of the Framework.

### **The framework shall set out clear criteria for the selection of beneficiary schools...**

The Framework sets out clear selection criteria of beneficiary schools for the distribution of ICT equipment and for the provision of infrastructure:

- Section II.1 (Provision of LAN connections to classrooms) establishes 13 selection criteria for the selection of beneficiary schools for the provision of infrastructure, both at school and regional (‘powiat’) level, such as, among others, the registered unemployment rate, a 3-year average of newly registered enterprises per 10 000 inhabitants, and the internet penetration rate of connections with a speed of at least 30 Mb/s (page 4) and average results in external scientific examinations in schools.
- Section II.2 (Provision of remote teaching kits to classrooms) sets out 11 criteria for the selection of beneficiary schools for the distribution of ICT equipment, i.e. remote learning IT equipment for classrooms. These include, among others, the number of schools per 100 000 inhabitants, average income per one inhabitant in the region (‘powiat’), or average results in external scientific examinations in schools (page 9).
- Section II.3 (Establishment of AI and STEM laboratories in beneficiary schools) defines 13 criteria for the selection of beneficiary schools for the distribution of ICT equipment and for the provision of infrastructure (i.e. STEM laboratories) and 14 selection criteria for the distribution of ICT equipment and for the provision of infrastructure (i.e. AI laboratories), as for example, the participation of teachers in AI training, average income per inhabitant in the region (“powiat”), the internet penetration rate of connections with a speed of at least 30 Mb/s and average results in external scientific examinations in schools (page 10-12).

Section II of the Framework (page 6 and 12) also stipulates that higher weights will be attributed to the criteria at the school level and lower ones to those at the regional level.

### **...reflecting the needs for ICT equipment and infrastructure, such as laboratories,...**

The selection criteria in the Framework reflect the needs for ICT equipment and infrastructure (page 2), based on for example economic underdevelopment, social exclusion, or low educational performance. Sections II.1, II.2, II.3 of the Framework set out specific detailed criteria to assess the

economic and social needs of a region for support, and to assess the educational needs of a school (page 6).

Furthermore, Section II.1 of the Framework stipulates that the support will be tailored to the needs of a given school, identified through individual audits conducted in schools.

**...and their potential impact on the educational performance of the schools.**

Each section of the Framework includes criteria that reflect the potential educational performance of the schools. These include criterion 10 for sections II.1 and II.2 (provision of LAN connections and remote teaching kits, respectively) and criterion 11 for section II.3 (establishment of AI and STEM laboratories). Both criteria refer to the average result per school in external scientific examinations, which the Framework identifies as an indicator of each school's educational need and potential educational performance impact, as schools with lower results have a higher potential for improvement in their future educational performance, thanks to receiving the ICT equipment and infrastructure provided through the investment, which milestone C10L is as part of (pages 2, 6, 9 and 13).

**Taking into account the needs of the different beneficiary schools, ...**

The criteria for selection of beneficiary schools stipulated in the Framework in sections II.1, II.2, II.3 reflect the needs of schools, based on socio-economic conditions in the region and the exam results of individual schools.

Furthermore, Section II.1 of the Framework stipulates that the support will be tailored to the needs of a given school, identified through individual audits conducted in schools, complementing the selection criteria. As the needs of the different beneficiary schools are taken into account through individual audits, it is possible to both equally allocate resources at the macro level and precisely tailor them at the individual level.

**...the following call for tender on the provision of infrastructure and ICT equipment shall be equal, open, transparent and fair...**

The rules for the ensuing call for tender are established in section II of the Framework (pages 2-3). They are based on the following legal acts: the Public Finance Act of 27 August 2009 (Journal of Laws 2023, item 1270) and the Public Procurement Law Act of 11 September 2019 (Journal of Laws 2023, item 1605). Based on the afore-mentioned acts, the investment will take form of a central public procurement, ensuring, based on articles 16, 18, 99, 418 of the Public Procurement Law Act of 11 September 2019 equal, fair, open and transparent conditions of treatment of potential bidders.

Article 16 of the Public procurement law states that *'The Ordering Party shall prepare and conduct the procedure for awarding the contract in a manner that: 1) ensures fair competition and equal treatment of contractors; 2) is transparent; 3) is proportionate.'* Article 18 establishes that the procurement procedure is public, i.e. open and transparent. Article 99 states that *'the subject of the contract may not be described in a way that could hinder fair competition, in particular by indicating trademarks, patents or the origin, source or specific process that characterizes the products or services provided by a specific contractor, if this could lead to the privilege or elimination of certain contractors or products'.* Lastly, Article 418 permits *'The Ordering Party to reject a tender or invalidate the procedure if based on grounds which are specified in the contract notice, in the tender documentation or in the description of needs and requirements in a clear and exhaustive manner, ensuring fair competition and equal treatment of contractors.'*

**...and shall ensure a balanced distribution between schools across the country, based on both population and geographical coverage.**



To ensure a balanced distribution between schools across the country, based on both population and geographical coverage, Section II of the Framework establishes that schools from each voivodeship will receive the ICT equipment and infrastructure (page 2). Additionally, the number of schools per 10000 inhabitants in each voivodeship will be taken into account, reflecting the population coverage criterion (Section II of the Framework, pages 2, 5, 10-12).

Furthermore, in line with the description of the measure, **to comply with DNSH conditions, the ICT equipment shall meet the energy related requirements, and the material efficiency requirements set in accordance with Directive 2009/125/EC for servers and data storage, or computers and computer servers or electronic displays. In addition, the ICT equipment shall not contain the restricted substances listed in Annex II to Directive 2011/65/EU**

Section II of the Framework (pages 3-4) provides that:

- ICT equipment shall comply with energy consumption requirements – ISO 50001.
- Material efficiency requirements are specified in accordance with Directive 2009/125/EC for servers and storage devices or computers and computer servers or electronic displays.
- In addition, ICT equipment shall not contain restricted substances listed in Annex II of Directive 2011/65/EU.

The above will be fulfilled through the following mandatory requirements in the planned procurement procedure, as stipulated in the Section II of the Framework:

- Certification of compliance with ISO 14001,
- Certification of compliance with ISO 50001,
- Certification of EPEAT/BRONZE.  
and/or
- TCO Certified,
- ROHS Certification.

**4. Commission Preliminary Assessment:** Satisfactorily fulfilled.