

A World Bank Group Flagship Report

14<sup>TH</sup> EDITION

# Doing Business 2017

Equal Opportunity for All

Economy Profile 2017

**Poland**



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## INTRODUCTION

*Doing Business* sheds light on how easy or difficult it is for a local entrepreneur to open and run a small to medium-size business when complying with relevant regulations. It measures and tracks changes in regulations affecting 11 areas in the life cycle of a business: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting minority investors, paying taxes, trading across borders, enforcing contracts, resolving insolvency and labor market regulation. *Doing Business 2017* presents the data for the labor market regulation indicators in an annex. The report does not present rankings of economies on labor market regulation indicators or include the topic in the aggregate distance to frontier score or ranking on the ease of doing business.

In a series of annual reports *Doing Business* presents quantitative indicators on business regulations and the protection of property rights that can be compared across 190 economies, from Afghanistan to Zimbabwe, over time. The data set covers 48 economies in Sub-Saharan Africa, 32 in Latin America and the Caribbean, 25 in East Asia and the Pacific, 25 in Eastern Europe and Central Asia, 20 in the Middle East and North Africa and 8 in South Asia, as well as 32 OECD high-income economies. The indicators are used to analyze economic outcomes and identify what reforms have worked, where and why.

This economy profile presents the *Doing Business* indicators for Poland. To allow useful comparison, it also

provides data for other selected economies (comparator economies) for each indicator. The data in this report are current as of June 1, 2016 (except for the paying taxes indicators, which cover the period January–December 2015).

The *Doing Business* methodology has limitations. Other areas important to business—such as an economy’s proximity to large markets, the quality of its infrastructure services (other than those related to trading across borders and getting electricity), the security of property from theft and looting, the transparency of government procurement, macroeconomic conditions or the underlying strength of institutions—are not directly studied by *Doing Business*. The indicators refer to a specific type of business, generally a local limited liability company operating in the largest business city. Because standard assumptions are used in the data collection, comparisons and benchmarks are valid across economies. The data not only highlight the extent of obstacles to doing business; they also help identify the source of those obstacles, supporting policy makers in designing regulatory reform.

More information is available in the full report. *Doing Business 2017* presents the indicators, analyzes their relationship with economic outcomes and presents business regulatory reforms. The data, along with information on ordering *Doing Business 2017*, are available on the *Doing Business* website at <http://www.doingbusiness.org>.

## CHANGES IN *DOING BUSINESS 2017*

As part of a three-year update in methodology, *Doing Business 2017* expands further by adding postfiling processes to the paying taxes indicator, including a gender component in three of the indicators and developing a new pilot indicator on selling to the government. Also, for the first time this year *Doing Business* collects data on Somalia, bringing the total number of economies covered to 190.

The paying taxes indicator is expanded this year to include postfiling processes – those processes that occur after a firm complies with its regular tax obligations. These include tax refunds, tax audits and tax appeals. In particular, *Doing Business* measures the time it takes to get a value added tax (VAT) refund, deal with a simple mistake on a corporate tax return that can potentially trigger an audit and good practices with administrative appeals process.

This year's *Doing Business* report presents a gender dimension in four of the indicator sets: starting a business, registering property, enforcing contracts and labor market regulation. Three of these areas are included in the distance to frontier score and in the ease of doing business ranking, while the fourth—labor market regulation—is not.

*Doing Business* has traditionally assumed that the entrepreneurs or workers discussed in the case studies were men. This was incomplete by not reflecting correctly the *Doing Business* processes as applied to women—which in some economies may be different from the processes applied to men. Starting this year, *Doing Business* measures the starting a business process for two case scenarios: one where all entrepreneurs are men and one where all entrepreneurs are women. In economies where the processes are more onerous if the entrepreneur is a woman, *Doing Business* now counts the extra procedures applied to roughly half of the population that is female (for example, obtaining a husband's consent or gender-specific requirements for opening a personal bank account when starting a business). Within the registering property indicators, a gender component has been added to the quality of land administration index. This component measures women's ability to use, own, and transfer property according to the law. Finally, within the enforcing contracts indicator set, economies will be scored on

having equal evidentiary weight of women's testimony in court.

Also for the first time this year *Doing Business* collects data on Somalia, bringing the total number of economies covered to 190.

For more details on the changes, see the "Old and new factors covered in *Doing Business*" section in the Overview chapter starting on page 1 of the *Doing Business 2017* report. For more details on the data and methodology, please see the "Data Notes" chapter starting on page 114 of the *Doing Business 2017* report. For more details on the distance to frontier metric, please see the "Distance to frontier and ease of doing business ranking" chapter in this profile.

## THE BUSINESS ENVIRONMENT

For policy makers trying to improve their economy's regulatory environment for business, a good place to start is to find out how it compares with the regulatory environment in other economies. *Doing Business* provides an aggregate ranking on the ease of doing business based on indicator sets that measure and benchmark regulations applying to domestic small to medium-size businesses through their life cycle. Economies are ranked from 1 to 190 by the ease of doing business ranking. *Doing Business* presents results for 2 aggregate measures: the distance to frontier score and the ease of doing business ranking. The ranking of economies is determined by sorting the aggregate distance to frontier scores, rounded to two decimals. An economy's distance to frontier score is indicated on a scale from 0 to 100, where 0 represents the worst performance and 100 the frontier. (See the chapter on the distance to frontier and ease of doing business).

The ease of doing business ranking compares economies with one another; the distance to frontier score benchmarks economies with respect to regulatory best practice, showing the absolute distance to the best performance on each *Doing Business* indicator. When compared across years, the distance to frontier score shows how much the regulatory environment for local entrepreneurs in an economy has changed over time in absolute terms, while the ease of doing business ranking can show only how much the regulatory environment has changed relative to that in other economies.

The 10 topics included in the ranking in *Doing Business 2017*: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting minority investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency. The labor market regulation indicators are not included in this year's aggregate ease of doing business ranking, but the data are presented in the economy profile.

### ECONOMY OVERVIEW

Region: OECD high income

Income category: High income

Population: 37,999,494

GNI per capita (US\$): 13,370

DB2017 rank: 24

DB2016 rank: 25\*

Change in rank: 1

DB 2017 DTF: 77.81

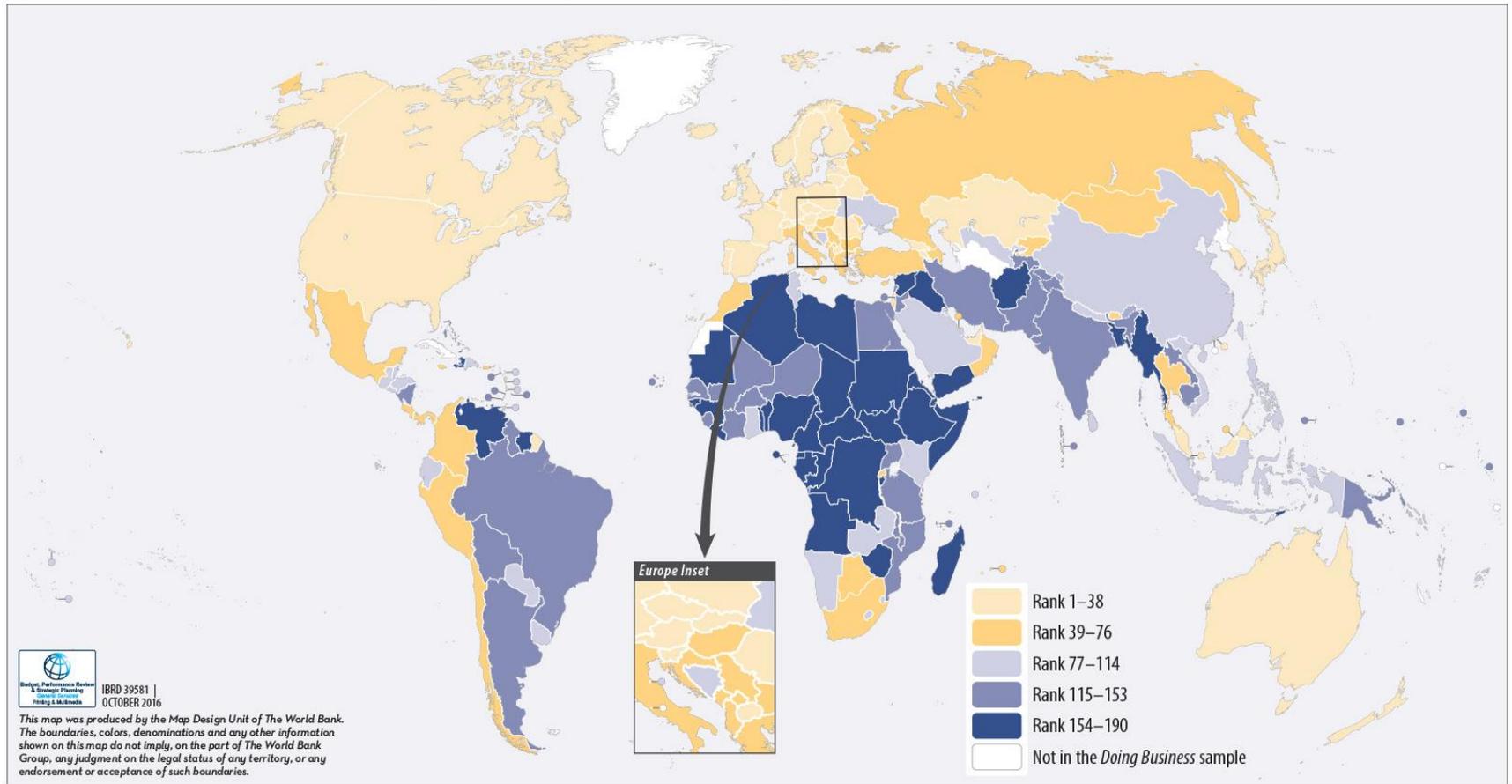
DB 2016 DTF: 77.04

Change in DTF: 0.77

\* DB2016 ranking shown is not last year's published ranking but a comparable ranking for DB2016 that captures the effects of such factors as data revisions and the changes in methodology. See the data notes starting on page 114 of the *Doing Business 2017* report for sources and definitions.

## THE BUSINESS ENVIRONMENT

Figure 1.1 Where economies stand in the global ranking on the ease of doing business



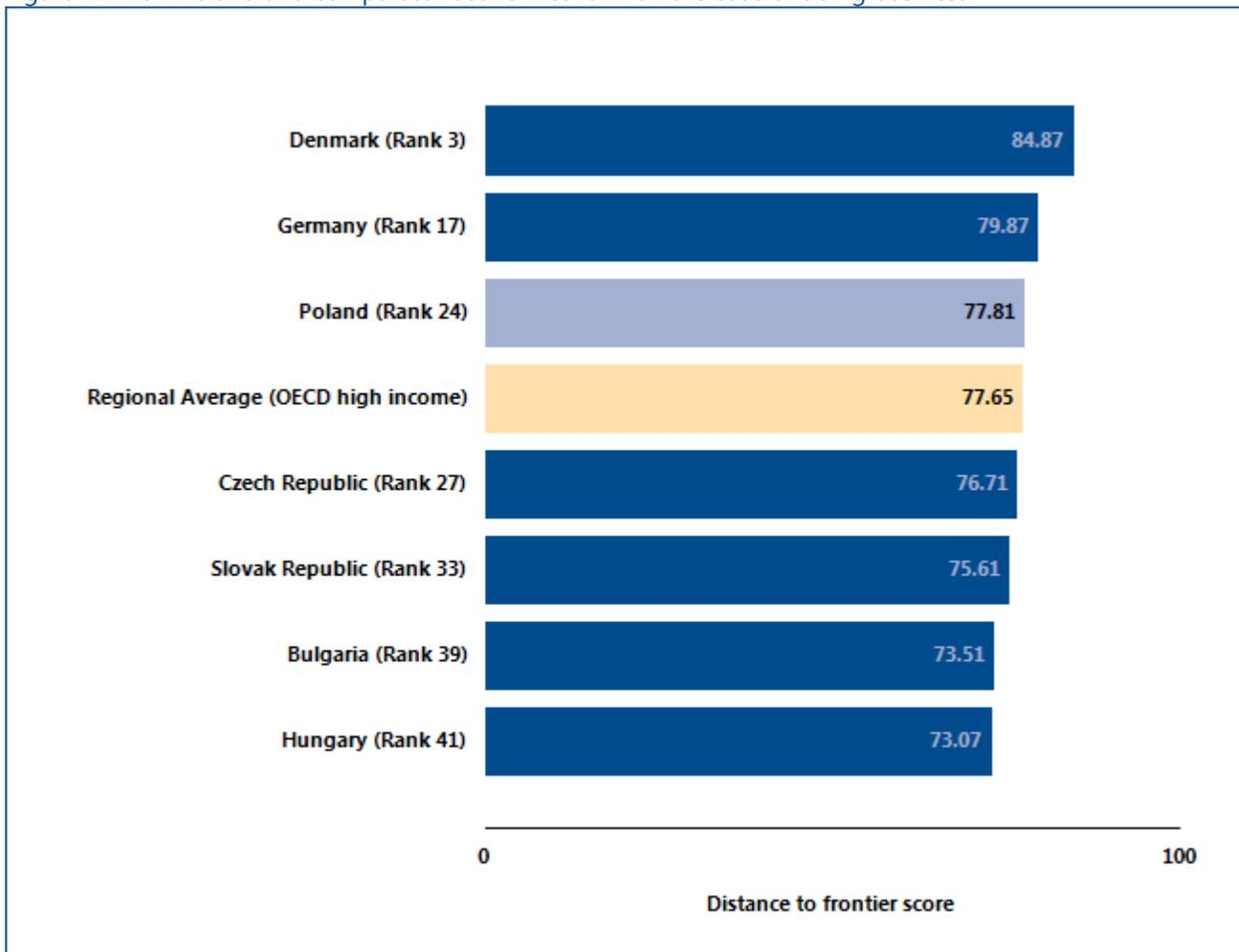
Source: *Doing Business* database.

## THE BUSINESS ENVIRONMENT

For policy makers, knowing where their economy stands in the aggregate ranking on the ease of doing business is useful. Also useful is to know how it ranks relative to comparator economies and relative to the

regional average (figure 1.2). The economy's rankings (figure 1.3) and distance to frontier scores (figure 1.4) on the topics included in the ease of doing business ranking provide another perspective.

Figure 1.2 How Poland and comparator economies rank on the ease of doing business



*Note:* The rankings are benchmarked to June 2016 and based on the average of each economy's distance to frontier (DTF) scores for the 10 topics included in this year's aggregate ranking. The distance to frontier score benchmarks economies with respect to regulatory practice, showing the absolute distance to the best performance in each *Doing Business* indicator. An economy's distance to frontier score is indicated on a scale from 0 to 100, where 0 represents the worst performance and 100 the frontier. For the economies for which the data cover 2 cities, scores are a population-weighted average for the 2 cities.

*Source:* *Doing Business* database.

## THE BUSINESS ENVIRONMENT

Figure 1.3 Rankings on *Doing Business* topics - Poland  
 (Scale: Rank 190 center, Rank 1 outer edge)

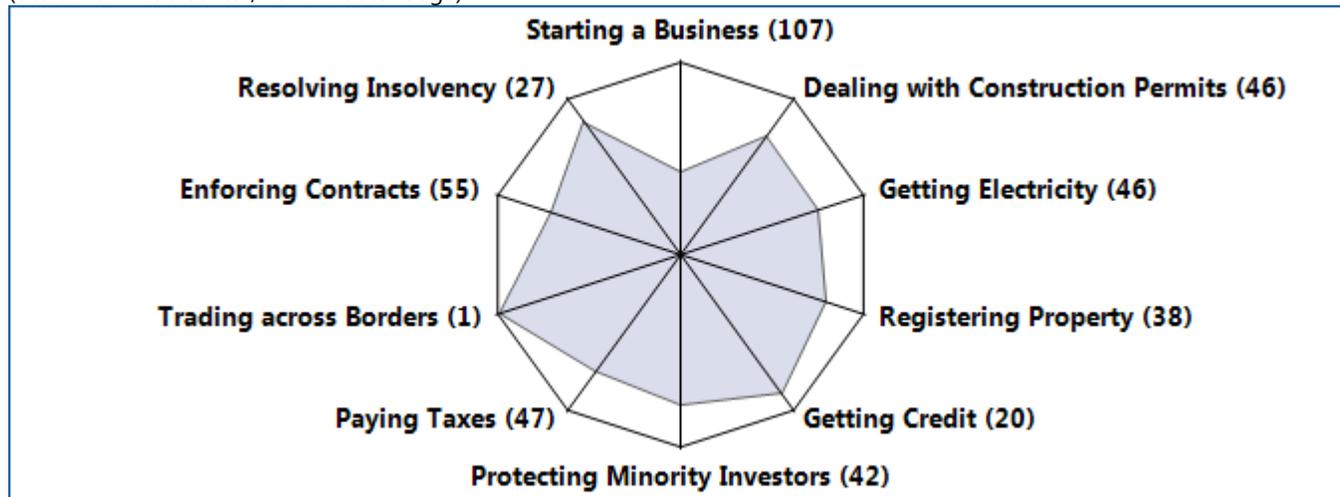
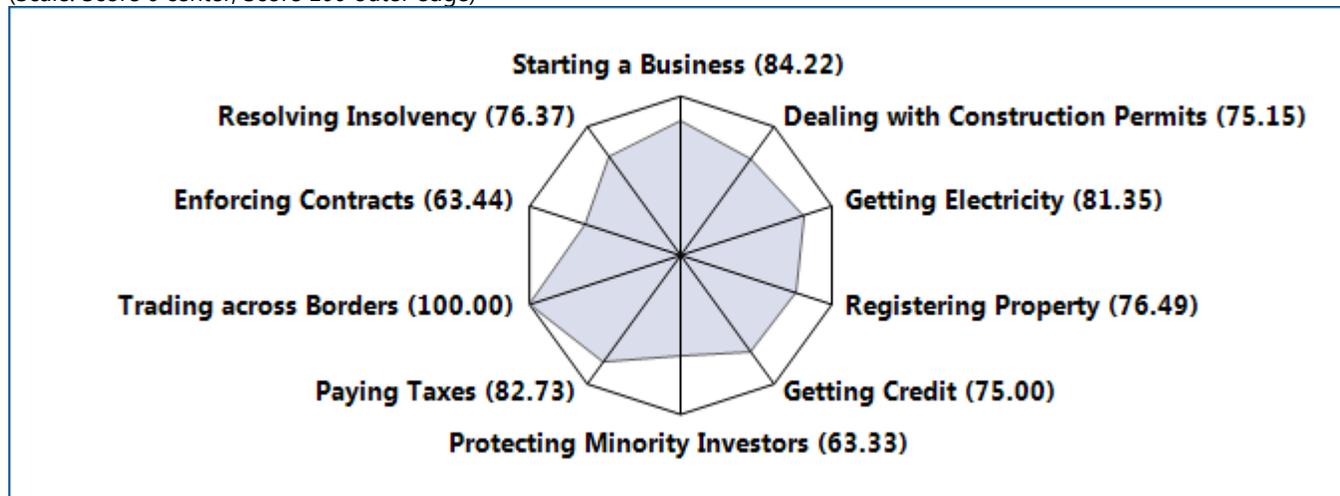


Figure 1.4 Distance to frontier scores on *Doing Business* topics - Poland  
 (Scale: Score 0 center, Score 100 outer edge)



Source: *Doing Business* database.

Note: The rankings are benchmarked to June 2016 and based on the average of each economy's distance to frontier (DTF) scores for the 10 topics included in this year's aggregate ranking. The distance to frontier score benchmarks economies with respect to regulatory practice, showing the absolute distance to the best performance in each *Doing Business* indicator. An economy's distance to frontier score is indicated on a scale from 0 to 100, where 0 represents the worst performance and 100 the frontier. For the economies for which the data cover 2 cities, scores are a population-weighted average for the 2 cities.

## THE BUSINESS ENVIRONMENT

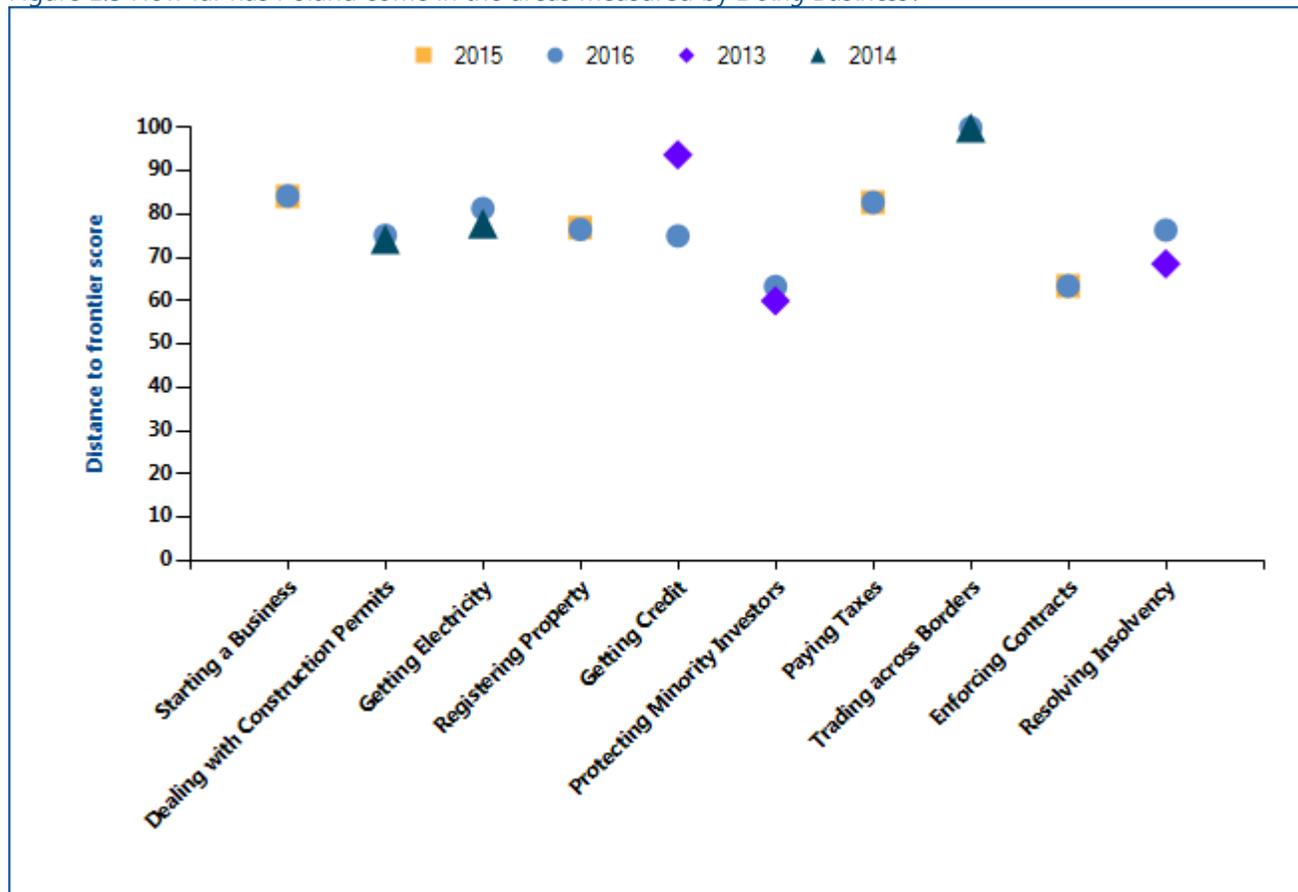
Just as the overall ranking on the ease of doing business tells only part of the story, so do changes in that ranking. Yearly movements in rankings can provide some indication of changes in an economy’s regulatory environment for firms, but they are always relative.

Moreover, year-to-year changes in the overall rankings do not reflect how the business regulatory environment in an economy has changed over time—or how it has changed in different areas. To aid in assessing such changes,

*Doing Business* introduced the distance to frontier score. This measure shows how far on average an economy is from the best performance achieved by any economy on each *Doing Business* indicator.

Comparing the measure for an economy at 2 points in time allows users to assess how much the economy’s regulatory environment as measured by *Doing Business* has changed over time—how far it has moved toward (or away from) the most efficient practices and strongest regulations in areas covered by *Doing Business* (figure 1.5).

Figure 1.5 How far has Poland come in the areas measured by *Doing Business*?



*Note:* The distance to frontier score shows how far on average an economy is from the best performance achieved by any economy on each *Doing Business* indicator. Getting credit, protecting minority investors and resolving insolvency had methodology changes in 2014 and thus are only comparable to 2013. Dealing with construction permits, getting electricity and trading across borders had methodology changes in 2015 and thus are only comparable to 2014. Starting a business, registering property, paying taxes and enforcing contracts had methodology changes in 2016 and thus are only comparable to 2015. The measure is normalized to range between 0 and 100, with 100 representing the best performance (the frontier). See the data notes starting on page 114 of the *Doing Business 2017* report for more details on the distance to frontier score. Source: *Doing Business* database.

## THE BUSINESS ENVIRONMENT

The absolute values of the indicators tell another part of the story (table 1.1). The indicators, on their own or in comparison with the indicators of a good practice economy or those of comparator economies in the region, may reveal bottlenecks reflected in large numbers of procedures, long delays or high costs. Or they may reveal unexpected strengths in an area of business

regulation—such as a regulatory process that can be completed with a small number of procedures in a few days and at a low cost. Comparison of the economy's indicators today with those in the previous year may show where substantial bottlenecks persist—and where they are diminishing.

Table 1.1 Summary of *Doing Business* indicators for Poland

| Indicator  | Poland DB2017 | Poland DB2016 | Bulgaria DB2017 | Czech Republic DB2017 | Denmark DB2017 | Germany DB2017 | Hungary DB2017 | Slovak Republic DB2017 | Best performer globally DB2017 |
|--|---------------|---------------|-----------------|-----------------------|----------------|----------------|----------------|------------------------|--------------------------------|
| <b>Starting a Business (Rank)</b>                    | 107           | 102           | 82              | 81                    | 24             | 114            | 75             | 68                     | 1 (New Zealand)                |
| <b>Starting a Business (DTF Score)</b>               | 84.22         | 84.18         | 86.82           | 86.86                 | 94.07          | 83.42          | 87.28          | 88.62                  | 99.96 (New Zealand)            |
| <b>Procedure – Men (number)</b>                      | 4.0           | 4.0           | 6.0             | 8.0                   | 4.0            | 9.0            | 6.0            | 6.0                    | 1.0 (New Zealand)              |
| <b>Time – Men (days)</b>                             | 37.0          | 37.0          | 23.0            | 9.0                   | 3.0            | 10.5           | 7.0            | 11.5                   | 0.5 (New Zealand)              |
| <b>Cost – Men (% of income per capita)</b>           | 12.1          | 12.2          | 1.3             | 5.7                   | 0.2            | 1.9            | 7.1            | 1.2                    | 0.0 (Slovenia)                 |
| <b>Procedure – Women (number)</b>                    | 4.0           | 4.0           | 6.0             | 8.0                   | 4.0            | 9.0            | 6.0            | 6.0                    | 1.0 (New Zealand)              |
| <b>Time – Women (days)</b>                           | 37.0          | 37.0          | 23.0            | 9.0                   | 3.0            | 10.5           | 7.0            | 11.5                   | 0.5 (New Zealand)              |
| <b>Cost – Women (% of income per capita)</b>         | 12.1          | 12.2          | 1.3             | 5.7                   | 0.2            | 1.9            | 7.1            | 1.2                    | 0.0 (Slovenia)                 |
| <b>Paid-in min. capital (% of income per capita)</b> | 10.9          | 11.4          | 0.0             | 0.0                   | 13.9           | 32.9           | 45.5           | 17.8                   | 0.0 (127 Economies*)           |
| <b>Dealing with Construction Permits</b>             | 46            | 52            | 48              | 130                   | 6              | 12             | 69             | 103                    | 1 (New Zealand)                |

| Indicator  | Poland DB2017 | Poland DB2016 | Bulgaria DB2017 | Czech Republic DB2017 | Denmark DB2017 | Germany DB2017 | Hungary DB2017 | Slovak Republic DB2017 | Best performer globally DB2017 |
|--|---------------|---------------|-----------------|-----------------------|----------------|----------------|----------------|------------------------|--------------------------------|
| (Rank)   |               |               |                 |                       |                |                |                |                        |                                |
| Dealing with Construction Permits (DTF Score)                | 75.15         | 74.24         | 75.06           | 62.76                 | 84.69          | 81.45          | 71.70          | 67.82                  | 87.40 (New Zealand)            |
| Procedures (number)  | 12.0          | 16.0          | 16.0            | 21.0                  | 7.0            | 8.0            | 17.0           | 10.0                   | 7.0 (4 Economies*)             |
| Time (days)  | 153.0         | 156.0         | 105.0           | 247.0                 | 64.0           | 96.0           | 202.0          | 286.0                  | 28.0 (Korea, Rep.)             |
| Cost (% of warehouse value)                                  | 0.3           | 0.3           | 3.9             | 0.3                   | 1.8            | 1.1            | 0.2            | 0.1                    | 0.1 (Trinidad and Tobago)      |
| Building quality control index (0-15)                        | 10.0          | 12.0          | 13.0            | 12.0                  | 10.0           | 9.5            | 13.0           | 10.0                   | 15.0 (Luxembourg*)             |
| Getting Electricity (Rank)                                   | 46            | 48            | 104             | 13                    | 14             | 5              | 121            | 53                     | 1 (Korea, Rep.)                |
| Getting Electricity (DTF Score)                              | 81.35         | 80.15         | 64.97           | 90.32                 | 90.20          | 98.79          | 60.13          | 80.31                  | 99.88 (Korea, Rep.)            |
| Procedures (number)  | 4.0           | 4.0           | 6.0             | 4.0                   | 4.0            | 3.0            | 5.0            | 5.0                    | 3.0 (15 Economies*)            |
| Time (days)  | 122.0         | 133.0         | 130.0           | 68.0                  | 38.0           | 28.0           | 257.0          | 121.0                  | 18.0 (Korea, Rep.*)            |
| Cost (% of income per capita)                                | 19.0          | 19.5          | 318.3           | 25.0                  | 109.4          | 40.8           | 93.9           | 52.6                   | 0.0 (Japan)                    |
| Reliability of supply and transparency of tariff index (0-8) | 7.0           | 7.0           | 5.0             | 8.0                   | 7.0            | 8.0            | 6.0            | 8.0                    | 8.0 (26 Economies*)            |
| Registering Property (Rank)                                  | 38            | 36            | 60              | 31                    | 12             | 79             | 28             | 7                      | 1 (New Zealand)                |
| Registering Property (DTF Score)                             | 76.49         | 76.90         | 70.19           | 79.68                 | 89.88          | 65.72          | 80.08          | 91.00                  | 94.46 (New Zealand)            |
| Procedures (number)  | 6.0           | 6.0           | 8.0             | 4.0                   | 3.0            | 6.0            | 4.0            | 3.0                    | 1.0 (4 Economies*)             |

| Indicator  | Poland DB2017 | Poland DB2016 | Bulgaria DB2017 | Czech Republic DB2017 | Denmark DB2017 | Germany DB2017 | Hungary DB2017 | Slovak Republic DB2017 | Best performer globally DB2017 |
|--|---------------|---------------|-----------------|-----------------------|----------------|----------------|----------------|------------------------|--------------------------------|
| Time (days)  | 33.0          | 33.0          | 11.0            | 28.0                  | 4.0            | 52.0           | 17.5           | 16.5                   | 1.0 (3 Economies*)             |
| Cost (% of property value)                             | 0.3           | 0.3           | 2.9             | 4.0                   | 0.6            | 6.7            | 5.0            | 0.0                    | 0.0 (Saudi Arabia)             |
| Quality of the land administration index (0-30)        | 19.5          | 20.0          | 19.0            | 25.0                  | 24.5           | 22.0           | 26.0           | 26.5                   | 29.0 (Singapore)               |
| Getting Credit (Rank)                                  | 20            | 19            | 32              | 32                    | 32             | 32             | 20             | 44                     | 1 (New Zealand)                |
| Getting Credit (DTF Score)                             | 75.00         | 75.00         | 70.00           | 70.00                 | 70.00          | 70.00          | 75.00          | 65.00                  | 100.00 (New Zealand)           |
| Strength of legal rights index (0-12)                  | 7.0           | 7.0           | 9.0             | 7.0                   | 8.0            | 6.0            | 10.0           | 7.0                    | 12.0 (3 Economies*)            |
| Depth of credit information index (0-8)                | 8.0           | 8.0           | 5.0             | 7.0                   | 6.0            | 8.0            | 5.0            | 6.0                    | 8.0 (30 Economies*)            |
| Credit registry coverage (% of adults)                 | 0.0           | 0.0           | 66.9            | 6.8                   | 0.0            | 1.9            | 0.0            | 3.1                    | 100.0 (3 Economies*)           |
| Credit bureau coverage (% of adults)                   | 92.5          | 91.0          | 0.0             | 79.2                  | 7.4            | 100.0          | 89.8           | 76.4                   | 100.0 (23 Economies*)          |
| Protecting Minority Investors (Rank)                   | 42            | 40            | 13              | 53                    | 19             | 53             | 81             | 87                     | 1 (New Zealand*)               |
| Protecting Minority Investors (DTF Score)              | 63.33         | 63.33         | 73.33           | 60.00                 | 71.67          | 60.00          | 55.00          | 53.33                  | 83.33 (New Zealand*)           |
| Strength of minority investor protection index (0-10)  | 6.3           | 6.3           | 7.3             | 6.0                   | 7.2            | 6.0            | 5.5            | 5.3                    | 8.3 (New Zealand*)             |
| Extent of conflict of interest regulation index (0-10) | 6.0           | 6.0           | 6.7             | 5.3                   | 6.7            | 5.0            | 4.0            | 4.7                    | 9.3 (New Zealand*)             |
| Extent of shareholder governance index (0-             | 6.7           | 6.7           | 8.0             | 6.7                   | 7.7            | 7.0            | 7.0            | 6.0                    | 8.3 (Norway)                   |

| Indicator   | Poland DB2017 | Poland DB2016 | Bulgaria DB2017 | Czech Republic DB2017 | Denmark DB2017 | Germany DB2017 | Hungary DB2017 | Slovak Republic DB2017 | Best performer globally DB2017 |
|---|---------------|---------------|-----------------|-----------------------|----------------|----------------|----------------|------------------------|--------------------------------|
| 10)   |               |               |                 |                       |                |                |                |                        |                                |
| <b>Paying Taxes (Rank)</b>                            | 47            | 44            | 83              | 53                    | 7              | 48             | 77             | 56                     | 1 (United Arab Emirates)       |
| <b>Paying Taxes (DTF Score)</b>                       | 82.73         | 82.77         | 72.81           | 80.69                 | 92.11          | 82.1           | 74.46          | 80.57                  | 99.44 (United Arab Emirates)   |
| <b>Payments (number per year)</b>                     | 7.0           | 7.0           | 14.0            | 8.0                   | 10.0           | 9.0            | 11.0           | 8.0                    | 3.0 (Hong Kong SAR, China*)    |
| <b>Time (hours per year)</b>                          | 271.0         | 271.0         | 453.0           | 234.0                 | 130.0          | 218.0          | 277.0          | 192.0                  | 55.0 (Luxembourg)              |
| <b>Total tax rate (% of profit)</b>                   | 40.4          | 40.3          | 27.0            | 50.0                  | 25.0           | 48.9           | 46.5           | 51.6                   | 26.1 (32 Economies*)           |
| <b>Postfiling index (0-100)</b>                       | 92.2          | 92.2          | 73.3            | 94.3                  | 92.6           | 97.5           | 75.8           | 89.9                   | 98.5 (Estonia)                 |
| <b>Trading across Borders (Rank)</b>                  | 1             | 1             | 21              | 1                     | 1              | 38             | 1              | 1                      | 1 (10 Economies*)              |
| <b>Trading across Borders (DTF Score)</b>             | 100.00        | 100.00        | 97.41           | 100.00                | 100.00         | 91.77          | 100.00         | 100.00                 | 100.00 (10 Economies*)         |
| <b>Time to export: Border compliance (hours)</b>      | 0             | 0             | 4               | 0                     | 0              | 36             | 0              | 0                      | 0 (18 Economies*)              |
| <b>Cost to export: Border compliance (USD)</b>        | 0             | 0             | 55              | 0                     | 0              | 345            | 0              | 0                      | 0 (18 Economies*)              |
| <b>Time to export: Documentary compliance (hours)</b> | 1             | 1             | 2               | 1                     | 1              | 1              | 1              | 1                      | 1 (25 Economies*)              |
| <b>Cost to export: Documentary compliance (USD)</b>   | 0             | 0             | 52              | 0                     | 0              | 45             | 0              | 0                      | 0 (19 Economies*)              |
| <b>Time to import: Border compliance (hours)</b>      | 0             | 0             | 1               | 0                     | 0              | 0              | 0              | 0                      | 0 (25 Economies*)              |

| Indicator   | Poland DB2017 | Poland DB2016 | Bulgaria DB2017 | Czech Republic DB2017 | Denmark DB2017 | Germany DB2017 | Hungary DB2017 | Slovak Republic DB2017 | Best performer globally DB2017 |
|---|---------------|---------------|-----------------|-----------------------|----------------|----------------|----------------|------------------------|--------------------------------|
| <b>Cost to import: Border compliance (USD)</b>        | 0             | 0             | 0               | 0                     | 0              | 0              | 0              | 0                      | 0 (28 Economies*)              |
| <b>Time to import: Documentary compliance (hours)</b> | 1             | 1             | 1               | 1                     | 1              | 1              | 1              | 1                      | 1 (29 Economies*)              |
| <b>Cost to import: Documentary compliance (USD)</b>   | 0             | 0             | 0               | 0                     | 0              | 0              | 0              | 0                      | 0 (30 Economies*)              |
| <b>Enforcing Contracts (Rank)</b>                     | 55            | 56            | 49              | 68                    | 24             | 17             | 8              | 82                     | 1 (Korea, Rep.)                |
| <b>Enforcing Contracts (DTF Score)</b>                | 63.44         | 63.44         | 65.09           | 60.36                 | 71.23          | 73.17          | 75.79          | 58.92                  | 84.15 (Korea, Rep.)            |
| <b>Time (days)</b>                                    | 685.0         | 685.0         | 564.0           | 611.0                 | 380.0          | 499.0          | 395.0          | 705.0                  | 164.0 (Singapore)              |
| <b>Cost (% of claim)</b>                              | 19.4          | 19.4          | 23.8            | 33.0                  | 23.3           | 14.4           | 15.0           | 30.0                   | 9.0 (Iceland)                  |
| <b>Quality of judicial processes index (0-18)</b>     | 10.5          | 10.5          | 10.5            | 10.5                  | 11.0           | 12.0           | 12.0           | 10.5                   | 15.5 (Australia)               |
| <b>Resolving Insolvency (Rank)</b>                    | 27            | 33            | 48              | 26                    | 8              | 3              | 63             | 35                     | 1 (Finland)                    |
| <b>Resolving Insolvency (DTF Score)</b>               | 76.37         | 70.43         | 59.38           | 76.42                 | 84.86          | 92.28          | 51.25          | 70.53                  | 93.89 (Finland)                |
| <b>Recovery rate (cents on the dollar)</b>            | 60.6          | 58.3          | 34.9            | 66.5                  | 88.0           | 84.4           | 43.0           | 55.6                   | 92.9 (Norway)                  |
| <b>Time (years)</b>                                   | 3.0           | 3.0           | 3.3             | 2.1                   | 1.0            | 1.2            | 2.0            | 4.0                    | 0.4 (22 Economies*)            |
| <b>Cost (% of estate)</b>                             | 15.0          | 15.0          | 9.0             | 17.0                  | 4.0            | 8.0            | 14.5           | 18.0                   | 1.0 (22 Economies*)            |
| <b>Strength of insolvency framework index (0-16)</b>  | 14.0          | 12.5          | 13.0            | 13.0                  | 12.0           | 15.0           | 9.0            | 13.0                   | 15.0 (6 Economies*)            |

Source: Doing Business database.

Note: DB2016 rankings shown are not last year's published rankings but comparable rankings for DB2016 that capture the effects of such factors as data revisions and changes to the methodology. The global best performer on time for paying taxes is defined as the lowest

time recorded among all economies in the DB2017 sample that levy the 3 major taxes: profit tax, labor taxes and mandatory contributions, and VAT or sales tax. If an economy has no laws or regulations covering a specific area—for example, insolvency—it receives a “no practice” mark. Similarly, an economy receives a “no practice” mark if regulation exists but is never used in practice or if a competing regulation prohibits such practice. Either way, a “no practice” mark puts the economy at the bottom of the ranking on the relevant indicator. \* Two or more economies share the top ranking on this indicator. A number shown in place of an economy’s name indicates the number of economies that share the top ranking on the indicator. For a list of these economies, see the *Doing Business* website (<http://www.doingbusiness.org>).

## STARTING A BUSINESS

Formal registration of companies has many immediate benefits for the companies and for business owners and employees. Legal entities can outlive their founders. Resources are pooled as several shareholders join forces to start a company. Formally registered companies have access to services and institutions from courts to banks as well as to new markets. And their employees can benefit from protections provided by the law. An additional benefit comes with limited liability companies. These limit the financial liability of company owners to their investments, so personal assets of the owners are not put at risk. Where governments make registration easy, more entrepreneurs start businesses in the formal sector, creating more good jobs and generating more revenue for the government.

### What do the indicators cover?

*Doing Business* records all procedures officially required, or commonly done in practice, for an entrepreneur to start up and formally operate an industrial or commercial business, as well as the time and cost to complete these procedures and the paid-in minimum capital requirement. These procedures include obtaining all necessary licenses and permits and completing any required notifications, verifications or inscriptions for the company and employees with relevant authorities. The ranking of economies on the ease of starting a business is determined by sorting their distance to frontier scores for starting a business. These scores are the simple average of the distance to frontier scores for each of the component indicators.

To make the data comparable across economies, several assumptions about the business and the procedures are used. It is assumed that any required information is readily available and that the entrepreneur will pay no bribes. Assumptions about the business:

- Is a limited liability company (or its legal equivalent). If there is more than one type of limited liability company in the economy, the limited liability form most common among domestic firms is chosen. Information on the most common form is obtained from incorporation lawyers or the statistical office.
- Operates in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.

### WHAT THE STARTING A BUSINESS

#### INDICATORS MEASURE

#### Procedures to legally start and operate a company (number)

Preregistration (for example, name verification or reservation, notarization)

Registration in the economy's largest business city<sup>1</sup>

Postregistration (for example, social security registration, company seal)

Obtaining approval from spouse to start a business, to leave the home to register the company or open a bank account.

Obtaining any gender specific document for company registration and operation, national identification card or opening a bank account.

#### Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day (2 procedures cannot start on the same day). Procedures that can be fully completed online are recorded as ½ day.

Procedure completed once final document is received

No prior contact with officials

#### Cost required to complete each procedure (% of income per capita)

Official costs only, no bribes

No professional fees unless services required by law or commonly used in practice

#### Paid-in minimum capital (% of income per capita)

Deposited in a bank or with a notary before registration (or within 3 months)

- The size of the entire office space is approximately 929 square meters (10,000 square feet).

- Is 100% domestically owned and has five owners, none of whom is a legal entity.
- Has start-up capital of 10 times income per capita
- Performs general industrial or commercial activities, such as the production or sale to the public of products or services. The business does not perform foreign trade activities and does not handle products subject to a special tax regime, for example, liquor or tobacco. It is not using heavily polluting production processes.
- Leases the commercial plant or offices and is not a proprietor of real estate.
- The amount of the annual lease for the office space is equivalent to 1 times income per capita.

- Does not qualify for investment incentives or any special benefits.
- Has at least 10 and up to 50 employees one month after the commencement of operations, all of them domestic nationals.
- Has a turnover of at least 100 times income per capita.
- Has a company deed 10 pages long

The owners:

- Have reached the legal age of majority and are capable of making decisions as an adult. If there is no legal age of majority, they are assumed to be 30 years old.
- Are sane, competent, in good health and have no criminal record.
- Are married, the marriage is monogamous and registered with the authorities.
- Where the answer differs according to the legal system applicable to the woman or man in question (as may be the case in economies where there is legal plurality), the answer used will be the one that applies to the majority of the population.

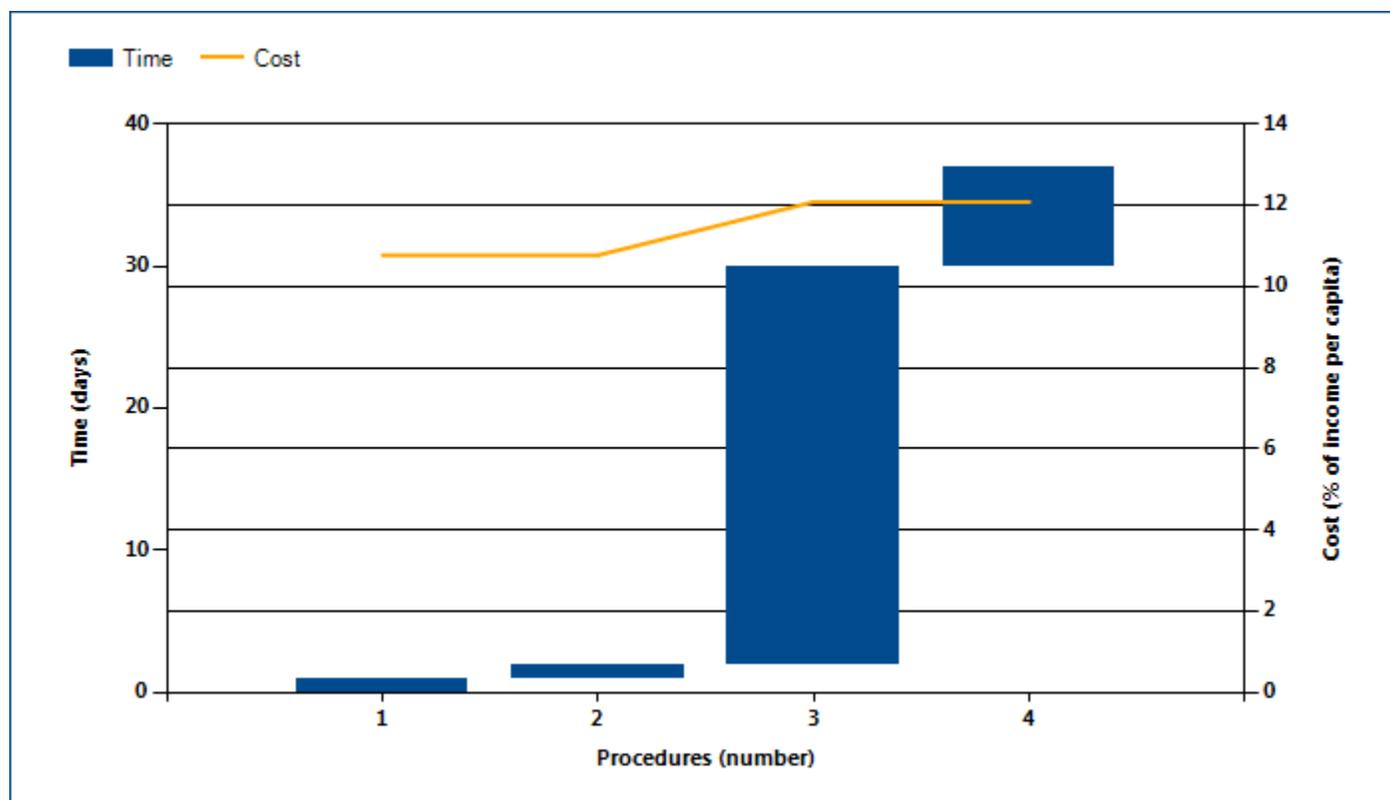
## STARTING A BUSINESS

### Where does the economy stand today?

What does it take to start a business in Poland? According to data collected by *Doing Business*, starting a business there requires 4.0 procedures, takes 37.0 days, costs 12.1% of income per capita for men, and requires 4.0 procedures, takes 37.0 days, costs 12.1% of income per capita for women. A requirement of paid-in minimum capital of 10.9% of income per capita (figure

2.1) is legally mandatory for both men and women. Most indicator sets refer to a case scenario in the largest business city of an economy, except for 11 economies for which the data are a population-weighted average of the 2 largest business cities. See the chapter on distance to frontier and ease of doing business ranking at the end of this profile for more details.

Figure 2.1 What it takes to start a business in Poland  
Paid-in minimum capital (% of income per capita): 10.9



Source: *Doing Business* database.

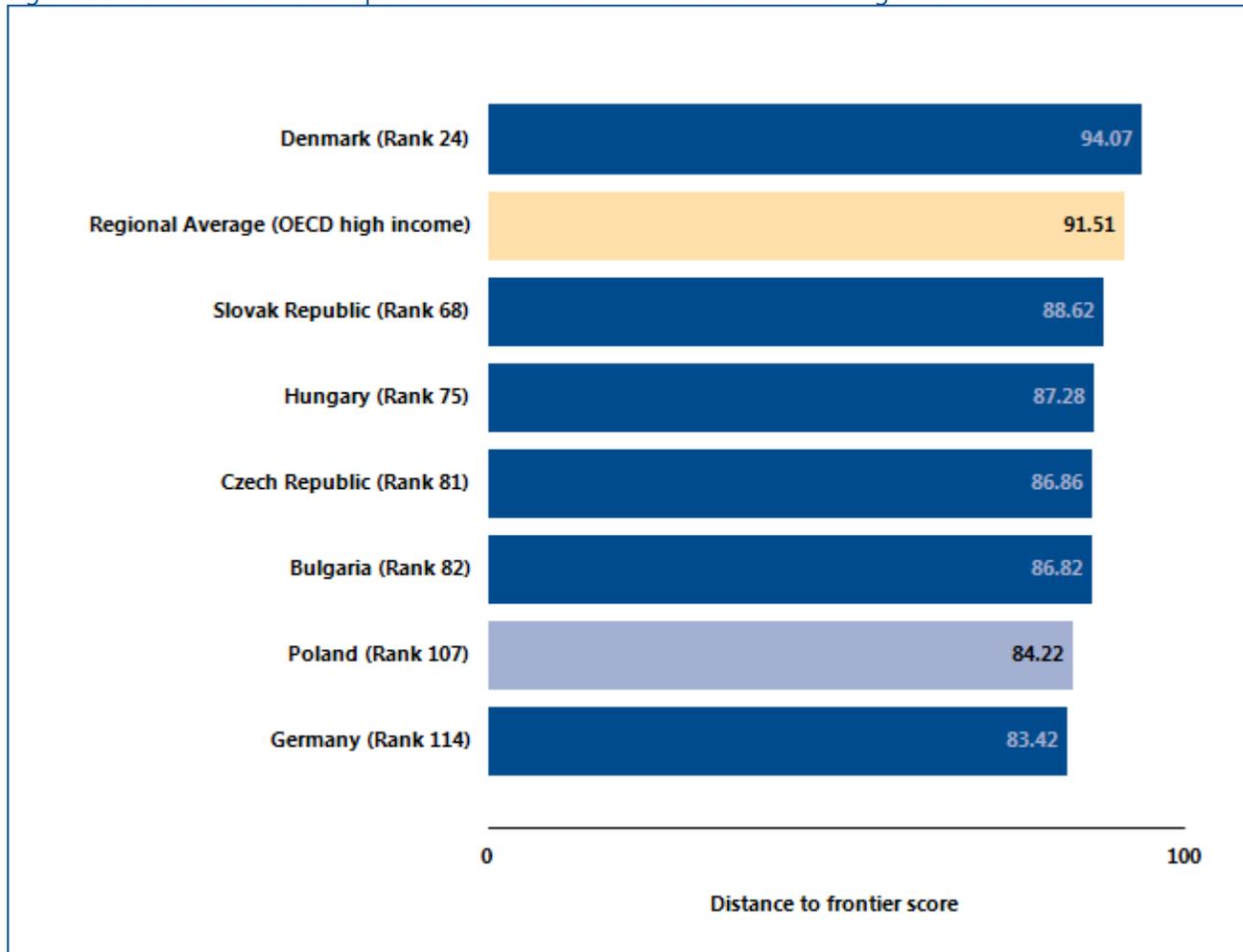
Note: Time shown in the figure above may not reflect simultaneity of procedures. Online procedures account for 0.5 days in the total time calculation. For more information on the methodology of the starting a business indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter. Procedures in light blue for married women only.

### STARTING A BUSINESS

Globally, Poland stands at 107 in the ranking of 190 economies on the ease of starting a business (figure 2.2). The rankings for comparator economies and the regional

average ranking provide other useful information for assessing how easy it is for an entrepreneur in Poland to start a business.

Figure 2.2 How Poland and comparator economies rank on the ease of starting a business



Source: Doing Business database.

## STARTING A BUSINESS

Economies around the world have taken steps making it easier to start a business—streamlining procedures by setting up a one-stop shop, making procedures simpler or faster by introducing technology and reducing or eliminating minimum capital requirements. Many have undertaken business registration reforms in stages—and

they often are part of a larger regulatory reform program. Among the benefits have been greater firm satisfaction and savings and more registered businesses, financial resources and job opportunities.

What business registration reforms has *Doing Business* recorded in Poland (table 2.1)?

Table 2.1 How has Poland made starting a business easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year       | Reform   |
|---------------|--|
| <b>DB2014</b> | Poland made starting a business easier by eliminating the requirement to register the new company at the National Labor Inspectorate and the National Sanitary Inspectorate. |

Source: *Doing Business* database.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

## STARTING A BUSINESS

### What are the details?

Underlying the indicators shown in this chapter for Poland is a set of specific procedures—the bureaucratic and legal steps that an entrepreneur must complete to incorporate and register a new firm. These are identified by *Doing Business* through collaboration with relevant local professionals and the study of laws, regulations and publicly available information on business entry in that economy. Following is a detailed summary of those procedures, along with the associated time and cost. These procedures are those that apply to a company matching the standard assumptions (the “standardized company”) used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators measure).

#### STANDARDIZED COMPANY

**Legal form:** Sp z.o.o. - Limited Liability Company

**Paid-in minimum capital requirement:** PLN 5,000

**City:** Warsaw

**Start-up Capital:** 10 times GNI per capita

Table 2.2 Summary of time, cost and procedures for starting a business in Poland

| No. | Procedure  | Time to complete | Cost to complete  |
|-----|--|------------------|---|
| 1   | <p><b>Notarize company agreement</b></p> <p>The fee to notarize the company deed of association cannot exceed PLN 10,000 plus VAT and civil law transaction tax. The notary will also prepare the application for the court (form KRS-W3), required for procedure 3. To set up the whole company (taxes, social insurance, registered office, and so forth) a lawyer would normally charge between PLN 5,000 and PLN 25,000.</p> <p>One of the document to be submitted is a list of all the founders of the company and the % of their shares. By law each founder (5 founders) must make a declaration that they have covered their share of the capital.</p> <p>Since January 1, 2012 a new alternative method for establishment of a company has been introduced that does not require notarization of the company's agreement. However, this requires online registration, which the majority of entrepreneurs do not use in practice.</p> <p><i>Agency: Notary</i></p> | 1 day            | <p>PLN 1,010 + 0.4% of the amount of share capital over PLN 60,000 + 6 PLN cost per page (typically 10 pages are purchased) + (the amount of share capital - (Notary fee + 23% VAT) + Court fees)*0.5% civil law transactions tax</p> |
| 2   | <p><b>Deposit paid-in capital at the bank</b></p> <p>To open a bank account, a limited liability company must provide the bank with the founding deed. Upon registration, the National Court Register issues the Tax Identification Number (NIP) and Statistical Number (REGON) automatically to the bank.</p> <p><i>Agency: Commercial Bank</i></p>   | 1 day            | no charge   |

| No. | Procedure  | Time to complete | Cost to complete  |
|-----|--|------------------|---|
| 3   | <p><b>File for company registration at the National Court Register</b></p> <p>The registration with the National Court Register determines the creation of a new business entity and is binding for other authorities such as: Tax Office, Statistical Office and Social Insurance Office. Newly established companies are given their tax identification number (NIP) and statistical number (REGON) automatically within few days of court registration. Additional required information should be submitted directly to the authorities after the registration. After registration of the company, the National Court Register sends the registration data to a newly established central register of tax payers (Centralny Rejestr Podmiotów - Krajowa Ewidencja Podatników).</p> <p>The National Court Register offers online registration. However, the electronic registration is not used by the majority of firms for various reasons. The e-registration requires an electronic signature or ePuap as well as the presence of at least one shareholder and management board members with electronic signatures or ePuap profile. Also, the electronic system provides for a very simplified template of articles of association of the new company allowing modifications to a limited extent only and for electronic registration by all participants, whereby doubts exist whether the registration and subsequent execution of documents via "electronic signature" can be made by a proxy.</p> <p><i>Agency: National Court Register</i></p> | 4 weeks          | <p>PLN 500 for registration and PLN 100 for publication</p> |
| 4   | <p><b>Register for taxes and VAT</b></p> <p>A newly registered business entity will be required to file a new form (NIP-8) containing supplementary data with the head of the tax office within 21 days after the entity is initially entered in the National Court Register, or in the case of changes in the supplementary data within 7 days of occurrence of the circumstances justifying the change.</p> <p>The company must register for VAT by the date when the company carries out VAT-covered business activities for the first time. The registration must be submitted with the Tax Office. The company must provide information on (a) its business name and legal form; (b) the REGON (statistical number); (c) start date for its business activities; and (d) the address of its registered office.</p> <p>If the Company is planning to conduct future foreign trade activities within the European Union, the company must register as an EU VAT taxpayer. The company must submit that application before commencing foreign trade activity within the European Union. However, before registering as an EU VAT taxpayer, the company must be registered as a regular VAT taxpayer.</p>   | 7 days           | no charge   |

| No. | Procedure                 | Time to complete | Cost to complete |
|-----|---------------------------|------------------|------------------|
|     | <i>Agency: Tax Office</i> |                  |                  |

\* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

Note: Online procedures account for 0.5 days in the total time calculation.

Procedures in light blue for married women only.

## DEALING WITH CONSTRUCTION PERMITS

Regulation of construction is critical to protect the public. But it needs to be efficient, to avoid excessive constraints on a sector that plays an important part in every economy. Where complying with building regulations is excessively costly in time and money, many builders opt out. They may pay bribes to pass inspections or simply build illegally, leading to hazardous construction that puts public safety at risk. Where compliance is simple, straightforward and inexpensive, everyone is better off.

### What do the indicators cover?

*Doing Business* records all procedures required for a business in the construction industry to build a warehouse along with the time and cost to complete each procedure. In addition, the building quality control index evaluates the quality of building regulations, the strength of quality control and safety mechanisms, liability and insurance regimes, and professional certification requirements.

The ranking of economies on the ease of dealing with construction permits is determined by sorting their distance to frontier scores for dealing with construction permits. These scores are the simple average of the distance to frontier scores for each of the component indicators.

To make the data comparable across economies, several assumptions about the construction company, the warehouse project and the utility connections are used.

### Assumptions about the construction company

The construction company (BuildCo):

- Is a limited liability company (or its legal equivalent).
- Operates in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- Is 100% domestically and privately owned.
- Has five owners, none of whom is a legal entity.
- Is fully licensed and insured to carry out construction projects, such as building warehouses.
- Has 60 builders and other employees, all of them nationals with the technical expertise and

### WHAT THE DEALING WITH CONSTRUCTION PERMITS INDICATORS MEASURE

#### Procedures to legally build a warehouse (number)

Submitting all relevant documents and obtaining all necessary clearances, licenses, permits and certificates

Submitting all required notifications and receiving all necessary inspections

Obtaining utility connections for water and sewerage

Registering and selling the warehouse after its completion

#### Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day—though procedures that can be fully completed online are an exception to this rule

Procedure considered completed once final document is received

No prior contact with officials

#### Cost required to complete each procedure (% of warehouse value)

Official costs only, no bribes

#### Building quality control index (0-15)

Sum of the scores of six component indices:

Quality of building regulations (0-2)

Quality control before construction (0-1)

Quality control during construction (0-3)

Quality control after construction (0-3)

Liability and insurance regimes (0-2)

Professional certifications (0-4)

professional experience necessary to obtain construction permits and approvals.

- Has a licensed architect and a licensed engineer, both registered with the local association of architects or engineers. BuildCo is not assumed to have any other employees who are technical or licensed experts, such as geological or topographical experts.
- Has paid all taxes and taken out all necessary insurance applicable to its general business activity (for example, accidental insurance for construction workers and third-person liability).
- Owns the land on which the warehouse will be built and will sell the warehouse upon its completion.

#### Assumptions about the warehouse

##### The warehouse:

- Will be used for general storage activities, such as storage of books or stationery. The warehouse will not be used for any goods requiring special conditions, such as food, chemicals or pharmaceuticals.
- Will have two stories, both above ground, with a total constructed area of approximately 1,300.6 square meters (14,000 square feet). Each floor will be 3 meters (9 feet, 10 inches) high.
- Will have road access and be located in the periurban area of the economy's largest business city (that is, on the fringes of the city but still within its official limits). For 11 economies the data are also collected for the second largest business city.
- Will not be located in a special economic or industrial zone.
- Will be located on a land plot of approximately 929 square meters (10,000 square feet) that is 100% owned by BuildCo and is accurately registered in the cadastre and land registry.

- Is valued at 50 times income per capita.
- Will be a new construction (there was no previous construction on the land), with no trees, natural water sources, natural reserves or historical monuments of any kind on the plot.
- Will have complete architectural and technical plans prepared by a licensed architect. If preparation of the plans requires such steps as obtaining further documentation or getting prior approvals from external agencies, these are counted as procedures.
- Will include all technical equipment required to be fully operational.
- Will take 30 weeks to construct (excluding all delays due to administrative and regulatory requirements).

#### Assumptions about the utility connections

##### The water and sewerage connections:

- Will be 150 meters (492 feet) from the existing water source and sewer tap. If there is no water delivery infrastructure in the economy, a borehole will be dug. If there is no sewerage infrastructure, a septic tank in the smallest size available will be installed or built.
- Will not require water for fire protection reasons; a fire extinguishing system (dry system) will be used instead. If a wet fire protection system is required by law, it is assumed that the water demand specified below also covers the water needed for fire protection.
- Will have an average water use of 662 liters (175 gallons) a day and an average wastewater flow of 568 liters (150 gallons) a day. Will have a peak water use of 1,325 liters (350 gallons) a day and a peak wastewater flow of 1,136 liters (300 gallons) a day.
- Will have a constant level of water demand and wastewater flow throughout the year.
- Will be 1 inch in diameter for the water connection and 4 inches in diameter for the sewerage connection.

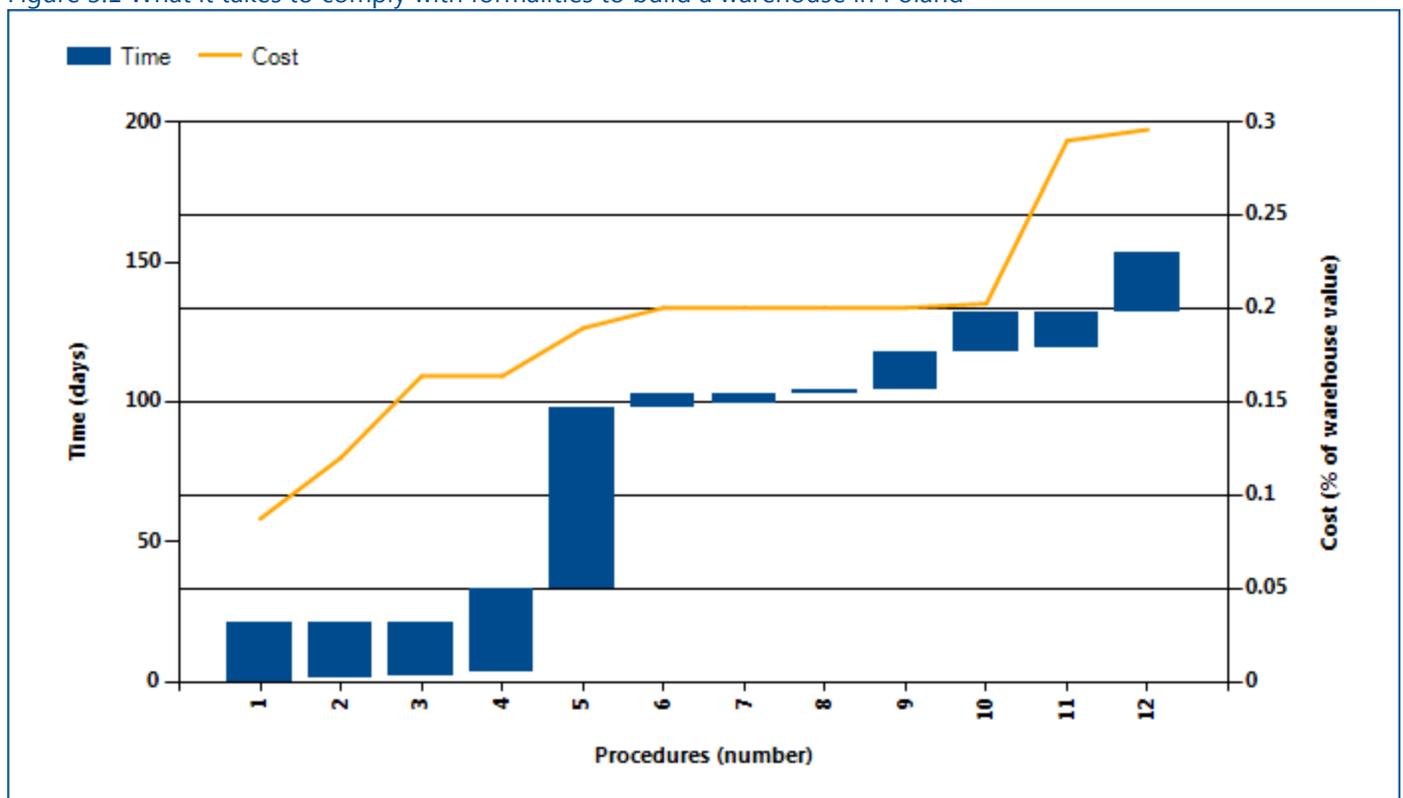
## DEALING WITH CONSTRUCTION PERMITS

### Where does the economy stand today?

What does it take to comply with the formalities to build a warehouse in Poland? According to data collected by *Doing Business*, dealing with construction permits there requires 12.0 procedures, takes 153.0 days and costs 0.3% of the warehouse value (figure 3.1). Most indicator sets refer to a case scenario in the largest business city of

an economy, except for 11 economies for which the data are a population-weighted average of the 2 largest business cities. See the chapter on distance to frontier and ease of doing business ranking at the end of this profile for more details.

Figure 3.1 What it takes to comply with formalities to build a warehouse in Poland



Source: *Doing Business* database.

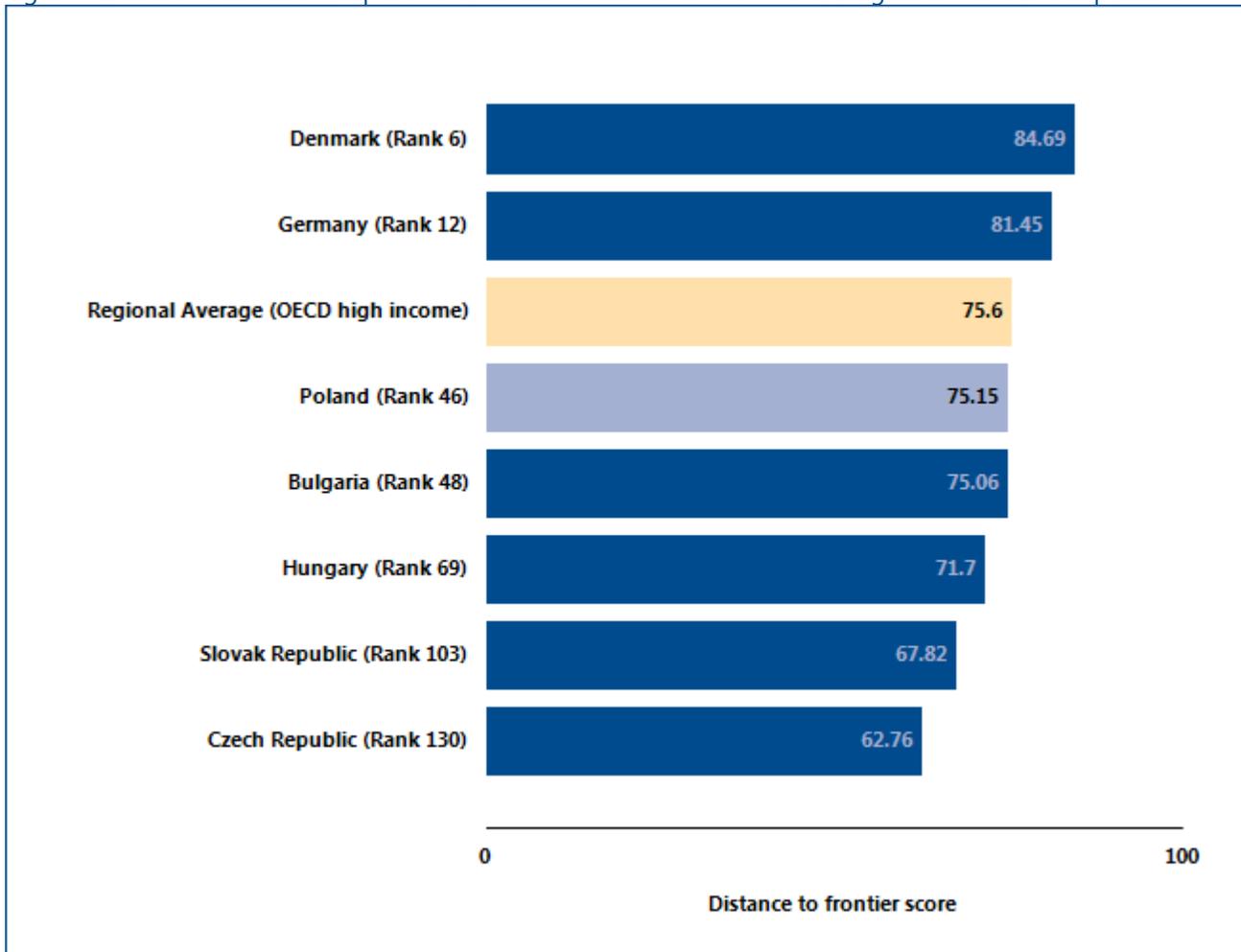
Note: Time shown in the figure above may not reflect simultaneity of procedures. Online procedures account for 0.5 days in the total time calculation. For more information on the methodology of the dealing with construction permits indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter.

### DEALING WITH CONSTRUCTION PERMITS

Globally, Poland stands at 46 in the ranking of 190 economies on the ease of dealing with construction permits (figure 3.2). The rankings for comparator

economies and the regional average ranking provide other useful information for assessing how easy it is for an entrepreneur in Poland to legally build a warehouse.

Figure 3.2 How Poland and comparator economies rank on the ease of dealing with construction permits



Source: Doing Business database.

## DEALING WITH CONSTRUCTION PERMITS

Smart regulation ensures that standards are met while making compliance easy and accessible to all. Coherent and transparent rules, efficient processes and adequate allocation of resources are especially important in sectors where safety is at stake. Construction is one of them. In

an effort to ensure building safety while keeping compliance costs reasonable, governments around the world have worked on consolidating permitting requirements. What construction permitting reforms has *Doing Business* recorded in Poland (table 3.1)?

Table 3.1 How has Poland made dealing with construction permits easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year       | Reform   |
|---------------|--|
| <b>DB2014</b> | Poland made dealing with construction permits easier by eliminating the requirement to obtain a description of the geotechnical documentation of the land. |
| <b>DB2017</b> | Poland made dealing with construction permits simpler by streamlining the process of obtaining a building permit.  |

Source: *Doing Business* database.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

## DEALING WITH CONSTRUCTION PERMITS

### What are the details?

The indicators reported here for Poland are based on a set of specific procedures—the steps that a company must complete to legally build a warehouse—identified by *Doing Business* through information collected from experts in construction licensing, including architects, civil engineers, construction lawyers, construction firms, utility service providers and public officials who deal with building regulations. These procedures are those that apply to a company and structure matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover).

#### BUILDING A WAREHOUSE

**Estimated value of warehouse :** **PLN 2,287,441**

**City :** **Warsaw**

The procedures, along with the associated time and cost, are summarized below.

Table 3.2 Summary of time, cost and procedures for dealing with construction permits in Poland

| No. | Procedure   | Time to complete | Cost to complete |
|-----|---|------------------|------------------|
| 1   | <p><b>Obtain current geodesic map</b></p> <p>Obtaining a current geodesic map is necessary for preparing a building project. According to the Building Code, a building project should consist of an architectural project; a major planning scheme of the plot; declarations of energy, water and sewage, and other suppliers, if applicable; a declaration by the administrator of the public road about the possibility of connecting the plot to the public road; the results, if applicable, of the geological examinations; and a specification of the geotechnical conditions of the property.</p> <p>One of these documents, the major planning scheme of the plot, should be corrected by an expert on a copy of the most recent geodetic map. Such a map is collected by the division of the County Office (Starostwo) or, as in Warsaw and some other cities, by the relevant division of the city administration. This map is valid for only about 6 months, which explains the need for it to be constantly updated. Once obtained, the map need to be updated by a private surveyor or by the and approved by the local administrative office of surveyors (Municipality of Warsaw).</p> <p>In practice majority of companies hire a private surveyor who obtains the map from the municipality (or online) and makes the necessary corrections on the outdated map. This will cost around PLN 2000 which includes administrative fees payable to the municipality.</p> <p><i>Agency: City Administration</i></p> | 21 days          | PLN 2,000        |

| No. | Procedure   | Time to complete | Cost to complete |
|-----|---|------------------|------------------|
| * 2 | <p><b>Request and obtain consent from licensed sanitary expert</b></p> <p>The building project must be reviewed by a licensed sanitary expert. An expert approves the project by affixing his or her name stamp and an approval/non approval clause to the project. The authority issuing building permits then checks whether this procedure has been completed by the expert.</p> <p><i>Agency: Licensed Sanitary Expert</i></p>  | 7 days           | PLN 750          |
| * 3 | <p><b>Request and obtain consent from licensed fire safety expert</b></p> <p>The building project must be reviewed by a licensed fire safety expert. Fire safety experts are supervised by the Commander of the Fire Department and appointed by the Polish General Commandant of the Governmental Fire Department. An expert approves the project by affixing his or her name stamp and an approval/non-approval clause to the project.</p> <p><i>Agency: Fire Safety Expert</i></p>   | 3 days           | PLN 1,000        |
| * 4 | <p><b>Receive an approval from the Project Documentation Coordination Unit (ZUDP) about the lack of conflicts among utility connections</b></p> <p>The Project Documentation Coordination Unit (Zespół Uzgodnień Dokumentacji Projektowej, ZUDP) consists of city officials, representatives of utility companies and representatives of any agency that might manage cables, pipes or other underground material. ZUDP meets once every 3 weeks to analyze the proposed project of connecting to the utilities and check if there is any conflict among the different networks. The obtaining of this approval can be done simultaneously with obtaining other pre-approvals before obtaining the building permit. The building permit cannot be issued without the positive opinion of ZUDP. The investor- or its representatives – are invited to participate when ZUDP meets, but they are not required to be there.</p> <p><i>Agency: Project Documentation Coordination Unit (ZUDP)</i></p> | 30 days          | no charge        |
| 5   | <p><b>Request and obtain building permit</b></p> <p>Construction work cannot begin before BuildCo has obtained the building permit. To acquire the building permit, the investor must send the official application form to the appropriate office of architectural and building administration at the Municipality.</p> <p>The following documents should be attached to the application:</p> <ul style="list-style-type: none"> <li>• Four copies of the building project, with all opinions, adjustments, permits, and other documents required by the particular legal acts</li> <li>• The investor's formal written statement concerning the right to</li> </ul>   | 65 days          | PLN 588          |

| No. | Procedure  | Time to complete | Cost to complete |
|-----|--|------------------|------------------|
|     | <p>dispose of the real estate on which the building is to be built</p> <ul style="list-style-type: none"> <li>• The decision regarding the conditions of building in the area, as stated within the framework of a binding special layout plan, if such a decision (which is not obligatory) was issued before applying for the building permit</li> </ul> <p>The opinions, adjustments, and permits mentioned above should be acquired by BuildCo or its attorney. In practice, they are obtained by the architect who prepares the project.</p> <p>The building project should be accompanied by a document certifying that the project designer is registered as a building expert. The decision on the conditions of building in a certain area is obligatory when the area is not covered by a binding special layout plan.</p> <p>In 2006, the official fees changed slightly due to the adoption of the new Law on Official Payment. As of 2007, these fees amount to PLN 539.00 for issuance of a building permit (PLN 1.00 per sq. m., but no more than PLN 539.00) and PLN 47.00 for approval of the building project. PLN 2.50 is added for the cost of wire transfer. Thus, the total cost is about PLN 588.50. In case the application is to be signed and filed by an authorized representative, an authorization should also be attached.</p> <p>The legally allowed time for making an administrative decision granting a building permit is 30 days (Administrative Code, General Administrative Regulations, Art. 35.3), but Article 35 Section 6 of the construction law provides 65 days for resolving difficult cases. Even so, the administration frequently reviews a case for a few months as it can sometimes requests many new documents and an explanation from the applicant and can suspend proceeding with the application until these documents and explanations are submitted.</p> <p>Formally, the time to validate the administrative decision is 14 days from the date it was delivered to the parties. In practice, the investor should expect that other parties, such as neighbors and ecological organizations, will appeal against this decision. Appeal cases may take a few years.</p> <p>Therefore, making an administrative decision can take from 60 days (legally) to 365 days (in practice), while validation takes from 14 days (legally, and with no trouble arising) to 4 years (in case of appeals).</p> <p>Since February 1, 2013, the Mayor's office must enter the date of application and the date the permit was delivered. It is electronic and the application can be tracked down.</p> <p><i>Agency: Municipality (Office of Architectural and Building Administration)</i></p> |                  |                  |

| No. | Procedure   | Time to complete | Cost to complete |
|-----|---|------------------|------------------|
| 6   | <p><b>Conclude agreement with utility provider: water and sewage</b></p> <p>BuildCo incurs the cost of building a connection to a water and sewage networks. This cost depends on the technical conditions and may amount to approximately PLN 200.00 to PLN 300.00. Initiating the flow of water by the supplier does not require any additional payment.</p> <p><i>Agency: Water and Sewage Municipal Agency for the Capital City of Warsaw S.A.</i></p>  | 5 days           | PLN 250          |
| * 7 | <p><b>Notify municipal authority about the beginning of construction and register the building diary</b></p> <p>BuildCo must notify the authority that issued the building permit of the start of construction work 7 days in advance (Article 41.4 of the Construction Law), providing the relevant authority with information about the building director and supervising inspector.</p> <p>The following documents must be attached (Article 41.4 of the Construction Law):</p> <ul style="list-style-type: none"> <li>• Statement of the building director (site manager) regarding completion of the safety and health protection plan, and plans for the management of building works</li> <li>• Statement of the supervising inspector regarding control assumption</li> <li>• Certificates confirming the building director's and supervising inspector's professional skills</li> <li>• Information regarding the safety and hygiene of working conditions on the building site</li> </ul> <p>The investor must immediately inform the relevant authority of any changes in the data above and register the building log with this authority.</p> <p><i>Agency: Municipality</i></p> | 1 day            | no charge        |
| 8   | <p><b>Receive inspection from Warsaw Water Company and obtain water and sewage connections</b></p> <p>When the water and sewage connection project is agreed upon, BuildCo may submit a declaration to start the connection works. Within 3 days after such declaration, the Water and Sewage Municipal Agency shall draft the agreement on supervision of connection works which shall be signed by both parties. The Water and Sewage Municipal Agency may conduct a technical inspection of construction works and will connect the warehouse to water and sewage systems on the same day. All works are done by the contractor and the agency will verify that the connection for water is done properly.</p> <p><i>Agency: Water and Sewage Municipal Agency for the Capital City</i></p>  | 1 day            | no charge        |

| No.  | Procedure  | Time to complete | Cost to complete |
|------|--|------------------|------------------|
|      | <i>of Warsaw S.A.</i>  |                  |                  |
| 9    | <p><b>Receive inspection from the National Sanitary Inspectorate and obtain approval</b></p> <p><i>Agency: National Sanitary Inspectorate</i></p>  | 14 days          | no charge        |
| 10   | <p><b>Receive inspection from the State Fire Service and obtain approval</b></p> <p><i>Agency: State Fire Service</i></p>  | 14 days          | PLN 50           |
| * 11 | <p><b>Obtain geodetic post-executive inventory</b></p> <p>When the building is complete, it is necessary to undertake the geodetic post-executive inventory to confirm the real, final layout of the building on the geodetic map. The process is completed by a certified geodesist and is reviewed by the Poviast Geodetic Office.</p> <p><i>Agency: Poviast Geodetic Office</i></p>   | 3 days           | PLN 2,000        |
| 12   | <p><b>Request and receive occupancy permit</b></p> <p>When the building works are over, BuildCo must inform the authority that issued the building permit in writing of its intention to start using the building.</p> <p>The special exploitation, or occupancy, permit must be obtained before beginning exploitation, or occupancy. If such a requirement is mentioned in the building permit text, BuildCo must submit an application for an occupancy permit. In many cases, this permit must be preceded by the obligatory post-executive control inspection carried out by the authority that issued the building permit. The application should be filed with the County Building Supervision Inspectorate. The maximum payment for an occupancy permit amounts to PLN 135.00.</p> <p>The following documents must be attached to the application:</p> <ul style="list-style-type: none"> <li>• Original copy of the building diary (register)</li> <li>• Building director's written statement, indicating that the building was completed in total compliance with the project, building permit, and law regulations, and that the building site and its neighborhood have been cleared of construction debris</li> <li>• Expert's reports and protocols of required tests and controls</li> </ul> | 21 days          | PLN 135          |

| No. | Procedure   | Time to complete | Cost to complete |
|-----|---|------------------|------------------|
|     | <ul style="list-style-type: none"> <li>• Geodetic post-executive protocol</li> <li>• Investor's written statement of lack of objections from the authorities</li> <li>• Confirmation of completion of the building connection to utility networks</li> </ul> <p>Occupancy permit is usually issued within 2-3 weeks.</p> <p><i>Agency: County Building Supervision Inspectorate</i></p> |                  |                  |

\* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

Note: Online procedures account for 0.5 days in the total time calculation.

## DEALING WITH CONSTRUCTION PERMITS

### Building Quality Control Index

The building quality control index is the sum of the scores on the quality of building regulations, quality control before construction, quality control during construction, quality control after construction, liability and insurance regimes, and professional certifications indices.

The index ranges from 0 to 15, with higher values indicating better quality control and safety mechanisms in the construction permitting system.

The indicator is based on the same case study assumptions as the measures of efficiency.

Table 3.3 Summary of quality control and safety mechanisms in Poland

|   | Answer   | Score |
|---|--|-------|
| Building quality control index (0-15)   |  | 10.0  |
| Quality of building regulations index (0-2)   |  | 1.0   |
| How accessible are building laws and regulations in your economy? (0-1)   | Available online; Free of charge.  | 1.0   |
| Which requirements for obtaining a building permit are clearly specified in the building regulations or on any accessible website, brochure or pamphlet? (0-1)                                  | List of required documents; Fees to be paid.   | 0.0   |
| Quality control before construction index (0-1)   |  | 1.0   |
| Which third-party entities are required by law to verify that the building plans are in compliance with existing building regulations? (0-1)  | Licensed architect; Licensed engineer.   | 1.0   |
| Quality control during construction index (0-3)   |  | 2.0   |
| What types of inspections (if any) are required by law to be carried out during construction? (0-2)   | Inspections by in-house engineer.  | 1.0   |
| Do legally mandated inspections occur in practice during construction? (0-1)  | Mandatory inspections are always done in practice.   | 1.0   |
| Quality control after construction index (0-3)  |  | 2.0   |
| Is there a final inspection required by law to verify that the building was built in accordance with the approved plans and regulations? (0-2)  | Yes, in-house engineer submits report for final inspection; Final inspection is not required by law. | 2.0   |
| Do legally mandated final inspections occur in practice? (0-1)  | Final inspection does not always occur in practice.  | 0.0   |
| Liability and insurance regimes index (0-2)   |  | 2.0   |
| Which parties (if any) are held liable by law for structural flaws or problems in the building once it is in use (Latent Defect Liability or Decennial Liability)? (0-1)                        | Architect or engineer; Construction company.   | 1.0   |
| Which parties (if any) are required by law to obtain an insurance policy to cover possible structural flaws or problems in the building once it is in use (Latent Defect Liability Insurance or | Architect or engineer; Construction company; Insurance is commonly                                   | 1.0   |

|   | Answer   | Score |
|---|--|-------|
| Decennial Insurance)? (0-1)   | taken in practice.   |       |
| Professional certifications index (0-4)   |  | 2.0   |
| What are the qualification requirements for the professional responsible for verifying that the architectural plans or drawings are in compliance with existing building regulations? (0-2) | University degree in architecture or engineering; Being a registered architect or engineer; Passing a certification exam.                          | 1.0   |
| What are the qualification requirements for the professional who supervises the construction on the ground? (0-2)   | University degree in engineering, construction or construction management; Being a registered architect or engineer; Passing a certification exam. | 1.0   |

Source: *Doing Business* database.

## GETTING ELECTRICITY

Access to reliable and affordable electricity is vital for businesses. To counter weak electricity supply, many firms in developing economies have to rely on self-supply, often at a prohibitively high cost. Whether electricity is reliably available or not, the first step for a customer is always to gain access by obtaining a connection.

### What do the indicators cover?

*Doing Business* records all procedures required for a local business to obtain a permanent electricity connection and supply for a standardized warehouse, as well as the time and cost to complete them. These procedures include applications and contracts with electricity utilities, clearances from other agencies and the external and final connection works. In addition, *Doing Business* also measures the reliability of supply and transparency of tariffs index (included in the aggregate distance to frontier score and ranking on the ease of doing business) and the price of electricity (omitted from these aggregate measures). The ranking of economies on the ease of getting electricity is determined by sorting their distance to frontier scores for getting electricity. These scores are the simple average of the distance to frontier scores for each of the component indicators. To make the data comparable across economies, several assumptions are used.

### Assumptions about the warehouse

The warehouse:

- Is owned by a local entrepreneur.
- Is located in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- Is located in an area where similar warehouses are typically located. In this area a new electricity connection is not eligible for a special investment promotion regime (offering special subsidization or faster service, for example).
- Is located in an area with no physical constraints. For example, the property is not near a railway.
- Is a new construction and is being connected to electricity for the first time.

### WHAT THE GETTING ELECTRICITY INDICATORS MEASURE

#### Procedures to obtain an electricity connection (number)

- Submitting all relevant documents and obtaining all necessary clearances and permits
- Completing all required notifications and receiving all necessary inspections
- Obtaining external installation works and possibly purchasing material for these works
- Concluding any necessary supply contract and obtaining final supply

#### Time required to complete each procedure (calendar days)

- Is at least 1 calendar day
- Each procedure starts on a separate day
- Does not include time spent gathering information
- Reflects the time spent in practice, with little follow-up and no prior contact with officials

#### Cost required to complete each procedure (% of income per capita)

- Official costs only, no bribes
- Excludes value added tax

#### The reliability of supply and transparency of tariffs index

- Sum of the scores of six component indices:
  - Duration and frequency of outages
  - Tools to monitor power outages
  - Tools to restore power supply
  - Regulatory monitoring of utilities' performance
  - Financial deterrents aimed at limiting outages
  - Transparency and accessibility of tariffs

#### Price of electricity (cents per kilowatt-hour)\*

- Price based on monthly bill for commercial warehouse in case study

**\*Price of electricity is not included in the calculation of distance to frontier nor ease of doing business ranking**

The warehouse (*continued*):

- Has two stories, both above ground, with a total surface area of approximately 1,300.6 square meters (14,000 square feet). The plot of land on which it is built is 929 square meters (10,000 square feet).
- Is used for storage of goods.

Assumptions about the electricity connection

The electricity connection:

- Is a permanent one.
- Is a three-phase, four-wire Y connection with a subscribed capacity of 140-kilo-volt-ampere (kVA) with a power factor of 1, when 1 kVA = 1 kilowatt (kW).
- Has a length of 150 meters. The connection is to either the low- or medium-voltage distribution network and is either overhead or underground, whichever is more common in the area where the warehouse is located
- Requires works that involve the crossing of a 10-meter road (such as by excavation or overhead lines) but are all carried out on public land. There is no crossing of other owners' private property because the warehouse has access to a road.
- Includes only a negligible length in the customer's private domain.
- Does not require work to install the internal wiring of the warehouse. This has already been completed up to and including the customer's service panel or switchboard and the meter base.

Assumptions about the monthly consumption

- It is assumed that the warehouse operates 30 days a month from 9:00 a.m. to 5:00 p.m. (8 hours a day), with equipment utilized at 80% of capacity on average and that there are no electricity cuts (assumed for simplicity reasons).
- The monthly energy consumption is 26,880 kilowatt-hours (kWh); hourly consumption is 112 kWh.
- If multiple electricity suppliers exist, the warehouse is served by the cheapest supplier.
- Tariffs effective in March of the current year are used for calculation of the price of electricity for the warehouse. Although March has 31 days, for calculation purposes only 30 days are used.

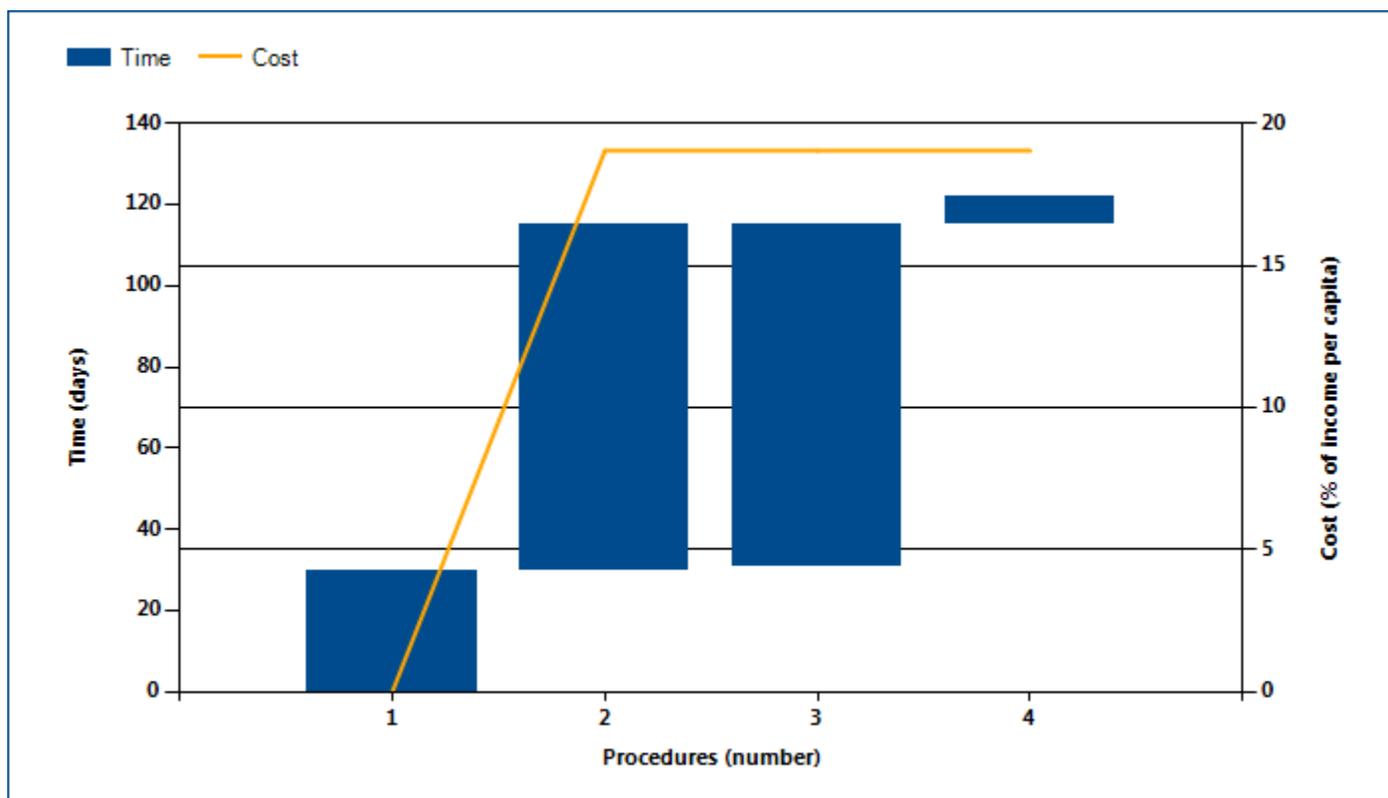
## GETTING ELECTRICITY

### Where does the economy stand today?

What does it take to obtain a new electricity connection in Poland? According to data collected by *Doing Business*, getting electricity there requires 4.0 procedures, takes 122.0 days and costs 19.0% of income per capita (figure 4.1).

Most indicator sets refer to a case scenario in the largest business city of an economy, except for 11 economies for which the data are a population-weighted average of the 2 largest business cities. See the chapter on distance to frontier and ease of doing business ranking at the end of this profile for more details.

Figure 4.1 What it takes to obtain an electricity connection in Poland



Source: *Doing Business* database.

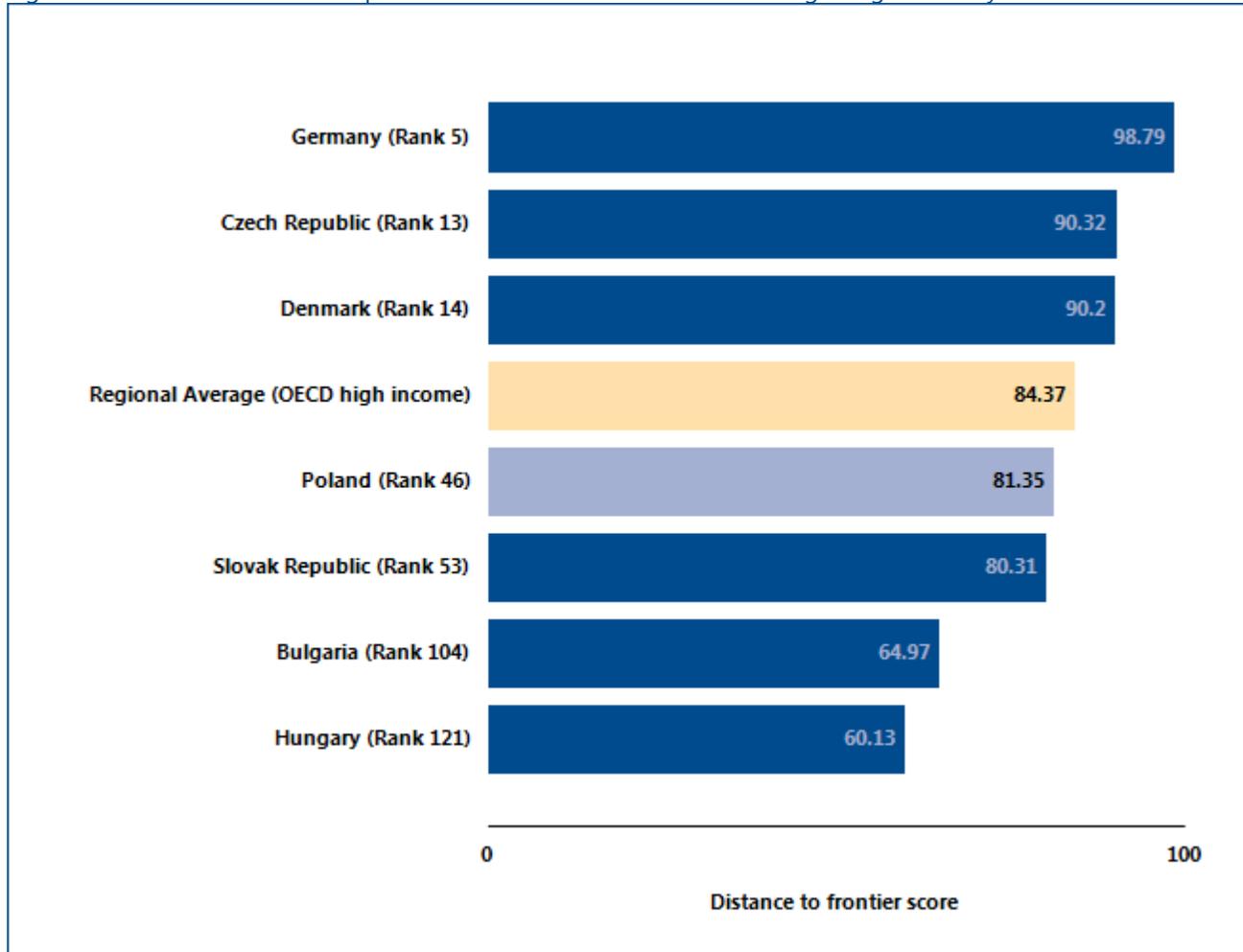
Note: Time shown in the figure above may not reflect simultaneity of procedures. For more information on the methodology of the getting electricity indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter.

### GETTING ELECTRICITY

Globally, Poland stands at 46 in the ranking of 190 economies on the ease of getting electricity (figure 4.2). The rankings for comparator economies and the regional

average ranking provide another perspective in assessing how easy it is for an entrepreneur in Poland to connect a warehouse to electricity.

Figure 4.2 How Poland and comparator economies rank on the ease of getting electricity



Source: Doing Business database.

## GETTING ELECTRICITY

Obtaining an electricity connection is essential to enable a business to conduct its most basic operations. In many economies the connection process is complicated by the multiple laws and regulations involved—covering service quality, general safety, technical standards, procurement practices and internal wiring installations. In an effort to

ensure safety in the connection process while keeping connection costs reasonable, governments around the world have worked to consolidate requirements for obtaining an electricity connection. What reforms in getting electricity has *Doing Business* recorded in Poland (table 4.1)?

Table 4.1 How has Poland made getting electricity easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year       | Reform   |
|---------------|--|
| <b>DB2015</b> | Poland made getting electricity less costly by revising the fee structure for new connections.   |
| <b>DB2016</b> | The utility in Poland reduced delays in processing applications for new electricity connections by increasing human and capital resources and by enforcing service delivery timelines. |
| <b>DB2017</b> | Poland made getting an electricity connection faster by eliminating the need to secure an excavation permit for external connection works, which reduced the time of mentioned works.  |

Source: *Doing Business* database.

## GETTING ELECTRICITY

### What are the details?

The indicators reported here for Poland are based on a set of specific procedures—the steps that an entrepreneur must complete to get a warehouse connected to electricity by the local distribution utility—identified by *Doing Business*. Data are collected from the distribution utility, then completed and verified by electricity regulatory agencies and independent professionals such as electrical engineers, electrical contractors and construction companies. The electricity distribution utility surveyed is the one serving the area (or areas) in which warehouses are located. If there is a choice of distribution utilities, the one serving the largest number of customers is selected.

The procedures are those that apply to a warehouse and electricity connection matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). The procedures, along with the associated time and cost, are summarized below.

#### OBTAINING AN ELECTRICITY CONNECTION\*

**Name of utility:** RWE Stoen Operator

**Price of electricity (US cents per kWh):** 15.1

**City:** Warsaw

\*Price is calculated as a monthly consumption of 26,880 kWh for business customers, based on a standardized case study adopted by the getting electricity methodology. *Doing Business* measures the price of electricity but does not include these data when calculating the distance to frontier score for getting electricity or the ranking on the ease of getting electricity.

Table 4.2 Summary of time, cost and procedures for getting electricity in Poland

| No. | Procedure   | Time to complete | Cost to complete |
|-----|---|------------------|------------------|
| 1   | <p><b>Submit application to RWE Stoen and await connection agreement</b></p> <p>The application to the utility can be submitted online, however, the following documents are required: type of building, the service requirement, the commencement date (date this warehouse will starts its activity), the detailed information on the client (REGON/NIP/Bank account), and a copy of the building permit. No external inspection is required.</p> <p>After processing the application, RWE will send the technical conditions and a draft contract showing the amount to be paid – the connection fees (the connection fees include the cost of design, all the materials and labor cost). Connection fees are annually approved by the Regulator.</p> <p><i>Agency: RWE Stoen Operator</i></p> | 30 calendar days | PLN 0            |
| 2   | <p><b>Receive external works from utility</b></p> <p>Once the connection fees are paid, RWE hires an engineering company (surveyors, designers) to do the electrical design and to obtain all approvals and decisions required by law. This engineering company is usually different from a company / an electrician which is hired by</p>  | 85 calendar days | PLN 8,712.2      |

| No. | Procedure  | Time to complete | Cost to complete |
|-----|--|------------------|------------------|
|     | <p>customer to do the design of internal wiring in his building or on his plot. The designer will also contact the client to discuss where the collection box should be located (i.e. the work on the property itself is done by the client).</p> <p>Once the design has been approved by RWE, the engineering company submits all documents related to the construction of connection to the municipality. For instance, for a 140kVA power connection, an underground cable is necessary and in order to lay the cables, the engineering company needs to get municipal approval for the external connection works.</p> <p>Meanwhile, RWE hires a construction company to build the connection in the field and construct the connection including excavation and the use of drilling machine (faster and recommended technology) to lay 150 m low-voltage cable in the ground.</p> <p><i>Agency: RWE Stoen Operator</i></p> |                  |                  |
| * 3 | <p><b>Receive protocol from RWE Stoen that connection is completed</b></p> <p>RWE will be physically present on the day that the contractor (the owner's personal contractor) is ready to pull the cables and connect them to the connection box. All work on the property of the warehouse is to be done by the private contractor of the client that is pulling the cables from the warehouse to the connection box (installed by RWE, with the connection box ready to receive those cables with stops to prevent any further surge). Once this connection is done, RWE will give to the Owner a protocol that the connection is finished. This protocol is necessary to sign the supply contract</p> <p><i>Agency: RWE Stoen Operator</i></p>  | 1 calendar day   | PLN 0            |
| 4   | <p><b>Conclude supply agreement and await opening of the meter</b></p> <p>After the external connection works have been approved, the customer concludes a supply contract and waits for the opening of the meter.</p> <p>Electricity cannot flow if the client has not signed a contract with a provider of electricity but the supplier will not sign a contract unless the owner has the protocol provided by RWE stating that the connection is finished. Once the signing is done, the supplier will inform RWE directly that they have been chosen by the client to be his/her electricity provider (supplier).</p> <p><i>Agency: Electricity supplier</i></p>   | 7 calendar days  | PLN 0            |

\* Takes place simultaneously with previous procedure.

*Source: Doing Business database.*

## GETTING ELECTRICITY

### Reliability of supply and transparency of tariffs index

The reliability of supply and transparency of tariffs index encompasses quantitative data on the duration and frequency of power outages as well as qualitative information on the mechanisms put in place by the utility for monitoring power outages and restoring power supply, the reporting relationship between the utility and the regulator for power outages, the transparency and accessibility of tariffs and whether the utility faces a financial deterrent aimed at limiting outages (such as a requirement to compensate customers or pay fines when outages exceed a certain cap).

The index ranges from 0 to 8, with higher values indicating greater reliability of electricity supply and greater transparency of tariffs.

*Doing Business* uses the system average interruption duration index (SAIDI) and the system average interruption frequency index (SAIFI) to measure the duration and frequency of power outages in the largest business city of each economy (for 11 economies the data are also collected for the second largest business city). SAIDI is the average total duration of outages over the course of a year for each customer served, while SAIFI is the average number of service interruptions experienced by a customer in a year. Annual data (covering the calendar year) are collected from distribution utility companies and national regulators on SAIDI and SAIFI. Both SAIDI and SAIFI estimates include load shedding.

Table 4.3 Reliability of Supply and Transparency of Tariff Index in Poland

|   | Answer  | Score      |
|---|---|------------|
| <b>Reliability of supply and transparency of tariff index (0-8)</b>   |   | <b>7.0</b> |
| <b>Total duration and frequency of outages per customer a year (0-3)</b>  |   | <b>2.0</b> |
| System average interruption duration index (SAIDI)  | 1.34  |            |
| System average interruption frequency index (SAIFI)   | 1.38  |            |
| <b>Mechanisms for monitoring outages (0-1)</b>  |   | <b>1.0</b> |
| Does the distribution utility use automated tools to monitor outages?   | Yes   |            |
| <b>Mechanisms for restoring service (0-1)</b>   |   | <b>1.0</b> |
| Does the distribution utility use automated tools to restore service?   | Yes   |            |
| <b>Regulatory monitoring (0-1)</b>  |   | <b>1.0</b> |
| Does a regulator—that is, an entity separate from the utility—monitor the utility's performance on reliability of supply?       | Yes   |            |
| <b>Financial deterrents aimed at limiting outages (0-1)</b>   |   | <b>1.0</b> |
| Does the utility either pay compensation to customers or face fines by the regulator (or both) if outages exceed a certain cap? | Yes   |            |
| <b>Communication of tariffs and tariff changes (0-1)</b>  |   | <b>1.0</b> |
| Are effective tariffs available online?   | Yes   |            |
| Link to the website, if available online  | <a href="http://enerad.pl/p">http://enerad.pl/p</a> |            |

|  | Answer  | Score |
|--|---|-------|
|  | orownywarka-kalkulator/porownanie/01-689/102194/20/577/14/10000/100/100/577/1/12/60/14/0/0/0/0/1+/0/0.4590/0/1/6/0/ |       |
| Are customers notified of a change in tariff ahead of the billing cycle? | Yes   |       |

|   | Answer |
|---|--------|
| Price of electricity (US cents per kWh) | 15.1   |

Source: *Doing Business* database.

Note: If data on power outages is not collected or if the SAIFI index or SAIDI index are above the threshold of 100, the economy is not eligible to obtain a score in the Reliability of Supply and Transparency of Tariff Index. If SAIDI and SAIFI are 12 (equivalent to an outage of one hour each month) or below, a score of 1 is assigned. If SAIDI and SAIFI are 4 (equivalent to an outage of one hour each quarter) or below, 1 additional point is assigned. Finally, if SAIDI and SAIFI are 1 (equivalent to an outage of one hour per year) or below, 1 more point is assigned. *Doing Business* measures the price of electricity but does not include these data when calculating the distance to frontier score for getting electricity or the ranking on the ease of getting electricity. The price of electricity is measured in cents per kilowatt-hour. On the basis of the assumptions about monthly consumption, a monthly bill for a commercial warehouse in the largest business city of the economy is computed for the month of March. As noted, the warehouse uses electricity 30 days a month, from 9:00 a.m. to 5:00 p.m., so different tariff schedules may apply if a time-of-use tariff is available.

## REGISTERING PROPERTY

Ensuring formal property rights is fundamental. Effective administration of land is part of that. If formal property transfer is too costly or complicated, formal titles might go informal again. And where property is informal or poorly administered, it has little chance of being accepted as collateral for loans—limiting access to finance.

### What do the indicators cover?

*Doing Business* records the full sequence of procedures necessary for a business to purchase property from another business and transfer the property title to the buyer's name. The transaction is considered complete when it is opposable to third parties and when the buyer can use the property, use it as collateral for a bank loan or resell it. In addition, *Doing Business* also measures quality of the land administration system in each economy. The ranking of economies on the ease of registering property is determined by sorting their distance to frontier scores for registering property. These scores are the simple average of the distance to frontier scores for each of the component indicators. To make the data comparable across economies, several assumptions about the parties to the transaction, the property and the procedures are used.

The parties (buyer and seller):

- Are limited liability companies, 100% domestically and privately owned and perform general commercial activities in the economy's largest business city.
- Have 50 employees each, all of whom are nationals.

The property (fully owned by the seller):

- Has a value of 50 times income per capita. The sale price equals the value and entire property will be transferred.
- Is registered in the land registry or cadastre, or both, and is free of title disputes.
- Is located in a periurban commercial zone, and no rezoning is required.

### WHAT THE REGISTERING PROPERTY INDICATORS MEASURE

#### Procedures to legally transfer title on immovable property (number)

Preregistration (for example, checking for liens, notarizing sales agreement, paying property transfer taxes)

Registration in the economy's largest business city

Postregistration (for example, filing title with the municipality)

#### Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day—though procedures that can be fully completed online are an exception to this rule

Procedure considered completed once final document is received

No prior contact with officials

#### Cost required to complete each procedure (% of property value)

Official costs only, no bribes

No value added or capital gains taxes included

#### Quality of land administration index (0-30)

- Has no mortgages attached, has been under the same ownership for the past 10 years.
- Consists of 557.4 square meters (6,000 square feet) of land and a 10-year-old, 2-story warehouse of 929 square meters (10,000 square feet). The warehouse is in good condition and complies with all safety standards, building codes and legal requirements. There is no heating system.

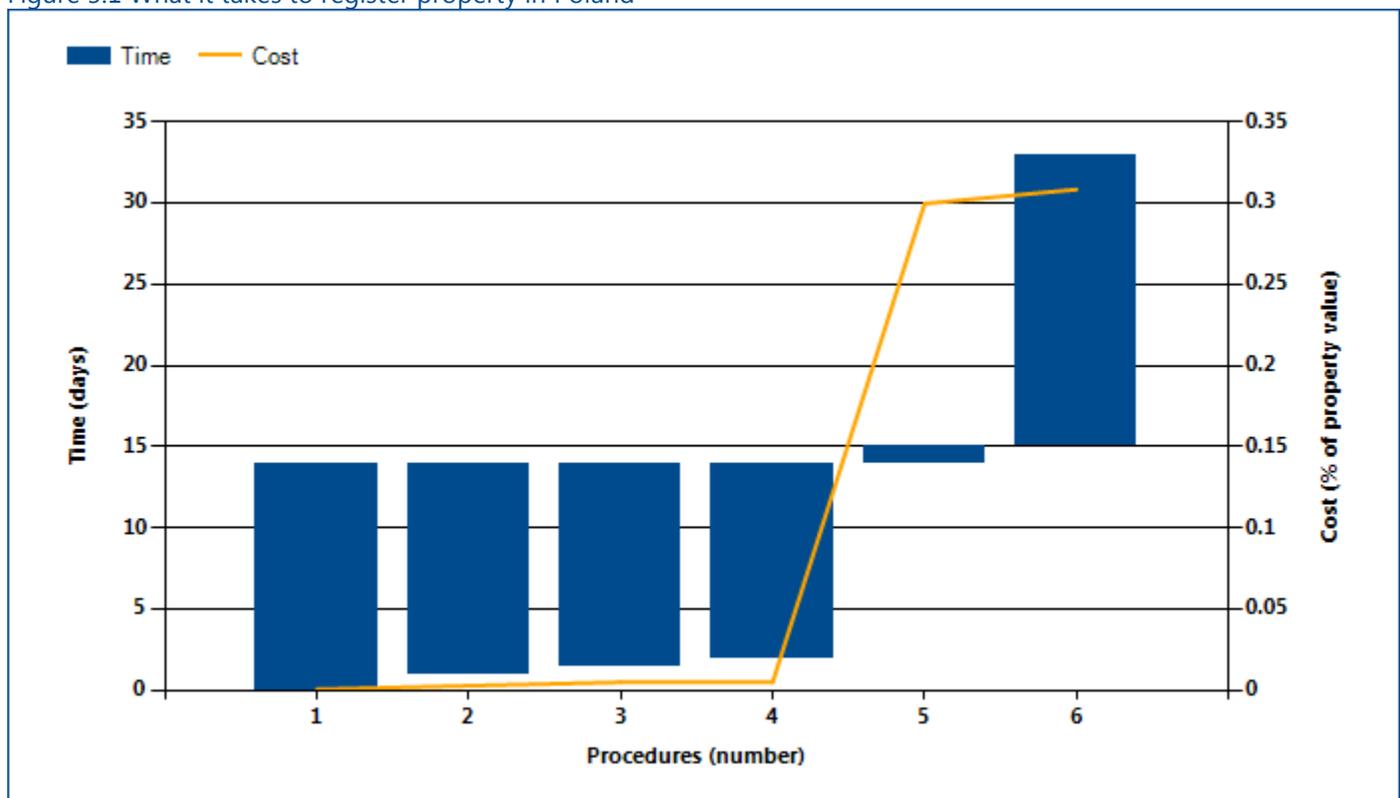
## REGISTERING PROPERTY

### Where does the economy stand today?

What does it take to complete a property transfer in Poland? According to data collected by *Doing Business*, registering property there requires 6.0 procedures, takes 33.0 days and costs 0.3% of the property value (figure 5.1). The score on the quality of land administration index is 19.5

Most indicator sets refer to a case scenario in the largest business city of an economy, except for 11 economies for which the data are a population-weighted average of the 2 largest business cities. See the chapter on distance to frontier and ease of doing business ranking at the end of this profile for more details.

Figure 5.1 What it takes to register property in Poland



Source: *Doing Business* database.

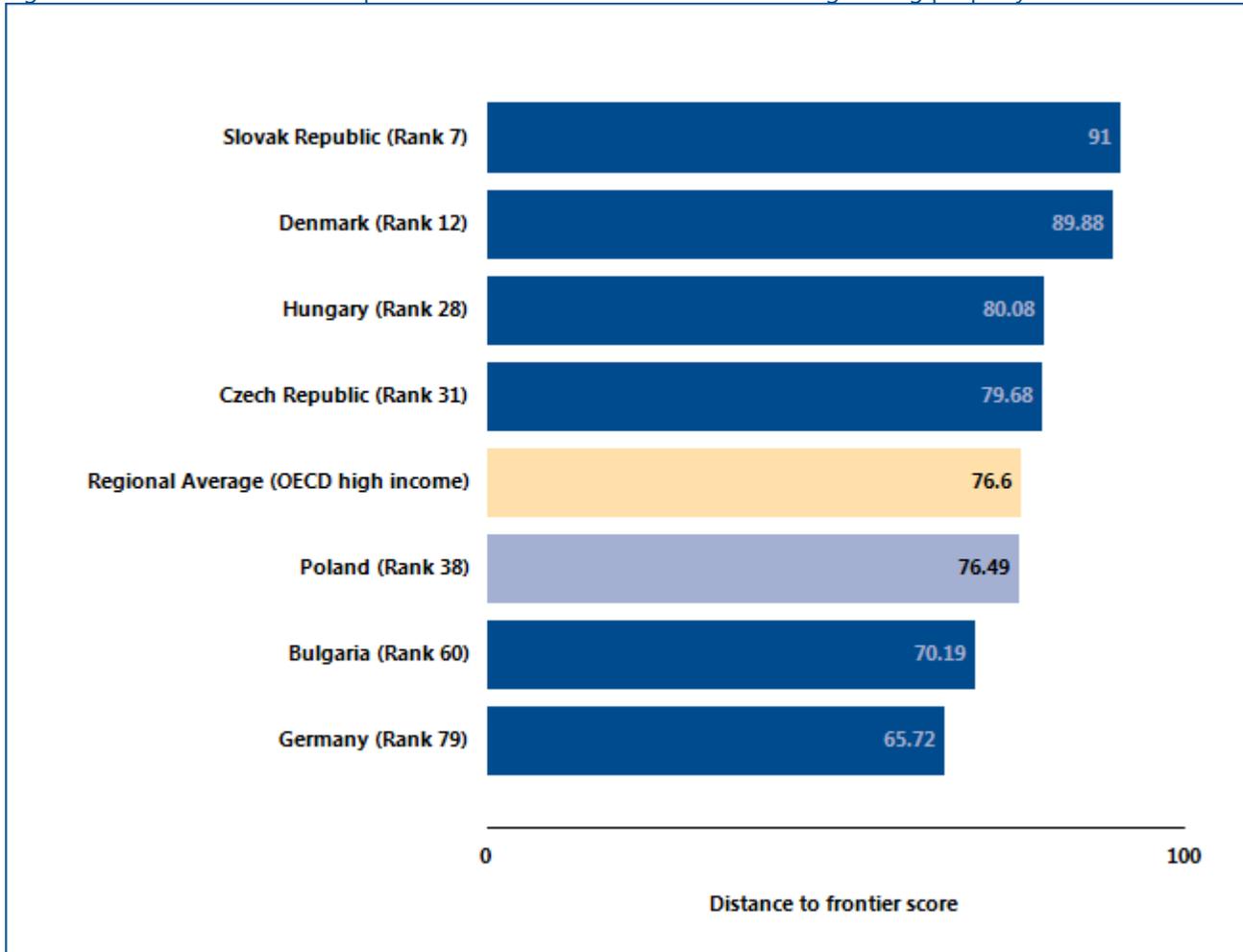
Note: Time shown in the figure above may not reflect simultaneity of procedures. Online procedures account for 0.5 days in the total time calculation. For more information on the methodology of the registering property indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter.

### REGISTERING PROPERTY

Globally, Poland stands at 38 in the ranking of 190 economies on the ease of registering property (figure 5.2). The rankings for comparator economies and the

regional average ranking provide other useful information for assessing how easy it is for an entrepreneur in Poland to transfer property.

Figure 5.2 How Poland and comparator economies rank on the ease of registering property



Source: Doing Business database.

## REGISTERING PROPERTY

Economies worldwide have been making it easier for entrepreneurs to register and transfer property—such as by computerizing land registries, introducing time limits for procedures and setting low fixed fees. Many have cut

the time required substantially—enabling buyers to use or mortgage their property earlier. What property registration reforms has *Doing Business* recorded in Poland (table 5.1)?

Table 5.1 How has Poland made registering property easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year       | Reform   |
|---------------|--|
| <b>DB2011</b> | Poland eased property registration by computerizing its land registry.   |
| <b>DB2013</b> | Poland made property registration faster by introducing a new caseload management system for the land and mortgage registries and by continuing to digitize the records of the registries. |
| <b>DB2015</b> | Poland made transferring property easier by introducing online procedures and reducing notary fees.  |

Source: *Doing Business* database.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

## REGISTERING PROPERTY

### What are the details?

The indicators reported here are based on a set of specific procedures—the steps that a buyer and seller must complete to transfer the property to the buyer’s name—identified by *Doing Business* through information collected from local property lawyers, notaries and property registries. These procedures are those that apply to a transaction matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). The procedures, along with the associated time and cost, are summarized below.

| STANDARD PROPERTY TRANSFER |               |
|----------------------------|---------------|
| Property value:            | PLN 2,287,441 |
| City:                      | Warsaw        |

Table 5.2 Summary of time, cost and procedures for registering property in Poland

| No. | Procedure   | Time to complete                                  | Cost to complete  |
|-----|---|---|---|
| 1   | <p><b>Obtain a certificate of the property allocation in the local Spatial Development Plan</b></p> <p>Parties obtain an extract of the local Spatial Development Plan entry in order to verify that the property is not classified as agricultural property. If it were agricultural, certain limitations on the transfer would apply. The cost of this extract is of PLN 30. Due to recent changes in national legislation, many local Spatial Development Plans have expired and new plans have not been adopted yet. Therefore in many cases the notary must be presented with a certificate of property allocation in the Spatial Development Plan that also certifies, if applicable, that there is no Plan for the relevant property. The cost of the certificate is of PLN 17. Some information concerning the Spatial Development Plan (e.g. information about the coverage by the plan) is also available online. If the information online is sufficient and detailed, the notary may not need to request an additional document.</p> <p><i>Agency: Warsaw City Hall - Office of Architecture and Spatial Planning</i></p> | 14 days (simultaneous with Procedures 2, 3 and 4) | PLN 17 (PLN 5 for the application and PLN 12 for the certification)   |
| * 2 | <p><b>Obtain an extract of the Cadastre entry</b></p> <p>Parties obtain an extract of the Cadastre entry held by respective geodesic authorities, stating the evidentiary number and the boundaries of the real estate on the official map, as well as information regarding the character of the plots comprising the real estate (e.g. agricultural, housing, urban). If no local Spatial Development Plan is adopted for the area this information will constitute the basis to determine the plot type.</p>   | 7 days (simultaneous with Procedures 1, 3, and 4) | PLN 50, PLN 150 (extract along with the Cadaster map) in paper; PLN 40, PLN 140 (extract along with the Cadastre map (in electronic |

| No. | Procedure   | Time to complete  | Cost to complete   |
|-----|---|---|--|
|     | <p><i>Agency: Warsaw City Hall - Office of Geodesy and Cadastre</i></p>   |   | form);   |
| * 3 | <p><b>Obtain an extract of the Land and Mortgage Registry entry</b></p> <p>The seller must obtain an extract of the Land and Mortgage Registry entry, which will need to be presented to the notary. This document discloses the owner or perpetual usufructuary of the property. It also discloses whether there are any mortgages or other encumbrances over the property. The extract of the entry from the Land and Mortgage Register can be issued either by the relevant court, or directly through the online platform. The cost of the full extract is of PLN 60 if obtained through the court, and PLN 50 if requested online. The price of the abbreviated extract is of PLN 20 if requested online. According to the legislation, the Land and Mortgage Registry is maintained in electronic form and available on <a href="http://www.ekw.ms.gov.pl">www.ekw.ms.gov.pl</a>. The transition to the electronic system started in September 2004.</p> <p><i>Agency: Land and Mortgage Registry</i></p> | Less than a day<br>(online procedure; simultaneous with procedures 1, 2, and 4) | PLN 20 (abbreviated extract); PLN 50 (full extract)  |
| * 4 | <p><b>Obtain company record from the National Court Register</b></p> <p>As the purchaser and the seller are companies, a record from the register of entrepreneurs of the National Court Register is required, in order to establish who is authorized to transfer the property (e.g. who is an authorized director in the case of a limited liability or a joint stock company). The record can be obtained for free online through the official website <a href="https://ems.ms.gov.pl/">https://ems.ms.gov.pl/</a>.</p> <p><i>Agency: National Court Register</i></p>  | Less than a day<br>(online procedure; simultaneous with procedures 1, 2, and 3) | No cost (extract obtained online); PLN 30 (abbreviated extract); PLN 60 (full extract)   |
| 5   | <p><b>A notary executes the sale or transfer agreement</b></p> <p>The agreement on the transfer of ownership or perpetual usufruct of the property must be executed in the form of a notarial deed. The notarial deed includes information obtained from the Land and Mortgage Registry, from the Cadastre, from the Spatial Development Plan and from the National Court Register. Necessary documents are either brought by the parties or obtained by the notary through online platforms. Based on</p>  | 1 day   | Notary's fees are based on the following fee schedule, that sets the maximum chargeable fees:<br>1) up to 3,000 PLN - 100 PLN; |

| No. | Procedure   | Time to complete | Cost to complete   |
|-----|---|------------------|--|
|     | <p>this information, the notary will also establish whether the persons who sign the agreement are authorized to represent the company. The corporate consent of the shareholders' meeting for the transfer of the property is required by the Companies Code unless the Articles of Association excludes such necessity. The relevant corporate consent must be presented to the notary public, in order to establish the validity of the transfer of the property.</p> <p>For all properties that exceed EUR 15,000 the notary must inform the General Inspector for Financial Information (GIIF). He sends this information to the GIIF through a dedicated webpage: <a href="https://www.giif.mofnet.gov.pl/giif/">https://www.giif.mofnet.gov.pl/giif/</a>;</p> <p>Additionally the notary sends:</p> <ol style="list-style-type: none"> <li>A letter to the Tax Office (to inform about the transaction);</li> <li>A letter to the Cadastre (to inform about the changes);</li> <li>A letter to the City Hall (to inform of the change of the owner).</li> </ol> <p><i>Agency: Notary</i></p> |                  | <p>2) from 3,000 PLN to 10,000 PLN - 100 PLN + 3 % of excess over 3,000 PLN; 3) from 10,000 PLN to 30,000 PLN - 310 PLN + 2 % of excess over 10,000 PLN;</p> <p>4) from 30,000 PLN to 60,000 PLN - 710 PLN + 1 % of excess over 30,000 PLN;</p> <p>5) from 60,000 PLN to 1,000,000 PLN - 1,010 PLN + 0,4 % of excess over 60,000 PLN;</p> <p>6) from 1,000,000 PLN to 2,000,000 PLN - 4,770 PLN + 0,2 % of excess over 1,000,000 PLN;</p> <p>7) from 2,000,000 PLN - 6,770 PLN + 0,25 % of excess over 2,000,000 PLN, but no more than 10,000 PLN, and if the transaction is between close relatives 7,500 PLN.</p> <p>The fee cannot exceed 10,000 PLN or 7,500 PLN (for the person from the first group of taxpayer). Legal basis: Regulation of the Ministry of Justice dated 28 of</p> |

| No. | Procedure  | Time to complete | Cost to complete  |
|-----|--|------------------|---|
|     |  |                  | June 2004.  |
| 6   | <p><b>Apply for registration at the Land and Mortgage Registry of the relevant court</b></p> <p>The transfer of the property is registered at the Land and Mortgage Registry of the relevant court. Although the ownership of the property is legally transferred from the moment of the signature of the sale agreement in the presence of the notary, updating the Land and Mortgage Registry is a necessary step to finalize the property transfer, and allow the new owner to fully benefit from the property (for example by using the property as a collateral for a loan). The notary sends the notarial deed and additional documentation (if needed) to the relevant court in charge of the Land and Mortgage Registry. The procedure is complete when the owner receives an official notification from the court that the transfer is registered. If the parties believe a mistake was made in the registration, they can fill a complaint to contest the decision. The registration becomes legally binding after 7 days (if a referendarz registered the property) and 14 days (if it was a judge).</p> <p><i>Agency: Land and Mortgage Registry</i></p> | 18 days          | The registration fee amounts up to PLN 200 to PLN 150 depending on circumstances (transfer of ownership for whole real estate) or the equivalent part (transfer of partial ownership) but no less than PLN 100. |

\* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

Note: Online procedures account for 0.5 days in the total time calculation.

## REGISTERING PROPERTY

### Quality of land administration

The quality of land administration index is the sum of the scores on the reliability of infrastructure, transparency of information, geographic coverage, land dispute resolution and equal access to property rights indices.

The index ranges from 0 to 30, with higher values indicating better quality of the land administration system.

If private sector entities were unable to register property transfers in an economy between June 2015 and June 2016, the economy receives a “no practice” mark on the procedures, time and cost indicators. A “no practice” economy receives a score of 0 on the quality of land administration index even if its legal framework includes provisions related to land administration.

Table 5.3 Summary of quality of land administration in Poland

|  | Answer                      | Score |
|--|-----------------------------|-------|
| Quality of the land administration index (0-30)  |                             | 19.5  |
| Reliability of infrastructure index (0-8)  |                             | 7.0   |
| What is the institution in charge of immovable property registration?  | Land and Mortgage Registry  |       |
| In what format are the majority of title or deed records kept in the largest business city—in a paper format or in a computerized format (scanned or fully digital)?                                 | Computer/Fully digital      | 2.0   |
| Is there an electronic database for checking for encumbrances (liens, mortgages, restrictions and the like)?   | Yes                         | 1.0   |
| In what format are the majority of maps of land plots kept in the largest business city—in a paper format or in a computerized format (scanned or fully digital)?                                    | Computer/Fully digital      | 2.0   |
| Is there an electronic database for recording boundaries, checking plans and providing cadastral information (geographic information system)?  | Yes                         | 1.0   |
| Is the information recorded by the immovable property registration agency and the cadastral or mapping agency kept in a single database, in different but linked databases or in separate databases? | Separate databases          | 0.0   |
| Do the immovable property registration agency and cadastral or mapping agency use the same identification number for properties?   | Yes                         | 1.0   |
| Transparency of information index (0–6)  |                             | 2.5   |
| Who is able to obtain information on land ownership at the agency in charge of immovable property registration in the largest business city?   | Freely accessible by anyone | 1.0   |
| Is the list of documents that are required to complete any type of property transaction made publicly available—and if so, how?  | No                          | 0.0   |

|   | Answer   | Score |
|---|--|-------|
| Link for online access:   |  |       |
| Is the applicable fee schedule for any property transaction at the agency in charge of immovable property registration in the largest business city made publicly available—and if so, how?                                       | Yes, online  | 0.5   |
| Link for online access:   | <a href="http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051671398">http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051671398</a>  |       |
| Does the agency in charge of immovable property registration commit to delivering a legally binding document that proves property ownership within a specific time frame—and if so, how does it communicate the service standard? | No   | 0.0   |
| Link for online access:   |  |       |
| Is there a specific and separate mechanism for filing complaints about a problem that occurred at the agency in charge of immovable property registration?  | No   | 0.0   |
| Are there publicly available official statistics tracking the number of transactions at the immovable property registration agency?   | No   | 0.5   |
| Number of property transfers in the largest business city in 2015:  |  |       |
| Who is able to consult maps of land plots in the largest business city?   | Freely accessible by anyone  | 0.5   |
| Is the applicable fee schedule for accessing maps of land plots made publicly available—and if so, how?   | No cost  | 0.5   |
| Link for online access:   | <p><a href="http://www.dziennikustaw.gov.pl">www.dziennikustaw.gov.pl</a>. Plans can be examined online free of charge. Any official excerpts/outlines are chargeable.</p> <p>As mentioned if one wants to just view the map online, it is free of charge. But if one wants more precise data, then those are available under a formal</p> |       |

|  | Answer  | Score |
|--|---|-------|
|  | application after the payment of an official fee. Fee schedule is based on act Prawo Geodezyjne i Kartograficzne: table 10 contains the fee specification.                          |       |
| Does the cadastral or mapping agency commit to delivering an updated map within a specific time frame—and if so, how does it communicate the service standard? | No  | 0.0   |
| Link for online access:  | The authority issuing decision regarding plots is obliged to sent the updated information directly to the cadastral agency (it applies among other things to subdivision of plots). |       |
| Is there a specific and separate mechanism for filing complaints about a problem that occurred at the cadastral or mapping agency?                             | No  | 0.0   |
| Geographic coverage index (0–8)  |   | 4.0   |
| Are all privately held land plots in the economy formally registered at the immovable property registry?   | No  | 0.0   |
| Are all privately held land plots in the largest business city formally registered at the immovable property registry?   | Yes   | 2.0   |
| Are all privately held land plots in the economy mapped?   | No  | 0.0   |
| Are all privately held land plots in the largest business city mapped?   | Yes   | 2.0   |
| Land dispute resolution index (0–8)  |   | 6.0   |
| Does the law require that all property sale transactions be registered at the immovable property registry to make them opposable to third parties?             | Yes   | 1.5   |
| Is the system of immovable property registration subject to a state or private guarantee?  | Yes   | 0.5   |

|  | Answer  | Score |
|--|---|-------|
| Is there a specific compensation mechanism to cover for losses incurred by parties who engaged in good faith in a property transaction based on erroneous information certified by the immovable property registry?  | Yes   | 0.5   |
| Does the legal system require a control of legality of the documents necessary for a property transaction (e.g., checking the compliance of contracts with requirements of the law)?   | Yes   | 0.5   |
| If yes, who is responsible for checking the legality of the documents?   | Registrar; Notary; Lawyer.  |       |
| Does the legal system require verification of the identity of the parties to a property transaction?   | Yes   | 0.5   |
| If yes, who is responsible for verifying the identity of the parties?  | Notary.   |       |
| Is there a national database to verify the accuracy of identity documents?   | No  | 0.0   |
| For a standard land dispute between two local businesses over tenure rights of a property worth 50 times gross national income (GNI) per capita and located in the largest business city, what court would be in charge of the case in the first instance? | If the dispute is based upon article 10 of the Land & Mortgage Law it will be resolved by a district court (sąd rejonowy) in other cases - circuit court (sąd okręgowy) due to the value of the subject of the case |       |
| How long does it take on average to obtain a decision from the first-instance court for such a case (without appeal)?  | Between 1 and 2 years   | 2.0   |
| Are there any statistics on the number of land disputes in the first instance?   | Yes   | 0.5   |
| Number of land disputes in the largest business city in 2015:  |   |       |
| Equal access to property rights index (-2-0)   |   | 0.0   |
| Do unmarried men and unmarried women have equal ownership rights to property?  | Yes   | 0.0   |
| Do married men and married women have equal ownership rights to property?  | Yes   | 0.0   |



## GETTING CREDIT

Two types of frameworks can facilitate access to credit and improve its allocation: credit information systems and borrowers and lenders in collateral and bankruptcy laws. Credit information systems enable lenders to view and consider a potential borrower's financial history (positive or negative) when assessing risk and they allow borrowers to establish a good credit history that will facilitate their access to credit. Sound collateral laws enable businesses to use their assets, especially movable property, as security to generate capital—while strong creditors' rights have been associated with higher ratios of private sector credit to GDP.

### What do the indicators cover?

*Doing Business* assesses the sharing of credit information and the legal rights of borrowers and lenders with respect to secured transactions through 2 sets of indicators. The depth of credit information index measures rules and practices affecting the coverage, scope and accessibility of credit information available through a credit registry or a credit bureau. The strength of legal rights index measures whether certain features that facilitate lending exist within the applicable collateral and bankruptcy laws. *Doing Business* uses two case scenarios, Case A and Case B, to determine the scope of the secured transactions system, involving a secured borrower and a secured lender and examining legal restrictions on the use of movable collateral (for more details on each case, see the Data Notes section of the *Doing Business 2017* report). These scenarios assume that the borrower:

Is a domestic limited liability company.

Has its headquarters and only base of operations in the largest business city. For the 11 economies with a population of more than 100 million, data for a second city have been added.

### WHAT THE GETTING CREDIT INDICATORS MEASURE

#### Strength of legal rights index (0–12)

Rights of borrowers and lenders through collateral laws

Protection of secured creditors' rights through bankruptcy laws

#### Depth of credit information index (0–8)

Scope and accessibility of credit information distributed by credit bureaus and credit registries

#### Credit bureau coverage (% of adults)

Number of individuals and firms listed in largest credit bureau as percentage of adult population

#### Credit registry coverage (% of adults)

Number of individuals and firms listed in credit registry as percentage of adult population

Has up to 50 employees.

Is 100% domestically owned, as is the lender.

The ranking of economies on the ease of getting credit is determined by sorting their distance to frontier scores for getting credit. These scores are the distance to frontier score for the strength of legal rights index and the depth of credit information index.

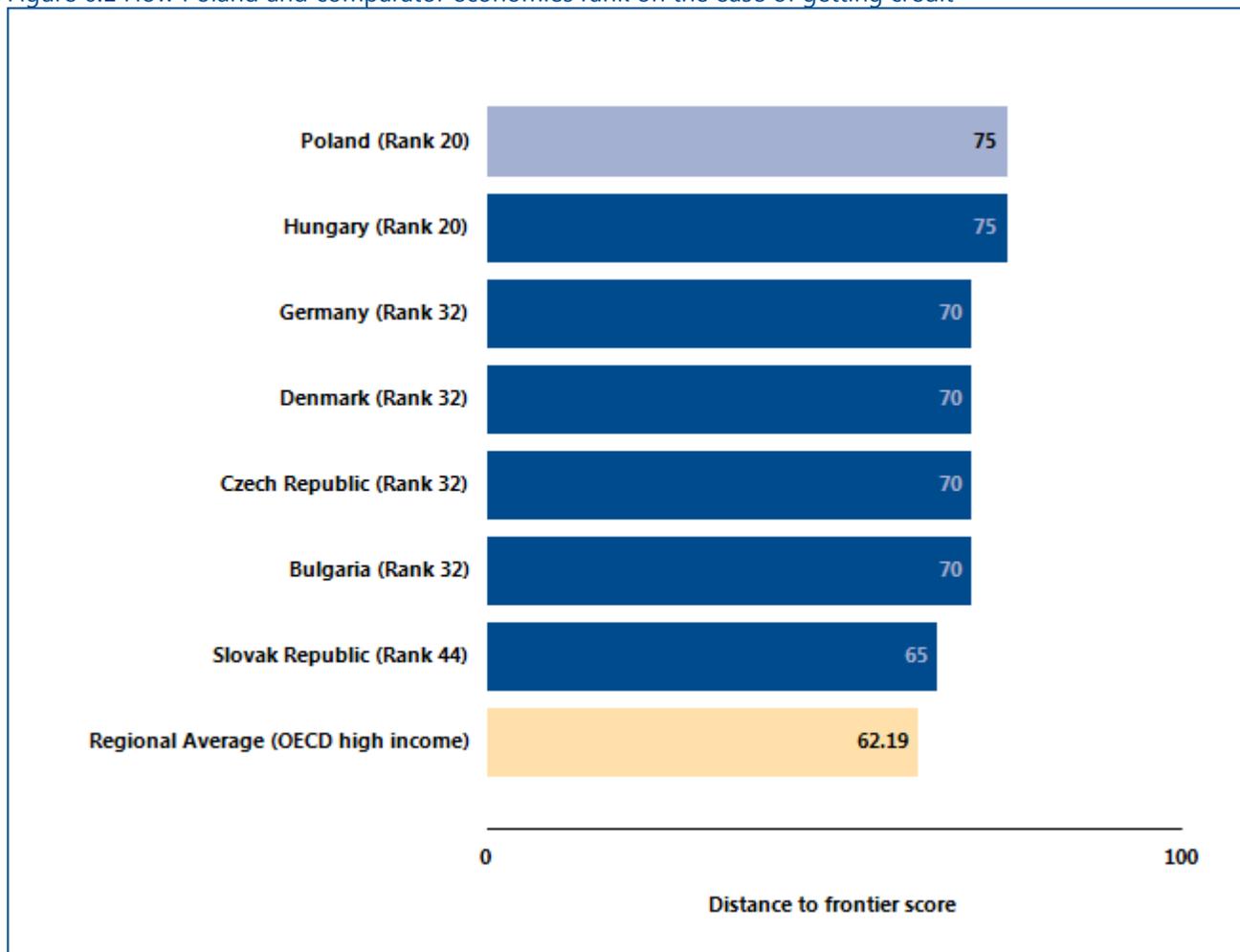
## GETTING CREDIT

### Where does the economy stand today?

How well do the credit information system and collateral and bankruptcy laws in Poland facilitate access to credit? The economy has a score of 8.0 on the depth of credit information index and a score of 7.0 on the strength of legal rights index (see the summary of scoring at the end of this chapter for details). Higher scores indicate more credit information and stronger legal rights for borrowers and lenders.

Globally, Poland stands at 20 in the ranking of 190 economies on the ease of getting credit (figure 6.1). The rankings for comparator economies provide other useful information for assessing how well regulations and institutions in Poland support lending and borrowing.

Figure 6.1 How Poland and comparator economies rank on the ease of getting credit



Source: Doing Business database.

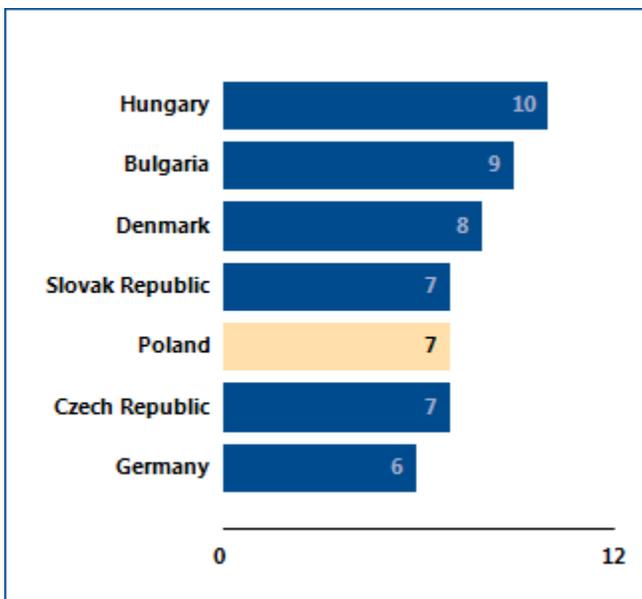
### GETTING CREDIT

One way to put an economy’s score on the getting credit indicators into context is to see where the economy stands in the distribution of scores across economies. Figure 6.2 highlights the score on the strength of legal

rights index for Poland and shows the scores for comparator economies as well as the regional average score. Figure 6.3 shows the same for the depth of credit information index.

Figure 6.2 How strong are legal rights for borrowers and lenders?

Economy scores on strength of legal rights index

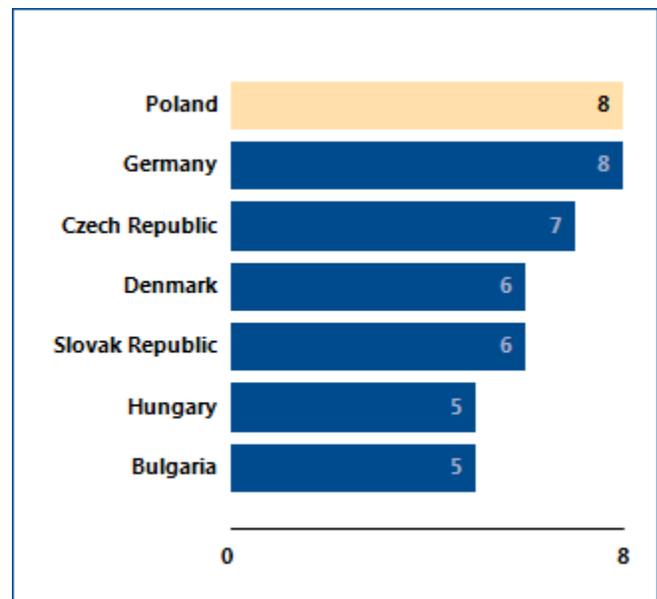


Source: Doing Business database.

Note: Higher scores indicate that collateral and bankruptcy laws are better designed to facilitate access to credit.

Figure 6.3 How much credit information is shared—and how widely?

Economy scores on depth of credit information index



Source: Doing Business database.

Note: Higher scores indicate the availability of more credit information, from either a credit registry or a credit bureau, to facilitate lending decisions. If the credit bureau or registry is not operational or covers less than 5% of the adult population, the total score on the depth of credit information index is 0.

## GETTING CREDIT

### What are the details?

The getting credit indicators reported here for Poland are based on detailed information collected in that economy. The data on credit information sharing are collected through a survey of a credit registry and/or credit bureau (if one exists). To construct the depth of credit information index, a score of 1 is assigned for each of 8 features of the credit registry or credit bureau (see summary of scoring below).

The data on the legal rights of borrowers and lenders are gathered through a survey of financial lawyers and verified through analysis of laws and regulations as well as public sources of information on collateral and bankruptcy laws. For the strength of legal rights index, a score of 1 is assigned for each of 10 aspects related to legal rights in collateral law and 2 aspects in bankruptcy law.

| Strength of legal rights index (0–12)   | Index score: 7.0 |
|---|------------------|
| Does an integrated or unified legal framework for secured transactions that extends to the creation, publicity and enforcement of functional equivalents to security interests in movable assets exist in the economy?  | 0                |
| Does the law allow businesses to grant a non possessory security right in a single category of movable assets, without requiring a specific description of collateral?  | 1                |
| Does the law allow businesses to grant a non possessory security right in substantially all of its assets, without requiring a specific description of collateral?  | 1                |
| May a security right extend to future or after-acquired assets, and may it extend automatically to the products, proceeds or replacements of the original assets?   | 1                |
| Is a general description of debts and obligations permitted in collateral agreements; can all types of debts and obligations be secured between parties; and can the collateral agreement include a maximum amount for which the assets are encumbered?   | 1                |
| Is a collateral registry in operation for both incorporated and non-incorporated entities, that is unified geographically and by asset type, with an electronic database indexed by debtor's name?  | 1                |
| Does a notice-based collateral registry exist in which all functional equivalents can be registered?  | 0                |
| Does a modern collateral registry exist in which registrations, amendments, cancellations and searches can be performed online by any interested third party?   | 0                |
| Are secured creditors paid first (i.e. before tax claims and employee claims) when a debtor defaults outside an insolvency procedure?   | 0                |
| Are secured creditors paid first (i.e. before tax claims and employee claims) when a business is liquidated?  | 1                |
| Are secured creditors subject to an automatic stay on enforcement when a debtor enters a court-supervised reorganization procedure? Does the law protect secured creditors' rights by providing clear grounds for relief from the stay and/or sets a time limit for it?                                   | 0                |
| Does the law allow parties to agree on out of court enforcement at the time a security interest is created? Does the law allow the secured creditor to sell the collateral through public auction and private tender, as well as, for the secured creditor to keep the asset in satisfaction of the debt? | 1                |

| Depth of credit information index (0–8)  | Credit bureau | Credit registry | Index score: 8.0 |
|--|---------------|-----------------|------------------|
| Are data on both firms and individuals distributed?  | Yes           | No              | 1                |
| Are both positive and negative credit data distributed?  | Yes           | No              | 1                |
| Are data from retailers or utility companies - in addition to data from banks and financial institutions - distributed?  | Yes           | No              | 1                |
| Are at least 2 years of historical data distributed? (Credit bureaus and registries that erase data on defaults as soon as they are repaid or distribute negative information more than 10 years after defaults are repaid receive a score of 0 for this component.) | Yes           | No              | 1                |
| Are data on loan amounts below 1% of income per capita distributed?  | Yes           | No              | 1                |
| By law, do borrowers have the right to access their data in the credit bureau or credit registry?  | Yes           | No              | 1                |
| Can banks and financial institutions access borrowers' credit information online (for example, through an online platform, a system-to-system connection or both)?   | Yes           | No              | 1                |
| Are bureau or registry credit scores offered as a value-added service to help banks and financial institutions assess the creditworthiness of borrowers?   | Yes           | No              | 1                |

Note: An economy receives a score of 1 if there is a "yes" to either bureau or registry. If the credit bureau or registry is not operational or covers less than 5% of the adult population, the total score on the depth of credit information index is 0.

| Coverage                             | Credit bureau | Credit registry |
|--------------------------------------|---------------|-----------------|
| Number of individuals                | 23,728,000    | 0               |
| Number of firms                      | 719,000       | 0               |
| Total                                | 24,447,000    | 0               |
| Total percentage of adult population | 92.5          | 0.0             |

Source: Doing Business database.

## PROTECTING MINORITY INVESTORS

Protecting minority investors matters for the ability of companies to raise the capital they need to grow, innovate, diversify and compete. Effective regulations define related-party transactions precisely, promote clear and efficient disclosure requirements, require shareholder participation in major decisions of the company and set detailed standards of accountability for company insiders.

*What do the indicators cover?*

*Doing Business* measures the protection of minority investors from conflicts of interest through one set of indicators and shareholders' rights in corporate governance through another. The ranking of economies on the strength of minority investor protections is determined by sorting their distance to frontier scores for protecting minority investors. These scores are the simple average of the distance to frontier scores for the extent of conflict of interest regulation index and the extent of shareholder governance index. To make the data comparable across economies, a case study uses several assumptions about the business and the transaction.

The business (Buyer):

- Is a publicly traded corporation listed on the economy's most important stock exchange. If the number of publicly traded companies listed on that exchange is less than 10, or if there is no stock exchange in the economy, it is assumed that Buyer is a large private company with multiple shareholders.
- Has a board of directors and a chief executive officer (CEO) who may legally act on behalf of Buyer where permitted, even if this is not specifically required by law.
- Has a supervisory board (applicable to economies with a two-tier board system) on which 60% of the shareholder-elected members have been appointed by Mr. James, who is Buyer's controlling shareholder and a member of Buyer's board of directors.
- Has not adopted any bylaws or articles of association that differ from default minimum standards and does not follow any nonmandatory codes, principles, recommendations or guidelines

### WHAT THE PROTECTING MINORITY INVESTORS INDICATORS MEASURE

#### Extent of disclosure index (0–10)

Review and approval requirements for related-party transactions; Disclosure requirements for related-party transactions

#### Extent of director liability index (0–10)

Ability of minority shareholders to sue and hold interested directors liable for prejudicial related-party transactions; Available legal remedies (damages, disgorgement of profits, fines, imprisonment, rescission of the transaction)

#### Ease of shareholder suits index (0–10)

Access to internal corporate documents; Evidence obtainable during trial and allocation of legal expenses

#### Extent of conflict of interest regulation index (0–10)

Simple average of the extent of disclosure, extent of director liability and ease of shareholder indices

#### Extent of shareholder rights index (0–10)

Shareholders' rights and role in major corporate decisions

#### Extent of ownership and control index (0–10)

Governance safeguards protecting shareholders from undue board control and entrenchment

#### Extent of corporate transparency index (0–10)

Corporate transparency on ownership stakes, compensation, audits and financial prospects

#### Extent of shareholder governance index (0–10)

Simple average of the extent of shareholders rights, extent of ownership and control and extent of corporate transparency indices

#### Strength of minority investor protection index (0–10)

Simple average of the extent of conflict of interest regulation and extent of shareholder governance indices

relating to corporate governance.

- Is a manufacturing company with its own distribution network.

The transaction involves the following details:

- Mr. James owns 60% of Buyer and elected two directors to Buyer's five-member board.
- Mr. James also owns 90% of Seller, a company that operates a chain of retail hardware stores. Seller recently closed a large number of its stores.
- Mr. James proposes that Buyer purchase Seller's unused fleet of trucks to expand Buyer's distribution of its food products, a proposal to which Buyer agrees. The price is equal to 10% of Buyer's assets and is higher than the market value.
- The proposed transaction is part of the company's ordinary course of business and is not outside the authority of the company.
- Buyer enters into the transaction. All required approvals are obtained, and all required disclosures made (that is, the transaction is not fraudulent).
- The transaction causes damages to Buyer. Shareholders sue Mr. James and the other parties that approved the transaction.

## PROTECTING MINORITY INVESTORS

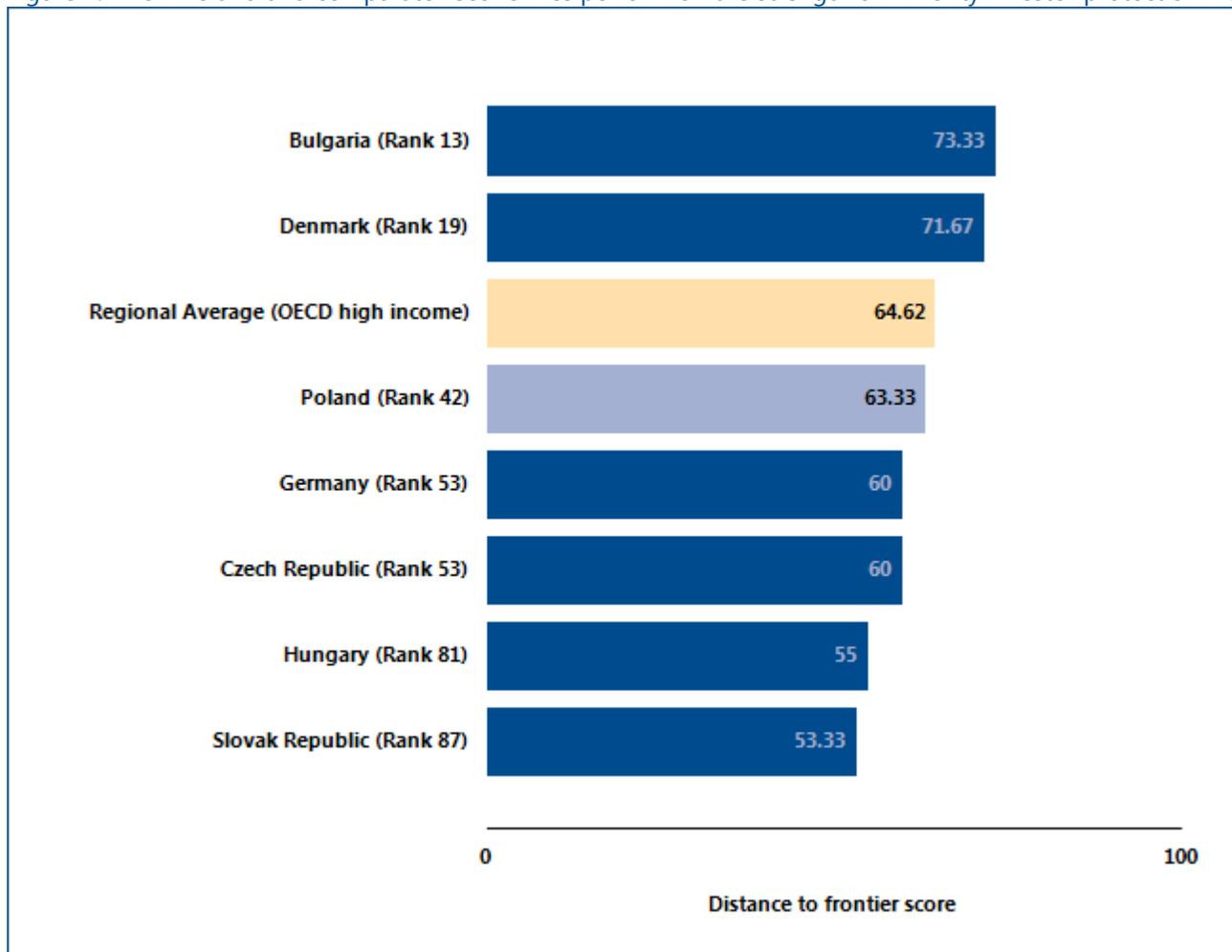
### Where does the economy stand today?

How strong are minority investor protections against self-dealing in Poland? The economy has a score of 6.3 on the strength of minority investor protection index, with a higher score indicating stronger protections.

Globally, Poland stands at 42 in the ranking of 190 economies on the strength of minority investor

protection index (figure 7.1). While the indicator does not measure all aspects related to the protection of minority investors, a higher ranking does indicate that an economy's regulations offer stronger minority investor protections against self-dealing in the areas measured.

Figure 7.1 How Poland and comparator economies perform on the strength of minority investor protection index



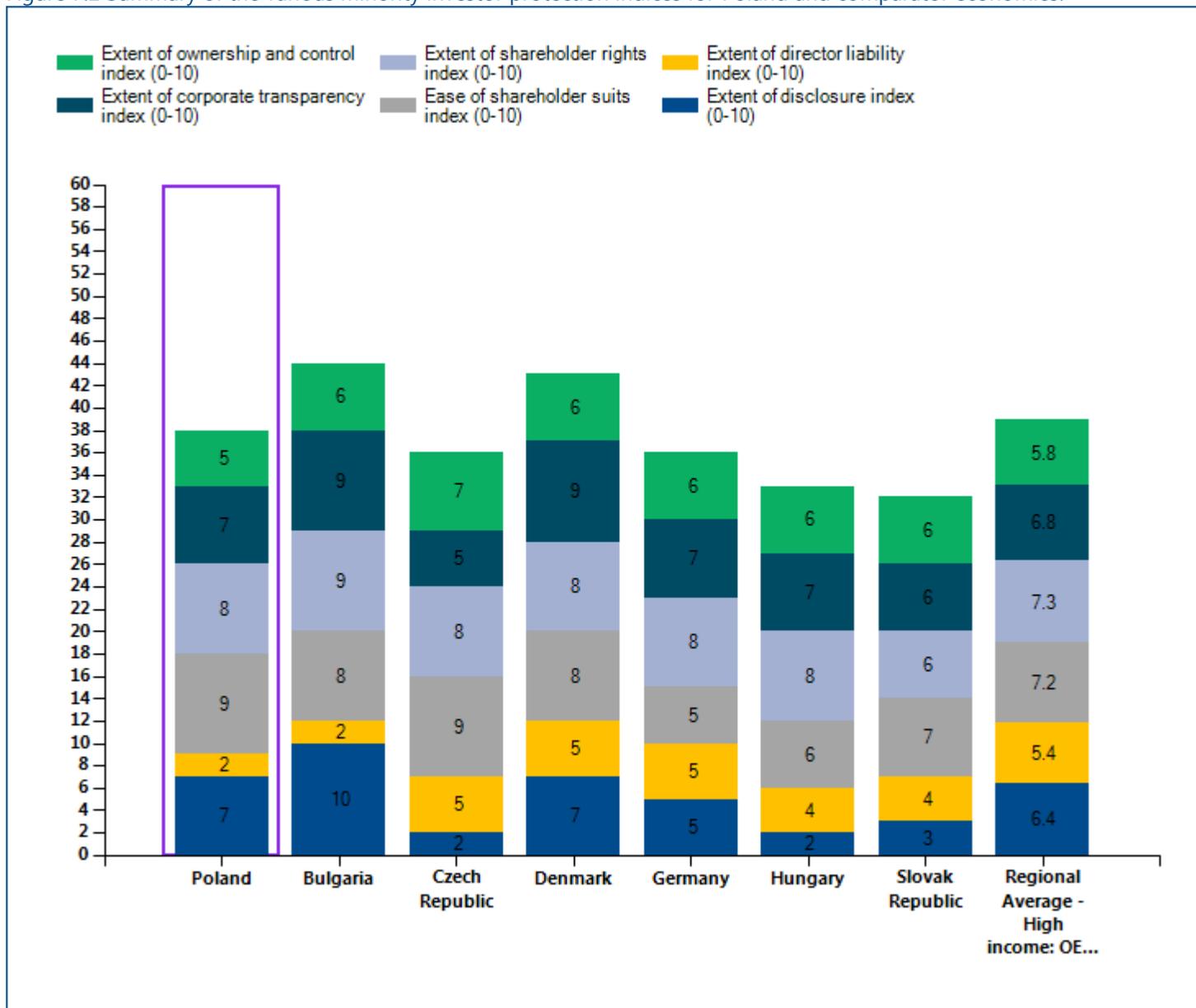
Source: Doing Business database.

### PROTECTING MINORITY INVESTORS

One way to put an economy's scores on the protecting minority investors indicators into context is to see where the economy stands in the distribution of scores across comparator economies. Figure 7.2 highlights the scores on the various minority investor protection indices for Poland.

A summary of scoring for the protecting minority investors indicators at the end of this chapter provides details on how the indices were calculated.

Figure 7.2 Summary of the various minority investor protection indices for Poland and comparator economies.



Source: Doing Business database.

## PROTECTING MINORITY INVESTORS

### What are the details?

The protecting minority investors indicators reported here for Poland are based on detailed information collected through a survey of corporate and securities lawyers about securities regulations, company laws and court rules of evidence and procedure. To construct the six indicators on minority investor protection, scores are assigned to each based on a range of conditions relating

to disclosure, director liability, shareholder suits, shareholder rights, ownership and control and corporate transparency in a standard case study (for more details, see the Data Notes section of the *Doing Business 2017* report). The summary below shows the details underlying the scores for Poland.

Table 7.2 Summary of scoring for the protecting minority investors indicators in Poland

|   | Answer  | Score |
|---|---|-------|
| Strength of minority investor protection index (0-10)   |   | 6.3   |
| Extent of conflict of interest regulation index (0-10)  |   | 6.0   |
| Extent of disclosure index (0-10)   |   | 7.0   |
| Which corporate body is legally sufficient to approve the Buyer-Seller transaction? (0-3)   | Board of directors excluding interested members               | 2.0   |
| Must Mr. James disclose his conflict of interest to the board of directors? (0-2)   | Existence of a conflict without any specifics                 | 1.0   |
| Must Buyer disclose the transaction in published periodic filings (annual reports)? (0-2)   | Disclosure on the transaction and on the conflict of interest | 2.0   |
| Must Buyer immediately disclose the transaction to the public and/or shareholders? (0-2)  | Disclosure on the transaction and on the conflict of interest | 2.0   |
| Must an external body review the terms of the transaction before it takes place? (0-1)  | No  | 0.0   |
| Extent of director liability index (0-10)   |   | 2.0   |
| Can shareholders representing 10% of Buyer's share capital sue directly or derivatively for the damage the transaction caused to Buyer? (0-1) | Yes   | 1.0   |
| Can shareholders hold the interested director liable for the damage the transaction caused to Buyer? (0-2)                                    | Not liable  | 0.0   |
| Can shareholders hold the other directors liable for the damage the transaction caused to Buyer (0-2)   | Liable if negligent   | 1.0   |
| Must Mr. James pay damages for the harm caused to Buyer upon a successful claim by shareholders? (0-1)  | No  | 0.0   |
| Must Mr. James repay profits made from the transaction upon a successful claim by shareholders? (0-1)   | No  | 0.0   |
| Is Mr. James disqualified or fined and imprisoned upon a successful claim by shareholders? (0-1)  | No  | 0.0   |
| Can a court void the transaction upon a successful claim by shareholders? (0-2)   | Only in case of fraud or bad faith                            | 0.0   |
| Ease of shareholder suits index (0-10)  |   | 9.0   |
| Before suing can shareholders representing 10% of Buyer's share capital inspect the transaction documents? (0-1)                              | Yes   | 1.0   |
| Can the plaintiff obtain any documents from the defendant and witnesses at trial? (0-3)   | Any relevant document   | 3.0   |
| Can the plaintiff request categories of documents from the  | Yes   | 1.0   |

|  |                   |     |
|--|-------------------|-----|
| defendant without identifying specific ones? (0-1)   |                   |     |
| Can the plaintiff directly question the defendant and witnesses at trial? (0-2)  | Yes               | 2.0 |
| Is the level of proof required for civil suits lower than that of criminal cases? (0-1)  | Yes               | 1.0 |
| Can shareholder plaintiffs recover their legal expenses from the company? (0-2)  | Yes if successful | 1.0 |
| Extent of shareholder governance index (0-10)  |                   | 6.7 |
| Extent of shareholder rights index (0-10)  |                   | 8.0 |
| Does the sale of 51% of Buyer's assets require shareholder approval?   | No                | 0.0 |
| Can shareholders representing 10% of Buyer's share capital call for an extraordinary meeting of shareholders?                                    | Yes               | 1.0 |
| Must Buyer obtain its shareholders' approval every time it issues new shares?  | Yes               | 1.0 |
| Do shareholders automatically receive preemption rights every time Buyer issues new shares?  | Yes               | 1.0 |
| Must shareholders approve the election and dismissal of the external auditor?  | Yes               | 1.0 |
| Are changes to the rights of a class of shares only possible if the holders of the affected shares approve?                                      | Yes               | 1.0 |
| Assuming that Buyer is a limited company, does the sale of 51% of its assets require member approval?  | No                | 0.0 |
| Assuming that Buyer is a limited company, can members representing 10% call for an extraordinary meeting of members?                             | Yes               | 1.0 |
| Assuming that Buyer is a limited company, must all members consent to add a new member?  | Yes               | 1.0 |
| Assuming that Buyer is a limited company, must a member first offer to sell his interest to the existing members before selling to a non-member? | Yes               | 1.0 |
| Extent of ownership and control index (0-10)   |                   | 5.0 |
| Is it forbidden to appoint the same individual as CEO and chair of the board of directors?   | Yes               | 1.0 |
| Must the board of directors include independent and nonexecutive board members?  | No                | 0.0 |
| Can shareholders remove members of the board of directors without cause before the end of their term?  | Yes               | 1.0 |
| Must the board of directors include a separate audit committee exclusively comprising board members?   | No                | 0.0 |
| Must a potential acquirer make a tender offer to all shareholders upon acquiring 50% of Buyer?   | Yes               | 1.0 |
| Must Buyer pay dividends within a maximum period set by law after the declaration date?  | No                | 0.0 |
| Is a subsidiary prohibited from acquiring shares issued by its parent company?   | Yes               | 1.0 |
| Assuming that Buyer is a limited company, is there a management deadlock breaking mechanism?   | Yes               | 1.0 |
| Assuming that Buyer is a limited company, must a potential acquirer make a tender offer to all shareholders upon acquiring 50% of Buyer?         | No                | 0.0 |
| Assuming that Buyer is a limited company, must Buyer   | No                | 0.0 |

|  |     |     |
|--|-----|-----|
| distribute profits within a maximum period set by law after the declaration date?  |     |     |
| Extent of corporate transparency index (0-10)  |     | 7.0 |
| Must Buyer disclose direct and indirect beneficial ownership stakes representing 5%?   | Yes | 1.0 |
| Must Buyer disclose information about board members' other directorships as well as basic information on their primary employment? | No  | 0.0 |
| Must Buyer disclose the compensation of individual managers?   | Yes | 1.0 |
| Must a detailed notice of general meeting be sent 21 days before the meeting?  | No  | 0.0 |
| Can shareholders representing 5% of Buyer's share capital put items on the agenda for the general meeting?                         | Yes | 1.0 |
| Must Buyer's annual financial statements be audited by an external auditor?  | Yes | 1.0 |
| Must Buyer disclose its audit reports to the public?   | Yes | 1.0 |
| Assuming that Buyer is a limited company, must members meet at least once a year?  | Yes | 1.0 |
| Assuming that Buyer is a limited company, can members representing 5% put items on the meeting agenda?                             | No  | 0.0 |
| Assuming that Buyer is a limited company, must Buyer's annual financial statements be audited by an external auditor?              | Yes | 1.0 |

Source: Doing Business database.

## PAYING TAXES

Taxes are essential. The level of tax rates needs to be carefully chosen—and needless complexity in tax rules avoided. Firms in economies that rank better on the ease of paying taxes in the *Doing Business* study tend to perceive both tax rates and tax administration as less of an obstacle to business according to the World Bank Enterprise Survey research.

### What do the indicators cover?

Using a case scenario, *Doing Business* records the taxes and mandatory contributions that a medium-size company must pay in a given year as well as measures of the administrative burden of paying taxes and contributions and dealing with postfiling processes. This case scenario uses a set of financial statements and assumptions about transactions made over the year. Information is also compiled on the frequency of filing and payments, time taken to comply with tax laws, time taken to comply with the requirements of postfiling processes and time waiting for these processes to be completed. The ranking of economies on the ease of paying taxes is determined by sorting their distance to frontier scores on the ease of paying taxes. These scores are the simple average of the distance to frontier scores for each of the four component indicators – number of tax payments, time, total tax rate and postfiling index – with a threshold and a nonlinear transformation applied to one of the component indicators, the total tax rate<sup>1</sup>. If both VAT (or GST) and corporate income tax apply, the postfiling index is the simple average of the distance to frontier scores for each of the four components: the time to comply with a VAT or GST refund, the time to obtain a VAT or GST refund, the time to comply with a corporate income tax audit and the time to complete a corporate income tax audit. If only VAT (or GST) or corporate income tax applies, the postfiling index is the simple average of the scores for only the two components pertaining to the applicable tax. If neither VAT (or GST) nor corporate income tax

### WHAT THE PAYING TAXES INDICATORS MEASURE

#### Tax payments for a manufacturing company in 2015 (number per year adjusted for electronic and joint filing and payment)

Total number of taxes and contributions paid, including consumption taxes (value added tax, sales tax or goods and service tax)

Method and frequency of filing and payment

#### Time required to comply with 3 major taxes (hours per year)

Collecting information and computing the tax payable

Completing tax return forms, filing with proper agencies

Arranging payment or withholding

Preparing separate tax accounting books, if required

#### Total tax rate (% of profit before all taxes)

Profit or corporate income tax

Social contributions and labor taxes paid by the employer

Property and property transfer taxes

Dividend, capital gains and financial transactions taxes

Waste collection, vehicle, road and other taxes

#### Postfiling Index

The time to comply with a VAT or GST refund

The time to receive a VAT or GST refund

The time to comply with a corporate income tax audit

The time to complete a corporate income tax audit

<sup>1</sup> The nonlinear distance to frontier for the total tax rate is equal to the distance to frontier for the total tax rate to the power of 0.8. The threshold is defined as the total tax rate at the 15th percentile of the overall distribution for all years included in the analysis up to and including *Doing Business 2015*, which is 26.1%. All economies with a total tax rate below this threshold receive the same score as the economy at the threshold.

applies, the postfiling index is not included in the ranking of the ease of paying taxes.

Taxes and mandatory contributions include corporate income tax, turnover tax and all labor taxes and contributions paid by the company. A range of standard deductions and exemptions are also recorded.

All financial statement variables are proportional to 2012 income per capita. To make the data comparable across economies, several assumptions are used.

TaxpayerCo is a medium-size business that started operations on January 1, 2014.

The business starts from the same financial position in each economy. All the taxes and mandatory contributions paid during the second year of operation are recorded.

Taxes and mandatory contributions are measured at all levels of government.

Assumptions about the VAT refund process:

- In June 2015, TaxpayerCo. makes a large capital purchase: one additional machine for manufacturing pots.
- The value of the machine is 65 times income per capita of the economy.
- Sales are equally spread per month (that is, 1,050 times income per capita divided by 12).
- Cost of goods sold are equally expensed per month (that is, 875 times income per capita divided by 12).
- The seller of the machinery is registered for VAT or general sales tax (GST).
- Excess input VAT incurred in June will be fully recovered after four consecutive months if the VAT or GST rate is the same for inputs, sales and the machine and the tax reporting period is every month.

Assumptions about the corporate income tax audit process:

- An error in the calculation of the income tax liability (for example, use of incorrect tax depreciation rates, or incorrectly treating an expense as tax deductible) leads to an incorrect income tax return and consequently an underpayment of corporate income tax.
- TaxpayerCo. discovered the error and voluntarily notified the tax authority of the error in the corporate income tax return.

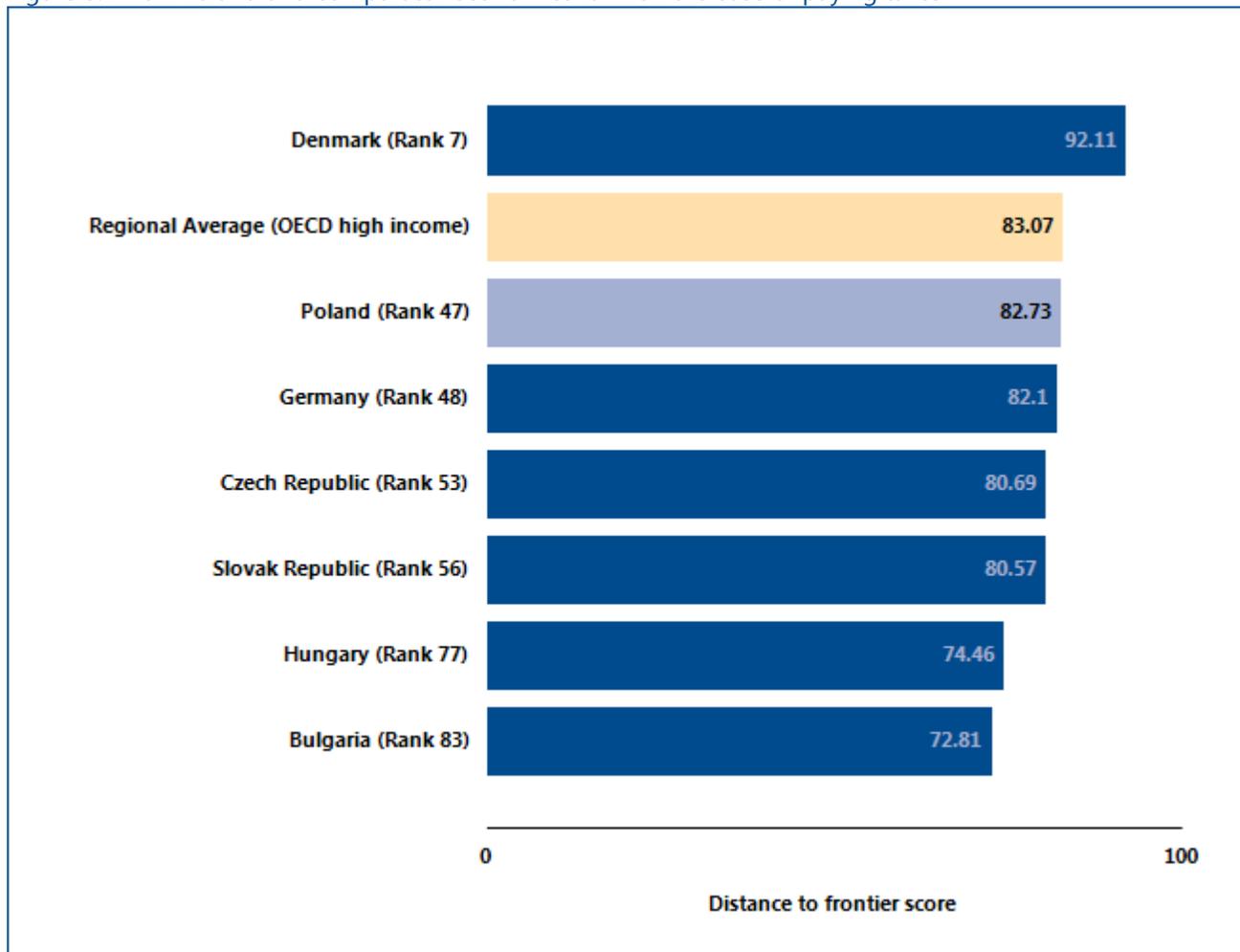
## PAYING TAXES

### Where does the economy stand today?

What is the administrative burden of complying with tax obligations and postfiling processes in Poland—and how much do firms pay in taxes? Globally, Poland stands at 47 in the ranking of 190 economies on the ease of paying taxes (figure 8.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing the tax compliance burden for businesses in Poland (see table 8.2 and table

8.3 the end of this chapter for details). Most indicator sets refer to a case scenario in the largest business city of an economy, except for 11 economies for which the data are a population-weighted average of the 2 largest business cities. See the chapter on distance to frontier and ease of doing business ranking at the end of this profile for more details.

Figure 8.1 How Poland and comparator economies rank on the ease of paying taxes



Source: *Doing Business* database.

## PAYING TAXES

Economies around the world have made paying taxes faster, easier and less costly for businesses—such as by consolidating payments and filings of taxes, offering electronic systems for filing and payment, establishing taxpayer service centers or allowing for more deductions

and exemptions. Many have lowered tax rates. Changes have brought concrete results. Some economies simplifying tax payment and reducing rates have seen tax revenue rise. What tax reforms has *Doing Business* recorded in Poland (table 8.1)?

Table 8.1 How has Poland made paying taxes easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year       | Reform  |
|---------------|---|
| <b>DB2013</b> | Poland made paying taxes easier for companies by promoting the use of electronic filing and payment systems—though it also made paying taxes more costly by increasing social security contributions.   |
| <b>DB2016</b> | Poland made paying taxes easier for companies by introducing an electronic system for filing and paying VAT and transport tax—though it also made paying taxes more costly by increasing transport tax rates and contributions to the National Disabled Fund paid by employers. |

Source: *Doing Business* database.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

## PAYING TAXES

### What are the details?

The indicators reported here for Poland are based on the taxes and contributions that would be paid by a standardized case study company used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). Tax practitioners are asked to review a set of financial statements as well as a standardized list of assumptions and transactions that the company completed during its 2nd year of operation. Respondents are asked how much taxes and mandatory contributions the business must pay, how these taxes are filed and paid, how much time taxpayers spend preparing, filing and paying three major taxes (profit taxes, labor taxes including mandatory contributions and consumption taxes) and how much time taxpayers spend complying with postfiling processes and waiting for these processes to be completed.

#### LOCATION OF STANDARDIZED COMPANY

**City: Warsaw**

The taxes and contributions paid are listed in table 8.2, along with the associated number of payments, time and tax rate.

The postfiling index is based on four components—the time to comply with a VAT or GST refund, the time to obtain a VAT or GST refund, the time to comply with a corporate income tax audit and the time to complete a corporate income tax audit (table 8.3). These components are based on expanded case study assumptions. If only VAT (or GST) or corporate income tax applies for an economy, the postfiling index is the simple average of the scores for only the two components pertaining to the applicable tax. If neither VAT (or GST) nor corporate income tax applies, the postfiling index is not included in the ranking of the ease of paying taxes.

Table 8.2 Summary of tax rates and administration

| Tax or mandatory contribution | Payments (number) | Notes on payments  | Time (hours) | Statutory tax rate           | Tax base       | Total tax rate (% of profit) | Notes on total tax rate |
|-------------------------------|-------------------|--------------------|--------------|------------------------------|----------------|------------------------------|-------------------------|
| National disabled fund        | 1                 | online             |              | 40.65% x 6% x average salary | per employee   | 2.93                         |                         |
| Labor fund                    | 0                 | online and jointly |              | 2.45%                        | gross salaries | 2.76                         |                         |
| Social security contributions | 1                 | online             | 103          | 16.93%                       | gross salaries | 19.10                        |                         |
| Corporate income tax          | 1                 | online             | 70           | 19%                          | taxable profit | 14.48                        |                         |

| Tax or mandatory contribution                 | Payments (number) | Notes on payments  | Time (hours) | Statutory tax rate  | Tax base                       | Total tax rate (% of profit) | Notes on total tax rate |
|---|-------------------|--------------------|--------------|---|--------------------------------|------------------------------|-------------------------|
| Property tax                                  | 1                 |                    |              | PLN 0.89 per square meter of a land plot and PLN 23.03 per square meter of building | property area in square meters | 0.93                         |                         |
| Guaranteed employees' fund                    | 0                 | online and jointly |              | 0.1%  | gross salaries                 | 0.11                         |                         |
| Transport tax                                 | 1                 | online             |              | PLN 1,408 per truck unit owned  |                                | 0.06                         |                         |
| Value added tax (VAT)                         | 1                 | online             | 98           | 23%   | value added                    | 0.00                         | not included            |
| Fuel Tax                                      | 1                 |                    |              |   | included in the price of fuel  | 0.00                         | small amount            |
| Employee paid - Social security contributions | 0                 | online and jointly |              | 22.75% (7.75% is credited against PIT liability)                                    | gross salaries                 | 0.00                         | withheld                |
| Totals  | 7.0               |                    | 271.0        |   |                                | 40.4                         |                         |

Source: Doing Business database.

Table 8.3 Summary of post filing data in Poland

|   | Answer  | Score |
|---|---------|-------|
| <b>Postfiling index (0-100)</b>                         |         | 92.2  |
| <b>VAT refunds</b>                                      |         |       |
| Does VAT/GST exist?                                     | Yes     |       |
| Frequency of VAT/GST refund submission                  | monthly |       |
| Does a VAT/GST refund process exist per the case study? | Yes     |       |
| Restrictions on VAT refund process                      | None    |       |
| Likelihood of VAT audit                                 | Likely  |       |
| Time to comply with VAT refund (hours)                  | 8.0     | 84.0  |
| Time to obtain a VAT refund (weeks)                     | 10.2    | 86.6  |

|   | Answer  | Score |
|---|---|-------|
| <b>Corporate income tax audits</b>  |   |       |
| Does corporate income tax exist?  | Yes   |       |
| Likelihood of corporate income tax audit  | Unlikely  |       |
| Time to comply with a corporate income tax audit (hours)                                    | 2.5   | 98.2  |
| Time to complete a corporate income tax audit (weeks)                                       | 0.0   | 100.0 |
| <b>Administrative appeal process</b>  |   |       |
| First level administrative appeal authority   | Director of the Tax Chamber (Dyrektor Izby Skarbowej) |       |
| Is the appeal authority independent?  | Independent department outside tax office             |       |
| Are appeal guidelines accessible to the public?   | Yes   |       |
| Source of appeal guidelines   | Online/in printed publication/in person at tax office |       |
| Is there a legal time limit for the appeal authority to issue a decision on the tax appeal? | Yes   |       |
| Legal time limit  | Within 2 months                                       |       |

Source: *Doing Business* database.

**Note:**

The postfiling index is the average of the scores on time to comply with VAT refund, time to obtain a VAT refund, time to comply with a corporate income tax audit and time to complete a corporate income tax audit.

N/A = Not applicable.

## TRADING ACROSS BORDERS

In today's globalized world, making trade between economies easier is increasingly important for business. Excessive use of paper documents, burdensome customs procedures, inefficient port operations and inadequate infrastructure all lead to extra costs and delays for exporters and importers, stifling trade potential.

### What do the indicators cover?

*Doing Business* records the time and cost associated with the logistical process of exporting and importing goods. *Doing Business* measures the time and cost (excluding tariffs) associated with three sets of procedures—documentary compliance, border compliance and domestic transport—within the overall process of exporting or importing a shipment of goods. The ranking of economies on the ease of trading across borders is determined by sorting their distance to frontier scores for trading across borders. These scores are the simple average of the distance to frontier scores for the time and cost for documentary compliance and border compliance to export and import (domestic transport is not used for calculating the ranking).

To make the data comparable across economies, a few assumptions are made about the traded goods and the transactions:

### Time

Time is measured in hours, and 1 day is 24 hours (for example, 22 days are recorded as  $22 \times 24 = 528$  hours). If customs clearance takes 7.5 hours, the data are recorded as is. Alternatively, suppose that documents are submitted to a customs agency at 8:00 a.m., are processed overnight and can be picked up at 8:00 a.m. the next day. In this case the time for customs clearance would be recorded as 24 hours because the actual procedure took 24 hours.

## WHAT THE TRADING ACROSS BORDERS

### INDICATORS MEASURE FOR IMPORT & EXPORT

#### Documentary compliance

Obtaining, preparing and submitting documents during transport, clearance, inspections and port or border handling in origin economy

Obtaining, preparing and submitting documents required by destination economy and any transit economies

Covers all documents required by law and in practice, including electronic submissions of information as well as non-shipment-specific documents necessary to complete the trade

#### Border compliance

Customs clearance and inspections

Inspections by other agencies (if applied to more than 10% of shipments)

Port or border handling

Processing of documents during clearance, inspections and port or border handling.

#### Domestic transport

Loading and unloading of shipment at warehouse, dry port or border

Transport by most widely used mode between warehouse and terminal or dry port

Traffic delays and road police checks while shipment is en route

### Cost

Insurance cost and informal payments for which no receipt is issued are excluded from the costs recorded. Costs are reported in U.S. dollars. Contributors are asked to convert local currency into U.S. dollars based on the exchange rate prevailing on the day they answer the questionnaire.

**Assumptions of the case study**

- For each of the 190 economies covered by *Doing Business*, it is assumed that a shipment travels from a warehouse in the largest business city of the exporting economy to a warehouse in the largest business city of the importing economy. For 11 economies the data are also collected, under the same case study assumptions, for the second largest business city.
- The import and export case studies assume different traded products. It is assumed that each economy imports a standardized shipment of 15 metric tons of containerized auto parts (HS 8708) from its natural import partner—the economy from which it imports the largest value (price times quantity) of auto parts. It is assumed that each economy exports the product of its comparative advantage (defined by the largest export value) to its natural export partner—the economy that is the largest purchaser of this product. Special products, such as precious metal and gems, live animals and pharmaceuticals are excluded from the list of possible export products, however, and the second largest product category is considered as needed.
- A shipment is a unit of trade. Export shipments do not necessarily need to be containerized, while import shipments of auto parts are assumed to be containerized.
- If government fees are determined by the value of the shipment, the value is assumed to be \$50,000.
- The product is new, not secondhand or used merchandise.
- The exporting firm is responsible for hiring and paying for a freight forwarder or customs broker (or both) and pays for all costs related to international shipping, domestic transport, clearance and mandatory inspections by customs and other government agencies, port or border handling, documentary compliance fees and the like for exports. The importing firm is responsible for the above costs for imports.
- The mode of transport is the one most widely used for the chosen export or import product and the trading partner, as is the seaport, airport or land border crossing.
- All electronic submissions of information requested by any government agency in connection with the shipment are considered to be documents obtained, prepared and submitted during the export or import process.
- A port or border is defined as a place (seaport, airport or land border crossing) where merchandise can enter or leave an economy.
- Government agencies considered relevant are agencies such as customs, port authorities, road police, border guards, standardization agencies, ministries or departments of agriculture or industry, national security agencies and any other government authorities.

## TRADING ACROSS BORDERS

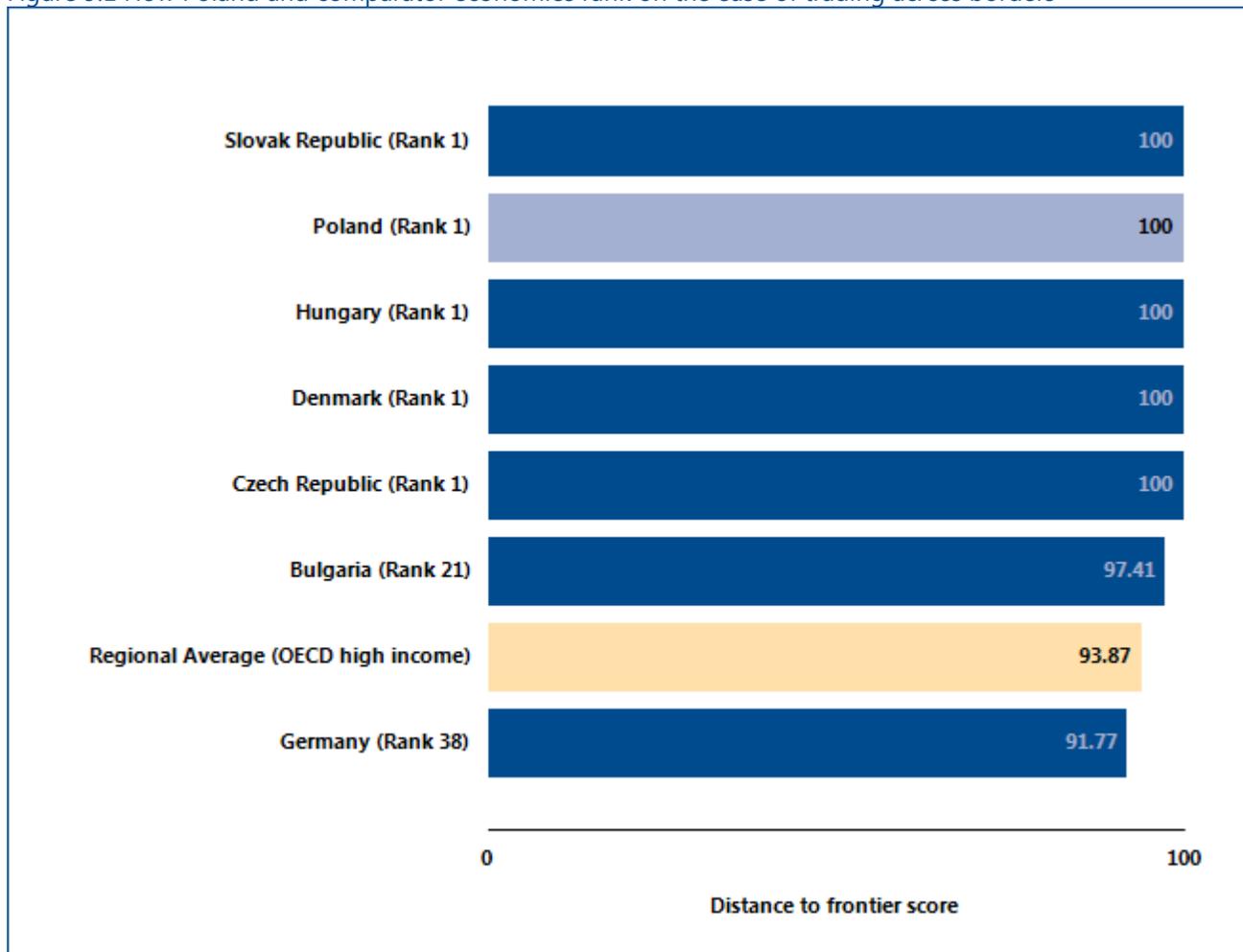
### Where does the economy stand today?

The Trading across Borders indicator refers to a case study scenario of a warehouse in the largest business city of an economy (except for 11 economies for which the data are a population-weighted average of the 2 largest business cities) trading with the main import and export partner through the economy's main border crossing.

Globally, Poland stands at 1 in the ranking of 190 economies on the ease of trading across borders (figure 9.1).

While not included in the distance to frontier or ease of doing business ranking, data on domestic transportation is also recorded for all economies and provided in Table 9.3.

Figure 9.1 How Poland and comparator economies rank on the ease of trading across borders



Source: Doing Business database.

## TRADING ACROSS BORDERS

In economies around the world, trading across borders as measured by *Doing Business* has become faster and easier over the years. Governments have introduced tools to facilitate trade—including single windows, risk-based inspections and electronic data interchange

systems. These changes help improve the trading environment and boost firms' international competitiveness. What trade reforms has *Doing Business* recorded in Poland (table 9.1)?

Table 9.1 How has Poland made trading across borders easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year | Reform  |
|---------|---|
| DB2012  | Poland made trading across borders faster by implementing electronic preparation and submission of customs documents. |
| DB2015  | Poland made trading across borders easier by implementing a new terminal operating system at the port of Gdansk.      |

Source: *Doing Business* database.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

## TRADING ACROSS BORDERS

### What are the details?

The indicators reported here for Poland are based on a set of specific predefined procedures for trading a shipment of goods by the most widely used mode of transport (whether sea or land or some combination of these). The information on the time and cost to complete export and import is collected from local freight forwarders, customs brokers and traders.

#### LOCATION OF STANDARDIZED COMPANY

**City: Warsaw**

The details on the predefined set of procedures, and the associated time and cost, for exporting and importing a shipment of goods are listed in the summary below, along with the required documents.

Table 9.2 Summary of export and import time and cost for trading across borders in Poland

|  | Poland | OECD high income |
|--|--------|------------------|
| Time to export: Border compliance (hours)      | 0      | 12               |
| Cost to export: Border compliance (USD)        | 0      | 150              |
| Time to export: Documentary compliance (hours) | 1      | 3                |
| Cost to export: Documentary compliance (USD)   | 0      | 36               |
| Time to import: Border compliance (hours)      | 0      | 9                |
| Cost to import: Border compliance (USD)        | 0      | 115              |
| Time to import: Documentary compliance (hours) | 1      | 4                |
| Cost to import: Documentary compliance (USD)   | 0      | 26               |

Source: Doing Business database.

Table 9.3 Summary of trading details, transport time and documents for trading across borders in Poland

|                                 | Export  | Import   |
|---------------------------------|---|--|
| Product                         | HS 87 : Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof | HS 8708: Parts and accessories of motor vehicles |
| Trade partner                   | Germany   | Germany  |
| Border                          | Poland- Germany border crossing   | Poland- Germany border crossing                  |
| Distance (km)                   | 472   | 472  |
| Domestic transport time (hours) | 14  | 14   |
| Domestic transport cost (USD)   | 1000  | 1000   |

Source: *Doing Business* database.

Note: Although *Doing Business* collects and publishes data on the time and cost for domestic transport, it does not use these data in calculating the distance to frontier score for trading across borders or the ranking on the ease of trading across borders.

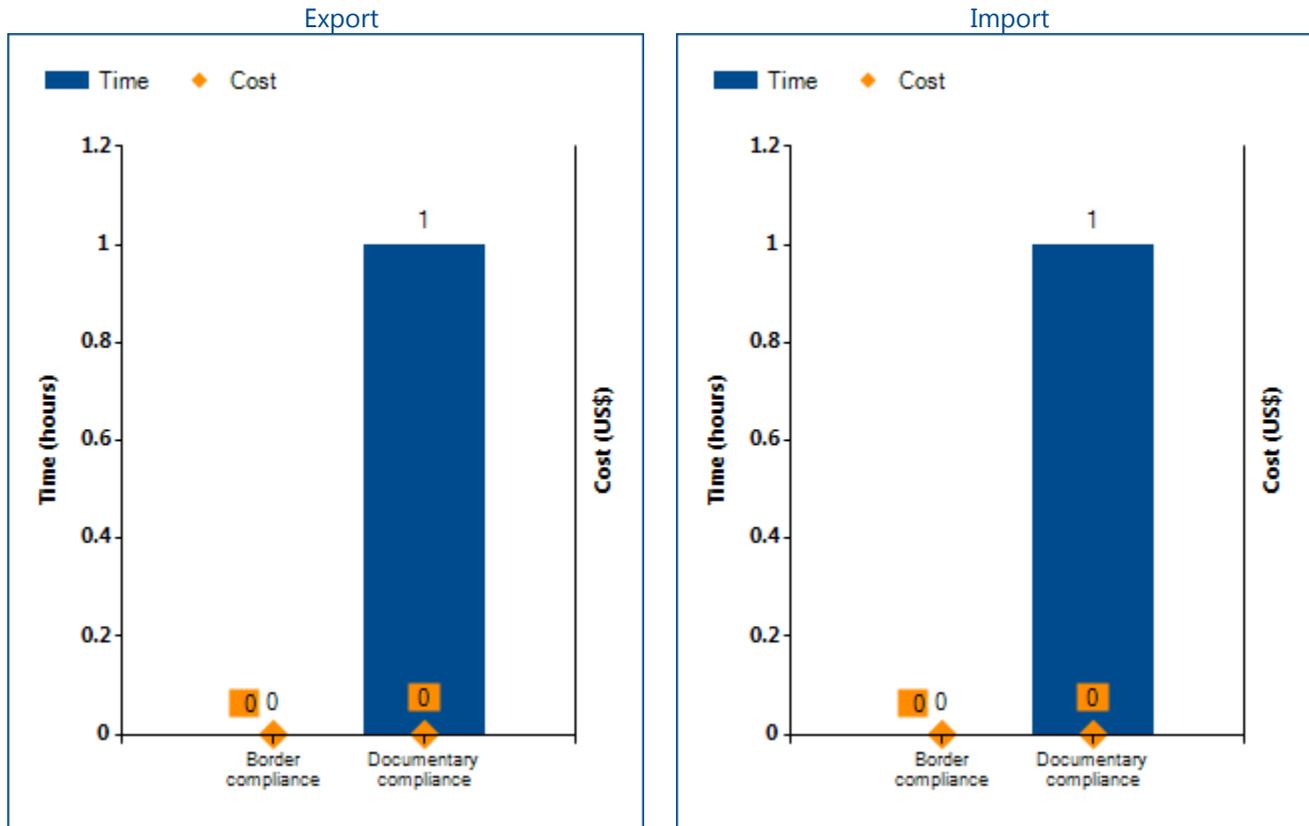
| Documents to export |
|---------------------|
| CMR waybill         |
| Commercial invoice  |
| Packing list        |
| Intrastat           |

| Documents to import |
|---------------------|
| CMR waybill         |
| Commercial invoice  |
| Packing list        |
| Intrastat           |

Source: *Doing Business* database.

Note: *Doing Business* continues to collect data on the number of documents needed to trade internationally. Unlike in previous years, however, these data are excluded from the calculation of the distance to frontier score and ranking. The time and cost for documentary compliance serve as better measures of the overall cost and complexity of compliance with documentary requirements than does the number of documents required.

Figure 9.2 Summary of Poland on the ease of trading across borders



Source: Doing Business database.

## ENFORCING CONTRACTS

Effective commercial dispute resolution has many benefits. Courts are essential for entrepreneurs because they interpret the rules of the market and protect economic rights. Efficient and transparent courts encourage new business relationships because businesses know they can rely on the courts if a new customer fails to pay. Speedy trials are essential for small enterprises, which may lack the resources to stay in business while awaiting the outcome of a long court dispute.

What do the indicators cover?

*Doing Business* measures the time and cost for resolving a standardized commercial dispute through a local first-instance court. In addition, *Doing Business* measures the quality of judicial processes index, evaluating whether each economy has adopted a series of good practices that promote quality and efficiency in the court system. The ranking of economies on the ease of enforcing contracts is determined by sorting their distance to frontier scores. These scores are the simple average of the distance to frontier scores for each of the component indicators.

The dispute in the case study involves the breach of a sales contract between 2 domestic businesses. The case study assumes that the court hears an expert on the quality of the goods in dispute. This distinguishes the case from simple debt enforcement. To make the data comparable across economies, *Doing Business* uses several assumptions about the case:

- The dispute concerns a lawful transaction between two businesses (Seller and Buyer), both located in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- The buyer orders custom-made goods, then fails to pay.
- The value of the dispute is 200% of the income per capita or the equivalent in local currency of USD 5,000, whichever is greater.

### WHAT THE ENFORCING CONTRACTS

#### INDICATORS MEASURE

#### Time required to enforce a contract through the courts (calendar days)

- Time to file and serve the case
- Time for trial and to obtain the judgment
- Time to enforce the judgment

#### Cost required to enforce a contract through the courts (% of claim)

- Attorney fees
- Court fees
- Enforcement fees

#### Quality of judicial processes index (0-18)

- Court structure and proceedings (0-5)
- Case management (0-6)
- Court automation (0-4)
- Alternative dispute resolution (0-3)

- The seller sues the buyer before the court with jurisdiction over commercial cases worth 200% of income per capita or \$5,000.
- The seller requests a pretrial attachment to secure the claim.
- The dispute on the quality of the goods requires an expert opinion.
- The judge decides in favor of the seller; there is no appeal.
- The seller enforces the judgment through a public sale of the buyer's movable assets.

## ENFORCING CONTRACTS

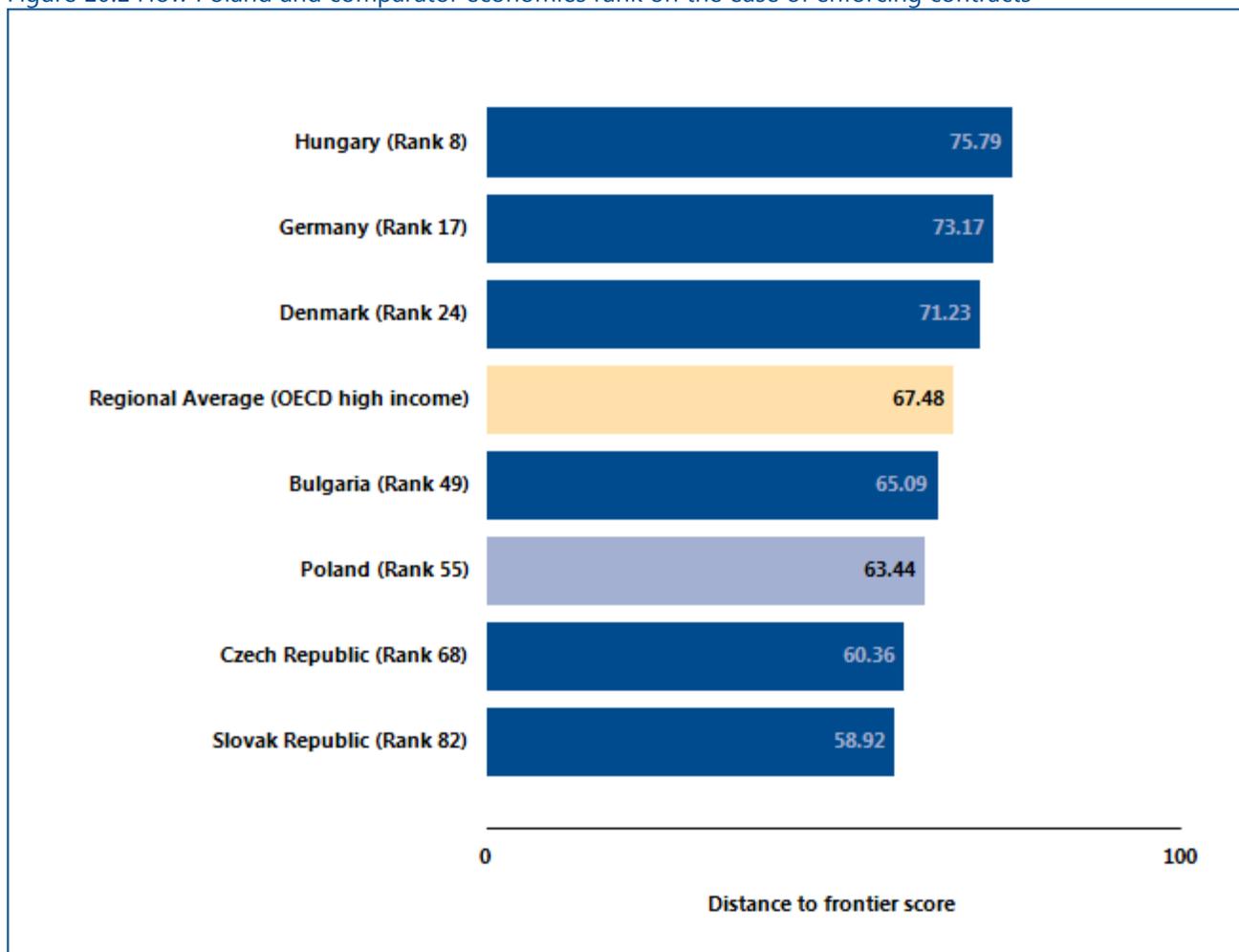
### Where does the economy stand today?

How efficient is the process of resolving a commercial dispute through the courts in Poland? According to data collected by *Doing Business*, contract enforcement takes 685.0 days and costs 19.4% of the value of the claim. Most indicator sets refer to the largest business city of an economy, except for 11 economies for which the data are a population-weighted average of the 2 largest business cities. See the chapter on distance to frontier

and ease of doing business ranking at the end of this profile for more details.

Globally, Poland stands at 55 in the ranking of 190 economies on the ease of enforcing contracts (figure 10.1). The rankings for comparator economies and the regional average provide other useful benchmarks for assessing the efficiency of contract enforcement in Poland.

Figure 10.1 How Poland and comparator economies rank on the ease of enforcing contracts



Source: *Doing Business* database.

## ENFORCING CONTRACTS

Economies in all regions have improved contract enforcement in recent years. A judiciary can be improved in different ways. Higher-income economies tend to look for ways to enhance efficiency by introducing new technology. Lower-income economies often work on

reducing backlogs by introducing periodic reviews to clear inactive cases from the docket and by making procedures faster. What reforms making it easier (or more difficult) to enforce contracts has *Doing Business* recorded in Poland (table 10.1)?

Table 10.1 How has Poland made enforcing contracts easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year       | Reform   |
|---------------|--|
| <b>DB2013</b> | Poland made enforcing contracts easier by amending the civil procedure code and appointing more judges to commercial courts. |

Source: *Doing Business* database.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

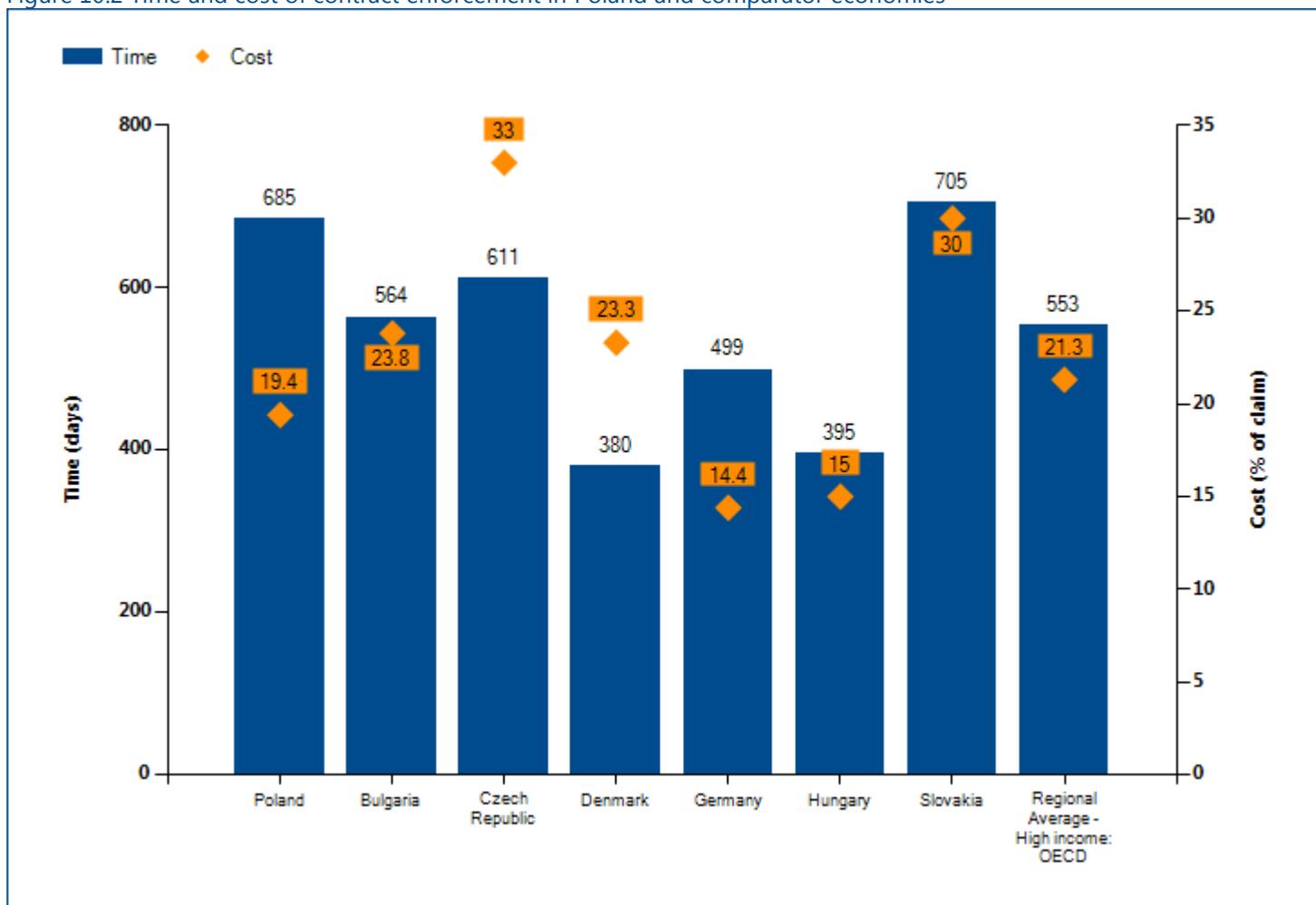
## ENFORCING CONTRACTS

### What are the details?

The data on time and cost reported here for Poland are built by following the step-by-step evolution of a commercial sale dispute within the court, under the assumptions about the case described above (figure 10.2). The time and cost of resolving the standardized dispute are identified through study of the codes of civil procedure and other court regulations, as well as through questionnaires completed by local litigation lawyers (and, in a quarter of the economies covered by *Doing Business*, by judges as well).

| ECONOMY DETAILS     |  |
|---------------------|--|
| <b>Claim value:</b> | <b>PLN 88,058</b>                                |
| <b>Court name:</b>  | <b>Warsaw Regional Court, Commercial Section</b> |
| <b>City:</b>        | <b>Warsaw</b>                                    |

Figure 10.2 Time and cost of contract enforcement in Poland and comparator economies



Source: *Doing Business* database.

Table 10.2 Details on time and cost for enforcing contracts in Poland

| Indicator                | Poland | OECD high income average |
|--------------------------|--------|--------------------------|
| <b>Time (days)</b>       | 685    | 553                      |
| Filing and service       | 60     |                          |
| Trial and judgment       | 480    |                          |
| Enforcement of judgment  | 145    |                          |
| <b>Cost (% of claim)</b> | 19.4   | 21.3                     |
| Attorney fees            | 12.0   |                          |
| Court fees               | 5.4    |                          |
| Enforcement fees         | 2.0    |                          |

Source: Doing Business database.

## ENFORCING CONTRACTS

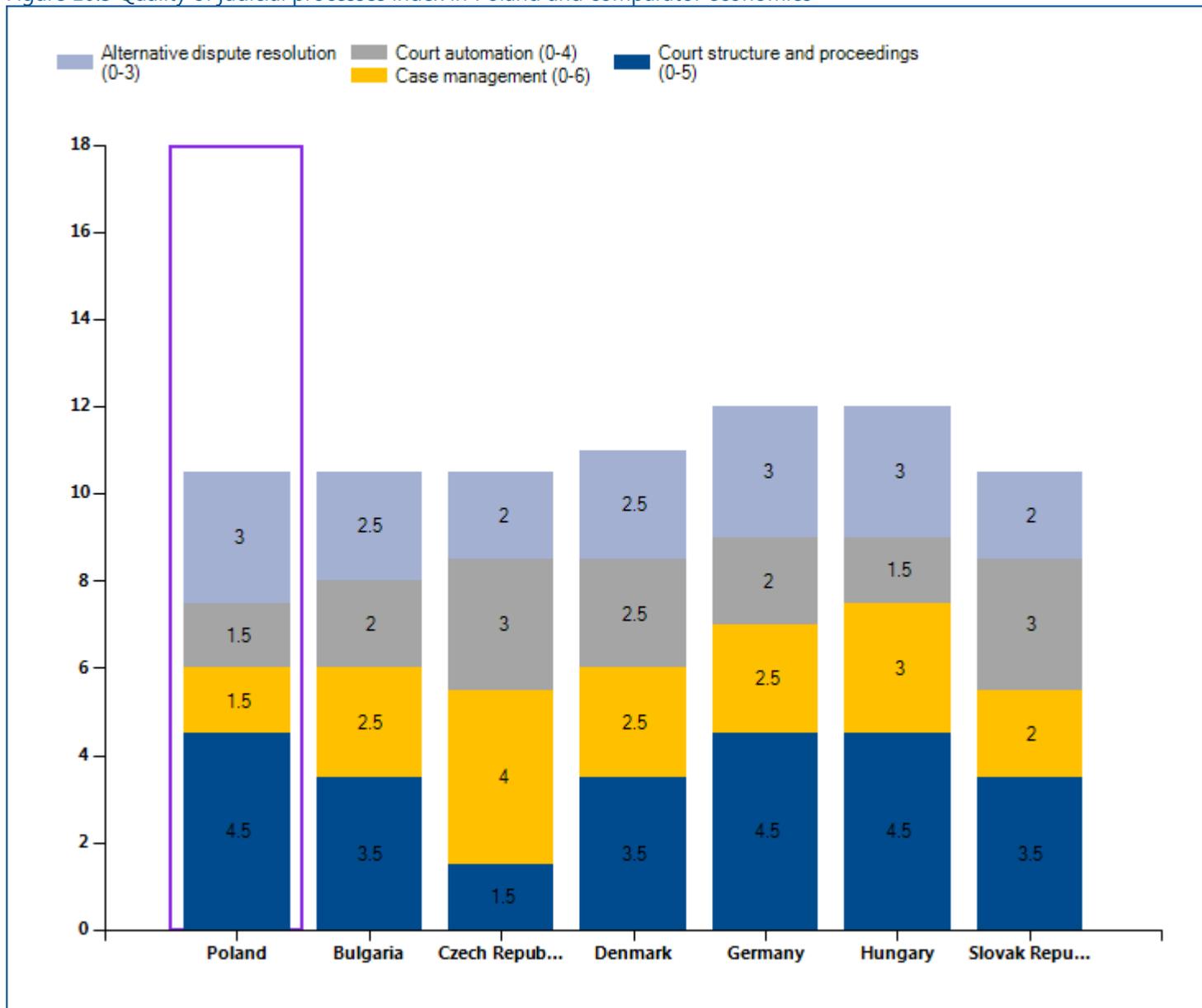
### Quality of judicial processes index

The quality of judicial processes index measures whether each economy has adopted a series of good practices in its court system in four areas: court structure and proceedings, case management, court automation and alternative dispute resolution. The score on the quality of judicial processes index is the sum of the scores on these 4 sub-components. The index ranges from 0 to 18, with higher values indicating more efficient judicial processes.

The scores reported here show which of these good practices are available in Poland (figure 10.3).

This methodology was initially developed by Djankov and others (2003) and is adopted here with several changes. The quality of judicial processes index was introduced in *Doing Business 2016*. The good practices tested in this index were developed on the basis of internationally recognized good practices promoting judicial efficiency.

Figure 10.3 Quality of judicial processes index in Poland and comparator economies



Source: Doing Business database.

Table 10.3 Details of the quality of judicial processes index in Poland

|   | Answer          | Score |
|---|-----------------|-------|
| Quality of judicial processes index (0-18)  |                 | 10.5  |
| Court structure and proceedings (0-5)   |                 | 4.5   |
| 1. Is there a court or division of a court dedicated solely to hearing commercial cases?  | Yes             | 1.5   |
| 2. Small claims court   |                 | 1.5   |
| 2.a. Is there a small claims court or a fast-track procedure for small claims?  | Yes             |       |
| 2.b. If yes, is self-representation allowed?  | Yes             |       |
| 3. Is pretrial attachment available?  | Yes             | 1.0   |
| 4. Are new cases assigned randomly to judges?   | Yes, but manual | 0.5   |
| 5. Does a woman's testimony carry the same evidentiary weight in court as a man's?  | Yes             | 0.0   |
| Case management (0-6)   |                 | 1.5   |
| 1. Time standards   |                 | 0.0   |
| 1.a. Are there laws setting overall time standards for key court events in a civil case?  | Yes             |       |
| 1.b. If yes, are the time standards set for at least three court events?  | No              |       |
| 1.c. Are these time standards respected in more than 50% of cases?  | Yes             |       |
| 2. Adjournments   |                 | 0.5   |
| 2.a. Does the law regulate the maximum number of adjournments that can be granted?  | No              |       |
| 2.b. Are adjournments limited to unforeseen and exceptional circumstances?  | Yes             |       |
| 2.c. If rules on adjournments exist, are they respected in more than 50% of cases?  | Yes             |       |
| 3. Can two of the following four reports be generated about the competent court: (i) time to disposition report; (ii) clearance rate report; (iii) age of pending cases report; and (iv) single case progress report? | Yes             | 1.0   |
| 4. Is a pretrial conference among the case management techniques used before the competent court?   | No              | 0.0   |
| 5. Are there any electronic case management tools in place within the competent court for use by judges?  | No              | 0.0   |

|  | Answer | Score      |
|--|--------|------------|
| 6. Are there any electronic case management tools in place within the competent court for use by lawyers?  | No     | 0.0        |
| <b>Court automation (0-4)</b>  |        | <b>1.5</b> |
| 1. Can the initial complaint be filed electronically through a dedicated platform within the competent court?  | No     | 0.0        |
| 2. Is it possible to carry out service of process electronically for claims filed before the competent court?  | No     | 0.0        |
| 3. Can court fees be paid electronically within the competent court?   | Yes    | 1.0        |
| <b>4. Publication of judgments</b>   |        | <b>0.5</b> |
| 4.a Are judgments rendered in commercial cases at all levels made available to the general public through publication in official gazettes, in newspapers or on the internet or court website?                             | No     |            |
| 4.b. Are judgments rendered in commercial cases at the appellate and supreme court level made available to the general public through publication in official gazettes, in newspapers or on the internet or court website? | Yes    |            |
| <b>Alternative dispute resolution (0-3)</b>  |        | <b>3.0</b> |
| <b>1. Arbitration</b>  |        | <b>1.5</b> |
| 1.a. Is domestic commercial arbitration governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all its aspects?                            | Yes    |            |
| 1.b. Are there any commercial disputes—aside from those that deal with public order or public policy—that cannot be submitted to arbitration?  | No     |            |
| 1.c. Are valid arbitration clauses or agreements usually enforced by the courts?   | Yes    |            |
| <b>2. Mediation/Conciliation</b>   |        | <b>1.5</b> |
| 2.a. Is voluntary mediation or conciliation available?   | Yes    |            |
| 2.b. Are mediation, conciliation or both governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all their aspects?                         | Yes    |            |
| 2.c. Are there financial incentives for parties to attempt mediation or conciliation (i.e., if mediation or conciliation is successful, a refund of court filing fees, income tax credits or the like)?                    | Yes    |            |

Source: *Doing Business* database.

## RESOLVING INSOLVENCY

A robust bankruptcy system functions as a filter, ensuring the survival of economically efficient companies and reallocating the resources of inefficient ones. Fast and cheap insolvency proceedings result in the speedy return of businesses to normal operation and increase returns to creditors. By clarifying the expectations of creditors and debtors about the outcome of insolvency proceedings, well-functioning insolvency systems can facilitate access to finance, save more viable businesses and sustainably grow the economy.

### What do the indicators cover?

*Doing Business* studies the time, cost and outcome of insolvency proceedings involving domestic legal entities. These variables are used to calculate the recovery rate, which is recorded as cents on the dollar recovered by secured creditors through reorganization, liquidation or debt enforcement (foreclosure or receivership) proceedings. To determine the present value of the amount recovered by creditors, *Doing Business* uses the lending rates from the International Monetary Fund, supplemented with data from central banks and the Economist Intelligence Unit.

To make the data on the time, cost and outcome comparable across economies, several assumptions about the business and the case are used:

- A hotel located in the largest city (or cities) has 201 employees and 50 suppliers. The hotel experiences financial difficulties.
- The value of the hotel is 100% of the income per capita or the equivalent in local currency of USD 200,000, whichever is greater.
- The hotel has a loan from a domestic bank, secured by a mortgage over the hotel's real estate. The hotel cannot pay back the loan, but makes enough money to operate otherwise.

In addition, *Doing Business* evaluates the adequacy and integrity of the existing legal framework applicable to liquidation and reorganization proceedings through the strength of insolvency framework index. The index tests whether economies adopted internationally accepted good practices in four areas: commencement of proceedings,

### WHAT THE RESOLVING INSOLVENCY INDICATORS MEASURE

#### Time required to recover debt (years)

Measured in calendar years

Appeals and requests for extension are included

#### Cost required to recover debt (% of debtor's estate)

Measured as percentage of estate value

Court fees

Fees of insolvency administrators

Lawyers' fees

Assessors' and auctioneers' fees

Other related fees

#### Outcome

Whether business continues operating as a going concern or business assets are sold piecemeal

#### Recovery rate for creditors

Measures the cents on the dollar recovered by secured creditors

Outcome for the business (survival or not) determines the maximum value that can be recovered

Official costs of the insolvency proceedings are deducted

Depreciation of furniture is taken into account

Present value of debt recovered

#### Strength of insolvency framework index (0-16)

Sum of the scores of four component indices:

Commencement of proceedings index (0-3)

Management of debtor's assets index (0-6)

Reorganization proceedings index (0-3)

Creditor participation index (0-4)

management of debtor's assets, reorganization proceedings and creditor participation.

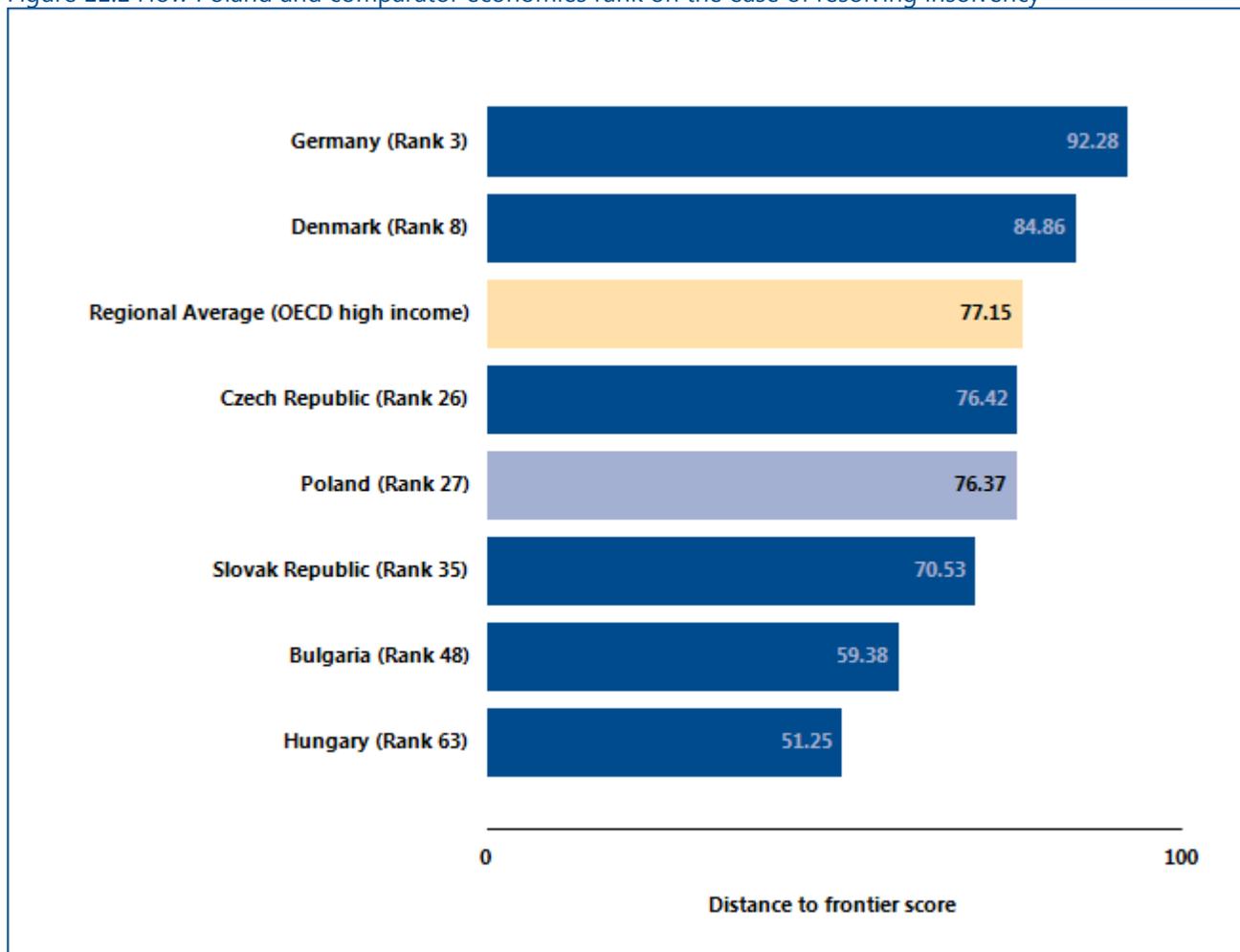
## RESOLVING INSOLVENCY

### Where does the economy stand today?

Globally, Poland stands at 27 in the ranking of 190 economies on the ease of resolving insolvency (figure 11.1). The ranking of economies on the ease of resolving insolvency is determined by sorting their distance to frontier scores for resolving insolvency. These scores are the simple average of the distance to frontier scores for the recovery rate and the strength of insolvency framework index. The resolving insolvency indicator does

not measure insolvency proceedings of individuals and financial institutions. The data are derived from questionnaire responses by local insolvency practitioners and verified through a study of laws and regulations as well as public information on bankruptcy systems.

Figure 11.1 How Poland and comparator economies rank on the ease of resolving insolvency



Source: Doing Business database.

## RESOLVING INSOLVENCY

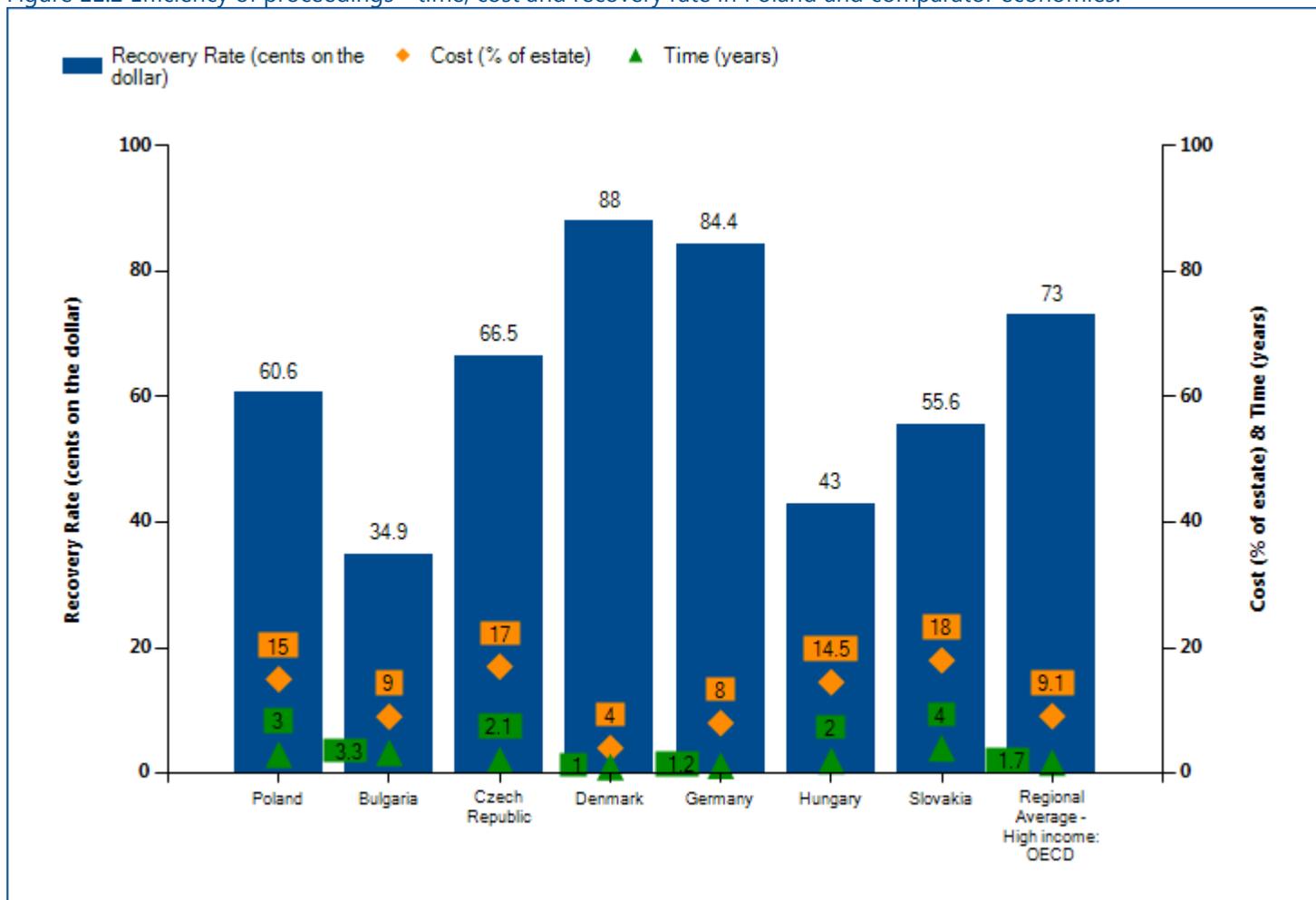
### Recovery of debt in insolvency

Data on the time, cost and outcome refer to the most likely in-court insolvency procedure applicable under specific case study assumptions.

According to data collected by *Doing Business*, resolving insolvency takes 3.0 years on average and costs 15.0% of the debtor's estate, with the most likely outcome being that the company will be sold as going concern. The

average recovery rate is 60.6 cents on the dollar. Most indicator sets refer to a case scenario in the largest business city of an economy, except for 11 economies for which the data are a population-weighted average of the 2 largest business cities.

Figure 11.2 Efficiency of proceedings - time, cost and recovery rate in Poland and comparator economies.



Source: *Doing Business* database.

Note: The recovery rate is calculated based on the time, cost and outcome of insolvency proceedings involving domestic legal entities and is recorded as cents on the dollar recovered by secured creditors. The calculation takes into account the outcome: whether the business emerges from the proceedings as a going concern or the assets are sold piecemeal. Then the costs of the proceedings are deducted. Finally, the value lost as a result of the time the money remains tied up in insolvency proceedings is taken into account. The recovery rate is the present value of the remaining proceeds, based on end-2015 lending rates.

Table 11.1 Details of data on efficiency of insolvency proceedings in Poland

| Indicator          | Answer        | Explanation  |
|--------------------|---------------|--|
| Proceeding         | liquidation   | <p>Under Article 21 of the Law on Bankruptcy and Reorganization, debtor's management is obligated to file for bankruptcy within 2 weeks of the date when the debtor becomes insolvent. Although the bankruptcy law has provisions on reorganization, in practice, such proceedings are very rare and most bankruptcy cases are resolved through liquidation. Once the hotel management commences bankruptcy proceedings, the judge will have to decide whether to proceed with liquidation or with reorganization. The judge will most likely order the opening of liquidation proceedings.</p> <p>After the reform in January 2016, a few cases have been filed under the new restructuring proceedings, which are likely to become more common in the future.</p>  |
| Outcome            | going concern | <p>Because the value of an operating hotel is higher than selling its assets piecemeal, it is most likely that BizBank and Mirage management will agree that it is in both of their best interest for the hotel to continue operating, which will enable sale as a going concern.</p>  |
| Time (in years)    | 3.0           | <p>It will take 2-3 weeks for Mirage to prepare the bankruptcy application. After the application is submitted, it will take approximately 2 months for the court to appoint the judges and for the judges to review the case and issue a declaration of bankruptcy. After the declaration is issued, it must be published in the official gazette and at least one local newspaper (14 days). After the announcement is published, it may take up to 2 months to hold the first hearing with all the creditors present. The participants are likely to agree that the hotel should continue operating and the court will appoint an administrator to supervise the operations (up to 2 months). The creditors will then submit their claims to the administrator, who will prepare a list of creditors to be approved by the court. This process can take up to 11 months. After that, the court will likely decide that the company should be liquidated and will appoint a liquidator (up to 4 months). The liquidator must inventory and appraise the assets, which is a lengthy procedure and may take up to a year, because all participants can express opinions on the value of the assets and several appraisers may need to be hired to satisfy the objections of the debtor and creditors. After all the assets are appraised, the liquidator will organize an auction for the sale of assets. Usually, at least two auctions will take place, because most buyers will wait for the second auction, as the price at the second auction will be dropped by 30%. That is why this process of auctioning off the assets may take up to 4 months. BizBank can receive its portion of the sale proceeds within 30 days of the sale.</p> <p>The time estimates may change when the new restructuring proceedings become more common.</p> |
| Cost (% of estate) | 15.0          | <p>The costs will depend on how disputed the insolvency claims are. Attorneys' fees will be one of the main expenses (3-6%), as well as fees of the administrator (3%), auctioneer (1%) and other professionals involved in the insolvency proceedings (5-7%).</p>   |

| Indicator             | Answer | Explanation |
|-----------------------|--------|-------------|
| <b>Recovery rate:</b> | 60.6   |             |

Source: Doing Business database.

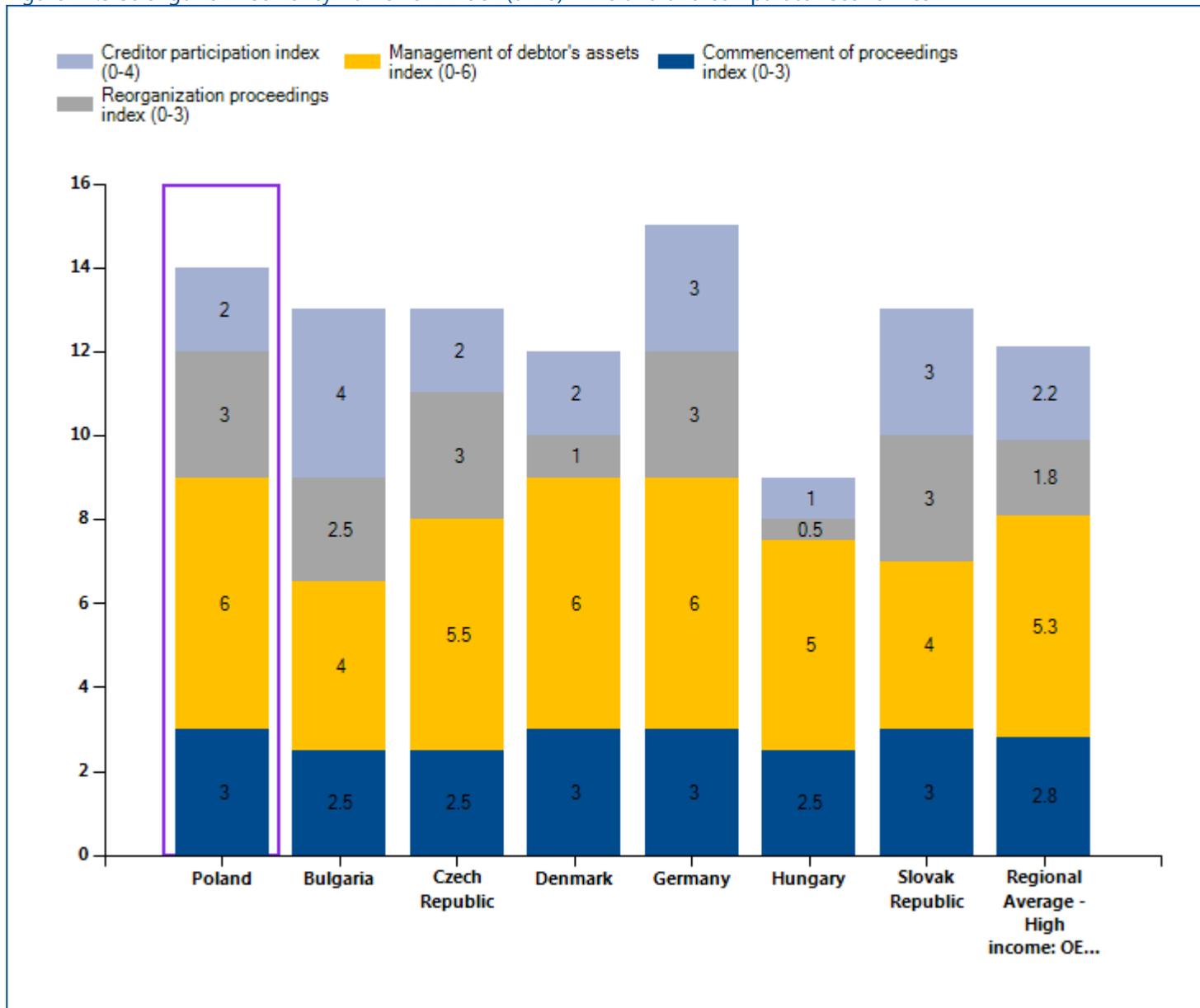
## RESOLVING INSOLVENCY

### Strength of resolving insolvency index

The strength of insolvency framework index is the sum of the scores on the commencement of proceedings index, management of debtor's assets index, reorganization proceedings index and creditor participation index. The index ranges from 0 to 16,

with higher values indicating insolvency legislation that is better designed for rehabilitating viable firms and liquidating nonviable ones. Poland's score on the strength of insolvency framework index is 14.0 out of 16. Data on provisions applicable to judicial liquidation and reorganization is based on the current law governing insolvency proceedings in each economy.

Figure 11.3 Strength of insolvency framework index (0-16) in Poland and comparator economies



Source: Doing Business database.

*Note:* Even if the economy's legal framework includes provisions related to insolvency proceedings (liquidation or reorganization), the economy receives 0 points for the strength of insolvency framework index, if time, cost and outcome indicators are recorded as "no practice".

Table 11.2 Summary of data for the strength of insolvency framework index in Poland

|  | Answer   | Score |
|--|--|-------|
| Strength of insolvency framework index (0-16)  |  | 14.0  |
| Commencement of proceedings index (0-3)  |  | 3.0   |
| What procedures are available to a DEBTOR when commencing insolvency proceedings?  | (a) Debtor may file for both liquidation and reorganization                                | 1.0   |
| Does the insolvency framework allow a CREDITOR to file for insolvency of the debtor?   | (a) Yes, a creditor may file for both liquidation and reorganization                       | 1.0   |
| What basis for commencement of the insolvency proceedings is allowed under the insolvency framework?                                   | (c) Both (a) and (b) options are available, but only one of them needs to be complied with | 1.0   |
| Management of debtor's assets index (0-6)  |  | 6.0   |
| Does the insolvency framework allow the continuation of contracts supplying essential goods and services to the debtor?                | Yes  | 1.0   |
| Does the insolvency framework allow the rejection by the debtor of overly burdensome contracts?  | Yes  | 1.0   |
| Does the insolvency framework allow avoidance of preferential transactions?  | Yes  | 1.0   |
| Does the insolvency framework allow avoidance of undervalued transactions?   | Yes  | 1.0   |
| Does the insolvency framework provide for the possibility of the debtor obtaining credit after commencement of insolvency proceedings? | Yes  | 1.0   |
| Does the insolvency framework assign priority to post-commencement credit?   | (b) Yes over ordinary unsecured creditors but not over secured creditors                   | 1.0   |
| Reorganization proceedings index (0-3)   |  | 3.0   |
| Which creditors vote on the proposed reorganization plan?  | (b) Only creditors whose rights are affected by the proposed plan                          | 1.0   |

|  | Answer | Score |
|--|--------|-------|
| Does the insolvency framework require that dissenting creditors in reorganization receive at least as much as what they would obtain in a liquidation?                             | Yes    | 1.0   |
| Are the creditors divided into classes for the purposes of voting on the reorganization plan, does each class vote separately and are creditors in the same class treated equally? | Yes    | 1.0   |
| Creditor participation index (0-4)   |        | 2.0   |
| Does the insolvency framework require approval by the creditors for selection or appointment of the insolvency representative?   | No     | 0.0   |
| Does the insolvency framework require approval by the creditors for sale of substantial assets of the debtor?  | Yes    | 1.0   |
| Does the insolvency framework provide that a creditor has the right to request information from the insolvency representative?   | No     | 0.0   |
| Does the insolvency framework provide that a creditor has the right to object to decisions accepting or rejecting creditors' claims?   | Yes    | 1.0   |

Source: Doing Business database.

## RESOLVING INSOLVENCY

A well-balanced bankruptcy system distinguishes companies that are financially distressed but economically viable from inefficient companies that should be liquidated. But in some insolvency systems even viable businesses are liquidated. This is starting to

change. Many recent reforms of bankruptcy laws have been aimed at helping more of the viable businesses survive. What insolvency reforms has *Doing Business* recorded in Poland (table 11.3)?

Table 11.3 How has Poland made resolving insolvency easier—or not?  
By *Doing Business* report year from DB2011 to DB2017

| DB year       | Reform  |
|---------------|---|
| <b>DB2012</b> | Poland amended its bankruptcy and reorganization law to simplify court procedures and extend more rights to secured creditors.  |
| <b>DB2013</b> | Poland strengthened its insolvency process by updating guidelines on the information and documents that need to be included in the bankruptcy petition and by granting secured creditors the right to take over claims encumbered with financial pledges in case of liquidation.  |
| <b>DB2017</b> | Poland made resolving insolvency easier by introducing new restructuring mechanisms, changing voting procedures for restructuring plans and allowing creditors greater participation in insolvency proceedings. It also established a central restructuring and bankruptcy register and released guidelines for the remuneration of insolvency representatives. |

Source: *Doing Business* database.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

## LABOR MARKET REGULATION

*Doing Business* studies the flexibility of regulation of employment, specifically as it relates to the areas of hiring, working hours and redundancy. *Doing Business* also measures several aspects of job quality such as the availability of maternity leave, paid sick leave and the equal treatment of men and women at the workplace.

*Doing Business 2017* presents the data for the labor market regulation indicators in an annex. The report does not present rankings of economies on these indicators or include the topic in the aggregate distance to frontier score or ranking on the ease of doing business. Detailed data collected on labor market regulation are available on the *Doing Business* website (<http://www.doingbusiness.org>). The data on labor market regulation are based on a detailed questionnaire on employment regulations that is completed by local lawyers and public officials. Employment laws and regulations as well as secondary sources are reviewed to ensure accuracy.

To make the data comparable across economies, several assumptions about the worker and the business are used.

The worker:

- Is a cashier in a supermarket or grocery store, age 19, with one year of work experience.
- Is a full-time employee.
- Is not a member of the labor union, unless membership is mandatory.

The business:

- Is a limited liability company (or the equivalent in the economy).
- Operates a supermarket or grocery store in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- Has 60 employees.
- Is subject to collective bargaining agreements if such agreements cover more than 50% of the

food retail sector and they apply even to firms that are not party to them.

- Abides by every law and regulation but does not grant workers more benefits than those mandated by law, regulation or (if applicable) collective bargaining agreements.

## LABOR MARKET REGULATION

Employment laws are needed to protect workers from arbitrary or unfair treatment and to ensure efficient contracting between employers and workers. Many economies that changed their labor market regulation in

the past 5 years did so in ways that increased labor market flexibility. What changes did Poland adopt that affected the *Doing Business* indicators on labor market regulation (table 12.1)?

Table 12.1 What changes did Poland make in terms of labor market regulation?

| DB year       | Reform   |
|---------------|--|
| <b>DB2011</b> | Poland reduced the maximum duration of fixed-term contracts.   |
| <b>DB2017</b> | Poland reduced the maximum duration of fixed term contracts to 33 months and limited the total number of fixed term contracts between the same employer and employee to three. |

Source: *Doing Business* database.

## LABOR MARKET REGULATION

### What are the details?

The data reported here for Poland are based on a detailed survey of labor market regulation that is completed by local lawyers and public officials.

Employment laws and regulations as well as secondary sources are reviewed to ensure accuracy.

#### Hiring

Data on hiring cover five areas: (i) whether fixed-term contracts are prohibited for permanent tasks; (ii) the maximum cumulative duration of fixed-term contracts; (iii) the minimum wage for a cashier, age 19, with one year of work experience; and (iv) the ratio of the

minimum wage to the average value added per worker (the ratio of an economy's GNI per capita to the working-age population as a percentage of the total population).

| Hiring   | Data   |
|--|--|
| Fixed-term contracts prohibited for permanent tasks?                         | No   |
| Maximum length of a single fixed-term contract (months)                      | No limit. However, if a fixed-term contract is signed for extensive period not justified by objective reason, it may be considered as a breach of the so-called rules of social cohabitation. In consequence, the court may consider the contract as a contract for indefinite period. Art. 25(1) of the Polish Labour Code. |
| Maximum length of fixed-term contracts, including renewals (months)          | 33.0   |
| Minimum wage applicable to the worker assumed in the case study (US\$/month) | 540.7  |
| Ratio of minimum wage to value added per worker                              | 0.3  |

Source: *Doing Business* database.

## LABOR MARKET REGULATION

### Working hours

Data on working hours cover nine areas: i) the maximum number of working days allowed per week; (ii) the premium for night work (as a percentage of hourly pay); (iii) the premium for work on a weekly rest day (as a percentage of hourly pay); (iv) the premium for overtime work (as a percentage of hourly pay); (v) whether there are restrictions on night work; (vi) whether nonpregnant

and nonnursing women can work the same night hours as men\*; (vii) whether there are restrictions on weekly holiday work; (viii) whether there are restrictions on overtime work; and (ix) the average paid annual leave for workers with 1 year of tenure, 5 years of tenure, and 10 years of tenure.

| Working Hours   | Data  |
|---|-------|
| Maximum number of working days per week   | 5.5   |
| Premium for night work (% of hourly pay)  | 20.0  |
| Premium for work on weekly rest day (% of hourly pay)                                     | 100.0 |
| Premium for overtime work (% of hourly pay)   | 50.0  |
| Restrictions on night work?   | No    |
| Whether nonpregnant and nonnursing women can work the same night hours as men             | Yes   |
| Restrictions on weekly holiday?   | No    |
| Restrictions on overtime work?  | No    |
| Paid annual leave for a worker with 1 year of tenure (working days)                       | 20.0  |
| Paid annual leave for a worker with 5 years of tenure (working days)                      | 20.0  |
| Paid annual leave for a worker with 10 years of tenure (working days)                     | 26.0  |
| Paid annual leave (average for workers with 1, 5 and 10 years of tenure, in working days) | 22.0  |

Source: *Doing Business* database.

## LABOR MARKET REGULATION

### Redundancy rules

Data on redundancy cover nine areas: (i) the length of the maximum probationary period (in months) for permanent employees; (ii) whether redundancy is allowed as a basis for terminating workers; (iii) whether the employer needs to notify a third party (such as a government agency) to terminate one redundant worker; (iv) whether the employer needs to notify a third party to terminate a group of nine redundant workers; (v)

whether the employer needs approval from a third party to terminate one redundant worker; (vi) whether the employer needs approval from a third party to terminate a group of nine redundant workers; (vii) whether the law requires the employer to reassign or retrain a worker before making the worker redundant; (viii) whether priority rules apply for redundancies; and (ix) whether priority rules apply for reemployment.

| Redundancy rules   | Data |
|--|------|
| Maximum length of probationary period (months)           | 3.0  |
| Dismissal due to redundancy allowed by law?              | Yes  |
| Third-party notification if one worker is dismissed?     | No   |
| Third-party approval if one worker is dismissed?         | No   |
| Third-party notification if nine workers are dismissed?  | No   |
| Third-party approval if nine workers are dismissed?      | No   |
| Retraining or reassignment obligation before redundancy? | No   |
| Priority rules for redundancies?                         | Yes  |
| Priority rules for reemployment?                         | Yes  |

Source: *Doing Business* database.

## LABOR MARKET REGULATION

### Redundancy cost

Redundancy cost measures the cost of advance notice requirements and severance payments due when terminating a redundant worker, expressed in weeks of salary. The average value of notice requirements and

severance payments applicable to a worker with 1 year of tenure, a worker with 5 years and a worker with 10 years is considered. One month is recorded as 4 and 1/3 weeks.

| Redundancy cost indicator (in salary weeks)   | Data |
|---|------|
| Notice period for redundancy dismissal for a worker with 1 year of tenure                     | 4.3  |
| Notice period for redundancy dismissal for a worker with 5 years of tenure                    | 13.0 |
| Notice period for redundancy dismissal for a worker with 10 years of tenure                   | 13.0 |
| Notice period for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure) | 10.1 |
| Severance pay for redundancy dismissal for a worker with 1 year of tenure                     | 4.3  |
| Severance pay for redundancy dismissal for a worker with 5 years of tenure                    | 8.7  |
| Severance pay for redundancy dismissal for a worker with 10 years of tenure                   | 13.0 |
| Severance pay for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure) | 8.7  |

Source: Doing Business database.

## LABOR MARKET REGULATION

### Job quality

*Doing Business* introduced new data on job quality in 2015. *Doing Business 2017* covers eight questions on job quality (i) whether the law mandates equal remuneration for work of equal value; (ii) whether the law mandates nondiscrimination based on gender in hiring; (iii) whether the law mandates paid or unpaid maternity leave; (iv) the minimum length of paid maternity leave (in calendar days); (v) whether employees on maternity

leave receive 100% of wages; (vi) the availability of five fully paid days of sick leave a year; (vii) whether a worker is eligible for an unemployment protection scheme after one year of service; and (viii) the minimum duration of the contribution period (in months) required for unemployment protection.

| Job Quality   | Data  |
|---|-------|
| Equal remuneration for work of equal value?                       | Yes   |
| Gender nondiscrimination in hiring?                               | No    |
| Paid or unpaid maternity leave mandated by law?                   | Yes   |
| Minimum length of maternity leave (calendar days)?                | 182.0 |
| Receive 100% of wages on maternity leave?                         | Yes   |
| Five fully paid days of sick leave a year?                        | No    |
| Unemployment protection after one year of employment?             | Yes   |
| Minimum contribution period for unemployment protection (months)? | 12.0  |

Source: *Doing Business* database.

## DISTANCE TO FRONTIER AND EASE OF DOING BUSINESS RANKING

*Doing Business* presents results for two aggregate measures: the distance to frontier score and the ease of doing business ranking, which is based on the distance to frontier score. The ease of doing business ranking compares economies with one another; the distance to frontier score benchmarks economies with respect to regulatory best practice, showing the absolute distance to the best performance on each *Doing Business* indicator. When compared across years, the distance to frontier score shows how much the regulatory environment for local entrepreneurs in an economy has changed over time in absolute terms, while the ease of doing business ranking can show only how much the regulatory environment has changed relative to that in other economies.

### Distance to Frontier

The distance to frontier score captures the gap between an economy's performance and a measure of best practice across the entire sample of 41 indicators for 10 *Doing Business* topics (the labor market regulation indicators are excluded). For starting a business, for example, New Zealand has the smallest number of procedures required (1), and New Zealand the shortest time to fulfill them (0.5 days). Slovenia has the lowest cost (0.0), and Australia, Colombia and 111 other economies have no paid-in minimum capital requirement (table 14.1 in the *Doing Business 2017* report).

#### Calculation of the distance to frontier score

Calculating the distance to frontier score for each economy involves two main steps. In the first step individual component indicators are normalized to a common unit where each of the 41 component indicators  $y$  (except for the total tax rate) is rescaled using the linear transformation  $(\text{worst} - y)/(\text{worst} - \text{frontier})$ . In this formulation the frontier represents the best performance on the indicator across all economies since 2005 or the third year in which data for the indicator were collected. Both the best performance and the worst performance are established every five years based on the *Doing Business* data for the year in which they are established, and remain at that level for the five years regardless of any changes in data in interim years. Thus an economy may set the frontier for an indicator

even though it is no longer at the frontier in a subsequent year.

For scores such as those on the strength of legal rights index or the quality of land administration index, the frontier is set at the highest possible value. For the total tax rate, consistent with the use of a threshold in calculating the rankings on this indicator, the frontier is defined as the total tax rate at the 15th percentile of the overall distribution for all years included in the analysis up to and including *Doing Business 2015*. For the time to pay taxes the frontier is defined as the lowest time recorded among all economies that levy the three major taxes: profit tax, labor taxes and mandatory contributions, and value added tax (VAT) or sales tax. For the different times to trade across borders, the frontier is defined as 1 hour even though in many economies the time is less than that.

In the same formulation, to mitigate the effects of extreme outliers in the distributions of the rescaled data for most component indicators (very few economies need 700 days to complete the procedures to start a business, but many need 9 days), the worst performance is calculated after the removal of outliers. The definition of outliers is based on the distribution for each component indicator. To simplify the process two rules were defined: the 95th percentile is used for the indicators with the most dispersed distributions (including minimum capital, number of payments to pay taxes, and the time and cost indicators), and the 99th percentile is used for number of procedures. No outlier is removed for component indicators bound by definition or construction, including legal index scores (such as the depth of credit information index, extent of conflict of interest regulation index and strength of insolvency framework index) and the recovery rate (figure 14.1 in the *Doing Business 2017* report).

In the second step for calculating the distance to frontier score, the scores obtained for individual indicators for each economy are aggregated through simple averaging into one distance to frontier score, first for each topic and then across all 10 topics: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting minority investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency. More complex aggregation methods—such as principal components and unobserved components—yield a ranking nearly

identical to the simple average used by *Doing Business*<sup>2</sup>. Thus *Doing Business* uses the simplest method: weighting all topics equally and, within each topic, giving equal weight to each of the topic components<sup>3</sup>.

An economy's distance to frontier score is indicated on a scale from 0 to 100, where 0 represents the worst performance and 100 the frontier. All distance to frontier calculations are based on a maximum of five decimals. However, indicator ranking calculations and the ease of doing business ranking calculations are based on two decimals.

The difference between an economy's distance to frontier score in any previous year and its score in 2017 illustrates the extent to which the economy has closed the gap to the regulatory frontier over time. And in any given year the score measures how far an economy is from the best performance at that time.

#### Treatment of the total tax rate

The total tax rate component of the paying taxes indicator set enters the distance to frontier calculation in a different way than any other indicator. The distance to frontier score obtained for the total tax rate is transformed in a nonlinear fashion before it enters the distance to frontier score for paying taxes. As a result of the nonlinear transformation, an increase in the total tax rate has a smaller impact on the distance to frontier score for the total tax rate—and therefore on the distance to frontier score for paying taxes—for economies with a below-average total tax rate than it would have had before this approach was adopted in *Doing Business 2015* (line B is smaller than line A in figure 14.2 of the *Doing Business 2017* report). And for economies with an extreme total tax rate (a rate that is very high relative to the average), an increase has a greater impact on both these distance to frontier scores than it would have had before (line D is bigger than line C in figure 14.2 of the *Doing Business 2017* report).

<sup>2</sup> See Djankov, Manraj and others (2005). Principal components and unobserved components methods yield a ranking nearly identical to that from the simple average method because both these methods assign roughly equal weights to the topics, since the pairwise correlations among indicators do not differ much. An alternative to the simple average method is to give different weights to the topics, depending on which are considered of more or less importance in the context of a specific economy.

<sup>3</sup> For getting credit, indicators are weighted proportionally, according to their contribution to the total score, with a weight of 60% assigned to the strength of legal rights index and 40% to the depth of credit information index. Indicators for all other topics are assigned equal weights

The nonlinear transformation is not based on any economic theory of an "optimal tax rate" that minimizes distortions or maximizes efficiency in an economy's overall tax system. Instead, it is mainly empirical in nature. The nonlinear transformation along with the threshold reduces the bias in the indicator toward economies that do not need to levy significant taxes on companies like the *Doing Business* standardized case study company because they raise public revenue in other ways—for example, through taxes on foreign companies, through taxes on sectors other than manufacturing or from natural resources (all of which are outside the scope of the methodology). In addition, it acknowledges the need of economies to collect taxes from firms.

#### Calculation of scores for economies with 2 cities covered

For each of the 11 economies in which *Doing Business* collects data for the second largest business city as well as the largest one, the distance to frontier score is calculated as the population-weighted average of the distance to frontier scores for these two cities (table 13.1). This is done for the aggregate score, the scores for each topic and the scores for all the component indicators for each topic.

Table 13.1 Weights used in calculating the distance to frontier scores for economies with 2 cities covered

| Economy            | City           | Weight (%) |
|--------------------|----------------|------------|
| Bangladesh         | Dhaka          | 78         |
|                    | Chittagong     | 22         |
| Brazil             | São Paulo      | 61         |
|                    | Rio de Janeiro | 39         |
| China              | Shanghai       | 55         |
|                    | Beijing        | 45         |
| India              | Mumbai         | 47         |
|                    | Delhi          | 53         |
| Indonesia          | Jakarta        | 78         |
|                    | Surabaya       | 22         |
| Japan              | Tokyo          | 65         |
|                    | Osaka          | 35         |
| Mexico             | Mexico City    | 83         |
|                    | Monterrey      | 17         |
| Nigeria            | Lagos          | 77         |
|                    | Kano           | 23         |
| Pakistan           | Karachi        | 65         |
|                    | Lahore         | 35         |
| Russian Federation | Moscow         | 70         |
|                    | St. Petersburg | 30         |
| United States      | New York       | 60         |
|                    | Los Angeles    | 40         |

Source: United Nations, Department of Economic and Social Affairs, Population Division, World Urbanization Prospects, 2014 Revision. <http://esa.un.org/unpd/wup/CD-ROM/Default.aspx>.

Economies that improved the most across 3 or more *Doing Business* topics in 2015/16

*Doing Business 2017* uses a simple method to calculate which economies improved the ease of doing business

the most. First, it selects the economies that in 2015/16 implemented regulatory reforms making it easier to do business in 3 or more of the 10 topics included in this year's aggregate distance to frontier score. Twenty-nine economies meet this criterion: Algeria; Azerbaijan; Bahrain; Belarus; Brazil; Brunei Darussalam; Burkina Faso; Côte d'Ivoire; Georgia; India; Indonesia; Kazakhstan; Kenya; Madagascar; Mali; Mauritania; Morocco; Niger; Pakistan; Poland; Senegal; Serbia; Singapore; Thailand; Togo; Uganda; the United Arab Emirates; Uzbekistan and Vanuatu. Second, *Doing Business* sorts these economies on the increase in their distance to frontier score from the previous year using comparable data.

Selecting the economies that implemented regulatory reforms in at least three topics and had the biggest improvements in their distance to frontier scores is intended to highlight economies with ongoing, broad-based reform programs. The improvement in the distance to frontier score is used to identify the top improvers because this allows a focus on the absolute improvement—in contrast with the relative improvement shown by a change in rankings—that economies have made in their regulatory environment for business.

### Ease of *Doing Business* ranking

The ease of doing business ranking ranges from 1 to 190. The ranking of economies is determined by sorting the aggregate distance to frontier scores, rounded to 2 decimals.

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*Doing Business 2017* is the 14th in a series of annual reports investigating the regulations that enhance business activity and those that constrain it. The report provides quantitative indicators covering 11 areas of the business environment in 190 economies. The goal of the *Doing Business* series is to provide objective data for use by governments in designing sound business regulatory policies and to encourage research on the important dimensions of the regulatory environment for firms.



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