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Draft Act Amending the Act on the National Court Register

An Analysis of the Proposed Changes to the Register of Associations

Daria Kowalska

University of Rzeszów

ORCID: 0009-0008-4297-650X / dariakowalska0405@gmail.com

ABSTRACT

Recently, a tendency has been observable towards the gradual introduction of changes not only to the provisions of the Commercial Companies Code, but also to those regulating the so-called legal environment of entrepreneurs. One manifestation of this phenomenon is the governmental draft Act amending the Act on the National Court Register and certain other acts. The purpose of this article is to identify the proposed changes and to analyse the premises for their introduction, taking into account the criterion of legislative legitimacy. The current regulations concerning the register of associations are also presented.

KEYWORDS

draft act, register of associations, National Court Register, Commercial Companies Code

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1. Introduction

The dynamic development of information technologies and digitalisation processes over recent decades has radically altered the manner in which public administration, and likewise the private sector, function. Poland, not wishing to lag behind other European countries, has consistently invested resources in the digitalisation of public administration (administration) and has undertaken efforts to modernise its public registers.

The situation takes an analogous shape in the case of the National Court Register (KRS), in which, among others, associations are entered. This implies faster access to data and a considerable reduction in bureaucracy, and thereby a significant reduction in costs on the part of both the State and the entities registered. There is no doubt, however, that any systemic transformation invariably generates a need to implement legislative modifications. These constitute inherent challenges for which the deployment of executive measures is indispensable.

The aim of this article is to analyse the changes proposed by the drafter in the governmental draft Act amending the Act on the National Court Register and certain other acts.¹ The study identifies the changes envisaged and analyses the premises for their introduction, taking into account the criterion of legislative legitimacy. In addition, an evaluation is carried out in terms of legal consequences. The regulations currently in force with regard to the register of associations are also presented. The study is based on the dogmatic-normative and comparative methods, which constitute the primary methodological instruments in jurisprudence.

2. The Register of Associations in Poland

The register of associations is defined as a book of a public character, maintained by a court, serving to disclose the circumstances relating to associations provided for by the provisions of the law.² The register performs several important functions. The acquisition of legal personality by an association is conditional on obtaining entry in the National Court Register.³ Moreover, in registering an association the court simultaneously reviews the correctness of its formation. It thus fulfils a legalising function, ensur-

¹Governmental draft Act amending the Act on the National Court Register and certain other acts, 10th term, Sejm print no. 1311, <https://www.sejm.gov.pl/sejm10.nsf/druk.xsp?nr=1311> (accessed: 3 June 2025), pp. 2–3.

²Paweł Suski, *Stowarzyszenia i fundacje* (Warszawa: Wolters Kluwer, 2018), 135.

³Act of 7 April 1989 — Law on Associations (consolidated text: Journal of Laws 2020, item 2261).

ing the security of legal transactions.⁴ In this context, one cannot overlook the various presumptions connected with entry in the Register. These are the presumption of the veracity of the data, with which the principle of the reliability of the register is correlated, as well as the principle of substantive disclosure (*jawność materialna*).⁵ Article 8 of the Act on the KRS, in turn, expresses the principle of formal disclosure (*jawność formalna*).⁶ Undoubtedly, the functionality of the Register is closely bound up with its public accessibility, and therefore, in accordance with the provision indicated above, the National Court Register is open to the public.⁷ The possibility of obtaining information contained in the Register is not conditional on demonstrating any interest, whether legal or factual. The sole determinant is the obligation to pay a fee. It is therefore a right of a universal character. Anyone may obtain certified copies, extracts, or indeed certificates and information from the Register.⁸ In such a case one speaks of ordinary formal disclosure. The situation in which the dimension of formal disclosure is reinforced — described as extended formal disclosure — occurs where an entry in the register is additionally announced, by operation of law, in another legally designated, generally accessible publication organ. An example is the obligatory announcement of a KRS entry in the Court and Commercial Gazette (*Monitor Sądowy i Gospodarczy*).⁹ At present, owing to the visible broadening of the channels of access to data on entities contained in public registers, in particular via the Internet, an evolution of the principle of disclosure is becoming apparent. Disclosure of an extended character is evolving into disclosure of a universal character.¹⁰ It should further be noted that the restoration of a nationwide official journal, such as the Court and Commercial Gazette, must be regarded as the foundation of the effective implementation of the principle of the formal disclosure of the KRS. Nevertheless, one cannot overlook the significant defects of such a solution. Among the principal defects identified and described in the literature are considerable delays in the process of publishing data, excessive fragmentation of the information announced, and dysfunctions in the actual dissemination of information.¹¹

⁴Krystyna Kwapisz-Krygel, *Prawo spółdzielcze* (Warszawa: LexisNexis, 2014), 42.

⁵Łukasz Zamojski, in *Krajowy Rejestr Sądowy. Komentarz*, 2nd ed., LEX/el. 2023, Art. 17.

⁶Act of 20 August 1997 on the National Court Register (consolidated text: Journal of Laws 2024, item 979, as amended).

⁷Małgorzata Wrzolek-Romańczuk, "Krajowy Rejestr Sądowy — u progu XXI wieku," *Palestra*, no. 9–10 (1997): 16.

⁸Suski, *Słowniczyszenia i fundacje*, 135.

⁹Zamojski, *Krajowy Rejestr Sądowy*, Art. 8.

¹⁰See Monika Dębska, *Ustawa o Krajowym Rejestrze Sądowym. Komentarz* (Warszawa: LexisNexis, 2013), Art. 13, <https://sip.lex.pl> (accessed: 3 June 2025).

¹¹Iwona Hykawy, "Komentarz do Pierwszej Dyrektywy Rady dotyczącej ogłaszania danych, ważności zobowiązań i nieważności spółek," in *Prawo wspólnot europejskich a prawo polskie. Prawo gospodarcze. Wybrane zagadnienia*, ed. M. Safjan (Warszawa 2002), 98–99.

Access to the data contained in the KRS is effected through an organisational unit of the Ministry of Justice — the Central Information Office of the National Court Register. Its branches are located at the registry courts. In order to obtain specific data, an application on the appropriate form must be submitted. In accordance with Article 244 of the Code of Civil Procedure, a document originating from the Central Information Office has the force proper to official documents.¹² The status of an official document does not, however, attach to a printout from the website of the Ministry of Justice containing information on registered entities. In addition, through generally accessible IT networks, in particular the website of the Ministry of Justice, free access to information on the entities entered in the register is ensured, above all in order to facilitate and secure economic transactions.¹³

3. The Proposed Changes

Modern States, striving to increase gradually the efficiency of their systems' functioning, and in particular the transparency of legal and economic processes, are with growing frequency implementing digital solutions, thereby securing economic transactions. Poland, like many other States of the old continent, is gradually implementing digital-transformation policies and strategies.

Among the examples one should mention the development of digital platforms — ePUAP (the Electronic Platform of Public Administration Services) and the mObywatel application, as well as the National e-Invoicing System (KSeF).¹⁴ The draft Act prepared within the Ministry of Justice amending the Act on the National Court Register and certain other acts (UD50) forms part of the existing trend of legislative development in this field.¹⁵

Within the draft Act in question, the drafter proposed three principal modifications aimed at improving and digitalising the mechanisms operating within the National Court Register. The first provides for access to KRS data through web services. In introducing changes to Article 4 of the Act on the KRS,¹⁶ the drafter seeks to create the possibility for public entities within the meaning of Article 2(1) of the Act of 17 February 2005 on

¹²Act of 17 November 1964 — Code of Civil Procedure (consolidated text: Journal of Laws 2024, item 1568, as amended).

¹³Zamojski, *Krajowy Rejestr Sądowy*, Art. 8.

¹⁴Act of 9 May 2024 amending the Act amending the Act on the tax on goods and services and certain other acts (Journal of Laws, item 852).

¹⁵Governmental draft Act amending the Act on the National Court Register and certain other acts, 10th term, Sejm print no. 1311, <https://www.sejm.gov.pl/sejm10.nsf/druk.xsp?nr=1311> (accessed: 3 June 2025), pp. 2–3.

¹⁶See the Act of 20 August 1997 on the National Court Register (consolidated text: Journal of Laws 2024, item 979, as amended), Art. 4.

the computerisation of the activity of entities performing public tasks,¹⁷ and for other entities that perform public tasks on the basis of separate provisions or as a result of the entrustment or commissioning of their performance by a public entity, to obtain information from the KRS by means of web services. The process will take place principally by means of so-called APIs.¹⁸ In accordance with recital 32 of Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, an API is a set of functions, procedures, definitions and protocols for machine-to-machine communication and the seamless exchange of data. These interfaces may differ in their level of complexity and may denote a simple link to a database allowing the retrieval of specified datasets, an internet interface, or a more complex configuration.¹⁹ In order to apply for access in the manner described above, it is necessary to submit an application indicating the statutory tasks requiring access to the data. Besides the entities indicated above, an entity representing a given set of entities — for example intermunicipal associations or trade unions — may also be entitled to submit an application. In order to obtain consent, the given entity must possess an ICT system enabling the identification of the specific person obtaining the information, together with the scope of the information provided and the date on which it was made available. Moreover, that system would have to be equipped with appropriate technical and organisational safeguards. A precondition for obtaining the data will also be the existence, on the part of the Central Information Office, of the requisite technical conditions. If the above requirements are not satisfied, the Minister of Justice will refuse consent. Where such a situation arises immediately after consent has been granted, the Minister of Justice will be entitled to withdraw it. The draft Act does not provide for the charging of fees by the Central Information Office of the KRS for making available, through web services, the information contained in the Register.²⁰

The drafter also proposed abolishing the obligation to announce, in the Court and Commercial Gazette, the entries made in the National Court Register. This means that the system of presumptions arising from the Act on the KRS must be based on publication in the KRS, and not in the Court and Commercial Gazette. The day of posting an entry in the KRS will constitute the day from which the defined legal effects follow. Such a solution

¹⁷Act of 17 February 2005 on the computerisation of the activity of entities performing public tasks (consolidated text: Journal of Laws 2024, item 1557, as amended).

¹⁸Explanatory memorandum to the governmental draft Act amending the Act on the National Court Register and certain other acts, 10th term, Sejm print no. 1311, <https://www.sejm.gov.pl/Sejm10.nsf/druk.xsp?nr=1311> (accessed: 3 June 2025), pp. 2–3.

¹⁹Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

²⁰Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, <https://www.sejm.gov.pl/Sejm10.nsf/druk.xsp?nr=1311> (accessed: 7 June 2025), 3.

is intended, according to the drafter, to ensure the certainty and security of transactions.²¹ It is worth noting that Article 16 of the Act on the KRS governs reliance on ignorance of the content of an entry in the Register.²² By repealing this provision, the drafter seeks to unify the possibility of relying on ignorance of the content of a KRS entry — in the register of associations, of other social and professional organisations, of foundations and of independent public healthcare institutions, and of certain entries made in the register of entrepreneurs.²³ In addition, the draft provides for the repeal of Article 13(1), Article 16, Article 49(2) and Article 58 of the Act on the KRS, and for amendments to Articles 15, 19a(6), 20, 20c(3), 42 and 47a(4) of the same Act. Moreover, the changes envisaged by the drafter do not extend solely to the Act on the KRS. The changes envisaged in other statutes are: Article 126 § 3 of the Act of 16 September 1982 — Cooperative Law,²⁴ Article 110zf of the Act of 29 July 2005 on trading in financial instruments,²⁵ Article 6(3) of the Act of 27 April 2006 on social cooperatives,²⁶ and Article 1 of the Act of 22 December 1995 on the publication of the Court and Commercial Gazette.²⁷ The legislative changes are also to concern EU entities, that is, European economic interest groupings, European companies and European cooperative societies.

The final change envisaged by the drafter is the full computerisation of the register of associations, other social or professional organisations, foundations, and independent public healthcare institutions. This entails fundamental changes in the manner of maintaining the registry files, as well as of submitting applications and pleadings.²⁸ In the light of the forthcoming legislative changes, specific modifications are envisaged, in particular the exclusive maintenance of registry files in ICT form and the electronic submission of applications and pleadings, the extension of the S24 procedure, and the maintenance of a collection of paper documents.²⁹ It should be emphasised that the changes presented above do not exhaust the catalogue of modifications envisaged by the drafter in the field discussed. The provisions contained in the Act on the KRS will be repealed and amended,

²¹Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, <https://www.sejm.gov.pl/Sejm10.nsf/druk.xsp?nr=1311> (accessed: 7 June 2025), 4.

²²Act of 20 August 1997 on the National Court Register (consolidated text: Journal of Laws 2024, item 979, as amended).

²³Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 5.

²⁴Act of 16 September 1982 — Cooperative Law (consolidated text: Journal of Laws 2024, item 593).

²⁵Act of 29 July 2005 on trading in financial instruments (consolidated text: Journal of Laws 2024, item 722, as amended).

²⁶Act of 27 April 2006 on social cooperatives (consolidated text: Journal of Laws 2025, item 178, as amended).

²⁷Act of 22 December 1995 on the publication of the Court and Commercial Gazette (consolidated text: Journal of Laws 2023, item 1395).

²⁸Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, pp. 5–6.

²⁹Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 6.

including, among others, Article 9(5), Article 19(3), (4), (9) and (11), Article 9(1), (1a) and (6), and Article 19(2), (7) and (10), first sentence, of the Act.³⁰ The amendment in question provides for specific intertemporal regulations connected with the course of judicial proceedings. Under these, proceedings before the registry court that have been commenced but are not concluded before the date of entry into force of the new provisions will be continued on the basis of the existing legal regulations. The new provisions, however, will apply exclusively to proceedings arising on the day of entry into force of the amendment or thereafter.³¹

4. Analysis of the Proposed Changes

Every legislative proposal is, in principle, meant to bring chiefly benefits; yet it rarely happens that new regulations are devoid of any defects whatsoever. It is precisely the analysis of the proposals submitted by drafters that constitutes the basis for assessing the legitimacy of introducing any modifications in the law. That assessment, in turn, may provide an impulse for a broader discourse on the direction of the changes proposed by the legislature. The modifications presented in the draft amending the Act of 20 August 1997 on the National Court Register (KRS), as regards making the Register's data available via API to the indicated entities performing public tasks, appear justified. The proposal corresponds to the national trends of striving for the ever-broader computerisation of Poland's ordinary judiciary.

The introduction of APIs is a step towards the modernisation and digitalisation of the areas indicated above. Moreover, this change will contribute to improving the performance of public tasks. Public entities, and those performing tasks of a public character, will gain rapid access to significant data used in their work, thereby considerably shortening the time it takes. Reducing the workload devoted to the manual acquisition of information will increase the efficiency of their work. More efficient access to up-to-date KRS data means, in turn, the minimisation of errors and the acceleration of verification and decision-making processes. The authority competent in matters of personal-data protection, that is, the President of the Personal Data Protection Office (UODO), expressed its position with reference to the proposed change. It does not question the very legitimacy of introducing access to the Register's information for defined entities via APIs. It emphasises only that the data controller (in the case under consideration, the Minister of Justice as the administrator of the system, and the courts as controllers of the data) bears the duty of exercising control over the data to be made available. This is required by Article 24(1) in con-

³⁰Act of 20 August 1997 on the National Court Register (consolidated text: Journal of Laws 2024, item 979, as amended).

³¹Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 8.

junction with Article 5 of Regulation 2016/679 (GDPR).³² The most significant reservation of the President of the UODO concerns the content of the proposed Article 4(4h) of the Act on the KRS, added by Article 1(2) of the draft. The wording of this provision is that the Minister of Justice may at most require the applicant entity to demonstrate in detail that the premises set out in Article 4(4e)(1)–(3) of the Act on the KRS have been satisfied, but is not legally obliged to do so.³³ The President of the UODO argues that the non-mandatory character of this provision raises the question of the normative foundation (the legal basis) that would support the administrative decision issued by the Minister of Justice concerning the making available of the data. Failing to examine these premises may infringe the principle of lawfulness contained in Article 5(1)(a) GDPR, and Article 5(2) GDPR, which imposes on the controller the so-called accountability requirement.³⁴ The Ministry of Justice, responding to the opinion of the President of the UODO, emphasised that both the principle of legality and the accountability requirement will be realised through the proposed Article 4(4i) of the Act on the KRS. This provision lays down mandatory requirements in the event of a refusal of consent by the Minister of Justice.³⁵ It is worth noting that a refusal of consent by the Minister of Justice must indeed result from a failure to satisfy the specific premises indicated by the drafter, but this is not tantamount to the granting of consent having to be preceded by verification of their satisfaction.

Nevertheless, the requirement of documentary diligence in administrative decisions ought to be uniform, regardless of the content of the ruling.³⁶

There is no doubt that the drafter's motivation in creating the Act in question was the necessity of adapting to dynamic technological progress.

This phenomenon is common across many branches of the law, since the contemporary management of public affairs requires a considerably broader use of information technologies.³⁷ As a result, the proposal to derogate from the obligation to announce, in the Court and Commercial Gazette, the entries made in the National Court Register did not arouse significant opposition within the legal community.³⁸ It appears that universal access to the National Court Register (KRS) renders the duplication

³²Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1, as amended.

³³Opinion of the President of the Personal Data Protection Office on the draft Act (UD50), pp. 2–3.

³⁴Mariusz Jagielski, "Dokumentacja, głupcze! Czyli o tym, jak czytać przepisy RODO z uwzględnieniem zasady rozliczalności," <https://www.proinfo.pl> (accessed: 7 June 2024).

³⁵Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 4.

³⁶Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 4.

³⁷Marek Kisilowski and Krzysztof Urbaniak, "Wykorzystanie technologii informacyjnych w zarządzaniu publicznym w Polsce," *Studia Ekonomiczne*, no. 169 (2013).

³⁸Tomasz Szczurowski, "Nowa regulacja postępowania rejestrowego," *Przegląd Prawa Handlowego*, no. 10 (2018).

of announcements in the Court and Commercial Gazette (MSiG) superfluous.

Nevertheless, attention is drawn to the financial consequences of this change. It will cause a fall in State-budget revenue of approximately PLN 28 million. This sum was estimated on the basis of an analysis of data from the KRS Divisions Support System for 2023.³⁹ Nor can one overlook the fact that amending these provisions will also directly affect the revenue of municipalities generated from the tax on civil-law transactions. According to the drafter, there will be a reduction in the practice consisting in companies reducing the tax base upon the conclusion or amendment of a company agreement, in accordance with Article 6(9)(3) of the Act of 9 September 2000 on the tax on civil-law transactions.⁴⁰

Indisputably, the introduction of certain changes, especially those that require keeping pace with ever-faster technological development, may generate financial losses for the State budget. However, from the perspective of the State's long-term interest, this may prove worthwhile, since the value of a given change should not rest solely and exclusively on financial profitability.

The assessment of the legitimacy of introducing solutions aimed at the technological modernisation of the State system should take into account a broader spectrum of factors. The Ministry of Justice assessed that the gain achieved through introducing the regulation appears more momentous than the detriment that will arise on the part of the State budget.⁴¹

The change to the requirement as to the manner of submitting applications for entry in the register of associations, and to the manner of maintaining the registry files of entities entered in the register of associations, other social or professional organisations, foundations, and independent public healthcare institutions, gave rise to the greatest discussion among the representatives of the legal community. Through the introduction of the solutions indicated above, the rules for the registration of associations will be equated with the requirements binding for the register of entrepreneurs in the National Court Register.⁴² Since 1 July 2021, within the structure of the National Court Register, the register of entrepreneurs has been maintained exclusively in the digital domain.⁴³ By contrast, the submission of applications and pleadings relating to entities from the register of associations is possible in paper form or by means of the ICT system. In the context of the

³⁹Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 9.

⁴⁰Act of 9 September 2000 on the tax on civil-law transactions (consolidated text: Journal of Laws 2024, item 295, as amended).

⁴¹Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 9.

⁴²Tomasz Szczurowski, "Nowa regulacja postępowania rejestrowego," *Przegląd Prawa Handlowego*, no. 10 (2018).

⁴³Act of 20 August 1997 on the National Court Register (consolidated text: Journal of Laws 2024, item 979, as amended).

second of these circumstances, the registry files are printed.⁴⁴ The principal thrust of the amendment discussed is the complete electronicisation of the registration procedure for civil-society organisations (NGOs), which reflects the path already travelled by entities entered in the register of entrepreneurs. Assessments of the proposed changes are varied.

The Ministry of Justice and representatives of the legal community clearly advocate digitalisation. The Ministry of Justice operates with a statistical argument, pointing to the significant difference in the percentage of applications returned.

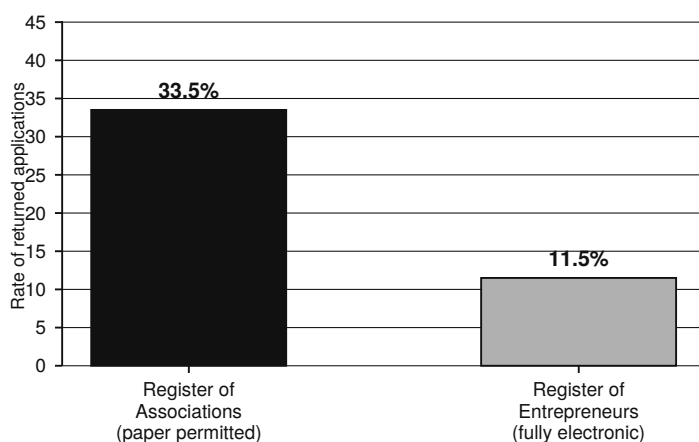


Figure 1. Rate of returned applications: register of associations (paper form permitted) versus the fully electronic register of entrepreneurs.

Source: Own elaboration on the basis of the governmental draft Act amending the Act on the National Court Register and certain other acts, 10th term, Sejm print no. 1311, pp. 7 and 10, <https://www.sejm.gov.pl/sejm10.nsf/druk.xsp?nr=1311> (accessed: 7 June 2025).

The interpretation of the statistical data presented unequivocally points to a problem with the formal correctness of the applications submitted in the register of associations. As regards applications for registration in that register (where the paper form is permitted), the rate of returns remains alarmingly high. It stands at approximately 33–34%. This leads to the conclusion that every third application is submitted incorrectly. This gives rise to the need for additional work on the part of both applicants and the courts. In the case of the fully electronic register of entrepreneurs, by contrast, the percentage of applications returned oscillates around 11–12%. The Ministry of Justice argues that the persistent disproportion of over 20% demonstrates that the electronic system is considerably more effi-

⁴⁴Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 6.

cient and minimises formal errors.⁴⁵ In addition, proponents of the change in question argue that the implementation of full electronicisation of NGO registration is regarded as a desirable, indeed inevitable, direction. They also point out that the registration process does not require the engagement of professional legal services, but merely basic digital competences. However, despite the deep conviction of part of the legal community as to the necessity of electronicising the register of associations, there are also voices postulating that the possibility of submitting applications in paper form be retained.⁴⁶

It is argued in the discourse that this change may restrict the constitutional right to a court, since the practical observations of adjudicators indicate that operating the KRS system exceeds the capabilities of many entities that do not have sufficient funds to avail themselves of professional legal services. These entities usually operate on a non-profit basis and are frequently represented by persons whose level of digital competence is low. Moreover, problems connected with operating the system are also encountered by professional attorneys and entrepreneurs, in view of which the proposed change is assessed as illusory. A person submitting an application electronically will continue the process of submitting the application until the objective is achieved, often submitting the same application several times.⁴⁷

The Ministry of Justice did not take the above observations into account, arguing that the electronic system was designed in a manner enabling prompts to be displayed to the applicant as to how to complete the application correctly, attach the enclosures, sign it, and pay the fee. Accordingly, the objection concerning the duplication of substantively identical applications finds no confirmation, since the divergence between completing the paper and the electronic form does not occur at the level of legal complexity; rather, in both cases a knowledge of the formal basics is required.⁴⁸ When a given entity sets about creating, for example, an association, it should possess basic knowledge in both legal and formal matters. In the case of insufficient knowledge in these areas, it usually avails itself of the assistance of an attorney, without regard to whether the application takes a paper or an electronic form.⁴⁹

⁴⁵Governmental draft Act amending the Act on the National Court Register and certain other acts, 10th term, Sejm print no. 1311, p. 10.

⁴⁶Tomasz Ciechoński, "Przymusowa cyfryzacja rejestru stowarzyszeń," *Prawo.pl*, <https://sip.lex.pl> (accessed: 7 June 2024).

⁴⁷Katarzyna Żaczekiewicz-Zborska, "Rejestracja stowarzyszeń i fundacji online, są założenia do ustawy," *Prawo.pl*, 16 July 2024, <https://www.prawo.pl> (accessed: 7 June 2024).

⁴⁸Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, pp. 6–7.

⁴⁹Explanatory memorandum to the governmental draft Act, 10th term, Sejm print no. 1311, p. 7.

5. Conclusion

The Act proposed by the drafter amending the Act on the National Court Register and certain other acts follows directly from the concept of the further electronicisation of the registration procedure. That concept is consistent with the dominant directions of development of public registers observed in Europe. However, every modification is subject to assessment from differing points of view. The draft Act in question does not differ in this respect. The divergence of opinions is, in this regard, understandable. Adherents of digitalisation concentrate on the systemic paradigm, while its opponents focus on strictly organisational elements and potential negative consequences in the short and medium term. The dichotomy of these two optics leads to the conclusion that a holistic approach to the digitalisation of the register requires a strategic vision. It should take into account longterm systemic goals, while at the same time not making light of the potential current challenges at the level of individual units. The issue does not come down to unreflectively accepting or rejecting one perspective or the other, but rather to synthesising them. Only then is it possible to achieve the optimal legislative effect, which will bring benefit both to the system

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