

A COMMON EUROPEAN LAW ON INVESTMENT SCREENING **CELIS INTERNATIONAL CONFERENCE**

Marek Jeżewski PhD

Kochański and Partnerzy

Szymon Pawłowski PhD

Institute of International Law, EU and International
Relations

- ▶ 2017
 - ▶ stock and other direct holdings 635 579 mln zloty
 - ▶ debt instrument 194 651 mln zloty
- ▶ 2013
 - ▶ stock and other direct holdings 540 261 mln zloty
 - ▶ debt instrument 149 989 mln zloty
 - ▶ Source: NBP

FOREIGN INVESTMENT IN POLAND

▶ A social market economy, based on the freedom of economic activity, private ownership, and solidarity, dialogue and cooperation between social partners, shall be the basis of the economic system of the Republic of Poland (Art. 20)



THE CONSTITUTIONAL STANDARD

- ▶ foreigner legally undertakes a business activity on the territory of Poland, such person is protected by international law, in accordance with at least a minimum standard of treatment for foreigners.

FOREIGN INVESTMENT

A decorative graphic consisting of several parallel white lines of varying lengths, slanted upwards from left to right, located in the bottom right corner of the slide.

- ▶ The Republic of Poland shall protect ownership and the right of succession.
Expropriation may be allowed solely for public purposes and for just compensation. (Art. 21)
- ▶ Limitations upon the freedom of economic activity may be imposed only by means of statute and only for important **public reasons**. (Art. 22)

THE CONSTITUTIONAL STANDARD

- ▶ making an investment on the territory of the Republic of Poland does not require a separate permit, that is a permit other than the one stipulated in legal regulations for a specific form or object of business activity.

THE CONSTITUTIONAL STANDARD

- ▶ An international agreement ratified upon prior consent granted by statute shall have precedence over statutes if such an agreement cannot be reconciled with the provisions of such statutes.
- ▶ If an agreement, ratified by the Republic of Poland, establishing an international organization so provides, the laws established by it shall be applied directly and have precedence in the event of a conflict of laws.
- ▶

EU LAW AND CONSTITUTION OF POLAND



- ▶ „Article 41, second sentence, of the Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, p. 1, as amended) is consistent with Article 45(1) and with Article 32(1) in conjunction with Article 45(1) of the Constitution of the Republic of Poland”.

JUDGMENTS OF CONSTITUTIONAL TRIBUNAL
18/11/2011 **SK 45/09**

▶ Dziękuję za uwagę

