

AmCham Advocacy Bulletin May 2021

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1. AmCham's support for the economic aid recovery programs after the COVID-19 pandemic; the reconstruction fund

The COVID-19 pandemic created an unprecedented situation for all business entities operating in Poland, affecting their economic activity and further development progress. Support for companies and the creation of recovery programs is crucial to ensure fastening a quick return to growth and preserving the economic potential of the most disadvantaged industries.

The Reconstruction Fund is the European Union's response to the latest threats and challenges caused by the pandemic to rebuild and restore EU economies' resilience to possible crises and prepare for future unforeseen circumstances. The Ministry of Funds and Regional Policy worked on the National Reconstruction Plan (KPO) and launched a public consultation. The plan will be the basis for obtaining money from the Fund. Thanks to this, financial support will go towards the economy for various sectoral branches.

Bearing the above in mind, AmCham has presented its position paper to the National Reconstruction Plan with a wide range of postulates for the most effective allocation of funds in the Polish economy. The AmCham position paper is available [here](#).

AmCham also actively supports its member companies through other activities - the active dialogue with the public sector (e.g., the representatives of the Ministry of Development, Labor and Technology - Undersecretary of State Robert Tomanek; Secretary of State Iwona Michałek; Director of the Department of Innovation and Industrial Policy Beata Lubos) or by commenting on other initiatives that are to ensure a Polish economic recovery (available [here](#)).

2. Recommendation for Vaccination in Poland

AmCham actively continues our action dedicated to supporting the government in combating and managing the COVID-19 pandemic. After we met with the representatives of the Ministry of Health and the Chancellery of the Prime Minister regarding the vaccination plan at the end of December last year, we currently have presented [our recommendations](#) to the organizational assumptions for vaccinating employees in workplaces.

According to the latest guidelines:

- The following entities may participate in the workplace vaccination program if they meet the criteria of exceeding 300 persons in the application: single employer; employers group (e.g., from a single building or industrial zone, corporate group, subcontractors of the primary reporting entity, etc.); professional assembly or industry associations; universities: employees and students (over 18 years of age).
- The workplace may register the following persons: employees, members of professional self-governments and industry associations; cooperating persons (employed under a civil law contract or self-employed); students who are 18 years of age or older (reported by the university) or family members of the persons mentioned above.
- The workplace should report using the form that is available on the website of the Government Security Center.
- The date on which workplace vaccination begins depends on the availability of vaccines. In May and June, more companies will be successively added to the vaccination program.
- If the employee's previously agreed date of vaccination falls earlier than the date set for vaccination at the workplace, the employee is vaccinated at the vaccination point, and if later, the record is deleted, and the employee is vaccinated at the workplace.

More information is available [here](#).

3. Introduction of the remote work provisions to the Labor Code

The Polish government is working on regulations introducing remote work into the Labor Code, which are highly anticipated by the labor market, especially in today's challenging times of the COVID-19 pandemic and the progressive digitization of work.

AmCham supports the direction of the draft regulations and appreciates their flexibility. Nevertheless, to work out the most favorable solutions for the efficient functioning and development of the labor market for employers and employees who widely use this form of work, we have presented our position paper with comments and suggestion to, e.g.:

- Clarification of the definition of remote work;

- Settlements between the employee and the employer for remote work;
- The manner of settling between the employee and the employer related to the provision of remote work;
- Lump-sum and equivalent exemption from public and legal burdens,
- Health and safety issues.

You will find [here](#) the AmCham position paper and [here](#) the act draft.

4. Media advertising tax bill in Poland

On February 2, the government has announced a new draft act on additional revenues to the National Health Fund, the National Monument Protection Fund, and the creation of the Support Fund for Culture and National Heritage in the Media Area.

The new law is intended to impose a new contribution on revenues from advertising from both the internet and traditional media to prevent the long-term health, economic and social consequences of the COVID-19 pandemic. It will include, e.g., television and radio broadcasters, press publishers and cinemas, outdoor advertising companies, and global internet companies. The contribution rates on advertising revenues are to be differentiated depending on the type of media. Revenues from the new contribution are estimated at **PLN 800 million annually**. The new law was planned to enter into force as of July 1, 2021.

AmCham, during the conducted public consultations, along with other international chambers of commerce, has presented its position paper with comments that, e.g.:

- The proposed regulations will harm the Polish economy and its competitiveness as well as the media sector providing thousands of jobs in Poland;
- The weakening of the financial situation of the media in Poland will contribute to the unequal treatment of entities and the information and digital exclusion;
- We are in favor of adopting in the country a uniform development at the EU and OECD level of a Digital Services Tax solution to avoid double taxation;
- The vacation legis period is too short, and the entities covered by the Act could not foresee additional expenditure in the annual budgets already affected by the crisis.

The whole position paper is available [here](#).

5. Aviation sector

AmCham supports the broadly understood aviation and tourism sectors, which have undergone severe challenges due to the COVID-19 pandemic. Its international traffic slumped,

and hotel restrictions affected a decline in revenue which then spilled over people's jobs in these sectoral branches. As part of an initiative, we have conducted a vivid dialogue with government representatives and many other social partners on feasibility in maintaining Poland's competitiveness and further develop the aviation and tourism industries when the pandemic situation will enable people to travel. At the end of last year, we conducted a round table meeting for the aviation branch with the participation of Jarosław Gowin, Deputy Prime Minister & Minister of Development, Labor and Technology; Olga Semeniuk, Undersecretary of State at the Ministry of Development, Labor, and Technology; and Bartosz Marczuk, Vice President of the Polish Development Fund.

Our main postulates are, e.g.:

- Preparing the white book for the aviation sector;
- The establishment of the special aviation fund;
- The appointment of the government's plenipotentiary for aviation;
- The multi-industry campaign - encouraging safe traveling.

In the AmCham structures, there is an aviation group that is actively working on the initiative. If your company is interested in the joint action, please contact AmCham's legal team.

6. Health sector

AmCham continues its activities in the health area, operating primarily through the AmCham Pharma Committee and the Group for Innovative Medical Devices.

The AmCham Pharma Committee is a platform associating critical companies in the pharmaceutical market in Poland. Its purpose is to develop the business environment and investments in the pharmaceutical industry aimed at patient welfare, regulatory stability, and business predictability through increased transparency in the legislative process and decisions made in consultation with public partners.

In the recent activities of the committee, in cooperation with the Employers of the Republic of Poland, it carried out a report analyzing the quality of law-making in the area of healthcare in Poland, together with recommendations aimed at creating a stable law that also favors new investments. Based on this report, on March 2021, AmCham organized a debate in which a broad representation of the public sector took part, including the Chairman of the Parliamentary Health Committee, Mr. Tomasz Latos, Members of the Parliamentary Health Committee, Mr. Dariusz Klimczak, Mr. Marek Rutka, and the Chairwoman of the Senate Health Committee Ms. Beata Małecka Libera as well as other health organization representatives. The report is available [here](#).

The AmCham Pharma Committee also established a Coalition of Chambers of Commerce for Health that currently gathers seven business organizations and aims to support the further development of health protection and adequate financing to the average level of OECD countries, thus improving access to high-quality medication and non-drug technologies in Poland. The Coalition of Chambers of Commerce conducts various actions to strengthen Poland's health protection and constructive dialogue with social partners and professionals by providing an expert voice.

The Group for Innovative Medical Devices has issued a report entitled "Innovative Technologies - How medical devices can improve health protection in Poland." The report analyzes the market of innovative medical devices in Poland, indicates their value to the health system, and contains postulates on the opportunities on how to use innovative medical devices. The report is available [here](#).

7. Digital Service Act and Digital Markets Act

The Digital Service Act and Digital Markets Act are vital steps in the digital future of Europe. The DSA introduces new digital services rules such as social media, e-commerce platforms, and other online platforms operating in the European Union. It touches upon critical issues, e.g., removing illegal content from the internet, protecting freedom of speech, and online advertising.

The DMA is intended to introduce standard rules in the single market to foster innovation, growth, and competitiveness. The Acts mentioned above will be in the form of the European Union regulations, and AmCham took part in public consultations conducted by the Polish government to be used as Poland's official position.

AmCham and its member companies also participated in consultation meetings organized by the Ministry of Economic Development, Labor and Technology, and the Chancellery of the Prime Minister. Our comments to DSA are available [here](#) and to DMA [here](#).

8. The Artificial Intelligence Working Group

AmCham was successfully appointed as a member of the Artificial Intelligence Working Group of the Prime Minister's Office (GRAI). The working group was created to intensify activities related to artificial intelligence in the public and private sectors by ensuring it is used appropriately when developing the technology for its usage. The working group is in force to ensure we conduct proper scientific research and create an educational campaign on new technologies in Poland.

We believe that the GRAI work will support the development of Artificial Intelligence and ensure the transformation of Polish industries, businesses, and public services into the most

up-to-date technologies and solutions and, as a result, strengthen the return to economic growth after the COVID-19 pandemic.

Our representatives will be Mr. Piotr Beńke, CTO & Technical Sales Leader at IBM, and Mr. Rafal Kuklinski, Director, Text-to-Speech at Amazon.

9. Other AmCham activities

- [AmCham's position on the draft act amending The Act on obligations of entrepreneurs as regards to the management of certain waste and on product fee and certain other acts;](#)
- [IGCC's position paper on Transfer pricing tax clarifications;](#)
- [AmCham's position on the withdrawal of SF6 from its use in electrical equipment under the European Union regulation;](#)
- [The Coalition of Chambers of Commerce's position regarding the implementation of the provisions of the Act on the Medical Fund;](#)
- [The Coalition of Chambers of Commerce's position regarding issuing "S" prescriptions for free medicines for seniors;](#)
- [The common position of several International Chambers of Commerce in Poland regarding the Compensation Fund.](#)