

BUSINESS ACTIVITIES OF FOREIGN PERSONS

Foreign person is a natural person who does not hold Polish citizenship (art. 5 item 2a of the act of 2 July 2004 on freedom of conducting business activity – i.e. Journal of Laws of 2010 No. 220, item 1447 as amended)

In line with art. 13 of the aforementioned act, foreign persons are:

I. Foreign persons from the states of European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Spain, the Netherlands, Ireland, Lithuania, Luxembourg, Latvia, Malta, Germany, Portugal, Romania, Slovakia, Slovenia, Sweden, Italy, Hungary, United Kingdom), from member states of European Free Trade Association (EFTA) – parties to the agreement on European Economic Area (Norway, Iceland, Liechtenstein) and foreign persons from the states that are not parties to the agreement on European Economic Area that may take advantage of the freedom of establishment under the agreements concluded with European Community and its member states (Switzerland).

These persons may take and run business activities within the area of the Republic of Poland under the same principles as Polish citizens.

II. Foreigners, citizens of other states than the ones listed in item I, who:

1) hold within the area of the Republic of Poland:

- a) permanent residence permit,
- b) residence permit for a long-term EC resident,
- c) residence permit for a fixed period, granted in relation to the circumstances referred to in art. 53 sec. 1 items 7, 13, 14 or 16 of the act of 13 June 2003 on foreigners (Journal of Laws of 2006 No. 234, item 1694 as amended), regarding:

- family members of the foreigner holding permanent residence permit or residence permit for a long-term EC resident or refugee status or of the foreigner residing at least 2 years for a fixed period as well as scientists,
- long-term European Community resident,

- family member of long-term resident who earlier resided with them within the area of other state of European Union,
- foreigner residing or arriving in Poland in order to start or continue full-time higher education courses or PhD courses,

d) residence permit for a fixed period, granted to a family member staying within the area of the Republic of Poland or staying within this area in order to be reunited with their family within the meaning of art. 53 sec. 2 and 3 of the act on foreigners, as above, (family members in this case are: spouse and under-age children, their own as well as from earlier relations or adopted),

e) refugee status,

f) subsidiary protection,

g) tolerated residence permit,

h) persons who hold residence permit for a fixed period and are married to a Polish citizen residing within the area of the Republic of Poland.

2) use temporary protection in the Republic of Poland,

3) hold a valid Polish Charter (*Karta Polaka*),

4) are family members within the meaning of art. 2 of the act of 14 July 2006 on entry into the Republic of Poland, residence in and exiting this area by the citizens of European Union Member States and their family members (Journal of Laws of 2006 No. 144, item 1043 as amended), who join the citizens of the states, referred to in item I or are staying with them.

Foreign persons listed above may take and run business activities within the area of the Republic of Poland under the same principles as Polish citizens by making an entry to the register of business activities:

- in the commune competent for entrepreneur's residence on condition that the foreign person has a residence (temporary residence permit) in a given municipality in the Republic of Poland,
- in the commune competent according to the primary location of conducting business activities within the area of the Republic of Poland, when the foreign person keeps their permanent residence location outside the area of the Republic of Poland.

III. Family members, i.e. spouse and under-age children, shared as well as those from previous relationships and adopted children, of foreign persons to whom international agreements, referred to in item III, apply, holding residence permit for a fixed period, may take and run business activities under the same principles and foreign persons.

IV. Family members i.e. spouse and under-age children, shared as well as those from previous relationships and adopted children, holding residence permit for a fixed period, granted in relation to residence within the area of the Republic of Poland or residence within this area in order to be reunited with their family – foreigners who hold residence permit for a fixed period and conduct business activities based on an entry to the register of business activities made under the principle of reciprocity, may take and conduct business activities in the same scope as those foreigners.

V. Foreign persons other than those listed above are entitled to take and run business activities only in the form of the following companies: limited partnership, limited joint-stock partnership, limited liability company and joint-stock company, as well as to join such companies, and take or purchase their stocks and shares, unless international agreements stipulate otherwise. This activity is registered in National Court Register.

Entrepreneurs from European Union Member States, member states of European Free Trade Association (EFTA) – parties to the agreement on European Economic Area and entrepreneurs from the states that signed with European Community and its member states agreements regulating the freedom of service provision, may temporarily provide services under the principles specified accordingly in the provisions of the Treaty establishing the European Community (OJ of 2004, No. 90, item 864/2) or in the provisions of these agreements, without the requirement to obtain an entry into the register of entrepreneurs or register of business activities.

Useful information:

- Department for Citizenship and Foreigners' Affairs (Pomeranian Voivodeship Office)
- National Court Register in Gdańsk – 7th Division
- Office for Foreigners