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Item 1085

ACT

of 25 July 2025

amending the Restructuring Law, the Bankruptcy Law and the on the National Debt Register¹⁾

Art. 1. The Act of 15 May 2015 – Restructuring Law (Journal of Laws of 2024, item 1428) shall be amended as follows:

- 1) a reference No. 1 shall be added to the title of the Act, reading as follows:

"¹This Act implements Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, debt discharge and prohibitions on and on measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive (EU) 2017/1132 (the Restructuring and Insolvency Directive) (OJ EU L 172 of 26.06.2019, p. 18 and OJ EU L 43 of 24.02.2022, p. 93).";

- 2) in Title I, Section I, Chapter 3, after the word ‘restructuring’, the words ‘and satisfaction test’ shall be added;

- 3) in Article 10:

- a) in paragraph 1:

– point 4 shall read as follows:

‘4. a full description and overview of the planned restructuring measures and related costs, in particular:

- a) an indication of the overall impact on employment, including planned redundancies and the organisation of reduced working hours,
- b) arrangements for informing and consulting with the debtor's employee representatives;"

– after point 8, the following point 8a is added:

"8a) a statement of the debtor's assets and liabilities, including an estimate of the value of the assets and a description of the debtor's economic situation and the situation of its employees;"

- b) after paragraph 2, paragraph 2a shall be added, reading as follows:

"2a. The description of the debtor's enterprise shall include information on whether, on the date of filing the restructuring application, the debtor was a micro, small or medium-sized enterprise.";

¹This Act implements Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on a framework for preventive restructuring, debt discharge and disqualifications (EU) 2019/1023 of 20 June 2019 on preventive restructuring frameworks, debt discharge and disqualifications, and on measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive (EU) 2017/1132 (the Restructuring and Insolvency Directive) (OJ EU L 172 of 26.06.2019, p. 18 and OJ EU L 43 of 24.02.2022, p. 93).

4) After Article 10, Article 10a is added, reading as follows:

"Article 10a. 1. The supervisor or administrator shall prepare a satisfaction test, which shall include:

- 1) a valuation indicating the methods and assumptions used in its preparation, including:
 - a) the value of the debtor's enterprise assuming the implementation of the restructuring plan and the continuation of business activity,
 - b) the value of the debtor's assets assuming that the debtor is declared bankrupt and the enterprise is sold as a whole, and assuming that the sale of the enterprise as a whole is abandoned and individual assets are sold; if the debtor's assets are encumbered with a mortgage, pledge, registered pledge, tax lien, maritime mortgage or other rights and the effects of disclosure of personal rights and claims, the valuation should specify separately which of these rights remain in force after the sale in bankruptcy proceedings- as well as the value of these rights and the value of the assets encumbered by them;
- 2) information on the expected degree of satisfaction of creditors whose claims are covered by the arrangement in bankruptcy proceedings that would be conducted against the debtor, including the following data:
 - a) the value of the debtor's assets referred to in point 1(b),
 - b) the expected duration of the bankruptcy proceedings and the expected amount of the costs of the bankruptcy proceedings and other liabilities of the bankruptcy estate,
 - c) the category in which creditors representing groups comprising specific categories of interests would be satisfied in the bankruptcy proceedings;
- 3) assessment of whether the claims covered by the arrangement will be satisfied to a greater extent in the event of the conclusion and implementation of the arrangement or in bankruptcy proceedings.

2. In the case of a debtor whose bankruptcy cannot be declared in accordance with the provisions of the Bankruptcy Law, the value of the assets referred to in paragraph 1(1)(b) and the information referred to in paragraph 1(2) shall refer to a situation in which enforcement proceedings would be conducted.

3. The supervisor, with the consent of the debtor, or the administrator may commission third parties to prepare the valuation referred to in paragraph 1(1). The supervisor or administrator may take into account the participants' suggestions as to the methods and assumptions for preparing the valuation and the persons preparing the valuation.

4. The satisfaction test shall not be prepared in restructuring proceedings conducted against a debtor who is a micro-entrepreneur.

5) after Article 25, Article 25a shall be added, reading as follows:

"Article 25a. 1. The supervisor and the administrator shall assist the debtor and creditors in their negotiations on the conclusion of an arrangement.

2. The supervisor and administrator, with the consent of the debtor, may engage a mediator to assist in the negotiations referred to in paragraph 1. The agreement with the mediator shall be concluded by the supervisor or administrator.";

6) After Article 34a, Article 34b shall be added, reading as follows:

"Article 34b. 1. In matters concerning the commissioning of a restructuring plan to third parties, referred to in Article 10(4), commissioning a valuation to third parties, referred to in Article 10a(3), concluding an agreement with a mediator, referred to in Article 25a(2), and commissioning an opinion, referred to in Article 164(3a), the supervisor shall act on its own behalf on account of the debtor.

2. The supervisor shall not be liable for obligations incurred in the matters referred to in paragraph 1.";

7) in Article 38(1a) and Article 51(1a), the words "and additional qualifications" shall be replaced by the words "additional qualifications and the specific nature of the case";

8) in Article 86(3), the following wording shall apply:

"3. In the case of claims secured on the debtor's assets by a mortgage, pledge, registered pledge, tax lien or maritime mortgage, as well as by the transfer of ownership of an item, claim or other right to the creditor, the list of claims shall indicate the sum of the claims corresponding to the value of the collateral.";

- 9) after Article 86, Article 86a shall be added, reading as follows:

"Article 86a. 1. The amount of the claim corresponding to the value of the collateral means the amount of the claim that would be satisfied from the collateral in bankruptcy proceedings against the debtor.

2. In the case of a debtor whose bankruptcy cannot be declared in accordance with the provisions of the Bankruptcy Law, the sum of claims corresponding to the value of the collateral means the sum of claims that would be satisfied from the collateral in enforcement proceedings conducted against the debtor.";

- 10) in Article 87, in the second sentence, after the words "The provisions of Article 86", the words "and Article 86a" shall be added;

- 11) in Article 119:

- a) paragraph 3 shall read as follows:

"3. The arrangement shall be accepted even if it does not obtain the required majority in some of the groups of creditors representing particular categories of interests, if:

- 1) the majority of creditor groups voted in favour of the arrangement, including at least one creditor group referred to in Article 161(1a)(3), or creditors with a higher degree of satisfaction than creditors whose claims are referred to in Article 342(1)(2) of the Bankruptcy Law,
- 2) if the condition referred to in point 1 is not met, at least one group of creditors belonging to those categories of creditors who, in the event of bankruptcy proceedings, would receive any satisfaction based on a valuation assuming the continuation of the debtor's business

– whereby creditors holding at least half of the total amount of claims attributable to voting creditors voted in favour of the arrangement.

- b) Paragraphs 4–6 shall be added as follows:

"4. If creditors from a group with a lower degree of satisfaction in bankruptcy proceedings receive any satisfaction through the arrangement, then creditors from the group or groups with a higher satisfaction rate in the bankruptcy proceedings who have spoken out against the acceptance of the arrangement must obtain full satisfaction through the arrangement within the time limit specified in the arrangement.

5. Creditors with a higher degree of satisfaction referred to in paragraph 3(1) or creditors with a lower degree of satisfaction referred to in paragraph 4 shall be understood as creditors who are satisfied to a correspondingly higher or lower degree in bankruptcy proceedings, in particular creditors with a correspondingly higher or lower category of satisfaction, taking into account creditors satisfied in bankruptcy proceedings, in particular creditors with a correspondingly higher or lower category of satisfaction, taking into account creditors satisfied in bankruptcy proceedings, in particular creditors with a correspondingly higher or lower category of satisfaction, taking into account creditors satisfied in bankruptcy proceedings, in particular creditors with a correspondingly higher or lower category of satisfaction, taking into account creditors satisfied in bankruptcy proceedings, in particular creditors with a correspondingly higher or lower degree in bankruptcy proceedings, in particular creditors with a correspondingly higher or lower satisfaction category, taking into account creditors satisfied under a separate distribution plan.

6. The acceptance of the arrangement referred to in paragraph 3 shall not preclude the satisfaction of a creditor through an arrangement to a higher degree than that provided for in bankruptcy proceedings on the basis of the rules resulting from the application of Article 160 or Article 162(2).";

- 12) in Article 140(1), in the introduction to the list, the words "the restructuring plan shall additionally include" shall be replaced by the words "the supervisor or administrator shall draw up";

- 13) in Article 150:

- a) in paragraph 1, point 3, the full stop shall be replaced by a semicolon and the following point 4 shall be added:

"4) claims secured by the transfer to the creditor of ownership of property, claims or other rights."

- b) paragraph 3 shall be added, reading as follows:

"3. Claims secured on the debtor's assets by a mortgage, pledge, registered pledge, tax pledge or maritime mortgage, as well as by the transfer to the creditor of ownership of property, claims or other rights, shall be deemed secured in the part of the claim corresponding to the value of the collateral.";

- 14) in Article 151:

- a) in the first sentence of paragraph 2, the words "and claims secured on the debtor's property by a mortgage, pledge, registered pledge, tax lien or maritime mortgage, in the part covered by the value of the collateral" shall be deleted,

- b) paragraphs 2a and 3 are repealed;

15) in Article 155, the following paragraph 4 shall be added:

"4. Settlement proposals may not provide for any creditor to be satisfied in excess of the amount of their claim.";

16) in Article 161:

a) paragraphs 1 and 1a shall read as follows:

"1. Arrangement proposals may provide for the division of creditors into groups covering specific categories of interests. The division of creditors into these groups shall be based on objective, unambiguous and economically or legally justified criteria relating to the legal relationships between the creditors and the debtor, from which the obligations covered by the arrangement proposals arise.

1a. For creditors:

- 1) who are entitled to claims arising from an employment relationship and who have agreed to be covered by the arrangement,
- 2) who are entitled to claims under contracts for the supply of products from their own agricultural holdings,
- 3) whose claims are secured on the debtor's assets by a mortgage, pledge, registered pledge, tax pledge or maritime mortgage, as well as by the transfer to the creditor of ownership of property, claims or other rights in the part covered by the value of the collateral

– the composition proposals provide for division into groups covering specific categories of interests."

b) paragraphs 4–7 shall be added as follows:

"4. At the request of the entities referred to in Article 155(1) and (2), the court shall approve the division of creditors into groups covering specific categories of interests. An appeal may be lodged against the decision on the examination of the request. The appeal shall be examined within two weeks.

5. If the division of creditors into groups covering specific categories of interests is not approved, the court shall indicate the deficiencies in the operative part of the decision and specify the changes to the division that would allow it to be approved.

6. The legally binding division of creditors into groups covering specific categories of interests and the division into groups covering specific categories of interests, taking into account the indicated changes, shall be binding on the court which issues the decision on the approval of the arrangement.

7. The provisions of paragraphs 4-6 shall not apply in proceedings for the approval of an arrangement.";

17) after Article 161, Article 161a shall be added, reading as follows:

"Article 161a. 1. Settlement proposals for creditors referred to in Article 161(1a)(3) shall provide for a degree of satisfaction no less favourable than in bankruptcy proceedings that would be conducted against the debtor, unless the creditor agrees to less favourable terms.

2. The proposals referred to in paragraph 1 may not provide for any other method of satisfaction than that provided for in the agreement establishing the security, unless the creditor has given his consent.

3. The arrangement may provide for a change in the subject matter of the security for the claim with the consent of the creditor referred to in paragraph 1, or for its sale. The sale shall be carried out by the supervisor of the arrangement referred to in Article 171(1) or by the compulsory administrator.

4. In matters relating to the sale referred to in paragraph 3, the supervisor of the arrangement referred to in Article 171(1) or the compulsory administrator shall act on his own behalf on behalf of the debtor.

5. In the case of a debtor whose bankruptcy cannot be declared in accordance with the provisions of the Bankruptcy Law, the degree of satisfaction in bankruptcy proceedings shall be understood as the degree of satisfaction in enforcement proceedings conducted against the debtor by all creditors from the debtor's entire assets.";

18) Article 162(2) shall read as follows:

"2. The granting of more favourable terms for the restructuring of the debtor's liabilities is permissible in relation to a creditor:

- 1) who, after the opening of restructuring proceedings, has granted or is to grant financing in the form of a loan, bonds, bank guarantees, letters of credit or on the basis of another financial instrument necessary for the performance of the arrangement,

- 2) whose services to the debtor after the opening of restructuring proceedings are necessary for the debtor to continue its business,
 - 3) who is a micro-entrepreneur
- if this is necessary to achieve the objectives of the restructuring plan and does not result in unfair treatment of the rights or interests of other participants in the proceedings.";
- 19) Article 163(3) shall read as follows:
- "3. The conditions for the restructuring of claims referred to in Article 161(1a)(3) may vary according to their priority.";
- 20) in Article 164:
- a) in paragraph 2, the words "The hearing scheduled" shall be replaced by the words "The session scheduled",
 - b) after paragraph 2, paragraph 2a shall be added, reading as follows:

"2a. In justified cases, the court may schedule a hearing to examine the arrangement."
 - c) paragraph 3a shall read as follows:

"3a. In the event of objections based on an allegation of a breach of the criterion of protecting the best interests of creditors or an allegation that the arrangement was accepted in breach of Article 119(3)(2), the court may require the supervisor or administrator to submit an opinion verifying the satisfaction test. In such a case, the court shall specify the part of the satisfaction test to be verified and indicate the entity preparing the opinion. The supervisor or administrator shall commission the entity indicated by the court to prepare an opinion verifying the satisfaction test."
 - d) in paragraph 4, the words "appointed hearing" shall be replaced by the words "appointed session";
- 21) in Article 165:
- a) paragraph 2 shall read as follows:

"2. The court shall refuse to approve the arrangement if any creditor who voted against the arrangement has raised objections alleging that, as a result of the arrangement, they would be in a worse position than in the event of bankruptcy proceedings or enforcement proceedings in the case of a debtor referred to in Article 161a(5), or than in the event of the termination of restructuring proceedings.- the event of bankruptcy proceedings or enforcement proceedings in the case of a debtor referred to in Article 161a(5), or than in the event of the termination of restructuring proceedings without the adoption of an arrangement (criterion of protecting the best interests of creditors), and this objection is justified."
 - b) in paragraph 5, the words "appointed hearing" shall be replaced by the words "appointed meeting";
- 22) after Article 165, Article 165a shall be added, reading as follows:
- "Article 165a. The court may amend the arrangement if such amendments do not violate the essential provisions of the arrangement and, as a result of their introduction, the court approves the arrangement.";
- 23) Article 168 is repealed;
- 24) Article 175(4) shall read as follows:
- "4. Within two weeks of the opening of the proceedings to amend the arrangement, the court supervisor shall draw up a list of creditors entitled to participate in the creditors' meeting, taking into account the circumstances referred to in paragraphs 1-3. The provisions of Articles 86 and 86a shall apply accordingly to the list of creditors.";
- 25) in Article 180, paragraph 5 shall be added, reading as follows:
- "5. The provisions of Article 161 shall apply accordingly.";
- 26) Article 181 shall be repealed;
- 27) Article 186 shall be repealed;
- 28) in Article 204(1), after the words "restructuring plan", the words "and the private creditor test or private investor test referred to in Article 140" shall be added;

29) in Article 211:

- a) in paragraph 2, the word "three" shall be replaced by the word "four",
- b) after paragraph 2, paragraph 2a shall be added, reading as follows:

"2a. In the event of an announcement being made pursuant to Article 226a(1), the arrangement date shall also fall no later than the date of the announcement.";

30) in Article 211a:

- a) paragraph 1 shall read as follows:

"1. On the date of determining the arrangement date, the arrangement supervisor shall create a file in the ICT system supporting court proceedings."

- b) after paragraph 1, paragraph 1a shall be added, reading as follows:

"1a. The files created in the ICT system supporting court proceedings shall be maintained by the arrangement supervisor in that system.";

31) after Article 211a, Article 211b shall be added, reading as follows:

"Art. 211b. 1. At least thirty days before the date of commencement of the collection of creditors' votes or before the date of convening the creditors' meeting to vote on the arrangement, the arrangement supervisor shall draw up:

- 1) a list of claims;
- 2) a list of disputed claims;
- 3) a restructuring plan;
- 4) a satisfaction test referred to in Article 10a(1);
- 5) an opinion on the feasibility of the arrangement in accordance with the arrangement proposals submitted by the entities referred to in Article 155;
- 6) private creditor test or private investor test referred to in Article 140.

2. Participants in the proceedings may raise objections to the documents referred to in paragraph 1 within two weeks of their preparation. Within two weeks, the arrangement supervisor shall consider the objections and amend the documents to which objections have been raised, or submit a statement to the file stating that the objections have not been taken into account, together with a justification. The submission of objections shall not affect the date of commencement of the procedure for collecting creditors' votes or the date of convening the creditors' meeting.

32) in Article 213(1)(5), the words "Article 151(2) and (3)" shall be replaced by the words "Article 151(2)";

33) in Article 214, after the words "restructuring plan", the words "and the private creditor test or private investor test referred to in Article 140" shall be added;

34) in Article 215, the word "three" shall be replaced by the word "four";

35) after Article 218, Article 218a shall be added, reading as follows:

"Article 218a. 1. Proceedings for the approval of an arrangement shall be discontinued by operation of law on the date on which the debtor files a statement of resignation from further proceedings. Such a statement may be filed until the date of submission of a request for approval of the arrangement to the court.

2. The proceedings for approval of the arrangement shall be discontinued by operation of law if, within four months of the date of the announcement of the arrangement date, no application for approval of the arrangement has been submitted to the court.

3. If a request for approval of the arrangement is submitted to the court, the proceedings for approval of the arrangement shall be terminated upon the final return, final rejection or final dismissal of that request, or upon the final discontinuation of the proceedings for consideration of that request, or upon the final approval of the arrangement, or upon the final refusal to approve the arrangement.;

36) after Article 226h, Article 226i shall be added, reading as follows:

"Article 226i. The date of filing a petition for bankruptcy and the date of completion of restructuring proceedings referred to in Article 131a of the Bankruptcy Law shall also be understood to mean, respectively, the date of the announcement and the date of discontinuation of proceedings referred to in Article 218a.";

37) in Article 227, paragraph 2 shall be repealed;

38) in Article 256, paragraph 1 shall read as follows:

"1. From the date of announcement of the order to enter in the register the application for the opening of accelerated composition proceedings filed by the debtor until the date of announcement of the final order to return that application or the final decision to reject or dismiss that application, or to open- the proceedings for the examination of that application, and in the case of the opening of accelerated composition proceedings, until the date of its completion or until the decision to discontinue the accelerated composition proceedings becomes final, termination by the lessor or lessee of the lease or tenancy agreement for the premises or real estate in which the debtor's enterprise is conducted, without the consent of the creditors' council, shall be inadmissible.";

39) Article 261 shall read as follows:

"Article 261. 1. Within thirty days of the opening of the accelerated arrangement proceedings, the court supervisor shall prepare and submit to the judge-commissioner:

- 1) a restructuring plan taking into account the restructuring proposals presented by the debtor;
- 2) a list of claims;
- 3) a list of disputed claims.

2. At least thirty days before the commencement of the voting procedure under Article 110(7) or before the date of convening the creditors' meeting to vote on the arrangement, the court-appointed supervisor shall prepare and submit to the judge-commissioner:

- 1) the satisfaction test referred to in Article 10a(1);
- 2) an opinion on the feasibility of the arrangement in accordance with the arrangement proposals submitted by the entities referred to in Article 155;
- 3) the private creditor test or the private investor test referred to in Article 140.

3. The parties to the proceedings may raise objections to the documents referred to in paragraph 2 within two weeks of their preparation. Within two weeks, the court supervisor shall consider the objections and make changes to the documents to which objections have been raised, or shall submit a statement to the file stating that the objections have not been taken into account, together with a justification. The submission of objections shall not affect the date of commencement of the voting procedure or the date of convening the creditors' meeting.

40) Article 262 shall read as follows:

"Article 262. If, since the date of drawing up the lists referred to in Article 261(1)(2) and (3), changes have occurred or if the debtor has raised objections referred to in Article 90(1), the court supervisor shall submit to the creditors' meeting an up-to-date list of claims and a list of disputed claims.";

41) in Article 263(2), after the words "restructuring plan", the words "and the private creditor test or private investor test referred to in Article 140" shall be added;

42) Article 265 shall read as follows

"Article 265. Unless otherwise provided for in this chapter, an application for the opening of composition proceedings shall meet the formal requirements specified in Article 227(1)(1)-(3) and (6)-(10).";

43) in Article 280, the existing content shall be designated as paragraph 1, and paragraphs 2 and 3 shall be added, reading as follows:

"2. At least thirty days before the date of commencement of the voting procedure under Article 110(7) or before the date of convening the creditors' meeting to vote on the arrangement, the court-appointed supervisor shall prepare and submit to the judge-commissioner:

- 1) the satisfaction test referred to in Article 10a(1);
- 2) an opinion on the feasibility of the arrangement in accordance with the arrangement proposals submitted by the entities referred to in Article 155;
- 3) the private creditor test or the private investor test referred to in Article 140.

3. Participants in the proceedings may raise objections to the documents referred to in paragraph 2 within two weeks of their preparation. Within two weeks, the court supervisor shall consider the objections and make changes to the documents to which objections have been raised, or shall submit a statement to the file stating that the objections have not been taken into account, together with a justification. The submission of objections shall not affect the date of commencement of the voting procedure or the date of convening the creditors' meeting.

- 44) in Article 320, the existing content shall be designated as paragraph 1, and paragraphs 2 and 3 shall be added, reading as follows:

"2. At least thirty days before the date of commencement of the voting procedure pursuant to Article 110(7) or before the date of convening the creditors' meeting for the purpose of voting on the arrangement, the administrator shall prepare and submit to the judge-commissioner:

- 1) the satisfaction test referred to in Article 10a(1);
- 2) an opinion on the feasibility of the arrangement in accordance with the arrangement proposals submitted by the entities referred to in Article 155;
- 3) the private creditor test or private investor test referred to in Article 140;
- 4) a report on the implementation of the restructuring plan during the rehabilitation proceedings and information on the effects of the measures taken, as well as the main measures to be taken after the arrangement is adopted in accordance with the restructuring plan.

3. Participants in the proceedings may raise objections to the documents referred to in paragraph 2 within two weeks of their preparation. Within two weeks, the administrator shall consider the objections and make changes to the documents to which objections have been raised, or submit a statement to the file stating that the objections have not been taken into account, together with a justification. The submission of objections shall not affect the date of commencement of the voting procedure or the date of convening the creditors' meeting.

Art. 2. The following amendments are hereby introduced to the Act of 28 February 2003 – Bankruptcy Law (Journal of Laws of 2025, item 614):

- 1) reference no. 1 to the title of the Act shall read as follows:

"¹This Act, within the scope of its regulation, implements:

- 1) Directive 2001/17/EC of the European Parliament and of the Council of 19 March 2001 on the reorganisation and winding-up of insurance undertakings (OJ EC L 110 of 20.04.2001);
- 2) Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ EC L 125 of 5 May 2001);
- 3) Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, debt discharge and disqualifications, and on measures to increase the efficiency of restructuring, insolvency and discharge proceedings, and amending Directive (EU) 2017/1132 (the Restructuring and Insolvency Directive) (OJ EU L 172 of 26 June 2019, p. 18 and OJ EU L 43 of 24 February 2022, p. 93).";

- 2) Article 9a shall read as follows:

"Article 9a. 1. Bankruptcy may not be declared during the period from the date of commencement of accelerated composition proceedings, composition proceedings and rehabilitation proceedings until the date of completion or final discontinuation of such proceedings. In such a case, the examination of the petition for bankruptcy shall be suspended.

2. Bankruptcy cannot be declared in the period from the date of the announcement of the arrangement date in the proceedings for approval of the arrangement until the date of the final discontinuation of the proceedings for approval of the arrangement or until the date of submission of the application for approval of the arrangement to the court. In such a case, the examination of the application for bankruptcy shall be suspended.

Art. 3. The following amendments are introduced to the Act of 6 December 2018 on the National Debt Register (Journal of Laws of 2021, item 1909):

- 1) reference no. 1 to the title of the Act shall read as follows:

"¹This Act:

- 1) serves to implement Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ EU L 141 of 05.06.2015, p. 19);

- 2) within the scope of its regulation, implements Directive (EU) 2019/1023 of the European Parliament and of the Council (EU) 2019/1023 of 20 June 2019 on preventive restructuring frameworks, debt discharge and disqualifications, and on measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive (EU) 2017/1132 (the Restructuring and Insolvency Directive) (OJ EU L 172 of 26.06.2019, p. 18 and OJ EU L 43 of 24.02.2022, p. 93).";

- 2) after Article 12, Article 12a shall be added, reading as follows:

"Article 12a. 1. The Minister of Justice shall collect, store, aggregate and make available to the European Commission data on the number of:

- 1) restructuring applications, announcements of the setting of an arrangement date, applications for the opening of arrangement proceedings at a creditors' meeting, applications for the declaration of bankruptcy, applications for the recognition of a foreign bankruptcy proceeding, and applications for the opening of secondary bankruptcy proceedings, as well as the average time taken to examine them;
- 2) bankruptcies declared, secondary bankruptcy proceedings initiated, restructuring proceedings opened and proceedings for the conclusion of an arrangement at a creditors' meeting, and the average duration of such proceedings;
- 3) discontinued, completed and revoked bankruptcy proceedings, final decisions to revoke the effects of the announcement of the arrangement date, and completed and discontinued restructuring proceedings;
- 4) final decisions to dismiss or reject the applications referred to in point 1, or to discontinue proceedings for the examination of such applications;
- 5) final decisions dismissing or rejecting a request for recognition of a decision to initiate foreign bankruptcy proceedings or discontinuing proceedings concerning the examination of such a request;
- 6) debtors who have been subject to restructuring or bankruptcy proceedings and for whom, in the three-year period preceding the submission of the application or the initiation of such proceedings, an arrangement has been approved under earlier restructuring proceedings.

2. The data referred to in paragraph 1 shall be collected, stored and aggregated according to the following criteria:

- 1) the size of debtors who are not natural persons;
- 2) whether the debtors subject to bankruptcy or restructuring proceedings are natural persons, legal persons or organisational units without legal personality to which the law grants legal capacity;
- 3) whether the proceedings leading to debt cancellation concern only entrepreneurs or all natural persons.

3. The data referred to in paragraph 1 shall be made available to the European Commission, using a standard data transmission form, by 31 December of the calendar year following the year in which it was collected.

4. The Minister of Justice shall specify, by way of a regulation, the detailed manner of collecting, storing, aggregating and sharing the data referred to in paragraph 1, according to the criteria referred to in paragraph 2, taking into account the need to ensure the completeness and consistency of the data shared, the need to ensure the traceability of the data collected, stored, aggregated and shared, as well as the need to ensure the security of the collection, storage and sharing of data.-parentness of the collected, stored, aggregated and shared data, as well as the need to ensure the security of data collection, storage and sharing.

Article 4. In cases where, prior to the date of entry into force of this Act, a petition for bankruptcy, a petition for recognition of a foreign bankruptcy proceeding, a restructuring petition or a petition for confirmation of performance, amendment or revocation of an arrangement, or where an arrangement date referred to in Article 211(1) of the Act amended in Article 1 has been set, the existing provisions shall apply.

Art. 5. The provisions of Art. 12a of the Act amended in Art. 3 shall apply from the first day of the calendar year following the date of commencement of application of the implementing acts referred to in Art. 29(7) of Directive (EU) 2019/1023 of the European Parliament and of the Council (EU) 2019/1023 of 20 June 2019 on preventive restructuring frameworks, debt discharge and disqualifications, and on measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive (EU) 2017/1132 (the Restructuring and Insolvency Directive) (OJ EU L 172 of 26 June 2019, p. 18 and OJ EU L 43 of 24 February 2022, p. 93).

Article 6. The Act shall enter into force 14 days after its publication.

President of the Republic of Poland: *A. Duda*