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## **OBTAINING A LICENSE OR PERMIT**

Depending on the type of economic activity for the exercise thereof, it may be required to obtain licenses or permits. They are issued by the appropriate concession authorities, provided that the requirements set out relevant legal norm. These documents differ from each other. Concession is discretionary, and its release is the responsibility of the licensing authority. Permission must be, in turn, issued by the appropriate legal entity specified in the Act of 2 July 2004 on Freedom of Economic Activity. Its possession is possible only if all the required criteria are met in order to obtain such permission.

### **Obtaining a license**

A license must be obtained to operate on:

- exploration, hydrocarbon recognition and solid minerals covered by mining property extracting minerals from deposits, underground non-reservoir storage of substances and underground storage of waste,
- manufacturing and marketing of explosives, arms and ammunition, as well as the products and technology for the military or the police,
- manufacturing, processing, storage, transmission, distribution and marketing of fuels and energy,
- protection of persons and property,
- distribution of radio and television, with the exception of programs distributed only in ICT-based system, which is not distributed terrestrially, via satellite or cable networks
- air transport,
- conducting casinos.

All decisions regarding concessions, such as granting, revocation or limitation, belong to the minister responsible for the subject of economic activity. This process is always carried out by an administrative decision. A concession-based document is issued for an indefinite period, but separate law may introduce time limits to granted concessions (e.g. energy law provides that the concession may be granted for the period from 10 to 50 years). In addition, entrepreneurs can apply for license for a limited period of time.

To obtain concession requires the submission of the application in the relevant Ministry. It should always include the following information:

- designation of the entrepreneur, its registered office and address
- number in the register of entrepreneurs or in the records, and NIP,
- type and scope of business
- additional information referred to in the provisions of other laws.

It should also include information about the fulfillment of technical and organizational conditions to ensure the proper execution of activities covered by the license and indicating the possibility of its financing. They are determined by law or regulations by the Minister responsible for the type of a specified activity.

Obtaining a license requires paying a fee. Depending on the type of business, the amount can range from a few to tens of thousands of PLN.

### **Obtaining permission**

In the case of a permit after finding that all the necessary conditions set out in the legislation are met, the authorized body shall issue a permit. Permits are issued for an indefinite period, but entrepreneurs may ask for the period to be specified.

The authorization is granted, among others, on:

- sale of alcoholic beverages,
- conducting games and sweepstakes,
- brokerage activities,
- conducting reference laboratory,
- performing insurance business,
- activities in the field of transport by road, rail or sea.

The application for authorization should include:

- information data of the entrepreneur,
- determination of the subject and the area of activity,
- specification of technical means at the disposal of the applicant who is seeking the authorization to conduct economic activity covered by the application,
- specification of the time commencing activities covered by the application and the time intended for its conduct.

### **Promise of a concession**

Another document, which an investor may register before the commencement of operations is so-called promise of a concession, which means pledge to grant a license. Promise may contain conditions which must be met and are compulsory in order to obtain the licence. It is issued for a specified period, but not shorter than a period of 6 months. During the period of validity of the promise, the entrepreneur may not be refused a license to perform business activity specified in the promise, unless data contained in the application for the promise has changed, the applicant did not fulfill all the conditions set out in the promise or if the company does not fulfill the conditions for the pursuit of economic activity covered by the license referred to in the relevant Act or if the national security and citizens are threatened.

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