

THE RIGHT FOCUS



**FEBRUARY
2026**



TABLE OF CONTENTS

3

**LENGTH OF SERVICE NOW INCLUDES PERIODS
OF SELF-EMPLOYMENT**

Karolina Klunder

5

POLISH AI BOOM

Tomasz Szambelan

6

**THE ISSUE OF THE NATIONAL LABOUR
INSPECTORATE REFORM HAS RESURFACED**

Mirostaw Malczeski / Pawel Pilecki

7

**ENERGY RADAR 2026 / UNLOCKING CONNECTION
CAPACITY THANKS TO CONNECTIONS REFORM –
DRAFT UC84 / SEJM PRINT NO. 2150**

Milena Kazanowska-Kędzierska

LENGTH OF SERVICE NOW INCLUDES PERIODS OF SELF-EMPLOYMENT



 **KAROLINA KLUNDER**

The length of service no longer depends solely on work carried out under a contract of employment. The amendment to the Labour Code introduces significant changes, as work carried out under civil law contracts or as part of business activity will now also be included when calculating service, which affects employees' rights. What will this mean for employees and employers?

What is changing in terms of length of service?

Until now, only periods of work under an employment contract were counted towards length of service.

The new regulations extend these criteria, putting an end to the long-standing differentiation between employees based on the form of their previous professional activity.

The length of service will now include the following periods:

- Working under a contractor agreement (umowa zlecenia) or a contract for services
- Running a sole proprietorship (B2B)
- Being a partner in a civil partnership
- Working abroad, provided it is properly documented

Key condition: pension and disability insurance contributions must have been paid during the given period. However, the law provides for an exception to this rule.

The period during which individuals benefit from the so-called 'start-up relief' (Article 18(1) of the Entrepreneurs Law) will also count towards the length of service, even though it is not subject to pension and disability insurance coverage. This means that people starting a business will not be prevented from counting this period towards their length of service.

Total career tenure vs. job tenure – an important distinction

It is worth noting that the change primarily concerns length of service in the sense of total career tenure, which is important for a number of issues, including:

- The length of holiday leave (20 or 26 days)
- Entitlement to certain employee benefits
- Other entitlements dependent on 'general' professional experience

The change generally **does not apply to job tenure**, i.e. the length of service with a specific employer. This affects things like the length of the notice period.

The exception to this concerns periods of work carried out under a contractor agreement or B2B contract with the current employer. In such cases, these periods will also be included when calculating job tenure.

Jakie uprawnienia pracownika się zmieniają?

A longer length of service can impact specific employee rights – often more quickly than employers expect.

The most important effects are:

- 26 days of holiday leave instead of 20, achieved earlier than after 10 years of work under a contract of employment
- A longer notice period if previous civil law contracts were performed with the current employer
- Higher severance pay in the event of dismissal for reasons attributable to the employer for employees who previously worked for this employer under contractor agreements
- Seniority allowances and long-service awards, which is particularly important in the public sector and in companies with remuneration regulations

How should the length of service under a contractor agreement or B2B contract be documented?

The new length of service will not be calculated automatically. Employees must document previous periods of professional activity themselves.

In accordance with the transitional provisions, employees who are employed on the date the new regulations come into force will have 24 months from that date to provide their employer with documents confirming previous periods of employment under contractor agreements or as part of their business activity (in particular, certificates from the Social Insurance Institution, ZUS). Only during this transitional period will it be possible to take these periods into account when calculating the length of service without the need to re-establish an employment relationship or change the terms and conditions of employment.

In practice, the documents that employees should provide include, without limitation:

- Certificates from the Social Insurance Institution (ZUS) confirming pension and disability insurance coverage
- Civil law contracts with proof of contribution payments
- Printouts from the Central Registration and Information on Business (CEIDG) confirming the period of business activity

If these documents are not provided, the periods in question will not be counted towards length of service, as employers are not obliged to obtain information from ZUS or other registers themselves.

What cannot count towards length of service?

Despite the wide range of changes, the legislature has provided for significant exclusions.

The following types of works, among others, will not count towards length of service:

- Contracts for specific work (umowa o dzieło)
- Unregistered economic activity (działalność nierejestrowana)
- Volunteering and student internships
- Care for a sick or disabled person, if not covered by insurance

In practice, this also means that the periods of work carried out by school and university students up to the age of 26 under contractor agreements, for which social security contributions are generally not paid, will not count towards their length of service, even if the work was performed over a long period of time.

When will the changes come into force?

The new rules regarding the inclusion of work under contractor agreements and B2B contracts in length of service calculations will not apply to all employees simultaneously. The legislature has provided for different implementation dates depending on the sector of employment:

- 1 January 2026 – the new regulations will come into effect for the public sector (including public administration, local government entities and public finance sector entities)
- 1 May 2026 – the regulations will come into effect for the private sector, six months after the Act is promulgated

This means that public sector employees will be able to count periods of self-employment towards their length of service sooner, while private sector employers will have more time to update their HR procedures and audit documents, and to assess the impact of the changes on employment costs. **Once the regulations come into force in a given sector, the 24-month period for submitting documents to confirm previous periods of professional activity will begin.**

Consequences for employers: increased costs and responsibilities

For companies, the changes mean not only new employee entitlements, but also real organisational and financial challenges.

Issues that employers will have to deal with include:

- Increased labour costs (holidays, severance pay, seniority allowances)
- The need to audit personnel files and verify new documentation
- The risk of errors in determining length of service, which may lead to claims from employees

How should you prepare?

The change in the rules for calculating length of service is one of the most significant labour law reforms in recent years. Therefore, now is the time to:

- Prepare procedures for accepting and verifying documents
- Train HR and payroll departments
- Assess the impact of the changes on employment costs

Is your HR department ready for the new rules for calculating length of service?

If you need support in preparing procedures, auditing documents or assessing risks, please contact our labour law team.

POLISH AI BOOM



 **TOMASZ
SZAMBELAN**

According to the latest data, nearly 15,000 companies dealing with artificial intelligence were registered in Poland in 2025.[1] This testifies to an undoubted boom in AI, as well as to the dynamic changes related to the development of this technology. However, amid the rush to implement AI, do companies consider the most important issue: securing the outcomes of their work and protecting themselves against competitors? In this article, we explore this issue and suggest ways to avoid costly problems.

Giants with problems

A leading manufacturer in the industry witnessed firsthand the importance of securing one's rights in a timely manner, i.e. before launching an AI-based product. We are talking about OpenAI OpCo, LLC – the manufacturer of ChatGPT – which despite launching subsequent models, experienced significant issues when trying to register its basic mark.

The first application for the ChatGPT trademark was only filed with the US Patent and Trademark Office in December 2022. This is surprising as the first version of ChatGPT made available to users of GPT-3.5 was released several weeks earlier, in November 2022.

We have previously written about the delayed registration of this trademark [here>>](#)

It seems that the tech giant is learning from its mistakes, as at the end of 2025, it filed an application to register the 'ChatGPT Atlas' trademark, which will be used to designate a new web browser.

Trademark protection is obtained upon registration and is valid from the application date. Therefore, if a company unnecessarily delays filing an application or does so after launching its product, it may be acting to its own detriment.

Competitors may wish to exploit this by filing applications for marks based on or referring to the names used by the company. Impossible? Not at all.

Effective acquisition of rights

Many companies developing AI models use the work of other specialists and subcontractors. While this is common practice, subcontractors normally transfer their contributions, such as source codes or other IP assets, to the client based on separate agreements.

However, our experience shows that many oversights occur as early as the stage of concluding agreements, which has or may have a negative impact on clients' ability to effectively acquire IP rights. Unfortunately, such situations are very common and represent a significant red flag when assessing companies involved in AI.

This is also of considerable importance in subsequent rounds of financing, since the absence of adequate intellectual property protection significantly impacts business valuation.

It is also worth bearing in mind that rights that a technology company has not effectively acquired from a subcontractor cannot be transferred effectively to other entities. For example, in the case of the sale of rights to an application, there is a risk that the investor will not actually acquire what the company claims to own.

[1] According to data provided by Rzeczpospolita in issue No. 35 (13401), there are 14,500 businesses dealing with AI registered in Poland.

THE ISSUE OF THE NATIONAL LABOUR INSPECTORATE REFORM HAS RESURFACED



 **MIROSLAW
MALCZESKI**



 **PAWEŁ
PILECKI**

On 30 January, a new draft law proposing changes concerning the National Labour Inspectorate (PIP) was presented. Despite the concerns and controversies raised so far, including by businesses, the legislature continues to pursue the thorough modernisation of Poland's employment model, which involves increased supervision of the labour market and curbing the abuse of civil law contracts. This article examines the proposals included in the new draft and their implications for businesses.

New powers of the PIP – monitoring civil law contracts

The most controversial proposal is to grant the PIP the power to issue decisions establishing the existence of an employment relationship in situations where the parties have formally entered into a civil law contract (e.g. a contractor agreement, a contract for specific work, or a B2B contract), but the terms of their cooperation actually correspond to those of an employment relationship.

Two-stage monitoring

However, the draft provides a mechanism to limit the automatic conversion of civil law contracts into employment relationships. This means that a decision declaring the existence of an employment relationship will only be issued if the employer fails to comply with an order to remedy the violations. Therefore, the parties will first be given an opportunity to voluntarily modify their cooperation model.

Appeals to labour courts

A significant proposed change is that appeals would be heard by labour courts instead of the Chief Labour Inspectorate. Consequently, employers will need to ensure that their appeals are prepared very carefully, as all evidence and arguments will have to be presented at that stage. It will only be possible to supplement these later in exceptional circumstances.

Security during litigation

The court will have the option of granting security by extending labour law protection to the worker. This will significantly reduce the likelihood of the contract being terminated during the litigation process.

Enforceability

The automatic enforceability of decisions has been removed from the draft. A decision will take effect on the date of its issuance, but will only become enforceable following a final, non-revisable judgement, or once the deadline for appeals has passed.

However, the draft still allows for a decision to be declared immediately enforceable on an individual basis, which could pose a greater risk to businesses.

Advance rulings by the PIP

The draft also provides for the introduction of binding advance rulings to be issued by the National Labour Inspectorate. This solution is similar to the situation with tax rulings: an undertaking will be able to request that the PIP assess whether a given legal relationship can be considered a contract of employment. The ruling will thus enable the parties to modify their cooperation model even before a potential inspection.

What are the implications of the draft law for businesses?

Although the future of this draft law is uncertain, the direction of the reform is clear. The key change – enabling the National Labour Inspectorate to reclassify civil law contracts – remains a milestone of the National Recovery Plan, increasing the likelihood that the reform will be implemented in 2026.

In light of the proposed amendments, businesses should now:

- Analyse the employment model they are using (in particular civil law contracts and B2B contracts)
- Assess how cooperation with their staff is actually carried out
- Limit features that are characteristic of an employment relationship
- Gather documentation confirming the independence of staff members
- Consider auditing civil law contracts
- Develop rules for monitoring advance rulings by the National Labour Inspectorate after the draft law comes into force

It may be a good idea to consult with experts in this regard.

ENERGY RADAR 2026 / UNLOCKING CONNECTION CAPACITY THANKS TO CONNECTIONS REFORM - DRAFT UC84 / SEJM PRINT NO. 2150



 **MILENA
KAZANOWSKA-
KĘDZIERSKA**

The Polish power system has reached a turning point. While the energy transition is gaining momentum and technological limitations are no longer an issue, connection capacity has become a problem. The UC84^[1] draft law, commonly referred to as the Connections Reform, is the response to this crisis.

This amendment is a fundamental step towards resolving the structural issues within the Polish power system. It is seen as a turning point in operator-investor relations and a breakthrough that will be able to restore fluidity to investment processes in the energy generation and storage sector. One of the overarching goals of this reform is to recover 'virtual' megawatts and allocate them to investors who are actually constructing infrastructure.

No more 'zombie projects'

According to the Ministry's estimates, implementing the new regulations could unlock up to 150 GW of connection capacity. This is planned to be achieved, among other things, by reviewing connection conditions that have already been issued for projects in the early stages of planning, known as 'zombie projects'. These are projects by entities which, despite having reserved capacity, have not made any progress with their implementation for a long time. Under the current legal framework, this restricts access to infrastructure for new projects that are ready to go and often more efficient.

What is the most important aspect of the Connections Reform?

The draft law introduces systemic changes to the process of connecting to the power grid in two key areas:

- Streamlining procedures for active investors
- Introducing strict disciplining measures designed to unlock connection capacity

Optimising and streamlining the connection process

The draft proposes a number of solutions aimed at maximising the use of existing infrastructure and reducing administrative barriers. These solutions include:

- **Expanding Cable Pooling:** opening shared connections to all types of energy generation and storage assets. This would simplify procedures for implementing hybrid projects
- **Eliminating the 48-month barrier:** eliminating the requirement to complete the connection within four years of the conclusion of the agreement (Article 7(2a) is repealed). This would remove a significant regulatory risk that is often identified as a red flag during due diligence processes
- **Reducing documentation:** replacing the obligation to attach extracts and excerpts from the local zoning plan (MPZP), land development conditions decisions (WZ) and documents confirming title to the property, by a statement from the investor. Operators (DSOs/TSOs) would only have the right to request these documents if necessary
- **Limitations regarding impact assessment: significantly reducing the scope of the required system impact assessment when the issued conditions are modified (e.g. if a new type of plant is added) while the connection capacity remains the same**

Disciplining measures and improved grid planning

The draft proposes new financial obligations and strict deadlines to help eliminate capacity blocking by inactive projects. This means:

- **New advance payment parameters:** an increase from PLN 30 to PLN 60 per kW of connection capacity, with a maximum value of PLN 6,000,000. Importantly, this obligation will also apply to entities that have already obtained connection conditions, who will need to top up the amounts they have paid to reach the new rate
- **Non-refundable application fee:** the cost of processing an application for determining connection conditions will be PLN 1/kW (up to a maximum of PLN 100,000)
- **Mandatory financial security:** investors will be required to provide a deposit, guarantee or suretyship of PLN 30/kW for capacities up to 100 MW, or PLN 60/kW for any surplus above 100 MW. The rules for returning these funds are strictly time-related: withdrawal from a project after 36 months from the conclusion of the agreement will result in the total loss of the security
- **Shortened validity period of the conditions:** from 2 years to 1 year. Additionally, the operator will be entitled to verify the technical conditions again immediately before signing the agreement
- **Milestone system:** agreements for plants connected to a grid with a voltage above 1 kV (including energy storage facilities) will expire if the investor fails to obtain a **final building permit** within the specified timeframe. The draft allows for a one-time extension to this deadline if the investor provides justification and documentation confirming the progress of the work, along with additional financial security

The connections reform will not please everyone

The new law introduces mechanisms that will affect every part of the market in some way. Inevitably, not everyone is happy with it.

Representatives of developers argue that the new regulations will negatively affect the dynamics of their business. Among their biggest concerns, they mention:

- **Increased entry costs:** raising advance payments to PLN 60/kW and the obligation to provide financial guarantees at an early stage will limit financial liquidity, especially for smaller businesses
- **Threat to ongoing projects:** the risk of losing profitability or even having to discontinue investments at an advanced stage of implementation that will be subject to new requirements retroactively (such as the need to supplement security amounts)

Conversely, entities with an established market position and grid operators highlight the market clean-up benefits of the draft, such as:

- **'Cleaning up' the connection portfolio:** the proposed financial mechanisms are designed to effectively eliminate applications without genuine capital coverage that, in practice, block capacity
- **Verification of investment intentions:** thanks to high financial thresholds, connection capacity will go to determined and prepared investors who are ready to build, ultimately freeing up resources for projects that can actually increase Poland's energy security

The status of legislative work and the need for change

The draft law is currently being debated in Parliament. The Sejm's debate is particularly intense, which may demonstrate the legislature's desire to find a 'golden mean' – solutions that will remove grid bottlenecks while not stifling the pace of the energy transition.

Despite the controversy surrounding individual financial instruments, the industry agrees on one thing: that reform of the connection system is absolutely necessary.

Maintaining the status quo would lead to further stagnation and prevent the connection of new energy sources. Therefore, it is crucial that the legislative process is handled swiftly, so that investors can operate in a predictable and stable legal environment as soon as possible.

[1] Sejm print no. 2150

FOLLOW US



kochanski.pl

The Right Focus newsletter does not contain legal opinions and may not be taken as legal advice or as the basis for making business decisions. Each case is unique and requires individual analysis. Kochanski & Partners does not assume any liability for the use of the information contained herein without prior consultation.