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THE RIGHT FOCUS

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CAN YOU SUE OVER WORDS AIMED AT AN ENTIRE COMMUNITY?

ALEKSANDRA DOMARECKA

A damaging public statement does not necessarily refer to a specific individual. Sometimes, the author attributes negative characteristics to a whole group of people, portrays them as a threat or uses language that could be seen as demeaning. Statements of this kind frequently concern LGBTQ+ people. This raises the question: can a member of the targeted community bring a lawsuit seeking compensation or an apology, even if they were not named directly? We decided to look into this.

Personal rights are specific to each individual

Polish civil law protects an individual's personal rights, including their honour and dignity. If a person's personal rights have been threatened or infringed, they may seek, among other remedies, the cessation of further actions, an apology, or damages. Doubts arise when harmful words are directed not at a specific individual but at an entire group. The traditional view is that infringement must concern a specific, identifiable person. After all, the protection of personal rights is not intended to serve as a means of challenging every offensive statement about society or a segment of it. However, this does not mean that statements directed at a group always go unpunished.

Is it necessary to name someone to offend them?

The line is not clear-cut. Relevant factors include whether the group can be defined, how many members it has, the context of the statement and whether its content also objectively undermines the dignity of a specific individual who belongs to that group.

A good example is the case concerning Kaja Godek's public statements about homosexual people. The lawsuit was brought by 16 members of the LGBTQ+ community. Initially, the court dismissed their claims, ruling that the statements referred to a broad group of people rather than the claimants directly.

The Warsaw Court of Appeal, however, disagreed. It held that protection cannot be excluded solely on the grounds that a damaging statement concerns a larger number of people. The case was remanded, and in February 2025 the Regional Court in Warsaw found that the claimants' honour and dignity had been infringed and ordered that an apology be issued.

Not every statement justifies a lawsuit

This does not mean that a general right to bring a lawsuit on behalf of an entire community has been established. Each case requires an individual assessment.
First and foremost, the court should examine whether the statement in question actually infringes the specific claimant's personal rights, and not merely their beliefs, worldview, or sense of identification with a particular group. The form of the statement, its context, and the limits of freedom of expression are also material considerations.
This is precisely why pursuing such claims can be difficult. A claimant must not only demonstrate that the statement was offensive or damaging, but also convincingly justify why it infringed their personal rights.

How to pursue protection effectively

Public debate can be fierce, and freedom of expression extends to controversial and critical statements. It is not, however, unlimited. An increasingly important question is whether the law should remain powerless in the face of offensive words directed not at a single person, but at entire communities. Recent case law demonstrates that the absence of a specific target does not always preclude effective legal protection.
What is decisive, however, is a thorough preparation of the case: a careful analysis of the content of the statement, its context, the audience it reached, and its impact on the position of the specific individual concerned.
The assistance of an experienced lawyer can be particularly valuable in such cases. They can properly assess whether there are grounds for bringing a claim, select appropriate remedies and present arguments that account for both the right to protection of dignity and the limits of freedom of expression.

RECORD FINES AND THE UPCOMING 21ST SANCTIONS PACKAGE / WHAT SHOULD BUSINESSES EXPECT?

JAN JANUKOWICZ

The past year has brought a series of enforcement actions that clearly signal a tightening approach by the Polish customs and revenue authorities towards breaches of the sanctions regime.
In April, the Małopolska branch of the National Revenue Administration (Krajowa Administracja Skarbowa, KAS) uncovered an illegal scheme involving the export of cars to a market subject to EU sanctions, and imposed a fine of PLN 20 million on the company in question.>> The Mazovia KAS detained three individuals suspected of participating in a scheme circumventing sanctions on the import of timber products from Belarus and Russia.>> In June, the Silesia KAS imposed a further fine of PLN 20 million for trading with Russian entities in breach of EU restrictive measures.>>These are not isolated incidents, but rather a clear signal that the Polish authorities are taking a rigorous approach to sanctions compliance. Even minor shortcomings in counterparty screening or supply chain management may result in multimillion-zloty fines.

Importantly, businesses should already be preparing for further changes, as the European Union has announced its 21st sanctions package and updated the list of designated persons and entities.We examine the key developments and offer guidance on how to minimise the risk of non-compliance.

Update to the EU sanctions list

The latest package adds a total of 34 individuals and 47 entities to the sanctions lists: 7 individuals and 21 companies for supporting Russia's military-industrial complex, and 2 individuals and 24 companies for their involvement in maritime shipment and the export of Russian crude oil and petroleum products. The aim is to further curtail the revenues of Russia's energy sector.
For Polish and EU businesses, one fundamental rule applies: any form of commercial dealings, whether direct or indirect, with designated persons or entities is strictly prohibited. Breaching this prohibition results in administrative and criminal liability, regardless of whether the breach was intentional or the result of negligence in screening procedures.
However, this is not the only change. In parallel, the European Commission, together with the Member States, is working on a significantly broader 21st sanctions package, which is expected to cover additional sectors of the economy and extend the existing list of restrictions.

What does the EU's 21st package of sanctions against Russia contain?

The proposed 21st sanctions package is set to target sectors that are particularly important for financing Russia's war effort: finance, energy, trade, crypto-assets and transport.
Furthermore, the Commission has announced plans to extend export restrictions to goods and technologies critical to Russia's defence industry, including metals and alloys used in the aerospace and defence sectors, as well as equipment used in the manufacture of drones, which is to be subject to an export ban.
Although the package has not yet formally entered into force, we recommend that businesses engaged in international trade closely monitor the progress of the legislative process and analyse the potential impact of the new regulations on their operations in advance.

Fines of up to PLN 20M for breaching sanctions regulations

Breaching sanctions regulations can have extremely serious consequences for businesses. Fines of up to PLN 20 million may be imposed on those who:

- Have failed to comply with the obligation to freeze financial assets
- Have failed to provide the required information to the competent authorities
- Have attempted to circumvent sanctions

Importantly, this is not the full extent of the consequences. The regulations also provide for criminal liability, with a minimum prison sentence of three years for breaching sanctions regulations.
Given the severity of the risks involved, preparation is key. It is advisable to work with specialists who can:

- Review all international transactions to identify potential risk areas and links to designated persons or entities
- Implement compliance procedures tailored to the company's specific needs, enabling ongoing monitoring of regulatory compliance and minimising the risk of breaches
- Provide professional representation in the event of administrative or criminal proceedings being initiated, ensuring protection at every stage of the process

Adequate preparation and implementation of compliance procedures is the most effective way to avoid heavy fines and criminal liability. This is why it's important to take action now.

PARTNER IN NAME, BUT ONLY IF MALE / THE LINGUISTIC TRAP IN POLISH CORPORATE LAW

KAROL BĄK

One of the structures available under Polish law is the 'spółka partnerska' (professional partnership), modelled on the Anglo-Saxon Limited Liability Partnership. As defined in the Polish Commercial Companies Code, this is a vehicle for individuals practising liberal professions, such as doctors, architects and accountants. And yet, the provisions governing professional partnerships make no mention of their applicability to women. We therefore examine whether there is no room for female partners, feminine-gendered forms, or simply linguistic empathy.

The problem with feminine forms

The legislature has prescribed[1] a mandatory set of elements that must appear in the name of a professional partnership. In addition to the surname of at least one partner (notably referred to only in the masculine form), the name must include one of the following phrases: 'i partner' (and partner), 'i partnerzy' (and partners) or 'spółka partnerska' (professional partnership).

A closer look at the first two alternatives reveals that the provision contains no feminine equivalents: neither 'i partnerka' (and [female] partner) nor 'i partnerki' (and [female] partners). The literal wording of the provision is therefore discriminatory. How did this come about?

A professional partnership for male partners only – what do the legal scholars say?

Legal scholars and commentators, focusing on the literal wording of the provision and the closed, precise list it sets out, unanimously hold that the feminine form of the word 'partner' may not be used in the name of a professional partnership. They point out that using feminine forms could cause practical problems. For example, it could prevent a male partner whose name does not appear in the partnership's name from joining the partnership.

The argument referring to 'practical problems' is not only unconvincing, but also internally contradictory. In fact, it undermines the very point it is supposed to support. According to this logic, if the partnership name were 'Kowalska i partnerki' (Kowalska and [female] partners), it would prevent a man from joining. Yet no one questions the form 'Kowalski i partner' (Kowalski and [male] partner) on the same ground.

Moreover, 'partnerka' is not some foreign coinage; it's simply the feminine form of 'partner', just as 'lekarka' is the feminine form of 'lekarz' (doctor).

The statutory list specifies what must be included in a partnership's name, not the grammatical gender in which it must be expressed, while the Constitution prohibits interpretations that discriminate on the grounds of sex.
For these reasons, the call for a legislative amendment expressly permitting the use of feminine forms in professional partnerships names should be supported.

Practice in the registry courts

All this takes on particular significance when we consider how things work in practice. Any attempt to register a professional partnership whose name includes the phrase 'i partnerki' (and [female] partners) will result in the registry court refusing to enter the partnership in the register. As a consequence, the partnership will simply not come into existence.
It is also worth noting that, according to data from the Central Statistical Office, the gender breakdown among individuals practising liberal professions is approaching parity. In 2024, women accounted for 59% of practising doctors and 42% of practising architects.
Therefore, under the current legal framework, one could argue that this constitutes discrimination.
The legislature created the professional partnership with doctors, advocates and notaries in mind. And then, in the very same statute, failed to find room for their female counterparts, even in the partnership's name.

[1] Article 90 § 1 of the Commercial Companies Code (k.s.h.)

MUNICIPAL MASTER PLANS / NEW DEADLINE, SAME OLD CHALLENGES

ALEKSANDRA POPIELSKA

On 11 June 2026, the President signed into law a bill extending the deadline for municipalities to adopt their master plans (plany ogólne). The key deadline for adopting master plans was moved from 30 June to 31 August 2026. We examine the reasons behind this change and consider what the absence of a master plan might mean for potential investors and their future projects.

Extended deadline for adopting master plans

Under the previous legislation, local spatial development policies (studia uwarunkowań i kierunków zagospodarowania przestrzennego) were due to expire on 30 June 2026. As stated in the explanatory memorandum to the amending bill, this deadline has been extended by two months, to 31 August 2026, primarily owing to the complexity of the master plan preparation process.

The process has proved both lengthy and complicated, leaving a significant number of municipalities unable to complete the required stages within the original timeframe. The need to obtain opinions and approvals and to carry out public consultations meant that the procedure, from initiation to final adoption of the plan, could take as long as two to three years. A two-month extension does not resolve the problem for municipalities that have only just begun the process. The additional time will primarily benefit those already at an advanced stage, needing only a short period to complete the final formalities.

The formal basis for extending the deadline was provided by a revised schedule for the settlement of funds from the National Recovery and Resilience Plan (KPO), which municipalities have been using to fund, among other things, the preparation of their master plans. As a result, a greater number of local authorities now have a realistic prospect of completing the process and drawing on the available funding.

Why did the old system need to change?

The existing local spatial development policies merely set out the general directions of a municipality's spatial policy. However, they were not binding on the authority when issuing decisions on land use conditions, colloquially known as 'wuzetki'. In practice, this meant that development frequently took place in locations lacking essential infrastructure, such as roads or water and sewage networks. The reform was intended to close these gaps and restore spatial order.

What is a municipal master plan?

A master plan is adopted by the municipal council and covers the entire area of the municipality. It defines, among other things, planning zones and infill development areas. Unlike local spatial development policies, the master plan is legally binding: any decision on land use conditions must be consistent with its provisions. In practice, this means that the master plan determines whether such a decision can be obtained and whether development may proceed on a given property.

The concept of an 'infill development area' is key. Once the new framework is fully in force, decisions on land use conditions will be available only for properties situated within a designated infill development area. Land falling outside these areas, and not covered by a binding local zoning plan (MPZP), will have no basis for development.

Time pressure and the risk of an investment standstill

The act signed by the President requires municipalities to adopt their master plans by 31 August 2026. According to the available data, a significant proportion of local authorities have yet to complete the process, so the scale of the challenge remains considerable.

In fact, the absence of both a master plan and a local zoning plan for a given area will result in a complete inability to obtain a decision on land use conditions. For property owners and investors, this represents a tangible risk that could prevent the implementation of planned construction projects.

Municipal master plans – what should you check?

Property owners, investors and businesses planning to expand should check the current legal status of their properties, and in particular whether:

- The municipality has adopted a master plan
- The land is covered by a binding local zoning plan
- They hold a valid decision on land use conditions and whether it can be relied upon before the new provisions come into force

It is equally important to verify the planning status of the property, including the zone designated in the master plan, as this will determine the feasibility and conditions for future development.

The spatial planning reform raises a number of important questions for property owners. If you need guidance, we are here to help.

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