



The rules and catalogue of enhanced penalties during the epidemic

Stricter penalties for violations of orders and prohibitions

The two acts on preventing, counteracting and combating COVID-19 include provisions that **introduce severe fines for violations of individual and general prohibitions and orders made under the appropriate regulations. Immediately enforceable fines of up to PLN 30,000 also apply to businesses (not only individuals) and other collective entities.** The system under which penalties are imposed by way of administrative decisions is more acute than that provided for in the Code of Petty Offences, and the right to defend against the imposition of such a penalty may turn out to be illusory. At the same time, such penalties will be treated as tax liabilities.

Catalogue of financial penalties for violations of orders and prohibitions

Penalty	Conduct → Violation
Up to PLN 30, 000	<ul style="list-style-type: none"> > Obligation of hospitalisation, quarantine or isolation imposed by the competent authority or arising under law
From PLN 5,000 up to PLN 30,000	<ul style="list-style-type: none"> > Restriction of movement or travel > Order to evacuate > Order to remain in specific locations or a prohibition thereof > Prohibition on leaving "ground zero" > Order to move or travel in a specific manner
From PLN 10,000 up to PLN 30,000	<ul style="list-style-type: none"> > Temporary restriction or prohibition of the trade and use of certain objects or foods > Temporary rationing of the supply of certain types of goods > Temporary restrictions on the functioning of certain institutions or establishments > Prohibition on the organisation of shows and other public gatherings > Obligation to perform sanitary treatments, if their performance is associated with the operation of specific production, service, or commercial facilities or other premises > Temporary restrictions on certain aspects of business activities > Temporary restrictions on the use of premises or property and the obligation to secure them > Obligation to secure premises or property
From PLN 5,000 up to PLN 10,000	<ul style="list-style-type: none"> > Order to make property, premises, or grounds available > Order to deliver means of transportation for anti-epidemic activities provided for in anti-epidemic plans > Obligation to carry out preventive vaccination > Obligation to undergo medical examinations and for patients and persons suspected of a disease to apply other prophylactic measures and treatments

Immediately enforceable financial penalties

- »» The maximum penalty is PLN 30,000.
- »» In case of repeated violations of an order or prohibition - the penalty imposed will be in the amount of the previously imposed penalty increased by 25%, for violations of both individual and general prohibitions and orders, i.e. those resulting from Regulations of the Minister of Health or the Council of Ministers.
- »» Penalties may also be imposed on businesses- legal persons (and other collective entities).
- »» The competent authority for their imposition is the district sanitary inspector or the border sanitary inspector.
- »» Appealing against the decision does not suspend the decision's enforcement.
- »» These penalties apply concurrently with currently applicable penalties for the violation of quarantine or movement/travel prohibitions.

Risks associated with the envisaged penalties

- »» These penalties are much more onerous than those provided for in the Code of Petty Offences (limited to a fine of PLN 500, or PLN 5,000 after a court trial);
- »» The administrative authority imposing the penalty has limited discretionary powers compared to a criminal court;
- »» The right to defend against the imposition of a penalty may prove to be limited as:
 - > holding a hearing in an administrative procedure is not the rule;
 - > the presentation of written arguments defending against the imposition of the penalty is possible, unless the administrative authority considers the case to be obvious and does not require the collection of evidence, information and explanations;
 - > the right to actively participate in the proceedings may be restricted in light of the ongoing epidemic.