

DEADLINE FOR THE CREATION OF AN E-SERVICE ADDRESS FOR COMPANIES REGISTERED WITH THE KRS POSTPONED AGAIN – JANUARY 2024 UPDATE

- **Companies filing an application for entry in the Register of Entrepreneurs of the National Court Register ("KRS") as of October 1, 2024 are required to indicate in the application the data necessary to create an electronic delivery address. It will be created automatically, after the data indicated in the application for entry is submitted to the Minister of Digitisation.**
- **For companies entered in the KRS before October 1, 2024, the deadline for creating an electronic delivery address has been postponed until January 1, 2025.**

THE OBJECTIVES OF THE E-SERVICE LAW

On 18 November 2020, the Electronic Delivery Act (the 'Act') came into force. The main idea of which is to facilitate correspondence with public bodies by replacing the current form of communication (registered letters) with electronic communication.

According to the Act, the final deadline for the implementation of the technical solutions necessary for the use of e-service and, consequently, **the mandatory creation of an e-service address by individual entities**, should be determined by a special announcement of the Minister of Digitisation in the Official Polish Gazette.

Based on the latest announcement by the Minister of Digitisation (December 21, 2023), the deadline for the implementation of the e-delivery system has been moved **from December 30, 2023, to October 1, 2024**. As of that date, all companies applying for entry in the KRS Register of Entrepreneurs will be required to indicate the data necessary to create an electronic delivery address. On the other hand, for companies entered in the KRS Register of Entrepreneurs before that date, the deadline for creating an electronic delivery address will expire on **January 1, 2025**. This is because the law indicates that non-public entities entered into the KRS Register of Entrepreneurs before the date specified in the announcement of the Minister of Digitisation are obliged to implement the above obligation within **3 months from the date specified in the announcement**.

It should be recalled that the deadline for the implementation of the e-collateral system has already been postponed several times – the last change took place on November 21, 2023, when the Minister of Digitisation moved the deadline for its implementation from December 10, 2023, to December 30, 2023.

WHAT IS AN E-SERVICE ADDRESS AND HOW TO CREATE ONE

An electronic service address is a digital tool, the main function of which is to be able to transmit correspondence between the entities specified in the Act and a public entity. In practice, it is the electronic equivalent of a registered letter with acknowledgment of receipt, which is the official way of communication with various offices in Poland.

For companies entered in the KRS Register of Entrepreneurs before October 1, 2024, the creation of an e-service address will be possible through the public provider's website: <https://www.gov.pl/web/gov/uzyskaj-adres-do-e-doreczen-u-publicznego-dostawcy-uslugi-e-doreczen>

Also, be sure to designate a delivery box administrator and activate the e-service address in the database of electronic addresses ("BAE") through the Entrepreneur Account at <https://www.biznes.gov.pl/en>. Thereafter, the e-service address will be automatically transferred from the BAE to the KRS, without the need to submit a separate application in this regard.

For companies entered in the KRS Register of Entrepreneurs as of October 1, 2024, the address for e-collaterals will be created automatically. After which, the data provided in the application to be entered into the KRS Register of Entrepreneurs is submitted to the Minister of Digitisation.

FAILURE TO CREATE AN E-SERVICE ADDRESS IN TIME

Currently, the provisions of the Act do not provide for a penalty if an obligated entity fails to have an e-service address or fails to register it with the BAE.

However, due to the risk of not receiving correspondence from a public entity electronically, we recommend that the above obligation be fulfilled within the timeframes stipulated by the Act

If you have any questions, we encourage you to contact the lawyers in the [Company Law and Corporate Governance team](#).

AUTHORS



Anna Wojciechowska LL.M.
partner, attorney-at-law



Karina Chrostowska-Kozioł
advocate

