

Overview of Changes to the Legislation in Poland

October 2023

A set of legal analyses is conducted in partnership with the Rule of Law Institute Foundation (FIPP)



INSTYTUT NA RZECZ PAŃSTWA PRAWA

In October 2023, there were no significant changes in Polish legislation governing foreign affairs in the broadest sense.

However, it is worth discussing significant changes resulting from the Act of 7 July 2023 on support benefits (świadczenie wspierające), which provides not only the possibility of obtaining a new form of financial assistance but also changes in the scope of care benefits (świadczenie opiekuńcze). Among the most important changes, modifications to the existing rules for granting nursing benefits (świadczenie pielęgnacyjne) can be mentioned, as well as significant changes regarding the special attendance allowance (specjalny zasiłek opiekuńczy). The changes come into effect on 1 January 2024. This means that starting from the new year, the nursing benefit will be subject to new rules: caregivers of people with disabilities will be entitled to this benefit only until they reach the age of 18. The nursing benefit under the new rules will be available to a person who is economically active or entitled to a pension benefit. Starting January 2024, the amount itself will change and additionally, the benefit under the new rules may be granted in a different amount depending on the number of people under one's care. On the other hand, the special attendance allowance is repealed and will not be granted from 1 January 2024. Only based on provisions outlined in transitional regulations, it will be possible to grant this benefit after 31 December 2023, in specific situations following the principle of maintaining acquired rights.

It's worth noting that the new conditions do not apply to individuals who will continue to receive benefits based on the existing regulations. Maintaining the right to care benefits under the current principles will be possible but under certain conditions.

The above means that a person who currently receives nursing benefits for caring for a child up to the age of 18 under the old rules and wishes to receive the nursing benefits under the new rules, must relinquish the nursing benefits received under the old rules and apply for the nursing benefits based on the new provisions.

It is worth noting that the support benefit is directly aimed at individuals with disabilities over 18 years old. Those eligible for the support benefits will be individuals with disabilities who receive a decision determining the level of support required.

Details regarding the new support benefit and other changes concerning nursing benefits can also be found on the websites of municipal and district social assistance centres relevant to the place of residence.

It should be remembered that the nursing benefits and special attendance allowance granted under the existing rules and special attendance allowance are not eligible if the person requiring care is granted the right to a support benefit.

In the overview for September, there was a mention of the EU ETIAS system (European Travel Information and Authorization System), the implementation of which was anticipated for the year 2024. In October, the European Union postponed the launch of the ETIAS system to May 2025. However, considering the importance of the system and possible difficulties with its implementation, we once again encourage to monitor the situation with the introduction of ETIAS, especially those individuals who will be affected by this system.

• **We are there**