

Conducting Business Activity in Poland by Foreign Nationals from Ukraine*

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Abstract

The article concerns the conduct of business activity in Poland by foreign nationals from Ukraine. It cites the normative bases for such a possibility that emerged after Russia's unlawful aggression against Ukraine. It also presents the economic aspect of the increased presence of the entities referred to in the title in Poland. The objective of this article is to examine the mechanisms governing the undertaking and pursuit of economic activity in the territory of the Republic of Poland by foreign nationals from Ukraine, considered within the framework of one of the fundamental principles of public economic law—namely, the principle of safeguarding the political and economic interests of the state in its relations with foreign actors. This principle entails a complex interplay between regulatory instruments and economic policing measures. The author argues that the armed aggression initiated by the Russian Federation against Ukraine in 2022 has substantially contributed to an increase in the number of Ukrainian business entities operating in Poland. Their presence exerts a favourable influence on competitive conditions in the Polish market and thereby supports the country's broader economic development. In particular, these entities mitigate labour market shortages, stimulate growth in gross domestic product, and enhance consumption dynamics. Moreover, Ukrainian foreign nationals contribute to strengthening the innovative capacity of the Polish economy. The article applies the formal-dogmatic method and a functional method of analysis, which makes it possible to study law in action.

Keywords: business activity, foreign persons, Ukraine, economy, public economic law, economic freedom

Introduction

The Polish legislator has introduced into the legal system numerous barriers related to the undertaking, performance, and termination of business activity by foreign persons (including foreigners) in Poland. There is no doubt that in a democratic state governed by the rule of law, these barriers implement a specific principle of public economic law—namely, the principle of protecting the political and economic interests of the state in its relations with foreign countries, in which elements of regulation and economic police powers interpenetrate.

Since the outbreak of the war between Russia and Ukraine in 2022, the number of entrepreneurs from Ukraine who have taken up business activity in Poland has increased significantly. The introduction of legal mechanisms connected with this subject matter was necessary not only for economic reasons but also for the broadly understood security of the state. The article applies the formal-dogmatic method and a functional method of analysis, which makes it possible to study law in action.

Business Activity of Foreign Persons

First, it should be noted that in European Union law the principle of freedom of establishment plays a significant role (see **Articles 49–55 TFEU**) (Biskup 2011, p. 347). As one of the fundamental freedoms, it applies to citizens

of the Member States (the constitutive condition being possession of the nationality of a Member State). For economic entities, the determining factor is having the status of an EU undertaking (being formed in accordance with the law of a Member State and having its registered office, central administration, or principal place of business within the territory of the European Union). An analysis of the case-law of the Court of Justice of the European Union shows that the concept of an “undertaking” covers any independent activity of an entity that is not aimed at satisfying everyday needs—interestingly, regardless of the intention to make a profit.

In analysing Polish regulations, attention should be paid to the Act of 6 March 2018—the Entrepreneurs’ Law. In this statute, the legislator indicates the entities that de facto benefit from the freedom to undertake and conduct business activity. As in certain other legal acts, including the Polish Civil Code, Article 4 of the Entrepreneurs’ Law contains a legal definition of an entrepreneur, according to which it is a natural person, a legal person, or an organisational unit without legal personality which has been granted legal capacity by a separate statute, conducting business activity.

Partners in a civil-law partnership are also considered entrepreneurs with respect to the business activity they conduct. It is also worth noting that, pursuant to Article 3 of the Entrepreneurs’ Law, business activity is an organised, profit-oriented activity performed in one’s own name and on a continuous basis (Szydło, M 2005, p. 279). It can be observed that this definition is universal in all instances in which separate provisions use this concept and at the same time do not contain their own (separate) definition (Kosikowski, Etel 2014, p. 43).

Foreign Nationals from Ukraine

With respect to foreign entities, the Polish legislator has introduced a number of normative regulations concerning the undertaking, performance, and termination of business activity (Szydło 2011, p. 53). By way of example, one may point to the **Act of 6 March 2018 on the Rules for the Participation of Foreign Entrepreneurs and Other Foreign Persons in Economic Transactions in the Territory of the Republic of Poland**. The material scope of this statute covers the undertaking and performance of business activity by foreign persons within the territory of the Republic of Poland, the temporary offering or provision of services in the territory of the Republic of Poland by foreign persons being entrepreneurs, and it lays down the rules for the creation by such foreign entrepreneurs of branches and representative offices in the Republic of Poland.

In the case of foreign entrepreneurs and foreign persons from Ukraine, the provisions applicable will therefore be those concerning entities from outside the Member States of the European Union, the Member States of the European Free Trade Association (EFTA), parties to the Agreement on the European Economic Area.

After the outbreak of the Russian-Ukrainian war, the Polish legislator also introduced special regulations facilitating the conduct of business activity by Ukrainian entities in the **Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict in the Territory of that State**. This was connected with the outbreak of war and had an assistive character for entrepreneurs arriving in Poland from areas affected by hostilities.

Under Article 23 of this statute, citizens of Ukraine whose stay in the territory of the Republic of Poland is considered legal may undertake and conduct business activity in the territory of the Republic of Poland on the same terms as Polish citizens. This entitlement is conditional on the Ukrainian citizen obtaining a PESEL number. It can be obtained by submitting in person a hand-signed application at any municipal office within Poland.

From a practical point of view, for persons planning to conduct business activity in Poland it is important that the applicant, together with the PESEL application, also submits an application to establish a trusted profile (Profil Zaufany). With a trusted profile, they can, among other things, register a business online.

It should also be noted that a condition is that the Ukrainian citizen declares an intention to remain in Poland. Ukrainian citizens who resided in the territory of the Republic of Poland before 24 February 2022 and who cannot be classified as persons leaving the territory of Ukraine due to wartime operations are subject to a special regulation. It provides for the extension of their period of stay and the validity periods of documents issued to them for the purpose of confirming their entitlements with respect to entry into and stay within the territory of the Republic of Poland.

Since the beginning of 2022, Ukrainian citizens have established in Poland over 77,700 sole proprietorships, which accounts for about 9% of all new entrepreneurs in that period. In addition, from January 2022 to December 2024, approximately 11,300 companies with Ukrainian capital were registered (Wejt-Knyżewska, 2025, p. 3).

It should be noted that the high number of sole proprietorships established by Ukrainians may result from constraints in the labour market, where immigrants are often employed in low-paid or temporary jobs. Running one’s own business allows for greater independence and better alignment with existing qualifications. The high level of

entrepreneurship is also influenced by the phenomenon of offering employees “B2B contracts.” (Wejt-Knyżewska, 2025, p. 3).

The main fields of business activity pursued by Ukrainians include:

- **construction (23%),**
- **information and communication (18%),**
- **other service activities (13%).** (Wejt-Knyżewska, 2025, p. 6).

It should not be forgotten that from January 2022 to December 2024 there were also about 11,300 companies with Ukrainian capital established (including those founded by foreign persons). They constituted 31% of foreign-capital companies created in that period and 7% of all entities registered in Poland.

The objects of activity of these companies include such areas as:

- **trade and repair of motor vehicles,**
- **construction,**
- **transport and storage,**
- **professional, scientific and technical activities,**
- **accommodation and food service activities,**
- **real estate services,**
- **health care,**
- **finance and insurance** (Wejt-Knyżewska, 2025, p. 9).

Conclusions

The war launched by Russia against Ukraine in 2022 has significantly increased the number of Ukrainian economic entities in Poland. Conducting business activity has become an alternative to salaried employment. Ukrainian citizens have the possibility to perform work consistent with their professional qualifications. It should also be noted that their presence has a positive effect on competition in Poland and thus contributes to the country’s economic development. Another positive aspect is that their presence in the Polish market reduces labour-market gaps, contributes to GDP growth, and stimulates consumption dynamics. Moreover, foreign persons from Ukraine contribute to increased innovativeness.

References

- Biskup, R. (2011), *Wolność gospodarcza w wymiarze podmiotowym*, Lublin.
- Kosikowski, C., Etel, M. (2014), *Nowe prawo działalności gospodarczej*, Białystok.
- Szydło, M. (2004), *Swoboda działalności gospodarczej*, Warszawa.
- Szydło, M. (2011), *Wolność działalności gospodarczej jako prawo podstawowe*, Bydgoszcz–Wrocław.
- Wejt-Knyżewska, A. (2025), *Ukraińskie firmy w Polsce w latach 2022–2024*, Point Paper 1/2025, Polski Instytut Ekonomiczny, Warszawa.