

ACT

of ...

amending the Animal Protection Act

Article 1. In the Animal Protection Act of 21 August 1997 (Journal of Laws of 2023, item 1580) paragraph 4c shall be added in Article 12 after paragraph 4b and shall read as follows:

‘4c. The rearing or breeding of fur animals, with the exception of the rabbit, as referred to in Article 2(4) of the Act of 10 December 2020 on the Organisation of Breeding and Reproduction of Farm Animals (Journal of Laws of 2021, item 36), for commercial purposes, in particular for the purpose of obtaining fur or other parts of animals from them shall be prohibited.’.

Article 2. Operators and farmers carrying out the activities referred to in Article 12(4c) of the Act amended by Article 1 on the date of entry of the Act into force shall be allowed to carry them out until 1 January 2029 on the basis of the existing provisions.

Article 3. 1. The operators or farmers referred to in Article 2 shall be entitled to have a claim to the State Treasury for compensation for the financial loss incurred as a result of the need to comply with the provision of Article 12(4c) of the Act amended in Article 1.

2. The compensation referred to in paragraph 1 shall include compensation for the financial loss, without the benefit that the operator or farmer could have achieved had the loss not occurred.

Article 4. 1. The compensation shall be set at 25 % of the average annual income of the operator or farmer referred to in Article 2, hereinafter referred to as the ‘applicant’, from their activities referred to in Article 2, in the period from 2021 to 2023 who terminated the activities prior to 1 January 2025.

2. The compensation shall be set at 20 % of the applicant’s average annual income from the activities referred to in Article 2 carried out by them in the period from 2021 to 2023 who terminated the activities prior to 1 January 2026.

3. The compensation shall be set at 15 % of the applicant's average annual income from the activities referred to in Article 2 carried out by them in the period from 2021 to 2023 who terminated the activities prior to 1 January 2027.

4. The compensation shall be set at 10 % of the applicant's average annual income from the activities referred to in Article 2 carried out by them in the period from 2021 to 2023 who terminated the activities prior to 1 January 2028.

5. The compensation shall be set at 5 % of the applicant's average annual income from the activities referred to in Article 2 carried out by them in the period from 2021 to 2023 who terminated the activities prior to 1 January 2029.

Article 5. 1. Compensation shall be granted at the written request of the applicant, submitted to the minister responsible for agriculture.

2. The request referred to in paragraph 1 shall contain:

- 1) indication of the authority to which the request is addressed and the matter it relates to;
- 2) name, surname, and address of the applicant;
- 3) information on the income referred to in Article 4;
- 4) date of termination of the activities referred to in Article 2;
- 5) number of the bank account which the compensation shall be paid to;
- 6) date and signature of the person submitting the request.

3. The request shall be accompanied by the following supporting documents:

- 1) information on the income referred to in Article 4;
- 2) date of termination of the activities referred to in Article 2, as determined by the competent District Veterinarian in connection with the request referred to in Article 7 of the Act on the Protection of Animal Health and Control of Infectious Animal Diseases of 11 March 2004 (Journal of Laws of 2023, item 1075).

Article 6. 1. The decision on compensation shall be taken by the minister responsible for agriculture.

2. In order to verify the data contained in the request, the minister responsible for agriculture may carry out audits or have them carried out. Should the amount of compensation exceed PLN 100,000, the audit shall be mandatory.

3. The Minister responsible for agriculture shall issue a decision on compensation no later than within 3 months from the date of submitting the application. This decision shall be final.

4. The compensation shall be paid within thirty days from the date of delivery of the decision to the applicant.

5. Should the applicant have arrears of public debts on the date of compensation, such arrears shall be subject to deduction from the compensation due.

Article 7. 1. An applicant who is dissatisfied with a decision on the compensation may bring an action before the ordinary courts within thirty days from the date of delivery of the decision on the matter.

2. The bringing of an action referred to in paragraph 1 shall not suspend the enforcement of the decision.

3. The State Treasury shall be represented by the minister responsible for agriculture in cases before the common court referred to in paragraph 1.

4. No fee shall be charged on the action for compensation brought by an applicant.

Article 8. The provisions of the Code of Administrative Procedure shall apply to the proceedings in the cases referred to in Article 6 unless otherwise provided hereby.

Article 9. The claim for compensation shall be time-barred one year from the date when the applicant terminated the activities referred to in Article 2.

Article 10. The claim for compensation shall pass to the applicant's legal successors.

Article 11. An employee of the operator or farmer referred to in Article 2 whose employment relationship has been terminated due to the necessity to comply with the requirements referred to in Article 12(4c) of the Act amended in Article 1 shall be entitled to a severance payment equal to three months' remuneration as determined in accordance with the rules applicable to the calculation of the cash equivalent for annual leave. The provision of Article 8(1) of the Act of 13 March 2003 on Special Rules for Terminating Employment Relationships with Employees for Reasons Not Related to Employees (Journal of Laws of 2024, item 61) shall not apply.

Article 12. Income from compensation shall not constitute income within the meaning of the provisions on personal income tax and the provisions on corporate income tax.

Article 13. The Act shall enter into force 14 days after its publication.