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THE INFLUENCE OF INFORMATION SYSTEMS INTEROPERABILITY ON ECONOMIC ACTIVITY IN POLAND

Abstract. In the text, I discuss the abilities and challenges of information systems interoperability. The anticipated and expected result of interoperability is to improve the provision of public utility services to citizens and companies by means of facilitating the provision of public utility services on the basis of a “single window” principle and reducing the costs incurred by public administrations, companies, and citizens, resulting from the efficiency of the provision of public utility services. In the article, the conceptual framework of interoperability is elaborated upon. Moreover, information systems and public registers for entrepreneurs in Poland exemplify whether the interoperability may be applied and, if so, whether interoperability fulfils its targets to the extent of e-Government services for entrepreneurs.

Keywords: information systems, interoperability, European Interoperability Framework, entrepreneurs, public registers.

Introduction

The objective in this text is to identify the influence of information systems' interoperability on economic activity in Poland. The end of the twentieth century was a period of dynamic technological advancement. Development of information and communication technologies enabled the use of numerous new tools in various areas of everyday life. It was obvious that public administration could not be indifferent to the ongoing processes and it had to undergo the process of informatisation as well. The main objective of the informatisation of the public administration is to create conditions for better services enjoyed by citizens, entrepreneurs, and other entities, and to address their needs efficiently. Public service demands establishment of the right of citizens to communicate with administrations by electronic means. The counterpart to this right is the public administrations' obliga-

tion to provide the electronic means and systems so that this right can be exercised (Cerrillo Martinez, 2011, p. 192).

In Poland the governors are taking advantage of enhancing its performance, especially in terms of information and communication at the local, regional, national, and also international levels. The improvement of information flow and communication between government units at the different levels can lead to the meeting of goals – streamlining processes and increasing efficiency, sustaining and strengthening democracy, and improving government accountability and transparency. The use of information systems is an essential component of government strategy to succeed in a rapidly changing world (Ziemia E., Obłąk I., 2014, p. 32).

An important aspect of developing a national information infrastructure is *interoperability* understood as the development of technologies that are independent of hardware and software, and therefore, create conditions conducive to simplification and maximum use of ready made resources as well as creation of new resources that are compatible and derived from existing ones. Interoperability is a prerequisite to allow users to access systems implemented by different vendors seamlessly. A good baseline to achieve interoperability is the implementation of a common set of standards (Rings T., Poglitsch P., Schulz S., Serazio L., Vassiliou-Gioles T., 2014, p. 295).

In terms of ensuring the interoperability of information systems, it bears noting that the development of information infrastructure (whether at the national, international or global level) is to aim at reducing multiple applications for the same data. It is meaningful that so-called reference data supports users in searching for procedures and documents they are interested in. This may be achieved through development of reference databases for local, regional and national levels, or development of metadata bases (catalogue servers) allowing to check what data are available or will be available in the future, or introduction of unique IDs for entities that enable integration of data from various databases containing information (Gotlib D., Iwaniak A., Olszewski R., p. 10).

Creation of reference databases is to maintain the consistency of the data contained in many specialised data sets and therefore, to enable analyses based on the combined data, which used to be impossible. Reference data is data that could constitute a basis for collecting more detailed and specialist data as well as a basis for thematic data visualisation. The use of reference data is important as it allows reducing the costs of collecting and updating various spatial databases. Moreover, it facilitates the interoperability of spatial information systems based on the same source data. The advantage of reference databases is undoubtedly the reduction of capital expenditures for

creation of separate databases with similar resources as well as improvement of updating the data contained in registers – an alteration made in the reference register provides all its users with access to up-dated data. It also allows providing citizens, public administration, and entrepreneurs with uniform consistent information and enables any compilation and pooled analysis of the data contained in reference registers and thematic databases.

Reference databases also allow ensuring the interoperability of spatial information processing systems. Interoperability leads to comprehensive and uniform implementation of IT projects by the public administration. The undoubted advantages of reference databases are reduction of capital expenditures for creation of separate databases with similar resources and improvement of updating the data contained in registers – an alteration made in the reference register provides all its users with access to up-dated data. Moreover it provides citizens, public administration and entrepreneurs with uniform, consistent information, and it enables any compilation and pooled analysis of the data contained in reference registers and thematic databases.

European Interoperability Framework

On 23rd March 2017, the European Commission published a new version of the *European Interoperability Framework* (EIF)¹. According to this document, interoperability constitutes the ability of organisations to interact towards mutually beneficial goals, involving the sharing of information and knowledge between these organisations, through the business processes they support, by means of the exchange of data between their ICT systems. The European Interoperability Framework is a commonly agreed approach to the delivery of European public services in an interoperable manner. It defines basic interoperability guidelines in the form of common principles, models, and recommendations. According to the EIF, interoperability is inherently multilateral and it is best understood as a common value of a community.

Interoperability is both a precondition and a factor facilitating efficient provision of European public utility services. Interoperability is a response to the need for:

- *cooperation* between public administrations with a view to establishing public utility services;
- *exchange of information* among public administrations in order to fulfil legal or political commitments;

- *sharing and re-using information* by public administrations in order to increase administrative efficiency and reduce red tape for the benefit of citizens and companies (Ganczar M., 2013, p. 112).

The purpose of the EIF is to inspire European public administrations in their efforts to design and deliver seamless European public services to other public administrations, citizens, and businesses which are to the degree possible, digital-by-default (i.e. providing services and data preferably via digital channels), cross-border-by-default (i.e. accessible for all citizens in the EU) and open-by-default (i.e. enabling reuse, participation/access and transparency). Moreover, it is to provide guidance to public administrations on the design and update of national interoperability frameworks (NIFs), or national policies, strategies, and guidelines promoting interoperability. The national interoperability frameworks developed within the Member States are to be consistent with the EIF and should complement one another. In accordance with the recommendations of the European Commission, public administrations of the Member States should harmonise their interoperability frameworks with the European Interoperability Framework in order to take into account the European way of providing public utility services. EU and national policies (e.g. NIFs) are expected to build upon the EIF, by adding new, or by fine-tuning existing, elements. In a similar way, domain-specific interoperability frameworks (DIFs), for example Infrastructure for Spatial Information in the European Community (INSPIRE), should remain compatible with, and where necessary extend, the scope of the EIF to capture the specific interoperability requirements of the domain in question. The EIF provides a common core of interoperability elements to European NIFs and DIFs. Compliance with the EIF guarantees that NIFs and DIFs are developed in a coordinated and aligned way while providing the necessary flexibility to address specific requirements coming from national or domain-specific requirements.

The last purpose of the EIF is to contribute to the establishment of the digital single market by fostering cross-border and cross-sectoral interoperability for the delivery of European public services.

In this document the general interoperability principles are described. They are relevant to the process of establishing interoperable European public services. They describe the context in which European public services are designed and implemented. The twelve principles of the EIF are grouped into four categories:

- Principles setting the context for EU actions on interoperability (Subsidiarity and proportionality);

- Core interoperability principles (Openness, Transparency, Reusability, Technological neutrality and data portability);
- Principles related to generic user needs and expectations (User-centricity, Inclusion and accessibility, Security and privacy, Multilingualism);
- Foundation principles for cooperation among public administrations (Administrative simplification, Preservation of information, Assessment of Effectiveness and Efficiency).

The principles remain practically the same as in the previous EIF. Their grouping and the exact scope of each recommendation have been updated to reflect recent policy and technical development.

Interoperability in Poland

The legal definition of interoperability is stipulated in art. 3 item 18 of the Act of 17 February 2005 on the computerisation of entities performing public tasks (Journal of Laws from 2017, item 570, consolidated text). Under this provision, interoperability is the capability of various entities as well as ICT systems and public registers used by them to cooperate in order to achieve mutually agreed and beneficial goals, including sharing information and knowledge through business processes supported by the entities and carried out by means of exchanging data via ICT systems used by those entities. In addition, the legislature authorised the Council of Ministers to issue regulations defining the minimum requirements for public registers and the exchange of information in electronic form, taking into account the need for consistency in maintaining public registers and exchanging information in electronic form with public entities. Moreover, the Government issued the National Interoperability Framework covering issues of semantic, organisational, and technological interoperability, taking into account the principle of equal treatment of different IT solutions, Polish Standards, and other standardisation documents approved by the national standardisation body.

On 12th April 2012, the Council of Ministers issued a regulation on the National Interoperability Framework, the minimum requirements for public registers and exchange of information in electronic form as well as the minimum requirements for ICT systems (Journal of Laws from 2016, item 113). According to the legal definition stipulated in the Act cited above, the National Interoperability Framework is a set of semantic, organizational, and technological requirements for the interoperability of ICT systems and public registers, that define inter alia:

1. procedures for the entity performing public tasks regarding the selection of means, methods, and standards applied in establishing, implementing, operating, monitoring, examining, maintaining and improving the ICT system used to perform the tasks of the entity as well as organisational procedures intended to:
 - provide citizens and entrepreneurs with access to services provided by entities performing public tasks in electronic form,
 - increase efficiency of services provided by public administration,
 - reduce the work load for citizens and entrepreneurs that is related to execution of rights and obligations provided for under separate regulations,
 - ensure reduction of operating costs for public entities,
 - ensure rational management of public funds,
 - ensure economic freedom and equal access to the IT market for services and supplies in the course of contract award procedures under public procurements
 - ensure effective implementation of cross-border public administration services via electronic means;
2. procedures of an entity performing public tasks to the extent of transparent selection of norms, standards and recommendations in the field of semantic, organisational and technological interoperability, ensuring the application of the technological neutrality principle.

The National Interoperability Framework also comprises the following elements: methods of achieving interoperability, architecture of ICT systems of entities performing public tasks and repository of interoperability on ePUAP². ICT system architecture has been defined as a description of the ICT system components as well as the connections and relationships of those components. Whereas, the repository of interoperability constitutes a part of ePUAP resources designed to provide information in order to achieve interoperability. Information published in the repository of interoperability is identified, in particular, by name, description, version, date and time of publication, the status of information validity, as well as an ID to identify the person who has published it. The information that has been published cannot be modified or deleted from the repository. Recommendations for interoperability are also published in the repository of interoperability. They indicate good practices to help achieving interoperability at the organisational, semantic and technical level.

Regulation on the National Interoperability Framework indicates the means to achieve interoperability. According to § 4 of the Regulation, it is achieved through:

- 1) unification, understood as using compatible norms, standards and procedures by various entities performing public tasks, or
- 2) interchangeability, understood as the possibility to replace a product, process, or service without disturbing the exchange of information among entities performing public tasks or among these entities and their customers, at the same time meeting all the functional and extra-functional requirements of cooperating information systems, or
- 3) conformity, defined as the suitability of products, processes, or services intended for common use, under specific conditions ensuring the fulfilment of essential requirements and with the absence of adverse effects.

The applicability of these rules depends on the circumstances arising from the risk assessment and characteristics of the designed information system, its scope and solutions available on the supply and services market in the field of information technology. The method of achieving interoperability used by the entity performing public tasks cannot violate the principle of technological neutrality which is understood as the principle of equal treatment of ICTs by public authorities as well as creating conditions for their fair competition, including preventing any possibility of eliminating competing technologies in terms of the development and modification of the operated ICT systems or the creation of competitive products and solutions.

Solutions in terms of interoperability are used by public entities on three levels. The first one is the organisational level. It is achieved by clear and efficient provision of information by the entities performing public tasks, on how to access and on the utility scope of portals for the services provided by these entities, as well as by the indication (by the minister responsible for computerization) of the space intended for publication of the information. This level also covers the standardisation and unification of procedures taking into account the need to ensure proper cooperation between entities performing public tasks as well as the obligation of the entity performing public tasks to publish and update the descriptions of the procedures applicable when dealing with the scope of its responsibilities via electronic means.

The second level is the semantic level. It is achieved by the use of data structures and the importance of the data contained in these structures defined in the said regulation, the use of data structures and the importance of the data contained in these structures published in the repository of interoperability as well as using in the registers kept by public entities the references to registers containing reference data to the extent necessary to perform the tasks.

Thus, the technological level is achieved through the application of the minimum requirements for information systems as well as the application of the regulations stipulated under separate provisions, and in the event of their absence, the level is achieved by taking into account the provisions of the relevant Polish Standards, international standards, or standards recognised in terms of good practice by international organizations³.

The Public Commercial Registers as an example of information system interoperability

A public register is a set of information on people, objects, or rights, created in accordance to the provisions of the law in force that determine the mode of establishing such a register, the material competences and the seat of the registration authority, formal and legal principles of its operation or the obligation or the right of natural persons, legal persons, or other organisational units to submit relevant information to this authority. In the Act on the computerisation of entities performing public tasks, a public register is defined as a register, record, file, list, or other form of registering information useful for public tasks, maintained by the entity under separate laws and created in accordance with the provisions of the law in force.

The registers are public which means that, apart from state administration bodies, they are used also by individuals. This is also reflected in the fact that the registers are open, which means that, apart from the registration authority, the registers are accessible at least for the person they concern and for other public authorities. Maintaining a register and disclosing the data it contains usually produces legal effects both for the person whom the entry concerns as well as for the registration authority. We deal with a register when public disclosure of certain information is a prerequisite for the effectiveness of a legal action, such as the creation of a legal person, the creation of property rights, or a pre-condition of legality of specific activities. Receiving, recording, and then disclosing the information contained in the register takes place, as a rule, by means of a decision relating to certain facts or persons disclosed in the registry.

The public entity that maintains a public register is obliged to keep and maintain this register in a way that ensures compliance with the minimum requirements for ICT systems if they are used for the register purposes. Furthermore, such a public entity should keep and maintain the register in accordance with the minimum requirements for public registers and

exchange of information in electronic form, and should enable submission of information to the register as well as exchange of the information contained in the register via electronic means, if it operates using ICT systems. A mandatory obligation to maintain public registers using ICT systems has been imposed on government administration authorities. To the extent necessary to perform public tasks, the entity maintaining the register provides data from the register free of charge to public entities or entities that are not public entities, that perform public tasks under separate regulations.

Entering into the commercial register is a statutory requirement for lawful business operations run by natural persons (including civil partnership partners). The commercial register enables entrepreneurs who are natural persons to start business operations in a relatively short period of time as well as shortens the formal incorporation and registration procedure (Włodyka S., 2009, p. 428). The legislature in Poland reached out to entrepreneurs by implementing legal arrangements that, *inter alia*, will facilitate registration of an entrepreneur in the commercial register. Moreover, the aim of the amendment is to facilitate undertaking, conducting (suspending) and terminating business operations. The changes are expected to contribute to the elimination of formalism, which will accelerate and improve the system of incorporating and registering entrepreneurs (Sieradzka M., Zdyb M., 2013).

The aforementioned objective will be accomplished by means of the “window principle” developed by the legislature and implemented in two stages: as a “single window” (effective from 31st March 2009) and a “zero window”. Implementation of the “single window” principle enables business operations to start by means of submitting a single application for registering business in the municipality office either by submitting an application in person or by sending it by registered mail. A request for an entry or for alteration of an entry in the commercial register kept and maintained by: the Statistical Office, Internal Revenue Service, and Social Insurance Institution is its integral part. The Central Register and Information on Economic Activity (CEIDG) will also provide for electronic exchange of information among those entities.

The minister responsible for economic affairs was obliged to establish the Central Register and Information on Economic Activity aided by an ICT system. Its task is to keep records of entrepreneurs who are natural persons, to provide information on entrepreneurs and other entities to the extent specified in the Act, to allow free access to the data provided free of charge by the Central Information of the National Court Register as well to

determine the time and extent of changes in CEIDG entries and the body that has made such changes.

The main task of this public register is to enable businesses to register via electronic means, and provide access to data about entrepreneurs who are natural persons. Maintaining the CEIDG remains the responsibility of the Ministry of Economy. The Minister was obliged to build and maintain the register aided by the ICT system. The functions of the CEIDG are as follows:

- 1) registering entrepreneurs who are natural persons,
- 2) providing information about entrepreneurs and other entities to the extent as referred to in the Act,
- 3) allowing free access to the data provided by the Central Information Point of the National Court Register,
- 4) fixing the time limit for and extent of alterations to be made in the CEIDG entries and appoint the body responsible for alterations⁴.

It is now possible to apply for entry into the CEIDG by means of an electronic form available on the CEIDG website and in the Public Information Bulletin of the minister responsible for economic affairs. A would-be entrepreneur may enter data into an electronic form, attach his or her digital signature and send it. The CEIDG ICT System sends a confirmation of submitting the application form to a specific e-mail address designated by an applicant. A new solution is that economic activity may start on the date of application for entry into the commercial register or upon registration in the Commercial Register of the National Court Register. The idea of the “zero window” is designed to combat the formalities related to setting up a business.

The following data is to be entered into the CEIDG:

- business name of an entrepreneur and personal identification number (PESEL), if any
- the Polish National Business Registry Number (REGON), if any
- Tax Identification Number (NIP), if any
- information on the Polish nationality of an entrepreneur, if it is the case, and other nationalities of an entrepreneur
- indication of the place of residence and address, address for communications and letters and the business address, and if an entrepreneur conducts business outside the place of residence – the address of the principal place of business and a branch office, if any; the data is consistent with the code markings adopted in the national official register of the territorial division of the country
- entrepreneur’s e-mail address and website, if any,

- date of commencement of business operations
- indication of the type of economic activity according to the Polish Classification of Activities (PKD)
- information about the existence or termination of joint property in matrimony
- information about a civil partnership agreement, if such has been concluded
- particulars of an attorney-in-fact authorised to manage the affairs of an entrepreneur, unless an entrepreneur has given a general power-of-attorney
- information on the suspension and resumption of business operations
- information on the restriction or loss of the capacity to perform legal action and on the appointment of a trustee
- information about declaration of bankruptcy with the possibility of entering into a voluntary arrangement, declaration of bankruptcy involving liquidation of debtor's assets, substitution of a bankruptcy decision with the possibility of entering into a voluntary agreement for a bankruptcy decision involving liquidation of debtor's assets and discontinuation of bankruptcy procedure
- information on commencement of recovery proceedings
- information on the prohibition of conducting business activity specified in the CEIDG entry⁵.

The aim of the Polish legislator is that in addition to the procedures relating to incorporating and registering business, IT platform will also support requests submitted to the authorities issuing permits (licenses, permits, entries into the registers of regulated activities). These authorities will retain their existing competences; nevertheless, when performing tasks they will be able to use the CEIDG. IT platform will register entrepreneurs in the CEIDG database and transmit the data contained in the form to competent authorities. In order to ensure that the related procedures are conducted smoothly and safely, it is necessary to use appropriate tools supporting and aiding communication between the IT platform and ICT systems of other authorities, identification of system users and authentication of sent documents and verification of the data entered into electronic forms. All of these services are or will be available on the electronic platform of public administration services e-PUAP.

Furthermore, the information contained in application forms submitted electronically will be compiled in the system of the Central Register and Information on Economic Activity. When analysing the provisions of the Act, the CEIDG performs a registering and informative function. It means

that on the website, the data and information about entrepreneurs who are natural persons and about all business operations that are regulated, i.e. the operations that require concessions, permits, and licenses, are published. This will allow entrepreneurs to obtain reliable information and data on prospective contractors. It will also increase the security of business trading. The CEIDG is a public and free of charge IT platform. It was created in order to ensure cooperation (compatibility) and interoperability with the central register and databases of other authorities.

The mere development of the Central Registration and Information on Economic Activity does not raise any objections, it is probably to enhance the transparency of the system. The electronic tools used for this purpose will facilitate the registration procedure. The CEIDG may be associated with another purpose, namely, it will quickly and efficiently publicise electronic contacts with authorities.

The other public register containing the data regarding entrepreneurs is the National Court Register (KRS) implemented by the Act of 20th August 1997 (Journal of Laws from 2017, item 700, consolidated text). The National Court Register was implemented to discontinue the dispersed system of registers administered by various courts, according to various principles of material, local, and hierarchical jurisdiction (Stawecki T., 2006, p. 269).

Under the Act, the National Court Register is open. Everyone has the right of access to the data contained in the register via the Central Information Point of the National Court Register, as well as the right to obtain certified copies, excerpts and certificates of the data contained in the register. As a rule, the data entered in the National Court Register are true.

The National Court Register is operated in the information system by the commercial courts having jurisdiction over a province or a part of it. The Act on the National Court Register was the first legal act to implement a regulation based on the IT system. The use of the IT system and the fact that it is a central register provide quick access to the disclosed data from any court keeping a register. A closed catalogue of entities is subject to registration in the National Court Register. The National Court Register consists of three registers: the commercial register; the register of associations, other social and professional organisations, foundations and public health institutions (hereinafter referred to as the register of associations); the register of insolvent debtors (hereinafter referred to as the RDN). The register will include not only the entities, the essence of which is conducting business operations but also other entities that only may conduct business operations, for instance social organisations and foundations. Consequently, this register contains information about most of the entities actively in-

volved in business trading. Moreover, due to the enormous importance of solvency in business trading, insolvent debtors are entered into the register. Such information will allow interested parties to avoid establishing business relations with such entities.

An entry into the register entails entering the data contained in the decision of a registry court into the register, immediately after the decision is issued. The entry is considered completed at the time of entering the data into the register.⁶ The notion of *an entry* is not limited to the activity of entering data into the register but it also means the register-related disclosure policy.

Following the announcement in the MSiG, all entries in the commercial register bring about effects resulting from the disclosure of information included in an entry to third parties. Entries also account for major effects in the field of court procedures. Court letters are served to the registered companies to the address indicated in the register, unless another address for communication and letters has been designated by the party. As a rule, apart from the entry made on the basis of the application form for entering the REGON number, the entry of the date on which the registry court decision (that had not been effective and enforceable since the moment of its issuance) came into force as well as the entry of data disclosed in the fourth section of the commercial register, the entries in the commercial register are to be obligatorily announced in the MSiG,

Given the above, the register serves two very important functions – a legalisation function, according to which legal persons acquire legal personality only upon successful entry into the register, and an informative function, thanks to which everyone will have access to the information contained in the register.

The Central Information Point of the National Court Register is an institution directly subordinate to the Ministry of Justice; it constitutes its organizational unit, operating at registry courts. It consists of the CIKRS head office and its branches. The tasks of the CIKRS are as follows:

- maintaining the compiled set of information entered into the register and the electronic catalogue of companies' documents,
- providing information available in the register as well as storing and providing copies of documents included in the catalogue,
- establishing and operating the register and catalogue connections in the ICT system.⁷

Using the required form, anyone can submit a request to the CIKRS for (upon payment) a copy, duplicate copy or a certificate concerning the data of any entity disclosed in the National Court Register, regardless of

the place of its registration. There is no need to have any legal or factual interest to obtain a document from the CIKRS. Such a document has legal validity of an official document; printed data of particular registered entities published on the website of the Ministry of Justice is not an official document (Zamojski Ł., 2009, pp. 33–34).

Upon the request, the CIKRS issues copies, certificates, statements and other information from the National Court Register, using the data found in the register, entirely corresponding to the data given in the request⁸.

The CIKRS issues the following certificates:

- a certificate that an entity is entered into the National Court Register under a specific entry number or is not entered,
- a certificate of removal of an entity from the register
- a certificate confirming the status of a public utility organisation.⁹

Transmission of data by the registry court to the CIKRS is performed automatically through the IT system. The documents listed in art. 8a of the Act on the National Court Register are forwarded to the CIKRS directly by the court, following the issuance of a decision concerning an entry into the National Court Register or inclusion of the documents in the registration files maintained for a given entity. If these documents are sent to the court in paper form, the information on inclusion of them in the registration files is sent to the catalogue. These documents are prepared in electronic form and sent to the electronic catalogue of documents if the person concerned submits a request for disclosure of their electronic copies.

In the case of submission of requests and documents by a registered entity via electronic means, they need be submitted in the form of an electronically signed file in the selected format specified in the regulations on the minimum requirements for ICT systems. Requests for a duplicate copy, certificate or excerpt will be submitted directly or by mail at the CIKRS head office or solely directly in its branches. Requests in electronic form will be submitted at the head office where the duplicate copies, excerpts, certificates and information are transmitted in the same form or where a piece of advice is sent regarding another way of responding to the request to the Internet address from which the request has been sent. The original proof of payment crediting the bank account of the Ministry of Justice will be attached to the request sent to the CIKRS. Technical rules for the submission of requests and obtaining of documents from the CIKRS via electronic means are defined in the Regulation of the Minister of Justice.

Another example of the information system is a single contact point. The name was introduced by the Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the in-

ternal market (OJ L 376/36). The main purpose of a single contact point is to offer service providers the ability to complete procedures and formalities required to undertake service activities, in particular, all declarations, notifications or requests indispensable to obtain a permit from the competent authorities, including requests for an entry to a register, database or request for registration in professional associations. Points of single contact are portals¹⁰ of electronic administration established by the authorities of individual Member States (Ganczar M., Haładyj A., 2015, p. 66). In Poland the minister for economic affairs is responsible for operations of such a point of single contact, pursuant to art. 22a of the Act on the freedom of economic activity. The purpose of the single contact point is to allow for the completion of procedures related to undertaking, executing and terminating business activity within the territory of the Republic of Poland and provide, in a comprehensible and exhaustive manner, information concerning in art. 22c of the Act on the freedom of economic activity. The single contact point does not provide counselling in individual cases. Transmission of data between a point of contact and the competent authorities takes place via an electronic platform of public administration services or electronic mailboxes of the competent authorities or other information systems allowing to access court records. The regulation of the Minister of Economy on the creation of a point of contact for administration and a point of contact for providers and service receivers of 17 August 2010 (Journal of Laws No 171, item 1152) indicates the tasks to be fulfilled by a point of contact point separately for administration and for providers and service receivers.

Summary

Undertaking actions aimed at reducing administrative barriers for entrepreneurs in the form of facilitating access to information about entrepreneurs through the implementation of IT systems aiding and supporting public commercial registers is praiseworthy. Moreover, the increase in public administration services that can be taken advantage of by entrepreneurs via electronic means is also noteworthy. Nevertheless, some doubts are raised to the extent of a separate system of records for natural persons and a commercial register for other companies that are not natural persons, maintained by the National Court Register. It would be reasonable to put the data and information about entrepreneurs in one common register kept by a single entity. The current form is contradictory to the implementation of the principle of interoperability and free transmission of

information about entrepreneurs in business trading. It is worth considering whether, instead of creating a new CEIDG, it would have been more advisable to use the already existing conceptual framework and put all the data and information about entrepreneurs – natural persons in the Central Information of the National Court Register. However, it was decided to use the different conceptual framework. The consequence is that there are two different entities responsible for maintaining both registers – the CEIDG is operated by the Ministry of Development, while the National Court Register is operated by the Ministry of Justice. In order to obtain information on entrepreneurs – natural persons, it is necessary to learn the rules of access to information contained in the CEIDG, while in the case of other entrepreneurs – with the rules relating to the National Court Register; the differences in operating those two registers are significant.

In the field of computerisation of public administration, the governmental attempt to enforce the regulations governing, *inter alia* principles of interoperability and technological neutrality that standardise the terminology and undoubtedly involve many conceptual frameworks aspiring towards the righteous targets. It is hoped that subsequently proposed legislative changes will address the current state of legal affairs and guarantee the consistency of the legal system in the field of computerisation of public administration, also in terms of the transmission of information about entrepreneurs in business trading.

N O T E S

¹ European Interoperability Framework – Implementation Strategy, 23 March 2017, constituting Annex to the Commission’s Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

² ePUAP – Electronic Platform of Public Administration Services. It is a computerised system in which public institutions make services available via a single access point on the Internet. The main objective of designing and implementing ePUAP is to create a uniform, safe and fully compliant with all applicable laws electronic channel of making public services available by public administration to citizens, entrepreneurs and public administration. EPUAP is the ICT system in which public authorities provide services through a single access point in the Internet. The main objective of designing and implementing EPUAP is to create a uniform, safe – and fully compliant with all applicable laws – electronic channel of making public services available by public administration to citizens, entrepreneurs and public administration.

³ See § 4 of the regulation on the National Interoperability Framework.

⁴ See art. 23 par. 3 of the Act of 2 July 2004 on the on freedom of economic activity, (Journal of Laws from 2016, item 1829, consolidated text).

⁵ See art. 25 of the Act of 2 July 2004 on the on freedom of economic activity.

⁶ Art. 20 par. 1 of the National Court Register Act.

⁷ Art. 4 par. 2 of the National Court Register Act.

⁸ § 4 of the Regulation of the Minister of Justice of 27 December 2011 on the system and organisation of the Central Information Point of the National Court Register and the detailed rules for the transmission of information from the register and copies of documents from the catalogue (the Regulation on the CIKRS), Journal of Laws, no. 297 item 1760 with subsequent amendments.

⁹ § 8 of the Regulation on the CIKRS.

¹⁰ These websites should contain information on the procedures that you need to follow in order to benefit from specific service, as well as regulations that apply to such a service. All points of single contact are part of the European EUGO network (http://ec.europa.eu/internal_market/eu-go/index_pl.htm). In Poland, it was decided that this would be an electronic point of contact available on the following website <http://www.eu-go.gov.pl>.

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