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OF THE REPUBLIC OF POLAND

Warsaw, 13 January 2021

Item 73

ORDINANCE OF THE COUNCIL OF MINISTERS

of 30 December 2020

on the application for the qualification procedure

Pursuant to Art. 49a Sec. 18 of the Act of 9 June 2011. – Geological and Mining Law (Journal of Laws of 2020, Items

1064, 1339 and 2320), the following shall be ordered:

**§ 1.** The Ordinance specifies:

1. the specimen for the application for the qualification procedure to assess the capacity of the entity concerned to carry out the activities of prospecting for and exploring hydrocarbons, and recovering hydrocarbons from deposits;
2. requirements for the documents accompanying the application for the qualification procedure.

**§ 2.** The specimen of the application referred to in § 1 Point 1 is specified in the Annex to the Regulation.

**§ 3.** The application referred to in § 1 Point 1 shall be accompanied by the following documents:

1. in the form of the original or a certified true copy in accordance with Art. 76 § 2 of the Act of 14 June 1960 – Administrative Procedure Code (Journal of Laws of 2020, Items 256, 695, 1298 and 2320 and

of 2021, Item 54);

1. along with their translation into Polish certified by a sworn translator – in the case of documents drawn up in a foreign language.

**§ 4.** Applications for qualification procedure submitted before the date of entry into force of the Ordinance and not yet examined shall be subject to the provisions of this Ordinance.

**§ 5.** This Ordinance shall enter into force on the day following its publication.1)

Prime Minister: *M. Morawiecki*

1) This Ordinance was preceded by the Ordinance of the Council of Ministers of 20 April 2015 on the application for the qualification procedure (Journal of Laws, Item. 708 and 1868), which expired on 30 August 2020 in accordance with Art. 24 Sec. 1 of the Act of 15 June 2018 amending the Act – Geological and Mining Law and certain other acts (Journal of Laws, Item. 1563 and of 2019, Item 1495).

Annex to the Ordinance of the Council of Ministers

of 30 December 2020 (Item 73)

SPECIMEN

# APPLICATION FOR THE QUALIFICATION PROCEDURE

**to assess the capacity of an interested party to carry out activities in the field of exploration for, and prospection of, hydrocarbons and extraction of hydrocarbons from deposits**1)

……………………., date:

(Location)

……………………………………... (Name and address of the Concession Authority)

# Identifying data of the Applicant for the qualification procedure, hereinafter referred to as the "Applicant"

Applicant's designation / full name:

……………………………………………………………………………………………..……………

…………………………………………………………………………………………………………..

Applicant's abbreviated name:

……………………………………………………………………………………………….………….

……………………………………………………………………………………………………….….

Registered office and address of the Applicant's principal place of business:

……………………………………………………………………………………………………………

…………………………………………………………………………………………………………....

Applicant's Tax Identification Number (NIP) or equivalent:

……………………………………………………………………………………………………………

1)  Where the application field does not apply to the Applicant, the applicant shall complete it by entering "Not applicable."

Applicant's legal status:

……………………………………………………………………………………………………………

………………………………………………………………………………………….………………...

Name of the register competent for the legal status of the Applicant and number and date of entry in the register:

……………………………………………………………………………………………………………

………………………………………………………………………………………….………………...

Date of actual commencement of the Applicant's business activity:

…………………………………………………………………………………………………................

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# Data on the capital structure and capital links of the Applicant

The amount of the share capital (also the amount of paid-up capital), share fund, or other initial capital of the Applicant:

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

Number and types of shares and other forms of joint ownership in the Applicant's capital:

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

Nominal value of shares and other forms of joint ownership of the Applicant:

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

Data relevant to the legal status of the Applicant regarding the shareholders, owners, shareholders, cooperatives, or other persons (entities) participating in the ownership structure of the Applicant2):

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Designation / Full name3) | Address  and registered office | Date of commencement of business activity (including entry in the register, commencement of business  activity) | Registration authority / nationality3) | Legal status | Shareholders, owners, shareholders, cooperatives, or other persons (entities) participating in the ownership structure4) | Composition of the management body |
|  |  |  |  |  |  |  |  |

Details of the parent entity undertaking in the capital group of which the Aapplicant is a member:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Designation / Full name3) | Address  and registered office | Date of commencement of business activity (including entry in the register, commencement of business  activity) | Registration authority / nationality3) | Legal status | Shareholders, owners, shareholders, cooperatives, or other persons (entities) participating in the ownership structure4) | Composition of the management body |
|  |  |  |  |  |  |  |  |

# Data on the sources of the funds and the financial situation of the Applicant

List of 5 contracts or other legal acts, arranged in terms of the value of the subject of the contract, concluded by the Applicant in the last 3 years with contractors from the Member States of the European Union, from the Member States of the European Free Trade Agreement (EFTA) or from the Member States of the North Atlantic Treaty Organisation, having the greatest impact on the financial situation (related to the activities of exploration for and prospection of hydrocarbons or extraction of hydrocarbons from deposits) or the ownership structure of the Applicant:

2) It also applies to shareholders of joint-stock companies and limited joint-stock partnerships holding at least 5% of votes together with other entities of the same capital group.

3) It applies to natural persons.

4) If the number of shareholders, owners, shareholders, cooperatives, or other persons (entities) participating in the ownership structure exceeds 5, indicate the 5 largest shareholders, owners, shareholders, cooperatives, or other persons (entities) participating in the ownership structure.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Subject of the contract5) | Name of the counterparty and address of its registered office | Contract value5) | Contract conclusion date5) | Duration of the contract5) | Forms of contract security5) | Impact on financial position or ownership structure  of the Applicant |
| 1 |  |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |  |
| 4 |  |  |  |  |  |  |  |
| 5 |  |  |  |  |  |  |  |

List of 5 contracts or other legal acts, arranged in terms of the value of the subject of the contract, concluded by the applicant in the last 3 years with contractors from third countries, having the greatest impact on the financial situation (related to the activities in the field of exploration for and exploration for hydrocarbons or extraction of hydrocarbons from deposits) or the ownership structure of the Applicant:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Subject of the contract5) | Name of the counterparty and address of its registered office | Contract value5) | Contract conclusion date5) | Duration of the contract5) | Forms of contract security5) | Impact on financial position or ownership structure  of the Applicant |
| 1 |  |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |  |
| 4 |  |  |  |  |  |  |  |
| 5 |  |  |  |  |  |  |  |

Net profit/loss for each year of the last 3 financial years (in the case of Applicants operating for less than 3 years – net profit/loss for the entire period of operation divided into years):

………........................................................................................................................................................

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5) Or any other legal action.

Name of the competent tax office(s):

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

List of the Applicant's bank account numbers (first the basic account number):

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Bank account no. | Account opening date | Name and address of the bank |
|  |  |  |  |

# Data on the organisational structure of the Applicant

Number of branches: ………… Basic information about the branches:

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Name and address of the branch | NIP of the branch  (or equivalent) | REGON of the branch  (or equivalent) |
|  |  |  |  |

# Data of persons managing the activity of the Applicant6) / data of the Applicant being a natural person / data of the partners of the Applicant operating in the form of a partnership

Data on Polish citizens and foreigners holding a PESEL number:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Full name | PESEL No. | Position / function performed  in the entity | Citizenship |
|  |  |  |  |  |

6) The persons managing the Applicant's activities are understood as: persons who are members of the Applicant's management and supervisory bodies, the general proxy and the substitute proxy in relation to the general proxy, the proxy, the chief accountant, as well as a person conducting his/her affairs under a different title.

Data on foreigners without a PESEL number:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Full name | DOB and place of birth | Names of parents | Citizenship | Current residential address | Type and number of identification document | Position / function performed  in the entity |
|  |  |  |  |  |  |  |  |

Persons simultaneously managing the activity of the Applicant and an entity established in a third country within the meaning of Art. 49a Sec. 5 of the Act of 9 June 2011. – Geological and Mining Law (Journal of Laws of 2020, Items 1064, 1339 and 2320):

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Full name | Name of the entity having  its registered office in a third country | Position / function held in the entity |
|  |  |  |  |

..................................................................

Ssignature(s) of the person(s) authorised to represent the Applicant

# Attachments: 7)

1)

2)

...

n)

7) List of attachments to the application for a qualification procedure to assess the capacity of the entity concerned to carry out the activities of prospecting for and exploring for hydrocarbons and extracting hydrocarbons from the fields, in so far as it concerns:

* + 1. an up-to-date extract from the register relevant to the Applicant's legal status in accordance with the legislation of the country of origin;
    2. the current statutes, contract, or other document constituting the basis of the Applicant's functioning, as well as its shareholders, owners, shareholders, cooperatives, or other entities participating in the ownership structure of the Applicant;
    3. an up-to-date list of shareholders, owners, shareholders, cooperatives or other persons (entities) participating in the ownership structure of the applicant, together with an indication of the value of their shares, stocks, shares in voting rights, or other type of ownership title (participation) and an indication of their privilege, if any; in the case of the exercise of ownership rights under any title by entities not participating in the ownership structure of the Applicant, the Applicant shall also provide an up-to-date list of these entities with an indication of their title to exercise rights;
    4. in the case of joint-stock companies and limited joint-stock partnerships – the last possessed list of entities holding shares entitling to at least 5% of votes, counting together with other entities in the same capital group within the meaning of the Act of 16 February 2007 on competition and consumer protection (Journal of Laws of 2020, Items 1076 and 1086); in the case of the exercise of rights in shares under any title by entities that are not shareholders, the Applicant shall also provide an up-to-date list of these entities with an indication of their title to exercise rights;
    5. a list of entities in which the Applicant holds shares or shares entitling to at least 5% of votes at the general meeting or the shareholders' meeting or otherwise, counting together with other entities in the same capital group within the meaning of the Act of 16 February 2007 on competition and consumer protection;
    6. other current documents presenting the capital and organisational structure of the Applicant and its capital group within the meaning of the Act of 16 February 2007 on Competition and Consumer Protection;
    7. a graphical organizational chart of the capital group within the meaning of the Act of 16 February 2007 on competition and consumer protection, to which the Applicant belongs, together with an indication of the authorities exercising financial supervision over the entities belonging to the group;
    8. a current attestation that the Applicant is not entered in the register of insolvent debtors or in a register of a similar nature in the Applicant's country of origin;
    9. the Applicant's latest individual or, if applicable, consolidated annual financial statements, together with the opinion issued by the statutory auditor and an audit report; if the application is submitted after the end of the financial year but before the deadline for the submission of the report for the year in question or before the statutory auditor has issued an opinion on the report for the year in question, the Applicant should also submit the unaudited report drawn up for the last financial year or other recent documents showing its financial situation at the date of the end of the last financial year;
    10. the Applicant's information on bankruptcy or restructuring proceedings pending against him at the date of the application;
    11. current statements of the persons managing the activity of the Applicant, the Applicant being a natural person, the partners of the Applicant conducting activity in the form of a partnership on performing or not performing functions related to the management of the activity of an entity established in a third country within the meaning of art. 49a Sec. 5 of the Act of 9 June 2011. – Geological and mining law, or an entity under corporate control established in a third country, together with any indication of its position in such an entity;
    12. up-to-date statements by the persons whose personal data are included in the request for the conduct of a qualification procedure to assess the capacity of the entity concerned to carry out the activities of prospecting for and exploring for hydrocarbons and extracting hydrocarbons from the deposits, or documents accompanying it, to consent to the processing of their personal data for the purposes of the qualification procedure;
    13. confirmation of payment of the fee for the qualification procedure.