

[PL] Implementing the Digital Services Act in Poland

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On 25 September 2026, the President of the Republic of Poland signed one of the legislative acts implementing the Digital Services Act (DSA), namely the Act of 4 September 2026 (hereafter, "the Act") amending the Act on the Provision of Electronic Services and Certain Other Acts. This Act is intended to implement the DSA, which has been applicable in EU member states since 17 February 2024. In May 2025, Poland, along with Cyprus, Spain, Portugal and Czechia, was sued before the Court of Justice of the European Union for not implementing the legal regime.

In January this year, the president vetoed a comprehensive implementing act, as he believed it would introduce administrative censorship in Poland and confer excessive competences on the Office of Electronic Communications (*Urząd Komunikacji Elektronicznej* – UKE). Consequently, the government prepared two draft laws (parliamentary print 2693 and parliamentary print 2694).

The Act of 4 September 2026 provides for an institutional network competent to deal with matters governed by the DSA. The amending act designates the authorities responsible for enforcing the new provisions vis-à-vis Internet platforms and introduces a system of complaints and penalties for violations.

Under the discussed amendment, three institutions will be responsible for the supervision of digital platforms: the President of the UKE, the Chair of the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT) and the President of the Office of Competition and Consumer Protection (*Urząd Ochrony Konkurencji i Konsumentów* – UOKiK)

The President of the UKE will play a central role as the coordinator for digital services. He or she will consider user complaints against moderation decisions or omissions to ensure a mechanism for reporting illegal content, hold proceedings against Internet platforms, and cooperate with the European Commission and regulators from other member states of the EU. Moreover, under the new legislative framework, the National Board for Digital Services (*Krajowa Rada do spraw Usług Cyfrowych*) will be attached to the President of UOKiK and will comprise 15-18 members. The board will include, among others, representatives of the President of the Republic, the *Sejm* and Senate, the Ombudsman, the Children's Ombudsman, the President of the Personal Data Protection Office

(UODO), the President of UOKiK, and the Chair of KRRiT. The board is to give opinions on key solutions and support the development of a secure market for digital services.

UOKiK will respond to violations of consumer interests arising from unfair practices by commercial platforms, such as non-transparent advertising or dark patterns. The Chair of KRRiT will be responsible for the enforcement of DSA provisions against video-sharing platforms. These authorities will cooperate with the President of the UKE as part of the national supervision system.

The amendment governs the terms and the procedure for certifying alternative dispute resolution bodies. The Act also sets out the criteria for awarding the status of "trusted flagger", an individual who supports the active detection of illegal content on the Internet, and the status of "verified researcher" in relation to requests for access to platforms' data for scientific research purposes. The digital services coordinator will also be obliged to consult the President of UODO and other state authorities regarding the award of either status.

Moreover, the Act contains provisions imposing administrative fines of up to 6% of global turnover for the preceding year, on businesses that fail to comply with their duties under the DSA. The Act will come into force 30 days after its publication. It was published in the Official Journal on 6 October 2026 (Official journal, J.L. 2026, Item 1296)

This amendment is a step towards making the Internet a safe place for users. Now, we are waiting for the second act (parliamentary print 2693), governing the national procedure for rapid response to illegal content.

USTAWA dnia 4 września 2026 r. zmianie ustawy o świadczeniu usług drogą elektroniczną oraz niektórych innych ustaw

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20260001296/O/D20261296.pdf>

Act of 4 September 2026 amending the Act on the Provision of Electronic Services and Certain Other Acts

