

The EU AI Act and the Polish Legal Order: Constitutional Framework, Regulatory Architecture, Policy and Implementation Gaps

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Abstract: *La legge dell'UE sull'intelligenza artificiale e l'ordinamento giuridico polacco: quadro costituzionale, architettura normativa, politiche e lacune nell'applicazione* - This article examines Poland's implementation of the European Union Artificial Intelligence Act from constitutional, legislative, institutional, and policy perspectives. It analyses the Polish AI ecosystem, constitutional protections for dignity, privacy, informational autonomy, compensation, and appeal, and the evolving national regulatory framework. Particular attention is given to the proposed Commission for AI Development and Safety, enforcement mechanisms, regulatory sandboxes, soft-law guidance, and participation in European governance. The article argues that Poland possesses substantial legal and technological potential, but delayed legislation, limited regulatory expertise, institutional fragility, and insufficient support for smaller enterprises continue to hinder effective implementation and regional leadership in AI governance.

Keywords: EU AI Act; Poland; Artificial intelligence governance; Constitutional rights; Regulatory enforcement

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1. Introduction

The adoption of Regulation (EU) 2024/1689 - the Artificial Intelligence Act - marks the world's first comprehensive legal framework for artificial intelligence, establishing a risk-based regulatory architecture applicable across all European Union Member States¹. For Poland, the largest economy in Central and Eastern Europe, the AI Act presents both an opportunity to shape AI governance within its constitutional tradition and a challenge to ensure effective implementation within demanding timelines. This paper examines Poland's approach to AI Act implementation from a constitutional and comparative law perspective, assessing the interplay between European regulatory requirements and domestic legal frameworks.

The analysis proceeds along three interconnected dimensions. First, it presents Poland's developing AI ecosystem to assess the country's position relative to other European Union Member States and to examine whether Poland confronts distinctive challenges in the domains of AI governance and regulatory compliance. Second, it identifies the constitutional framework relevant to artificial intelligence—particularly the guarantees enshrined in the Polish Constitution of 1997—and provides a comprehensive picture of

¹ Reg. UE n. 1689/2024 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act).

AI Act legislative implementation as it stands in early 2026. Third, it examines how the AI Act is being implemented in the political and policy sphere, tracing soft-law developments, institutional preparations, and Poland's engagement in EU-level AI governance structures.

The methodology combines constitutional and comparative law analysis with examination of legislative developments and policy documents. The paper proceeds as follows:

Chapter 2 surveys the Polish AI ecosystem. It examines current enterprise adoption rates, which remain significantly below the EU average, alongside sectoral variations in AI-driven productivity gains. The chapter analyses Poland's sovereign AI initiatives, particularly PLLuM and Bielik, and assesses the computational infrastructure underpinning these efforts, including Poland's position in global supercomputing rankings and participation in EuroHPC AI Factories. The chapter concludes with a realistic assessment of Poland's infrastructure constraints relative to global AI development.

Chapter 3 addresses the constitutional and legislative impact on the AI Act implementation and impact of the AI Act regulation in Poland. Section 3.1 examines the nature of AI Act implementation, identifying areas requiring national legislation and analysing Poland's implementation delays within the European context of standardization difficulties and the Digital Omnibus proposal. Section 3.2 provides detailed constitutional analysis of Articles 30, 47, 51, 77, and 78, drawing extensively on Polish Constitutional Tribunal jurisprudence to establish the domestic legal foundations for AI governance. Section 3.3 traces the genesis of the draft Polish AI Act, analysing its institutional design, procedural mechanisms, and distinctive features. Section 3.4 examines enforcement mechanisms, including the sanctions framework, settlement procedures, judicial review, and the interaction with data protection and criminal law.

Chapter 4 examines the national AI strategy and policy framework. It assesses the draft Policy for the Development of Artificial Intelligence in Poland until 2030, analysing its objectives, weaknesses, and relationship with AI Act implementation. The chapter traces Poland's institutional response to Article 70-77 requirements, including the designation of fundamental rights authorities and the proposed Commission for AI Development and Safety. It surveys soft-law developments, including Ministry of Digitalization guidance and the work of the Working Group on Artificial Intelligence (GRAI), and examines Poland's engagement in EU AI governance through AI Board participation, Code of Practice contributions, and standardization involvement.

Chapter 5 presents conclusions and analysis of the path forward. It situates Poland's implementation delays within the broader European context, examines institutional and capacity constraints, and assesses Poland's efforts to bridge implementation gaps through soft-law mechanisms and expert engagement.

2. The Polish AI Ecosystem: Where We Stand

2.1 Overview of AI Development in Poland

Poland occupies a distinctive position within the European artificial intelligence landscape - one characterized by significant potential yet persistent structural challenges. The analysis of recent data reveals a complex picture of AI adoption that warrants careful examination, particularly in light of the regulatory demands imposed by the AI Act.

According to the latest Eurostat data from December 2025, the adoption rate of artificial intelligence technologies among Polish enterprises reached 8,36%. While this represents an increase from the 5,9% recorded in 2024, Poland remains among the lowest-performing EU Member States, alongside Romania (5,21%) and Bulgaria (8,55%), falling significantly behind the newly established Union average of 19,95%. For context, the European leaders in AI adoption are Denmark (42,03%), Finland (37,82%), and Sweden (35,04%)². A more granular analysis of the corporate sector reveals a distinct gap between enterprise sizes. According to the IFS Polska 2025 report focusing on the largest entities (revenues exceeding 400 million PLN), 65% of large enterprises actively utilize AI, with the remaining 35% planning implementation within the next 24 months³.

The structural composition of the Polish economy presents particular challenges for AI diffusion. Small and medium-sized enterprises constitute 99.8% of Polish firms and generate nearly half of the national GDP (approximately 46.6%)⁴. Yet this segment demonstrates a markedly hesitant approach to AI adoption. According to a 2025 report by the Polish Economic Institute, only 16% of micro-enterprises and 15% of small companies utilize AI. More tellingly, 77% of these firms indicate they do not plan to implement AI solutions until it becomes an absolute necessity⁵. This wait-and-see attitude stands in stark contrast to the Ministry of Digital Affairs' projection that by 2030, at least 34% of Polish SMEs will utilize AI tools for process optimization and competitiveness enhancement—a target that presupposes substantial acceleration from current adoption rates⁶.

Beyond adoption rates, sectoral analysis reveals pronounced variations in AI-driven productivity gains. According to a 2025 EMEA-focused study by IBM, large organizations employing 1,001-5,000 workers report that 72% experience significant productivity improvements from AI implementation, compared to the EMEA average of 66%. The banking and financial services sector demonstrates particularly strong results, with 72% reporting productivity gains and 26% already achieving financial ROI

² Eurostat, *Artificial Intelligence in EU Enterprises*, 12-2025, ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20251211-2.

³ IFS Polska, *Raport IFS Polska 2025: AI w największych firmach*, Warsaw, 2025, info.ifs.com/AI-w-polskich-firmach.html.

⁴ Polish Agency for Enterprise Development (PARP), *Report on the State of the SME Sector in Poland*, Warsaw, 2025, fepw.parp.gov.pl/storage/publications/pdf/ROSS_2025.pdf.

⁵ Polish Economic Institute (PIE), *Z AI korzysta mniej niż co szósta firma w Polsce*, Warsaw, 2025, pie.net.pl/z-ai-korzysta-mniej-niz-co-szosta-firma-w-polsce.

⁶ Ministry of Digital Affairs, *Polityka rozwoju sztucznej inteligencji w Polsce do 2030 roku*, Warsaw, 2025, www.gov.pl/web/cyfryzacja/polityka-rozwoju-sztucznej-inteligencji-w-polsce-do-2030-roku-bezpieczne-i-odpowiedzialne-wykorzystanie-sztucznej-inteligencji.

targets, exceeding the 20% EMEA average. By contrast, SMEs with fewer than 250 employees achieve only 55% productivity improvement rates, while public administration registers similarly modest results at 55%, with merely 13% achieving ROI objectives⁷. Despite these modest ROI figures, adoption within the public sector has expanded dramatically: a March 2026 report by NASK (National Research Institute (Research and Academic Computer Network)), revealed that nearly half (46%) of public administration employees in Poland now use generative AI tools in their professional duties, particularly among managerial and technical staff⁸.

The Polish AI market has evolved significantly beyond software outsourcing, giving rise to globally recognized deep-tech pioneers and industry leaders. Most notably, ElevenLabs, co-founded by Polish entrepreneurs, has emerged as a global decacorn in generative AI audio, achieving a multi-billion dollar valuation and establishing its European R&D headquarters in Warsaw in 2025. The ecosystem also features prominent innovators such as Synerise (predictive analytics and behavioral big data), Infermedica (AI in diagnostic medicine), and Pathway (advancing post-transformer cognitive architectures)⁹. This commercial success is underpinned by world-class technical talent; Polish developers consistently rank among the top three globally in assessments by HackerRank and Topcoder¹⁰.

This advanced expertise is supported by Poland's robust digital infrastructure: according to ZBP data from Q3 2025, nearly 27 million active users engage with mobile banking applications, with 20 million operating exclusively through mobile channels - representing 75% of active mobile users¹¹. The BLIK payment system - a ubiquitous domestic mobile payment standard co-created by a consortium of Polish banks - processed 2,9 billion transactions worth 441,5 billion PLN (EUR 104.9 bn) in 2025, demonstrating mass acceptance of digital financial flows that facilitates AI-enabled conversational interfaces and automation¹². Governmental digital services have achieved comparable scale. The mObywatel application - Poland's flagship governmental mobile platform - reached 11 million active users by early 2026, representing over 30% of the adult population¹³. The application serves as a comprehensive digital identity and public services

7 IBM, *The Race for ROI. How AI is transforming enterprise productivity in EMEA*, filecache.mediaroom.com/mr5mr_ibmnewsroom/199848/IBM%20EMEA%20Report%20-%20The%20Race%20for%20AI%20.pdf.

8 NASK, *Raport o badaniu administracji publicznej*, Warsaw, March 2026, www.nask.pl/media/2026/03/AI-w-administracji-publicznej_.pdf.

9 Warsaw Institute, *Polish Innovations in Artificial Intelligence: A New Frontier in Global Technology*, Warsaw, 2024, warsawinstitute.org/polish-innovations-in-artificial-intelligence-a-new-frontier-in-global-technology/.

10 HackerRank, *Which Country Would Win the Programming Olympics?* pages.hackerrank.com/blog/which-country-would-win-in-the-programming-olympics?utm_source=chatgpt.com.

11 Polish Bank Association (ZBP), *NetB@nk Report, Q3 2025*, www.zbp.pl/aktualnosci/raporty-i-analizy/raport-netbank-iii-kw-2025.

12 BLIK, *Annual Report 2025*, Warsaw, 2025, www.blik.com/en/nearly-3-bn-blik-transactions-in-2025-and-over-2-m-new-users.

13 Ministry of Digital Affairs, *mObywatel Statistics, 1-2026*, www.gov.pl/web/cyfryzacja/11-milionow-mobywateli-i-rekordowy-rok-w-aplikacji-mobywatel-cyfrowa-rewolucja-w-liczbach.

gateway, enabling citizens to carry legally valid digital equivalents of identity documents, driving licenses, and vehicle registration certificates. The digital driving license alone counts 5.5 million users. The platform's rapid growth – from 8 million users in 2024 to 11 million in 2026 – reflects successful governmental digitalization, with the Ministry of Digital Affairs projecting 20 million users by 2031 through the forthcoming mObywatel 3.0 release scheduled for 2026, which will achieve full eIDAS 2.0 compliance and enable cross-border recognition throughout the European Union¹⁴. The integration of PLLuM-powered AI assistants into mObywatel represents a practical convergence of sovereign AI development and governmental digital services.

2.2 Polish LLMs and AI Infrastructure

The development of sovereign AI capabilities has emerged as a strategic priority for Poland, manifesting in ambitious initiatives to create Polish large language models and expand computational infrastructure. The most prominent initiative is PLLuM (Polish Large Language Model), officially launched in February 2025 by the Ministry of Digital Affairs¹⁵. Developed by a consortium comprising Wrocław University of Science and Technology as project leader, alongside the Institute of Computer Science of the Polish Academy of Sciences, the Institute of Slavic Studies, NASK-PIB, OPI PIB, and the University of Łódź, PLLuM represents the largest open-source family of foundation models optimized for the Polish language. The model architecture demonstrates considerable flexibility, operating on structures ranging from 8 to 70 billion parameters and trained on a carefully curated corpus of approximately 150 billion tokens¹⁶. Initial funding of 14.5 million PLN (approximately EUR 3.5 million) has been allocated to PLLuM development, with an additional 19 million PLN designated for implementation within public administration and expanded partnerships with institutions including COI and Cyfronet AGH. Practical applications already deployed include a virtual assistant integrated into the mObywatel governmental application, facilitating citizen access to public services, as well as intelligent clerical assistants automating document processing and information retrieval. Parallel to governmental initiatives, the open-source Bielik project, developed by the SpeakLeash Foundation in collaboration with ACK Cyfronet AGH, has achieved notable results. Bielik-11B, based on the Mistral architecture and trained on Poland's Helios and Athena

14 Ministry of Digital Affairs, *Rozwijamy mObywatela, a nie wygaszamy*, www.gov.pl/web/cyfryzacja/rozwijamy-mobywatela-a-nie-wygaszamy; Identity Week, Poland is developing mObywatel 3.0, projecting 20 million users by 2031, identityweek.net/poland-is-developing-mobywatel-3-0-projecting-20-million-users-by-2031/

15 Ministry of Digital Affairs, *Polska buduje własną sztuczną inteligencję – PLLuM gotowy do działania*, 24-2-2025, www.gov.pl/web/cyfryzacja/polska-buduje-wlasna-sztuczna-inteligencje-pllum-gotowy-do-dzialania

16 J. Kocoń et al., *PLLuM: A Family of Polish Large Language Models*, arXiv:2511.03823, 2025, arxiv.org/abs/2511.03823.

supercomputers, has demonstrated competitive performance on Polish language benchmarks¹⁷.

The computational infrastructure underpinning these initiatives has expanded significantly through European cooperation mechanisms. Poland hosts two AI Factories established under the EuroHPC Joint Undertaking framework: PIAST-AI Factory, led by the Poznan Supercomputing and Networking Center (PCSS) with launch in February 2025, focusing on IT, cybersecurity, health sciences, public sector, space and robotics, and sustainable development, and GAIA AI Factory, coordinated by ACK Cyfronet AGH from October 2025, emphasizing healthcare, space sector applications, and large language model development¹⁸. Additionally, both Polish AI factories joined the LUMI consortium, connecting Polish research infrastructure with the Finnish LUMI supercomputer.

The regulatory landscape is simultaneously evolving as a driver of AI adoption. The mandatory implementation of the National e-Invoice System from February 2026 for the largest enterprises (over 200 million PLN turnover) and April 2026 for remaining VAT taxpayers creates structured XML data ideally suited for AI applications - automatic ledger entries, VAT reconciliation, duplicate detection, and three-way matching between orders, deliveries, and invoices¹⁹. This regulatory catalyst may accelerate AI adoption particularly in accounting and finance sectors, where AI already transforms practitioners from transaction executors into strategic advisors. Looking forward, Poland's participation in the Baltic AI GigaFactory initiative alongside Lithuania, Latvia, and Estonia, as well as its June 2025 accession to the EU InvestAI Facility's EUR 20 billion fund, indicates strategic commitment to developing sovereign AI capabilities at scale²⁰.

However, a sober assessment reveals significant structural constraints that temper these ambitions. Poland's computational infrastructure, while improving, remains modest by global standards. According to the November 2025 TOP500 ranking, Poland's fastest supercomputer - Helios GPU at ACK Cyfronet AGH - ranks 96th globally, with additional systems PROXIMA (128th) and ALTAIR (358th) at PCSS. In total, Poland contributes only 7 machines to the TOP500 list. For comparison, the United States hosts over 160 systems, China over 80, and Germany over 30. The leading European AI infrastructure, JUPITER at Jülich Supercomputing Centre, achieved exascale performance (1.000 Exaflop/s) in 2025, a capability Poland cannot match domestically²¹.

The funding disparity presents an even starker picture. PLLuM's total budget of approximately PLN 33.5 million (roughly EUR 8 million)

17 SpeakLeash Foundation, huggingface.co/speakleash; K. Wróbel et al., *Bielik Guard: Efficient Polish Language Safety Classifiers for LLM Content Moderation*, arXiv: 2602.07954, 2026, huggingface.co/papers/2602.07954.

18 The European High Performance Computing Joint Undertaking (EuroHPC JU), AI Factories, eurohpc-ju.europa.eu/ai-factories.

19 Act of 9 May 2024 (Dz.U. 2024 poz. 852), amending the Polish VAT Act and introducing the mandatory National e-Invoice System.

20 Ministry of Digital Affairs, *Polska chce dołączyć do europejskiego programu Gigafabryk AI*, 12 -6 -2025,

www.gov.pl/web/cyfryzacja/polska-chce-dolaczyc-do-europejskiego-programu-gigafabryk-ai.

21 TOP500.org, *TOP500 List - November 2025, SC25 Conference*, St. Louis, 2025, www.top500.org/lists/top500/2025/11.

and Bielik's reliance on donated computational resources represent a fraction of the investments powering global AI development. OpenAI has raised cumulative funding exceeding USD 168 billion, including a USD 110 billion round in February 2026 valuing the company at USD 730 billion²². Even Europe's leading independent AI developer, Mistral AI, has secured over EUR 2.7 billion in funding as of 2025, with a EUR 1.7 billion Series C round led by ASML²³. Polish sovereign AI initiatives operate on budgets approximately 0.3% of Mistral's and negligible compared to OpenAI's scale - a disparity that constrains model size, training data volume, and iterative refinement capabilities.

The Baltic AI GigaFactory project, while ambitious in its vision of 100,000 GPUs powered by renewable energy, confronts significant infrastructure obstacles. European data center development faces grid connection delays ranging from two to ten years in established markets, with transmission infrastructure upgrades requiring five to ten years for planning, permitting, and construction. Poland's electrical grid, designed for twentieth-century industrial loads rather than concentrated high-density AI computing facilities, will require substantial investment in transmission capacity. The project's success depends not merely on GPU procurement but on resolving these foundational energy infrastructure constraints.

3. Constitutional and Legislative Impact of the EU AI Act

3.1 The Nature of AI Act Implementation in Poland

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The AI Act, as an EU regulation, enjoys direct applicability in all Member States pursuant to Article 288 TFEU, requiring no transposition into national law for its substantive provisions to take effect. However, this direct applicability does not render national implementing legislation superfluous. The AI Act explicitly delegates certain matters to Member State discretion and mandates national action in several critical areas, creating a complex interplay between European and domestic legal orders.

While the AI Act is directly applicable, the specific areas requiring national implementing legislation are extensive and can be systematically ordered according to the architecture of the Act itself. Member States must adopt domestic laws to operationalize the following mandatory requirements:

1. Conformity Assessment Structures (Article 28): Member States must designate a notifying authority responsible for setting up and carrying out the necessary procedures for the assessment, designation, and notification of conformity assessment bodies.

2. Innovation Support (Article 57): National legislative measures must establish at least one AI regulatory sandbox at the national level to facilitate controlled development, testing, and validation of innovative AI systems before their placement on the market.

²² TechCrunch, *OpenAI raises \$110B in one of the largest private funding rounds in history*, 27 - 2- 2026, techcrunch.com/2026/02/27/openai-raises-110b-in-one-of-the-largest-private-funding-rounds-in-history/.

²³ Mistral AI, *Mistral AI raises 1.7B€ to accelerate technological progress with AI*, 9-2025, mistral.ai/news/mistral-ai-raises-1-7-b-to-accelerate-technological-progress-with-ai.

3. Institutional Governance (Article 70): Member States are obligated to designate national competent authorities, specifically, at least one notifying authority and one market surveillance authority, while also identifying a single point of contact for communication with the European Artificial Intelligence Board and the Commission.

4. Procedural Capabilities for Market Surveillance (Article 74): National law must confer specific, necessary investigative and corrective powers upon market surveillance authorities, outlining the explicit procedural frameworks governing evidence gathering, inspections, access to source code, and appellate procedures against regulatory decisions.

5. Fundamental Rights Coordination (Article 77): Member States must formally designate the national authorities or bodies competent for the protection of fundamental rights, ensuring their structural coordination with market surveillance authorities to assess high-risk AI impacts.

6. Remedies and Complaints (Articles 85 & 86): National legislation must establish administrative frameworks facilitating the right of natural or legal persons to lodge complaints with a market surveillance authority (Art. 85) and secure the right to an explanation of individual decision-making driven by high-risk AI systems (Art. 86).

7. Enforcement and Penalties (Article 99): Member States must lay down effective, proportionate, and dissuasive rules on penalties and administrative fines—which the Act caps at EUR 35 million or 7% of global turnover—detailing the procedures for their imposition, the potential inclusion of criminal sanctions where appropriate under national legal tradition, and the mechanisms for negotiated settlements.

In 2026 we may observe a delay in Poland's response to the AI Act. Polish parliament has still failed to enact a comprehensive national law to operationalize these requirements. To date, Poland has managed to formally designate the national authorities competent for the protection of fundamental rights pursuant to Article 77. There is, however, completely no law enacted that would govern the remaining institutional frameworks and penalty regimes. Consequently, even though the prohibition of certain AI practices (Article 5) became unconditionally applicable on 2 February 2025 and general-purpose AI model obligations applying from 2 August 2025, Poland still operates without formally designated market surveillance authorities, single point of contact and established enforcement procedures.

The principle of sincere cooperation under Article 4(3) TEU obligates Member States to take all appropriate measures to ensure fulfilment of EU law obligations and to facilitate achievement of the Union's tasks. Poland's delayed implementation exposes the state to potential infringement proceedings under Article 258 TFEU, though the practical likelihood of such proceedings in the AI Act context must be assessed against the broader European implementation landscape.

Significantly, Poland's implementation challenges are not unique but reflect a Union-wide difficulty in operationalizing the AI Act's ambitious framework. Only 7 EU countries designated the responsible market surveillance authorities (3 decisions are not final and still pending)²⁴. A critical bottleneck has emerged in the standardization process. On 22 May

²⁴ Market Surveillance Authorities under the AI Act: digital-strategy.ec.europa.eu/en/policies/market-surveillance-authorities-under-ai-act#1720699867912-2.

2023, the Commission issued a standardization request to CEN and CENELEC, setting a deadline of 30 April 2025 for the preparation of harmonized standards supporting the AI Act²⁵. This deadline proved unachievable. A subsequent Commission Implementing Decision of 23 June 2025 extended the timeline to 31 August 2025, yet this revised deadline was likewise not met²⁶. According to the work programme of the CEN-CENELEC Joint Technical Committee 21 (JTC 21) on Artificial Intelligence, the first harmonized standard is projected for completion only in September 2026, with the full suite of standards anticipated by April 2027²⁷. The absence of harmonized standards creates a practical gap: providers of high-risk AI systems cannot rely on the presumption of conformity that compliance with such standards would provide under Article 40, increasing uncertainty and compliance costs.

Recognizing structural difficulties, the European Commission on 19 November 2025 proposed the Digital Omnibus on AI - a legislative package amending Regulation (EU) 2024/1689 to simplify implementation of harmonized rules on artificial intelligence²⁸. The proposal fundamentally restructures the AI Act's application timeline by linking the entry into force of Chapter III, Sections 1, 2, and 3, to a Commission decision confirming the availability of applicable standards and guidelines. Under the proposed amendments, the requirements would apply: (a) six months after such Commission decision for AI systems classified as high-risk under Article 6(2) and Annex III, but no later than 2 December 2027; and (b) twelve months after the decision for AI systems classified as high-risk under Article 6(1) and Annex I, but no later than 2 August 2028. Additionally, the transparency obligations under Article 50(2) for marking AI-generated synthetic content would be postponed from 2 August 2026 to 2 February 2027. The wording of the proposal is not final and will be subject to change during the legislative process that is going on.

For Poland, the Digital Omnibus represents a significant opportunity. The extension of effective application deadlines would provide the additional time necessary to complete the legislative process for the draft Polish AI Act, establish the operational institutions, and build the regulatory capacity required for meaningful enforcement.

²⁵ Commission Implementing Decision of 22-5-2023, on a standardisation request to the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation in support of Union policy on artificial intelligence, C(2023) 3215 final.

²⁶ Commission Implementing Decision of 23-6-2025, on a standardisation request to the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation as regards high-risk AI-systems in support of Reg. UE n. 1689/2024 of the European Parliament and of the Council and repealing Implementing Decision n. 3215/2023, n. 3871/2025 final.

²⁷ CEN-CENELEC Joint Technical Committee 21 (JTC 21) on Artificial Intelligence, Work Programme, 1- 2026 (projecting first standard completion September 2026, full completion April 2027).

²⁸ Proposal of 19-11-2025 for a Regulation of the European Parliament and the Council, amending Reg. UE n. 1689/2024 and (EU) n. 1139/2018 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI), COM n. 836/2025 final, 2025/0359 (COD).

3.2 Constitutional Framework for AI Regulation in Poland

The Polish Constitution of 1997 establishes a comprehensive framework for fundamental rights protection that interfaces significantly with the AI Act's requirements. While these constitutional provisions do not explicitly address algorithmic technologies, they establish a binding Polish constitutional standard for evaluating the application of artificial intelligence legislation - both in vertical relations between the state and the citizen, and in horizontal relations between citizens themselves.

Human Dignity as Constitutional Foundation

Article 30 of the Constitution enshrines human dignity as the source of human freedoms and rights, declaring it inviolable and imposing upon public authorities an obligation to respect and protect it²⁹. Polish Constitutional Tribunal has interpreted it as imposing both negative obligations (prohibiting dignity-violating state action) and positive duties (requiring state protection against private dignity violations) - a dual character that supports the comprehensive AI governance envisioned by the EU legislature³⁰. The Tribunal established that dignity constitutes an objective constitutional value that cannot be balanced against other interests. It serves as an absolute limit on permissible state action³¹. This absolute constitutional imperative aligns seamlessly with the axiological foundations of the AI Act, which repeatedly invokes human dignity as the primary benchmark for assessing AI acceptability³². The Preamble to the AI Act explicitly positions human dignity at the center of its regulatory architecture. Recital 27 establishes the overarching principle that AI must remain a human-centric technology that respects human dignity and personal autonomy. This translates directly into the Regulation's framework of prohibited practices: Recital 28 condemns AI practices involving manipulation and social control as inherently contrary to human dignity, while Recital 31 explicitly states that social scoring systems infringe upon the right to dignity, justifying their absolute ban. Furthermore, the risk to human dignity serves as a critical criterion for classifying AI systems as high-risk (Recital 48), particularly in sensitive contexts such as access to essential public services and benefits (Recital 58) or when ensuring inclusive design that respects human diversity (Recital 80).

This doctrinal position carries profound implications for AI systems that affect human autonomy, particularly those employing subliminal manipulation techniques or exploiting cognitive vulnerabilities, perfectly mirroring the absolute prohibitions under Article 5(1)(a) and (b) of the AI Act. Consequently, Article 30 of the Polish Constitution establishes a direct and unyielding domestic mandate: the implementation and deployment of

29 L. Bosek in M. Safjan, L. Bosek(Eds.), *Konstytucja RP. Tom I. Komentarz do art. 1–86*, wyd. 1, 2016, art. 30.

30 Polish Constitutional Tribunal judgments of 4-4-2001, K 11/00, OTK 2001, Nr 3, poz. 54; 24-2-2010, K 6/09, OTK-A 2010, Nr 2, poz. 15; 9-7-2009, SK 48/05, OTK-A 2009, Nr 7, poz. 108; 30-10-2006, P 10/06, OTK-A 2006, Nr 9, poz. 128.

31 Polish Constitutional Tribunal judgments of 5-3-2003, K 7/01, OTK-A 2003, Nr 3, poz. 19, 20-3-2006, K 17/05, OTK-A 2006, Nr 3, poz. 30 and 13-12-2004, K 20/04, OTK-A 2004, Nr 11, poz. 115.

32 S.A.Teo, *Human dignity in the EU Artificial Intelligence Act: A case of chasing shadows in the dark?*, in E. Daly (Ed.), *Human Dignity and the Law*, Cheltenham, 2025.

any artificial intelligence system within Poland must inherently respect, and actively protect, human dignity.

Private Life Protection under Article 47

Article 47 of Polish Constitution guarantees the protection of private and family life, honor, and reputation. This provision constitutes the foundational norm for the entire system of privacy guarantees, serving as both the source and interpretive guide for more specific constitutional protections³³. The Constitutional Tribunal's jurisprudence has established that Article 47 imposes obligations extending beyond mere non-interference by public authorities. Individuals may demand that public authorities provide *effective protection* of the values specified in this provision against intrusions by other private actors. This positive dimension of rights protection proves directly relevant to AI Act implementation, supporting robust enforcement against private economic operators deploying AI systems that violate privacy interests.

The Tribunal has confirmed that the right to privacy encompasses data protection, establishing in its earliest privacy jurisprudence that privacy rights include protection of information concerning citizens, including their financial situation³⁴. Interferences with private life require a legitimate aim, statutory basis, and proportionate means - criteria that inform the assessment of high-risk AI systems under the Act.

Informational Autonomy under Article 51

Article 51 represents the constitutional cornerstone for data protection in Polish law, establishing what doctrine terms informational autonomy. The Constitutional Tribunal has defined this concept as “the right to decide about disclosing information concerning oneself to others and to exercise control over such information”³⁵. This autonomy constitutes a component of the broader right to privacy, with Article 51 serving to concretize privacy protection in procedural aspects concerning data processing. The relationship between Articles 47 and 51 merits careful consideration. Since Article 51 represents an emanation of the right to privacy, protection may be sought under Article 47 for matters not encompassed by the more specific provision. However, where Article 51 applies, reference to Article 47 is superfluous—though such combined invocation remains common in practice³⁶.

Article 51 comprises five distinct paragraphs, each establishing independent guarantees:

Paragraph 1 provides that no one may be obliged, except on the basis of statute, to disclose information concerning themselves. This guarantee applies to all individuals regardless of citizenship, though the obligation falls exclusively upon public authorities. The essence of this protection is the requirement of statutory form for imposing disclosure obligations—only public authorities possess the competence to impose such obligations on individuals.

33 M. Wild in M. Safjan, L. Bosek (Eds), *Konstytucja RP*, cit., commentary to Art. 47.

34 Polish Constitutional Tribunal judgments of 24-6-1997, K 21/96, OTK 1997, Nr 2, poz. 23, 20-11-2002, K 41/02, OTK-A 2002, Nr 6, poz. 83 and 11-4-2000, K 15/98, OTK 2000, Nr 3, poz. 86.

35 M. Wild in M. Safjan, L. Bosek (Eds), *Konstytucja RP*, cit., art. 51.

36 Polish Constitutional Tribunal judgment of 22-7-2014, K 25/13, OTK-A 2014, Nr 7, poz. 76.

Paragraph 2 establishes that public authorities may acquire, collect, and make available only such information about citizens as is “necessary in a democratic state governed by the rule of law”. This necessity test constitutes the critical standard for assessing data processing legitimacy. As the Tribunal emphasized in judgment K 41/02, neither considerations of convenience nor expediency for public authorities can *per se* justify interference with informational autonomy; the inquiry must focus on whether data collection is genuinely necessary rather than merely useful or convenient³⁷.

The assessment of necessity proceeds through application of proportionality analysis in conjunction with Article 31(3). The Tribunal has clarified that Article 51(2) does not operate independently; rather, the open-ended “necessity” criterion must be interpreted in light of the closed catalogue of legitimate interests enumerated in Article 31(3) – state security, public order, environmental protection, public health and morality, or the freedoms and rights of others³⁸. This combined application requires demonstration that the regulatory measure is capable of achieving its intended effects (suitability), is indispensable for protecting the relevant public interest (necessity *stricto sensu*), and produces effects proportionate to the burdens imposed on individuals (proportionality in the narrow sense).

Paragraph 3 guarantees every person the right of access to official documents and data collections concerning themselves. This right may be limited only by statute. The Tribunal has established that the basis for deciding on a person's legal status cannot be documents or information that remain secret and inaccessible to the interested individual or to reviewing courts – a principle grounded in Article 2's rule of law guarantee³⁹.

Paragraph 4 mandates the right to demand correction and deletion of information that is untrue, incomplete, or collected in a manner contrary to statute. The Tribunal has taken a categorical position that no state interest can sanction or justify the retention in official documents of false, incomplete, or unlawfully collected information⁴⁰.

Paragraph 5 requires that the principles and procedures for collecting and making information available be determined by statute, establishing a comprehensive legislative mandate for data protection.

Sensitive Data and AI Applications

The constitutional framework provides heightened protection for sensitive data, encompassing information relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, religious affiliation, party or trade union membership, health status, genetic code, addictions, sexual life, as well as data concerning criminal convictions, penalties, and other judicial or administrative decisions. Failure to ensure special

37 Polish Constitutional Tribunal judgments of 20-11-2002, K 41/02, OTK-A 2002, Nr 6, poz. 83; 20-6-2005, K 4/04, OTK-A 2005, Nr 6, poz. 64.

38 Polish Constitutional Tribunal judgment of 17-6-2008, K 8/04, OTK-A 2008, Nr 5, poz. 81.

39 Polish Constitutional Tribunal judgments of 26-10-2005, K 31/04, OTK-A 2005, Nr 9, poz. 103; 11-5-2007, K 2/07, OTK-A 2007, Nr 5, poz. 48 and 27-6-2008, K 51/07, OTK-A 2008, Nr 5, poz. 87.

40 Polish Constitutional Tribunal judgments of 11-5-2007, K 2/07, OTK-A 2007, Nr 5, poz. 48; 20-10-2010, P 37/09, OTK-A 2010, Nr 8, poz. 79.

protection for such data requires constitutional justification, the absence of which renders the regulation unconstitutional⁴¹.

This elevated protection standard carries direct implications for AI systems processing sensitive categories of data - notably biometric identification systems classified as high-risk under Article 6(2) of the AI Act and emotion recognition systems subject to restrictions under Article 5(1)(f). The constitutional requirement of special protection aligns with and reinforces the AI Act's differentiated treatment of such systems.

Constitutional Tribunal Jurisprudence on Data Protection

Polish Constitutional Tribunal's case law on data protection provides essential interpretive guidance for AI governance. In the seminal judgment K 32/04, the Tribunal addressed surveillance and data retention by law enforcement authorities, emphasizing several principles directly applicable to AI contexts⁴². First, statutory authorization for data processing must be sufficiently precise, enabling determination of when authorities may process information and when they must refrain. Excessively general regulation that fails to specify processing conditions violates Article 51(5)⁴³. Second, even lawfully collected data cannot be retained indefinitely without constitutional justification; retention periods must be specified and proportionate. Third, data collection in operational investigations, while permissible, must satisfy the necessity test—information obtained unlawfully is never “necessary in a democratic state” and should be deleted regardless of individual request⁴⁴.

In judgment K 33/08, the Tribunal addressed access to information protected by statistical secrecy during criminal proceedings, establishing that the absence of clear statutory criteria specifying when public authorities may override informational autonomy protections—thereby granting them overly broad discretion to compel disclosure—violates Article 51(2)⁴⁵.

Judgment K 25/13 addressed voluntary data provision, establishing that even where individuals consent to data collection (as with medical registries), the regulatory framework must still satisfy constitutional requirements for subsequent processing and disclosure to third parties. Consent to initial collection does not extinguish constitutional protection for subsequent data use - a principle highly relevant to AI systems that process data for purposes beyond original collection contexts⁴⁶.

Consequently, the Polish constitutional framework establishes an unequivocal mandate for the protection of privacy and personal data, creating a normative environment that harmonizes with the AI Act. This synergy is explicitly visible in Article 2(7) of the AI Act, which emphasizes the uncompromising protection of personal data. Furthermore, the broader imperative of privacy protection permeates numerous specific provisions of the Regulation—ranging from the foundational objectives outlined in

41 Constitutional Tribunal, K 2/07, cit. On sensitive data categories, see M. Wild, in Safjan, Bosek (Eds.), op. cit., Art. 51, section III.B.34.

42 Polish Constitutional Tribunal judgment of 12-12-2005, K 32/04, OTK-A 2005, Nr 11, poz. 132.

43 Polish Constitutional Tribunal judgments of 20-4-2004, K 45/02, OTK-A 2004, Nr 4, poz. 30; 12-12-2005, K 32/04, OTK-A 2005, Nr 11, poz. 132; 23-6-2009, K 54/07, OTK-A 2009, Nr 6, poz. 86.

44 Constitutional Tribunal, K 32/04, cit.

45 Polish Constitutional Tribunal judgment of 13-12-2011, K 33/08, OTK-A 2011, Nr 10, poz. 116.

46 Constitutional Tribunal, K 25/13, cit.

Recitals 10 and 69, through the stringent data governance and transparency requirements of Articles 10 and 59, to the confidentiality mandates imposed on competent authorities in Article 70(3). Ultimately, the Polish Constitution reinforces these European privacy guarantees with a robust, domestic doctrinal foundation.

Right to Compensation under Article 77

Article 77(1) of establishes the constitutional right to compensation for damage caused by unlawful action of public authorities. This provision guarantees a material right of individuals to obtain redress for harm resulting from illegal governmental conduct, implementing the principle that the state bears responsibility for the actions of its organs. The provision comprises several essential elements. First, the right pertains to “everyone”, extending protection beyond citizens to all persons. Second, the scope encompasses “damage”, understood broadly to include both material losses and—following constitutional interpretation—non-material harm. Third, the triggering condition is action “contrary to law”, establishing an objective illegality standard independent of fault. Fourth, the responsible subject is an “organ of public authority”, interpreted expansively to include entities exercising delegated public functions⁴⁷.

For AI governance, Article 77(1) acquires significance where AI-assisted administrative decisions cause harm through unlawful operation. The challenge lies in attributing illegality: if an AI system produces a decision that is objectively contrary to law—whether due to biased training data, algorithmic error, or inadequate human oversight—the affected individual possesses a constitutional claim for compensation. This framework supports Article 85 of the AI Act establishing complaint mechanisms.

Right of Appeal under Article 78

Article 78 guarantees each party the right to challenge rulings and decisions issued in first instance proceedings. This constitutional guarantee ensures that determinations affecting individual rights remain subject to review by a higher instance, preventing arbitrary or erroneous decisions from becoming final without opportunity for correction⁴⁸. The provision does not specify the required form of the appeal mechanism, leaving considerable latitude to the legislature regarding time limits, procedural requirements, scope of review, and powers of the appellate body. However, the right must provide genuine opportunity for meaningful review. The Tribunal has interpreted this to require that appellate procedures enable examination of both legal and factual bases for the challenged decision.

For AI-assisted administrative decisions, Article 78 creates an important safeguard. Where high-risk AI systems contribute to administrative determinations - whether in social benefits allocation, permit decisions, or enforcement actions - affected parties retain constitutional entitlement to appellate review. The challenge lies in ensuring that such review remains meaningful when algorithmic reasoning resists translation into traditional legal justification formats. This tension informs interpretation of Article 86 of the AI Act, which establishes the right to explanation of individual decision-making based on high-risk AI output.

47 L. Bosek et al. (Eds), *Konstytucja RP. Tom I. Komentarz do art. 1–86*, wyd. 1, Warsaw, 2016, art. 77.

48 L. Bosek et al. (Eds), *Konstytucja RP*, cit., art. 78.

Interpretive Principles for AI Act Implementation

The constitutional framework establishes several interpretive principles for AI Act implementation. First, the primacy of human dignity requires that AI systems remain ultimately subordinate to human decision-making and accountability. Second, the proportionality principle constrains both regulatory burdens on AI innovation and intrusive applications of AI by public authorities. Third, procedural rights to explanation and appeal must be effective, which may require adaptation of traditional administrative procedures to accommodate AI-assisted decision contexts. Fourth, the positive dimension of rights protection may require state action to ensure that private AI deployments respect constitutional values, supporting robust enforcement of AI Act obligations against economic operators. Fifth, the constitutional requirement of necessity for data processing establishes a demanding standard that AI systems must satisfy - mere utility or convenience cannot justify interference with informational autonomy.

3.3 The Draft Polish AI Act of January 2026

The 2024 Pre-Consultation Process

Poland's legislative work on AI Act implementation formally commenced on 2 April 2024, when the Ministry of Digitalization launched pre-consultations on the fundamental assumptions for transposing the Regulation into the Polish legal system⁴⁹. This preliminary stakeholder engagement process sought to gauge the AI sector's initial opinions on key institutional design questions before formal legislative drafting commenced.

The Ministry posed four foundational questions to stakeholders: (1) whether AI Act implementation should involve creation of an entirely new market surveillance authority or whether existing bodies should assume this function; (2) whether the notifying authority role should be performed by existing or newly created entities; (3) whether market surveillance and notifying authority functions should be combined in a single institution or exercised by separate bodies cooperating on the basis of task division; and (4) which stakeholder categories should be prioritized for communication and educational activities accompanying the Regulation's entry into force. On the central question of market surveillance authority design, a decisive majority favored establishing a new, dedicated body. Respondents were more divided regarding the notifying authority, with a slight majority supporting creation of a new institution. On the question of combining both functions within a single entity, responses showed a narrow preference for consolidation.

Stakeholders who opposed creating entirely new institutions identified several existing bodies as potential candidates for AI oversight responsibilities: the Office of Competition and Consumer Protection (UOKiK), the Personal Data Protection Office (PUODO), the Financial Supervision Authority (KNF), the National Broadcasting Council (KRRiT), the Electronic Communications Office (UKE), and the Ministry of

⁴⁹ Ministry of Digital Affairs, *The Future of AI in Poland – Results of the Preliminary Consultations on the Implementation of the Artificial Intelligence Act*, 14-05-2024, www.gov.pl/web/cyfryzacja/przyszlosc-ai-w-polsce-wyniki-prekonsultacji-wdrozenia-aktu-o-sztucznej-inteligencji.

Digitalization itself. For the notifying authority function specifically, the Polish Centre for Accreditation (Polskie Centrum Akredytacji—PCA) was most frequently mentioned as the appropriate existing body.

These pre-consultation findings directly informed the institutional architecture ultimately adopted in the draft, of which latest version was published in January 2026. The creation of a new, dedicated Commission for AI Development and Safety reflects the strong stakeholder mandate for specialized AI governance infrastructure. The separation of market surveillance (assigned to the Commission) and notifying authority functions (assigned to the Minister for Digitalization, with PCA support) contradicts the narrow stakeholder preference for combining these roles. The inclusion of UOKiK, KNF, KRRiT, and UKE representatives within the Commission's collegial structure represents a compromise—establishing a new authority while incorporating the existing regulatory expertise that many respondents valued.

Legislative Development and Draft Structure

Formal legislative work on the implementation of the AI Act in Poland commenced on 16 October 2024 and remains ongoing. The draft Act on AI Systems, published on 28 January 2026, represents the latest available version of this legislation⁵⁰. According to the legislative work plan published by the Government Legislation Center, the draft is scheduled to be adopted by the Council of Ministers in the first quarter of 2026, after which it will be directed to parliament for final legislative proceedings.

The significant delay in producing this draft reflects the profound complexity of institutional design and inter-ministerial negotiations regarding competence allocation, particularly in establishing boundaries between nascent AI oversight bodies and existing regulators such as the personal data protection authority.

The January 2026 draft consolidates the national AI governance framework around a few core institutional and procedural pillars, stripping away overlapping jurisdictions in favor of a centralized approach:

The Commission for AI Development and Safety: The institutional centerpiece is the newly established Commission, designated as both the primary market surveillance authority and the single point of contact under the AI Act (article 5). Adopting a collegial model, the Commission consists of an independent Chairman elected by both chambers of Parliament, alongside representatives from existing regulatory bodies handling consumer protection, financial supervision, broadcasting, and electronic communications (article 6, 16). This structure attempts to balance specialized AI oversight with established sector-specific expertise.

Extensive Cooperation Frameworks: The draft explicitly mandates the Commission to cooperate with a vast network of existing authorities, ensuring coordinated enforcement across intersecting regulatory domains without duplicating capabilities (article 5(3),(4)). The Commission's comprehensive tasks span supervision, market functioning, security threat intelligence, and public education (article 9, 10).

Binding Individual Opinions: A distinctive procedural mechanism introduced by the draft allows entities subject to the AI Act to request binding interpretive guidance regarding the specific application of AI

⁵⁰ Draft Act on Artificial Intelligence Systems of 28 January 2026, legislacja.rcl.gov.pl/projekt/12390551/katalog/13087901.

regulations to their operations (article 11, 12). This mechanism aims to provide ex ante legal certainty for economic operators.

Innovation Support and Sandboxes: Fulfilling Article 57 of the AI Act, the draft establishes AI regulatory sandboxes managed by the Commission. These controlled environments for testing innovative AI systems are financially accessible (or free) for SMEs, balancing rigorous compliance with technological competitiveness (article 74 and following)

Social Council and Broad Supervision: To ensure continuous engagement, the draft creates a Social Council composed of diverse public interest stakeholders (article 27). Conversely, the Act grants the Commission robust supervisory powers, enabling comprehensive remote and on-site inspections, while also delineating strict procedures for reporting serious incidents causing fundamental rights violations or environmental harm (article 32 and following).

The draft establishes the Minister for Digitalization as the notifying authority for conformity assessment bodies under Chapter 7 (Articles 70-73), with the Polish Centre for Accreditation (Polskie Centrum Akredytacji) supporting accreditation processes. This reflects existing market surveillance structures while ensuring alignment with AI Act requirements for conformity assessment of high-risk systems.

Innovation support measures under Chapter 8 (Articles 81-83) empower the Minister for Digitalization to issue recommendations on best practices for AI system application, provide information on computational resource requirements, and support research and development through the IDEAS Research Institute and subordinate entities. These provisions complement the regulatory sandbox framework, creating a dual-track approach to innovation support combining controlled experimentation with broader guidance and facilitation.

3.4 Procedural and Enforcement Mechanisms in Polish Domestic Regulations

The translation of the European AI Act into enforceable rules requires robust national infrastructure; accordingly, the Polish administrative sanctions framework constitutes a critical domestic implementation element. Chapter 8 of the Polish draft Act (Articles 84-94) establishes this national penalties regime, specifically embedding the AI Act's overarching provisions into the Polish legal system. Operating strictly at the national level, the Polish Commission imposes administrative fines by domestic administrative decision, guided by the AI Act's Article 99(7) factors: nature, gravity, and duration of infringement; intentionality or negligence; previous violations; technical and organizational measures implemented; cooperation with authorities; and affected categories of natural persons.

The domestic settlement mechanism under Articles 54-55 of the Polish draft Act enables the negotiated resolution of proceedings at the national level. Subjects may request settlement discussions with the Polish Commission, potentially achieving penalty reductions of 20-70% (30-90% for whistleblower informants) in exchange for commitments to remedy violations and compensate damages. This mechanism incentivizes cooperative compliance within Poland's jurisdictional borders while preserving local enforcement credibility.

Finally, the entire judicial review architecture is firmly embedded within the Polish court system. Appeals against the Commission's decisions proceed before the Warsaw District Court—Competition and Consumer Protection Court, which is Poland's established specialized appellate pathway for regulatory matters. Appeals must be filed within one month of the decision's notification. The court possesses broad powers to dismiss the appeal, annul or modify the decision, and must specifically determine whether the decision was issued without legal basis or in manifest violation of domestic or Union law. Ultimately, cassation appeals lie to the Supreme Court regardless of the dispute value, providing the final national judicial safeguard.

Beyond regulatory fines and court appeals, the implementation of the AI Act intersects with several other established Polish domestic frameworks:

Administrative Explanations under the KPA: Although the European right to explanation is directly applicable, its practical execution in Poland depends entirely on domestic administrative law. Any AI-assisted decisions issued by Polish authorities must be operationalized through the stringent reasoning requirements of Article 107 of the Polish Code of Administrative Procedure (KPA)⁵¹.

Domestic Data Protection Oversight (PUODO): Because the AI Act preserves national data protection regimes, overlapping issues involving biometric systems and profiling must be resolved locally. The Polish draft Act establishes a mandatory national coordination framework, requiring the President of the Personal Data Protection Office (PUODO) to build local operational protocols alongside the new Commission to enforce data protection standards within Poland's borders (article 5(3.3)).

Domestic Criminal and Corporate Liability: The Polish draft Act introduces its own distinct penal consequences. Articles 92-94 classify the obstruction of Commission inspections as domestic criminal offenses, punishable under Polish law by fines or restriction of liberty. Furthermore, these changes trigger amendments to the Polish Act on Liability of Collective Entities for Criminal Offenses, creating an explicit pathway to prosecute corporations locally for AI-related infractions⁵².

National Collective Redress Mechanisms: Because the EU framework does not harmonize collective redress for AI harms, enforcement against systemic issues (e.g., algorithmic discrimination) defaults to national law. Plaintiffs in Poland might utilize the existing Polish Act on Pursuing Claims in Group Proceedings to pursue shared claims before domestic civil courts⁵³. However, it must be emphasized that this domestic regulation has historically proven to be a highly ineffective and rigid mechanism for pursuing claims in Poland. To serve as a viable and effective tool for enforcing rights against AI harms, the Polish framework for group proceedings would require substantial legislative amendment.

Civil Liability under the Polish Civil Code: Following the European Commission's withdrawal of the proposed AI Liability Directive in 2025,

⁵¹ Act of 14 June 1960 – Code of Administrative Procedure (Journal of Laws 1960 No. 30, item 168, as amended).

⁵² Act of 28 October 2002 on the Liability of Collective Entities for Acts Prohibited under Penalty (Journal of Laws 2024, item 1822).

⁵³ Act of 17 December 2009 on the Pursuit of Claims in Group Proceedings (Journal of Laws 2024, item 1485).

civil recourse for AI damages in Poland stems strictly from the Polish Civil Code. Plaintiffs must navigate local fault-based liability doctrines or the domestic transposition of the revised Product Liability Directive embedded in the Code, relying on Polish judges to interpret how traditional defect definitions apply to autonomous AI models.

Domestic Administrative Enforcement: The implementation of Commission decisions follows Polish administrative execution mechanics. Under the domestic framework (Article 51), filing an appeal automatically suspends the collection of financial penalties. Conversely, urgent regulatory orders - such as pulling a dangerous AI system from the Polish market - are enforceable immediately under national law unless a local court grants interim relief.

4. National AI Strategy and Policy Framework in Poland

4.1 Polish AI Strategy: State of Play

Poland's engagement with artificial intelligence strategy formulation commenced in 2018-2019, following the European Commission's coordinated approach to AI announced in April 2018. Initial efforts produced various working documents and consultations, yet a comprehensive, formally adopted strategy remains elusive, reflecting both the technical complexity of AI governance and shifting governmental priorities. As of early 2026, Poland still lacks a final, officially adopted national AI strategy.

The document "Policy for the Development of Artificial Intelligence in Poland until 2030", in its November 2025 iteration, represents the most developed articulation of new Polish AI strategy⁵⁴. However, it is crucial to emphasize that this document remains merely a draft project currently undergoing consultation, and its final shape is not yet known. Therefore, the analysis presented here discusses only this latest draft version as the primary indicator of the government's intended policy orientations, resource allocation, and regulatory approaches.

This draft strategy identifies several overarching objectives. First, responsible AI development - ensuring that AI systems deployed in Poland respect fundamental rights, operate transparently, and remain subject to meaningful human oversight. Second, innovation support - creating conditions enabling Polish enterprises and research institutions to develop competitive AI capabilities, with particular emphasis on sovereign AI infrastructure independent of foreign providers. Third, computational infrastructure development - expanding supercomputing capacity through EuroHPC participation and national investment, enabling training of large-scale AI models domestically. Fourth, education and skills development - addressing the pronounced AI competency gap affecting both private sector and public administration.

The draft strategy explicitly acknowledges the AI Act's regulatory framework, positioning national policy as complementary rather than

⁵⁴ Ministry of Digital Affairs, *Policy for the Development of Artificial Intelligence in Poland until 2030*, Warsaw, November 2025, www.gov.pl/web/cyfrizacja/polityka-rozwoju-sztucznej-inteligencji-w-polsce-do-2030-roku-bezpieczne-i-odpowiedzialne-wykorzystanie-sztucznej-inteligencji

alternative to EU-level governance. Strategic priorities align with AI Act objectives: promoting trustworthy AI, supporting SME compliance, establishing regulatory sandboxes, and building institutional capacity for effective oversight.

Critics have identified several weaknesses. The draft strategy's extended gestation - from initial versions in 2020 to the 2025 iteration - has generated uncertainty regarding Poland's AI policy direction. Funding commitments remain insufficiently specified, with reliance on EU structural funds and EuroHPC contributions rather than dedicated national budget lines. Furthermore, the draft strategy's relationship with implementation legislation has been unclear, with the draft AI Act prepared separately from strategy implementation mechanisms.

The projected target of 34% SME AI adoption by 2030 appears ambitious given current adoption rates of approximately 7-8% and structural barriers including skills shortages and financial constraints. Achieving this target would require substantial acceleration of current trends and dedicated support programs not yet operational.

4.2 Institutional Architecture: From EU Requirements to Poland's Response

The preceding chapter examined the institutional requirements that the AI Act imposes upon Member States. The present section traces how Poland has responded, and, in many respects, has yet to respond to these obligations.

The AI Act's institutional demands do not crystallize simultaneously. The Regulation's designers chose a graduated approach. The provisions under Chapters I and II, including prohibitions on unacceptable AI practices, became applicable as early as 2 February 2025. This is followed on 2 August 2025 by several key frameworks: rules on notifying authorities and notified bodies (Chapter III, Section 4), obligations concerning general-purpose AI models (Chapter V), the governance framework (Chapter VII), the penalties framework (Chapter XII, excluding Article 101), and confidentiality rules (Article 78). Critically, the Chapter VII deadline includes the obligation under Article 70 for Member States to formally designate and notify national competent authorities with adequate technical, financial, and human resources, as well as decision-making autonomy. The general application of the Regulation falls on 2 August 2026, primarily covering high-risk AI systems, while certain specific obligations (under Article 6(1)) are deferred until 2 August 2027. This staggered architecture was intended to afford Member States sufficient preparation time, yet Poland's legislative trajectory and Commission's proposal to amend the AI Act, suggests that even this extended timeline may prove insufficient.

Article 77(1) required Member States to identify, until 2 November 2024, the public bodies competent in the area of fundamental rights protection. Poland's first concrete institutional step under the AI Act was this designation, carried out by the Ministry of Digital Affairs⁵⁵. On 2

⁵⁵ Ministry of Digital Affairs, *Registry of public bodies competent for the protection of fundamental rights under Reg. UE n. 1689/2024*, www.gov.pl/web/cyfryzacja/wykaz-organow-i-instytucji-publicznych-w-polsce-z-obszaru-ochrony-praw-podstawowych-w-rozumieniu-rozporzadzenia-20241689-akt-o-sztucznej-inteligencji.

November 2024, three bodies were initially designated: the Children's Rights Ombudsman, the Patient Rights Ombudsman, and the National Labour Inspectorate. Several months later, on 9 May 2025, the President of the Personal Data Protection Office (PUODO) was added to the registry, reflecting the recognition that data protection enforcement constitutes a fundamental rights function in the AI context.

The composition of this registry attracted commentary, particularly regarding the notable absence of the Commissioner for Human Rights (RPO) - the institution whose general fundamental rights mandate might appear to make it the most natural candidate for Article 77(1) designation. The RPO publicly addressed this omission, clarifying that its constitutional status as an organ of a distinct, general type - competent across the entire spectrum of citizens' rights rather than within a specific sectoral domain - places it in a different legal category from the bodies envisaged by Article 77(1). The RPO further emphasized that it currently lacks the dedicated financial and human resources that meaningful participation in AI oversight would demand, a candid acknowledgement of the institutional capacity challenges pervading Poland's AI governance landscape.

The full institutional framework responding to the more demanding requirements of Article 70 remains, as of early 2026, embedded in the draft Polish Act on AI Systems discussed in Chapter 3. That draft proposes the establishment of the Commission for AI Development and Safety as the designated market surveillance authority and single point of contact. This institutional design reflects a deliberate middle path between the approaches adopted elsewhere in the European Union. Spain established a dedicated AI supervising agency (AESIA) as early as 2023, prioritizing specialization and institutional visibility.

Germany, by contrast, opted for a distributed model that leverages existing sectoral regulators, such as BaFin and data protection authorities, rather than creating a brand-new AI agency. Within this framework, however, the Federal Network Agency (BNetzA) was designated as the central market surveillance authority and the national single point of contact to coordinate these oversight efforts. France pursued an approach that heavily expands the competences of its data protection authority (CNIL) to oversee high-risk AI systems impacting fundamental rights, leveraging its established institutional infrastructure. Yet, the French model also operates sectorally in practice, with the Directorate General for Competition, Consumer Affairs and Fraud Control (DGCCRF) acting as the coordinating national single point of contact, and other bodies like Arcom managing specific AI domains. It is worth noting that as of early 2026, both Germany and France are still finalizing their national implementation laws (such as the German KI-MIG draft bill), meaning these institutional frameworks reflect the intended legislative design rather than officially notified designations under Article 70.

Poland's collegial Commission, a new dedicated body that nevertheless incorporates representatives from the major sectoral regulators including UOKiK, KNF, KRRiT, and UKE, seeks to combine the institutional clarity of a centralized approach with the practical advantages of drawing upon established sectoral expertise. The Commission's independence, guaranteed under Article 6(5) of the draft Act, constitutes an essential prerequisite for compliance with Article 70(1), which bars

authorities that lack sufficient decision-making autonomy. Whether this formal guarantee will translate into operational independence remains, however, an open question. The Commission's planned reliance on the Ministry of Digital Affairs for administrative support under Article 30 of the draft Act carries an inherent risk of constraining the very autonomy that the AI Act demands, though the Ministry's existing technical infrastructure provides at least a foundation for graduated capability development.

The resource adequacy requirement poses perhaps the most acute practical challenge. The AI Act requires competent authorities to employ personnel with relevant qualifications and expertise in machine learning, data science, and domain-specific AI applications – competences that Polish regulatory authorities do not currently possess in sufficient depth. Building this capacity will require sustained investment and a competitive employment offer capable of attracting talent from a private sector where AI expertise commands substantial compensation. Finally, the notification body regime under Articles 70–73 of the draft Act addresses conformity assessment infrastructure for high-risk AI systems. The availability of Polish notified bodies with AI-specific competence will determine whether providers can access compliant assessment pathways efficiently, a question closely linked to Poland's active participation in CEN/CENELEC technical committees that are currently developing the harmonized standards referenced by the AI Act.

4.3 Soft-Law Developments, Guidance, and Emerging Judicial Practice

In the absence of binding domestic legislation, soft-law instruments and regulatory guidance have assumed a disproportionately important role in shaping Poland's AI governance landscape. The Ministry of Digitalization has positioned itself as the primary coordinating body, issuing a series of educational and interpretive materials designed to prepare both the public sector and economic operators for the AI Act's progressive entry into force.

A notable early initiative was the Ministry's publication, in cooperation with NASK, of a comprehensive brochure on prohibited AI systems—released ahead of the 2 February 2025 deadline when Article 5 prohibitions became applicable⁵⁶. The brochure explained the criteria for identifying prohibited practices and the severe penalties for violations (up to EUR 35 million or 7% of global annual turnover), and the Ministry simultaneously invited stakeholders to submit observations, questions, and practical examples to inform ongoing consultations with the European Commission and the European AI Board. A further significant step was the premiere, on 5 March 2026, of the first comprehensive *Guide to AI for Public Administration*⁵⁷. The launch event attracted nearly 1,700 representatives of local government units from across Poland and was accompanied by a nationwide programme of free training courses for civil servants. The Guide addresses foundational AI concepts, practical use cases in public

⁵⁶ Ministry of Digital Affairs & NASK, *Prohibited AI Systems: A Guide*, Warsaw, 2024, www.gov.pl/web/ai/zakazane-systemy-ai.

⁵⁷ Ministry of Digital Affairs, *Premiere of the first AI guide for public administration*, 5–3–2026, www.gov.pl/web/cyfryzacja/premiera-pierwszego-przewodnika-po-ai-dla-urzedow.

administration, principles for responsible and secure deployment, and recommendations for building digital competences within government agencies. The scale of participation underscores both the demand for practical AI guidance and the extent to which local government - often the first point of contact between citizens and AI-enabled public services - has been left without legislative orientation.

The Ministry's support for PLLuM (Polish Large Language Model) reflects the strategic prioritization of sovereign AI capabilities. With mentioned funding of almost 8 million EUR and its deployment within public administration in 2025, PLLuM represents a concrete governmental commitment to reducing dependence on foreign AI providers. The model's integration into the mObywatel governmental application demonstrates practical application of this sovereign AI approach, while its further development through the successor (mObywatel 3.0) signals an intention to build durable national AI infrastructure.

The above mentioned mandatory implementation of the National e-Invoice System creates structured data environments conducive to AI applications. While primarily a fiscal digitalization measure, the system's XML data formats enable automated invoice processing, anomaly detection, and VAT reconciliation - use cases where AI technologies offer significant efficiency gains. The Ministry has positioned the system as a catalyst for AI adoption in the accounting and finance sectors.

The Personal Data Protection Office (PUODO) has contributed its own layer of soft-law guidance. In a Strategic Report prepared by the Working Group on Artificial Intelligence established within the Expert Social Team advising the President of PUODO, the Office presented the first cross-sectoral survey of organizational readiness for responsible AI deployment in Poland⁵⁸. The findings revealed that only 17% of surveyed organizations were already using AI, with administrative process automation (41,2%) and data analytics (31%) constituting the most common applications. The report identified significant competence gaps, barriers to implementation, and areas of risk, and its results are intended to inform the development of educational programmes for public administration, the medical sector, education, cultural institutions, and enterprises. With respect to substantive data protection guidance, PUODO has emphasized the restrictive conditions under which biometric processing is permissible under GDPR Article 9, aligning with the AI Act's prohibitions on real-time remote biometric identification in publicly accessible spaces and its high-risk classification of other biometric systems. On profiling, PUODO guidance references GDPR Article 22's restrictions on automated decision-making with legal or similarly significant effects, a provision whose interaction with AI Act requirements for human oversight remains subject to evolving interpretation.

A distinctive feature of Poland's AI governance landscape is the establishment of the Working Group on Artificial Intelligence (GRAI), created by a decision of the Head of the Task Force for Breakthrough

⁵⁸ Personal Data Protection Office, *Strategic Report: Research on organizational needs for AI and data protection*, Warsaw, 2025, uodo.gov.pl/pl/589/4058.

Technologies under the Ministry of Digitalization⁵⁹. GRAI operates as an open-format, multi-stakeholder body bringing together technology providers, legal practitioners specialising in new technologies, sectoral representatives from finance, energy, healthcare, and education, academics, non-governmental organizations, and public administration officials. Remarkably, nearly one thousand experts participate in GRAI's work on an entirely pro bono basis—a mobilization of civil society expertise that is unusual in the European context and that underscores both the depth of professional interest in AI governance within Poland and the state's reliance on voluntary contributions to compensate for limited institutional resources.

Turning to the judicial sphere, it must be candidly observed that, as of early 2026, there exists no body of Polish case law addressing AI-related disputes under the AI Act or analogous domestic frameworks. Courts have not yet been called upon to adjudicate questions of AI system compliance, algorithmic discrimination, or the adequacy of human oversight. One isolated dispute has attracted attention—a case concerning the admissibility of using a person's voice for training a large language model, which raises novel questions at the intersection of personality rights, intellectual property, and data protection, but has not yet produced a precedential ruling.

In a broader institutional context, discussions have commenced regarding the potential integration of AI technologies within the Polish judicial system itself. The most frequently cited candidate for such integration is the electronic court operated by the District Court of Lublin-West, which handles payment order proceedings in the summary procedure with no upper limit on claim value. According to the court's annual statistical report, this single judicial unit processed nearly two million cases in 2025 alone—a volume that renders it a natural testing ground for AI-assisted adjudication or at least AI-supported procedural management⁶⁰. Whether and how AI could be deployed in this context – for instance, in automated assessment of formal requirements, identification of duplicate claims, or preliminary document analysis – remains subject to debate, particularly given constitutional requirements for human adjudication of disputes and the AI Act's own high-risk classification of AI systems used in the administration of justice under Annex III, point 8.

4.4 Poland's Engagement in EU AI Governance

The AI Act establishes supranational governance structures in which Member States participate. The European AI Board, comprising one high-level representative from each Member State, provides the primary forum for coordination under Articles 65–68. The Board advises and assists the European Commission, contributes to the harmonized application of the Regulation, and issues opinions and recommendations on implementation matters. Following its inaugural meeting on 10 September 2024, it has convened regularly throughout 2025. Poland's engagement in the AI Board is not merely prospective—it is already substantive. During Poland's

⁵⁹ Ministry of Digital Affairs, *Working Group on Artificial Intelligence (GRAI), Decision No. 2/2024 of the Head of the Task Force for Breakthrough Technologies*, www.gov.pl/web/cyfryzacja/grupa-robocza-ds-sztucznej-inteligencji-grai.

⁶⁰ District Court Lublin-West, *Annual Report 2025*, www.lublin-zachod.sr.gov.pl/sprawozdanie-za-rok-2025,m,mg,345.

Presidency of the Council of the European Union in the first half of 2025, the Polish Secretary of State at the Ministry of Digital Affairs chaired the AI Board's third meeting (24 March 2025) and fourth meeting (30 June 2025)⁶¹.

Poland's expert-level participation extends beyond the AI Board into the concrete normative instruments produced under the AI Act. The General-Purpose AI Code of Practice, mandated by Article 56 and published on 10 July 2025, was prepared by independent experts in a multi-stakeholder drafting process facilitated by the AI Office⁶². Several Polish experts were engaged in this initiative, contributing to the Code's three chapters on transparency, copyright, and safety and security. Separately, the AI Office has initiated the drafting of a Code of Practice on marking and labelling of AI-generated content, designed to support compliance with Article 50's transparency obligations for providers and deployers of generative AI systems⁶³. Two Polish participants, including the author of this publication, are currently involved in co-drafting this instrument – a further illustration of Poland's substantive engagement in the EU-level regulatory architecture, extending beyond governmental representation to include individual expert contributions.

Poland's participation in EuroHPC and the InvestAI initiative, discussed in detail in Chapter 2, provides a foundation for substantive engagement in EU AI governance. The PIAST and GAIA AI Factories, alongside the Baltic AI GigaFactory proposal, position Poland as an infrastructure partner rather than merely a regulatory recipient. This infrastructure dimension carries governance implications: participation in EuroHPC committees and InvestAI deliberations provides informal channels for shaping AI policy priorities and resource allocation, complementing Poland's formal representation in the AI Board.

Standardization engagement constitutes another dimension of EU AI governance participation. CEN and CENELEC technical committees are developing harmonized standards referenced in the AI Act for conformity assessment. Several Polish experts participate in these standardization proceedings, and Poland's broader representation through the Polish Committee for Standardization enables influence over technical requirements that will shape compliance burdens for Polish enterprises. The interplay between standardization and regulation under the New Legislative Framework model adopted by the AI Act means that standard-setting substantially determines practical compliance requirements.

The picture that emerges from this analysis is one of marked asymmetry. Confronted with the absence of binding domestic legislation implementing the AI Act, Poland has sought to compensate through an intensified engagement with soft-law instruments – both domestically, through ministry-issued guidance, brochures, and training programmes, and

61 European AI Board, *Minutes of the Third Meeting (24 -3- 2025) and Fourth Meeting (30 - 6- 2025)*, chaired by Secretary of State D. Standerski (Poland), digital-strategy.ec.europa.eu/en/policies/ai-board.

62 European Commission, *General-Purpose AI Code of Practice*, 10-7-2025, digital-strategy.ec.europa.eu/en/policies/contents-code-gpai.

63 European Commission, *Code of Practice on marking and labelling of AI-generated content, under development pursuant to Art. 50 AI Act*, digital-strategy.ec.europa.eu/en/policies/code-practice-ai-generated-content.

at the European level, through active participation in the drafting of Codes of Practice and the work of the AI Board. This strategy, while commendable in its ambition, cannot fully substitute for the legal certainty that formal legislation provides to economic operators, competent authorities, and affected individuals. Soft-law guidance, however sophisticated, lacks the binding force necessary to ground enforcement actions, impose penalties, or create justiciable rights.

At the same time, the number of Polish experts actively engaged in shaping these EU-level regulatory instruments remains strikingly small. The handful of individuals participating in the drafting of the GPAI Code of Practice, the Code of Practice on AI-generated content, and CEN/CENELEC standardization committees bears a disproportionate burden relative to the significance of the norms being produced. This concentration of expertise in very few persons creates fragility—the departure or unavailability of even a single expert can diminish Poland's voice in processes whose outcomes will determine practical compliance requirements for the entire national market.

5. Conclusions: Challenges, Prospects, and the Path Forward

Poland possesses distinctive potential for regional leadership in AI governance within Central and Eastern Europe. The combination of constitutional tradition emphasizing human dignity, emerging sovereign AI capabilities, and institutional innovation positions Poland to contribute meaningfully to EU AI governance.

However, the implementation of the AI Act in Poland presents a challenge extending beyond mere transposition of European regulatory requirements into national law. Poland's approach to AI governance must navigate the intersection of constitutional imperatives, institutional design choices, and the practical realities of a rapidly evolving technological and regulatory landscape. The conclusions emerging from this examination carry implications not only for Polish legal development but also for broader comparative understanding of how Member States adapt EU regulatory frameworks to their constitutional traditions.

5.1 Constitutional Foundations

From a constitutional perspective, the Polish framework provides a robust foundation for AI governance consonant with the AI Act's fundamental rights approach. The constitutional guarantees enshrined in Articles 30, 47, 51, 77, and 78 – human dignity, privacy, informational autonomy, compensation for unlawful state action, and appellate rights – establish a coherent architecture aligning with the AI Act's rights-protective orientation. The principle of proportionality, embedded in Polish constitutional jurisprudence through the Constitutional Tribunal's elaboration of Article 31(3), provides the essential framework for balancing innovation-enabling and rights-protective dimensions of AI governance. Crucially, this domestic constitutional standard facilitates the execution of Article 27 of the AI Act by offering an established legal methodology for balancing competing fundamental rights when conducting a Fundamental Rights Impact Assessment (FRIA).

This constitutional foundation invites a more ambitious thesis: Poland's implementation of the AI Act should consider whether regulations requiring respect for human dignity and fundamental rights in the context of AI ought to extend beyond the AI Act's risk-based categories - high-risk systems, prohibited practices, and general-purpose AI models - to encompass low-risk AI systems as well. Articles 30, 47, and 51 of the Constitution, with their unconditional guarantees of human dignity, privacy, and informational self-determination, do not differentiate based on risk classifications. Their protective scope applies regardless of whether an AI system is categorized as high-risk or minimal-risk under EU regulatory frameworks. More definitively, Articles 77 and 78 - guaranteeing compensation for unlawful state action and appellate rights - require effective remedies that cannot be contingent upon an AI system's risk classification. An individual harmed by a low-risk AI system deployed by a public authority retains constitutional rights to compensation and judicial review regardless of whether the AI Act imposes specific compliance obligations on that system.

This constitutional imperative suggests that Poland should engage actively not only with AI Act implementation but also with other international instruments advancing trustworthy AI governance. The Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225) - the first legally binding international treaty on AI, which entered into force on 1 November 2025 - extends its protective scope beyond high-risk systems to activities throughout the AI lifecycle that may affect human rights, democracy, and the rule of law ⁶⁴. The accompanying HUDERIA methodology (Human Rights, Democracy, and Rule of Law Impact Assessment), adopted by the Committee of Ministers in February 2025 and integrated into the Framework Convention's implementation toolkit, provides a practical instrument for assessing AI systems' impacts on fundamental values regardless of their risk classification under sectoral regulations ⁶⁵. Poland's engagement with these Council of Europe frameworks, including potential piloting of HUDERIA methodology in public administration AI deployments, would complement AI Act compliance while ensuring that constitutional guarantees extend to AI governance comprehensively.

5.2 Poland's Implementation Delays in European Context

As discussed in Chapter 3, Poland is not alone in its delayed response to the AI Act. The regulatory framework's ambition has encountered structural obstacles across the European Union, most significantly the failure of the harmonized standardization process to meet its deadlines. The Digital

⁶⁴ Council of Europe Framework Convention on Artificial Intelligence and Human Rights, *Democracy and the Rule of Law* (CETS No. 225), adopted 17 May 2024, entered into force 1 November 2025, www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence.

⁶⁵ Committee of Ministers, *HUDERIA: Human Rights, Democracy, and Rule of Law Impact Assessment for AI Systems*, adopted 26 February 2025; D. Leslie et al., *HUDERIA Methodology*, Alan Turing Institute and Council of Europe, 2024-2025, www.coe.int/en/web/artificial-intelligence/huderia-risk-and-impact-assessment-of-ai-systems.

Omnibus on AI, proposed by the Commission in November 2025, would fundamentally restructure the application timeline by linking high-risk AI system requirements to the availability of standards and guidelines - a recognition that flexible adaptation of the regulatory framework is both politically and legally achievable.

The Polish draft Act on AI Systems must still traverse parliamentary debate, committee review, potential amendments, and presidential signature. Enactment before August 2026 appears increasingly improbable. However, the Digital Omnibus, if adopted, would substantially alleviate the immediate compliance pressure, providing additional time for Poland to complete its legislative process and establish operational regulatory capacity. Implementation delays characterizing Poland's preparation create genuine compliance risks, yet they also present an opportunity dimension. Poland may benefit from observing early implementation experiences in other Member States, adapting successful practices to the Polish legal context while avoiding pitfalls encountered by first movers.

5.3 Institutional and Capacity Constraints

The absence of operational designated authorities remains a critical gap. While the draft Act proposes the Commission for AI Development and Safety as the market surveillance authority and single point of contact, this body cannot commence operations until enabling legislation is enacted. Consequently, Poland currently lacks the institutional infrastructure required by Article 70 of the AI Act.

The administrative capacity dimension presents a paradoxical picture. Above mentioned study revealed that 46% of public administration employees already use generative AI tools in their professional duties. Yet this grassroots adoption has not translated into regulatory capacity: the Ministry of Digital Affairs' assessment indicates that approximately 80% of public administration employees lack competencies necessary for engaging with AI systems in regulatory contexts - the technical expertise required to evaluate conformity documentation, assess risk classifications, and investigate AI system performance. This distinction between user adoption and regulatory expertise represents a critical challenge for effective AI Act enforcement.

5.4 Poland's Efforts to Bridge the Gap

Despite these structural constraints, Poland has undertaken significant efforts to prepare for AI Act implementation through soft-law mechanisms and voluntary expert engagement. The Working Group on Artificial Intelligence (GRAI), established under the Ministry of Digitalization, represents a distinctive mobilization of civil society expertise. Organized into eight thematic sections covering AI regulation, fundamental rights, regulatory sandboxes, and sectoral applications, GRAI brings together nearly one thousand experts participating entirely on a pro bono basis. This voluntary engagement—unusual in the European context - demonstrates both the depth of professional interest in AI governance within Poland and the state's reliance on individual expert contributions to compensate for limited institutional resources.

The Ministry of Digital Affairs has issued practical guidelines, accompanied by nationwide training programmes for civil servants. At the EU level, Polish experts have contributed to the drafting of the General-Purpose AI Code of Practice and the Code of Practice on marking and labelling of AI-generated content, while Poland's Presidency of the Council of the EU in the first half of 2025 afforded the country a leading role in chairing AI Board meetings.

These efforts demonstrate genuine commitment to AI governance, yet they cannot substitute for the legal certainty that formal legislation provides. Soft-law guidance, however sophisticated, lacks the binding force necessary to ground enforcement actions, impose penalties, or create justiciable rights. The number of Polish experts actively engaged in shaping EU-level regulatory instruments remains small, creating fragility—the departure of even a few individuals can diminish Poland's voice in processes whose outcomes determine practical compliance requirements for the entire national market.

5.5 Conclusions on Strengthening Implementation

The analysis suggests several priority interventions necessary to position Poland for effective AI Act compliance while maximizing opportunities for innovation and fundamental rights protection.

Accelerating the legislative process through available procedural mechanisms warrants consideration. The urgent legislative procedure under Article 123 of the Polish Constitution permits expedited consideration of government bills. Under this procedure, the Sejm may consider a bill within a shortened timeframe, with the possibility of first reading in committee (rather than plenary), compressed amendment deadlines, and accelerated voting. The Senate's review period is reduced to 14 days (from the standard 30 days), and the President's signing period to 7 days (from 21 days). The general timeframe compression available under Article 123 could reduce the legislative process by several months while preserving essential parliamentary deliberation and constitutional safeguards.

Building regulatory capacity within designated authorities must proceed in parallel with legislative proceedings. The collegiate structure of the proposed Commission – incorporating representatives from UOKiK, KNF, KRRiT, and UKE – facilitates leveraging existing regulatory expertise, but these representatives will require AI-specific training. The gap between user adoption (46% of public servants using AI) and regulatory expertise (80% lacking competencies for AI oversight) represents a foundation for capacity building: transforming AI users into competent regulators requires structured training programmes focusing on risk assessment methodologies, technical documentation evaluation, and conformity assessment procedures.

Supporting SME compliance requires substantial investment. The 77% of smaller firms planning to defer AI implementation face a particular risk: encountering AI Act obligations without adequate preparation when business necessity finally compels adoption. Simplified guidance materials, financial support for conformity assessment activities, and leveraging the EuroHPC AI Factories infrastructure for testing environments would reduce barriers to compliance.

Leveraging Poland's emerging position in European AI governance offers opportunities for influence. Active participation in the AI Board, engagement with the Code of Practice for general-purpose AI providers, and Poland's sovereign AI initiatives - PLLuM, Bielik, and participation in the Baltic AI GigaFactory - position the country to advocate for proportionate requirements that do not disadvantage open-source and research-oriented model development.

Ultimately, the implementation of the AI Act in Poland constitutes a significant test of both European regulatory ambition and national constitutional capacity. The AI Act represents the most comprehensive attempt to regulate artificial intelligence systems yet undertaken globally, requiring Member States to mobilize legal, technical, and institutional resources at unprecedented scale. For Poland, this challenge arrives at a moment of transition - growing domestic capabilities yet persistent adoption gaps, ambitious sovereign AI initiatives yet constrained funding, engaged expert communities yet limited institutional resources.

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