

Re: [Re] Email from citizen of Ukraine - Systemic breach of Directive (EU) 2021/1883 by Poland — request for priority handling of complaint filed 10 August 2026 (SG-THEMIS confirmat... - Ares(2026)8234938

Dear Madam,

I refer to complaint CPLT(2026)02766 (lodged 10 August 2026, registered 13 August 2026) and to my letter registered as Ares(2026)7837521, which your letter of 27 August 2026 (Ares(2026)8234938) joined to the examination of that complaint. This is a supplement and partial corrigendum to both. It is not a repetition: apart from Section I, everything below rests on documents issued by the Polish authorities after 13 August 2026 in reply to my requests for public information, including data they printed from their own central database on 9 September 2026.

I confirm the option selected in both complaint forms of 10 August 2026 (ID 94762 and ID 94763: "Disclosure of personal information: No") and ask that neither my identity nor the documents submitted with this supplement be disclosed to the authorities of the Republic of Poland; several annexed documents are administrative decisions bearing my name. Should the Commission's services consider disclosure indispensable, I ask to be consulted beforehand. The complaint form gives [e-mail usunięty]@gmail.[Sentence with the complainant's contact details removed for publication.]com or to both.

Polish quotations are verbatim; English renderings in brackets are unofficial translations. Own calculations are marked as such. Documents are listed in Section VIII and available as PDF on request or with a second message.

I. CORRIGENDA TO THE SUBMISSIONS OF 10 AUGUST AND TO Ares(2026)7837521

I.A. Legal characterisation. The second submission (complaint form ID 94763) described the treatment of Ukrainian nationals under draft UD408 as "discrimination on grounds of nationality"; both submissions invoked Article 41 of the Charter. The persons concerned are third-country nationals. The accurate characterisation is unjustified unequal treatment of third-country nationals in the application of Directive (EU) 2021/1883 and Directive (EU) 2024/1233, read with Article 20 of the Charter (equality before the law) and the general principle of equal treatment, within the scope of Article 51(1). Article 21(2) of the Charter is not relied upon: it corresponds to the first paragraph of Article 18 TFEU, which, as the Court of Justice has held, is not intended to apply to a possible difference in treatment between nationals of Member States and nationals of third countries (Joined Cases C-22/08 and C-23/08 Vatsouras and Koupatantze, EU:C:2009:344, paragraph 52 and point 2 of the operative part). Directive (EU) 2024/1233 is an addition: both submissions relied on Directive (EU) 2021/1883 only. Article 41 being addressed to the Union institutions, the reference is to be read as invoking the general principle of good administration.

I.B. Draft UD408 contains no statutory list of five states. Complaint form ID 94763 stated that the draft introduces tacit approval "EXCLUSIVELY for citizens of Australia, Japan, South Korea, the United States and the United Kingdom". That was inaccurate. The draft (Government Legislation Centre no. UD408, text of 3 July 2026) contains no list; the proposed Article 112b(3) reads: „Rada Ministrów może określić, w drodze rozporządzenia, listę państw, których obywatelom może zostać udzielone zezwolenie na pobyt czasowy poprzez milczące zakończenie postępowania (...)” [“The Council of Ministers may determine, by way of regulation, the list of states whose citizens may be granted a temporary residence permit through tacit conclusion of the proceedings (...)”]. The statutory criterion (Article 112b(1) point 3) is GDP per capita at purchasing power parity above 50,000 international dollars; the five states appear only in the explanatory memorandum as those currently meeting it. The corrected finding is broader: a statutory instrument for selective acceleration of residence procedures by nationality, with the list amendable by executive regulation. As of 11 September 2026 (Government Legislation Centre project card, consulted that day) the draft remains at the consultation and opinion stage: the project card was created on 6 July 2026, the entries for inter-ministerial consultation, public consultation and opinions were last modified on 17 August 2026, and no committee stage is recorded. The Ministry of the Interior and Administration confirmed

(DBiSO-WODO.06770.2.66.2026.EJ, 25 August 2026) that no analysis of the draft's compatibility with the constitutional equality clause or with EU law was produced: „w MSWiA nie powstały dokumenty wskazane w podpunkcie b) i c)” [“the documents indicated in subpoints b) and c) were not produced in the Ministry”].

I.C. EU Blue Card figures. My letter Ares(2026)7837521 stated that the number of EU Blue Cards issued by Poland “fell about 16%” between 2023 and 2024. The correct figure from Eurostat dataset migr_resbc11 (decisions granted, all citizenships; checked at source on 11 September 2026) is 7,402 (2023) to 5,853 (2024), a fall of 20.9%, against 12.3% for the EU-27 (89,055 to 78,096). The error was to my disadvantage.

I.D. Judicial remedy. The same letter stated that “no Polish court may be asked to enforce the 90-day deadline”. That was too strong: complaints against inaction remain admissible, as the Commissioner for Human Rights, citing the Supreme Administrative Court, wrote to the Ministry on 1 June 2026 (Article 100d „nie stanowi podstawy do wyłączenia kontroli przez sądy administracyjne skarg na bezczynności organu lub przewlekłe prowadzenie postępowania” - “does not constitute a basis for excluding review by the administrative courts of complaints against an authority's inaction or excessive length of proceedings”). The accurate description, documented in Section III, is that the administrative remedy is left unexamined by construction, the judicial remedy has been stripped of its sanctions for the period of suspension, and the authorities keep applying the provision after the courts have refused to.

II. WHAT CHANGED SINCE 10 AUGUST 2026

Date	Authority, reference	Content
26.08-9.09.2026	Seven voivodes (III.1)	Written statements that statutory reminders (ponaglenia) are left without examination under Article 100d; two templates and one model court reply disclosed
June 2026, disclosed 27.08.2026	Ministry of the Interior (MSWiA), BMP.0790.3.7.2026(6)	“High probability” that courts will refuse to apply Article 100d; the Head of the Office for Foreigners “is still obliged to apply” it
2.09.2026	MSWiA, DBiSO-WODO.06770.2.69.2026.EJ	Directive (EU) 2024/1233: no transposition measures notified, no draft in the Government's work list; Commission letter of 14.07.2026 INFR(2026)0466>INFR(2026)0474 C(2026)6500/22 received; no impact analysis
2.09.2026	Regional Administrative Court (WSA) Wrocław, WIS.053.46.2026	Per-case register of 6,753 complaints: outcomes reversed between 2024 and 2026
7.09.2026	Head of the Office for Foreigners (UdSC), BSZ.WAiSM.052.6.2026/JS	All voivodeship offices have permanent access to the central data warehouse; duration reports “generate automatically on request”
9.09.2026	Podlaski Voivode, decision OB-II.1331.16.2026.PT	Article 100d applied to all residence categories, including EU Blue Card and EU long-term residence; four data-warehouse printouts, all 16 voivodes, 2023-2026
9-10.09.2026	UdSC (3) and Podlaski Voivode (2)	Five refusal decisions in two days (VI.3)
10.09.2026	Podkarpacki Voivode, O-II.1331.17.2026	Release of UdSC letters DPM.07037.23.2024 (14.03.2024), DPM.WL.024.11.2025/LK (15.06.2025), DPM.WL.024.4.2026/LK (10.02.2026)
10.09.2026	Supreme Audit Office (NIK), KZK-KZC.402.1720.2026	My submissions „zostały zarejestrowane w bazie skarg i wniosków” [registered in NIK's complaints-and-motions database]; NIK „nie wykluczamy spożytkowania przekazanych przez Pana informacji ewentualnie w przyszłej działalności kontrolnej” [does not rule out using the information provided, possibly, in future audit activity]; no audit undertaken
12.08 and 2.09.2026	European Parliament (petition 2170/2026); Polish Senate	Parallel petitions registered; for completeness only

Date	Authority, reference	Content
	(petition P11-194/26)	

III. THE SUSPENSION MECHANISM (ARTICLES 100c-100d OF THE ACT OF 12 MARCH 2022) IN THE AUTHORITIES' OWN WORDS

Article 100d of the Act of 12 March 2022 on Assistance to Citizens of Ukraine ("the Special Act") suspends the statutory time limits in all first-instance residence proceedings before the voivodes and excludes the provisions on inaction. Its original end date, 24 August 2023, has been extended five times; the current end date is 4 March 2027 (Act of 23 January 2026, Journal of Laws 2026 item 203, Article 17 point 50). The Ministry's letter BMP.0790.3.7.2026(6) (p. 3) recounts the chain: 24 August 2023, 4 March 2024, 30 June 2024, 30 September 2025, 4 March 2026, 4 March 2027; the Office for Foreigners' letter of 10 February 2026 (DPM.WL.024.4.2026/LK) recounts it up to 4 March 2026, „i w takim właśnie brzmieniu aktualnie obowiązuje art. 100d" [and that is the wording of Article 100d currently in force], and describes the extension to 4 March 2027 as provided for in the Act of 23 January 2026, then „uchwalona i oczekująca aktualnie na podpisanie przez Prezydenta" [enacted and currently awaiting the President's signature].

III.1. Seven voivodes state in writing that the administrative remedy is not examined.

Voivode	Reference, date	Statement
Kujawsko-Pomorski	BW.II.1331.214.2026, 27.08.2026	Reminders „pozostawiane są bez rozpatrzenia, w oparciu o artykuł 100d" [left without examination on the basis of Article 100d]; the office „nie posiada żadnego dokumentu, na którym opiera tę praktykę" [holds no document on which it bases this practice]
Warmińsko-Mazurski	SC-I.1331.11.2026, 27.08.2026	Article 100d „wyłącza rozpoznawanie ponagleń" [excludes the examination of reminders] until 4 March 2027
Lubuski	SO-IV.1331.13.2026.ESzo, 27.08.2026; SO-IV.1331.14.2026.ESzo, 9.09.2026	„wszystkie wpływające ponaglenia zostają pozostawione bez rozpoznania" [all incoming reminders are left without examination]; pre-drafted template with the unfilled system variable "\$ezdDataPodpisu" in the date field; on 9.09.2026 the office confirms it „nie wytworzył wewnętrznych dokumentów" [produced no internal documents] on the matter and still uses the templates
Łódzki	SOC-III.1331.3.2026, 27.08.2026	Reminders decided on the merits: 255 (2022), 4 (2023), 1 (2024), 1 (2025); received: 263 / 326 / 115 / 132 / 204 (2022-2026); „Podstawą tej praktyki są wskazane przepisy prawa" [the practice is based on the indicated provisions of law]
Podkarpacki	O-II.1331.13.2026, 26- 27.08.2026	Practice based on two UdSC letters of 15 June and 9 November 2022; of the reminders in temporary-residence cases, 17 (2024), 12 (2025) and 18 (2026, to 30 June) „pozostawione bez rozpoznania" [left without examination]; 2022 entries annotated „na podstawie art. 100c ust. 3 i 4 ustawy specjalnej ponaglenie nie zostało przekazane do Szefa UDSC" [under Article 100c(3) and (4) the reminder was not forwarded to the Head of the Office]
Wielkopolski	SC-XI.1331.14.2026, 1.09.2026	Reminders received, per the letter delivered 1.09.2026: 1,736 (2022), 2,661 (2023), 1,634 (2024), 841 (2025), 1,352 (2026 to date) - an earlier letter under the same reference, received 27.08.2026, gave 1,886 / 96 / 62 / 76 / 34 for the same years, together with numbers of reminders found founded or unfounded on the merits in 2023-2025, and the later letter presents its figures as „dodatkowe informacje" [additional information] without explaining the difference, so both series are reported; „Wojewoda Wielkopolski ponaglenia w sprawach udzielania zezwolenia na pobyt czasowy, pobyt stały i pobyt rezydenta długoterminowego UE, pozostawia bez rozpatrzenia, w oparciu o artykuł 100d" [leaves reminders in temporary, permanent and EU long-term residence cases without examination on the basis of Article 100d]; the authority did not state how many were so treated

Voivode	Reference, date	Statement
Podlaski	OB-II.1331.22.2026.PT, 9.09.2026	138 reminders in 2026 (no earlier register); 22 court complaints in 2026; „wszystkie ponaglenia dotyczące rzeczonych spraw są pozostawiane bez rozpoznania. Jednakże, w tym zakresie Organ nie posiada wytycznych, instrukcji, stanowiska lub innego dokumentu wewnętrznego” [all reminders in those cases are left without examination; however, the authority holds no guidelines, instructions, position or other internal document in this respect]

The scope is statutory. Article 100d(1) covers the grant of a temporary residence permit, a permanent residence permit and an EU long-term residence permit (point 1), the amendment of a temporary residence and work permit and of a „zezwolenia na pobyt czasowy w celu wykonywania pracy w zawodzie wymagającym wysokich kwalifikacji” [temporary residence permit for the purpose of highly qualified employment] (point 2) and the withdrawal of those permits (point 3); under Article 127 of the Act on Foreigners the EU Blue Card is itself a temporary residence permit, so its grant falls under point 1. The Podlaski Voivode's decision of 9 September 2026 (OB-II.1331.16.2026.PT) confirms the practice: the authority „stosuje ten przepis do wszystkich postępowań” [applies this provision to all proceedings] in those categories, which it lists in the statutory order. The suspension therefore covers EU Blue Card cases (Directive (EU) 2021/1883, 90 days) and EU long-term residence cases (Directive 2003/109/EC, Article 7(2)) without distinction.

III.2. The practice is centrally organised. The Office for Foreigners' public notice of 6 October 2025 (gov.pl/web/udsc) states that the voivode „nie będzie przekazywał do Szefa Urzędu do Spraw Cudzoziemców ponagleń składanych na bezczynność lub na przewlekłe prowadzenie postępowań w ww. sprawach przez organy I instancji” [will not forward to the Head of the Office reminders lodged for inaction or excessive length of proceedings in the above cases by first-instance authorities]. Four letters of the Head of the Office of 2022 (DPM.0738.29, 49, 77 and 81.2022; the third concerns the register of invitations and only announces the introduction of Article 37 § 3a of the Code of Administrative Procedure, on leaving premature reminders unexamined) were released by the Opolski Voivode on 9 September 2026; the Lubuski Voivode explains (9.09.2026) that the Head of the Office „przesyłając pisma do wojewodów udostępnia je wszystkim organom, bez względu na adresata pisma” [when sending letters to the voivodes makes them available to all authorities regardless of the addressee]. In the public description of its own AMIF project FAMI.02.01-IZ.00-0143/25 (mapadotacji.gov.pl/projekty/1818325) the Office reports that between January and September 2024 the Pobyt system registered 10,703 reminders for inaction at first instance, and that 326 rulings on reminders were issued in that period.

III.3. The Ministry: courts will likely refuse to apply the provision; the authority must keep applying it. In its reply to the Ombudsman's intervention XI.541.22.2025.DB of 1 June 2026 (BMP.0790.3.7.2026(6), published by the Ombudsman as the reply of 30 June 2026), the Ministry writes that, although Article 100d formally remains in force until 4 March 2027, „istnieje wysokie prawdopodobieństwo, że wojewódzki sąd administracyjny, który będzie rozpatrywał skargę na bezczynność lub przewlekłe prowadzenie postępowania przez wojewodę” [there is a high probability that the regional administrative court examining a complaint against a voivode's inaction or excessive length of proceedings] (...) will refuse to apply it to periods after 30 June 2024, while the Head of the Office for Foreigners, the authority competent to examine reminders against voivodes, „jest w dalszym ciągu obowiązany do stosowania przepisu art. 100d ustawy specjalnej” [is still obliged to apply Article 100d of the Special Act]. Footnote 18 of the same letter lists five regional court judgments of 7-20 May 2026 (WSA Gdańsk III SAB/Gd 131/26; Wrocław II SAB/Wr 108/26; Gliwice II SAB/Gl 56/26; Łódź III SAB/Łd 30/26; Poznań II SAB/Po 78/26) as case law „w kierunku niekorzystnym dla wojewodów” [in a direction unfavourable to the voivodes], following the Supreme Administrative Court's line since II OSK 2921/24 (19 May 2025) and II OSK 1375/25 (17 February 2026: „od 1 lipca 2024 r. art. 100d ustawy o pomocy nie może być stosowany” - "as of 1 July 2024 Article 100d cannot be applied").

III.4. What the court registers show. From the per-case register released by the WSA in Wrocław (WIS.053.46.2026, 2 September 2026; 6,753 complaints for inaction or excessive length in residence cases, 6,743 of them against the Lower Silesian Voivode) it follows, by my own count, that among complaints lodged in 2024 the court dismissed 1,190 on the merits and upheld 264, whereas among complaints lodged 1

January - 2 September 2026 it upheld 310 and dismissed 12 (771 of that year's 1,935 complaints still pending). From the WSA in Gliwice (25 August 2026): the per-case register (WIS.083.55.2026) lists 255 complaints registered 1 January - 24 August 2026, all against the Silesian Voivode; the court's statistical return for subject-symbol 6272 (WIS.083.53.2026) records 99 complaints upheld and 4 dismissed in 2026 (to 24 August), against 16 upheld and 42 dismissed in 2025. In 2024 the mechanism worked as designed; today the courts have stopped applying it, but only for the applicant who pays the court fee and waits (median 99 days from lodging to a favourable ruling in Wrocław, own calculation), while the authorities continue to apply Article 100d to everyone else. The Lubuski Voivode confirmed on 1 September 2026 (SO-IV.1331.12.2026.ESzo) that it invokes Article 100d in every reply to a court complaint and disclosed its model reply.

III.5. The Court of Justice. In C-254/25 (Wojewoda Śląski; reference from the WSA in Gliwice lodged 4 April 2025, OJ C, C/2025/4033, 28 July 2025), Advocate General Spielmann delivered his Opinion on 16 April 2026 (ECLI:EU:C:2026:320). Three limits must be stated: it is an Opinion, not a judgment (no judgment as of 11 September 2026); the case concerns a student's permit under Directive (EU) 2016/801, not the directives at issue here; and the version of Article 100d before the Court ran to 30 September 2025, whereas it now runs to 4 March 2027. Within those limits the Advocate General proposed (point 56) that Article 34(1) and (3) of Directive 2016/801, read with Article 47 of the Charter, „stoi on na przeszkodzie krajowym przepisom ustawowym, które – w odniesieniu do obywatela państwa trzeciego – wyłączają, w braku przypadku siły wyższej w rozumieniu orzecznictwa Trybunału, przewidzianą w prawie krajowym możliwość skorzystania ze skutecznego środka prawnego przed sądem służącego przeciwdziałaniu beczynności lub opieszałości właściwego organu administracyjnego przy badaniu wniosku o udzielenie zezwolenia na pobyt w celu odbycia studiów, a także doprowadzenia do tego, by w przedmiocie tego wniosku rozstrzygnięto w określonym terminie" [precludes national legislation which, in respect of a third-country national, excludes, absent force majeure within the meaning of the Court's case-law, the possibility provided for in national law of an effective judicial remedy against the inaction or delay of the competent administrative authority in examining an application for a residence permit for the purpose of studies, and of having that application decided within a set time limit]. The mechanism examined is the same Article 100d. The analogy to Article 11(1) of Directive (EU) 2021/1883 and Article 5(2) of Directive (EU) 2024/1233 is my submission, not the Advocate General's. For the EU Blue Card it is close: Article 11(1) and (2) of Directive (EU) 2021/1883 has the same structure as Article 34(1) and (3) of Directive (EU) 2016/801 - a 90-day time limit, suspension only where the application is incomplete, and no clause referring the consequences of a failure to decide to national law. For the single permit, Article 5(2), third subparagraph, of Directive (EU) 2024/1233 provides that where no decision is taken in time „any consequences shall be determined by national law", and the Office for Foreigners invokes that clause (DPM.WL.024.4.2026/LK, discussed below); Article 8(3) of the same Directive, however, allows the time limit to be extended only by an additional period of 30 days, „in exceptional and duly justified circumstances linked to the complexity of the application", so that a statutory suspension of all time limits and of all remedies for a whole category of applicants, extended over several years, is in my submission a question of effectiveness and of Article 47 of the Charter, not of the latitude left by Article 5(2). The Advocate General examined the two questions referred jointly (point 21) and addressed the difference in treatment between third-country nationals and Polish nationals under the principle of equivalence (point 42), proposing (footnote 9) that the Court confine its answer to Article 34 of Directive 2016/801 read with Article 47 of the Charter and leave aside Articles 10 and 18 TFEU and Articles 20 and 21 of the Charter, which the referring court had also invoked.

Two documents released on 10 September 2026 show the administration's own view of the case. In DPM.WL.024.11.2025/LK of 15 June 2025 (input to the Government's observations in C-254/25) the Head of the Office for Foreigners defends Articles 100c-100d but asks that the Government „z ostrożności" [as a precaution] invite the Court to indicate until when such measures were compatible with EU law, so as to limit the risk of reopening final judgments that relied on them „przy zastosowaniu skargi o wznowienie postępowania sądowego, opartej na art. 272 § 2a P.p.s.a." [by way of an application to reopen judicial proceedings under Article 272 § 2a of the Law on Proceedings before Administrative Courts]. In DPM.WL.024.4.2026/LK of 10 February 2026, prepared for the second reference C-797/25 (Wojewoda Dolnośląski; WSA Wrocław, lodged 8 December 2025; notice of the reference not yet published in the Official

Journal to my knowledge; the referring order, WSA Wrocław IV SAB/Wr 649/25 of 30 October 2025, is available in the national case-law database and asks whether the Treaty principles of proportionality (Article 52(1) of the Charter), sincere cooperation and effectiveness (Article 4(3) TEU) and good administration (Article 41 of the Charter) preclude the suspension, read with Council Implementing Decision (EU) 2022/382 and Article 3(2)(f) of Directive (EU) 2024/1233, the Office describes the applicant as a Ukrainian national under temporary protection who applied for a temporary residence and work permit on 29 April 2024, lodged a reminder on 29 January 2025 and a court complaint on 19 May 2025, and acknowledges that Article 5(2) of Directive (EU) 2024/1233 has in essence the same content as its predecessor, with 90 days replacing four months. An earlier letter, DPM.07037.23.2024 of 14 March 2024, responds to non-final judgments of the WSA in Poznań holding Articles 100c-100d incompatible with Article 5(2) of Directive 2011/98/EU and Article 7(2) of Directive 2003/109/EC by setting out the contrary argument and recommending cassation appeals; it calls itself „wyłącznie jako opinia innego organu administracji publicznej” [solely as an opinion of another public authority] and shows that the central authority was aware of the EU-law objection in March 2024. Neither the pending references nor this supplement ask the Commission to stay anything. What is before the Court is the compatibility of Article 100d with Directive (EU) 2016/801 and Article 47 of the Charter (C-254/25, whose first question expressly covers the exclusion of the remedy against the failure of public authorities to act) and, in C-797/25, with the Treaty principles of proportionality, sincere cooperation and good administration read with Directive (EU) 2024/1233, in the case of a beneficiary of temporary protection; what is not before it is the application of the provision to EU Blue Card proceedings, its extension to 4 March 2027, and the divergence documented in Sections III.1-III.4 between courts that refuse to apply the provision and an administration that continues to apply it.

IV. NON-TRANSPOSITION OF DIRECTIVE (EU) 2024/1233 - REQUEST FOR LINKAGE

The Ministry stated on 2 September 2026 (DBiSO-WODO.06770.2.69.2026.EJ): „Rzeczpospolita Polska nie notyfikowała Komisji Europejskiej krajowych środków transpozycji tej dyrektywy” [Poland has not notified the Commission of national transposition measures for this directive]; „Trwają wstępne prace nad projektem. Obecnie, z uwagi na brak gotowego projektu, nie został on umieszczony w wykazie prac Rady Ministrów” [preliminary work on a draft is under way; as there is no finished draft, it has not been entered in the Council of Ministers' work list]; „Tak, MSWiA otrzymało takie wystąpienie Komisji Europejskiej - pismo z dnia 14 lipca 2026 r. oznaczone: INFR(2026)0466>INFR(2026)0474 C(2026)6500/22” [Yes, the Ministry received such a Commission letter, dated 14 July 2026, referenced INFR(2026)0466>INFR(2026)0474 C(2026)6500/22]; and, on the 90-day time limit in Article 5(2): „MSWiA nie zlecało i nie przygotowywało takiej analizy” [the Ministry neither commissioned nor prepared such an analysis]. The transposition deadline was 21 May 2026.

I do not know the procedural stage of that file and do not characterise it. I ask that the material in this supplement, in particular Sections III and VI, be made available to the services handling it: on the authorities' own figures the 90-day time limit is not merely untransposed but unattainable under the current suspension regime in every voivodeship.

V. UNION FUNDING AND THE ABSENCE OF RESULT MEASUREMENT (AMIF)

V.1. Amounts, on separate bases. In letter BMP.0790.3.7.2026(13) to the Ombudsman (PDF dated 12 August 2026) the Ministry confirms 16 financing agreements signed with the voivodeship offices in 2024 worth PLN 177,052,200.77 in total, of which PLN 132,789,150.58 from AMIF 2021-2027, and a second restricted call closed 17 July 2026 with AMIF financing (90%) of PLN 112,999,000.00 for 16 projects under evaluation, whose eligible costs expressly include „koszty personelu obsługującego wnioski o wydanie karty pobytu CUKR” [staff costs for handling applications for the CUKR residence card] - the permit into which temporary protection (PESEL UKR) is converted, applications for which opened on 4 May 2026. The AMIF component alone is PLN 245,788,150.58 (own sum), committed or under evaluation; nothing here is stated as spent. Separately, the Office for Foreigners reported (e-mail of 27 August 2026) PLN 27,955,991.30 of settled expenditure on the two AMIF 2014-2020 projects modernising the central Pobyt v.2 system and creating its MOS case-handling module, PLN 14,811,525.70 of it from AMIF (own sums); the grant applications released on 10 September 2026 give budgets of PLN 20,932,747.50 (AMIF PLN 10,968,759.69) and PLN 9,903,736.50 (AMIF PLN 5,364,358.88). On the CUKR call, the Silesian Voivode (SCV.1331.44.2026, 27 August 2026) reports

1,563 / 1,210 / 1,531 / 1,048 applications in May-August 2026 (5,352, own sum), 0 / 4 / 173 / 396 positive decisions (573, own sum), 59 cards issued and 4 posts assigned.

V.2. Not one result indicator. I hold the indicator forms or final reports of six AMIF beneficiaries (the Office for Foreigners; the Podkarpacki, Zachodniopomorski, Warmińsko-Mazurski, Podlaski and Opolski offices) and a written statement of a seventh (Silesian: „projekt nie był objęty wykonaniem wskaźników obowiązkowych" - "the project was not covered by obligatory indicators"). None reports a result indicator relating to the duration of proceedings: where an indicator form contains a "REZULTATY" (results) section it is empty, and where a final report contains a section on results achieved (Warmińsko-Mazurski, Opolski) it lists outputs - refurbished rooms (19 in the Opolski report), workstations, hotlines and information points. The three final reports released by the Warmińsko-Mazurski office on 10 September 2026 are typical: the objective of adapting the working conditions of case-handling staff and shortening database access time is reported as „wykonanie: 100%" [performance: 100%]; the outputs are 13 refurbished rooms, a hotline staffed by two persons, and hotlines of four and of six seats, a three-seat service point and a queue-management set (PLN 39,645.61, first project) and a further queue-ticket machine („kolejkomat", PLN 27,127.86, second project); the office's payment claim under its current project FAMI.02.01-IZ.00-0003/24 budgets another PLN 7,350.04 for extending an existing queue-ticket machine. The Wielkopolski office (SC-XI.1331.17.2026, 31 August 2026) reports 6 self-service kiosks, 1 modernised application, 1 web service and 7 digital information boards, and „Brak danych dotyczących kosztów utrzymania" [no data on maintenance costs].

V.3. Eight authorities do not measure impact. Asked whether they measure the effect of the AMIF-financed IT systems on the average duration of legalisation proceedings, eight authorities replied in writing between 27 and 31 August 2026 that they do not: the Office for Foreigners („jest zbyt wcześnie, aby przeprowadzać takie analizy" - "it is too early to carry out such analyses"; MOS became the mandatory channel for residence applications on 27 April 2026) and the Podkarpacki, Zachodniopomorski, Warmińsko-Mazurski, Lubuski, Wielkopolski, Opolski and Łódzki offices. The Office reported (27 August 2026) that since 27 April 2026 169,893 residence applications had been filed through MOS and decisions issued in 9,940 of them; this shows the scale of intake, not a backlog, as many time limits had not yet expired. The Lubuski Voivode confirmed on 9 September 2026 (SO-I.1331.5.2026.ABor) that its final AMIF reports „zostały sporządzone" [have been drawn up] - whereas its letter of 31 August 2026 under the same reference had stated that „sprawozdania końcowe nie zostały sporządzone" [the final reports have not been drawn up] - and declined to release them as "processed information" for want of anonymisation software, announcing a possible refusal decision under Article 16 of the Act on Access to Public Information.

V.4. The choice was the Member State's. The national beneficiary manual (Podręcznik dla beneficjenta FAMI 2021-2027, 27 November 2023, sections 3.1, 3.2, 3.12) treats staff costs as eligible and excludes no category of official's salary; the limitation of eligible personnel costs under operating support, in the part of the national programme on legal migration and integration, to „koszty personelu obsługującego SP, wprowadzającego dane do systemu" [the costs of staff operating the Pobył system and entering data into it] was the Member State's own programming choice (programme approved by Commission Decision C(2025)6003 of 1 September 2025, CCI 2021PL65AMPR001). The Supreme Audit Office found in audit P/23/069 (p. 39; repeated in the synthesis table, p. 91) that eight foreign nationals employed in the Silesian office under AMIF projects outside the civil service corps were „wykonujących czynności merytoryczne w ramach postępowań w sprawach legalizacji pobytu cudzoziemców" [performing substantive tasks in residence-legalisation proceedings] - the irregularity found being that their criminal records had not been checked - and that „Wszyscy pracownicy zatrudnieni w ramach projektów FAMI dysponowali dostępem do systemów informatycznych EZD, ST POBYT, Integracja" [all staff employed under the AMIF projects had access to the EZD, ST POBYT and Integracja IT systems] and certified copies of documents, „tj. wykonywali czynności wymienione w art. 268a k.p.a." [i.e. performed acts listed in Article 268a of the Code of Administrative Procedure] (p. 39). This part is submitted for information, with a request that it be passed to the services supervising AMIF implementation in Poland; no breach of reporting obligations is alleged. The 2024 financing agreements, the CUKR call and the Warmińsko-Mazurski payment claim FAMI.02.01-IZ.00-0003/24 fall under AMIF 2021-2027 (Regulation (EU) 2021/1147, in particular Article 33(4) on the performance reporting system and Article 35 on annual performance reports). The indicator forms and final reports cited in V.2 concern, at

least for the Office for Foreigners (projects 1/3-2017 and 1/8-2018), the Podkarpacki office (1/14-2022) and the Zachodniopomorski office (3/7-2017 and 8/14-2022), projects of AMIF 2014-2020 under Regulation (EU) No 516/2014, to which Regulation (EU) 2021/1147 does not apply; they are cited for the pattern they show, and the point is prospective.

VI. DATA

VI.1. The central data warehouse, all 16 voivodes, 2023-2026. The Head of the Office for Foreigners wrote on 7 September 2026 (BSZ.WAiSM.052.6.2026/JS): „Urzędy wojewódzkie posiadają stały dostęp do modułu analitycznego – Hurtowni Danych Cudzoziemiec” [the voivodeship offices have permanent access to the analytical module, the Foreigner Data Warehouse] and „Z poziomu użytkownika urzędu wojewódzkiego raporty te generują się automatycznie na żądanie” [from a voivodeship-office user's level these reports generate automatically on request] for temporary, permanent and EU long-term residence proceedings. On 9 September 2026 the Podlaski Voivode annexed to its decision four printouts from that warehouse, generated the same morning between 07:38 and 07:44, entitled „Średni czas postępowania: decyzje pozytywne, negatywne, umorzenia oraz pozostawienie bez rozpoznania wg daty wydania” [average duration of proceedings: positive and negative decisions, discontinuances and applications left unexamined, by date of issue], for all 16 voivodes. The printouts were produced in reply to my question on the average duration of temporary residence proceedings (the request having been narrowed to that category) and are headed „legalizacja” without stating the permit types covered. Figures are days; the 2026 printout does not state its period (the system produces „jedynie raporty roczne i półroczne” - "only annual and half-year reports").

Voivode	2023 avg / max	2024 avg / max	2025 avg / max	2026 avg / max
Dolnośląski	401 / 2,806	472 / 3,441	273 / 2,944	294 / 3,626
Kujawsko-Pomorski	464 / 2,453	517 / 2,479	545 / 2,085	537 / 2,613
Lubelski	211 / 1,936	243 / 1,938	233 / 3,301	385 / 1,732
Lubuski	398 / 2,269	406 / 2,184	494 / 2,164	565 / 1,887
Łódzki	336 / 2,272	284 / 2,473	336 / 2,884	391 / 2,475
Małopolski	128 / 2,741	145 / 2,974	183 / 3,498	236 / 2,339
Mazowiecki	153 / 2,853	200 / 2,660	271 / 3,253	383 / 2,828
Opolski	425 / 2,622	578 / 3,250	604 / 2,705	514 / 1,856
Podkarpacki	135 / 1,232	189 / 2,501	246 / 2,379	299 / 1,574
Podlaski	184 / 1,577	203 / 1,892	290 / 1,432	442 / 1,221
Pomorski	314 / 2,741	383 / 3,392	544 / 3,339	600 / 2,961
Śląski	427 / 2,851	481 / 2,901	637 / 2,945	647 / 3,135
Świętokrzyski	172 / 2,108	223 / 1,658	276 / 1,806	327 / 1,510
Warmińsko-Mazurski	134 / 1,350	176 / 1,803	211 / 1,941	272 / 1,713
Wielkopolski	329 / 3,119	302 / 2,848	344 / 3,101	341 / 1,911
Zachodniopomorski	452 / 3,284	471 / 2,318	465 / 3,165	465 / 3,150

Own calculations from the printouts: decisions covered 437,687 (2023), 396,808 (2024), 398,337 (2025) and 147,721 (2026); in each period all 16 authorities exceed both the national statutory limit of 60 days (Article 112a(1) of the Act on Foreigners) and the 90 days of Directive (EU) 2024/1233; the number of authorities averaging over 365 days is 6, 7, 6 and 10; the spread between the fastest and slowest authority under the same statute and the same IT system is 128-464 (2023), 145-578 (2024), 183-637 (2025) and 236-647 days (2026). For comparison, in work-permit proceedings before the same 16 offices, where no suspension has ever applied (Ministry of Family, Labour and Social Policy, BDG-VI.0171.367.2026, 25 August 2026, Cesar system), the reported average was 64 days (2024) and 82 days (2025). The suspension was justified by the influx of 2022; the printouts show durations still rising in 2025-2026 in most voivodeships.

VI.2. The State keeps finer data than it releases. The Office's decision of 10 September 2026 upholding its refusal (BSZ.WAiSM.052.6.2026/MK) lists what it had already produced for my request of 10 August, including „precyzyjne zestawienia postępowań, których czas trwania przekroczył 90 dni” [precise lists of proceedings whose duration exceeded 90 days], and states that warehouse access is given to „z reguły zaledwie 1 do 2 osób w poszczególnych urzędach wojewódzkich” [as a rule only 1 to 2 persons in each voivodeship office]. The Masovian Voivode, defendant in 2,612 of the 2,752 inaction complaints registered by the WSA in Warsaw from 1 January 2024 to 13 August 2026, replied four times in identical words (WSC-IV.1331.18.2026, 26 August 2026): „Wojewoda Mazowiecki nie prowadzi statystyk w powyższym zakresie” [does not keep statistics in that scope], including on EU Blue Card durations. The Podlaski Voivode's decision states that the office „nie posiada systemów dziedzinowych, z których byłby w stanie niezwłocznie pozyskać żądane informacje” [has no domain IT systems from which it could obtain the requested information without delay] and keeps files on paper - and annexes the four warehouse printouts to the same decision.

VI.3. Five refusal decisions in two days. (1) Podlaski Voivode, OB-II.1331.16.2026.PT, 9.09.2026: number of pending proceedings refused as "processed information". (2) Head of the Office for Foreigners, BSZ.WAiSM.0361.17.2026/AK, 10.09.2026 (served through e-Doręczenia; a copy of identical content, reference suffix /DH and dated 9.09.2026, had been sent by e-mail): per-case list of temporary-residence proceedings closed since 1 January 2023 refused, the Office estimating „ok. 1,5 miliona rekordów” [about 1.5 million records]; the decision asserts that the efficiency of legalisation proceedings across the EU is measured by the average „zgodnie z wytycznymi Europejskiego Urzędu Statystycznego (Eurostat)” [in accordance with Eurostat guidelines] and that a median is an „indywidualnego konceptu badawczego” [individual research concept] - I have found no such Eurostat guideline and submit the claim for the Commission's own assessment. (3) Head of the Office, BSZ.WAiSM.052.6.2026/MK, 10.09.2026: refusal of the warehouse's field specification and user manual upheld. (4) Head of the Office, BSZ.WKSI.069.14.2026/ED, 10.09.2026: number of reminders recorded in the national register as not forwarded to the Head of the Office refused. (5) Podlaski Voivode, OB-II.1331.17.2026.PT, 10.09.2026: copies of the Office's and the Ministry's letters on Articles 100c-100d refused. One request for the 2022 circulars, sent to 15 voivodes on 27 August 2026 (the Wielkopolski Voivode received the same demand in a separate letter of the same day), had produced by 11 September 2026: release of the four circulars combined with a summons on the remaining points (Opolski, SO.II.1331.16.2026 of 9.09.2026, and Podkarpacki, O-II.1331.17.2026 of 7 and 10.09.2026: to show a "particularly important public interest"; Warmińsko-Mazurski, SC-I.1331.16.2026 of 10.09.2026: to sign the request and to show that interest); a refusal decision (Podlaski); statements that the documents requested are not public information, without a decision (Dolnośląski, SOC-PCIII.1331.5.2026; Lubelski, SO-VI.1331.7.2026); summonses to show a "particularly important public interest", in some cases also to sign (Zachodniopomorski, Małopolski, Lubuski, Łódzki, Kujawsko-Pomorski, Śląski, Pomorski, and Świętokrzyski in a summons that does not specify which of my two requests of 27 August it concerns); and a statement by the Masovian Voivode (WSC-IV.1331.20.2026, 31.08.2026) that it uses the Head of the Office's materials but keeps no register of them and therefore cannot transmit them.

VI.4. Pending. On 7 September 2026 I asked all 16 voivodes for the warehouse's standard reports 2.1 and 2.2 (average duration by permit type, including EU Blue Card) for 2024, 2025 and 1 January - 31 August 2026. As of 11 September 2026 none has replied; the statutory 14-day period runs to about 21 September 2026. I will forward the outcome, with an updated overview of all 16 voivodes' responses to my August requests, in a second message before the end of September.

VII. WHAT I ASK

1. That this supplement be taken into account in the preliminary assessment of CPLT(2026)02766 due within two months of registration (about 13 October 2026), and that the Commission consider, on the documents in Sections III and VI, opening a structured dialogue with Poland (EU Pilot) or issuing a letter of formal notice under Article 258 TFEU on the compatibility of Article 100d of the Special Act, as applied to EU Blue Card, single-permit and EU long-term residence proceedings, with Article 11(1) and (2) of Directive (EU) 2021/1883, Article 5(2) and Article 8(3) of Directive (EU) 2024/1233 (and, for the period before 22 May 2026, Article 5(2) of Directive 2011/98/EU), Article 7(2) of Directive 2003/109/EC, Article 47 of the Charter and the principle of

effectiveness.

2. That the material be made available to the services handling INFR(2026)0466>INFR(2026)0474 C(2026)6500/22 (Section IV).
3. That Section V be passed to the services supervising AMIF implementation in Poland.
4. That the duration data in VI.1, which the Member State can regenerate for any period within minutes, be requested by the Commission directly from the Polish authorities for all permit types, together with the number of proceedings exceeding 90 days, which the Office for Foreigners states it has already compiled (VI.2).
5. That my identity and the annexed documents remain undisclosed to the Polish authorities.

VIII. ANNEXES (PDF, on request or with a second message)

- A1. Lubuski Voivode: SO-IV.1331.13.2026.ESzo (27.08.2026) with two templates; SO-IV.1331.12.2026.ESzo (1.09.2026) with the model court reply; SO-IV.1331.14.2026.ESzo (9.09.2026); SO-I.1331.5.2026.ABor (9.09.2026).
- A2. Łódzki Voivode, SOC-III.1331.3.2026 (27.08.2026).
- A3. Kujawsko-Pomorski BW.II.1331.214.2026 (27.08.2026); Warmińsko-Mazurski SC-I.1331.11.2026 (27.08.2026); Podkarpacki O-II.1331.13.2026 (26 and 27.08.2026); Wielkopolski SC-XI.1331.14.2026 (1.09.2026); Podlaski OB-II.1331.22.2026.PT (9.09.2026).
- A4. Podlaski Voivode, decisions OB-II.1331.16.2026.PT (9.09.2026, with four data-warehouse printouts 2023-2026) and OB-II.1331.17.2026.PT (10.09.2026).
- A5. Head of the Office for Foreigners: BSZ.WAiSM.052.6.2026/JS (7.09.2026) with the list of report templates; decisions BSZ.WAiSM.052.6.2026/MK (10.09.2026), BSZ.WAiSM.0361.17.2026/AK (10.09.2026; e-mail copy /DH of 9.09.2026), BSZ.WKSI.069.14.2026/ED (10.09.2026).
- A6. Ministry of the Interior and Administration: BMP.0790.3.7.2026(6) (reply to the Ombudsman's intervention XI.541.22.2025.DB); DBiSO-WODO.06770.2.69.2026.EJ (2.09.2026); DBiSO-WODO.06770.2.66.2026.EJ (25.08.2026); BMP.0790.3.7.2026(13) (12.08.2026).
- A7. Office for Foreigners letters released by the Podkarpacki Voivode (O-II.1331.17.2026, 10.09.2026): DPM.07037.23.2024, DPM.WL.024.11.2025/LK, DPM.WL.024.4.2026/LK; circulars DPM.0738.29, 49, 77, 81.2022 (released by the Opolski Voivode, 9.09.2026).
- A8. Court registers: WSA Wrocław WIS.053.46.2026 (2.09.2026); WSA Gliwice WIS.083.53.2026 and WIS.083.55.2026 (25.08.2026); WSA Warsaw WIS-0481/180/26 (25.08.2026).
- A9. AMIF documentation: Office for Foreigners (projects 1/3-2017/BK-FAMI and 1/8-2018/BK-FAMI, incl. grant applications released 10.09.2026); Podkarpacki O-IX.1331.2.2026; Zachodniopomorski OK.1331.3.2026.MW; Warmińsko-Mazurski (three final reports and payment claim FAMI.02.01-IZ.00-0003/24, 10.09.2026); Podlaski RE-V.1331.2.2026.PS (3.09.2026) and RE-V.1331.3.2026.PS (7.09.2026: final reports, indicator forms and expenditure statements); Opolski IN.IV.1331.7.2026.KJU; Wielkopolski SC-XI.1331.17.2026; Śląski SCV.1331.40.2026 and SCV.1331.44.2026.
- A10. Ministry of Family, Labour and Social Policy, BDG-VI.0171.367.2026 (25.08.2026).
- A11. Supreme Audit Office, KZK-KZC.402.1720.2026 (10.09.2026).
- A12. Table of the successive end-dates of Articles 100c-100d (Journal of Laws 2022 item 830; 2023 items 185 and 1088; 2024 items 232 and 854; 2025 item 1301; 2026 item 203) and list of the judgments cited in III.3.

Delivery receipts from the governmental e-Doręczenia service for every document served on me electronically are available on request.

Yours faithfully,

[Complainant - personal data removed for publication]