

PETITION No 40679 - ADDITIONAL INFORMATION

Petition 40679 - additional information: the 90-day deadline under Directive (EU) 2024/1233 and the main residence channel

Dear Members of the Committee on Petitions,

I respectfully submit additional information to my petition no. 40679, lodged on 11 August 2026. The petition as filed concerns the 90-day deadline for EU Blue Cards under Article 11(1) of Directive (EU) 2021/1883. The information below extends the same factual pattern to the channel through which the overwhelming majority of applications in Poland are processed.

1. The main channel was outside the scope of the original petition. In Poland, most third-country nationals in employment apply for a **zezwolenie na pobyt czasowy i pracę** - the national single permit. According to the Ministry of the Interior and Administration, the average duration of such proceedings is **341 days** and **463 487 cases** were pending (reply to parliamentary question no. 12584, situation as of 13 October 2025). By region the average ranges from **242 days in Małopolskie to 658 days in Śląskie** (reply to parliamentary question no. 18089, as of 6 July 2026). The statutory national deadline is 60 days (Article 112a(1) of the Act on Foreigners).

2. Union law now sets a 90-day ceiling for this channel as well. Directive (EU) 2024/1233, recasting the single permit directive, requires in Article 5(2) a decision on a complete application **within 90 days**, extendable by 30 days only "in exceptional and duly justified circumstances linked to the complexity of the application" (Article 8(3)). The transposition deadline was **21 May 2026** (Article 18(1)) and Directive 2011/98/EU was repealed with effect from **22 May 2026** (Article 19). The Polish average therefore stands at almost four times the current Union ceiling.

3. A question about transposition that the Committee is better placed to answer than I am. Consulting the EUR-Lex database of national transposition measures for Directive (EU) 2024/1233 on 20 August 2026, I found no Polish transposition measures listed, while measures notified by several other Member States were shown. I do not treat the state of a database as proof of a failure to notify, and I make no such assertion. I respectfully ask the Committee to establish, with the assistance of the European Commission, whether Poland has notified transposition measures for that directive and, if so, when.

4. Why this matters for the petition as a whole. The original petition described a deadline breach affecting highly qualified workers. The information above shows the same breach in the ordinary employment channel, on a scale of hundreds of thousands of pending cases. Both instruments set the same ceiling of 90 days; the national practice exceeds it by a factor of nearly four. I also note that the national provision suspending the running of procedural deadlines in residence cases - Article 100d of the Act of 12 March 2022 on assistance to citizens of Ukraine, extended until 4 March 2027 - applies to all foreigners regardless of nationality, and that its compatibility with Union law is currently before the Court of Justice in Case C-254/25, where the Advocate General delivered an opinion on 16 April 2026 (ECLI:EU:C:2026:320).

5. Request. In addition to the requests already made, I respectfully ask the Committee to extend its examination to Poland's compliance with Article 5(2) of Directive (EU) 2024/1233 and to include the question of transposition of that directive in any request for an opinion addressed to the European Commission.

All figures cited above come from documents of the Polish authorities themselves; source references are available on request.

Yours faithfully

██████ P. (petitioner in petition no. 40679)