KJ KAMIL JANKO
KANCELARIA ADWOKACKA

CHECKLIST FOR CREDITORS · AS OF SEPTEMBER 2026

Your Polish customer is insolvent – the first 30 days

When bankruptcy (upadłość) is declared against a Polish company, a **30-day deadline** for filing claims starts with its announcement in the KRZ, the National Debtors' Register. This checklist takes you through that period step by step – from the first look at the register to an objection against the list of claims.

KEY DEADLINES

Deadline	Starts with	For
30 days	Announcement of the bankruptcy decision in the KRZ	Filing your claim with the trustee (syndyk)
2 weeks	Announcement of the list of claims	Objection (sprzeciw) to how your or other creditors' claims are listed
with the filing at the latest	–	Set-off declaration for counterclaims

01 · DAYS 1–3

Immediately: get the facts and limit the damage

- [ ] Check the **KRZ entry** (Krajowy Rejestr Zadłużonych): type of proceedings, case number, court, name of the trustee or supervisor and **date of announcement**.
- [ ] Distinguish: **bankruptcy** (upadłość) or **restructuring** (PZU, PPU, PU, remedial proceedings)? For restructuring, see the box at the end of this checklist.
- [ ] **Put the deadline in your calendar**: 30 days from the announcement – allow time for translations.
- [ ] **Stop deliveries on credit.** Keep delivering only against prepayment or adequate security.
- [ ] **Goods under retention of title**: which goods are still identifiable at the customer's premises? Collect delivery notes, invoice numbers and photos. Does the retention agreement bear a **certain date** (data pewna)?
- [ ] **Trade credit insurance**: check the notification duties and deadlines in your policy.

02 · DAYS 3–10

Documents and the amount of your claim

- [ ] Contract or order confirmation and **general terms with proof that they were incorporated**.
- [ ] Invoices, delivery notes, **CMR consignment notes**, acceptance reports.
- [ ] E-mail correspondence, reminders, bank statements, balance confirmations or an **acknowledgment of debt**.
- [ ] Existing **titles** (judgment, payment order) and the status of any court or enforcement proceedings.
- [ ] **Security**: registered pledge, promissory note, surety or guarantee, retention of title.
- [ ] **Calculate the claim**: principal, late-payment interest up to the day before the bankruptcy declaration, costs and the EUR 40/70/100 flat compensation per commercial transaction, in practice usually per invoice (where Polish law applies).
- [ ] Check any **counterclaims** the customer has against you – set-off must be declared no later than with the claim filing, otherwise you are only paid pro rata.
- [ ] Decide which documents need a **Polish translation**.

03 · DAYS 10–25

The claim filing

- [ ] Details of the creditor and, where applicable, its **representative** (power of attorney).
- [ ] Principal claim and ancillary claims, each stated as an amount.
- [ ] The **category (ranking)** in which the claim should be satisfied – trade creditors' claims typically fall into category II.
- [ ] Evidence as exhibits, security, status of any court proceedings, **bank details**.
- [ ] Retention of title: demand **segregation** of goods still present.
- [ ] File **electronically via the KRZ** – a Polish filing with translated exhibits is the safest route.
- [ ] Keep the confirmation of receipt and a complete copy of the filing.

Under the EU Insolvency Regulation, creditors from other member states may use a standard form and another official EU language. The trustee may, however, require a Polish translation.

04 · AFTER FILING

The list of claims and your other rights

- [ ] Watch for the announcement of the **list of claims**. If your claim was rejected, reduced or placed in the wrong category: **object within two weeks** to the judge-commissioner (sędzia-komisarz).
- [ ] Check other creditors' claims that would reduce your dividend – you can object to those too.
- [ ] Consider taking part in the **creditors' committee** (rada wierzycieli).
- [ ] Interested in **buying assets** from the estate, including in a pre-pack sale?
- [ ] Check the **personal liability of management board members** of an sp. z o.o. (Art. 299 CCC, Art. 21 of the Polish Bankruptcy Law).

Missed the deadline? You can still file afterwards, but you pay a flat fee (15% of the Polish average salary), even if the delay was not your fault, and you only take part in distribution plans prepared after your claim is recognised. Once the final distribution plan has been approved, a late filing is no longer examined.

Restructuring instead of bankruptcy

- [ ] No filing with a trustee – instead, check that your claim is **listed correctly and in the right amount**.
- [ ] Enforcement of claims covered by the arrangement is generally suspended.
- [ ] Assess the arrangement proposal (recovery rate, term, security) and compare it with the **best-interest test**.
- [ ] **Vote on time** – an adopted and confirmed arrangement also binds creditors who did not vote.
- [ ] New deliveries after the arrangement date are generally not covered – still, deliver only against prepayment or security.

We can file your claim for you

Send us the KRZ entry and your documents – we check the deadline, ranking and security and file the claim in Polish. We work with clients in English.

+48 32 307 45 52 · kancelaria@kamiljanko.pl · kamiljanko.pl/en/contact/