

Szczecin, 28<sup>th</sup> January 2025

**Correspondence address (Bankruptcy Trustee's Office)**

**Mrs Elżbieta Ahl**

**Biuro Syndyka**

**ul. Kazimierza Pułaskiego 7/16**

**70-322 Szczecin**

**POLAND**

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The Bankrupt: **DANCOAL Sp. z o.o. in bankruptcy based in Łozienica**  
Reference symbol of files: **SZ1S/GUp/8/2025**

**NOTICE OF BANKRUPTCY**

Acting as a receiver of the bankruptcy estate of a DANCOAL Sp. z o.o. in bankruptcy based in Łozienica, I hereby notify that according to the decision of the District Court Szczecin–Centrum in Szczecin, 12th Commercial Division, as of 27 January 2025 (reference symbol of files: SZ1S/GU/483/2024, SZ1S/GUp/8/2025) the bankruptcy of DANCOAL Sp. z o.o. based in Łozienica (KRS: 0000308553 NIP: 5272578460) involving liquidation of the debtor's assets was declared.

- I. Elżbieta Ahl (restructuring adviser licence number 965) has been appointed as a receiver.
- II. The Court has summoned the creditors of the bankrupt to present their claims to the receiver **via the ICT system handling the court proceedings** within thirty days from the date of announcement of the decision on declaring bankruptcy in the Register. In the case of the creditors referred to in Article 216aa(1a) of the Bankruptcy Law of 28 February 2003, the following address for raising claims to the receiver has been indicated: ul. Kazimierza Pułaskiego 7/16, 70-322 Szczecin. Claims should be raised **with reference symbol of files: SZ1S/GUp-Zw/8/2025**.
- III. The court has summoned the persons to whom rights and personal rights and claims related to the real property belonging to the bankrupt are vested, if they have not been entered into the Land and Mortgage Register, to raise them to the receiver **via the ICT system handling the court proceedings** within **thirty days** from the date of announcing the decision on declaring bankruptcy in the Register (27.01.2025), on pain of losing the right to rely on them in the bankruptcy proceedings. In the case of the creditors referred to in Article 216aa(1a) of the Bankruptcy Law of 28 February 2003 the following address for raising rights and personal rights and claims related to the real property to the receiver has been indicated: ul. Kazimierza Pułaskiego 7/16, 70-322 Szczecin.

If the creditor raises the claim after the expiry of the appropriated time limit, he or she is obliged to pay the lump-sum costs in the amount of PLN 1.239,95 to the bank account of the receiver:  
**Pekao S.A. 30 1240 3813 1111 0011 4902 6995**

The creditor is obliged to perform activities via the ICT system handling court proceedings, and for this purpose it is necessary to open an account in the National Debtors Register via <https://prs.ms.gov.pl/krz>. In order to set up an account, it is necessary to authenticate oneself using a

Trusted Profile or a qualified electronic signature. In matters relating to the establishment of the aforementioned account, all information can be obtained via:

External Client Support of the National Debtors Register:

tel. 71 748 96 00 (internal number 2)

E-mail address: krz@ms.gov.pl

**Please find enclosed:**

- decision on declaring bankruptcy (printout from the National Debtors Register),

**INSTRUCTIONS ON DRAWING UP AND SUBMITTING LETTERS AND DOCUMENTS IN BANKRUPTCY PROCEEDINGS**

1. In bankruptcy proceedings court letters and documents are submitted exclusively via the ICT system handling court proceedings (hereinafter referred to as the "NDR System") with the use of forms available in the system (the rules of logging into the NDR System have been described later herein). In the absence of a form dedicated to a specific type of letter or document, search for a letter template named "Other letter" (letter no 70008) in the "Documents catalogue" tab.

2. The above-mentioned (item 1) obligation to submit court letters and documents via the NDR System does not apply to the following letters:

- court letters and documents containing classified information within the meaning of the Law on Protection of Classified Information of 5 August 2010 and

- bids submitted in the course of a tender or auction.

3. Court letters and documents submitted via the NDR System must be signed in one of the following ways:

(i) using a qualified electronic signature,

(ii) using a trusted signature,

(iii) using a personal signature, or

(iv) to authenticate in a manner ensuring the possibility of confirming the origin and integrity of verified data in electronic form, available in the ICT system handling court proceedings.

4. The court letter submitted via the NDR system is accompanied by attachments in electronic form (scans or electronic documents). Scans of paper documents, which will be entered into the NDR System by a party's attorney who is an advocate, legal adviser, patent agent or a counsel to the General Counsel to the Republic of Poland or a restructuring adviser, constitute an electronically certified copy of a document. Scans entered into the NDR System by other entities constitute an electronic copy of a document. In the case of submitting an electronic copy of a document, it is necessary to submit to the court, without waiting for a summons, within 3 days from the date of submitting, the original document or its copy certified to be a true copy of the original in accordance with the provisions of the Code of Civil Procedure Code of 17 November 1964 (hereinafter "the Code of Civil Procedure"). The submission of the original or a copy of a document out of time shall result in the return of the original or the copy of the document submitted out of time pursuant to the provisions of Article 130 § 2 of the Code of Civil Procedure, respectively. If the letter is addressed not to the Court, but to the Receiver, the above-mentioned rule should be applied to the Receiver and the letter should be submitted to the office of the Receiver.

5. Letters, orders and decisions shall be delivered via the KRZ System. This does not apply to the first delivery to a natural person, a legal person and an organisational entity which is not a legal person but which is granted legal capacity by the law if it has not submitted any letter related to the case.

6. Letters, orders and decisions addressed to a person or entity that does not have an account in the NDR System shall be left in the case files with the effect of delivery.

7. An account for a natural person is created in the NDR System. To establish an account, it is necessary to:

(i) specify a user name,

(ii) specify an e-mail address for notifications,

(iii) set a password, and

(iv) provide a trusted signature, qualified electronic signature, personal signature or authentication by the use of an electronic identification means issued in an electronic identification system connected to a national electronic identification node.

8. In order to create an account in the NDR System, start your web browser and visit: <https://prs.ms.gov.pl/krz>

9. Next, click on the "Login" box, followed by the "Register" box, and then select one of the available account creation methods:

(i) the National Electronic Identification Node or

(ii) qualified electronic signature.

10. Continue to follow the instructions on the website.

11. An account of an entity that is not a natural person is created in the NDR System by:

a) the Court – after submitting a letter on behalf of the entity via the NDR System or

b) the Minister of Justice – after reporting via the NDR System the need to have an account

– at the same time indicating the account administrator or administrators.

12. The notification concerning an entity that is not a natural person referred to above shall be accompanied by documents confirming the authority to act on behalf of the entity that is not a natural person, unless the determination of the authority is possible on the basis of a list or other register to which the Minister of Justice has electronic access; this circumstance shall be indicated in the notification.

13. For instructional videos on setting up an account, visit: <https://www.gov.pl/web/sprawiedliwosc/filmy-instruktażowe>

14. Detailed information on how to create an account, how to log in for the first time, and how to use the NDR System can be found at: <https://krz-info-prod.apps.ocp.prod.ms.gov.pl/ext/>

15. Only the following entities may submit court letters and documents bypassing the NDR System:

- creditors who are entitled to amounts due under the employment relationship, with the exception of amounts due on account of remuneration of the debtor's representative or the remuneration of a person performing activities related to the administration or supervision of the debtor's enterprise,
- creditors who are entitled to maintenance claims,
- creditors who are entitled to annuities due to compensation for illness, inability to work, disability or death, and annuities due to the conversion of entitlements covered by the content of the life right to life annuity and
- in bankruptcy proceedings – also the debtor who is a natural person not conducting business activities.

16. The persons indicated above shall be served by means of the NDR System.

17. The above-mentioned persons may opt for electronic delivery if they have submitted the letter via the NDR System. The declaration of resignation from the choice of electronic delivery is effective with respect to letters that have been posted in the NDR System after the declaration of resignation was submitted.

18. The above-mentioned persons may also submit requests, declarations and documents at the day-book office of each district court by communicating orally the content of the request or declaration to an employee of the day-book office and by submitting documents drawn up in paper form.

#### **Instructions in bankruptcy proceedings.**

##### **Art. 54a**

1. A creditor may, within one week of the date on which the bankruptcy was announced in the Register, and a creditor whose seat or place of ordinary stay on the day of the opening of proceedings was abroad - within thirty days of the date on which bankruptcy was announced in the Register complain against the ruling on the declaration of bankruptcy exclusively in respect of the part concerning the jurisdiction of Polish courts.

2. The lodging of complaint shall be entered in the Register.

**The claim will be recognised by the District Court in Szczecin (Sąd Okręgowy w Szczecinie). The claim should be submitted through the Regional Court in Szczecin (Sąd Rejonowy Szczecin-Centrum w Szczecinie XII Wydział Gospodarczy ul. Narutowicza 19, 70-731 Szczecin, Poland).**

##### **Art. 220**

2. Letters and decisions referred to in section 1 shall be delivered by means of the ICT system handling court proceedings. The provision of Article 13c11 § 2 of the Code of Civil Procedure shall apply.

5. The provision of section 2 shall not apply to the first service by the court, a judge commissioner, a temporary court supervisor, an administrator, a receiver or the body to which the provisions regarding the receiver apply accordingly, on a natural person, a legal person and an organisational entity which is not a legal person but to which the law grants legal capacity, if it has not submitted any letter in the case. This does not apply to service on a temporary court supervisor, an administrator, a receiver or a body to which the provisions regarding the receiver apply accordingly.

6. Letters and decisions referred to in section 1 addressed to a person or entity that does not have an account in the ICT system handling court proceedings shall be left in the case files with the effect of service of which should be communicated at the time of the first service together with information on how to open an account in the ICT system handling court proceedings and how to authenticate oneself.

##### **Art. 216a**

1. In bankruptcy proceedings, court letters and documents, with the exception of those referred to in Article 216ab, shall be submitted only via the ICT system handling court proceedings, using forms made available in this system. Letters and documents not submitted via the ICT system handling court proceedings shall not produce legal effects as provided by law for submitting letters or documents to the court, a temporary court supervisor, an administrator, a receiver or a body to which provisions regarding the receiver apply accordingly, of which the person submitting a given letter or document shall be instructed. No instruction is required if the person submitting a given letter or document is a temporary court supervisor, an administrator, a receiver or an authority to which the provisions regarding the receiver apply accordingly.

1a. Court letters and documents submitted via the ICT system handling court proceedings shall bear a qualified electronic signature, a trusted signature, a personal signature or shall be authenticated in a manner ensuring the ability to confirm the origin and integrity of the verified data in electronic form, available in the ICT system handling court proceedings.

1b. A court letter submitted via the ICT system handling court proceedings shall be accompanied by attachments in electronic form.

1c. If documents have been drawn up in a paper form, the letter shall be accompanied with:

- 1) electronically certified copies of documents and
- 2) electronic copies of documents.

1d. Apart from the entities specified in specific provisions, electronic certification of a copy of a document may also be provided by a person holding a licence of a restructuring adviser, acting in the case as a participant or an authority of the proceedings or an attorney. The chairperson of the creditors' board may also electronically certify a copy of the minutes of a meeting of the creditors' board and a copy of the resolution adopted at a meeting of the creditors' board.

1e. In the case referred to in section 1c(2), the original document or its copy certified for conformity with the original in accordance with the provisions of the Code of Civil Proceedings shall be submitted to the bankruptcy court without a summons within 3 days of the date of submitting the letter. The provision of Article 130 § 2 of the Code of Civil Proceedings shall apply accordingly.

2.(repealed)

3. Each court letter shall indicate the first name and surname of the person submitting a given letter or his/her name and PESEL number or the number in the National Court Register, or if there is no PESEL number, other data enabling its unambiguous identification, as well as the business name of the person submitting the letter who is an entrepreneur, his/her place of residence or registered office, address and NIP, if the person submitting the letter has such a number.

4. Other data enabling unambiguous identification, referred to in section 3, is the data referred to in Article 22(4).

5. In the court letter the person submitting it may provide a contact telephone number and an e-mail address.

#### **Art. 216aa**

1. Creditors who are entitled to amounts due under the employment relationship, with the exception of amounts due on account of remuneration of the bankrupt's representative or remuneration of the person performing activities related to the administration or supervision of the debtor's enterprise, amounts due on account of child maintenance and annuities for compensation due to illness, incapacity to work, disability or death and annuities due to the conversion of entitlements covered by the content of the life right to life annuity, may submit court letters and documents bypassing the ICT system handling court proceedings.

2. The persons referred to in section 1 may also submit requests or submit declarations and documents at the day-book office of each district court by communicating orally the contents of the request or declaration to an employee of the day-book office and by submitting documents drawn up in paper form.

3. An employee of the day-book office enters the contents of the request or declaration into the ICT system handling the court proceedings, stating the first name, surname and PESEL number of the person orally submitting the contents of the request or declaration, established on the basis of an identity card or other document confirming identity, as well as the type and number of the document confirming identity and the designation of the authority which issued it, and in the absence thereof – other data enabling the unambiguous identification of that person. The content of the request or declaration entered into the system is subject to printing out and signing by the person providing the content of the request or declaration orally and submitting it in the document file. The request or declaration entered into the ICT system handling the court proceedings shall be signed by an employee of the day-book office in accordance with Article 216a(1a).

4. The provisions of Article 216a (1b), (1c), (1e) and (3)–(5) shall apply accordingly, except that electronic certification of a copy of a document may also be provided by an employee of a day-book office.

5. If the creditors referred to in section 1 submit a given letter via the ICT system handling court proceedings, the provision of Article 130 § 6 of the Code of Civil Procedure shall apply accordingly.

#### **Art. 216ab**

Court letters and documents containing classified information within the meaning of the Law on Protection of Classified Information of 5 August 2010 (Journal of Laws of 2019, item 742), as well as bids submitted in the course of a tender or auction shall be submitted bypassing the ICT system handling the court proceedings.

#### **Art. 235**

1. The creditor who belatedly submitted a receivable debt after the elapse of the time limit fixed for submission of the receivable debt shall bear the lump-sum costs of the bankruptcy proceedings resulting from this submission, even if the delay was not attributable to him, in the amount equal to the equivalent of 15 per cent of the average monthly remuneration in the sector of enterprises, without bonuses from profit, in the third quarter of the preceding year, as announced by the President of the Central Statistical Office, unless the submission of the receivable debt after the elapse of the time limit is the result of a correction of the tax return or any other such document covering the settlement.

2. The trustee may bind a creditor to pay lump-sum costs referred to in paragraph 1 to the bank account indicated by the trustee, within a specified time limit.

#### **Art. 236**

1. A personal creditor of the bankrupt desiring to participate in the bankruptcy proceedings shall, if it is necessary for his receivable debt to be determined, submit his receivable debt within such time limit as is fixed in the ruling on the declaration of bankruptcy.

2. Furthermore, the right to submit a receivable debt shall be vested in the creditor in the event that his receivable debt was secured by a mortgage, pledge, registered pledge, Treasury pledge, ship's mortgage, or by another entry in a land and mortgage register or a shipping register. Failing submission of these receivable debts by the creditor, they shall be placed ex officio on the list of receivable debts.

3. The provision of paragraph 2 shall apply respectively to receivable debts secured by a mortgage, pledge, registered pledge, Treasury pledge, ship's mortgage on things included in the bankruptcy estate, where the bankrupt is not a personal debtor and a creditor desires to vindicate under the bankruptcy proceedings his claims against the object of security.

4. The provisions of this Article relating to receivable debts shall apply to other amounts receivable satisfiable from the bankruptcy estate.

**Art. 237** Receivables under an employment relationship need not be submitted. Receivables from such relationships shall be placed on the list of receivable debts ex officio.

**Art. 239a** The running of the period of limitation shall be interrupted by submission of the receivable debts. After an interruption of running of the period of limitation, it shall run anew from the day immediately following the day on which the ruling on completion or discontinuance of the bankruptcy proceedings becomes valid.

**Art. 240** A submission of a receivable debt shall state:

- 1) the creditor's forename and surname or its name and the PESEL number or the number in the National Court Register and in the absence of these – other data enabling the creditor's unambiguous identification, the business name under which the creditor being an entrepreneur operates, the place of residence or seat, address, and NIP, if the creditor has such number;
- 2) description of the receivable debt inclusive of collateral dues, and the value of a non-pecuniary receivable debt;
- 3) evidence of the existence of a receivable debt; where the receivable debt is recognized in the inventory of receivable debts made in the restructuring proceedings, citing this circumstance shall suffice;
- 4) category in which the receivable debt is to be included;
- 5) securities related to the receivable debt;
- 6) when submitting a receivable debt in respect of which the bankrupt is not a personal debtor, the object of that security from which the receivable debt is satisfiable;
- 7) advancement of the case, where in respect of the receivable debt judicial or administrative proceedings, and proceedings before administrative or conciliatory court are pending;
- 8) *repealed*.
- 9) the bank account number of the creditor if the creditor has such account;

**Art. 240a** Other data enabling unambiguous identification as referred to in Article 240, subparagraph 1 shall mean the data referred to in Article 22, paragraph 4.

**Art. 241** Where a submission of receivable debts does not meet the formal conditions of the pleading or the requirements specified in Art. 239 and art. 240 or the creditor didn't pay the lump-sum costs of the bankruptcy proceedings resulting from this submission, referred to art. 235 ust. 1, art. 130 code of civil procedure shall apply respectively.

**Art. 380**

1. In bankruptcy proceedings the creditor whose ordinary place of stay, place of residence or registered office is abroad enjoys the rights vested in the creditor whose ordinary place of stay, place of residence or registered office is in the Republic of Poland.
2. If the creditor whose ordinary place of stay, place of residence or registered office is in the Republic of Poland or in another Member State of the European Union has not appointed an attorney in the Republic of Poland to run a case, shall appoint an attorney for service in the Republic of Poland.
3. If the creditor does not appoint an attorney for service, the court letters addressed to the creditor shall be left in the case files with the effect of service. The creditor shall be so instructed at the time of the first service. The creditor should also be instructed as to who may be appointed as an attorney.
4. Foreign public claims, in particular tax and social security claims, may be raised in bankruptcy proceedings, provided that their enforcement in the Republic of Poland is permissible. In such a case, these claims shall be satisfied in category two, with the exception of property penalties not of a civil law nature, adjudged by foreign courts or administrative authorities, which shall be satisfied in category three.

**Art. 87 of the Code of Civil Procedure**

- § 1. An attorney may be an advocate or a legal adviser, in intellectual property cases also a patent agent, and in restructuring and bankruptcy cases also a person holding a licence of a restructuring adviser, as well as a person who manages the property or interests of a party and a person who is in a permanent mandate relationship with a party, if the subject matter of the case falls within the scope of such contract of mandate, a co-participant in a dispute, as well as a spouse, siblings, descendants or ascendants of a party and persons in the adoption relationship with a party.
- § 2. An employee of a legal entity or an entrepreneur, including one without legal personality, may also be an attorney of such an entity or its superior body. A legal person providing legal services for an entrepreneur, legal person or other organisational entity on the basis of separate regulations may grant a power of attorney ad litem to an advocate or a legal adviser on behalf of the entity it provides legal services for, if authorised to do so by the entity.
- § 3. In cases to establish and deny the origin of a child and for child maintenance claims, an attorney may also be a representative of a local government body competent in social welfare matters and of a social organisation whose purpose is to provide assistance to the family.
- § 4. In matters related to the management of an agricultural holding, a representative of an organisation of individual farmers, of which the farmer is a member, may also be an attorney of the farmer.
- § 5. In matters relating to the protection of consumer rights, an attorney may be a representative of an organisation whose statutory tasks include consumer protection.
- § 6. (repealed)