

January 2026



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The Ministry of Finance and Economy has published a bill amending the Accounting Act introducing a temporary exemption from the obligation to prepare sustainable development (ESG) reporting for entities not exceeding certain employment and revenue thresholds. The exemption will cover financial years beginning from 1 January 2025 to 31 December 2026.

I. ESG reporting in line with EU law

The bill amending the Accounting Act was published by the Minister of Finance and Economy on 8 January 2026 (form UC136). It implements the provisions of Directive (EU) 2026/X of the European Parliament and of the Council amending Directive (EU) 2022/2464 as regards the dates of application of corporate sustainability reporting requirements. The direct reason for preparing the regulation is the need to implement the option provided for in Article 3(3) of Directive 2026/X, which is part of the "Omnibus I" simplification package presented by the European Commission on 26 February 2025 in order to eliminate excessive burdens on entrepreneurs in the European Union and improve their competitiveness. The aim of the amendment is to enable entities that, in accordance with the new EU regulations, are outside the scope of entities obliged to ESG reporting to be exempt from this obligation already for the years 2025 and 2026, which is to prevent a situation in which they would have to report on the basis of the existing national requirements despite being exempted from the obligation at the EU level.



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II. The nature and time scope of the planned changes

The bill introduces an episodic provision to the Accounting Act of 29 September 1994 in the form of a new Article 84a which will apply only to financial years beginning in the period from 1 January 2025 to 31 December 2026. In consequence, the title of Chapter 11 of the Act will also be changed to "Amendments to applicable provisions as well as episodic and final provisions". The provision is temporary in nature and does not permanently change the definition of entities required to report, but introduces an exception applicable for a specified period. After 31 December 2026, for financial years beginning after that date, Article 84a will cease to apply and the reporting obligations will revert to the general requirements of the CSRD Directive without the need for another amendment to the Act.

III. Size thresholds for individual public interest entities

The exemption from reporting obligations will apply to public interest entities which in a given financial year and in the financial year preceding it did not exceed two values in total: average annual employment of 1,000 persons in full-time equivalents and net revenues from the sales of goods and products in the amount of PLN 1,900,000,000. This represents a significant increase in the thresholds compared to the requirements introduced by the CSRD Directive, which in the first round of reporting covered entities employing over 500 employees and exceeding at least one of the financial thresholds for a large entity. Meeting both criteria simultaneously is a necessary condition to benefit from the exemption for 2025 and 2026.

IV. Size thresholds for capital groups

Parent entities of capital groups will be able to benefit from the exemption from preparing a consolidated report on the capital group's operations in the scope of sustainability reporting if the group does not exceed the following values at the consolidated level: average annual employment of 1,000 persons converted into full-time equivalents and net revenues from the sales of goods and products in the amount of PLN 1,900,000,000 after making the consolidation exclusions referred to in Article 60(2) and (6) of the Accounting Act, or PLN 2,280,000,000 before making these consolidation exclusions. These thresholds must be met both in the given financial year and in the year preceding it. The exemption applies to the obligations specified in the first sentence of Article 55(2a) of the Accounting Act regarding the preparation of a report on the capital group's operations in accordance with the requirements specified in Article 49(3b) and Chapter 6c.



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V. Scope of the exemption

The exemption covers two key areas of reporting obligations. Firstly, it concerns sustainable development reporting as defined in Chapter 6c of the Accounting Act, i.e. information on the impact of an entity's activities on the environmental area, social matters, including human rights and corporate governance, as well as the impact of these three areas on the development, results and situation of the entity. Secondly, the exemption covers the obligation to present in the report on the operations information on key intangible resources referred to in Article 49(3b) of the Accounting Act. In consequence, the report on operations of the entity entitled to exemption will be considered complete and compliant with the law, even if it does not contain the elements mentioned.

VI. Voluntary use of the exemption

The proposed regulations are an option, not a reporting ban, which means that the decision to use the exemption is made by the head of the entity. According to the bill's substantiation, this decision should take into account the entity's business strategy and the benefits of reporting, current and future reporting obligations, reporting-related expenditures as well as the risk related to the deadline for finalizing the legislative process at the EU and national level. Entities meeting the size criteria may therefore voluntarily prepare a sustainability report for 2025 and 2026 if they consider it justified for image, strategic or stakeholder relations reasons. However, legal responsibility for the decision not to prepare a report is removed from the head of the unit provided that the statutory exemption criteria are met.

VII. The procedure and date of entry into force of the Act

The Act is to enter into force on the day following its announcement which means a departure from the standard *vacatio legis*. The urgency of implementing the regulation is dictated by the need to ensure that entities whose financial year coincides with the calendar year have the opportunity to benefit from the exemption before the deadline for preparing the report on operations for 2025 which falls at the end of March 2026. Entities whose financial year is different from the calendar year will be able to exercise the option before the deadline for preparing the report on operations which falls 3 months after the end of the financial year. Fast-track legislation aims to eliminate legal uncertainty and enable entrepreneurs to make an informed decision on the scope of reporting before the statutory deadlines expire.



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VIII. Practical implications of the changes and the importance of continuing ESG reporting

Entities falling between the current threshold of 500 employees and the new threshold of 1,000 employees, which were previously required to report, will no longer be legally obliged to do so during the transition period for 2025 and 2026. Their failure to prepare a sustainability report will be fully legal and compliant with the Act, eliminating the risk of criminal or administrative sanctions. However, when deciding whether to use the exemption, managers of entities should take into account the growing importance of ESG reporting in the context of the expectations of stakeholders, including investors, lenders, customers and business partners, for whom information on sustainability is an important element of risk assessment and economic decision-making.

Continuing reporting, despite the statutory exemption, may bring image benefits, facilitate access to financing, strengthen the competitive position in the market and prepare the organisation for future regulatory requirements that will return after the transition period. Entities should also remember that voluntary reporting in 2025–2026 may enable them to review and improve their internal ESG data collection processes and build the competencies necessary to meet requirements that will become mandatory for a wider range of entities in the coming years.



The information presented herein does not constitute comprehensive information or opinion. Consult your adviser before making any decisions.



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