



DENTONS

Polish special act to accelerate defense investments

September 2025

On 7 September 2025, the special act of 25 July 2025 *on specific rules for the preparation and implementation of strategic and key investments in defense and public security* came into force. Its primary objective is to simplify and streamline the investment and construction process in the preparation and implementation of strategic and key investments related to national defense, including the expansion of the country's industrial defense potential.

The mechanisms introduced by the Act largely replicate solutions that have been successfully implemented in previously adopted special acts for other priority investment projects, such as those concerning public roads, the LNG terminal in Świnoujście, flood protection structures, key transmission networks, public airports and the Central Communication Port.

The Act also regulates the establishment of protection zones for closed areas at the stage of preparation and implementation of strategic investments and facilities located in closed areas (already existing), and provides a basis for the Council of Ministers to adopt the National Armed Forces Readiness Program, which is intended to ensure the growth of the Polish defense industry's potential.

Interestingly, it also introduces special rules for the acquisition of unmanned aerial vehicles and weapon systems, as well as means of combating them.

Investments covered by the provisions of the Act

The Act introduces two separate categories of investments, i.e. “strategic” investments and “key” investments, with different legal solutions for each of them. The Minister of National Defense will decide on the qualification for either of these categories, taking into account its importance for national defense.

A “strategic” investment in the field of national defense needs is considered to be a public purpose investment carried out for national defense purposes or, due to allied commitments, performed within the framework of the North Atlantic Treaty Organization.

Due to their nature, such investments may only be carried out by entities subordinated to the Ministry of National Defense (with the exception of the Military Property Agency and the North Atlantic Treaty Organization Investment Agency), the Military Counterintelligence Service and the Military Intelligence Service.

A “key” investment in terms of national defense needs will be a public investment project carried out due to significant national security interests or allied commitments under the North Atlantic Treaty Organization for the purposes of (1) national defense, or (2) building industrial defense capabilities, or (3) an investment that must be accompanied by special security measures.

In addition to investments (“strategic” or “key”) for the purposes of “national defense”, the Act also covers key investments in the field of “public security”, which should be understood as public purpose investments carried out for the purposes of (1) ensuring public order or (2) protecting the population and (3) civil defense.

In addition to entities subordinate to the Ministry of National Defense or special services, key investments may also be carried out by the Minister of the Interior and entities subordinate to him, as well as companies with industrial defense potential and contractors indicated in the “National Deterrence and Defense Program – Eastern Shield”.



Simplification of administrative procedures for strategic investments

The implementation of a “strategic” investment will require only one comprehensive decision on the authorization of a strategic investment (DRSI).

The DRSI will decide on a number of matters which, in accordance with the general rules on construction investments, would have to be decided by separate decisions, including: (i) ownership of real estate intended for the implementation of the investment, including expropriations and possible divisions of real estate, (ii) approval of the development plan and construction design, or (iii) establishment of restrictions on the use of designated real estate.

A key element in carrying out a strategic investment will be its thorough and proper preparation. Before submitting an application for a DRSI, the investor will be required to obtain opinions from the relevant authorities and entities, which will replace the decisions (agreements, permits, opinions, consents or positions) required in the normal course of proceedings, enabling the construction works to be carried out. Depending on the investment, this may include the conservator of monuments, the director of a national park, the water management authority, state forests, the Government Security Center, the mining supervisory authority, the railway infrastructure manager, the relevant local government authority, the sanitary inspection authority, the road manager, the border guard command, etc.

Importantly, “strategic” investments will be exempt from the obligation to obtain environmental decisions and water law permits, which was usually the most time-consuming stage of investment preparation. If the planned investment will have a significant negative impact on the environment, the investor may be required to take measures to minimize these impacts or to implement alternative solutions, and if these are not specified, or if, despite their implementation, the investment will still have a significant negative impact on the environment, to provide environmental compensation. This will allow for the maximum protection of nature, but not at the expense of not implementing the investment.

The DRSI is to be issued at an express pace, i.e. within 90 days, with the possibility of lodging an appeal, which must be considered within 30 days, and a possible complaint to the administrative court within 2 months.

The DRSI is subject to enhanced legal protection, with limited possibilities for its removal from legal circulation. It cannot be revoked or declared invalid in its entirety if only part of the decision is affected by a defect. It will also not be possible to declare the final DRSI invalid if the application for invalidation is submitted after 14 days from the date on which the decision became final and the investor commenced construction. Furthermore, if a complaint against the DRSI is upheld after construction has commenced, the administrative court will only be able to declare that it violates the law, without the possibility of reopening the proceedings or declaring the decision invalid.

On the basis of a final DRSI, the investor will be entitled to commence construction works.

The building for which the DRSI decision was issued may be put into use after notifying the building supervision authority of the completion of construction, without the need to obtain a use permit.

Simplification of administrative procedures for key investments

The procedure for implementing a “key” investment will be even simpler. Such investments will not require a single comprehensive decision such as a DRSI or any other partial approvals, including a building permit/notification, occupancy permit or demolition permit. It will be sufficient for the investor to submit an appropriate notification before the start of construction works. The notification will constitute the basis for the commencement of construction works.

“Key” investments may only be carried out within the boundaries of designated closed areas.

As in the case of “strategic” investments, if the planned “key” investment has a significant negative impact on the environment, the investor may be required to take measures to minimize this impact or to implement alternative solutions and, if necessary, to provide environmental compensation.

Upon completion of construction works, it will be sufficient to notify the competent authority of the commencement of use of the building without the need to obtain a use permit.

Protective zones

The Act provides the basis for establishing protection zones around existing closed areas, as well as around those that will be acquired as part of a strategic investment. Specific orders and prohibitions will apply in these zones, including, for example, those concerning the construction of buildings, the location of transmission equipment and installations, the location of equipment emitting electromagnetic radiation, and the storage of waste.

The owner or perpetual usufructuary of the property on which the protection zone has been established will be entitled to compensation for the actual damage suffered or to the purchase of the property or part thereof.

National Armed Forces Readiness Program

The Act also provides the legal basis for the Council of Ministers to adopt the National Armed Forces Readiness Program, including the determination of the costs associated with its implementation.

As part of the implementation of the Program, the Minister of National Defense will be authorized to conclude agreements with companies with industrial defense potential for its implementation.



Special rules for the acquisition of unmanned systems

Regardless of investment issues, the Act also introduces significant simplifications related to the procurement of unmanned aerial vehicles and weapon systems, as well as means of combating them.

According to the Act, public procurement law will not apply to orders for unmanned systems and countermeasures that have been tested by the Armed Forces, have received a positive recommendation as a result of such tests, and have been approved for purchase by the Minister of National Defense.

This will allow the Armed Forces to avoid lengthy procurement procedures, which often led to the loss of their relevance due to the rapid pace of technological development in these areas. It will also avoid the need to consider the purchase of “equivalent solutions”, which also contributed to the protracted nature of procurement processes, and to the exclusion of the need to disclose information about planned purchases.

Despite the above solutions, however, the competitiveness of the procedure is to be maintained (if necessary). The current Ministry of Defense decision on testing technical solutions under the Urgent Innovation Need is to be supplemented by the procurement procedure provided for in the Act.

This procedure for the procurement of unmanned systems and systems for combating them is intended to eliminate the risk of purchasing solutions that are inadequate for current threats, whether due to their extremely rapid development or the protracted nature of traditional procurement processes.

Other significant changes

In accordance with the Act, with the consent of the Minister of National Defense, organizational units of the Ministry of National Defense will be able to purchase military equipment for the Armed Forces and foreign armies, third countries or international organizations in cooperation with foreign armies, third countries or international organizations.

The Minister of National Defense has also been granted the power to award subsidies to institutes supervised by him that conduct scientific research and development work in the fields of engineering, technology, exact sciences, natural sciences or medical sciences to co-finance the costs of their current activities in these fields.



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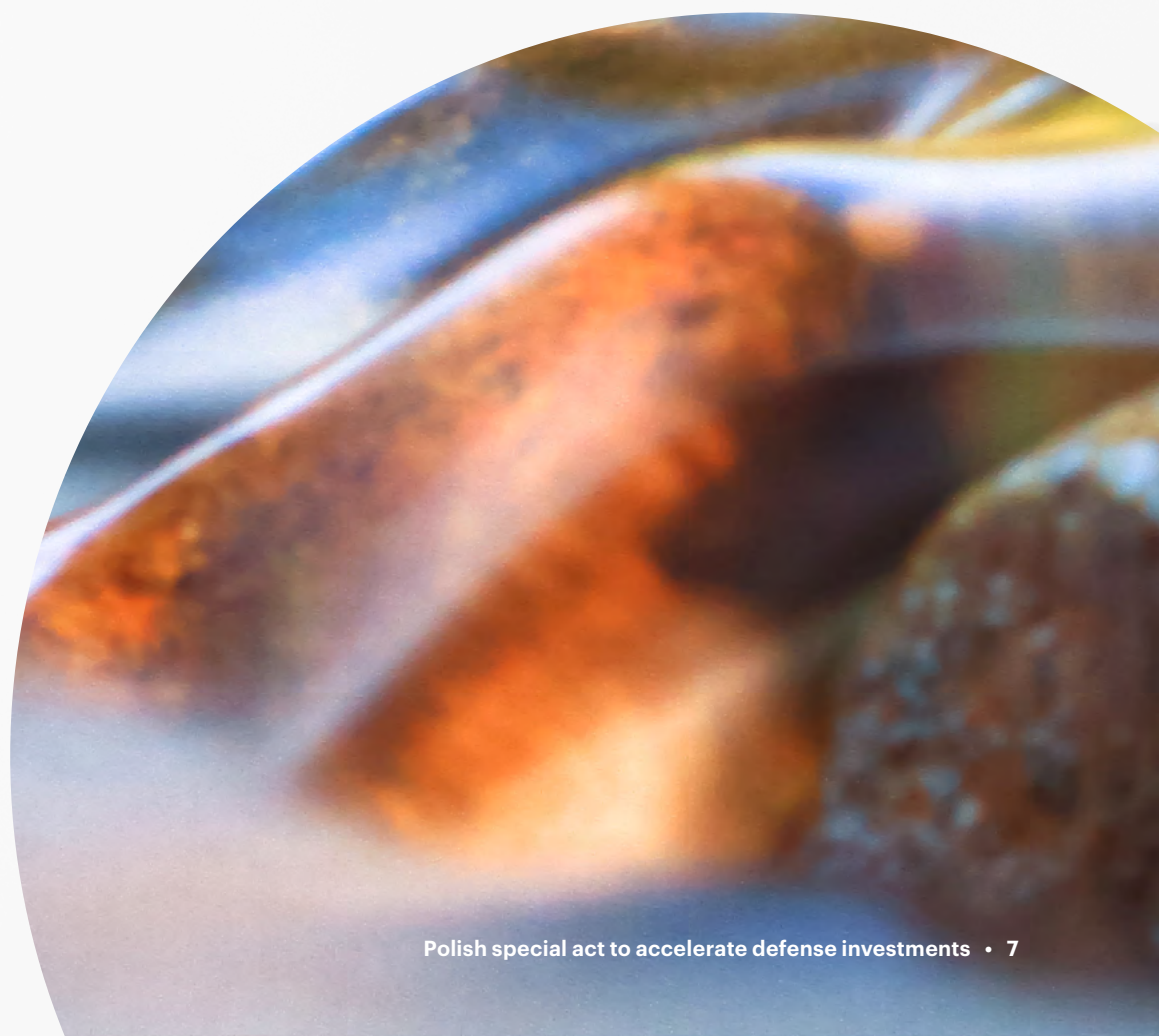


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