

Question for written answer E-004543/2025
to the Commission
Rule 144
Marcin Sypniewski (ESN)

Subject: Sham cross-border liquidations and abuse of EU law

In Poland, it is increasingly common for entrepreneurs from other Member State countries who are engaged in economic activity in Poland to ostensibly liquidate companies, under the guise of the freedom of establishment, while in reality transferring operations to a new entity in order to avoid liability to employees and contractors.

For example, a citizen of another EU Member State can engage in production activities through a subsidiary in Poland and, once financial obligations and conflicts with staff have emerged, can 'liquidate' and set up a new company with the same activities and the same management and staff.

Such practices amount to abuse of EU law and may infringe Article 49 of the Treaty on the Functioning of the European Union (freedom of establishment) if they are used to circumvent national law and to avoid compliance with agreements.

1. Does the Commission have data on the scale of these sham cross-border liquidations in EU Member States?
2. Is the Commission planning to prepare guidelines or legal instruments to limit abuses arising from the registration of successive companies by the same owners in different countries in order to avoid liability?
3. Does the Commission see a need to strengthen the protection of employees, contractors, creditors, etc. against such practices?

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