



PETERKA PARTNERS

YOUR CEE LAW FIRM

NEWSLETTER 1/2024

Czech Republic

Slovakia

Ukraine

Bulgaria

Poland

Romania

Hungary

Croatia

PETERKA & PARTNERS *NEWS*

PETERKA & PARTNERS' Polish Directors Share Insights on M&A Expertise and Polish office leadership

Earlier this year, Partners and Directors for Poland at PETERKA & PARTNERS, **Agnieszka Siwińska** and **Dorota Ploskowicz**, had an interview with Jaroslav Kramer, journalist for Týdeník Euro. They both had to offer intriguing insights into their roles leading the Polish branch of our law firm. Specializing in **mergers and acquisitions** (M&A), Dorota and Agnieszka emphasize the invaluable experience gained from managing such projects, which they assert serves as a robust preparation for overseeing a legal practice.

For further details on their experience and insights, the full interview can be accessed in Czech [HERE](#), in English [HERE](#), or in Polish [HERE](#).



PETERKA & PARTNERS Joins Airlines for Europe (A4E) Association to Foster Sustainable Aviation Growth

We have proudly announced our recent membership in **Airlines for Europe (A4E)** earlier this year. A4E is a prominent association dedicated to advancing the sustainable growth of aviation and fostering socioeconomic development across European nations. With this strategic move, our firm underscores its commitment to the aviation sector's advancement and its pivotal role in Europe's economic landscape.

We are thankful to **Martyna Ryś-Wilgus**, Leader of the Aviation Practice, for leading this initiative. Based in Warsaw, Martyna will spearhead efforts to coordinate and cultivate relationships within the A4E association, leveraging our expertise in this important industry.



PETERKA & PARTNERS *NEWS*

Prague and Bratislava office in latest Chambers rankings!

Our Czech and Slovak offices have once again kept their positions among the leading law firms in the Employment and Corporate/M&A practice areas.

We would like to thank all of our clients, partners, and colleagues, for their continued trust and support. Special thanks goes to the leaders of our Practice Groups and their dedicated teams:

Adela Krbcova and **Kristina Čermáková**,
Leaders of Labour Law

Gabriela Hájková, Leader of Corporate
Dorota Ploskowicz and **Agnieszka Siwińska**,
Leaders of Mergers and Acquisitions



Furthermore, we're proud that PETERKA & PARTNERS Slovakia has earned recognition also in the exclusive Chambers Global 2024 guide for the Corporate/M&A practice area and, as the only Slovak law firm, in the Corporate/M&A practice area (France).

Special thanks therefore go out to our colleagues from the French Desk, led by **Andrea Butasova**. The Desk's specialized knowledge and understanding of the French milieu have been invaluable in serving our clients effectively and played a significant role in securing this prestigious recognition.



PETERKA & PARTNERS *NEWS*

We were a proud partner of GC Summit Czech Republic 2024

PETERKA & PARTNERS was a proud Partner of the the inaugural GC Summit Czech Republic organized by The Legal 500, that took place at Hotel Kings Court in Old Town Prague on Wednesday 27th February 2024. This special event gathered more than 100 general counsel, private practitioners and consultants based in the Czech Republic and the broader CEE region. The event examined the Czech Republic on the world stage, and how GCs and senior in-house lawyers from Central and Eastern Europe tackle legal and business challenges.



PETERKA & PARTNERS *NEWS*

We are especially grateful to our dear Clients Eva Adamcová (legal & compliance manager, FLEETCOR) and Karolína Kachlíková (head of legal cluster east, Konica Minolta Business Solutions Czech) who joined our discussion on CEE integration and trends in purchasing legal services to share their unique experiences! Many thanks also go to Ondrej Peterka (our founder and managing partner) who moderated our panel and Sławomir Patkowski (our partner, deputy director for Peterka & Partners Poland) for sharing his perspective on behalf of our Polish office.



LEGAL NEWS



BULGARIA

Long awaited changes to Copyright and Associated Rights Act

The main piece of legislation in the field of copyright was significantly amended to assure compliance with EU law. A major change is the development of the legal framework allowing authors to claim additional remuneration in case the remuneration originally agreed upon turns out to be disproportionate to the income derived from the use of the work.

Industrial Parks Act Update

In the Portal for Public Consultation, a new draft law proposal was introduced. The intention is to create a legal framework for granting financial support to owners and operators of industrial parks for the construction and development of the internal technical infrastructure of the parks.

Changes to Commercial Act

A proposal for amendment to the Commercial Act was published in the Portal for Public Consultation. It introduces a new procedure offering accelerated liquidation for companies for which the following conditions apply: 1) no recent activity; 2) no VAT registration; 3) no employees.

Guarantees of origin of energy from renewable sources

A draft Ordinance introduces the possibility to obtain a guarantee for origin of electric energy from biogas and green hydrogen. The producers would be able to issue such guarantees following the procedure outlined in the new legislation. There are also additional requirements for the maintenance of the already existing electronic register of guarantees of origin.

CROATIA

New Regulation on minimum salary for 2024

The amount of the minimum salary for the period from 1 January to 31 December 2024 is determined in the gross amount of EUR 840.00.

New Act on manner, conditions and procedure for servicing and purchase and sale of receivables

The main goal of a new legislative framework is to regulate the rules for the work of entities engaged in the activity of purchase, sale and collection of receivables, i.e., the servicing of receivables, as well as the supervision of the work of entities engaged in the activities of the purchase, sale and servicing of claims. In accordance with the new regulation, credit servicing providers shall have to obtain approval from the Croatian National Bank to perform their business, and the Croatian National Bank shall also supervise their work. In relation to service providers servicing other claims, the supervision of their work will be carried out by the Financial Inspectorate of the Ministry of Finance of the Republic of Croatia.

Amendments to Act on Compulsory Insurance within the Transport Sector

New amendments expand the scope of the application of the law in relation to the concept of vehicles and the use of vehicles, introduce new rules regarding the use of vehicles in events and activities related to motor sports, insurance checks, application of the exclusion of insurance obligations, minimum coverage amounts, protection of injured persons with regard to damage caused as a result of accidents that occurred either in their Member State of residence or in a Member State other than their Member State of residence in the event of insolvency of the insurance company, protection of injured persons in accidents involving a trailer pulled by a vehicle, a certificate of compensation claims in connection with liability for damage caused to third parties and with regard to informing injured persons.

LEGAL NEWS



Rulebook on work records for digital work platforms

The Rulebook was adopted based on the provisions of the Labour Act which regulate digital work platforms and it entered into force on 1 January 2024. The Rulebook prescribes the form, content, management method, and deadlines for submitting data to work records using digital work platforms.

Humanitarian Aid Act

A new Humanitarian Aid Act entered into force on 1 January 2024. The Act regulates the collection and provision of humanitarian aid, defines the rights and obligations of the organizers of the collection of humanitarian aid, and strengthens control mechanisms in order to prevent misuse of the funds collected.

CZECH REPUBLIC

Act on Right to Digital Services

An amendment to the Act on the Right to Digital Services came into effect on 5 January 2024. The amendment introduces a new opportunity to have an electronic copy of an identification card (ID) issued, which will serve the same purposes as a physical one. A revolutionary new app called eDoklady has been available in the App Store and Google Play since 20 January 2024. To be able to use electronic ID, a smart phone with Bluetooth and camera support is necessary, as well as the Android operating system not older than version 11 or iOS with version 15 or later. In order to register, one needs to be a Czech citizen. The use of eDoklady instead of a physical ID card has been possible since 20 January 2024 only at central administrative offices. Expansion to other administrative offices, such as financial offices, police offices or courts will take place on 1 July 2024, and the last phase of expansion to other offices and private persons will take place on 1 January 2025.

Digital Services Act

From 17 February 2024, new obligations set out in the Digital Services Act apply to all online platforms including marketplaces, social networks, content sharing platforms, travel and accommodation platforms, hosting services, and intermediary services which provide internet access or registration of a domain. The goal of the Act is to prevent illegal and harmful activities on the internet by dividing the subjects to the Act into four categories, with each category having specific obligations imposed, such as publishing the average monthly active beneficiaries for the last six months on its online platform or publishing the conditions of use in each of the official languages of the countries where they offer their services.

Cybersecurity

With the NIS2 European directive on cybersecurity, the Czech Republic submitted its draft of a new Cyber Security Act to the Legislative Council of the Government on 22 December 2023. The new Act will impose obligations on providers of regulated services that will be named in an annex. The provider of regulated services will fall into one of two categories of duties: essential or important. The main obligations are: registration with the National Cyber and Information Security Agency, implementation of security measures, and cyber security incident reporting.

Digital Finance Act

The Ministry of Finance submitted its draft of the Digital Finance Act, which implements the European regulations DORA and MiCA, to the Government. Its focus is on crypto-assets that were till now almost non-regulated financial currency, and states that Crypto-Assets Service providers will be newly licensed by the Czech National Bank like other traditional providers of financial services. To receive a licence it will be necessary to meet the requirements set in the Act, however these requirements are similar to those that a brokerage firm has to meet.

LEGAL NEWS



Act on Investment Companies and Investment Funds

A draft on an amendment to the Act on Investment Companies and Investment Funds is being debated in the Chamber of Deputies. This amendment concerns mostly unlicensed administrators which operate under section 15 of the Act. The amendment shall tighten the conditions for the provision of their services, such as explicitly setting a minimum amount of investment for each investor or increasing the information obligation.

Employment Act

An amendment to the Employment Act came into effect on 1 January 2024. This amendment changes the definition of illegal employment, as the duration of the performance of such work is newly not essential for assessing whether it is illegal employment or not. However, the core of this amendment lies in agency employment. The goal is to make agency employment more efficient, and in addition, increase the security of its employees. Some of the new measures are an increase in the deposit provided by the agency and adjustment of the process for documenting the professional competence necessary to obtain a permit.

HUNGARY

Increase in minimum and guaranteed minimum wage (“wages”)

On 1 December 2023, the minimum wage was raised by 15% to HUF 266,800 (ca. EUR 681,94), while the guaranteed minimum wage was increased by 10% to HUF 326,000 (ca. EUR 833,26). Although wages have been increasing steadily over the years, 2023's increases do not cover the inflation experienced. According to the data of the Hungarian Central Statistical Office, the average inflation rate in 2023 was 18%. Hence, there is still room to increase wages in order to fight against impoverishment.

Introduction of new environmental, social, and governance law

On 1 January 2024, a new environmental, social, and governance (“ESG”) law entered into force in Hungary. The new legal regulation concerns environmental, social, and societal responsibility promoting sustainable finance and unified corporate responsibility by imposing relevant obligations on both the Hungarian state and certain companies (such as large companies and SMEs).

General abolishment of job competence assessment

In order to reduce the administrative burden, job competence assessment will be generally abolished on 1 September 2024. It will remain mandatory only: (i) for those jobs and occupations defined by the sectoral minister, (ii) in the case of specific health requirements laid down by the legislation governing an organized work relationship, and (iii) at the employer's request.

ROMANIA

New rules with respect to public retirement system

As of 2024, the standard retirement age is 65 years for both women and men, with the possibility to continue working to 70 years with the annual consent of the employer.

New rules with respect to patients' rights

As of 11 November 2023, there is an additional condition in order for relatives of a patient who died in hospital to receive his/her medical file (i.e., presenting a certificate of inheritance).

LEGAL NEWS



Internships for students

As of 22 December 2023, the responsibilities of the evaluation commission will be taken over by the mentor. Thus, the trainee is no longer required to complete the internship report or to participate in the evaluation process.

Measures for reducing seismic risk of premises

As of 6 January 2024, there is a restriction on renting premises classified as a first-class seismic risk, which shall apply from classification upon the completion of the building's consolidation work. Infringement shall lead to fines of up to RON 5,000-10,000 (1,007 - 2,013 EUR).

New rules with respect to consumer protection

Qualified entities shall act as the representative of consumers prejudiced by professionals, in order to request remedies on behalf of consumers before a Romanian Court, such as: compensation, refund, and termination of contract.

POLAND

Packaging fees

As of 1 January 2024, new fees have been applied to single-use plastic products. A retailer offering single-use plastic products that are beverages or packaged food is required to collect fees from the end user purchasing such products.

Minimum wage rises

In 2024, the minimum wage will increase twice: as of 1 January 2024, the minimum wage will rise from PLN 3,600 (approximately EUR 837) to PLN 4,242 (approximately EUR 986.50), and the minimum hourly rate will rise from PLN 23.50 (approximately EUR 5.50) to PLN 27.70 (approximately EUR 6.40). As of 1 July 2024, the minimum wage and the minimum hourly rate will increase again – to PLN 4,300 (approximately EUR 1,000) and PLN 28.10 (approximately EUR 6.50), respectively.

AI in workplace regulated

The EU has approved the world's first comprehensive regulation of artificial intelligence – the Artificial Intelligence Act (AI Act). The AI Act stipulates, i.a., the prohibition of the use of certain artificial intelligence systems used by employers today, e.g., biometric categorizations that use sensitive data in the workplace. Sanctions provided under the AI Act will be extremely high, e.g., EUR 35 million or 7% of a company's annual turnover.

UKRAINE

Second stage of land market reform

On 1 January 2024, a new stage of land reform began. In particular, legal entities received the right to purchase plots of private agricultural land with a total area of no more than 10 thousand hectares.

Insurance of investments in Ukraine against war and political risks

As of 1 January 2024, a new law allows the Ukrainian Export Credit Agency to insure and reinsure the investments of both international and Ukrainian export-oriented companies against war and political risks.

New rules for holding general meeting of joint-stock company

From 1 January 2024, during the period of martial law, the general meeting of shareholders of a joint-stock company, regardless of the content of the charter and other internal documents of the company, can be held remotely.

LEGAL NEWS



SLOVAKIA

Increase in court and administrative fees

Starting from 1 April 2024, certain court and administrative fees will be revised. This includes fees for services such as company incorporation, updating data in the Commercial Register, and obtaining new identity cards or passports. Additionally, fees determined by a percentage will also be subject to adjustment.

Environmental measures

Following the amendment of the Act on Certain Measures in the Field of Environmental Burdens (Act No. 409/2011 Coll.), owners of the property on which the environmental burden is located no longer bear the burden of compensating the state for remediation costs if they are not responsible for the environmental burden's creation. Additionally, this new legislation eliminates the duplication of financial performance in favour of the Environmental Fund. Instead, the Environmental Fund is now obliged to reimburse owners of the remediated properties.

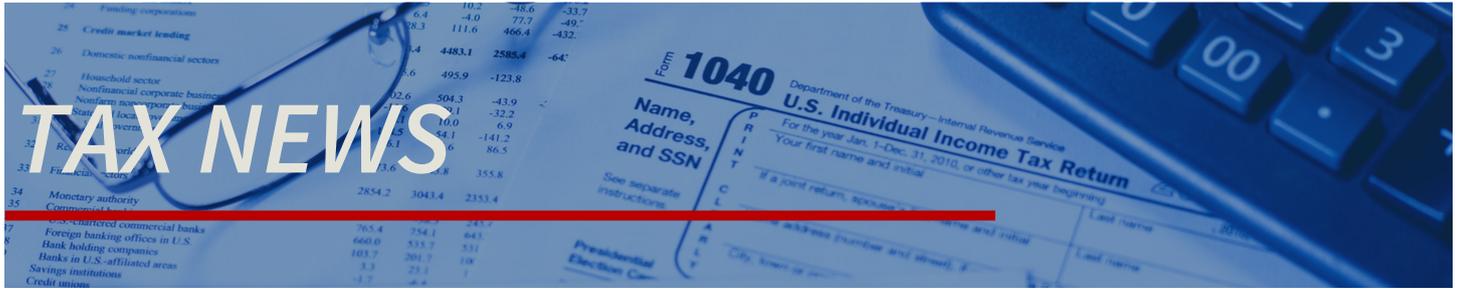
Granting national visas to selected groups of third-country nationals

From 1 January 2024, Slovakia has been issuing national visas to bus and truck drivers from 15 non-EU countries who will be employed in Slovakia as bus drivers or as drivers of heavy goods vehicles and trucks in international or domestic transport. These visas are issued for the duration of their employment, up to a maximum of one year, and cannot be granted to third-country nationals who have already been granted temporary residence or have applied for it.

Proposal for four-day working week

According to a draft amendment of the Labour Code, employees would have the option of requesting a four-day working week, provided that the nature of their work allows it, while still completing the same number of hours as in a traditional five-day week. In response, employers would be obligated to accommodate such requests and adjust the weekly working schedule accordingly, ensuring employees receive one extra day of weekly uninterrupted rest. The proposed effective date of this amendment is 1 July 2024.





BULGARIA

Higher income to trigger obligation for VAT registration

The threshold for mandatory VAT registration shall increase from a turnover of BGN 100,000 (approximately EUR 50,000) to BGN 166,000 (approximately EUR 83,000) over a period of not more than 12 subsequent months. The amendment will enter into force on 1 January 2025.

Prolonged application of lower VAT rates for certain goods and services

The reduced VAT rate of 9% for restaurant and catering services, except for the supply of beer, wine, and spirits, remains until 31 December 2024, and until 30 June 2024 for tourist services and the use of sports facilities. The VAT rate of 0% for the supply of bread and flour also remains until 30 June 2024.

Taxation of multinational and large national groups of enterprises

As of 1 January 2024, multinational and large national groups of enterprises are subject to additional tax equal to the positive difference between 15% and the effective tax rate applicable to the multinational or large national group of enterprises in the respective jurisdiction, and related detailed rules on the taxation are set.

Statutory recognized expenses on virtual currency transactions

As of 1 January 2024, the taxable income of natural persons from the sale or exchange of virtual currencies is determined as the annual profit for each transaction reduced by the annual losses for each transaction and by an additional 10% for statutory recognized expenses.

Sanction linked to failure to declare cash balances and receivables from employees and managers

As of 1 January 2024, a sanction in the amount of BGN 2,000 to 10,000 (approximately EUR 1,000 to 5,000) will be imposed on any obliged person who fails to declare, or falsely declares, that the total cash balances in hand and the amount of receivables, including from loans granted, from natural persons, employees and managers, exceed BGN 50,000 (approximately EUR 25,000).

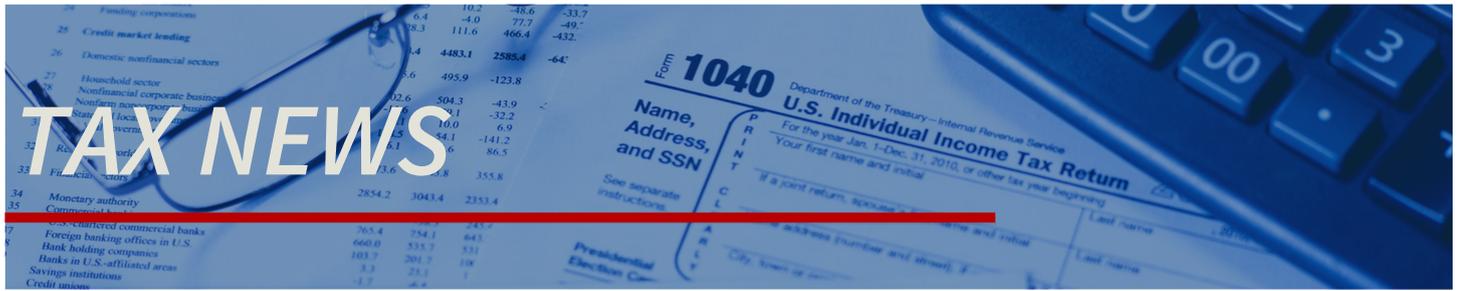
HUNGARY

Introduction of global minimum tax

As of 1 January 2024, the global minimum tax ('GMT') came into force in Hungary. As a result of which, it is now applied by all OECD and G20 countries. With the introduction of the GMT, the international tax system went through a major reform. The idea behind the GMT is to ensure that multinational enterprises are subject to a minimum tax rate of 15%. This rate shall apply to companies with income above EUR 750 million. The GMT is estimated to generate around EUR 136,755 billion additional global tax revenue annually.

Tax-free acquisition of start-up shares

The commitment and motivation of employees and executive officers have always been key to the success of a start-up. A way to develop and maintain such qualities is to provide shares in the company. From 2024, start-ups may offer tax-free shares to their employees and executive officers, provided that they do not divest their shares for at least three years after the acquisition. Hopefully, this new tax regulation will help start-ups to be more successful than ever before.



Upcoming VAT registration obligation for foreign online event organizers

As of 1 January 2025, EU harmonization will require value-added tax (“VAT”) registration for foreign event organizers managing online cultural, artistic, scientific, educational, entertainment, sporting, or similar events for Hungarian private persons. Although EU event organizers will be able to fulfil their obligations in the One Stop Shop (“OSS”) system, third-country suppliers will need the help of a Hungarian financial representative. It is important to start preparing for this upcoming legislative change, as non-application of the OSS may result in multiple VAT registration obligations.

CZECH REPUBLIC

Czech VAT changes from 1 January 2024

The 2024 consolidation package included significant changes to VAT. There are two rates only, i.e., the standard of 21% and the reduced rate of 12%. Beverages are subject to the standard rate except for tap drinking water and specified liquid dairy products. Books, including e-books, are zero-rated; newspapers and periodicals are subject to the reduced rate. Input VAT deduction on passenger cars is limited. Some services were moved to the standard rate. The General Financial Directorate published methodological information that includes interpretations of most VAT changes.

Employee benefits

From 1 January 2024, the taxation of employee benefits has changed significantly. New rules apply to a wide range of benefits provided by employers to employees, for instance benefit cards, health benefits, cultural and sports events, teambuilding activities, business lunches, refreshments at the workspace and sports equipment at the workspace. The General Financial Directorate has published comprehensive methodological information that provides interpretations of many practical cases.

ROMANIA

Mandatory electronic invoicing

Since 1 January 2024, taxable persons established in Romania, regardless of whether or not they are registered for VAT purposes, and non-established taxable persons, but registered for VAT purposes, for supplies of goods and services which take place in Romania, carried out in a B2B relationship, are required to submit invoices issued in the national electronic invoicing system RO e-Invoice regardless of whether or not the recipients are registered in the RO e-Invoice Register.

New tax for Romanian credit institutions and branches in Romania of foreign credit institutions

An additional tax is introduced for Romanian credit institutions and branches in Romania of foreign credit institutions, in the form of a turnover tax (ICA), in addition to the existing corporate income tax. The ICA is calculated by applying a rate of 2% on the turnover from 1 January 2024 and a rate of 1% from 1 January 2026.

Income with unidentified source

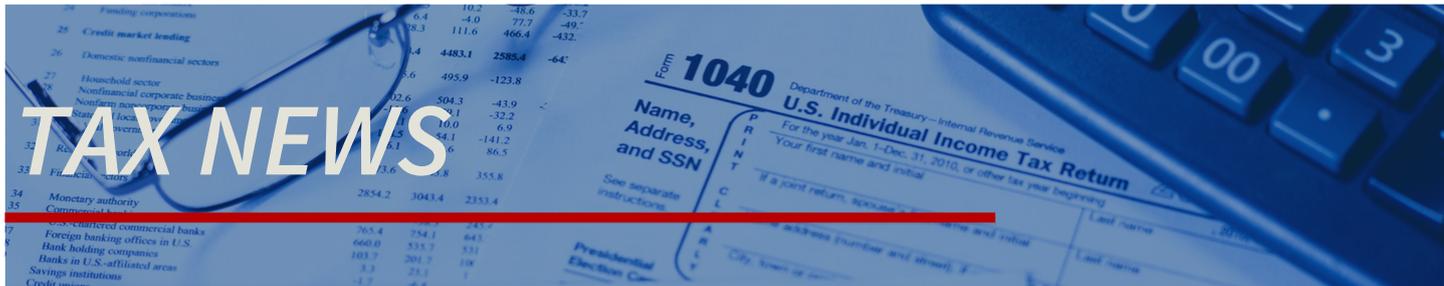
Any income found by the tax authorities, whose source has not been identified, is taxed from 1 July 2024 at a rate of 70% applied to the adjusted tax base. This provision will apply to tax decisions issued by the tax authorities from the above date.

New conditions for micro-enterprises

New conditions have been introduced for an undertaking to be considered a micro-enterprise and thus benefit from the specific tax regime (e.g., to submit annual financial statements by the legal deadline, limitations regarding the share capital owned by the shareholders, etc.)

Sponsorship and patronage expenses

Sponsorship and patronage expenses for self-employed ventures have been included in the category of non-deductible expenses.



POLAND

Postponing of National System of e-Invoices

In January 2024, the Polish Minister of Finance announced that the entering into force of a sweeping change called the “National System of e-Invoices” has been postponed. The National System of e-Invoices was to come into force on 1 July 2024. Currently it remains unknown when these changes will eventually come into force, however it is expected that information in this respect will become public in April or May 2024.

Implementation of DAC 7 Directive in Poland

The Polish government is working on implementation of the DAC7 Directive, which is a high-profile EU Directive aimed at imposing new reporting obligations on operators of digital platforms, including marketplace platforms through which goods and services are offered. The regulations being introduced are expected to reduce the number of undeclared business activities carried out by online sellers and service providers, and will significantly affect the e-commerce market in Poland. Entities covered by these regulations will have to fulfil several reporting obligations covering the period of 2023.

Minimum income tax has come into force

On 1 January 2024, a minimum income tax regime came into force. Based on the enacted regulations, Polish income tax residents will be subject to 10% income tax if loss is reported or certain requirements regarding profitability are not met. The tax base will be, in general, 1.5% of income from operating activities, with numerous exclusions and deductions.

UKRAINE

Tax Code updates in 2024

Among others, new tax rules amend the size of the excise tax rate and the minimum excise tax obligation, introduce novelties for paying income tax by banks, and amend the VAT regime of transactions with medicines and medical products.

Supreme Court rules on unreliability of accounting data

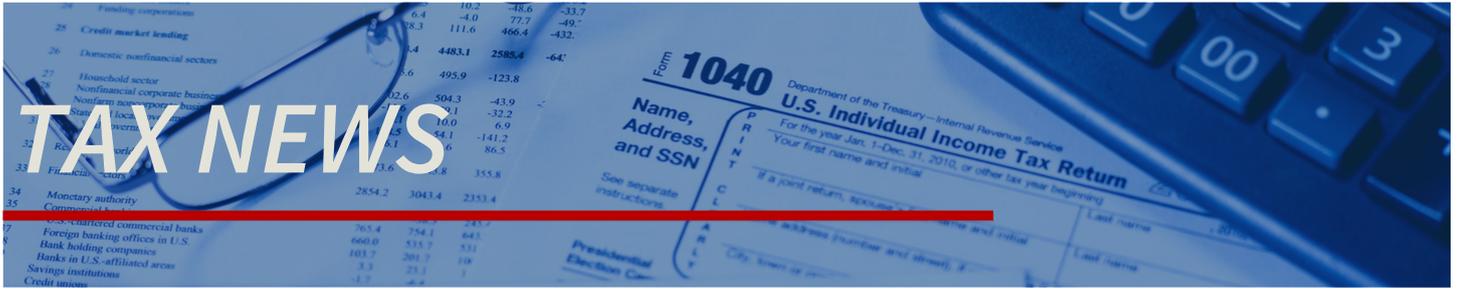
In its judgment dated 19 December 2023 in case No. 540/4247/21, the Supreme Court supported the position of the tax authority. It ruled that tax accounting data declared by the plaintiff was unreliable, which, accordingly, excludes the plaintiff’s right to report expenses and tax credit for such transactions.

Supreme Court rules on payment of land tax

In its judgment dated 26 December 2023 in case No. 826/10917/16, the Supreme Court supported the position of the tax authority that a company which owns real estate qualifies as a payer of land tax under the tax legislation.

New rules for monitoring controlled transactions

On 12 January 2024, amendments to the Procedure for Monitoring Controlled Transactions came into effect. The amendments were developed with the aim of improving control over the compliance of controlled transactions with the “arm’s length” principle.



SLOVAKIA

Increase in tax rate on dividends

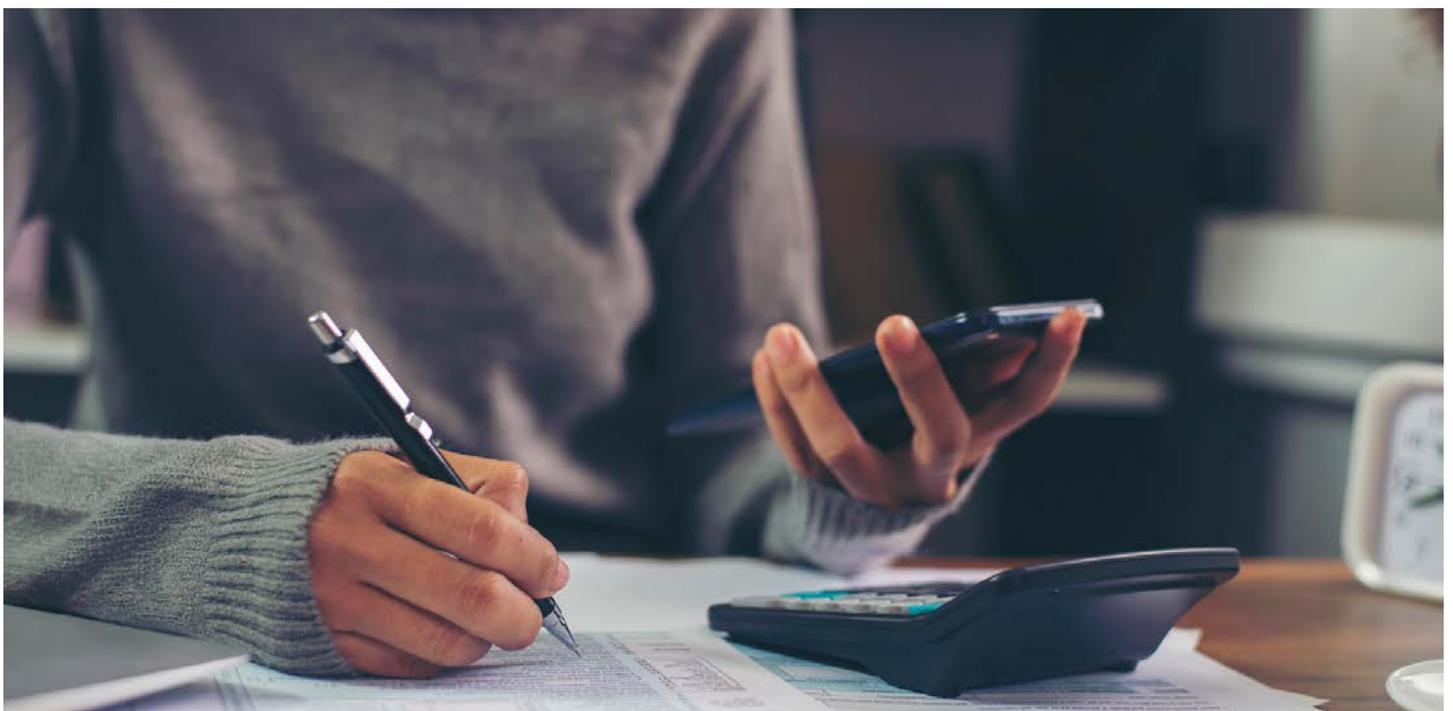
With effect from 1 January 2024, the tax rate on dividend payments is increased from 7% to 10%. This new tax rate will be applied to dividends paid from profits generated in the year 2024. Dividends are taxed when distributed to natural persons. Dividends distributed to legal entities are exempt from taxation.

Minimum tax

The amendment to the Income Tax Act introduces a minimum tax for legal entities which will be applicable for the first time in the year 2024. This measure aims to guarantee that every legal entity contributes to taxation. The minimum tax will be calculated based on the income (revenue) earned by the taxpayer in the respective tax period. The minimum tax will be paid by taxpayers whose tax liability is lower than the established minimum amount or by those who have incurred a tax loss.

New top-up tax

A new law on top-up tax took effect on 31 December 2023, targeting entities within a consolidated group of undertakings with annual revenues of a minimum of EUR 750 million in at least two accounting periods out of the last four preceding the financial year under analysis. If the group's income taxation in Slovakia falls below the minimum tax rate of 15%, a corresponding top-up tax will be imposed to bridge the gap. Taxpayers are required to apply to the tax administrator for the determination of the top-up tax and submit a tax return.



CONTACT

PETERKA & PARTNERS is an independent full-service law firm with a special commitment to the region of Central and Eastern Europe. The only truly Central Eastern European law firm that has built its own strong regional presence in key markets, PETERKA & PARTNERS offers a pan-regional legal and tax competency and dynamic alternative to the top law firms, both international and purely local, on these markets.

Operating eight fully-owned offices across the region, in the Czech Republic, Slovakia, Poland, Hungary, Romania, Bulgaria, Ukraine and Croatia, PETERKA & PARTNERS is organized and acts as “one firm” and leverages its unique integrated infrastructure, legal excellence, industry insight and deep local expertise to deliver complex legal solutions with exceptional commercial value to its clients.

For further information on any of the issues discussed in this edition of the Newsletter, or if you should have any other enquiries, please contact us through the contacts listed below or visit our website at www.peterkapartners.com.

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