



TIME FOR ACTION

business priorities | 07-12.2011

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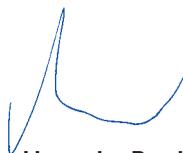


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The Polish presidency comes at what can be considered a difficult time for the European Union. Member states are struggling with the aftermath of the financial crisis, which demonstrated that failure to implement structural reforms may result in deep destabilisation even for the more robust economies. The European Stabilisation Mechanism, agreed in May 2010, and the "Euro-plus" pact, signed in March 2011, which aim to strengthen the mechanisms coordinating states' economic policies, will not resolve all problems. Governments must not stop at developing stabilising measures protecting the Euro zone from harm caused by the economic imbalances.

In order to face increasing global competition, the European Union must fully capitalise on the potential of the internal market – a marketplace of 500 million citizens and more than 21 million companies – while at the same time remaining consistent in combating protectionism in global trade. This entails, on one hand, reforms of the single market, and on the other hand, efforts to quickly finalise international trade negotiations as part of the Doha Round, and establishing free trade areas with countries of strategic importance, including Asian countries and countries of the Eastern Partnership.

Poland's presidency of the Council of the European Union, a first in the history of our EU membership, must be pragmatic and effective. It is not about new slogans or ideas, but rather about consistently striving towards deepening integration and strengthening the single market. Awareness of the necessity to change is present in the EU's institutions, as proven by the Single Market Act - a plan for revitalising the single market, drawn up by the European Commission. Such thinking should be encouraged among Member States' governments and – above all – citizens of the EU, who need to understand the challenges facing the EU's economy and the benefits of integration. The European Union needs the determination of its citizens to implement the reforms currently under discussion and to remove barriers hindering the development of companies and of the economy as a whole. Hence, during the Polish presidency, a debate is necessary on the benefits and costs of adopting or neglecting necessary reforms. The voice of entrepreneurs, who employ the largest share of working people in the EU – nearly 130 million – and who generate 70 percent of the Community's GDP, cannot be sidelined in such a debate.



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1.

SINGLE MARKET

Good law | Reduction of barriers | Information



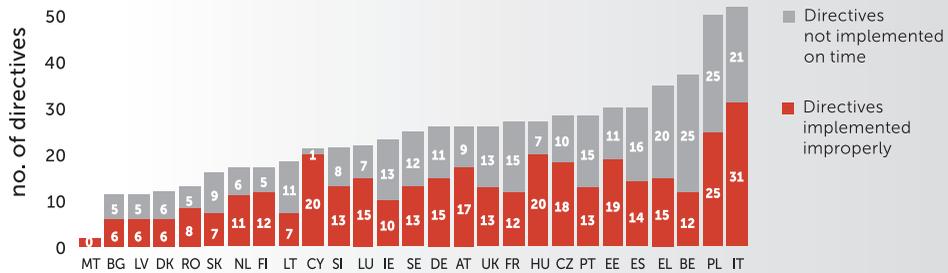
Where are we?

The strength of the European economy lies in the free movement of goods, services, people and capital. These freedoms afford entrepreneurs greater potential for specialisation, and enable them to utilise resources more efficiently, while letting consumers enjoy lower prices, improved quality and broader choice. Completing the single market is, therefore, the key to strengthening the EU's competitive position in a global dimension, and raising the standard of living amongst European Union citizens. Meanwhile, even though entrepreneurs have long called for the removal of barriers hampering full implementation of the four freedoms, members of the EU are only benefiting from the potential of the internal market in part. The idea of a single market for services which is still to be materialised, was supposed to be accelerated by the Services Directive adopted in 2006. At the same time, new challenges are mounting as a result of the development of e-commerce and technological progress, which should be reflected in rules for the single market as soon as possible.

The recipe for improvement is known. The exact solutions to be implemented, and the speed of implementation, depend on the determination of Member States, as well as the activity of the Polish presidency and those to follow afterwards. The latest "improvement plan" – the Single Market Act – will not be successful unless regulations adopted or modified as part of it reflect the needs and demands of entrepreneurs. Regulations that bring with them an unjustified increase in cost for the business world, or additional or excessive administrative burdens, will only become an impediment to the development of the European economy.

The effectiveness of reforms launched at EU level largely depends on timely and appropriate implementation of community law. Each state, therefore, should take responsibility for community legislation and ensure its implementation in a way that secures the equal rights and duties of single market participants. Negligence in this area, i.e.: untimely implementation of directives in national legal systems, or adopting regulations which diverge from provisions of directives result in a restriction of rights for citizens and entrepreneurs and are a hindrance to commerce within the European Union.

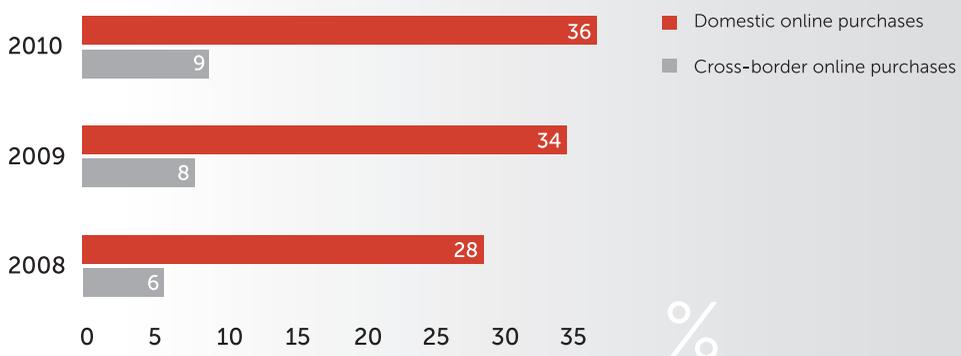
Member states still find it difficult to implement single market directives on time and in a proper way



Source:
Internal Market Scoreboard,
March 2011

The Polish presidency starts at a time when key decisions are to be made regarding the competitiveness of the single market, especially with regards to European e-commerce and a framework for the European Single Digital Market. Among proposals included in the Single Market Act and the European Digital Agenda, removal of barriers in e-commerce is particularly important. On average, more than 60% of cross-border orders submitted by consumers in Europe electronically fail due to legal fragmentation in the area of consumer rights, VAT and electronic payments¹. As a result, it is certainly easier to make purchases over the internet within a given country, rather than on the EU market. Another issue to be solved, hampering the exchange of digital content, is the fragmentation of copyright law, which fails to accommodate the realities of cross-border electronic transactions.

EU consumers use the Internet more frequently for purchasing goods and services from domestic suppliers than from foreign companies



Source:
5th Consumer Scoreboard,
March 2011

¹ 5th Consumer Scoreboard, March 2011

One indication of the weakness of European digital economy is the insufficient use of Information and Communication Technologies (ICT). The European Union must not lag behind other regions of the world in an area which is vital in today's economy. Meanwhile, only one in nine ICT companies listed on the Financial Times 500 world's largest companies, and 54 of the most frequently visited websites in Europe, are actually from Europe². Expansion of the single market to include more areas related to e-commerce and ICT-based innovation will multiply the benefits achieved by all its participants. Initiatives in this area must aim to raise the competitive position of European enterprises.

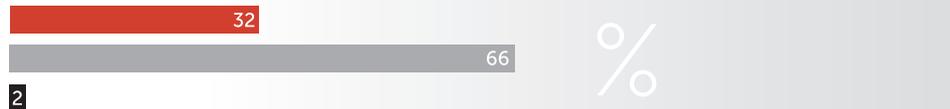
The internal market was established with the welfare of Europe's inhabitants in mind. Unfortunately, their knowledge of rights resulting from integration and its benefits is limited – almost 70% admit that they do not feel well informed on European matters. The same problem is also true for entrepreneurs. Deepening the single market and reforming its current rules must be accompanied by improved access of all participants to reliable and complete information about the rights and benefits granted to them by EU membership and participation in the single market.

EU citizens do not feel well informed on European issues

Overall, to what extent do you think that in (OUR COUNTRY) people are well informed or not about European matters?



Overall, to what extent do you think that you are well informed or not about European matters?



Source: Standard Eurobarometer 74, Autumn 2011

² European Digital Agenda, 2010

What should be done?

GOOD LAW

Improve the quality of the internal market legislation

- ✓ Increase the role and quality of cost-benefit assessment of proposals for EU regulations;
- ✓ Extend the requirement to prepare the cost-benefit assessment to include amendments to proposals for EU regulations submitted by Members of the European Parliament;
- ✓ Introduce the obligation to perform cost-benefit assessment to the legislation in force.

Improve the implementation of internal market legislation and its enforcement by the European Commission

- ✓ Promote the “mutual evaluation process”, provided for in the Services Directive, for all directives which affect functioning of the single market;
- ✓ Systematically inform the European Parliament and the Council of the European Union about the stages and results of implementation of single market directives;
- ✓ Monitor member states’ implementation of single market directives, primarily by using internal market scoreboards, which compare the status of member states in terms of implementation of and adherence to single market regulations;
- ✓ Consistently file proceedings against member states in cases of improper or overdue implementation of single market rules;
- ✓ Promote and encourage national, regional and local institutions to profit from the support of the Internal Market Information System (IMI), with the aim of proper implementation and application of single market directives.

REDUCTION OF BARRIERS**Simplify cross-border internet transactions**

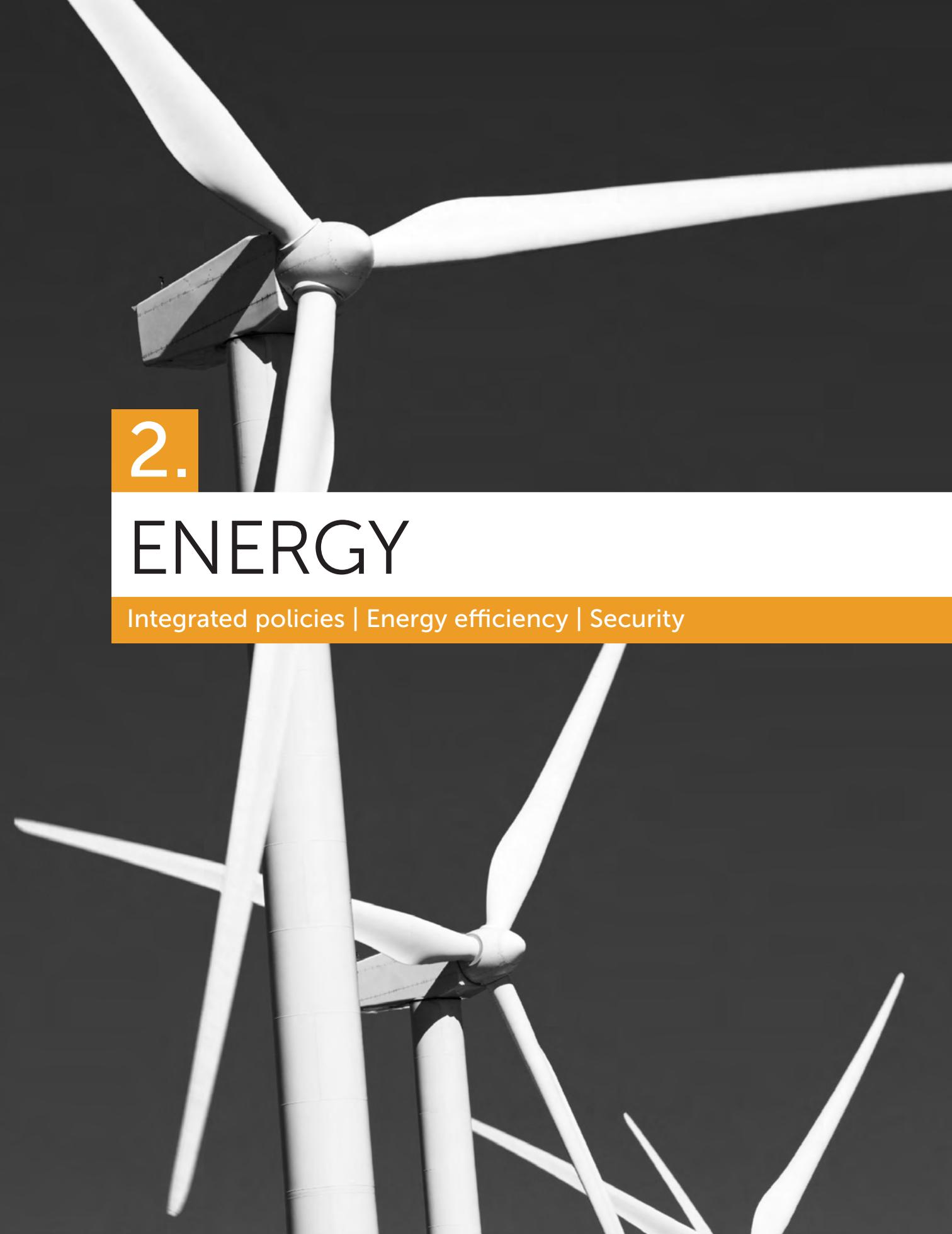
- ✓ Guarantee an equal degree of consumer protection on the single market by harmonising regulations on consumer protection rights without restricting further development of the digital economy;
- ✓ Advance discussion on the 28th regime, which will enable suppliers and consumers in EU countries to make on-line transactions on the basis of rules agreed at an EU level, as an alternative to divergent national solutions;
- ✓ Ensure mutual recognition of electronic identification and electronic authentication throughout the EU, also through revision of the Electronic Signatures Directive.

Facilitate the exchange of digital content on the single market

- ✓ Ensure a high degree of protection for intellectual property by reforming respective regulations without restricting further development of the digital economy;
- ✓ Improve transparency, reliability and effectiveness of copyright management in Europe by modernising regulations governing copyright management;
- ✓ Introduce a system of cross-border and pan-European licenses by harmonisation of copyright rules encompassing the full scope of rights necessary for using work in services provided by companies.

INFORMATION**Facilitate access to thorough knowledge of opportunities and conditions related to participation in the single market**

- ✓ Implement, in line with the objectives of the Services Directive, Points of Single Contact, which should enable electronic completion of all procedures related to undertaking and performance of service activities on the single market;
- ✓ Establish new communication platforms, such as the Single Market Forum (SIMFO), which will familiarise citizens with the principles and rules of operating on the single market;
- ✓ Promote the SOLVIT web-based network, which allows problems resulting from improper application of EU law by national public authorities to be solved.



2.

ENERGY

Integrated policies | Energy efficiency | Security

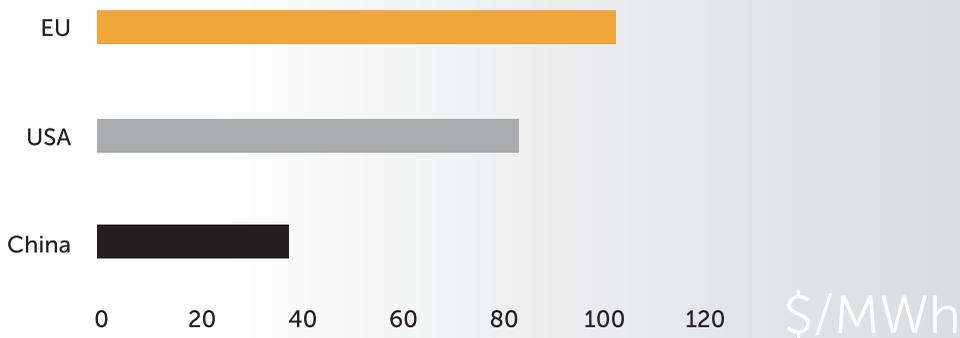
Where are we?

At a time of thorough social and economic transformation of the world economy, rapid global demographic growth, increasing competition for energy resources and threats resulting from climate change, the EU's energy policy must respond to the need for energy security, and be a driving force in the development of an economy that is both green and competitive.

Poland has proven that it is possible to combine economic growth and emissions reduction. Our economy is now more productive and resistant to economic downturn than it was 20 years ago, and CO₂ emissions have been reduced by 30 percent.

While the transformation of Poland's economy was mostly driven by market factors, for the most part, the EU's current movement towards a low-emission economy is being forced by administrative decisions. In such case, if regulations are not verified on a regular basis, the risk of having results which are different to those originally envisaged arises: they may lead to increased energy poverty and a weakening of competitive position, outflow of industry and jobs to countries that are not subject to such regulations, and consequently de-industrialisation of Europe.

Energy in the EU is expensive
– 23% more expensive than in the USA
and 2.5 times more expensive than in China



Calculations based on 2007 IEA data. The chart presents a comparison of equalised costs of electricity at a 10% discount rate. The cost of electricity was calculated on the basis of a weighted average energy mix of coal, gas and nuclear energy

Source:
BUSINESSEUROPE

The main goal of Europe's climate, energy and industrial policy should therefore be to find realistic and cost-effective paths towards the achievement of ambitious objectives in the perspective of the year 2020 and 2050, building a single energy market at the level of regulation and infrastructure, and signing a global climate agreement.

The Commission estimates the outlay necessary for implementation of reduction goals at EUR 270 billion by 2050. A majority of the costs will be borne by entrepreneurs. Europe's industry understands the need of such actions, seeing not just the threats, but also an opportunity for the development of innovative technologies and building a new, global competitive advantage. At the same time, the business community expects the European Union to create effective tools empowering this transformation, and to consider, upon failure to reach a global climate agreement or in case of reaching a partial agreement, a revision of its climate and energy policy.

What should be done?

INTEGRATED POLICIES

Develop an integrated, horizontal and pragmatic policy which will include issues of climate change, energy and industry

- ✓ Replace the tightening of reduction goals with an integrated policy which lays down stable incentives for low-emission investments;
- ✓ Limit the number of new instruments in favour of effective implementation of those already existing;
- ✓ Conduct a comprehensive evaluation of the costs of current climate regulations with an assessment of their non-deliberate adverse side-effects and the negative results of over-regulation;
- ✓ Conduct cost-benefit assessment of energy and climate related regulations not only at EU level, but also at member state, regional and industrial level. It is on this basis that recommendations should be built;
- ✓ Prepare transparent and long-term forecasts of energy price growth, so as to enable end consumers to make informed adaptation decisions;
- ✓ Allow flexible solutions which would enable member states to choose cost-effective paths of emissions reduction, reduce the outflow of industry outside of the EU, and better protect the competitiveness of European commerce.

ENERGY EFFICIENCY

Ensure affordable, low-carbon energy through energy efficiency and the development of green technologies

- ✓ Include the energy efficiency criteria in industrial, transport, regional development and financial policies, so that the necessary actions should encompass all sectors of the public and private economy. Do not introduce the obligatory, EU-level objective for improvement of energy efficiency;
- ✓ Ensure EU funding for the development of low-carbon and energy saving technologies, improving the efficiency of electricity generation and transfer, particularly with regards to high-efficiency co-generation and "green heat";
- ✓ Build awareness of the need for energy savings among European and national consumers, by running public outreach campaigns and product labelling (energy efficiency labels on household appliances, European environmental marking).

SECURITY

Enhance energy security of the EU by building the single energy market

- ✓ Complete bilateral relations with energy sources supplier countries and transit countries, with a European external energy policy. It is in the EU's interest to establish incentives for divergence of the supply of energy sources;
- ✓ Extend the energy infrastructure by cross-border electricity interconnections and smart grids as well as the oil infrastructure;
- ✓ Develop regional energy markets, as part of, but not limited to the Vysehrad Group and in the Baltic Sea region. Aside from ensuring security of supply, grid integration would allow optimisation of the energy mix at EU level, better distribution and use of renewable sources, and thus a relative reduction in energy costs;
- ✓ Provide public support for the infrastructural projects that are key to European security and which do not guarantee a return on investment within the expected timeframe;
- ✓ Shorten the duration for granting permits for grid development projects;
- ✓ Promote the use of local energy resources, both renewable and fossil, and continue work on safe use of nuclear energy, as well as gas from unconventional sources.

A blurred, black and white photograph of an office environment. In the foreground, a person in a dark suit is walking quickly, their figure and the papers they are carrying are out of focus. In the background, other people in business attire are visible, some standing and talking, also blurred. The overall impression is one of a busy, active workplace.

3.

LABOUR MARKET

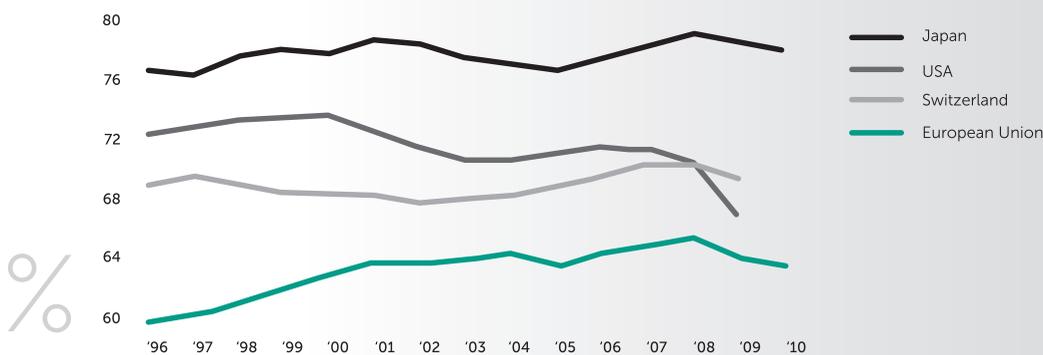
Flexibility and security | Mobility | Activity

Where are we?

Over the past several years, demographic factors have greatly impacted the European labour market. In the near future, these changes will be even more significant. According to a World Bank study, by 2025, the labour force in developed countries with high income will decrease by about 20 million, and it will increase by almost a billion in developing countries. In another 25 years, the number of people in productive age in the EU will decrease by over 25 million, and the next two decades will see a shortage of 20 million qualified workers, particularly in the field of engineering and computer technologies. A mere two thirds of people in productive age are working in the EU – compared to 70% in the US and Japan.

In order to remain competitive, the EU must face the challenges resulting from an aging society and dwindling labour resources. European institutions should constantly stimulate and support EU member states in programming and implementing job market reforms aimed at the introduction of the flexicurity model combining flexibility with employment security. In addition, pension schemes in individual member states should be streamlined. They ought to prolong the professional activity period and improve the stability of public finances.

The EU employment ratio of people between the ages of 15-64 is too low



Source: Eurostat, employment ratio (15-64)

Replacement migration may be an answer to the upcoming demographic changes and the resulting shortages in the labour market. Deployment of global labour resources seems necessary to make European companies competitive and allow the EU economy to grow. Highly qualified employees from non-EU countries, whose

knowledge and experience will enrich Europe's potential and innovativeness, should be attracted. This translates to a need for the EU to develop a much friendlier immigration policy towards this group. These days – due to high labour costs, overly rigorous and complicated procedures for obtaining stay permits or those governing recognition of diplomas – out of immigrants from Arab countries coming to the EU, less than 5.5% are qualified whilst the respective share in the United States or Canada is 54%.

The actions performed so far with regard to employment have not been sufficient and the EU has not made much progress. The Lisbon Strategy – with its ambitious goals but no instruments for their execution – has not been successful. The series of the European Commission's messages, calling for labour market modernisation or pension schemes reforms, made no major impact on the situation in the member states. Business conditions are deteriorating, as they are largely dependent on human capital. That is why it is necessary to undertake decisive action implementing the vision of a modern, dynamic and mobile labour market in the EU. This market should guarantee employment for the highest possible number of people, ensuring the creativity and innovative potential of both the EU citizens and incoming immigrants.

What should be done?

FLEXIBILITY AND SECURITY

Vitalise and deepen the discussion on flexicurity, not only in member states, but also at EU level

- ✓ Monitor the preparation and implementation of national flexicurity models by member states, and evaluate their impact on national markets on a regular basis;
- ✓ Renew activities of the EU Mission for Flexicurity, whose aim will be to evaluate and support member states, where necessary, in the programming and implementation of national flexicurity models;
- ✓ Take into account, in the next European Commission communication concerning flexicurity (the so-called Flexicurity Second Generation), recommendations of European businesses which have defined the challenges faced by the European labour markets and the necessary corrective measures.

MOBILITY**Improve the attractiveness of Europe as a workplace, and facilitate job mobility for EU citizens and immigrants so that they can find employment where their competence is in greatest demand**

- ✓ Timely implement the directive concerning the condition of entry and stay of highly qualified workers and non-EU nationals (the so-called Blue Card Directive);
- ✓ Strengthen the proper implementation and observance of the Posting of Workers Directive;
- ✓ Bring about quick completion of work on the proposal for a directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, taking into account the demands of the business community:
 - ✓ let member states use current regulations if they are more favourable than the provisions of the directive,
 - ✓ allow for transfer of senior and junior managers (e.g. project or team leaders),
 - ✓ allow for transfer of people employed on flexible terms.

ACTIVITY**Establish a legal framework encouraging member states to reform pension schemes**

- ✓ Adopt a uniform methodology for determining public debt in such manner as to allow accounting for a state's full pension liabilities – overt and latent;
- ✓ Support member states' activities aimed at extending the age of retirement. The next stage of work on the subject of stable and adequate pension systems in Europe should incorporate demographic changes, prolonged average life expectancy and the need to link those issues with retirement age;
- ✓ Improve the ability to compare and evaluate member states' pension systems by precisely defining statistical data used for such assessments.



4.

EU BUDGET POST 2013 AND COHESION POLICY

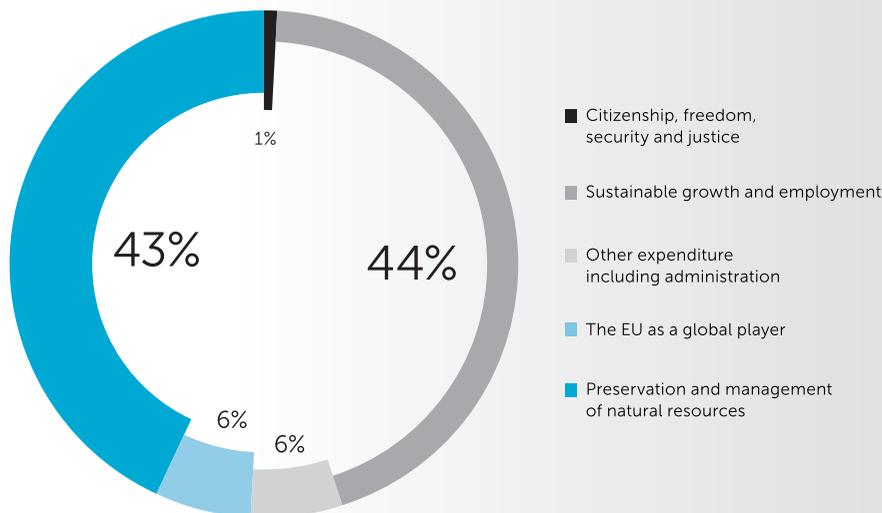
Focus | Effectiveness | Efficiency

Where are we?

The discussion on EU budget and the policies that it finances focuses on the size and net positions of payers. Such an approach reinforces a false belief upon EU citizens that access to EU funds is the greatest benefit of EU membership, and the contribution paid to the EU budget is the greatest cost. As a result, the debate on the goals of intervention at European level and their effective achievement is pushed aside and made hostage to requirements of financial negotiations. Meanwhile, consistency in choosing common goals and development priorities, agreement as to the ways to achieve them, and identification of investment with the highest European added value and potential is necessary to make effective use of limited European resources.

More than ever, the European Union must support the areas which strengthen its global competitiveness: innovation, new technologies, including those in the environment and energy sectors; R&D; quality in education and human capital; and building cooperation networks between entrepreneurs and science. Such priorities should be adequately reflected in the EU budget and all policies which it supports, including the Common Agricultural Policy and the Cohesion Policy.

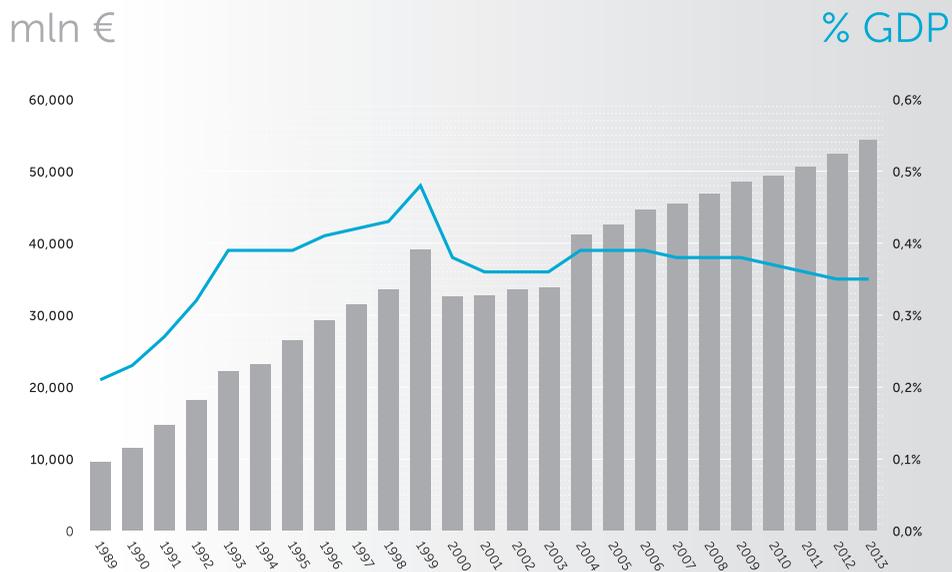
The European Union's budget for 2007-2013 does not accurately reflect the development challenges



Source:
Investing in common future.
The budget of the European Union,
2007

Growth and employment expenditures especially within the framework of the cohesion policy should play a more prominent role in the structure of the EU budget. Cohesion policy is strongly targeted at unleashing the potential of those states and regions which cannot fully benefit from integration because of their relatively weak competitive position. It promotes an integrated approach, and also ensures access to instruments that allow a response to be made to changing economic and social conditions. Just like other budgetary policies, however, including the Common Agricultural Policy, the cohesion policy must not be reduced to a redistribution of income. Its rationale is to stimulate the development of economies creating the common market. This is made more difficult by the fact that despite new challenges to cohesion having been identified, spending on that area is continuously decreasing in relation to EU GDP. Therefore, the key question is how to ensure greater effectiveness of the programs and projects co-funded from European resources.

Cohesion policy spending constitutes a decreasing part of the EU GDP



Source:
InfoRegio Panorama, No 26,
June 2010

Ambitious goals which are suitable for the challenges at hand, and a budget that is sufficient to achieve these goals, however, are no guarantee of success. It is equally important to build efficient legal and administrative institutions. The system as it is

now is dominated by procedural, financial and control procedures. Despite numerous evaluation- based recommendations for cohesion policy, too much attention is still paid to compliance with bureaucratic rules and interpretations, including those issued ex-post, while neglecting issues of efficiency and effectiveness of European intervention. Consequently, "play it safe" is a popular strategy among states implementing support programmes. Innovative solutions, even those with a potentially high added value, prove to be too risky from the viewpoint of financial rules and regulations. The European Union must develop a new way of implementing and evaluating policies co-funded by the European budget, accounting for the risk taken by parties benefiting from the support and rewarding actual results they achieve.

Streamlined organisation of the process of negotiating the EU budget and the policies financed from it, and quickly establishing the legal framework to be reflected within the development strategies designed by member states, are further prerequisites for improved effectiveness of European intervention. Those decisions cannot wait until the last moment, as happened in the case of the Multiannual Financial Framework 2007-2013. In this case, the late adoption of structural funds regulations and those for state aid and block exemptions resulted in several years' delays in launching operational programmes scheduled for the years 2007-2013.

What should be done?

FOCUS

Concentrate European intervention on investments with greatest development potential

- ✓ Ensure appropriate support for innovation, new technologies, R&D, human capital and building cooperation networks between entrepreneurs and science, in all areas and policies supported by the EU budget;
- ✓ Strengthen an integrated approach to programming European public intervention and increase coordination between different policies, especially cohesion and agricultural policy and their accompanying financial instruments³;
- ✓ Reinforce the territorial dimension of the cohesion policy: intervention of funds should be aimed at unlocking the EU's regions potential.

EFFECTIVENESS**Place more emphasis on efficiency and the results of implemented projects and programmes**

- ✓ Implement and monitor standards for the evaluation of policies co-financed by the EU budget so as to ensure their high substantive quality and comprehensiveness (e.g. enable comparisons between regions and states);
- ✓ Develop transparent and coherent rules of result-based implementation of programmes and projects. A result-oriented policies require, above all, an essential change of approach to reporting and control;
- ✓ Develop clear and transparent proposals regarding structural, system or institutional conditions which will apply to member states implementing European support programmes, as well as the methods of enforcing them. Such conditions, which are necessary to ensure greater effectiveness of financing, should refer to the areas of intervention of respective policies;
- ✓ Reinforce the partnership principle, above all to ensure actual participation of social partners and representatives of civic society in decisions regarding priorities, shape and principles of the cohesion policy and other budget policies at an early stage of the process.

EFFICIENCY**Simplify and streamline the cohesion policy implementation system**

- ✓ Develop, at an early stage of the debate on financial perspectives post 2013, cohesive framework requirements for implementing the cohesion policy, with particular regards to structural funds regulations and those for state aid and block exemptions;
- ✓ Ensure a flexible approach to programming and implementation of support programmes and schemes at national and regional level, which should take into account specific conditions and the needs of member states, also through multi-fund operational programmes;
- ✓ Develop and make available to the public, benchmarks on the effectiveness of institutions participating in the implementation of support programmes and schemes as a way to disseminate best practices and monitor potential bottlenecks;
- ✓ Implement in practice the principle that specific eligibility rules are established and incurring costs are audited at the national level. Adjust eligibility rules to result-oriented approach to the implementation of EU-funded programs and projects.

Warsaw, June 2011
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Lewiatan represents leaders of modern economy in Poland

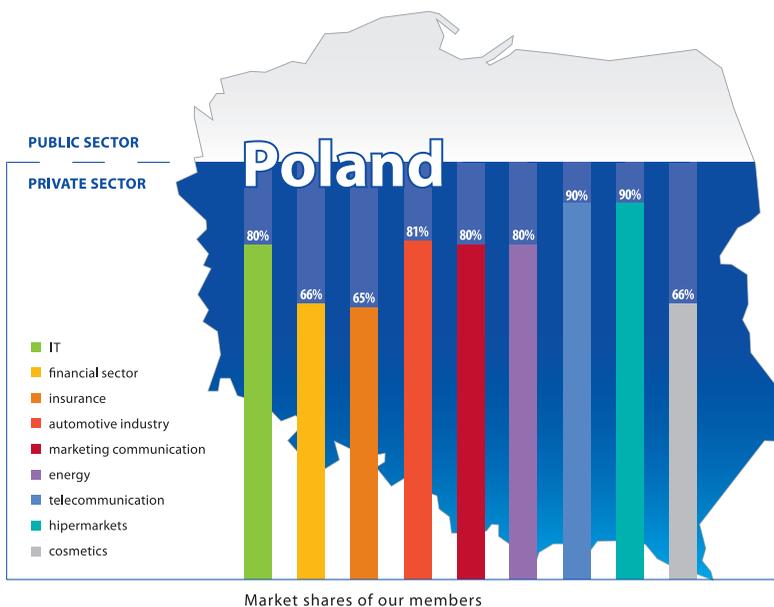
The Polish Confederation of Private Employers Lewiatan is the largest association of private enterprises in Poland.

Lewiatan works effectively to ensure favourable conditions for the development of the industry in our country. We also support the solutions that encourage economic growth and competitiveness in business, as this is the only path leading to improvement in the nation's standard of living.

We enthusiastically supported Poland's entry into the European Union. Today, we are the sole Polish employers' association with a permanent representative in Brussels and we strive to participate actively in the European debate. We track changes in European law and are the first to spread information regarding them.

Lewiatan is also one of the leading Polish economic think tanks. We have a team of outstanding experts in law and business, whose reports and analysis are highly valued by the Government, Parliament and the public opinion. Our opinions are cited by the media an average of 60 times a day, the most often quoted from among all business organisations.

The private sector is responsible for 70% of Poland's GDP and as a result of transformations it is present in the most cutting-edge sectors of the Polish economy. Members of Lewiatan enjoy a dominant position in the majority of them.



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