

## A square meter with statutory status

On 13 February 2026, the Act of 4 December 2025 amending the Act on the Protection of the Rights of Purchasers of Residential Units or Single-Family Houses and the Developer Guarantee Fund (Journal of Laws 2026, item 27, the “Act”) entered into force. It is relatively limited in scope, but may have significant implications for the primary real estate market. It affects one of the key elements of a developer agreement - namely, the method of determining the purchase price.

The fundamental amendment consists in the introduction of Article 5a to the Act, pursuant to which the price must be determined as the product of the usable floor area of the unit (or house) and the price per square meter of that area. However, the legislator did not only establish a simple mathematical formula. The Act expressly provides that the usable floor area must be determined in accordance with the relevant Polish Standard concerning the determination and calculation of area and volume indicators in construction. This solution substantially limits the previous flexibility in methods of calculating floor area. Previously the parties were free to determine the method of measuring usable floor area, the amendment now links that method to a specific normative standard. As a result, the methodology for determining usable floor area ceases to be purely contractual and becomes a legally regulated element.

The new rules apply to agreements concluded from the date the amendment entered into force. In practice, developer agreements and reservation agreements concluded after 13 February 2026 must indicate the actual usable floor area determined in accordance with the Polish Standard, thereby excluding from settlement, among other things, areas occupied by internal partition walls. The purchase price must therefore be based on the actual usable floor area determined under a uniform standard, rather than on a developer’s own definition of “chargeable” or “saleable” area. Until now, developers enjoyed considerably greater discretion in selecting measurement standards.

The amendment is not merely technical in nature - it will impact both parties to the investment process. For developers, it primarily means the need to appropriately adjust sales models and documentation, including template developer agreements, information prospectuses and marketing materials. This requires verification of measurement methodologies, updates to pricing calculations and ensuring full consistency between project documentation and contractual provisions. For purchasers, the change translates into greater transparency and comparability of offers as the price will be directly linked to usable floor area determined under a uniform standard.



# REmarks

PRACTICE IN LAWYERS VIEW

In conclusion, one may somewhat ironically ask whether, now that the square meter has acquired statutory status, it might also gain a little additional market value. Time will tell whether greater precision in measurement will result in equally precise - and perhaps higher - figures in price lists.

## Do you want to know more? Contact us!

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