

**ACT**  
**of 9 June 2006**  
**ON THE CENTRAL**  
**ANTI-CORRUPTION**  
**BUREAU**

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**Chapter 1**

**General provisions**

**Art. 1**

1. The Central Anti-Corruption Bureau, hereinafter referred to as the “CBA”, is created as a special service to combat corruption in public and economic life, particularly in public and local government institutions as well as to fight against activities detrimental to the State's economic interests.
2. The Central Anti-Corruption Bureau is exclusively entitled to use the name Central Anti-Corruption Bureau and its acronym – the “CBA”.
- 3a. Within the meaning of the Act, corruption means an act which:
  - 1) involves promising, proposing or giving by any persons, directly or indirectly, of any undue advantage to a person performing a public function for themselves or any other person, in return for acting or omission to act in performing the person's function;
  - 2) involves demanding or accepting by a person performing a public function, directly or indirectly, of any undue advantage for themselves or any other person, or accepting an offer or promise of such advantage in return for acting or omission to act in performing the person's function;
  - 3) is perpetrated in the course of business, covering the accomplishment of the obligations towards the public authority (institution), involving promising, proposing or giving, directly or indirectly, of any undue advantage to a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of this unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity;
  - 4) is perpetrated in the course of business, covering the accomplishment of the obligations towards the public authority (institution), involving demanding or accepting, directly or indirectly, of any undue advantage by a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of this unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity.
3. Within the meaning of the Act, an activity deemed detrimental to the State's economic interests is any conduct, which may result in serious damage, within the meaning of Art. 115 § 7 of the Act of 6 June 1997 – The Penal Code (Journal of Laws No. 88, item 553, as amended), to the property of:

- 1) a unit of the public finance sector, within the meaning of the Act on Public Finance;
- 2) a unit not belonging to the public finance sector, receiving public funds;
- 3) an entrepreneur with the shares of the State Treasury or local government units.

## **Art. 2**

1. Within the competence set forth in Art. 1 sec. 1, the CBA`s tasks comprise:
  - 1) Recognition, prevention and detection of offences against:
    - a) the activity of public institutions and local government, set out in Art. 228-231 of the Act of 6 June 1997 – The Penal Code, and also referred to in Art. 14 of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions (Journal of Laws of 2006 No. 216 item 1584, of 2008 No. 223, item 1458 and of 2009 No. 178, item 1375); the administration of justice, set forth in Art. 233, elections and referendum, set forth in Art. 250a, public order, set forth in Art. 286, the credibility of documents, set forth in Art. 270-273, property, set forth in Art. 286, business transactions, set forth in Art. 296-297 and 299 and 305, circulation of money and securities, set forth in Art. 310 of the Act of 6 June 1997 – The Penal Code, as well as those referred to in Art. 585-592 of the Act of 15 September 2000 – The Code of Commercial Companies (Journal of Laws No. 94, item 1037, as amended) and set forth in Art. 179-183 of the Act of 29 July 2005 on Trading in Financial Instruments (Journal of Laws No. 183, item 1538, as amended) if they are connected with corruption or activities considered detrimental to the State's economic interests, political parties financing, set forth in Art. 49d and 49f of the Act of 27 June 1997 on Political Parties (Journal of Laws of 2001 No. 79, item 857, as amended) if they are connected with corruption, fiscal obligations as well as donation and subvention settlements set forth in chapter 6 of the Act of 10 September 1999 – The Penal Fiscal Code (Journal of Laws No. 83, item 930, as amended) if they are connected with corruption or activities considered detrimental to the State's economic interests, the principles of sports competition set forth in art. 46-48 of the Sports Act of 25 June 2010 (Journal of Laws No. 127, item 857)
      - as well as prosecuting the perpetrators;
  - 2) disclosure and prevention of non-observance of the provisions of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions;
  - 3) documenting the grounds for and initiating the execution of the provisions of the Act of 21 June 1990 on the Return of Unjustly Received Advantages to the Disadvantage of the State Treasury or Other State Legal Persons (Journal of Laws No. 44, item 255, as amended);
  - 4) disclosure of cases of the non-observance of procedures, defined by the provisions of law, of taking and carrying out of decisions within the scope of: privatisation and commercialisation, financial support, public procurement awards, disposing of the property of units or undertakings referred to in Art. 1, sec. 4 as well as granting licenses, permits, personal and transaction exemptions, allowances, preferences, quotas, plafonds, sureties and credit guarantees;

- 5) controlling the correctness and truthfulness of asset declarations or declarations on conduct of business activities by persons performing public functions referred to in Art. 115 § 19 of the Act of 6 June 1997 – The Penal Code, submitted on the basis of separate regulations;
  - 6) carrying out analytical activities concerning phenomena falling within the scope of the CBA`s competence as well as presenting information on the foregoing to the Prime Minister, the President of the Republic of Poland, the Sejm and Senate,
  - 7) undertaking other tasks set forth in separate acts and international contracts.
2. In order to accomplish the tasks of the CBA, the Head of the Central Anti-Corruption Bureau may undertake cooperation with competent authorities and services of other States as well as with international organisations.
    - 2a. The undertaking of the cooperation, referred to in section 2, may take place after the receipt of the consent of the Prime Minister.
  3. The CBA may conduct pre-trial proceedings comprising all acts disclosed in its course if they remain in a subjective or objective relation with the act constituting the grounds for instituting of proceedings.
  4. The CBA`s activity beyond the borders of the Republic of Poland may be conducted in relation with its activity in the territory of the country, exclusively within the scope of the performance of its tasks set forth in sec. 1 item 1.

### **Art. 3**

Government administration and local government bodies and public institutions are obliged, within the scope of their activities, to co-operate with the CBA, and, in particular, to provide support in the accomplishment of the CBA`s tasks.

### **Art. 4**

1. The CBA`s activity is financed from the State budget.
2. The costs of the performance of the tasks of the CBA, within the scope of which – due to their exclusion from publicity – the provisions on public finance, accountancy and public procurements cannot be applied, are financed from an operational fund created expressly for this purpose.
3. The Head of the Central Anti-Corruption Bureau shall set forth, by way of a regulation, detailed principles, which constitute classified information, of creation of the operational fund referred to in section 2, and the manner of the fund management.

## **Chapter 2**

### **Structure of the Central Anti-Corruption Bureau**

### **Art. 5**

1. The CBA is managed by the Head of the Central Anti-Corruption Bureau, hereinafter referred to as the “Head of the CBA”.
2. The Head of the CBA is a central authority of the government administration supervised by the Prime Minister, acting with the assistance of the CBA, which is an office of the government administration.

- 2a. The activity of the Head of the CBA is subject to the Sejm control.
3. The Prime Minister or a member of the Council of Ministers appointed by the Prime Minister co-ordinates the activity of the CBA, the Internal Security Agency, the Foreign Intelligence Agency, the Military Counter-Intelligence Agency and the Military Intelligence Service.

#### **Art. 6**

1. The Head of the CBA is appointed for a term of four years and is recalled by the Prime Minister following a consultation with the President of the Republic of Poland, the Special Services Committee and the Parliamentary Committee for Special Services.
2. The Head of the CBA may be reappointed only once. The Head of the CBA performs his functions to the date of the appointment of his successor.
3. The term of office of the Head of the CBA expires in the event of his death or recall.
4. Upon the motion of the Head of the CBA, the Prime Minister appoints and recalls the deputies of the Head of the CBA, after consultation with Parliamentary Committee for Special Services.

#### **Art. 7**

1. The function of the Head of the CBA or of the Deputy Head of the CBA may be performed by a person who:
  - 1) has exclusively Polish citizenship;
  - 2) possesses full public rights;
  - 3) displays an immaculate moral, civil and patriotic attitude;
  - 4) has not been convicted of an intentional offence prosecuted by the public prosecutor, or for a fiscal offence;
  - 5) satisfies the requirements set forth in the regulations on the protection of classified information within the scope of access to information constituting classified information marked with the "top secret" clause;
  - 6) has a higher education;
  - 7) has not served as a professional soldier, worked for or co-operated with the State security services mentioned in Art. 5 of the Act on the Institute of National Remembrance - Commission for the Prosecution of Offences against the Polish Nation of 18 December 1998 (Journal of Laws No. 155, item 1016, as amended) nor was a judge who, when ruling, offended the dignity of the post, betraying judicial independence.
2. The function of the Head of the CBA or of the Deputy Head of the CBA shall not be combined with another public function.
3. The Head of the CBA or the Deputy Head of the CBA shall not remain in an employment relationship with another employer or undertake another remunerative activity outside of the service.
4. The Head of the CBA or the Deputy Head of the CBA shall not be a member of a political party or participate in the activities of that party or on its behalf.

### **Art. 8**

The recall of the Head of the CBA from the occupied position takes place in the event of:

- 1) resignation from the occupied position;
- 2) non-fulfilment of any of the requirements set forth in Art. 7;
- 3) non-performance of duties due to an illness lasting continuously for over three months.

### **Art. 9**

In the event of a vacancy on the position of the Head of the CBA or his temporary inability to perform the function, the Prime Minister may vest the performance of the duties of the Head of the CBA, for a period not longer than 3 months, in his deputy or another person who satisfies the requirements set forth in Art. 7.

### **Art. 10**

1. The Head of the CBA manages the CBA directly or through his deputies.
2. The Head of the CBA may authorise his subordinate officers to perform matters on his behalf within a defined scope, save for the matters referred to in Art. 17, 19 and 23.
3. The Head of the CBA, by way of a regulation, specifies the manners, methods and forms of performing the tasks by the CBA.

### **Art. 11**

1. By way of a regulation, the Prime Minister provides a charter to the CBA, which defines its internal organisation.
2. The Head of the CBA, by way of a regulation, provides the internal rules and regulations of the organisational units of the CBA, in which he defines their internal structure and detailed tasks.
3. The Head of the CBA shall set forth, by way of a regulation, the forms and procedure of training of the CBA's officers.
4. The Head of the CBA may create permanent or temporary teams, defining their name, composition as well as detailed scope and manner of activity.

### **Art. 12**

1. The Prime Minister sets out the directions of the activity of the CBA by way of guidelines.
2. Two months before the end of the calendar year at the latest, the Head of the CBA presents the annual plan of activity of the CBA for the consecutive year for the Prime Minister's approval.
3. The Head of the CBA presents annually, by 31 March, a report on the performance of the CBA in the previous calendar year to the Prime Minister and to the Parliamentary Committee for Special Services.
4. The Head of the CBA presents annually, by 31 March, to the Sejm and Senate, information on the performance of the CBA, with the exception of information to which the regulations on the protection of classified information apply.

### **Chapter 3**

#### **Powers of the officers of the Central Anti-Corruption Bureau**

##### **Art. 13**

1. Within the scope of the tasks referred to in art. 2, the CBA officers perform:
  - 1) operational and exploratory activities in order to prevent the perpetration of offences, to explore and detect them and – if there is a justified suspicion of a perpetration of a criminal offence – investigation activities for the purpose of prosecuting the perpetrators;
  - 2) control activities in order to disclose cases of corruption in public institutions and in local government authorities as well as the abuse of authority by persons performing public functions, and to disclose activity detrimental to the State's economic interests;
  - 3) operational and exploratory as well as analytical and information activities in order to obtain and process information material for combating corruption in public institutions and in local government authorities as well as activity detrimental to the State's economic interests.
2. The CBA also performs activities on the order of the court or prosecutor within the scope set forth in the Act of 6 June 1997 – The Code of Penal Procedure (Journal of Laws No. 89, item 555, as amended) and in the Act of June 1997 – The Executive Penal Code (Journal of Laws No. 90, item 557, as amended).
3. Officers of the CBA perform activities falling within the competence of the CBA and within this scope they are vested with the process powers of the Police, resulting from the provisions of the Act of 6 June 1997 – The Code of Penal Procedure.
4. During the performance of the activities referred to in sec. 1 and 2, officers of the CBA are obliged to respect human dignity and to observe and protect human rights irrespective of a person's nationality, origin, social situation, political, religious or ideological beliefs.

##### **Art. 14**

1. Officers of the CBA, while performing the activities set forth in Art. 2 sec. 1 item 1, have the right to:
  - 1) give orders to individuals to behave in a specific manner, within the scope indispensable to perform the activities referred to in items 2 – 5;
  - 2) check a person's identity documents to establish his/her identity;
  - 3) detain persons in the manner and under the circumstances specified in the provisions of the Code of Penal Procedure;
  - 4) search persons and premises in the manner and under the circumstances specified in the provisions of the Code of Penal Procedure;
  - 5) conduct a body search, examine the contents of luggage, stop vehicles and other means of transportation as well as check the cargo in land, air and water means of transportation in the event of a justified suspicion of the perpetration of a criminal or fiscal offence;
  - 6) observe and register, with the use of technical means, the picture of events in public places and the sound accompanying these events in the course of performing operational and exploratory activities undertaken on the basis of the Act;

- 7) request indispensable assistance from the State institutions, government administration and local authority as well as entrepreneurs carrying out activities within the scope of public utility; the abovementioned institutions, authorities and entrepreneurs are obliged, within the scope of their activities, to provide assistance gratuitously within the scope of the provisions of law in effect;
  - 8) request indispensable assistance from entrepreneurs, organisational units and social organisations other than those set forth in item 7, as well as ask any person for assistance, within the provisions of law in force.
2. A detained person or a person subjected to the search has the rights of, respectively, a detained person or a person whose rights have been infringed, as set forth in the provisions of the Code of Penal Procedure.
  3. A person may be detained only if other measures proved to be pointless or ineffective.
  4. A detained person may be presented, photographed or fingerprinted only when their identity cannot be established in a different manner.
  5. A detained person should, in the event of a justified need, be given a medical examination or provided with first aid.
  6. The activities referred to in section 1, items 1 – 6 should be performed in a manner which in the least degree violates the personal rights of the person with respect to whom such activities were undertaken.
  7. Against the manner of conducting activities referred to in section 1:
    - 1) items 1, 2, 5, 7 and 8, within 7 days of performing the activity,
    - 2) item 6, within 7 days of the date when the entity learnt about the activities carried out against the entity;
      - a claim may be lodged with the prosecutor in charge at the place where the activities were conducted. The provisions of the Act of June 1997 – The Code of Penal Procedure - pertaining to appeal proceedings apply to the complaint.
  8. The materials from the activities referred to in section 1 item 6, which do not confirm the perpetration of an offence or a tax offence, are subject to immediate, witnessed and recorded destruction. The Head of the CBA orders the destruction of the materials.
  9. The Prime Minister shall define, by way of an ordinance, the manner of carrying out of medical examinations, referred to in section 5, of persons detained by the officers of the CBA. The ordinance should define the persons who carry out the examinations as well as the organisation and place of the examination and also the circumstances justifying the need of providing a detained person with first aid, taking into consideration the protection of the health of the detained person.
  10. The Council of Ministers shall define, by way of an ordinance, the detailed conditions of carrying out and documenting the activities referred to in section 1 items 1-6, taking into consideration the manner, adjusted to the situation, of carrying out the activities undertaken by the officers of the CBA within their statutory powers, and the officers' obligations during the performance of these activities.
  11. The Council of Ministers shall define, by way of an ordinance, the detailed manner of carrying out the activities referred to in section 1 items 7 and 8, taking into account the obligations of an officer of the CBA who demands or requests assistance.



### **Art. 15**

1. In the event of the disregard of orders, issued on the basis of acts to perform the tasks referred to in Art. 2 section 1 item 1, officers of the CBA are entitled to use physical, technical and chemical means of direct coercion to overpower or escort persons as well as to stop vehicles.
2. Under the circumstances defined in section 1, only means of direct coercion which corresponds to the needs resulting from the existing situation and indispensable to achieve submission to the issued orders can be used.
3. The Council of Ministers shall define, by way of an ordinance, the types of the means of direct coercion, referred to section 1, as well as the circumstances and the manner of their use, and also the manner of documenting the instances of their use, taking into consideration the protection of the interests of the persons subjected such measures.

### **Art. 16**

1. If the means of direct coercion referred to in Art. 15 prove to be insufficient or their use is not possible due to the circumstances, an officer of the CBA is entitled to use firearms exclusively:
  - 1) in order to repel direct and unlawful attempt on life, health or freedom of an officer or another person or in order to counteract the activities which directly aim at such attempt;
  - 2) against a person disregarding a call to immediate abandonment of arms or other dangerous tools, the use of which may endanger life, health or freedom of an officer or another person;
  - 3) against a person who makes unlawful, forcible attempts to capture a firearm from an officer or another person entitled to its possession;
  - 4) in order to repel an unlawful, direct, violent attack on the premises and equipment which are crucial for the security and defence of the State, the headquarters of the main bodies of authority, main and central public administration bodies or the main and central bodies of the administration of justice, objects of the economy or national culture as well as diplomatic representations and consular offices of foreign countries or international organisations, and also premises guarded by an armed security formation created on the basis of separate regulations;
  - 5) in order to repel an attack on property, which simultaneously creates a direct threat to life, health or human freedom;
  - 6) in the course of a direct pursuit of a person subjected to the permissible use of firearms under the circumstances defined in items 1 - 3 and 5, or of a person with respect to whom there exists a justified suspicion of perpetration of a murder, terrorist attack, abduction in order to extort a ransom or specific conduct, robbery, aggravated larceny, extortion with violence, intentional grave bodily injury, rape, arson or any other intentional bringing about a public threat to life or health;
  - 7) in order to apprehend a person referred to in item 6, if they sheltered in a place difficult to approach, and the circumstances of the event indicate that they may use firearms or other dangerous tools, the use of which may endanger human life or health;
  - 8) in order to repel a violent and unlawful attempt on a convoy which guards persons, materials containing classified information, money or other valuables;

- 9) in order to seize or prevent the escape of a detained person, a temporarily detained person or a person serving a penalty of deprivation of liberty, if:
  - a) the escape of the detained person endangers human life or health;
  - b) there is a justified suspicion that the imprisoned person may use firearms, explosives or a dangerous tool;
  - c) the deprivation of liberty took place in connection with a justified suspicion or ascertainment of the perpetration of an offence referred to in item 6.
2. The use of firearms should take place in a manner causing the least possible harm to the person against whom firearms have been used, and the use of firearms shall not aim to deprive the person of life or create a threat of the loss of life or health of other persons.
3. The Council of Ministers shall define, by way of an ordinance, the conditions and the manner of conduct in the course of the use of firearms, adjusted to the situation, taking into consideration the restrictions regarding the use of firearms, as well as the manner of documenting the cases of the use of firearms.

### **Art. 17**

1. In the process of performing operational and exploratory activities undertaken by the CBA in order to explore, prevent and detect offences, as well as obtain and preserve evidence of:
  - 1) the offences referred to in Art. 228 – 231, 250a, 258, 286, 296-297, 299, 310 § 1, 2 and 4 of the Act of 6 June 1997 – The Penal Code;
  - 2) fiscal offences referred to in Art. 2 item 1 letter d, if the value of the subject of the offence or decrease of public receivables exceeds fifty times the amount of the minimum average remuneration for work determined on the basis of the provisions of the Act on the Minimum Remuneration for Work of 10 October 2002 (Journal of Laws No. 200, item 1679, of 2004 No. 240, item 2407 and of 2005 No. 157m, item 1314)
    - when other measures proved to be ineffective or it is highly probable that they will be ineffective or useless, the Court, on a written application of the Head of the CBA, lodged after obtaining a written approval of the Public Prosecutor General, may, by way of a ruling, order an operational control.
2. The ruling referred to in item 1 is issued by the District Court in Warsaw.
3. In urgent cases, which may result in a loss of information or the obliteration or destruction of the evidence of an offence, the Head of the CBA may order, after obtaining the approval of the Public Prosecutor General, an operational control, simultaneously submitting an application to the Court, referred to in item 2, for the issuance of a ruling in this case. The Court issues a ruling on the application within 5 days. Where the permission is not granted by the Court, the Head of the CBA suspends the operational control and orders an immediate, witnessed and recorded destruction of the evidence collected in the course of its conduct.
4. If the ordering of an operational control is required with respect to a suspect or person accused in another case, information on the proceedings pending against the suspect or the person is included in the motion of the Head of the CBA, referred to in item 1.
5. Operational control is conducted confidentially and includes:
  - 1) control of the contents of correspondence;

- 2) control of the contents of parcels;
  - 3) use of technical means which allow to obtain information and evidence in an implicit manner and their record, in particular of the content of telephone conversations and other information conveyed through telecommunications networks.
6. An operational control is documented in the form of a protocol to the extent related to the case.
  7. The application of the Head of the CBA, referred to in section 1, contains in particular:
    - 1) the case number and its cryptonym, if applicable;
    - 2) the description of the criminal offence and its legal qualification;
    - 3) the circumstances justifying the need to apply an operational control, including the determined or likely inefficiency or uselessness of other measures;
    - 4) the personal data or other data which allow to unequivocally define the entity or object against whom/which an operational control shall be performed, including an indication of the location or the manner of its carrying out;
    - 5) the objective, duration and the type of operational control conducted.
  8. An operational control is ordered for a period not longer than 3 months. The Court, referred to in section 2, may, on a written request of the Head of the CBA, submitted after obtaining the written approval of the Public Prosecutor General, issue a decision on a one-time extension of the operational control for a period not longer than 3 consecutive months if the grounds for ordering the operational control have not ceased.
  9. Under justified circumstances, when in the course of carrying out of an operational control there arise new circumstances which are crucial to the prevention or detection of a criminal offence or establishing the perpetrator and obtaining of evidence of a criminal offence, the Court referred to in section 2, on a written application of the Head of the CBA, filed after obtaining a written approval of the Public Prosecutor General, may issue a ruling on the continuation of the operational control also after the expiry of the terms referred to in section 8.
  10. The provisions of section 7 apply accordingly to the applications referred to in sections 3, 8 and 9. Prior to the issuance of the ruling referred to in sections 3, 8 and 9, the Court familiarises itself with the materials justifying the application, collected in the course of carrying out of the operational control ordered in the case.
  11. The applications referred to in sections 1, 3, 8 and 9, are examined by the Court composed of one judge, while the activities of the Court connected with the examination of the applications should be performed in the conditions stipulated for the conveying, storing and making classified information accessible as well as with the application of the regulations issued on the basis of Art. 181 § 2 of the Act of 6 June 1997 – The Code of Penal Procedure. Only the prosecutor and an officer of the CBA appointed by the Head of the CBA are entitled to participate in the Court's session.
  12. Entities carrying out telecommunications activities and entities entitled to perform postal activities are obliged to ensure, at their own expense, the technical and organisational conditions which allow carrying out of an operational control by the CBA.

13. An operational control should be ended immediately after the cessation of the causes of its arrangement, but not later than upon the expiry of the term for which it was arranged.
14. The Head of the CBA notifies the Public Prosecutor General of the outcome of an operational control after its termination, and on his request, also about the course of control, presenting the materials gathered.
15. Where the evidence obtained allows the institution of criminal proceedings or which is significant for pending criminal proceedings, the Head of the CBA conveys the materials obtained in the course of the operational control to the Public Prosecutor General, together with an application to start criminal proceedings if necessary. During the proceedings before the Court, the provisions of Art. 393 § 1 of the Act of 6 June 1997 – The Code of Penal Procedure, apply accordingly to such materials.
16. The materials gathered in the course of an operational control, which do not constitute information confirming the perpetration of an offence, are subject to immediate, witnessed and recorded destruction. The Head of the CBA orders the destruction of the materials.
17. The Head of the CBA may lodge a complaint against the Court's rulings on operational control, referred to in sections 1, 3, 8 and 9. The respective provisions of the Code of Penal Procedure apply to the complaint.
18. The Prime Minister shall define, by way of an ordinance, the manner of documenting of an operational control as well as the storage and conveying of applications and regulations, and the storage, conveying, processing and destroying of the materials obtained in the course of such control, taking into consideration the need to ensure the classified character of the undertaken activities and of the obtained materials, and the templates of the documents and registers used.

#### **Art. 18**

1. The obligation to obtain the approval of the Court referred to in Art.17, does not apply to information indispensable for the performance of the CBA's tasks stipulated in Art. 2, in the form of the following data:
  - 1) referred to in art. 180c and 180d of the Act of 16 July 2004 – Telecommunications Law (Journal of Laws No. 171, item 18000, as amended) hereinafter referred to as "telecommunications data";
  - 2) identifying the entity using postal services and concerning the fact, circumstances of rendering postal services or the use of these services.
2. The entity performing the telecommunications activity or the entity entitled to perform postal activities provides the data, set forth in section 1, free of charge upon:
  - 1) a written application of the Head of the CBA or a person authorised by the Head of the CBA;
  - 2) an oral demand of an officer of the CBA who holds a written authorisation of the Head of the CBA or of a person authorised by the Head;
  - 3) through the telecommunications agency, to the officer of the CBA who holds a written authorisation of the persons referred to in section 1.
3. In the event referred to in section 2 item 3, rendering access to telecommunications data takes place without the participation of the employees of the entity conducting the telecommunications activity or with their indispensable assistance if the agreement concluded between the Head of the CBA and the entity provides such an option.

4. Rendering the data available, set forth in section 1, to the CBA may occur through the telecommunications network if:
  - 1) the network provides:
    - the possibility to determine the officer of the CBA, who obtains the data, the type of the data and the time of obtaining the data, technical and organisational protection preventing an unauthorised person from the access to the data;
  - 2) it is justified by the specific character or the scope of the activity performed by the organisational units of the CBA or by activities performed by them.
5. An application to obtain information and data referred to in section 1, and the provision of access thereto may take place by way of a telecommunications network in the manner defined by the Head of the CBA.

#### **Art. 19**

1. In cases concerning criminal offences set forth in Art. 17 section 1, operational and exploratory activities aimed to check previously obtained, credible information on an offence as well as the detection of the perpetrators and obtaining evidence may involve the purchase, in an implicit manner, or the takeover of objects from an offence, which are subject to forfeiture or objects, the manufacturing, transportation of which or trading in which is prohibited, and also may include acceptance or giving of a financial advantage.
2. The Head of the CBA may order, for a specified period of time, the activities set forth in section 1, after obtaining a written approval of the Public Prosecutor General, whom he notifies on an on-going basis about the current course of said activities and their outcome.
3. The activities specified in section 1 may comprise the submission of a proposal of purchasing, selling or taking over of objects from an offence, which are subject to forfeiture, or objects, the manufacturing, transportation of which or trading in which is prohibited, and also may include the proposal of acceptance or giving of a financial advantage.
4. The activities set forth in section 1 cannot involve managing activities having the features of a prohibited act under the pain of a penalty.
5. In the event of confirmation of information about a criminal offence set forth in Art.2 section 1 item 1, the Head of the CBA delivers to the Public Prosecutor General the materials obtained as a result of the activities along with an application to institute criminal proceedings. In the course of the proceedings before Court, with respect to such materials, the provisions of Art. 393 § 1 sentence one of the Act of 6 June 1997 – The Code of Penal Procedure apply accordingly.
6. The Prime Minister shall define, by way of an ordinance, the manner of carrying out and documenting of the activities referred to in section 1. The ordinance shall, taking into consideration the classified character of the activities, set forth the manner of the storage, conveying and destroying of the materials and documents obtained or created in connection with activities referred to in section 1, as well as define the templates of the documents and registers used.

## **Art. 20**

In the course of performing the activities referred to in Art. 19, operational control may be used in accordance with the principles set forth in Art. 17.

## **Art. 21**

A person who, being authorised to do so, performs the activities set forth in Art. 19 section 1, does not perpetrate a criminal offence if the conditions set forth in Art. 19 item 3 have been observed.

## **Art. 22**

1. Within the scope of its competence, the CBA may obtain information, including classified information, gather, check and process information.

## **Art. 22a**

1. Within the limits referred to in art.2 section 1, the CBA may process personal data, including the ones indicated in art. 27 section 1 of 29 August 1997 on the Protection of Personal Data (Journal of Laws of 2002 No. 101, item 926, as amended) without the knowledge and consent of the person to whom the data refer.
2. Within the scope referred to in section 1, the CBA may obtain, free of charge, the data from the data file, including the personal data file, kept by the bodies of public authority or organisational units of local government.
3. Save as otherwise provided in separate acts, the administrators of the data files referred to in section 2, render the data available to the CBA on the basis of a written application of the Head of the CBA or a person authorised by the Head.
4. The application contains:
  - 1) the designation of the case;
  - 2) indication of the data file from which the data are to be rendered available;
  - 3) indication of the data subject to availability.
5. The administrators of the data files, referred to in section 2, may conclude a written agreement with the Head of the CBA on disclosing information gathered in the files to the organisational units of the CBA if the units fulfil jointly the following conditions:
  - 1) possess the equipment which allows the notification in the system of who, when and for what purpose obtained the data;
  - 2) possess technical and organisational protection preventing the use of the data against the purpose for which the data were obtained;
  - 3) the specific character or the scope of the tasks performed by the organisational units justifies the disclosure.
6. The provisions of sections 2 – 5 are applied accordingly to personal data and other information obtained as a result of performing operational and exploratory activities by authorised authorities, services and state institutions.
7. The entities referred to in section 6 may refuse to deliver the information to the CBA or to limit its extent if it might result in preventing the entities from performing their statutory tasks or disclosure of the data about a person who is not the officer of the entity and rendering assistance to the entities.

8. The CBA processes personal data within the time limit in which they are indispensable for the accomplishment of its statutory tasks. At least once in 5 years, the CBA verifies the needs for further data processing, removing the data which are redundant.
9. Following the verification, the redundant data are removed without delay by a commission established by the Head of the CBA. A report is drawn up on the activity of the commission containing, in particular, the list of the documents destroyed or the IT carriers containing the data, as well as the manner by which they were destroyed.
10. The personal data revealing the race or ethnical origin, political views, religious or philosophical beliefs, religious, party or union affiliation as well as the data on the state of health, addictions or sexual life of persons suspected of perpetrating an offence prosecuted by public indictment, who have not been convicted for these offences, are subject to witnessed and recorded destruction immediately following the applicable court ruling becoming final.

#### **Art. 22b**

1. The supervision over the compliance of the processed personal data, gathered by the CBA, with the provisions of the Act and the regulations on the protection of personal data are performed by the authorised representative for control of personal data processing by the CBA, hereinafter referred to as a “representative”.
2. The representative has the entitlements and duties of an administrator of the information security referred to in art. 36 section 3 of the Act of 29 August 1997 on the protection of personal data.
3. The Head of the CBA appoints the representative from among the officers of the CBA. The dismissal from the service, except for the cases referred to in art. 64 section 1 items 1, 4, 5 and 6 or the removal of the representative from the function follows the consent of the Prime Minister, after the consultation with the Parliamentary Committee for Special Services.
4. In order to perform supervision, the representative conducts a reliable, objective and independent control over the regularity of data processing, in particular of their storage, verification and removal.
5. The representative is entitled to, in particular:
  - 1) have an insight into all and any documents relating to the control performed;
  - 2) have free access to the premises and facilities of the controlled organisational unit of the CBA;
  - 3) demand written explanations.
6. The manager of the organisational unit of the CBA, to whom the representative submitted a written order to remove the offences, notifies the Head of the CBA, within 7 days of the order issuance, of the execution or the reason of the non-execution of the order.
7. In the event of the breach of the provisions of the act and the provisions on the protection of personal data, the representative undertakes activities aiming to explain the circumstances of the breach, notifying the Prime Minister and the Head of the CBA, without delay.
8. The representative presents annually, by 31 March, to the Prime Minister, the Parliamentary Committee for Special Services and the Inspector General for Personal Data Protection, through the Head of the CBA, a report on the previous calendar

year, in which he specifies the condition of the protection of personal data in the CBA and all cases of breach within this scope.

### **Art. 23**

1. Within the scope of its competence, the CBA, where necessary for the effective prevention of the offences referred to in Art. 2 section 1 item 1 or for their detection or establishing of the perpetrators and obtaining evidence, as well as in order to control the truthfulness of asset declarations referred to in Art. 2 section 1 item 5, may use the information, constituting a bank secret, processed by banks and information concerning agreements on a securities account, money accounts, insurance agreements or other agreements concerning trading in financial instruments, and in particular the data about persons who concluded such contracts, processed by the authorised entities.
2. The provisions of section 1 apply accordingly to:
  - 1) co-operative savings and credit unions;
  - 2) entities performing their activity on the basis of the Act on the Commodity Exchange of 26 October 2000 (Journal of Laws of 2005 No. 121, item 1019 and No. 183, items 1537 and 1538);
  - 3) entities performing insurance activity;
  - 4) investment funds;
  - 5) entities performing their activity in the scope of trading in securities and other financial instruments under the Act on Trading in Financial Instruments of 29 July 2005.
3. The information and data referred to in section 1, as well as information related to conveying such information and data are subject to the protection stipulated in provisions on the protection of classified information and may be provided exclusively to officers who carry out activities in a given matter and to their supervisors, authorised to control operational and exploratory activities conducted by them. Moreover, files containing such information and data are provided exclusively to courts and public prosecutors provided it is done for the purpose of criminal prosecution.
4. Access to the information and data referred to in section 1 is provided on the basis of a ruling issued on a written application of the Head of the CBA by the District Court in Warsaw.
5. The application referred to in section 4 shall contain:
  - 1) the case number and its cryptonym, if applicable;
  - 2) the description of the criminal offence and its legal qualification;
  - 3) the circumstances justifying the need to provide access to the information and data;
  - 4) the indication of the entity to which the information and data relate;
  - 5) the entity obliged to provide access to the information and data;
  - 6) the type and scope of information and data.
6. After the examination of the application, the Court, by way of a ruling, expresses its approval for the access to the information and data of the indicated entity, specifying their type, scope and the entity obliged to provide access, or refuses to grant an approval for the access to the information and data. The provisions of Art. 17 section 11 apply accordingly.



7. The Head of the CBA is entitled to lodge a complaint against the ruling of the Court, referred to section 6.
8. Where the Court expresses an approval for the provision of access to information, the Head of the CBA notifies, in writing, the entity obliged to provide access to the information and data about the type and scope of the information and data which are to be made accessible, the entity to which the information and data relate as well as about the officer of the CBA authorised to collect them.
9. Within 120 days of the date of conveying the information and data referred to in section 1, the CBA, without prejudice to sections 10 and 11, notifies the entity referred to in section 5 item 4, of the Court's decision expressing an approval for the provision of access to the information and data.
10. The Court, on the application of the Head of the CBA lodged after obtaining a written approval of the Public Prosecutor General, may defer, by way of a ruling, for a specified period of time, with a possibility of further prolongation, the obligation referred to in section 9, if notifying the entity referred to in section 5 item 4, may be detrimental to the results of the operational and exploratory activities undertaken. The provisions of Art. 17 section 17 apply accordingly.
11. If in the period of time referred to in section 9 or 10, pre-trial proceedings have been initiated, the entity indicated in section 5 item 4 is notified of the decision of the Court to provide access to information and data by the prosecutor or, upon his instructions, by the CBA prior to the closing of the pre-trial proceedings or immediately after their discontinuation.
12. If the information and data referred to in section 1 have not provided the grounds for initiating pre-trial proceedings, the body applying for the issuance of a ruling immediately notifies, in writing, the entity which conveyed the information and data.
13. The materials gathered in the manner referred to in sections 1-10, which do not constitute information confirming the perpetration of an offence, are subject to immediate, witnessed and recorded destruction. The Head of the CBA orders the destruction of materials.
14. The State Treasury is liable for the damage caused by the breach of the provisions of section 3, in accordance with the principles set forth in the Act of 23 April 1964 – The Civil Code (Journal of Laws No. 16, item 93, as amended).
15. The Prime Minister shall define, by way of an ordinance, the manner of processing of personal data and information referred to in section 1, in data files, the types of the organisational units of the CBA authorised to use such files and the templates of the documents required in the course of data processing, taking into consideration the need to protect the data against unauthorised access.

#### **Art. 24**

1. In connection with the performance of its tasks, the CBA ensures the protection of the measures, forms and methods of the accomplishment of the tasks, of the collected information and its own premises and data identifying the officers of the CBA.
2. In the course of the performance of operational and exploratory activities, an officer of the CBA may use documents, which preclude the determination of data identifying him as well as the measures, which he used in the course of performing the service tasks.

3. Persons providing assistance to the CBA in the course of performance of operational and exploratory activities may use the documents referred to in section 2.
4. An offence is not perpetrated by a person who:
  - 1) orders the preparation or manages the preparation of the documents referred to in section 2;
  - 2) prepares the documents referred to in section 2;
  - 3) provides assistance in the preparation of the documents referred to in section 2;
  - 4) an officer of the CBA or a person indicated in section 3, who in the course of performing operational and exploratory activities uses the documents referred to in section 2.
5. The Prime Minister shall define, by way of an ordinance, the detailed manner of issuance and storage of the documents referred to in sections 2 and 3, as well as of using the documents, taking into consideration the provisions concerning the protection of classified information.

#### **Art. 25**

1. In the course of performing its tasks, the CBA may use the assistance of persons who are not officers of the CBA. Without prejudice to section 2, it is prohibited to disclose the data of a person providing assistance to the CBA in the course of performing operational and exploratory activities.
2. A disclosure of the data of the person referred to in section 1 may occur exclusively under the circumstances stipulated in Art. 28.
3. For their assistance, the persons referred to in section 1 may be compensated from the operational fund.
4. Where in the course of using or in connection with the use of the assistance of other persons referred to in section 1, by the CBA, such persons lost their life or suffered deterioration in health or damage to property, such persons or their heirs are entitled to damages on the principles set forth in the Civil Code.
5. The Prime Minister shall define, by way of an ordinance, the conditions and manner of awarding damages under the circumstances referred to in section 4 as well as the types and the amount of damages due in the event of the loss of life or suffering a deterioration in health or damage to property in the course of or in connection with the assistance to the CBA, taking into consideration the specific nature of the assistance provided as well as the scope of the tasks completed within its scope.

#### **Art. 26**

1. In the course of performing its tasks, the CBA shall not use the secret co-operation with:
  - 1) members of parliament or senators;
  - 2) high rank officials referred to in Art. 2 of the Act on the Remuneration of State Sector Senior Staff of 31 July 1981 (the Journal of Laws No. 20, item 101, with further amendments);
  - 3) directors general in ministries, central institutions or voivodeship offices;
  - 4) judges, prosecutors and advocates;
  - 5) members of the supervisory board, members of the management board or programme directors of "Telewizja Polska – Spółka Akcyjna" (Polish Television

- S.A.) and “Polskie Radio – Spółka Akcyjna” (Polish Radio S.A.) as well as the directors of local branches of “Telewizja Polska - Spółka Akcyjna”;
- 6) the director general, directors of offices or managers of regional divisions of “Polska Agencja Prasowa – Spółka Akcyjna” (Polish Press Agency);
  - 7) broadcasters within the meaning of Art. 4 item 1 of the Act 1992 on Radio and Television Broadcasting of 29 December (Journal of Laws of 2004 No. 2004 No. 253, item 2531, as amended);
  - 8) editors-in-chief, journalists or persons carrying out publishing activity referred to in the Act of 26 January 1984 – The Press Law (Journal of Laws No. 5, item 24, as amended);
  - 9) rectors, pro-rectors and managers of the basic organisational units of public and non-public higher schools;
  - 10) members of the Central Council of Higher Education, the State Accreditation Committee and the Central Commission for Academic Degrees and Titles.
2. In order to perform the tasks of the CBA, the Head of the CBA may grant consent to use the secret co-operation of the persons referred to in section 1 items 7 and 8, if this is justified by considerations of national security, after receiving the approval of the Prime Minister
  3. In the event of the appointment of a minister in order to co-ordinate the activities of special services, the Head of the CBA issues an approval referred to in section 2, after receiving the consent from that minister.

#### **Art. 27**

The Head of the CBA shall define, by way of an ordinance, the flow of information, including classified information, in the CBA.

#### **Art. 28**

1. The Head of the CBA may issue permission to the officers and employees of the CBA as well as to former officers and employees, after the termination of the service or employment relationship with the CBA, as well as to persons who provide assistance to the above mentioned while performing their operational and exploratory activities, to provide classified information to a specified person or institution.
2. The permission referred to in section 1 cannot relate to providing information:
  - 1) about a person, if the information has been obtained as a result of operational and exploratory activities conducted by the CBA or other bodies, services or State institutions;
  - 2) about the detailed forms and principles of conducting operational and exploratory activities as well as the measures and methods used in connection therewith;
  - 3) a person providing assistance to the CBA, referred to in Art. 25.
3. The prohibition referred to in section 2 does not apply in the event of a request submitted by a prosecutor or court, in order to prosecute an offence resulting in the death of a person, deterioration in health or damage to property.
4. The prohibition referred to in section 2 does not apply also in the event of a request made by a prosecutor or court which is justified with a suspicion of an offence prosecuted by public indictment having been perpetrated in connection with operational and exploratory activities.

5. In the event of a refusal to release an officer, employee or person providing assistance to the above in the course of operational and exploratory activities from the obligation of maintaining classified information with security classification “secret” or “top secret”, or refusal to permit access to documents or materials constituting classified information with security classification “secret” or “top secret”, despite the prosecutor's or court's demand submitted in connection with the criminal proceeding concerning crimes against peace, humanity and war crimes, or a misdemeanour against human life or health if it resulted in a person's death, the Head of the CBA presents the requested documents and materials as well as the explanation to the First President of the Supreme Court. If the First President of the Supreme Court determines that taking the prosecutor's or the court's request into consideration is essential for the correctness of criminal proceedings, the Head of the CBA is obliged to release from the obligation of preserving secrecy or to provide access to classified documents and materials.

#### **Art. 29**

1. The Heads of: the CBA, Internal Security Agency, Military Counterintelligence Service and the Chief Commandant of the Police, Chief Commandant of the Border Guard, Chief Commandant of the Military Police, Inspector General of Fiscal Control, Head of the Customs Service and the Inspector General of Financial Information are obliged to co-operate, within the scope of their competence, in the field of combating corruption in State institutions and local governments and in public and economic life, as well as activities detrimental to the State's economic interests.
2. The Head of the CBA co-ordinates operational, exploratory, informative and analytical activities undertaken by the bodies referred to in section 1, which may have an impact on the performance of the tasks of the CBA referred to in Art. 2 sections 1 and 2.
3. The Prime Minister shall define, by way of an ordinance, the terms, scope and manner of:
  - 1) co-operation within the scope referred to in section 1,
  - 2) co-ordination referred to in section 2
- taking into consideration the assurance of the efficiency and effectiveness of proceedings, as well as the requirements concerning the protection of classified information constituting the state secret.

#### **Art. 30**

1. The CBA ensures the security of its own equipment, areas and premises as well as of the persons remaining on the premises, by way of an internal security service.
2. Officers of the CBA performing their tasks within the scope of security, within the boundaries of the areas and premises, have the right to:
  - 1) establish the right to remain in the protected areas or premises and to check the identity documents of persons in order to establish their identity;
  - 2) call to leave the site or the premises where a person is not authorised to remain in the protected area or on the premises or in the event of disturbance;
  - 3) detain persons who, in an apparent way, directly create a threat to human life and health as well as to the property secured, in order to immediately transfer the persons to the Police.

3. The Head of the CBA may vest the performance of the protection referred to in section 1 in a specialised armed security formation.

#### **Chapter 4**

#### **Control activities carried out by the officers of the Central Anti-Corruption Bureau**

##### **Art. 31**

1. The control activities referred to in Art. 13 section 1 item 2 include checking the compliance with the provisions thereof by persons performing public functions:
  - 1) the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions of 21 August 1997;
  - 2) other laws implementing restrictions on undertaking and conduct of business activities by persons performing public functions.
2. Control activities also involve the examination and control of the procedures set forth in the provisions of the law concerning the undertaking and carrying out of decisions within the scope of: privatisation and commercialisation, financial aid, public procurements awards, disposal of state or public utility property as well as granting licenses, permits, personal and transaction exemptions, allowances, preferences, quotas, plafonds, sureties and credit guarantees.
3. Within the scope referred to in sections 1 and 2, control applies to persons performing public functions, units of the public finance sector within the meaning of the provisions on public finance, units not belonging to the public finance sector which receive public funds, as well as to entrepreneurs.

##### **Art. 32**

1. The CBA carries out a control activity on the basis of control schedules approved by the Head of the CBA.
2. The CBA may conduct ad hoc control activities pursuant to the regulations issued by the Head of the CBA.

##### **Art. 33**

1. Control is exercised in compliance with the control schedule approved by the Head of the CBA or a person entitled to act on his behalf.
2. Control is exercised by the officers of the CBA on the basis of an official ID card and a personal power of attorney issued by the Head of the CBA or a person authorised to act on his behalf.
3. Control should be completed within 3 months, and in the event of an entrepreneur – within 2 months.
4. Under particularly justified circumstances, the control period may be prolonged for a further specified period of time indicated by the Head of the CBA, however, no longer than 6 months.
5. In the event where the circumstances justify the undertaking of an immediate control, in particular where the risk of the loss of evidence occurs, control may be initiated after the presentation of the officer's official ID card to the person controlled or a person authorised by them or a person performing a public function.

6. In the event referred to in section 5, the controlled person/entity or a person authorised by them as well as a person performing a public function should be immediately, but not later than within 3 days of the date of the initiation of control, served with an authorisation to initiate control. Documents referring to control activities performed with a breach of this obligation do not constitute evidence in the control proceedings.
7. The authorisation to carry out control shall contain:
  - 1) the name and surname as well as the number of the official ID card of the officer who conducts control;
  - 2) the indication of the entity controlled and the date of control completion;
  - 3) the detailed scope of control;
  - 4) an instruction on the rights and obligations of the controlled person/entity.
8. The Prime Minister shall define, by way of an ordinance, the template of the authorisation to carry out control, the body issuing the authorisation and the substantive scope of the authorisation, taking into consideration the unification of information contained in the authorisation.

#### **Art. 34**

1. The officer conducting control is excluded from the participation in control upon an application or ex officio if the control results may concern his/her rights and obligations or the rights and obligations of his/her spouse or a person actually remaining with them in cohabitation, relatives and kinsmen by affinity up to the second degree or persons related to them due to adoption, custody or guardianship. The reasons for the exemption persist despite the termination of marriage, cohabitation, adoption, custody or guardianship.
2. The officer conducting control is also excluded in the event of the occurrence, in the course of control, of circumstances that may result in justified doubts as to his/her impartiality.
3. The Head of the CBA takes the decision on exclusion; the decision is final.
4. The Head of the CBA may, upon an application or ex officio, exclude all officers of an organisational unit of the CBA from the control proceedings if the results of control might have an impact on the rights and obligations of the head or the deputy head of that unit or persons close to them referred to in section 1; in the event of an exclusion, the Head of the CBA indicates officers from outside of this organisational unit to conduct the control proceedings.
5. Until the decision referred to in section 3 is issued, the officer performs only urgent activities.

#### **Art. 35**

1. Control is conducted in the head office of the body or organisational unit or organisational cell controlled, during the time of performance of their tasks as well as after working hours and on holidays upon the consent of the controlled person/entity or a person authorised by them.
2. Control or its particular activities may be conducted also in an organisational unit of the CBA.

### **Art. 36**

1. An officer conducting control, subject to compliance with the provisions on the protection of classified information, may freely move around the premises of the unit controlled without the obligation to obtain a pass and is exempt from personal inspection if it is provided for in the internal rules and regulations of the unit controlled.
2. The controlled person/entity or a person authorised by them, subject to compliance with the provisions on protection of classified information, provides the officer conducting control with conditions and measures necessary to conduct control efficiently, in particular by immediate presentation of the documents and materials requested for control as well as providing verbal and written explanations by the employees of the unit.
3. Control, or the individual activities thereof, conducted on the premises of the Chancellery of the Sejm and the Senate may be carried out in agreement with the Speaker of the Sejm of the Republic of Poland or the Speaker of the Senate of the Republic of Poland, respectively. The arrangement is made by the Prime Minister and, in the event of the absence of such arrangement, the activity may not be conducted.

### **Art. 37**

1. The officer conducting control establishes the findings of facts on the basis of the evidence gathered in the course of control.
2. Evidence means in particular: documents, objects, and results of inspection, expert opinions as well as explanations and statements.
3. The controlled person/entity or a person authorised by them provides access to the documents for the purpose of making certified copies, photocopies or excerpts as well as statements and calculations based on documents.
4. Compliance with the originals of the certified copies, photocopies and excerpts as well as statements and calculations are confirmed by the controlled person/entity or a person authorised by them.
5. The officer conducting control activities appropriately secures the evidence collected in the course of control activities, if required, by:
  - 1) delivering them for safekeeping by the controlled person/entity or a person authorised by them and confirmed by a receipt;
  - 2) storing them in the controlled unit in a separate, closed and sealed room;
  - 3) collecting them from the unit controlled, confirmed by a receipt.
6. The decision on the release of evidence from security is taken by the officer conducting control, and in the event of his/her refusal – by the head of the relevant organisational unit of the CBA.

### **Art. 38**

1. The officer conducting control collects objects in the presence of the controlled person/entity or a person authorised by them, and in the event of their absence – an employee indicated by the controlled person/entity or a person authorised by them. The object collected shall be marked in a manner which precludes alteration.

2. A protocol on the collection of objects is prepared and signed by the officer conducting control and the person participating in the collection of objects.

### **Art. 39**

1. For purposes of determining the condition of objects and other assets, the officer conducting control may carry out inspection.
  - 1a. The person undergoing inspection should be notified, prior to the commencement of the activities, on the purpose of the inspection and called to present the indicated objects.
  2. Inspection is conducted in the presence of the controlled person/entity or a person authorised by them, and in the event of their absence – in the presence of an employee indicated by the controlled person or a person authorised by them.
  - 2a. Inspection should be carried out in accordance with its purpose, subject to moderation and with respect to the dignity of the persons subjected to the activity, as well as without causing unnecessary damage or distress.
  3. A report on the course and outcome of inspection is drawn up without delay and signed by the officer conducting control and the person indicated in section 2.
  - 3a. The inspection report should contain the designation of the case to which the inspection refers, the place and the commencement and end of the activity, the activity participants, the objects being inspected along with their description, statements and conclusions made by the activity participants. The provisions of art. 148 § 2 sentence 2 as well as § 4 of the act of 6 June 1997 Code of Criminal Proceedings is applied.
  4. Moreover, the course and outcome of inspection may also be recorded by means of:
    - 1) drawing a transcript; a transcript is usually converted into ordinary writing with an indication of the stenographic system used, enclosing the original copy of the stenographic record to the report;
    - 2) equipment recording images or sound; the recorded image or sound constitutes an enclosure to the report.
  5. The data received as a result of the inspection constitute a legally protected secret and are subject to protection envisaged for classified information with the “restricted” clause, defined in the provisions on classified information.
  6. In the event of stating redundancy of the data possessed for the needs of the proceedings which constituted the grounds for their obtaining, the Head of the CBA or a person authorised by the Head shall demand, without delay, to destruct them in the presence of a commission, drawing up a report.
  7. The provisions of art. 207 § 2 of the act of 6 June 1997 – Code of Criminal Proceedings is applied respectively.

### **Art. 41**

1. The officer conducting control may demand from the controlled unit or a person performing a public function to provide to them, on a date and in a location indicated by them, with verbal and written explanations concerning the subject of control. A protocol of the verbal explanations is drawn up and signed by the officer conducting control and the person providing the explanations.



2. Refusal to provide explanations may occur exclusively in the event where the explanations refer to:
  - 1) a statutorily protected secret;
  - 2) facts and circumstances the disclosure of which might expose the person called to provide explanations to criminal or financial liability, as well as his/her spouse or a cohabiting person, relatives and relations by affinity up to the second degree, or persons related to them due to adoption, custody or guardianship.
3. The right of refusal to provide explanations in the events referred to in section 2 item 2 persists despite the termination of marriage, cohabitation, adoption, custody or guardianship.
4. The person providing explanations may abstain from replying to questions under the circumstances referred to in sections 2 and 3.

#### **Art. 42**

1. Each person may submit a verbal or written statement concerning the subject of control to an officer conducting control.
2. An officer conducting control cannot refuse to accept a statement if it concerns the subject of control.

#### **Art. 43**

1. If in the course of control, the examination of particular issues requiring specific knowledge is necessary, the head of the relevant organisational unit of the CBA, on his/her own initiative or upon the application of the officer conducting control, appoints an expert.
2. The subject matter, scope and date of issuing the opinion shall be specified in the decision on the appointment of the expert.
3. As a result of the examination, the expert prepares a detailed report containing the description of the tests conducted together with the opinion issued on the basis thereof.
4. If in the course of control there occurs a need to conduct specific research activities by the officer conducting control with the participation of an expert in a particular area of knowledge or practice, the officer conducting control may, by way of a decision, appoint an expert to participate in such activities, specifying the subject matter and the period of the expert's activity.
5. An expert and a specialist act on the basis of the decision on their appointment.
6. The controlled person/entity or a person authorised by them or a person performing a public function may submit, through the officer conducting control, an application to the head of the relevant organisational unit of the CBA, to exempt the appointed expert or specialist from the proceedings due to the reasons set forth in Art. 34 sections 1 and 2.

#### **Art. 44**

1. The officer carrying out control presents the outcome of control in a control protocol.
2. A control protocol contains the description of the actual state of facts found in the course of control as well as an assessment of the determined irregularities, taking into

consideration the reasons of the arising, scope and effects of such irregularities as well as persons responsible for them.

#### **Art. 45**

1. The officer conducting control and the controlled person/entity or a person authorised by them signs the control protocol.
2. In the event referred to in Art. 2 section 1 item 5, the control protocol is signed by the officer conducting control and the person performing a public function.
3. The controlled person/entity or a person authorised by them or the person referred to in section 2, is entitled to submit, prior to signing the control protocol, justified reservations pertaining to the determinations contained in the protocol.
4. The reservations are submitted in writing to the Head of the CBA within 7 days of the date of the receipt of the control protocol.
5. In the event of submission of the reservations referred to in sections 3 and 4, the Head of the CBA is obliged to analyse them and order additional control activities, if necessary, and in the event of the reservations recognition, order an amendment or supplementing of the respective part of the control protocol.
6. In the event of the rejection of the reservations in whole or in part, the Head of the CBA conveys his decision in writing to the person submitting the reservations.
7. The controlled person/entity or a person authorised by them or the person referred to in section 2 may refuse to sign the control protocol, submitting an explanation for the refusal in writing within 7 days of the receipt of the protocol.
8. If reservations are submitted, the time limit for submitting an explanation on the refusal to sign the protocol runs from the date of the receipt of the decision of the Head of the CBA concerning the examination of the reservations.
9. A refusal to sign the control protocol and to submit explanations are reported by the officer conducting control in the protocol.
10. A refusal to sign the protocol by the person referred to in sections 1 and 2 does not prevent the officer conducting control from signing the protocol and to implement the findings of control.

#### **Art. 46**

1. After the control protocol is drawn up, taking into consideration the time limits referred to in Art. 45 sections 4 and 7, the head of the respective organisational unit of the CBA may submit:
  - 1) a request:
    - a) on recalling from the occupied position or dissolution of the relationship of employment without notice due to the employee's fault to comply with the provisions of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions as well as other Acts introducing restrictions on undertaking and conduct of business activities by persons performing public functions,
    - b) for the initiation of disciplinary proceedings in the situations referred to in item a;
  - 2) a request to the controlled person/entity or the body supervising its activity with regard to the determination of, within the organisational unit, infringements of:

- a) the provisions of the Act on Restriction on Conduct of Business Activities by Persons Performing Public Functions and the provisions of other Acts introducing limitations on the undertaking and conducting of business activities by persons performing public functions,
  - b) the provisions of the law relating to procedures on taking and carrying out of decisions in the scope referred to in Art. 31 item 2.
- 3) information to the Supreme Audit Office or other competent controlling body if the need to carry out control in a wider scope occurs.
  2. On the basis of the control protocol, in the event of a justified suspicion of an offence referred to in Art. 2 section 1 item 1 having been perpetrated, the CBA institutes and conducts pre-trial proceedings.
  3. Under the circumstances referred to in Art. 309 item 2 of 6 June 1997 – The Code of Penal Procedure, if the circumstances prescribed in section 2 occur, the materials from the control proceedings together with the request to institute pre-trial proceedings shall be conveyed by the Head of the CBA to the Public Prosecutor General.
  4. In the event of the disclosure of acts other than those referred to in section 2, for which statutory disciplinary or criminal liability is envisaged, the CBA notifies competent authorities.
  5. The authorities and heads of organisational units, to whom motions, requests, information and notifications have been submitted, notify the CBA about the manner and scope of their use.

#### **Art. 46a**

The provisions of chapter 5 of the act of 2 July 2004 on freedom of business activities (Journal of Laws of 2007 No. 155, item 1095, as amended) are applied to control an entrepreneur's business activities.

#### **Art. 47**

The Council of Ministers shall define, by way of an ordinance, the detailed terms and manner of preparation and conduct of control activities, evidencing particular control activities, drawing up control protocols as well as motions and post-control applications by the officers of the CBA, taking into consideration the possibility of submitting reservations and refusal to sign a protocol as well as templates of documents required in the course of control activities.

### **Chapter 5**

#### **Service of the officers of the Central Anti-Corruption Bureau**

#### **Art. 48**

Service in the CBA may be performed by a person who:

- 1) has exclusively Polish citizenship;
- 2) enjoys full public rights;
- 3) displays an immaculate moral, civil and patriotic attitude;

- 4) has not been convicted of an intentional offence, prosecuted by the public prosecutor, or for a fiscal offence;
- 5) satisfies the requirements set forth in the regulations on the protection of classified information;
- 6) has at least a secondary education and the required professional qualifications as well as the physical and mental capability to serve;
- 7) has not served as a professional soldier, worked for or co-operated with the State security services mentioned in Art. 5 of the Act on the Institute of National Remembrance - Commission for the Prosecution of Offences against the Polish Nation of 18 December 1998.

#### **Art. 49**

1. The physical and mental capability of candidates for serving in the CBA and officers of the CBA are determined by medical commissions subordinated to the minister in charge of internal affairs.
2. The Prime Minister shall define, by way of an ordinance, the terms of performing the examination of the physical and mental capability for serving in the CBA, taking into consideration the manner of this evaluation, the register of diseases and disabilities as well as categories of capabilities for serving in the CBA.

#### **Art. 50**

1. An acceptance of a candidate for service in the CBA takes place after conducting the recruitment process, which comprises:
  - 1) submitting a job application for acceptance into the service, personal questionnaire, as well as documents confirming the required education and professional qualifications and containing data on previous employment;
  - 2) conducting an interview;
  - 3) security clearance procedure, prescribed in the provisions on the protection of classified information;
  - 4) determining the physical and mental capability for service in the CBA.
2. A candidate applying for service in the CBA on a position requiring specific skills or qualifications may be subject to a recruitment process, extended by activities intended to check the candidate's suitability for serving on that position, including a polygraph test.
3. The qualification process for officers or former officers of the Internal Security Agency, Police and the Guard Service may be limited to the activities set forth in section 1 items 1 and 2.
4. The Prime Minister shall define, by way of an ordinance, the template of the personal questionnaire as well as the detailed manner of conducting the recruitment process for candidates for service in the CBA, taking into consideration the activities required to take a decision with respect to the person applying for service in the CBA.

#### **Art. 51**

1. Prior to entering into the service, an officer of the CBA, hereinafter referred to as an "officer", takes an oath worded as follows:

"I, a Citizen of the Republic of Poland, swear: to serve the Nation faithfully, to observe the law diligently, to remain faithful to the constitutional authorities of the Republic of Poland, to diligently and impartially perform the duties of an officer of the CBA, even risking my life, and also to protect the honour, dignity and good name of the service as well as to observe professional discipline and the principles of professional ethics." The oath may be taken with the addition of the sentence "So help me God".

2. The Head of the CBA shall define, by way of an ordinance, the ceremony of taking the oath.

#### **Art. 52**

1. An official relationship of an officer arises by way of an appointment, referred to in art. 6 section 1 or 4, by way of entrusting duties under art. 9 or by way of nomination through an application to join the service.
2. The commencement of the service of an officer is counted from the date set forth in the act of appointment, act of entrusting the duties or the decision on acceptance into service and appointment to the official position in the CBA.
3. The Prime Minister shall define, by way of an ordinance, the template of the official ID card and other documents for officers, bodies competent to issue, exchange and cancel them as well as entries in them, the circumstances under which an official ID card or other documents are subject to return, exchange or cancellation as well as the manner of proceeding in the event of their loss and the manner of using the official ID card and other documents, taking into consideration the requirements specified in the provisions on the protection of classified information.
4. The Head of the CBA shall define, by way of a resolution, the templates of signs and other documents identifying officers.

#### **Art. 53**

1. A person accepted into service in the CBA is appointed an officer in preparatory service for a period of 3 years.
  - 1a. The person appointed as the Head of the CBA or who was entrusted with the duties of the Head of the CBA is appointed as an officer in permanent service.
2. In the course of preparatory service, an officer of the CBA is subject to training.
3. After the lapse of preparatory service and obtaining a positive general assessment in an official opinion, an officer is appointed an officer in permanent service.
4. In the event of a break in the performance of his/her official duties by an officer lasting longer than 30 days, the Head of the CBA may prolong the period of preparatory service.
5. In justified events, the Head of the CBA may shorten the period of preparatory service or release an officer from such service.

#### **Art. 54**

1. The Head of the CBA is in charge of accepting individuals into service in the CBA, appointment of officers to official positions as well as transfer, delegation, assignment, dismissal and removal from official positions, suspension and waiver of

suspension in the performance of official activities, dismissal from the service as well as termination of the service relationship.

2. In personal matters relating to officers, other than those mentioned in section 1, the superiors authorised by the Head of the CBA are in charge.
3. Personal matters referred to in section 1 are dealt with by way of a decision.
4. The appointment to an official position takes place with respect to the education and professional qualifications of the officer.
5. The Prime Minister shall define, by way of an ordinance, the official positions within the CBA as well as requirements concerning education and professional qualifications which officers should satisfy on particular positions in the service, with consideration for ensuring the performance by officers of the statutory tasks of the CBA.

#### **Art. 54a**

The Prime Minister or a minister authorised by the Prime Minister, appointed to coordinate the activities of special services, is in charge of cases arising from the official relationship of the Head of the CBA. The authorisation shall not refer to cases set forth in art. 6.

#### **Art. 55**

1. The time of performing service by an officer is defined by the amount of his/her duties, with respect to the right to rest.
2. The Prime Minister shall define, by way of an ordinance, the schedule of time of service, with respect to the time for rest as well as the circumstances of the prolongation of the time of service of an officer, justified by the need to ensure an uninterrupted course of service.

#### **Art. 56**

The Prime Minister shall define, by way of an ordinance, the safety and health conditions of service as well as the scope in which the provisions of chapter ten of the Labour Code apply to those conditions, taking into consideration the specific character of the service, the threats occurring on some official positions or in the course of performing some official tasks as well as the duties vested in the officers and their superiors within the scope of preventing possible threats to life or health, as well as taking into consideration the provisions of the law applicable to official positions not covered by the specific nature of service in the CBA.

#### **Art. 57**

1. An officer is subject to an official opinion, at least once every two years.
2. An officer in preparatory service is subject to an official opinion at least once in every 6 months.
3. An officer is informed about the outcome of the official opinion within 7 days of the date of its execution; within 7 days after an officer has familiarised himself/herself with the official opinion, he/she may submit an appeal to a higher rank superior.
4. The Prime Minister shall define, by way of an ordinance, the template of the form of the official opinion, the detailed conditions and the manner of providing an opinion on

officers, taking into consideration the prerequisites for preparing opinions and their frequency, the criteria taken into consideration while preparing an opinion as well as the grading, the competence of the superiors in the scope of issuing opinions, the manner of familiarising officers with official opinions and the manner of submitting and processing an appeal against an opinion.

#### **Art. 58**

1. An officer may be removed from the position occupied or be put on garden leave.
2. An officer may be put on garden leave continuously not longer than for 4 months.
3. After the lapse of the period referred to in section 2, the officer shall be transferred to a particular official position, and in the event of his/her refusal in writing to be transferred to the position, the officer shall be dismissed from service with retention of the rights prescribed for officers removed on the grounds of Art. 64 section 2 item 4, providing they do not satisfy the terms for dismissal from service on more advantageous terms.
4. The Prime Minister shall define, by way of an ordinance, the conditions and manner of transferring officers on garden leave, taking into consideration the manner of performing service in the period while remaining on such leave.

#### **Art. 59**

1. An officer may be transferred, ex officio or upon his/her request, to perform service or delegated for a period of up to 6 months to perform service temporarily in another location.
2. The Head of the CBA, in justified events, may prolong the period of delegation, referred to in section 1, to 12 months.

#### **Art. 60**

1. An officer may be entrusted, for a period of 6 months, with performing official duties on another position. In such event, the officer's emolument cannot be decreased.
2. Under circumstances justified by the performance of the CBA's tasks, an officer, with his/her consent, may be delegated to perform official tasks outside of the CBA, after being put on garden leave. The provisions of Art. 58 do not apply.
3. The Prime Minister shall define, by way of an ordinance, the conditions and manner of delegating, the rights and duties of an officer in the period of delegation, the amount and manner of payment of emoluments and of other financial advantages to which the delegated officer is entitled, taking into consideration the location, nature and scope of the CBA's tasks performed; the Prime Minister shall also define, taking into consideration the provisions on the protection of classified information, the detailed rights and obligations of an officer serving outside the Republic of Poland.

#### **Art. 61**

1. An officer is demoted in the event of an administrative or a disciplinary penalty of an assignment to a lower official position.
2. An officer may be demoted in the event of:

- 1) a report by a competent medical commission of a permanent disability to perform service on the occupied official position if there is no possibility of appointment to an equal official position;
  - 2) being deemed unsuitable on the occupied official position, determined in an official opinion in the course of preparatory service;
  - 3) failure to perform one's official duties on the occupied official position, determined in the course of permanent service in two consecutive official opinions;
  - 4) liquidation of the occupied official position if there is no possibility of appointment to an equal official position.
3. An officer may be assigned to a lower official position also upon his/her written request.
  4. An officer, who did not agree to the assignment to a lower official position due to the reasons specified in section 2, may be dismissed from service.

#### **Art. 62**

1. An officer shall be suspended in the performance of his/her official duties, for a period not longer than 3 months, in the event of instituting criminal proceedings against them for an intentional offence prosecuted by public indictment or for fiscal offences.
2. An officer may be suspended in his/her official duties, for a period not longer than 3 months in the event of instituting criminal proceedings against them for an unintentional offence prosecuted by public indictment, misdemeanour proceedings or proceedings concerning a fiscal misdemeanour as well as disciplinary proceedings if this is justified due to the welfare of the proceedings.
3. Under particularly justified circumstances, the period of suspension in the performance of official duties may be prolonged for a further specified period of time, not longer than to the day on which the ruling issued in a criminal proceeding, penal fiscal proceeding or in a proceeding concerning a misdemeanour or fiscal misdemeanour becomes final, and in other cases, for a period not longer than 12 months.
4. Suspension in the performance of official duties involves the officer's removal from performing his/her official duties.
5. An officer may submit an application to the Head of the CBA for re-examination of the decision on his/her suspension.
6. An officer suspended in the performance of his/her official duties is obliged to:
  - 1) Immediately return his/her weapon and an official ID card as well as objects connected with the tasks performed, in particular the files and documents concerning the matters conducted by them;
  - 2) inform the head of the organisational unit about the intent to leave his/her place of residence for a period longer than 3 days.

#### **Art. 63**

1. An officer may be sent ex officio or at his/her own request to a medical commission referred to in Art. 49 in order to determine the condition of his/her health and to determine his/her physical and mental capability to perform service, as well as the relation of particular diseases with the service.



2. An officer may also be subjected to polygraph tests. The Head of the CBA decides about sending an officer to a polygraph examination. The decision of the Head of the CBA does not require a justification.

#### **Art. 64**

1. An officer is dismissed from service in the event of:
  - 1) the issuance by a medical commission of a certificate of permanent disability to perform service;
  - 2) insufficient aptitude for service, stated in an official opinion in the course of preparatory service;
  - 3) administration of a disciplinary penalty of dismissal from service;
  - 4) loss of Polish citizenship or acquiring the citizenship of another country;
  - 5) providing untruth in the declaration submitted on the basis of Art. 10 of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions of 21 August 1997, stated in the course of disciplinary proceedings;
  - 6) conviction by way of a final court ruling for the perpetration of an intentional offence prosecuted by public indictment or a fiscal offence;
  - 7) taking of a managerial position in the State administration or taking of a function in local government bodies.
2. An officer may be dismissed from service in the event of:
  - 1) non-performance of official duties during the term of permanent service, stated in two consecutive opinions;
  - 2) temporary detention;
  - 3) conviction by a final court ruling for offences other than those stipulated in section 1 item 6;
  - 4) acquiring a full retirement entitlement set forth in separate regulations;
  - 5) an indictment filed in the event of an intentional offence prosecuted by public indictment;
  - 6) failure to file the declaration referred to in Art. 10 of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions of 21 August 1997, within the prescribed time limit;
  - 7) refusal to be subjected to the examination referred to in Art. 63 section 2;
  - 8) perpetration of an offence prosecuted by public indictment where the circumstances of its perpetration do not raise doubts.
3. An officer shall be dismissed from service within the time limit of up to 3 months of his/her written submission of his/her withdrawal from service.

#### **Art. 65**

An officer's service relationship expires in the event of:

- 1) the death of the officer or determination of his/her disappearance referred to in Art. 98 section 4;
- 2) the absence of the officer from service for a period longer than 3 months due to temporary detention, unless the officer has been dismissed from service earlier.

#### **Art. 66**

1. In the event of the reversal of a sentence or a final decision on the conditional discontinuance of criminal proceedings and the issuing of a ruling on the discontinuance of criminal proceedings or, in the event of a reversal of a disciplinary penalty, assignment to a lower official position or a penalty of removal from the service, the results arising for the officer in connection with the assignment to a lower official position are reversed. The Head of the CBA decides on the reversal of other results.
2. In the event of the reversal of a sentence or a final decision on the conditional discontinuance of criminal proceedings and the issuing of a final judgment of acquittal, all and any effects arising for the officer in connection with the disciplinary proceedings conducted in connection with an indictment of perpetrating an offence constituting the subject matter of the ruling of a court are reversed.
3. If, in the event referred to in section 2, the grounds for the ruling on a disciplinary penalty were prerequisites other than merely the indictment of perpetrating an offence, the decision on the reversal of the results arising for the officer as a result of disciplinary proceedings is taken by the Head of the CBA. The provision of section 1 applies accordingly.

#### **Art. 67**

The dismissal of an officer from service under Art. 64 section 1 item 2 and section 2 item 1 may occur within the time limit of 3 months of the date of the discontinuance of service due to illness, providing the officer submits a written withdrawal from service.

#### **Art. 68**

1. An officer cannot be dismissed from service during pregnancy or maternity leave, with the exclusion of the circumstances set forth in Art. 64 section 1 items 3, 4, 6 and 7 as well as in section 2 items 2 - 5.
2. In the event of the dismissal of an officer from service on the basis of Art. 64 section 2 item 4, she is entitled to emoluments until the end of the maternity leave.
3. An officer dismissed on the basis of Art. 58 section 3 or Art. 64 section 2 item 4 in the course of a parental leave, until the end of the period for which the leave was granted is entitled to:
  - 1) a financial benefit under the rules of payment of an upbringing allowance;
  - 2) other entitlements intended for persons who were made redundant in the course of parental leave due to reasons not concerning employees.

#### **Art. 69**

1. An officer dismissed from service shall receive a certificate of service without delay.
2. An officer may demand the rectification of the certificate of service within 7 days from the date of its receipt.
3. The Prime Minister shall define, by way of an ordinance, the data, which shall be included in the certificate of service as well as the manner of issuance and rectification of the certificate of service as well as the form of the certificate of service,

taking into consideration the competence of the superiors within this scope as well as the specific nature of the service.

#### **Art. 70**

1. The CBA may employ employees.
2. The provisions of Art. 72 apply accordingly with respect to employees referred to in section 1.

### **Chapter 6**

#### **Obligation, rights and the emolument of the officers of the Central Anti-Corruption Bureau**

#### **Art. 71**

1. An officer is obligated to observe obligations, which stem from the wording of the oath.
2. An officer is obliged to refuse to execute an order of a superior if the execution of the order entails perpetrating an offence.
3. An officer notifies the Head of the CBA of the refusal to execute an order referred to in section 2.

#### **Art. 72**

1. An officer shall not remain in an employment relationship or undertake any other paid job outside of the service.
2. Restrictions on conduct of economic activities resulting from the Act 1997 on the Restrictions on Conduct of Business Activities by Persons Performing Public Functions of 21 August apply to officers. Officers are obliged to submit an asset declaration on the basis, in the manner and within the time limit set forth in the provisions of this Act.
3. Officers of the CBA submit the declarations, referred to in section 2, to the Head of the CBA. The Head of the CBA and the Deputy Heads of the CBA submit the declarations to the Prime Minister, who carries out an analysis of the data contained in the statements.
- 3a. Within 7 days, the declarations, referred to in section 2, submitted by the Head of the CBA and the Deputy Heads are placed, without their consent, on subject pages of the CBA's Newsletter, excluding the data referring to the date and place of birth, PESEL (Universal Electronic System for Population Registration) and NIP (Tax Identity Number), the place of residence and the location of the chattel indicated in the declaration.
4. The Head of the CBA may permit an officer to perform a paid activity outside of the service of a scientific or research and didactic nature, if it does not collide with the performance of his/her official tasks.

5. An officer is obliged to notify the Head of the CBA of their contracted financial obligations as well as the liabilities of their spouse or the person cohabiting with them if the amount of the liability exceeds jointly five times the monthly emolument of the officer.
6. The Prime Minister shall define, by way of an ordinance, the scope of the data conveyed by an officer in the cases referred to in sections 4 and 5, taking into consideration the requirements set forth in the regulations on the protection of personal data.

#### **Art. 73**

1. An officer shall not be a member of a political party or participate in the activity of such party or on its behalf.
2. An officer shall not perform a public function.
3. Officers shall not associate in trade unions.
4. An officer shall be obliged to obtain the permission of the Head of the CBA to belong to national, foreign or international associations.

#### **Art. 74**

1. An officer shall be obliged to obtain the permission of the Head of the CBA to travel abroad beyond the borders of the European Union.
2. An officer shall be obliged to notify his/her superior about travelling abroad to European Union Member States.
3. The head of the CBA shall define, by way of a regulation, the cases in which the permission or performance of the obligation referred to in sections 1 and 2 is not required, as well as obligations of an officer travelling abroad and returning from abroad.

#### **Art. 75**

1. In connection with the performance of official duties, an officer enjoys the protection set out in the provisions of the Penal Code for Public Officers.

#### **Art. 76**

1. An officer is entitled to the reimbursement of the costs incurred for legal protection if criminal proceedings instituted against them for an offence perpetrated in connection with the performance of official duties ends in a final decision on discontinuance due to the absence of the statutory attributes of an illicit act or non-perpetration of an offence or an acquittal.
2. The costs, in the amount corresponding to the remuneration of one defence counsel, set forth in separate regulations, are reimbursed from the funds of the CBA.

#### **Art. 77**

An officer, who in the course of performing service suffered a detriment to health or damage to property shall be awarded damages in the manner and in compliance with the

provisions set forth in the Act on Damages Awarded in the Event of Accidents and Illness of Persons Related to Service in the Police Service of 16 December 1972 (Journal of Laws No. 53, item 345, as amend).

#### **Art. 78**

1. Officers are provided with firearms and equipment required to perform their official duties, free of charge.
2. The Head of the CBA shall define, by way of a regulation, the norms of the equipment and firearms as well as the detailed principles of access to equipment and firearms, their allocation and use.

#### **Art. 79**

1. An officer shall be entitled to a Police pension after 15 years of service.
2. An officer who became disabled shall be entitled to a Police disability pension.
3. Members of the family of deceased officers shall be entitled to a Police family allowance.
4. The provisions of the Act on Retirement Benefits for Officers of the Police, Internal Security Agency, Foreign Intelligence Agency, Central Anti-Corruption Bureau, Border Guard, Government Protection Bureau, State Fire Department and the Penitentiary Service and Their Families of 18 February 1994 shall be used for allowances referred to in sections 1-3 (Journal of Laws of 2004 No. 8, item 67as amended).

#### **Art. 80**

1. If an officer dismissed from service does not fulfil the requirements to obtain the entitlement to a Police pension or a Police disability pension, from the emoluments paid to the officer after 31 December 1998 to the date of dismissal from service, from which contributions towards old-age pension and disability pension insurance were not deducted, contributions for the period stipulated in the Act on the Social Insurance System of 13 October 1998 shall be transferred to the Social Insurance Institution (Journal of Laws No. 137, item 887, as amended).
2. Emoluments, constituting the base for the calculation of the amount of contributions towards old-age pension and disability pension insurance referred to in section 1, means the basic emolument, additional benefits as well as annual and discretionary bonuses, calculated in compliance with Art. 110 of the Act referred in section 1.
3. The contributions are also transferred in the event where an officer fulfils only the requirements to acquire the entitlement to a Police disability pension. The transfer of the contributions takes place upon the officer's application.
4. The contributions are subject to indexation by contribution indexation ratio calculated on the basis of the Act on Pensions from the Social Insurance Fund of 17 December 1998 (Journal of Laws of 2004 No. 39, item 353, as amended).
5. When calculating the amount of the contributions due, indexed on the basis of section 4, the provisions of Art. 19 section 1 and Art. 22 section 1 items 1 and 2 of the Act referred to in section 1, apply accordingly.

6. The provisions of sections 1-5 also apply with respect to an officer if, after dismissal from service, despite fulfilling the requirements to receive a Police pension, has applied for pension due to being subject to social insurance.
7. In the case referred to in sections 3 and 6, the amount of the due and indexed contributions is transferred without delay on the basis of a notification from the Social Insurance Institution on the acquiring by an officer of the right to an old-age or disability pension prescribed in the provisions referred to in section 4.
8. The amount of due and indexed contributions constitutes revenues of the Social Insurance Fund.
9. The Prime Minister shall define, by way of an ordinance, the manner and time limits for transferring the contributions referred to in sections 1, 3, 4 and 7, to the Social Insurance Institution, as well as competent units, taking into consideration the necessity of ensuring a proper and immediate performance of the activities connected with the transfer of these contributions.

#### **Art. 81**

1. The term of an officer's service is treated as work performed in special conditions or work of a special nature within the meaning of the Act on Pensions from the Social Insurance Fund of 17 December 1998.
2. If, after dismissal from service in the CBA an officer took up work, the period of such service shall count towards the term of employment within the scope of all and any entitlements under the labour law.

#### **Art. 82**

An officer is entitled to employee rights relating to parenthood, set forth in chapter VIII of the Act of 26 June 1974 – The Labour Code (Journal of Laws of 1998 No. 98, item 24, as amended), unless the provisions of this Act provide otherwise.

#### **Art. 83**

The Prime Minister shall define, by way of an ordinance, the course of service of officers. The ordinance should define:

- 1) the detailed conditions and manner of settling matters, including personal matters of officers, the commencement of employment, termination or expiry of the service relationship, and the appointment, transfer, removal and dismissal from official positions;
- 2) the manner of excusing absences from service;
- 3) the types of information an officer is obliged to provide due to the course of his/her service.

#### **Art. 84**

1. An officer is entitled to an annual paid leave of 28 working days.
2. An officer acquires the right to his/her first leave after the end of 6 months of service, in the amount equal to one-half of the amount of leave he/she is entitled to after a year of service.

3. An officer acquires the right to leave in the full amount after one year of service. The leave referred to in section 2 is included in such leave.
4. An officer acquires the right to subsequent leaves in each consecutive calendar year.
5. The periods of previous employment and service, regardless of breaks in employment and service or the manner of the dissolution of the employment relationship or the service relationship, are included in the length of service to which the leave entitlement subjected.
6. Working days mean the days from Monday to Friday, excluding statutory holidays.

#### **Art. 85**

1. An officer performing service in conditions that are particularly onerous or hazardous to health or where it is justified by the specific nature of the service, may be granted an additional paid leave of up to 7 working days annually.
2. An officer who obtained permission for further education or higher studies and who continues learning or studying, as well as an officer who obtained permission to take up doctoral or post-doctoral degree studies, and for undertaking training for legal advisers or a legislators, is granted a paid training leave of:
  - 1) 7 days to prepare for and take an entrance examination,
  - 2) in higher schools, 21 days in each academic year,
  - 3) for officers studying in post-high school colleges and post-graduate programmes – 14 days in order to prepare for and take the final examination,
  - 4) in order to prepare for a doctoral examination and to defend his/her doctoral dissertation or to prepare for the colloquium as well as post-doctoral lecture – 28 days,
  - 5) in order to prepare for and take the examination for legal advisers – 30 days,
  - 6) in order to prepare for and take an examination after finishing training for legislators – 14 days.
3. An officer in permanent service, upon a written application justified by important personal matters, may be granted an unpaid leave of up to 6 months.
4. An officer is granted a paid compassionate leave in order to enter into marriage, in the event of the birth of a child, the marriage of an officer's own child as well as adopted child, child-in-law, a child adopted into custody in a foster family, as well as due to the death of a spouse, child, parents, siblings, parents-in-law, grandparents and guardians or any other person who is dependent of the officer or under his/her direct care. An officer may also be granted a compassionate leave in order to settle important personal matters or in other cases deserving special consideration. A compassionate leave is granted for up to 5 days.
5. The Prime Minister shall define, by way of an ordinance, the types of positions which are exposed to conditions that are onerous or hazardous to health as well as the types of other positions in which officers are entitled to the additional leave referred to in section 1 or, where it is justified by the specific nature of tasks, taking into consideration the specific nature of service.

#### **Art. 86**

1. An officer seconded to perform service outside of the CBA shall be entitled to only one leave, of more advantageous duration.

2. The leave, resulting from the difference in the length of the leave entitlement, and which is unused during the period of an officer's secondment is granted after the officer's return from the secondment.

#### **Art. 87**

1. The Prime Minister shall define, by way of an ordinance, the conditions and manner of granting the leaves, referred to in articles 84 and 85 sections 1-4, taking into consideration:
  - 1) the superiors in charge of leaves;
  - 2) the conditions of granting paid training and compassionate leave;
  - 3) the conditions of granting an unpaid leave to an officer;
  - 4) the manner of calculating the cash equivalent for unused holiday entitlement as well as the manner of calculating the remuneration for the duration of paid leave.
2. The ordinance should take into consideration an officer's right to rest as well as the assurance of the continuity and efficiency of the performance of tasks.

#### **Art. 88**

An officer obtaining outstanding results in the course of service may be awarded the following distinctions by the Head of the CBA:

- 1) a short-term leave of up to 7 working days;
- 2) a financial or material award;
- 3) promotion to a higher official position;
- 4) nomination for a medal or decoration award.

#### **Art. 89**

1. The right to emolument arises on the day of appointment, entrusting the duties or the nomination for the official position.
2. For the performance of service an officer receives one emolument and other pecuniary benefits.
3. The emoluments consist of basic salary and bonuses and the special allowance if granted.
4. An officer receives a bonus of up to 30% of the basic emolument, however, not less than 1%.
5. The average emolument of an officer constitutes a multiple of the base amount, which is set forth in the Budget Act according to separate provisions.
6. The Council of Ministers shall define, by way of an ordinance, the multiple of the base amount referred to in section 5, however, it shall not be lower than 3.5 times of the base amount, taking into consideration the specific nature and conditions of the service performed.
7. The emolument is payable monthly in advance.

#### **Art. 90**

1. The Prime Minister shall define, by way of a regulation, the rates of the basic emolument for officers on the particular official positions as well as the increase in the



basic emolument due to the length of service, taking into consideration the manner and deadlines of their payment.

3. The Prime Minister shall define, by way of an ordinance, the conditions and manner of calculating the lengths of service and work, taken into account in the determination of the increase in emolument, with consideration for the periods of other service treated as equal to the service in the CBA, the lengths of employment and other periods, which on the basis of separate provisions are included in the length of service.

#### **Art. 91**

1. Claims concerning the right to emolument, benefits and other financial receivables shall be barred after a lapse of 3 years from the date of the claim becoming due and payable.
2. The body competent to settle claims may not respect the time bar if the delay in the pursuit of the claim is justified by unique circumstances.
3. The process of the time limitation of claims concerning emolument and other benefits or financial receivables is interrupted by:
  - 1) each activity before the Head of the CBA or head of an organisational unit of the CBA, undertaken directly in order to investigate or settle or satisfy the claim;
  - 2) acknowledgement of the claim.

#### **Art. 92**

1. An officer is entitled to the following financial benefits:
  - 1) travel allowances and benefits due to the officer's transfer or secondment to temporarily serve in another location;
  - 2) allowances related to dismissal from service;
2. In the event of the death of an officer or a member of his/her family:
  - 1) funeral allowance;
  - 2) death severance pay.

#### **Art. 93**

1. An officer may be granted annual and discretionary awards, financial aid as well a housing allowance.
2. The Head of the CBA shall define, by way of a regulation, the amount of the award, financial aid and housing allowance fund, determining, at the same time, the amount of financial means designated for annual and discretionary awards, financial aid, and housing allowances as well as the conditions for increasing the fund for discretionary awards, financial aid and housing allowance.

#### **Art. 93a**

1. The officer performing service in a calendar year acquires the right to an annual award in the amount of a monthly emolument to which they are entitled on 31

December or on the last day of service in the calendar year for which the annual award is granted.

2. The officer who performed service for a part of the calendar year is granted an annual award proportionally to the number of full calendar months of service in the year for which the emolument was due.
3. Periods of service shorter than a calendar year are summed up, assuming that each 30 day period of service constitutes a full calendar month.
4. An annual award which is due to a deceased officer is disbursed to the family members who are entitled to a police dependents' pension.
5. The following periods are not calculated into the period of service to which the amount of the annual award is subjected:
  - 1) unpaid leave;
  - 2) periods referred to in art. 105, for which the officer is not entitled to emolument;
  - 3) suspension in official activities and temporary arrest unless the proceedings which were the grounds for the suspension or temporary arrest were discontinued or they resulted in the acquittal of the officer.
6. An annual award is reduced, not more than 50% of its amount set forth in section 1, in the following events:
  - 1) conditional discontinuance of the penal proceedings conducted against an officer or the renouncement of inflicting a punishment by court;
  - 2) inflicting a reprimand against an officer;
  - 3) a judgement in force against an officer for unintentional perpetration of a crime prosecuted by public indictment or for a fiscal crime.
7. In the events referred to in section 6, when establishing the amount of the annual award, the head of the organisational unit takes into consideration the nature of the perpetrated act or offence, its results and type as well as previous service performance.
8. An annual award is not granted in the events of:
  - 1) a judgement in force against an officer for intentional perpetration of a crime prosecuted by public indictment or for a fiscal crime;
  - 2) inflicting against an officer a disciplinary penalty of:
    - removal from service,
    - assignment to a lower position,
    - warning of insufficient aptitude for service on the occupied position;
  - 3) a removal from service under art. 64 section 1 item 2, 4 or 5, or art. 64 section 2 item 1.
9. The reduction or deprivation of the entitlement to an annual award relates to the calendar year in which an officer perpetrated the act being the subject-matter of penal proceedings, penal fiscal proceedings or disciplinary proceedings, and in the event of the award disbursement – for the year in which the proceedings were accomplished by a final court ruling.
10. An annual award is disbursed within the first three calendar months following the year for which the annual award is due, except for an annual award due to an officer's dismissal from service as well as an annual award due to a deceased officer, which is disbursed without delay, after stating the expiry of the official relationship.

### **Art. 93b**

1. An officer may be granted a discretionary award for significant achievements, performing official tasks in exceptionally difficult conditions or requiring a considerable amount of labour, involvement and responsibility, as well as for the officer's courage.
2. The amount of the discretionary award should be proportional to the conditions justifying its granting.
3. The discretionary award shall be granted by the Head of the CBA.

### **Art. 93c.**

1. In the case of random events causing the worsening of an officer and their family's material situation, the officer may be granted an allowance aid. All circumstances having impact on the material situation are considered when determining the amount of the allowance aid.
2. In the event of an officer's decease, the allowance aid may be granted to the family members who are entitled to a police dependents' pension.
3. The discretionary award shall be granted by the Head of the CBA.

### **93d.**

1. An officer shall be granted, by way of decision, a rent rebate if it is justified by the needs of the CBA as well as if:
  - 1) the officer himself/herself, or a person remaining in common household with them, does not possess a flat or a house at the place of service or in the vicinity;
  - 2) the officer moved to perform service in another locality in which himself/herself, or a person remaining in common household with them, do not possess a flat or a house;
  - 3) the officer was moved to perform service to another locality and was not accommodated at the expense of the CBA.
2. A locality in the vicinity is a locality to which the time of return commuting by public means of transport envisaged in the timetable, including changes, does not exceed two hours, counting from the station (stop) nearest to the place of performing the service to the nearest station (stop) in the locality of residence, excluding the time to reach the station (stop) within the bounds of the locality from which the officer commutes and in which he/she performs service.
3. An officer is not granted a rent rebate if:
  - 1) the officer's spouse or a person remaining in common household, performing service in the CBA, obtain a rent rebate for a flat or house in the same locality;
  - 2) the officer or the persons referred to in section 1 possess, including a locality different than the one referred to in section 1 item, a flat or a house and obtain income from its rental;
  - 3) obtaining a rent rebate in the period preceding the application filing, in the event of the change of the actual condition having impact on the entitlement to the rent rebate or its amount, the officer did not fulfil the obligation to notify the Head of the CBA of the fact.
4. The rent rebate shall be granted upon the officer's application, which includes:

- 1) justification;
  - 2) documents acknowledging the legal title to the flat or house;
  - 3) a declaration that the circumstances referred to in section 3 do not occur;
  - 4) a commitment to notify the Head of the CBA, in writing, without delay, of each change which has impact on the entitlement to the rent rebate or its amount.
5. The Head of the CBA grants a rent rebate for the rental period, however not longer than one year, provided the circumstances justifying its granting remain unchanged throughout the entire period.
  6. The rent rebate may be granted to the amount resulting from the documents presented, taking into consideration the officer's family and financial situation as well as the average market rental prices at the place of service, on the day of the rent rebate granting.
  7. The disbursement of the rent rebate is discontinued in the event of non-fulfilment of the circumstances justifying its granting.

#### **Art. 94**

1. The allowances referred to in art. 92 section 1 item 1 are:
  - 1) a daily allowance constituting a cash equivalent to cover the costs of sustenance during business trip;
  - 2) the reimbursement of the costs of transportation on the route from the permanent location of performing service to the destination of the business trip as well as accommodation or a lump-sum for accommodation;
  - 3) daily allowances for the time of travel and the first 24 hours of stay in the new location where service is performed;
  - 4) the reimbursement of the costs of transportation to the location to which an officer is transferred or delegated;
  - 5) a settlement allowance due to the transfer to perform service in another venue.
2. The Prime Minister shall define, by way of an ordinance, the amount and procedure of the granting of the performances referred to in section 1, as well as the manner of their payment, taking into consideration the nature of the tasks performed by an officer travelling on business or transferred or delegated to perform service in another location as well as the difference of the costs of subsistence.

#### **Art. 95**

1. On the basis of court or administrative execution titles as well on the basis of special regulations, deductions may be made from officers' emoluments – on the principles set forth in the regulations on court executions or executive proceedings in administration or in other special regulations.
2. The Prime Minister shall define, by way of an ordinance, the dates of payment of the emolument and other pecuniary allowances as well as the competence and procedure of payment of pecuniary allowances as well as the making of deductions from such receivables, taking into consideration the form of the payment of the pecuniary allowances and the maximum delay period allowed in their payment.

#### **Art. 96**

1. An officer dismissed from service under art. 58 section 3, art. 61 section 4 and art. 64 section 1 items 1 and 7, section 2 items 1 and 4 and section 3, receives:
  - 1) severance pay;
  - 2) a pecuniary equivalent for leave not used in the year of dismissal from service as well as for the outstanding leave.
2. An officer dismissed from service under Art. 64 section 1 item 3 exclusively receives the pecuniary equivalent for leave not used in the years preceding the year of dismissal from service.

#### **Art. 97**

1. The amount of the severance pay for officers in permanent service is equal to six months' emolument on the last occupied official position or on the last day of gardening leave. The severance pay is increased by 20% of the emolument for each consecutive full year of service beyond 5 years of continuous service, up to the amount of eight months' emolument. A period of service exceeding 6 months counts as a full year.
2. The amount of the severance pay for an officer in preparatory service is equal to a one month's emolument due on the last official position or on the last day of gardening leave.

#### **Art. 98**

1. In the event of the death of an officer, his/her surviving family is entitled to a death severance pay in the amount equal to the amount of severance pay the officer would have been entitled to in the event of a dismissal from service
2. In the event of an officer's death in connection with his/her service, his/her surviving family is entitled to a pecuniary allowance in the amount of the dependents' double pension, paid monthly from the State budget part at the disposal of the CBA.
3. The allowances referred to in sections 1 and 2 are due to the spouse of the officer who remained with them in a marriage, and in the next order to children and parents if on the day of the officer's death they fulfilled the requirements to receive a dependents' pension under the provisions on the retirement benefits for officers of the Police, Internal Security Agency, Foreign Intelligence Agency, Central Anti-Corruption Bureau, Border Guard, Government Protection Bureau, State Fire Department, and Penitentiary Service and their families.
4. The provisions of sections 1 and 2 also apply to officers who have been missing. The fact that an officer has been missing and the connection of the disappearance to service shall be stated by the Head of the CBA.

#### **Art. 99**

1. An officer in permanent service, dismissed from service under Art. 64 section 1 item 1, shall be paid monthly, for a period of one year after his/her dismissal from service, a pecuniary allowance in the amount equal to the emolument due to them on the last official position or on the last day of remaining at the disposal of the Head of the CBA.

2. An officer entitled to the performance referred to in section 1, who acquired the entitlement to pension, is entitled to choose one of these allowances.
3. An officer dismissed from service under Art. 64 section 4 item 4, who due to a continuing illness cannot undertake employment, is paid a monthly pecuniary allowance set forth in section 1 for the duration of the illness, however, no longer than for 3 months, unless previously the relevant medical commission has issued a certificate of disability constituting the grounds for establishing the right to a disability pension.

#### **Art. 100**

1. In the event of the death of an officer, regardless of the death severance pay, referred to in Art. 98 section 1, a funeral allowance is paid in the amount of:
  - 1) three months' emolument due on the last official position or on the last day of gardening leave if the funeral costs are incurred by the spouse, children, grandchildren, siblings or parents;
  - 2) the costs actually incurred, however not exceeding the amount referred to in item 1 if another person incurs the funeral costs.
2. Where the death of an officer resulted from an accident remaining in connection to service, the funeral costs are covered from the resources of the CBA. The Head of the CBA may express consent to cover the costs of the funeral of an officer who died of an illness remaining in connection to the service.

#### **Art. 101**

1. In the event of the death of a family member, an officer is entitled to a funeral allowance in the amount of:
  - 1) two months' emolument due on the last official position or on the last day of garden leave – if the funeral costs are incurred by the officer;
  - 2) the costs actually incurred, however not exceeding the costs referred to in item 1 if another person incurs the funeral costs.
2. The funeral allowance referred to in section 1 is due in the event of the death of the following members of an officer's family:
  - 1) spouse;
  - 2) own children or the spouse's children as well as adopted children;
  - 3) children raised within a foster family;
  - 4) children accepted for upbringing before becoming of age if their parents are deceased or are unable to assure their maintenance or are deprived of or limited in their parental rights;
  - 5) an officer's parents as well as an officer's step-father, step-mother and foster carers;
  - 6) persons for whom the officer or the officer's spouse were appointed a legal guardian.
3. In the event of the concurrence of the entitlement to a funeral allowance referred to in section 1 and the entitlement to a funeral allowance pursuant to separate regulations, an officer is entitled to the allowance in the higher amount and, if he/she has collected the lower allowance – to the corresponding compensation.

#### **Art. 102**

In the event of an illness, leave, exemption from official activities as well in the period of remaining at the disposal of the Head of the CBA, an officer receives emolument and other pecuniary benefits due to them on the last official position taking into consideration the changes which have arisen in this period affecting the right to the emolument and other pecuniary performances or the amount thereof.

#### **Art. 103**

1. If an officer is suspended in his/her duties, 50% of his/her last due emolument is suspended from the nearest payment date.
2. In the event of waiver of suspension in official duties, an officer receives the suspended part of the emolument as well as the obligatory increases in this emolument during the period of suspension unless the officer was dismissed from service due to conviction by a final court ruling or punished with a disciplinary penalty of removal from service.

#### **Art. 104**

1. If an officer is temporarily arrested, 70% of his/her last due emolument is suspended from the nearest payment date.
2. In the event of a discontinuance of criminal proceedings or an acquittal by a final court ruling, an officer receives the suspended part of the emolument as well the obligatory increase in the emolument introduced during the period of suspension, even if the discontinuance or acquittal took place after the dismissal of the officer from service.
3. The provision of section 2 does not apply in the event when the criminal proceedings were discontinued due to the statute of limitations or amnesty as well as in the event of a conditional discontinuance of the criminal proceedings.

#### **Art. 105**

1. The emolument of an officer who arbitrarily abandons the location of service or remains outside of it or does not undertake service is suspended from the nearest date of payment. If an officer has already received the emolument for the period of unjustified absence, the relevant part of emolument is deducted from the nearest payment.
2. Where the absence is acknowledged justified, an officer is paid the suspended emolument; in the event of an unjustified absence, 1/30 of the monthly emolument is deducted for each day of absence.
3. The provisions of sections 1 and 2 apply in the event of wrongful failure to perform official duties by an officer.
4. An officer who begins an unpaid leave in the course of a calendar year is entitled to emolument in the amount of 1/30 of the monthly emolument for each day preceding the date of the commencement of the unpaid leave. If an officer has already collected his/her emolument for the period of an unpaid leave, the relevant part of the emolument is deducted from the nearest payment.

## **Chapter 7**

### **Disciplinary liability of the officers of the Central Anti-Corruption Bureau**

#### **Art. 106**

Regardless of criminal liability, an officer bears disciplinary liability for perpetrated crimes and offences.

#### **Art. 107**

1. An officer is subject to disciplinary liability for an infringement of official discipline as well as in other cases set forth in the Act.
2. The following events constitute an infringement of official discipline:
  - 1) a refusal to perform or non-performance of a superior's order, or an order of a body authorised to issue orders to officers of the CBA under the Act, excluding the orders referred to in Art. 71 section 2;
  - 2) failure to comply with duties or improper performance;
  - 3) non-performance of official duties or abuse of powers set forth in separate provisions of the law;
  - 4) misrepresentation of a superior or other officer if it lead to or might lead to a detriment to the service, an officer or other person;
  - 5) a superior's conduct contributing to relaxation of official discipline in the subordinate organisational unit of the CBA;
  - 6) appearance for service after consumption of alcohol or after consumption of any similarly acting substances, or the consumption of alcohol or use of similarly acting substances in the course of service or on the premises or in the area belonging to the CBA;
  - 7) the loss of service firearm, ammunition or an official ID card;
  - 8) the loss of an object constituting official equipment, the use of which by unauthorised persons resulted in damage being suffered by a citizen or created a threat to public order or public security;
  - 9) the loss of materials containing classified information;
  - 10) disclosure of information remaining in connection with the performance of official activities;

#### **Art. 108**

A disciplinary offence is culpable when an officer:

- 1) intends to perpetrate the offence, meaning that she/he wants to perpetrate it or, predicting the possibility of an offence being perpetrated, agrees to it;
- 2) without intending to perpetrate the offence, perpetrates the offence as a result of maintaining the necessary care required in particular circumstances despite the fact that he/she predicted such a possibility or could have and should have predicted it.



#### **Art. 109**

1. An officer is disciplinary liable if they perpetrate a disciplinary offence themselves or jointly with another person or in agreement with this person as well as in the event where they manage the perpetration of a disciplinary offence by another officer.
2. An officer is disciplinarily liable also in the event if he/she induces another officer to perpetrate a disciplinary offence or facilitates its perpetration.
3. The officers referred to in sections 1 and 2 are liable within the limits of their fault irrespective of the fault of the remaining persons.

#### **Art. 110**

1. The Head of the CBA holds disciplinary power over all officers.
2. The head of an organisational unit of the CBA, hereinafter referred to as a "disciplinary superior", holds disciplinary power over the officers performing service in the subordinate organisational unit.

#### **Art. 111**

1. Disciplinary proceedings may not be instituted after a lapse of 90 days of the date of the receipt by the superior, referred to in Art. 110 section 2, of a notice of the perpetration of an offence or breach of official discipline.
2. A disciplinary penalty cannot be imposed on an officer after the lapse of 1 year from the date of perpetration of an offence referred to in section 1.
3. If the act referred to in section 1 constitutes a criminal offence, at the same time, the disciplinary liability shall be barred until the lapse of the period of the punishability period of the offence.

#### **Art. 112**

A competent body notifies the Head of the CBA about the perpetration of an offence by an officer, including on the refusal to accept a ticket or default on payment of a fine imposed in the form of a ticket by default.

#### **Art. 113**

1. The following disciplinary penalties may be imposed on an officer:
  - 1) a reprimand;
  - 2) a warning of insufficient aptitude for service on the occupied position;
  - 3) demotion;
  - 4) removal from service.
2. An officer may also be administered an additional punishment in the form of a temporary loss of a bonus.

#### **Art. 114**

A reprimand entails reproaching the penalised officer with misconduct.

#### **Art. 115**

The penalty of a warning of insufficient aptitude for service on the occupied position entails reproaching the penalised officer with misconduct and warning them that in the event of re-perpetration of a disciplinary offence they may be demoted under disciplinary procedure or penalised with a more severe disciplinary penalty.

#### **Art. 116**

1. The penalty of demotion entails removal from the current official position and assignment to an official position lower than the one currently occupied.
2. Prior to the expunging of the penalty of demotion, an officer may be appointed to a higher official position.

#### **Art. 117**

The penalty of removal from service involves dismissal from service in the CBA.

#### **Art. 118**

1. For a perpetrated disciplinary offence only one disciplinary penalty shall be imposed.
2. For perpetrating several disciplinary offences one, more severe disciplinary penalty shall be imposed.

#### **Art. 119**

1. The imposed penalty should be proportional to the perpetrated disciplinary offence and to the degree of fault, and in particular it should relate to the circumstances of the perpetration of the disciplinary offence, its consequences, including the consequences for the service, type and degree of the breach of duties incumbent on the alleged offender, the motives for acting, the conduct of the alleged offender prior to and following the perpetration of the disciplinary offence as well as his/her service record.
2. The following circumstances of perpetration of a disciplinary offence shall have an aggravating influence on the penalty:
  - 1) acting out of motives deserving particular condemnation or after the consumption of alcohol or consumption of a similarly acting substance;
  - 2) perpetration of a disciplinary offence by an officer prior to the erasure of the disciplinary penalty imposed on them,
  - 3) serious consequences of the disciplinary offence, especially a serious interference with the performance of the CBA's tasks or damage to the reputation of the CBA;
  - 4) acting in the presence of a subordinate, jointly with them or to their detriment.
3. The following circumstances of perpetration of a disciplinary offence shall have a mitigating influence on the penalty:
  - 1) unintentional perpetration of an offence;
  - 2) undertaking of efforts by the officer to mitigate the consequences of the offence;
  - 3) the lack of sufficient professional experience or sufficient professional skills;

- 4) voluntary notification of the supervisor about the perpetration of the disciplinary offence prior to the institution of disciplinary proceedings.
4. While imposing a disciplinary penalty, the circumstances referred to in sections 1-3 shall be considered exclusively with respect to the officer to whom they pertain.

#### **Art. 120**

1. If a justified suspicion of the perpetration of a disciplinary offence by an officer arises, the disciplinary superior:
  - 1) institutes disciplinary proceedings:
    - a) at his/her own initiative,
    - b) on request of the direct superior of the officer,
    - c) on demand of court or a prosecutor;
  - 2) may initiate disciplinary proceedings on request of the injured party.
2. In the event referred to in section 1 item 1 letter c and item 2, court or a prosecutor or the injured party, respectively, is notified about the institution of disciplinary proceedings and the outcome of the proceedings by sending a copy of the ruling or decision. The evidence conveyed by court, prosecutor or the injured party shall be included in the files of the disciplinary proceedings.
3. If doubts arise with respect to the perpetration of a disciplinary offence, its legal qualification or the identification of the perpetrator, prior to the institution of the proceedings, the disciplinary superior orders explanatory activities to be conducted. The activities shall be completed within 30 days.
4. Disciplinary proceedings shall be instituted on the day of the issuance of the decision on the institution of disciplinary proceedings. An officer against whom the institution of disciplinary proceedings is issued is deemed charged on inquisition
5. The decision on the institution of disciplinary proceedings shall include:
  - 1) the indication of the disciplinary superior;
  - 2) the date of the issuance of the decision;
  - 3) the first name, surname and the official position of the charged officer;
  - 4) the description of the disciplinary offence with which the charged officer is charged along with its legal qualification;
  - 5) an actual justification of the alleged disciplinary offence;
  - 6) the indication of the disciplinary ombudsman conducting the proceedings;
  - 7) the signature with the first name and surname of the disciplinary superior;
  - 8) an instruction on the charged officer's rights in the course of disciplinary proceedings.

#### **Art. 121**

1. Disciplinary proceedings shall not be initiated, and instituted proceedings shall be discontinued:
  - 1) where the explanatory activities have not confirmed the occurrence of the disciplinary offence;
  - 2) after the lapse of the time limits set forth in Art. 111 sections 2 and 3;
  - 3) in the event of the death of the officer;
  - 4) where a final disciplinary ruling has been issued in the same matter or where disciplinary proceedings are in progress.

2. The decision on the refusal to institute disciplinary proceedings as well as on the discontinuation of disciplinary proceedings shall be delivered to the injured party if he/she/it lodged a request to institute disciplinary proceedings. The injured party may file a complaint or lodge an appeal with the Head of the CBA against the decision on the refusal to institute disciplinary proceedings or discontinuation of disciplinary proceedings, respectively, within 7 days of the date of their receipt.

#### **Art. 122**

1. Disciplinary proceedings as well as the explanatory activities referred to in Art. 120 section 3 shall be conducted by a disciplinary ombudsman.
2. The Head of the CBA appoints in each organisational unit of the CBA, on request of disciplinary superiors, disciplinary ombudsmen for a period of 4 years, from among the officers in permanent service.
3. The disciplinary ombudsman shall be recalled in the event of:
  - 1) the occurrence of circumstances which constitute the grounds for his/her dismissal from service in the CBA;
  - 2) legitimate punishment with a disciplinary penalty.
4. The disciplinary ombudsman, upon the consent of the Head of the CBA, may seek the aid of another disciplinary ombudsman, in the course of conducting supporting activities.
5. The disciplinary ombudsman or the disciplinary superior is subject to exclusion from participation in disciplinary proceedings where:
  - 1) the matter relates directly to them;
  - 2) he/she is a spouse, relative or relative by affinity of the charged officer or person injured by them within the meaning of the provisions of the Code of Penal Procedure;
  - 3) was a witness to the offence;
  - 4) the ombudsman is in a personal relationship with the charged officer or the person injured by the charged officer, which may evoke doubts with respect to his/her impartiality.
6. The disciplinary ombudsman or the disciplinary superior may be excluded from participation in disciplinary proceedings also on the grounds of other justified reasons.
7. The Head of the CBA is notified without delay by the disciplinary ombudsman or disciplinary superior about the circumstances justifying the exclusion from participation in disciplinary proceedings.
8. The exemption of the disciplinary ombudsman or the disciplinary superior from participation in disciplinary proceedings may occur also on request of the charged officer or his/her defence counsel, if appointed.
9. The Head of the CBA issues a decision on the exclusion or refusal to exclude the disciplinary ombudsman or disciplinary superior from participation in disciplinary proceedings.

#### **Art. 123**

1. In the event of the exemption of the disciplinary superior from participation in disciplinary proceedings, under Art. 122 sections 5 and 6, the disciplinary proceedings shall be intercepted by the Head of the CBA.

2. In the event of the occurrence of the circumstances referred to in Art. 122 sections 5 and 6 with respect to the Head of the CBA, the disciplinary proceedings shall be intercepted by one of his deputies.
3. In the event of the exemption of the disciplinary ombudsman from participation in disciplinary proceedings under Art. 122 sections 5 and 6, the disciplinary proceedings shall be intercepted by another appointed disciplinary ombudsman.
4. Until the Head of the CBA issues a decision on exclusion, the disciplinary ombudsman conducts exclusively urgent activities.

#### **Art. 124**

1. The disciplinary ombudsman gathers evidence and undertakes activities necessary to clarify the matter. In particular, he/she interviews witnesses, the charged officer, accepts explanations from the charged officer, conducts inspection. The disciplinary ombudsman draws up a protocol of such activities. The disciplinary ombudsman may also order the conduct of relevant tests.
2. A protocol is drawn up of activities other than those stipulated in section 1 where it is required by a special provision or is deemed necessary by the disciplinary superior or the disciplinary ombudsman. Otherwise, an official note may be drawn up.
3. The protocol shall contain:
  - 1) an indication of the activity, its time and place, the participants or persons present as well as the nature of their participation;
  - 2) the description of the course of the activity;
  - 3) as required:
    - a) a statement on the determination of other circumstances concerning the course of the activity,
    - b) statements and conclusions of the participants of the activity,
    - c) instructions on rights and obligations.
4. Explanations, testimonies, statements and conclusions as well as determinations as to the occurrence of specific circumstances by the disciplinary ombudsman or the head of an organisational unit of the CBA, referred to in section 8, shall be recorded in the protocol as accurately as possible and the participants of the activity have the right to request that everything that concerns their rights and interests is recorded in the protocol with full accuracy.
5. The participants in the activity, for which a protocol is drawn up, as well as the persons present, having familiarised themselves with the content of the protocol, sign each of its pages. Refusal to familiarise oneself with the content of the protocol as well as refusal or lack of the signature of any person shall be recorded in the protocol.
6. In the course of proceedings, the disciplinary ombudsman issues decisions if their issuance is not restricted to the competence of the disciplinary superior.
7. A decision issued in the course of proceedings, except for the decision on the initiation of disciplinary proceedings, shall contain:
  - 1) the indication of the disciplinary ombudsman or of the disciplinary superior issuing the decision;
  - 2) the date of the issuance of the decision;
  - 3) the legal grounds for issuing the decision;
  - 4) the first name, surname and the official position of the charged officer;
  - 5) the outcome;

- 6) the actual and legal justification;
  - 7) an instruction on whether an appeal is possible and under what procedure;
  - 8) the signature including the first name and the surname of the person issuing the decision.
8. Where necessary to conduct the activities outside of the location where the disciplinary proceedings are carried out, the disciplinary superior may submit a request to the head of the organisational unit of the CBA, who is in charge at the place of carrying out of the activities, to conduct the activities.
  9. Where the activity constituting the subject-matter of disciplinary proceedings is or was the subject of other proceedings, including pre-trial proceedings, the disciplinary superior may submit a request to the competent body to provide access to the files of such proceedings in entirety or in part. Upon the consent of the body, the required copies of and extracts from the accessible files shall be included in the files of the disciplinary proceedings.
  10. Where justified with the gathered evidence, the disciplinary superior issues a decision on the alteration or supplementation of the charges.

#### **Art. 125**

1. In the course of disciplinary proceedings, the charged officer is entitled to:
  - 1) submit explanations;
  - 2) refuse to submit explanations;
  - 3) submit motions as to evidence;
  - 4) review the files of the disciplinary proceedings as well as to make notes from the files;
  - 5) appoint a defence counsel, including one from among the officers;
  - 6) lodge complaints with the disciplinary superior on the decision issued in the course of proceedings by the disciplinary ombudsman, within 3 days of the date of its receipt and in the events set forth in the Act; the charged officer is entitled to submit a complaint against the decisions issued by the disciplinary superior to the Head of the CBA.
2. The disciplinary ombudsman may, by way of a decision, refuse to provide access to the files if the interests of the disciplinary proceedings justify this. The decision may be appealed.
3. The appointment of a defence counsel, if not constrained, entitles them to act in the course of the entire disciplinary proceedings, including the activities following the ruling becoming final. The charged officer shall immediately notify the defence counsel and the disciplinary ombudsman about the alteration of the scope of the power of attorney to act in the disciplinary proceedings or of its withdrawal.
4. The defence counsel shall not undertake any activities to the disadvantage of the charged officer. He/she may resign from representing the charged officer in the course of disciplinary proceedings, notifying the charged officer and the disciplinary ombudsman of this. Until the appointment of a new defence counsel, however not longer than 14 days of the date of the notification of the charged officer, the defence counsel is obliged to undertake the necessary decisions.
5. The participation of the defence counsel in disciplinary proceedings does not exclude the personal participation of the charged officer.

6. Rulings, decisions, notifications and other documents issued in the course of disciplinary proceedings shall be served on the charged officer and the counsel, if appointed. In the event of submitting the document, against which an appeal or complaint may be lodged, to the charged officer and the counsel on different dates, the time limit to submit an appeal or a complaint runs from the earlier date of service of the document.
7. The charged officer submits a motion as to evidence in writing to the disciplinary ombudsman who decides about the acceptance or rejection of the motion, by way of a decision, if:
  - 1) the event which is to be proven is irrelevant to the outcome of the matter or it is already proven as alleged by the applicant;
  - 2) the evidence is not useful for the confirmation of the event or the examination of the evidence is not possible;
  - 3) the examination of evidence breaches the law.
8. The decision on the rejection of the motion as to evidence may be appealed.
9. Unjustified absence in service of the charged officer, the dismissal of the charged officer from official activities due to his/her illness as well as unjustified failure to appear on request of the disciplinary ombudsman does not suspend the conduct of disciplinary proceedings, and the activities, in which the participation of the charged officer is envisaged, are not conducted or are conducted in the place of his/her stay.
10. Participation in the gathering of evidence as well as the familiarisation with the files of the disciplinary proceedings of the charged officer who was released from official activities due to illness requires the permission of a doctor who stated the charged officer's temporary incapability to perform service. In the event of the impossibility to establish contact with the doctor or in the event of a change of the doctor, such permission may be issued by a doctor who is currently treating the charged officer, and subsequently, by a doctor of the same specialisation.

#### **Art. 126**

1. The disciplinary superior and the disciplinary ombudsman are obliged to examine and to consider the circumstances both in favour of and to the disadvantage of the charged officer.
2. A charged officer is deemed innocent until proven guilty and until his/her guilt is confirmed by a final ruling. Doubts that cannot be removed shall be settled to the advantage of the charged officer.

#### **Art. 127**

1. The supporting activities in the course of disciplinary proceedings should be finalised within one month of the date of the institution of the proceedings. The disciplinary superior, by way of a decision, may prolong the term of conduct of supporting activities up to 2 months.
2. By way of a decision, the Head of the CBA may prolong the term of conduct of supporting activities for a period longer than 2 months.
3. The disciplinary superior may suspend disciplinary proceedings due to the occurrence of a long-term obstacle that prevents the conduct of the proceedings. A complaint against the decision to suspend disciplinary proceedings may be lodged within 7 days

of the delivery of the decision. Where disciplinary proceedings were instituted on request of the injured party, a complaint may also be lodged by the injured party.

4. The disciplinary superior issues decisions on the institution of suspended disciplinary proceedings after the cessation of the obstacle referred to in section 3.

#### **Art. 128**

1. After the conduct of supporting activities and assuming all material circumstances of the case explained, the disciplinary ombudsman familiarises the charged officer with the files of the disciplinary proceedings.
2. A defence counsel may familiarise herself/himself with the files of disciplinary proceedings referred to in section 1, not later than by the date on which the charged officer is familiarised with the files.
3. The activity of familiarisation with the files of disciplinary proceedings shall be confirmed in a protocol.
4. The refusal to familiarise oneself with the files of the proceedings or to sign in confirmation of the refusal shall not withhold the proceedings. The disciplinary ombudsman makes a reference about such refusal in the files of the proceedings.
5. Within 3 days of the date of familiarisation with the files of disciplinary proceedings, the charged officer shall be entitled to submit a request to have the files supplemented. The charged officer shall be entitled to lodge a complaint against the decision on the refusal to supplement the files of disciplinary proceedings issued by the disciplinary ombudsman.
6. Within 3 days of the date of familiarisation with the supplemented files of disciplinary proceedings, the charged officer is entitled to submit a request to have the files supplemented in the scope resulting from the supporting activities, which supplement the files of the proceedings.
7. The disciplinary ombudsman, after familiarisation of the charged officer with the files of the disciplinary proceedings, issues a decision on ending of the supporting activities and draws up a report, which:
  - 1) indicates the person conducting the proceedings and the disciplinary ombudsman who issued the decision on the institution of disciplinary proceedings;
  - 2) indicates the charged officer and defines the disciplinary charges against her/him along with the description of the actual situation established on the basis of the evidence gathered;
  - 3) presents conclusions concerning the acquittal, renouncement of inflicting a punishment or imposition of a penalty or discontinuance of the proceedings.

#### **Art. 129**

1. On the basis of the assessment of the evidence gathered in the course of disciplinary proceedings, the disciplinary ombudsman issues a ruling on:
  - 1) an acquittal, or
  - 2) a renouncement of punishment, or
  - 3) a penalty, or
  - 4) a discontinuance of proceedings.
2. The ruling should contain:
  - 1) the indication of the disciplinary superior;



- 2) the date of the ruling issuance;
  - 3) the first name and surname as well as the official position of the charged officer
  - 4) the description of the disciplinary charge imposed on the officer along with the legal qualification;
  - 5) the decision on an acquittal, determination of guilt and renouncement of infliction of a punishment or imposition of the disciplinary penalty or discontinuance of disciplinary proceedings;
  - 6) the actual and legal justification of the ruling;
  - 7) an instruction on the right to, time-limit for and procedure of submitting an appeal;
  - 8) the signature, including the first name and surname of the disciplinary superior, as well as the seal of the organisational unit of the CBA.
3. The disciplinary superior reverses the decision referred to in article 128 section 7 as well as remits the files to the disciplinary ombudsman for supplementation if he/she determines that not all circumstances of the case have been explained.
  4. The disciplinary superior discontinues disciplinary proceedings in the cases referred to in article 121 section 1 or when the proceedings are deemed groundless due to other reasons.
  5. The disciplinary superior may renounce inflicting the punishment if the degree of guilt or the degree of the harmfulness of the disciplinary offence is not significant in light of the service, and the competence and the personal skills of the officer as well as the course of his/her service justify the assumption that despite the renouncement of the infliction of the punishment the officer will observe the professional discipline as well as the rules of professional ethics.
  6. The ruling referred to in section 1 along with the justification shall be drawn up in writing not later than within 14 days from the date of the issuance of a decision on the completion of evidence-gathering activities.
  7. The ruling referred to in section 1 shall be served on the charged officer without delay.
  8. Where the disciplinary superior declares that a disciplinary penalty should be imposed to the administration of which he is not entitled, he/she shall send a request on the matter along with the files of the disciplinary proceedings to the Head of the CBA.
  9. In the event of an intention to impose the penalty of removal from service in the CBA, the Head of the CBA, prior to the issuance of the disciplinary ruling, shall call the charged officer in order to hear them. The disciplinary ombudsman participates in the hearing. The charged officer shall be served with a report within a period that enables them to familiarise themselves with it prior to the hearing.
  10. The provision of section 9 is not applicable in the event of:
    - 1) the temporary arrest of the charged officer;
    - 2) the refusal by the charged officer to appear or in the event of an unjustified absence;
    - 3) the occurrence of another obstacle which prevents the charged officer from making an appearance within 14 days of the date of the serving of the decision on the completion of the evidence-gathering activities.

### **Art. 130**

1. Disciplinary proceedings shall be carried out in two instances. The charged officer is entitled to appeal against the ruling issued in the first instance, within 7 days of the receipt the ruling.
2. An appeal shall be submitted to the Head of the CBA through the disciplinary superior who issued the ruling in the first instance.
3. The Head of the CBA refuses to accept the appeal, by way of a decision, where it is filed by an unauthorised person, after the time limit or where it is unacceptable. Such decision shall be final.
4. Where the ruling or decision in the first instance is issued by the Head of the CBA, an appeal or complaint cannot be lodged. However, the charged officer may, within the period referred to in section 1, submit a request to the Head of the CBA to re-examine the case; the provisions pertaining to appeals against rulings apply accordingly to the application.

### **Art. 131**

1. In the course of appeal proceedings, the case shall be examined on the basis of the actual facts established in the course of disciplinary proceedings. Where required for the proper rendering of a ruling, the Head of the CBA may supplement the evidence by ordering the disciplinary ombudsman to conduct supporting activities, defining their scope.
2. The disciplinary ombudsman familiarises the charged officer with the evidence gathered in the course of supporting activities referred to in section 1. Within 3 days of the date of familiarisation with the evidence, the charged officer is entitled to submit to the Head of the CBA the comments on the supporting activities.

### **Art. 132**

1. The head of the CBA, within 7 days of the appeal submittance, may appoint a committee for the examination of the appealed ruling, hereinafter referred to as the "committee".
2. The committee shall consist of three officers in permanent service.
3. The provisions of Art. 122 sections 5 and 6 apply respectively to the members of the committee.
4. The committee may hear the disciplinary ombudsman, the charged officer or the defence counsel.
5. The failure to appear of the duly notified: the disciplinary ombudsman, the charged officer or the defence counsel shall not suspend the examination of the case.
6. The committee may submit a request to a senior disciplinary superior to supplement the evidence under Art. 131 section 1.

### **Art. 133**

1. The committee shall draw up a report on the activities conducted as well as a motion relating to the manner of settling the appeal.

2. The committee presents the report, referred to in section 1, to the Head of the CBA within 21 days of the date of its appointment.
3. The Head of the CBA shall examine the appeal within 14 days of the date of its submission, and in the event of the appointment of a committee – within 7 days of the date of the receipt of the report referred to in section 1.
4. With respect to the appealed ruling, the Head of the CBA may:
  - 1) uphold it, or
  - 2) overturn it in whole or in part and acquit the charged officer in such scope, renounce the infliction of a punishment, or impose another penalty or, reversing such ruling – discontinue the disciplinary proceedings in the first instance, or
  - 3) overturn it in whole and remit the case for re-examination by the disciplinary superior, when the settlement of the case requires that the supporting activities be conducted in whole or in a significant part.
5. Appeal proceedings shall be discontinued in the event of the withdrawal of the appeal.
6. In appeal proceedings, the Head of the CBA shall not impose an exacerbated disciplinary penalty, unless the appealed ruling glaringly breaches the law or the interests of the service.

#### **Art. 134**

1. A ruling or a decision becomes final:
  - 1) upon the lapse of the time-limit set for an appeal or submission of a complaint, if it is not submitted;
  - 2) on the date of the issuance, by the appellate body, of a ruling or a decision terminating the proceedings.
2. The disciplinary superior, after the ruling or the decision becomes final, executes the imposed penalty without delay.
3. The superior in charge of personnel matters, after the ruling becomes final, shall execute, without delay, the penalty of a warning of insufficient aptitude for service on the occupied position
4. The superior referred to in section 3, after the ruling becomes final shall execute, without delay, the penalty of: assignment to a lower official position, removal from service by issuing a decision on, respectively: dismissal or removal of the charged officer from his/her occupied official position and assigning her/him to a lower official position or the dismissal of the punished officer from service.
5. A final ruling on the renouncement of infliction of a punishment or on a penalty as well as a final decision on renouncement of the initiation of disciplinary proceedings shall be included in the personal files of the officer.

#### **Art. 135**

1. In the scope not regulated in this Act, the provisions of the Act of 6 June 1997 – The Code of Penal Procedure, concerning summonses, time limits, service and witnesses, excluding the possibility of imposing penalties for breach of order as well as detention and submission of witnesses shall apply to disciplinary proceedings accordingly. In the course of disciplinary proceedings, the provisions of Art. 184 of the Act of 6 June 1997 – The Code of Penal Procedure, do not apply to witnesses.

2. The disciplinary ombudsman shall decide about the release from providing testimony or from replying to questions by a person remaining in a particularly close relationship with the charged officer. A refusal to release from providing testimony or reply to questions may be appealed against within 3 days of the date of the serving of the decision.

#### **Art. 136**

1. The erasion of the disciplinary penalty shall mean deeming the penalty non-existent.
2. Disciplinary penalties shall be erased after the lapse of:
  - 1) 6 months of the date of the final ruling imposing a penalty of a reprimand;
  - 2) 12 months of the date of the final ruling imposing a penalty of a warning of insufficient aptitude for service on the occupied position;
  - 3) 18 months of the date of the final ruling imposing the penalty of demotion.
3. In the event of an unimpeachable service, stated in an official opinion, the disciplinary superior may erase the disciplinary penalty prior to the lapse of the time limit set forth in section 2, however, not earlier than before the lapse of:
  - 1) 3 months of the date of the final ruling imposing a penalty of a reprimand;
  - 2) 6 months of the date of the final ruling imposing a penalty of a warning of insufficient aptitude for service on the occupied position;
  - 3) 12 months of the date of the final ruling imposing the penalty of demotion.
4. For bravery and courage as well as significant performance in service, the disciplinary superior may erase the disciplinary penalty at any time.
5. If an officer is re-punished before the disciplinary penalty is erased, the time limit required for the erasion of the penalty which has not been exercised runs anew from the date of the ruling on a new penalty.
6. In the event of more than one disciplinary penalty, the erasion of the penalties shall take place upon the lapse of the time limit stipulated for the more severe penalty.
7. The erasion of the disciplinary penalty shall result in the removal of the ruling on the penalty from the personal files of the officer. The ruling on the renouncement of infliction of a punishment shall be removed after a lapse of 6 months of the date of becoming final, the provisions of sections 3 and 4 apply accordingly.

#### **Art. 137**

1. Disciplinary proceedings ended by a final ruling shall be resumed, where:
  - 1) the evidence which served as the grounds for the establishment of circumstances significant for the case proved fraudulent;
  - 2) new circumstances, not known in the course of the disciplinary proceedings, significant for the subject matter were discovered;
  - 3) a ruling was issued with a breach of the provisions of law in force, if this could have an impact on the content of the ruling;
  - 4) a ruling was issued on the grounds of another decision or a court ruling, which was afterwards reversed or amended.
2. Disciplinary proceedings shall be resumed on request of the penalised or charged officer or in the event of his/her death, on request of a family member entitled to dependents' pension if, as a result of the ruling of the Constitutional Tribunal, the

provision constituting the basis for the issuance of the disciplinary ruling was deemed invalid or was amended.

3. In the event referred to section 2, the request to resume proceedings shall be submitted within one month from the date on which the ruling of the Constitutional Tribunal becomes final.
4. In the event of the death of the penalised or charged officer, disciplinary proceedings shall not resumed to the disadvantage of the penalised officer after the termination of punishability of the disciplinary offence.
5. Disciplinary proceedings shall not resumed after the lapse of 5 years of the date of the final ruling.
6. The disciplinary superior who issued the final disciplinary ruling, resumes disciplinary proceedings ex officio or on request of the penalised or charged officer or in the event of his/her death, on request of a family member entitled to a dependents' pension. The penalised or charged officer, or in the event of his/her death, a family member entitled to a dependents' pension, shall be notified of resumption of disciplinary proceedings ex officio.
7. The request to resume disciplinary proceedings shall be lodged with the disciplinary superior who issued the ruling in the first instance, within 30 days of the date when the penalised or charged officer learnt about the circumstances constituting the grounds for reopening the proceedings.
8. If the resumption of proceedings results from the activity of the disciplinary superior referred to in section 6, the decision to resume proceedings shall be made by a senior rank disciplinary superior.
9. The charged officer as well as the family member entitled to a dependents' pension, referred to in section 6, shall be entitled to submit a complaint against the decision on the refusal to resume disciplinary proceedings to the Head of the CBA within 7 days from the date of service of the decision, however, with respect to the decision issued by the Head of the CBA only a request to re-examine the case may be submitted within the same time limit.

#### **Art. 138**

1. Following the resumption of disciplinary proceedings, supporting activities limited to the causes of the resumption shall be conducted and, after their completion, depending on the determinations made, a ruling shall be issued:
  - 1) reversal of the existing ruling and announcing the acquittal of the penalised officer or the discontinuation of disciplinary proceedings, or
  - 2) alteration the existing ruling and imposing a different disciplinary penalty, or
  - 3) refusal to reverse the existing ruling.
2. The alteration of the existing ruling and the imposing of a different disciplinary penalty shall not be possible after the termination of punishability of the disciplinary offence.
3. The exacerbation of the punishment shall be possible exclusively where the resumption takes place ex officio and the imposed penalty is blatantly disproportional to the disciplinary offence.
4. Where as a result of the resumption of the proceedings, a mitigated penalty is imposed, the effects of the penalty shall be overturned and, where an exacerbated penalty is imposed, its execution shall start from the date of its imposition.

5. The punished or charged officer or, in the event of his/her death, a family member entitled to a dependents' pension, shall be entitled to submit an appeal or a complaint against the ruling or decision issued as a result of the resumption of disciplinary proceedings, to the Head of the CBA within 7 days of the date of the service of the ruling or decision submission, with respect to the ruling or decision issued by the Head of the CBA only a request to re-examine the case may be submitted within the same time limit.
6. The time limit for erasure of a penalty altered as a result of the resumption of the proceedings shall start on the date on which the ruling of the imposing of a new penalty becomes final. The period that passed from the date on which the ruling on the imposition of the existing penalty became final, counts towards the time limit for the erasure of a new penalty.

#### **Art. 139**

An officer is entitled to lodge a complaint against a ruling and a decision ending disciplinary proceedings with the administrative court.

#### **Art. 140**

The Prime Minister shall define, by way of an ordinance, the detailed manner of conduct of activities connected with disciplinary proceedings with respect to officers, including the circulation of documents connected with the disciplinary proceedings, the correction of writer's errors and arithmetical errors as well as other obvious mistakes, as well as shall define the templates of decisions and other documents drawn up in the course of disciplinary proceedings, taking into consideration the efficiency of the proceedings conducted.

#### **Art. 141**

In the Act on Polish Citizenship of 15 February 1962 (Journal of Laws of 2000 No. 28, item 353, as amended), Art. 17a section 1 is given the following wording as follows:

"1. In matters falling within the scope of the competence of the voivode and of the President of the Office for Repatriation and Foreigners, these authorities may turn to the Voivodeship Commandant of the Police, the Chief Commandant of the Police, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau and the Head of the Military Information Services, as well as to other authorities if necessary, to provide information essential for the proceedings conducted."

#### **Art. 142**

In the Act of 17 November 1964 - The Code of Civil Procedure (Journal of Laws No. 43, item 296, as amended), the following amendments shall be introduced:

- 1) in Art. 163 § 3 and 4 are given the following wording:
  - "§ 3. To bring, on a compulsory basis, a soldier in active military service the court turns to the commander of the military unit in which the soldier is serving, or to the Military Police, and to bring, on a compulsory basis, an officer of the Police, the Government Protection Bureau, the Internal Security Agency, the

Foreign Intelligence Agency, the Central Anti-Corruption Bureau, or the Border Guard – to his/her superior.

§ 4. To impose a penalty on a soldier in active military service the court turns to the commander of the military unit in which the soldier is serving, and to impose a penalty on an officer of the Police, the Government Protection Bureau, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, or the Border Guard – to his/her superior.”;

2) in Art. 477 § 2 item 3 is given the following wording:

“3) for damages due to an accident at work on a farm, an accident on the way to or from work, an accident at work or an occupational disease, an accident or an occupational disease remaining in relation with active military service or service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the Penitentiary Service, the State Fire Department and the Customs Service.”;

3) in Art. 811:

a) § 1 is given the following wording:

“ § 1. Within the premises of military buildings and buildings occupied by the Police, the Border Guard, the Internal Security Agency, the Foreign Intelligence Agency or the Central Anti-Corruption Bureau as well as on naval ships, enforcement activities may be conducted exclusively after prior notification of the commandant in charge or unit manager, respectively, and only when accompanied by the appointed military authority, Police authority or a representative of the Internal Security Agency, the Foreign Intelligence Agency or the Central Anti-Corruption Bureau.”,

b) in § 2 item 3 is given the following wording:

“3) the Prime Minister, where an escort/assistance is being provided by the Internal Security Agency, the Foreign Intelligence Agency or the Central Anti-Corruption Bureau.”;

4) in Art. 814 § 4 is given the following wording:

“§ 4. A search of clothing may be carried out exclusively by a person of the same gender as the debtor. A physical search of the clothing on a soldier in active military service or an officer of the Police, the Government Protection Bureau, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard shall be conducted, in the presence of the court bailiff, by a soldier of the Military Police or a military security authority or a person appointed by the officer's superior officer, respectively.”;

5) in Art. 1057 § 2 is given the following wording:

“§ 2. For the purpose of carrying out the penalty of arrest in relation to a debtor who is a soldier in active service or an officer of the Police, the Government Protection Bureau, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard, the court

turns to the commander of a military unit or the commandant or manager of an organisational unit, respectively, of the Police, the Government Protection Bureau, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard in which the debtor is serving, by submitting a warrant.”.

### **Art. 143**

In the Act on Administrative Enforcement Proceedings of 17 June 1966 (Journal of Laws of 2005 No. 229, item 1954 and No. 172, item 1438) the following amendments shall be introduced:

1) in Art. 48 § 5 is given the following wording:

“§ 5. A search of the clothing on a soldier in active military service or an officer of the Police, the Government Protection Bureau, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard shall be conducted, in the presence of a bailiff, by a soldier of the Military Police or of a military security authority or a person appointed by the officer’s superior officer, respectively.”;

2) in Art. 50:

a) § 2 is given the following wording:

“ §2. Within military premises or premises occupied by the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard, as well as on naval vessels, enforcement activities may be conducted exclusively after prior notification of the commandant in charge or unit manager, respectively, and in the presence of the appointed military authority, or an authority of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard.”,

b) in § 3 item 3 is given the following wording:

“3) the Prime Minister, where an escort/assistance is provided by the Internal Security Agency, the Foreign Intelligence Agency or the Central Anti-Corruption Bureau.”;

3) Art. 153 is given the following wording:

“ Art. 153. § 1. Direct coercion towards a soldier in active military service or an officer of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard shall be applied exclusively by the Military Police or a military security authority or an authority of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard, respectively.”;

§ 2. The provisions of § 1 shall not apply when, due to sanitary or other social circumstances, there is a need of an immediate execution of the enforceable obligation, and the Military Police or the military security authority or a competent authority of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard is not present on site.”.



## **Art. 144**

In the Act on the Universal Obligation to Defend the Republic of Poland of 21 November 1967 (Journal of Laws of 2004 No. 241, item 2416 and 277, item 2742 and of 2005 No. 180, item 1496) the following amendments shall be introduced:

- 1) in Art. 44 in section 1 item 2 a full stop is replaced by a semicolon and item 3 shall be appended in the wording:  
“3) graduates of higher schools, who immediately after their graduation undertook service in the Central Anti-Corruption Bureau.”;
- 2) in Art.46 section 5 is given the following wording:  
“5. Recruits, whose recruitment process resulted in a positive opinion on their suitability to serve in the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and who are intended to be accepted into service in the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, are transferred to the reserve by the commandant of the military recruitment office, upon a request of the head of the organisational unit of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau competent for human resources.”;
- 3) in Art. 49 section 1d is given the following wording:  
“4) common courts, common organisational units of the prosecutor's office, the Police, the Border Guard, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Government Protection Bureau – if required by their tasks and the proceedings conducted by them;”;
- 4) in Art. 59a in section 3 item 6 is given the following wording:  
“6) are officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Government Protection Bureau, the Border Guard, the Penitentiary Service, the State Fire Department, the Railway Protection Guard or employees of specialised armed protection formations in organisational units which are subordinated to, or supervised by ministers, heads of central government offices, voivodes, the President of the National Bank of Poland and the National Broadcasting Council;”;
- 5) in Art. 169 in section 1 item 8 is given the following wording:  
“8) soldiers in active military service as well as officers of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, Police, the Border Guard, the Government Protection Bureau, the Penitentiary Service and the State Fire Department.”;
- 6) in Art. 175 in section 4 item 5 is given the following wording:  
“5) are officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Government Protection Bureau, the Border Guard, the Penitentiary Service, the Railway Protection Guard and the State Fire Department if under separate regulations such persons may perform service in the event of the announcement of mobilisation or during war and are designated to perform such service;”;
- 7) in Art. 206a in section 1 item 5 is given the following wording:  
“5) judges, prosecutors, officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Government Protection Bureau, the Border Guard, the Penitentiary Service, the State Fire Department, the Railway Protection Guard or employees of specialised armed

protection formations in organisational units which are subordinated to or supervised by ministers, managers of central government offices, voivodes, the President of the National Bank of Poland and the National Broadcasting Council.”;

8) in Art. 208:

a) section 2a is given the following wording:

“2a. The organisational units which perform their tasks for the needs of the defence of the State are the organisational units of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department, the Penitentiary Service, organisational units which are subordinated to or supervised by the Minister of National Defence, which do not fall within the Armed Services as well as the State organisational units referred to in Art. 221 sections 1 and 2.”,

b) in section 4 in item 1 letter b is given the following wording:

“b) organisational units which are subordinated to or supervised by, respectively, the Minister of National Defence, the Minister of Justice, the minister in charge of internal affairs, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency as well as the Head of the Central Anti-Corruption Bureau,”.

#### **Art. 145**

In the Act on Vital Statistics and Identity Cards of 10 April 1974 (Journal of Laws of 2001 No. 87, item 960, as amended) in Art. 44h in section 1 item 2 is given the following wording:

“2) the bodies of the Police, Border Guard, the Penitentiary Service, the Military Information Services, the Military Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and borough (municipal) guards.

#### **Art. 146**

In the Act of 26 June 1974 – The Labour Code (Journal of Laws of 1998 No. 21, item 94, as amended) Art. 302 is given the following wording:

“Art. 302. The length of service in the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Penitentiary Service, the Border Guard and the State Fire Department counts towards the period of employment in the scope and on the principles prescribed in separate provisions.”.

#### **Art. 147**

In the Act on Legal Advisers of 6 July 1982 (Journal of Laws of 2002 No. 123, item 1059, as amended), Art. 75 is given the following wording:

“Art. 75. The service relationship as well the rights and obligations, which derive from the relationship, of legal advisers and trainee legal advisers who are soldiers in active military service, officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the

Border Guard, the State Fire Department or the Penitentiary Service, within the scope not set forth in this Act, shall be governed by the provisions of separate Acts.

#### **Art. 148**

In the Act on National Archive Resources and Archives of 14 July 1983 (Journal of Laws of 2006 No. 97, item 673) the following amendments shall be introduced:

- 1) in Art. 5 in section 3, item 6a shall be followed by item 6b in the wording:  
“6b) of the Central Anti-Corruption Bureau – the Prime Minister on the application of the Head of the Central Anti-Corruption Bureau;”;
- 2) in Art. 17 in section 3 the initial sentence is given the following wording:  
“The Council of Ministers shall define, by way of an ordinance, the manner and method of making available archival materials located in archives which are separated and subordinated to the Minister of National Defence, the minister in charge of internal affairs, the minister in charge of foreign affairs, the minister in charge of public finance, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the President of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation, the Head of the Sejm Chancellery, the Head of the Senate Chancellery and the Head of the President’s Chancellery, taking into consideration.”;
- 3) in Art. 19 in section 1 item 1a shall be followed by item 1b in the wording:  
“1b) the Head of the Central Anti-Corruption Bureau;”;
- 4) in Art. 21 in section 4 item 3 shall be followed by item 3a in the wording:  
“3a) of the Central Anti-Corruption Bureau;”;
- 5) in Art. 29:
  - a) in section 1 item 4 shall be followed by item 4a in the wording:  
“4a) the archives of the Central Anti-Corruption Bureau;”,
  - b) section 3 is given the following wording:  
“3. The Minister of National Defence, the minister competent for internal affairs, the minister in charge of foreign affairs, the minister in charge of public finance, the Head of the Sejm Chancellery, the Head of the Senate Chancellery, the Head of the President’s Chancellery, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the President of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation, in agreement with the minister in charge of culture and protection of national heritage, shall define, by way of regulations, the organisation of the separated archives subordinated to them, taking into consideration the scope of their activities.”;
- 6) in Art. 31 in section 1:
  - a) the initial sentence is given the following wording:

“The archival resources of separated archives referred to in Art. 29 section 1 items 3-4a, constitute archival materials created and being created in the course of activity, respectively.”,

b) item 1 is given the following wording:

“1) organisational units which are subordinated to and supervised by the Minister of National Defence, the minister in charge of internal affairs, the minister in charge of foreign affairs, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau;”.

#### **Art. 149**

In the Act on the State Sanitary Inspectorate of 14 March 1985 (Journal of Laws of 1998 No. 90, item 575 as amended) in Art. 20:

a) section 1 is given the following wording:

“1. In the Police, the State Fire Department, the Border Guard, the Government Protection Bureau, organisational units subordinated to and supervised by the minister in charge of internal affairs, health protection institutions established by the minister in charge of internal affairs, the office serving the minister in charge of internal affairs as well as in organisational units of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau, the tasks of the State Sanitary Inspectorate are exercised by the State Sanitary Inspectorate of the Ministry of Internal Affairs and Administration, financed from the State budget.”,

b) section 3 is given the following wording:

“3. The minister in charge of internal affairs, after consulting the Heads of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau, shall define, by way of an ordinance, the organisation as well as the rules and methods of the performing of tasks by the State Sanitary Inspectorate of the Ministry of Internal Affairs and Administration in the premises of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau as well as in relation to the officers of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau.”.

#### **Art. 150**

In the Act on Public Roads of 21 March 1985 (Journal of Laws of 2004 No. 204, item 2086, as amended) in Art. 13 in section 3 item 1 letter a is given the following wording:

“a) the Police, the Public Transport Inspectorate, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the State Fire Department, fire protection units, the Border Guard, the ambulance service, the Penitentiary Service, the Customs Service,”.

#### **Art. 151**

In the Act on Research and Development Units of 25 July 1985 (Journal of Laws of 2001 No. 33, item 388, as amended) the following amendments shall be introduced:

1) in Art. 31 section 2 is given the following wording:

“2. The provisions of section 1 shall apply accordingly to professional soldiers and officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the State Fire Department, appointed under separate regulations to scientific and research and technical positions in state and co-operative organisational units as well as in commercial companies.

2) Art. 67 is given the following wording:

“Art. 67. 1. The official relationship, the rights and obligations arising from it as well as the disciplinary liability of soldiers in active military service and of officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the State Fire Department, performing their duties in research and development units supervised by the Minister of National Defence or the minister in charge of internal affairs, shall be defined by separate regulations.

2. Possessing the qualifications described in this Act and in separate regulations is a condition for the appointment of soldiers in active military service and officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the State Fire Department to positions envisaged for scientific as well as research and technical employees.

#### **Art. 152**

In the Act on the Police of 6 April 1990 (Journal of Laws No. 7, item 58, as amended) in Art. 69 section 4 and in Art. 98 the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families”.

#### **Art. 153**

In the Act on the Return of Benefits Gained Unjustly to the Disadvantage of the State Treasury or Other State Legal Persons of 21 June 1990 (Journal of laws No. 44, item 255, as amended) in Art. 2 section 1 item 5 shall be followed by item 5a in the following wording:

“5a) the Head of the Central Anti-Corruption Bureau.”.

#### **Art. 154**

In the Act on the Border Guard of 12 October 1990 (Journal of Laws of 2005 No. 234, item 1997) the following amendments shall be introduced:

1) in Art. 74 in section 5 and in Art. 102 the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the

Border Guard, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families”.

2) Art. 106 is given the following wording:

“Art. 106. The minister in charge of internal affairs shall define, by way of an ordinance, the manner and method of including the periods of service and work into the full length of service in the course of determining the increase of the basic remuneration, taking into consideration the length of service in the Border Guard, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Police, the State Fire Department, the Penitentiary Service, the Armed Forces of the Republic of Poland, periods treated as equal to service in the Border Guard, periods of completed employment, as well as other periods calculated into the period of work on the basis of separate regulations, as well as the circumstances excluding the including the length of service or employment into the full length of service, the entities competent for their calculation and the manner of evidencing such periods.”.

#### **Art. 155**

In the Act on Settling Collective Disputes of 23 May 1991 (Journal of Laws No. 55, item 236, as amended) in Art. 19 section 2 is given the following wording:

“2. Organising a strike in the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, units of the Police and Armed Forces of the Republic of Poland, the Penitentiary Service, the Border Guard, the Customs Service and organisational units of fire protection is inadmissible.”.

#### **Art. 156**

In the Act on Personal Income Tax of 26 July 1991 (Journal of Laws of 2000 No. 14, item 176, as amended) in Art. 30 section 1 item 5 is given the following wording:

“5) from the remuneration for providing assistance/help to the Police, the fiscal control authorities, the Customs Inspectorate authorities, the Border Guard, the Military Information Services, the Military Police, the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau, paid from the operational fund – in the amount of 20% of the remuneration,”.

#### **Art. 157**

In the Act on the State Fire Department of 24 August 1991 (Journal of Laws of 2006, No. 96, item 667) the following amendments shall be introduced:

- 1) in Art. 23 in section 11 item 1 is given the following wording:  
“1) the sections or organisational units subordinated to the Minister of National Defence or supervised by him, the Police, the Internal Security Intelligence, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Border Guard,
- 2) in Art. 60 in sections 1 and 4, in Art. 84 as well as in Art. 100 section 2 the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for officers of the Police, the Internal Security Agency, Foreign Intelligence Agency, Central Anti-Corruption Bureau, Border Guard, Government Protection Bureau, State Fire Department and the Penitentiary Service and their families”;
- 3) in Art. 61 art, 83 section 1 item 7 and in Art.88 section 4 item 2 the words “on retirement benefit for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families”;
- 4) in Art. 88 section 4 item 1 is given the following wording:  
“1) periods of service in: the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, or the Penitentiary Service,”.

#### **Art. 158**

In the Act on Fiscal Control of 28 September 1991 (Journal of Laws of 2004 No. 8, item 65, as amended) the following amendments shall be introduced:

- 1) in Art. 5 section 1 is given the following wording:  
“1. The purposefulness and the manner of using budget resources as well as State property for special purposes in the organisational units subordinated to or supervised by the Minister of National Defence, by the Police, the State Fire Department, the Border Guard, the Government Protection Bureau as well as in the organisational units of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau, shall not be subject to fiscal control.”;
- 2) in Art. 34b in section 3 item 4 is given the following wording:  
“4) the Internal Security Agency, the Central Anti-Corruption Bureau, the Police, the Border Guard, the Military Information Services and the Military Police;”.

#### **Art. 159**

In the Act on the Management of the Agricultural Real Property of the State Treasury of 19 October 1991 (Journal of Laws of 2004 No. 208, item 2128, as amended) in Art. 36 in section

2 in item 4 a full stop is substituted with a comma and item 5 shall be appended in the following wording:

“5) of the Central Anti-Corruption Bureau – requires the consent of the Head of the Central Anti-Corruption Bureau.”.

#### **Art. 160**

In the Act on Medals and Decorations of 16 October 1992 (Journal of Laws of 1992 No. 90, item 450, as amended) in Art. 17 section 1 is given the following wording:

“1. The Cross of Merit for Bravery, established by the President of the Republic of Poland by way of the ordinance of 7 March 1928, shall be awarded to Police officers, officers of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Fire Department as well as to soldiers for acts performed in especially difficult conditions, showing extreme courage, with danger to their life or health, in the defence of the law, the inviolability of borders and life, property and the safety of citizens.”.

#### **Art. 161**

In the Act of on the Retirement Benefits of Soldiers and Their Families of 10 December 1993 (Journal of Laws of 2004 No. 8, item 66, as amended) the following amendments shall be introduced:

1) in Art. 15 section 3a is given the following wording:

“3a. If in the length of service for retirement purposes the periods of service referred to in Art. 13 section 1 item 2 are taken into consideration, the pension is increased on the basis prescribed in the provisions on the retirement benefits of the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service.”;

2) Art. 32a is given the following wording:

“Art. 32a. If on the day following the day when an officer was awarded a military pension the pensioner was recalled to professional military service or was accepted to serve in the Police, the Internal Security Agency, the Border Guard, the Government Protection Bureau, the State Fire Department or the Penitentiary Service, the amount of the pension shall be calculated in the manner prescribed in Art. 32b and 32c.”;

3) Art. 32c is given the following wording:

“Art. 32c. The recalculation of the amount of the pension by adding the periods, which have hitherto not been considered in the amount of the benefit, of professional military service or service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service, shall be carried out on the application of the pensioner submitted after the completion of the service. The provisions of Art. 15 an 15a shall apply respectively.”;



- 4) Art. 39a is given the following wording:

“Art. 39a The right to a pension shall be suspended in the event of the recall of the pensioner to professional military service or acceptance into service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service.”.

#### **Art. 162**

In the Act on the Retirement Benefits of the Officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families of 18 February 1994 (Journal of Laws of 2004 No. 8, item 67, No. 121, item 1264 and No. 191 item 1954 as well as of 2005 No. 10, item 65, No. 90, item 757 and No. 130, item 1085), the following amendments shall be introduced:

- 1) the title of the Act is given the following wording:

“on the Retirement Benefits of the Officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families”;

- 2) Art. 1 is given the following wording:

“Art. 1. The officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service, hereinafter referred to as “officers”, who were released from service, are entitled to, from the State budget, on the conditions set forth in the Act, to a retirement benefit by virtue of their length of service or in the event of total incapacity to serve, and members of their families – in the event of the death of the breadwinner.”;

- 3) in Art. 3:

- a) in section 1 item 7 is given the following wording:

“7) length of service for pension purposes – the length of service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department or the Penitentiary Service and equivalent services, including the periods referred to in Art.14 and 16;”,

- b) section 2 is given the following wording:

“2. A police pensioner is an officer released from service in the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department or the Penitentiary Service, who has an established entitlement to a Police pension.”,

c) section 3 is given the following wording:

“3. A police disability pensioner is an officer released from service in the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, Government Protection Bureau, the State Fire Department or the Penitentiary Service, who has an established entitlement to a police disability pension.”,

4) Art. 12 is given the following wording:

“Art. 12. An officer released from service, who on the day of the release has 15 years of service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department or the Penitentiary Service, except for an officer who has an established entitlement to a pension as prescribed in the Act on Retirement and Disability Pensions from the Social Security Fund, calculated taking into consideration the periods of service and other equivalent periods.”;

5) in Art. 13 in section 1 the introductory sentence is given the following wording:

“The following shall be treated as equivalent to service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service.”,

6) in Art. 20 section 4a shall be followed by section 4b in the following wording:

“4b. The Prime Minister shall define, by way of an ordinance, a list of diseases and illnesses referred to in section 3 items 3 and 4, as well as the qualities and conditions of service in the Central Anti-Corruption Bureau resulting in the revealing of such diseases or illnesses or deterioration of health, taking into consideration the diseases and illnesses which arose in relation to the specific qualities and conditions of service in the Central Anti-Corruption Bureau, as well as those which existed prior to acceptance into service in the Central Anti-Corruption Bureau but have intensified or revealed in the course of service within this formation.”;

7) in Art. 21:

a) section 1b shall be followed by section 1c in the following wording:

“1c. In relation to officers of the Central Anti-Corruption Bureau, medical commissions, subordinated to the minister in charge of internal affairs, are in charge of the matters referred to in section 1”,

b) section 5 shall be followed by section 5a in the following wording:

“5a. The Prime Minister shall define, by way of an ordinance, the rules of issuing decisions on the disability of officers, old-age pensioners and disability pensioners of the Central Anti-Corruption Bureau, the procedure and competence of medical commissions within the scope of such matters, as well as the manner of conducting controlling medical examinations and summoning the disabled persons

to undergo such examinations, including, in the decision on the disability category to which an officer was classified, the relationship of the disability with the service, date or period of the occurrence of the disability as well as the findings as to independent existence.”;

8) in Art. 27 section 3 is given the following wording:

“3. The Prime Minister shall define, by way of an ordinance, the manner of dividing the social security fund among its administrators as well as the scope and manner of use of the benefits from such fund in relation to old-age and disability pensioners of the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau and their families, taking into consideration the types of benefits, administrators of the fund and the manner of granting the benefits.”;

9) in Art. 32 in section 1 item 1 is given the following wording:

“1) in relation to officers of the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and members of their families – the retirement authority specified by the minister in charge of internal affairs;”;

10) Art. 33a is given the following wording:

“Art. 33a. If after the date from which the pension set forth in Art.12 is granted the pensioner is accepted into service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department or the Penitentiary Service or called up for professional military service, the amount of the pension shall be re-established in the manner set forth in articles 33b and 33c.”;

11) in Art. 33b section 1 is given the following wording:

“1. In the event a pensioner is reaccepted into service in the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department or the Penitentiary Service and performed the service continuously for a period of at least 12 months, a new base for calculating the retirement benefit is established, in the manner set forth in Art. 5 section 1, upon the application of the pensioner.”;

12) in Art.38, the introductory sentence is given the following wording:

“The minister in charge of internal affairs, having consulted the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency and the Head of the Central Anti-Corruption Bureau, as well as the Minister of Justice, each within the scope of his activity, shall define, by way of an ordinance:”;

13) in Art. 42 section 3 is given the following wording:

“3. The old-age or disability pension and additional benefits shall not be paid out for the period for which an officer received remuneration or a pecuniary benefit due after release from service, set forth, respectively, in the regulations on the

remuneration of the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department or the Penitentiary Service, provided that the old-age or disability pension were higher. In such a case, the pension authority deducts the amounts paid as remuneration or pecuniary benefit due after release from service from the due old-age or disability pension or additional benefits.

#### **Art. 163**

In the Act on the Housing of the Armed Forces of the Republic of Poland of 22 June 1995 (Journal of laws of 2005 No. 41, item 398 and No. 132, item 1110) in Art. 64 in section 1 item 1 is given the following wording:

“1) the Police, respectively the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the State Fire Department and the Penitentiary Service;”.

#### **Art. 164**

In the Act on the Registration and Identification of Taxpayers and Tax Remitters of 13 October 1995 (Journal of Laws of 2004 No. 269, item 2681 and of 2005 No. 14, item 113) in Art. 15 in section 2 item 1 is given the following wording:

”1) courts, prosecutors, tax authorities, customs authorities, representatives of the Supreme Chamber of Control, the Police, the Internal Security Agency, the Central Anti-Corruption Bureau, the Military Police and the Military Information Services – in connection with the conducted proceedings;”.

#### **Art. 165**

In the Act on the Penitentiary Service of 26 April 1996 (Journal of Laws of 2002 No. 207, item 1761, as amended), the following amendments shall be introduced:

1) in Art. 68 section 4 is given the following wording:

“4. The principles of awarding the benefits set forth in sections 1-3 are regulated by the regulations on the retirement benefits of officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families.”;

2) in Art. 112 section 2 is given the following wording:

“2. The benefits referred to in section 1 shall be available to the spouse of the officer who has remained in a conjugal partnership with the officer, and in further order to the children of the officer if on the date of the officer’s death they fulfilled the conditions to obtain a family benefit on the grounds of the regulations on the retirement benefits of the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families.”.

#### **Art. 166**

In the Act on the Exercise of the Mandate of a Member of the Sejm and Senator of 9 May 1996 (Journal of Laws of 2003 No.221, item 2199, as amended) in Art. 35 section 6 shall be followed by section 6a in the following wording:

“6a. The examination of the accuracy and truthfulness of the statement on property status referred to in section 1 shall be conducted by the Central Anti-Corruption Bureau in the manner and according to the principles prescribed in Chapter 4 of the Act on the Central Anti-Corruption Bureau of 9 June 2006 (Journal of Laws No. 104, item 708).”.

#### **Art. 167**

In the Act of 10 April 1997 – the Energy Law (Journal of Laws of 2006 No. 89, item 625) in Art. 21a item 2 is given the following wording:

“2) of the organisational units of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau are inspectorates of the energy economy appointed by the Heads of those Agencies in agreement with the President of the Energy Regulatory Authority.”.

#### **Art. 168**

In the Act on the Disclosure of Work or Service in the State Security Authorities or Co-operation with such Authorities in the years 1944-1990 of Persons Discharging Public Functions of 11 April 1997 (Journal of Laws of 1999 No. 428, as amended) in Art. 17 in section 3 item 4 is given the following wording:

“4) is not a secret collaborator of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Military Information Services.”.

#### **Art. 169**

In the Act of 6 June 1997 – The Criminal Executive Code (Journal of Laws No. 90, item 557, as amended) the following amendments shall be introduced:

1) in Art. 10 § 3 is given the following wording:

“§ 3. The provisions of § 1 shall be applied, respectively, also to the Internal Security Agency, the Central Anti-Corruption Bureau, the Border Guard as well as to other authorities if the executory proceedings concern matters which, under the provisions of the law, fall within the scope of their activity.”;

2) in Art.253 § 1 and 2 are given the following wording:

“§ 1. A person temporarily arrested or convicted, convoyed by officers of the Police, the Penitentiary Service, the Border Guard, the Internal Security Agency or the Central Anti-Corruption Bureau or by soldiers of Military Police, may be placed in a room for detained persons for the duration of an impediment which prevents the convoy. The decision in this scope shall be taken by the commanding officer of the convoy. Within this time, no legal proceedings shall be taken, with the participation of

the convoyed person, within the scope of the matter in relation with which the person is being convoyed.

§ 2. The provisions of § 1 shall apply accordingly in the event of an impediment which prevents the delivery or reception of the temporarily arrested person or convict to custody or a penitentiary, as well as in the event of an unforeseeable landing during air transport or an unforeseeable interruption in transport by other means, of the person being delivered on the terms and conditions set forth in the Roman Statutes of the International Criminal Court, drawn up in Rome on 17 July 1998 (the Journal of Laws of 2003 No. 78, item 708). The decision within this scope shall be taken, respectively, by the commandant or head of the unit of the Police, the Border Guard, the Internal Security Agency, the Central Anti-Corruption Bureau or the Military Police.”.

#### **Art. 170**

In the Act of 6 June 1997 – The Code of Criminal Procedure (Journal of Laws No. 89, item 555, as amended) the following amendments shall be introduced:

1) in Art. 134 § 1 is given the following wording:

“§ 1. Correspondence addressed to soldiers and officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau and the Penitentiary Service may be delivered to the addressees through their superiors, while summons for soldiers carrying out basis military service shall be delivered to the commander of the military unit in which the soldier is serving, in order to be delivered and ordered to appear according to the summons.”;

2) in Art. 309 item 2 is given the following wording:

“2) for misdemeanours – if the suspected person is a judge, prosecutor, officer of the Police, the Internal Security Agency, the Foreign Intelligence Agency or the Central Anti-Corruption Bureau,”;

3) in Art. 312 item 1 is given the following wording:

“1) the bodies of the Border Guard, the Internal Security Agency as well as the Central Anti-Corruption Bureau, within the scope of their competence,”.

#### **Art. 171**

In the Act of 20 June 1997 – The Road Traffic Law (Journal of Laws of 2005 No. 108, item 908, as amended) the following amendments shall be introduced:

1) in Art. 2 item 37 is given the following wording:

“37) a vehicle used for special purposes – an automobile adapted in a special manner for carrying people or cargo, used by the Armed Forces of the Republic of Poland, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, fiscal control, the Customs Service, fire protection units, the Road Transport Inspectorate and the Penitentiary Service;”;

2) in Art. 39 in section 2 item 5 is given the following wording:

“5) a Police officer, officer of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, an inspector of the fiscal control, an officer of the Customs Service and of the Penitentiary Service, a soldier of the Armed Forces – in the course of transporting a detained person (persons);”;

3) in Art. 53 in section 1 item 7 shall be followed by item 7a in the following wording:

“7a) of the Central Anti-Corruption Bureau;”;

4) in Art. 66:

a) in section 1b item 1 is given the following wording:

“1) special or used for special purposes by the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Penitentiary Service, the Armed Forces of the Republic of Poland and fire protection units;”;

b) in section 4 item 4 is given the following wording:

“4) equipping the vehicle with devices informing about the operation of the control and measurement instruments used by road traffic control units or interrupting the their operation, or carrying such instruments in a vehicle, in a condition indicating its readiness to be used; the aforesaid shall not apply to the vehicles of the Armed Forces of the Republic of Poland, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Border Guard;”;

c) section 7 is given the following wording:

“7. The minister in charge of internal affairs, the Minister of National Defence, the minister in charge of public finance and the Minister of Justice, in consultation with the minister in charge of transport, shall define, by way of an ordinance, the technical conditions of special vehicles and vehicles used for special purposes by the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the fiscal control, the Customs Service, the Penitentiary Service and the fire department.”;

5) in Art. 72 in section 2 item 3 is given the following wording:

“3) a vehicle purchased from the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, Border Guard or the Armed Forces of the Republic of Poland and fire protection units – within the scope of section 1 item 5;”;

6) in Art. 73 sections 3 and 3a are given the following wording:

“3. The registration of vehicles of the Armed Forces of the Republic of Poland, the Government Protection Bureau, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the fiscal control and the Customs Service is conducted by the competent bodies of these units. These bodies issue the registration certificate and certified registration plate(s) as well as a control sticker, if required, and the registration number shall be placed directly on the vehicle.

3a. The heads of poviats transfer the certified registration plate(s) required for the registration referred to in art,76 section 4, to the Mazovian Voivode, free of charge. The information on the transferred certified registration palte(s) shall be classified, constituting a State secret, protected under the regulations on the protection of classified information.”;

7) in Art. 76:

a) sections 3 and 4 are given the following wording:

“3. The minister in charge of internal affairs in consultation with the minister in charge of transport as well as the Minister of National Defence after obtaining the opinion of the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau shall define, by way of an ordinance, the conditions and the course of registration as well as the specimens of the registration certificate and the registration plates of the vehicles of the Government Protection Bureau, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Border Guard, as well as the units competent for the aforesaid matters.

4. The minister in charge of internal affairs, the Minister of National Defence, the minister in charge of transport, the Heads of the Internal Security Agency, Foreign Intelligence Agency, Central Anti-Corruption Bureau and the Mazovian Voivode shall define, by way of an agreement, a specific procedure of distribution of the certified registration plate(s) referred to in Art. 73 section 3a, the terms of settling accounts between the parties to the agreement as well as the procedure of registration of selected vehicles of the departments of internal affairs, national defence, the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau.”,

b) in section 5 item 4 is given the following wording:

“4) the manner of use of the vehicles referred to in sections 2 and 3, while exercising the tasks prescribed in the regulations concerning the Government Protection Bureau, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Border Guard.”;

8) in Art. 80c in section 1 item 4 shall be followed by item 4a in the following wording:



“4a) the Central Anti-Corruption Bureau,”;

9) in Art. 80e section 2 is given the following wording:

“2. The minister in charge of public administration in consultation with the minister in charge of internal affairs as well as the Minister of National Defence, after obtaining the opinions of the Heads of the Internal Security Agency, Foreign Intelligence Agency, Central Anti-Corruption Bureau shall define, by way of a regulation, the manner of differentiating the data and other information on the vehicles referred to in Art. 73 section 3 in the data base records.

10) in Art. 86:

a) section 1 is given the following wording:

“1. The provisions of Art. 83 section 1, without prejudice to section 2, shall apply to the vehicles of the Armed Forces of the Republic of Poland, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, to which the conditions and the procedure of registration set forth in Art.73 section 3 apply, as well as the vehicles of the State Fire Department.”,

b) in section 2, the introductory sentence is given the following wording:

“The minister in charge of internal affairs and the Minister of National Defence in consultation with the minister in charge of transport, after obtaining the opinions of the Head of the Internal Security Agency and the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, taking into consideration the specific nature arising from the designation of the vehicles of the Armed Forces of the Republic of Poland, the Police and other vehicles used in a specific manner, shall define, by way of an ordinance:”;

11) in Art. 100c in section 1 item 4 shall be followed by item 4a in the following wording:

“4a) the Central Anti-Corruption Bureau,”.

#### **Art. 172**

In the Act on the Limitation on the Conducting of Business Activity by Persons Discharging Public Functions of 21 August 1997 (Journal of Laws No. 106, item 679, as amended) in Art. 10 section 9 shall be appended in the following wording:

“9. The Central Anti-Corruption Bureau, pursuant to the procedure and conditions set forth in chapter 4 of the Act on the Central Anti-Corruption Bureau of 9 June 2006 (Journal of Laws No. 104, item 708), carries out an examination of the reliability and truthfulness of the statements referred to in Art. 8 section 1 as well as in sections 1, 2, 5 and 6.”.

#### **Art. 173**

In the Act on Real Property Management of 21 August 1997 (Journal of Laws of 2004 No. 261, item 2603, as amended) in Art. 46 section 4 in item 4 a full stop shall be substituted by a comma and item 5 shall be appended in the following wording:

“5) of the Central Anti-Corruption Bureau – requires the consent of the voivode, issued in agreement with the Head of the Central Anti-Corruption Bureau.”.

#### **Art. 174**

In the Act on the Protection of Persons and Property of 22 August 1997 (Journal of Laws of 2005 No. 145, item 1221) in Art. 4 section item 7 shall be appended in the following wording:

“7) the Head of the Central Anti-Corruption Bureau”.

#### **Art. 175**

In the Act on the Organisation and Operation of Pension Funds of 28 August 1997 (Journal of Laws of 2004 No. 159, item 1667 and of 2005 No. 143, item 1202 and No. 183, item 1538) in Art. 111a in section 1 in item 2, the words “on the retirement benefits for the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families”.

#### **Art. 176**

In the Act of 29 August 1997 – The Tax Ordinance (Journal of Laws of 2005 No. 8, item 60, No. 85, item 732 and no. 143, item 1199 as well as of 2006 no. 66, item 470) the following amendments shall be introduced:

1) in Art. 297 in § 1:

a) item 7 is given the following wording:

“7) State protection services, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Police, the Military Police, the Border Guard, the Penitentiary Service and their officers or soldiers possessing a written authorisation within the scope required to exercise control proceedings pursuant to the regulations on the protection of classified information;”.

b) item 8 shall be appended in the following wording:

‘8) The Central Anti-Corruption Bureau within the scope required to exercise control proceedings prescribed in chapter 4 of the Act of 9 June 2006 on the Central Anti-Corruption Bureau of 9 June 2006 (Journal of Laws No. 104, item 708).”;

2) in Art. 298 item 5a shall be followed by item 5b in the following wording:

“5b) the Head of the Central Anti-Corruption Bureau if required for the effective prevention of crimes, detection of crimes or identification of perpetrators and obtaining evidence,”.

#### **Art. 177**

In the Act of 29 August 1997 – The Banking Law (Journal of Laws of 2002 no. 72, item 665, as amended), the following amendments shall be introduced:

1) in Art. 105 in section 1 in item 2:

a) letter e is given the following wording:

“e) the Head of the Customs Service and the Inspector General of Fiscal Control in relation to a pending:

- criminal or criminal fiscal proceedings against a natural person being a party to a contract concluded with a bank,
- criminal or criminal fiscal proceedings concerning an offence committed within the scope of the activity of a legal person or an organisational unit not having legal personality which owns an account,”

b) letter k is given the following wording:

“k) State protection services, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Police, the Military Police, the Border Guard, the Penitentiary Service and their officers or soldiers possessing a written authorisation within the scope required to exercise control proceedings pursuant to the regulations on the protection of classified information, “;

d) letter p shall be appended in the following wording:

“p) the Head of the Central Anti-Corruption Bureau, pursuant to the procedure and terms set forth in Art. 23 of the Act on the Central Anti-Corruption Bureau of 9 June 2006 (Journal of Laws No. 104, item 708).”;

2) in Art. 110 item 6 is given the following wording:

“6) State protection services, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Police, the Military Police, the Border Guard and the Penitentiary Service in relation to control proceedings conducted pursuant to the regulations on the protection of classified information.”.

#### **Art. 178**

In the Act on the Protection of Personal Data of 29 August 1997 (Journal of Laws of 2002 No. 101, item 926 and No. 153, item 1271 as well as of 2004 No. 25, item 219 and no. 33, item 285) in Art. 43 section 2 is given the following wording:

“2. In relation to the sets of data referred to in section 1 items 1 and 3 and the sets of data referred to in section 1 item 1a processed by the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Military

Information Services, the Inspector General is not entitled to the powers prescribed in Art. 12 item 2, Art. 14 items 1, 3-5 and in Art. 15-18.”.

#### **Art. 179**

In the Act on the Branches of the Government Administration of 4 September 1997 (Journal of Laws of 2003 No. 159, item 1548, as amended) in Art. 33a in section 1 item 7 shall be followed by item 7a in the following wording:

“7a) the Central Anti-Corruption Bureau,”.

#### **Art. 180**

In the Act on the Additional Annual Remuneration for Employees of State Budget Units of 12 December 1997 (Journal of Laws No. 160, item 1080, as amended) in Art. 1 in section 3 item 2 is given the following wording:

“2) soldiers and officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Customs Service, the State Fire Department, the Penitentiary Service and the Government Protection Bureau.”.

#### **Art. 181**

In the Act on the Social Security System of 13 October 1998 (Journal of Laws No. 137, item 887, as amended), the following amendments shall be introduced:

1) in Art. 8 in section 15 item 2 shall be followed by item 2a in the following wording:

“2a) the Central Anti-Corruption Bureau,”;

2) in Art. 22 in section 3a in item 2 the words “on the retirement benefits for the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families.”;

3) in Art. 40 section 8a is given the following wording:

“8a. On the basis of a notification by a body in charge of retirement benefits on the determination of the entitlement of the insured person to a retirement benefit on the grounds of the regulations on retirement benefits for professional soldiers and their families or the regulations on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families, the Office removes from the records all information on due and revaluated for pension scheme contributions for the periods of service taken into consideration in the amount of the military or police pension.”.

## **Art. 182**

In the Act on Old-age and Disability Pensions from the Social Security Fund of 17 December 1998 (Journal of Laws of 2004 No. 39, item 353, as amended), the following amendments shall be introduced:

1) in Art. 2:

a) in section 1 item 1 is given the following wording:

“1) the insured persons – in the event of fulfilling the conditions to acquire the entitlement to pecuniary benefits from the old-age and disability pension insurance of the Social Security Fund, except for insured persons who have an established entitlement to an old-age pension set forth in the regulations on the retirement benefits for professional soldiers and in the regulations on the retirement benefits for officers of the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service, calculated taking into consideration the contribution periods referred to in Art. 6 section 1 items 1-3 and 7-10 as well as in section 2;”

b) section 2 is given the following wording:

“2. The benefits on the terms and conditions and in the amount prescribed in the Act are also due to professional soldiers and officers of the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service if they do not fulfil the conditions to acquire the entitlement to the benefits prescribed in the regulations on the retirement benefits for such persons, as well as the family members surviving such persons.”;

2) in Art. 6 in section 1 in item 6 letter b is given the following wording:

“b) in the State Protection Office, the Internal Security Agency and the Foreign Intelligence Agency as well as the Central Anti-Corruption Bureau (in the bodies of state security);”;

3) in Art. 32 in section 3 item 6 is given the following wording:

“6) professional soldiers, officers of the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, Border Guard, the Government Protection Bureau, the Customs Service, the Penitentiary Service and the State Fire Department;”;

4) in Art. 45 in section 2 item 2 is given the following wording:

“2) in the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency as well as the Central Anti-Corruption Bureau (in the bodies of state security),”;

5) in Art. 85 in section 6 and in Art. 95 in section 2, the words “on the retirement benefits for the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families.”;

6) in Art. 173 section 1a is given the following wording:

“1a. The initial capital shall be determined also for the persons released from service: professional soldiers and officers of the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service born after 31 December 1948 if before 1 January 1999 they performed service and they do not have an established entitlement to the benefits prescribed in the regulations on the retirement benefits for such persons.”.

#### **Art. 183**

In the Act on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation of 18 December 1998 (Journal of Laws No. 155, item 1016, as amended) in Art. 38 section 1 is given the following wording:

“1. Officers and soldiers of special services authorised by, respectively, the Head of Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau or the Head of the Military Information Services acting within the scope of statutory tasks, after notifying the President of the Institute of National Remembrance, may have access to the data included in the documents gathered by the Institute of Remembrance, within the limits of the authorisation.”.

#### **Art. 184**

In the Act on the Protection of Classified Information of 22 January 1999 (Journal of Laws of 2005 No. 196, item 1631) the following amendments shall be introduced:

1) in Art. 14:

a) section 2 is given the following wording:

“2. State protection services, within the scope required for the performance of their tasks, in order to protect classified information may use the information obtained from the Central Anti-Corruption Bureau, the Police, the Border Guard, the Military Police as well as the bodies of fiscal control, and also turn to such services and bodies to obtain necessary assistance in the course of performing activities within the scope of the conducted control proceedings.”,

b) in section 5, item 2 is given the following wording:

“2) the scope, conditions and the procedure of granting assistance, by the Central Anti-Corruption Bureau, the Police, the Border Guard, the Military Police as well as the bodies of fiscal control, necessary in the course of performing the activities within the scope of the conducted control proceedings.

2) in Art. 25 in section 2 item 1 is given the following wording:

“1) the identification data of officers and soldiers of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Military Information Services and the former State Protection Office performing operational and investigative activities;”;

3) Art. 30 is given the following wording:

“Art. 30. The Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Military Information Services, the Military Police, the Border Guard and the Penitentiary Service shall conduct independent control proceedings concerning the applicants for service or a job in such bodies, applying the provisions of the Act accordingly. The provision applies also in relation to persons serving in or employed in such bodies or services.”;

4) in Art. 42:

a) in section 2 item 3 is given the following wording:

“3) The Prime Minister, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the Head of the Military Information Services, the General Commander of the Police, the General Commander of the Military Police, the General Commander of the Border Guard or the General Director of the Penitentiary Service in order to examine the appeal;”;

b) in section 3 item 3 is given the following wording:

“3) The Prime Minister, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the Head of the Military Information Services, the General Commander of the Police, the General Commander of the Military Police, the General Commander of the Border Guard or the General Director of the Penitentiary Service in order to examine the appeal;”;

c) in section 7 item 3 is given the following wording:

“3) The Prime Minister, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the Head of the Military Information Services, the General Commander of the Police, the General Commander of the Military Police, the General Commander of the Border Guard or the General Director of the Penitentiary Service in order to examine the appeal;”;

5) in Art. 48m item 2 is given the following wording:

“2. The Head of the Internal Security Agency or the Head of the Military Information Services shall apply to the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the General Commander of the Police, the General Commander of the Military Police, the General Commander of the Border Guard or the General Director of the Penitentiary Service.”;

6) in Art. 53 section 2 is given the following wording:

“2. Ministers in charge of: internal affairs, public administration, foreign affairs, public finance, budget and financial institutions, the Minister of Justice, the President of the National Bank of Poland, the President of the Supreme Chamber of Control, the Heads of the Chancelleries of: the President of the Republic of Poland, the Sejm, the Senate and the Prime Minister, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the General Commander of the Police, the General Commander of the Border Guard, the Head of Government Protection Bureau as well as the President of the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation shall define, by way of a regulation, each within the scope of his activity, the specific manner of the organisation of secret chancelleries, applying the means of physical protection and the circulation of classified information.”;

7) in Appendix No. 1 in part I:

a) item 16 is given the following wording:

“16. Detailed information concerning the organisation, form and method of operational activity of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Military Information Services and the former State Protection Office as well as the directions of their operational activity and interests.”,

b) item 24 is given the following wording:

“24. Information concerning operational control, classified purchase or acquisition of objects deriving from an offence, subject to forfeiture, or objects, the manufacturing, possession, transportation or trading of which is prohibited and also accepting or delivering a financial benefit and covert supervision, manufacturing, displacement or trading in the objects deriving from a crime.”.

### **Art. 185**

In the Act on the Personal Liability of Officers of the Police, the Border Guard, the Government Protection Bureau, the State Fire Department, the Penitentiary Service and the Internal Security Agency as well as the Foreign Intelligence Agency of 7 May 1999 (Journal of Laws No. 53, item 548, of 2001 no. 27, item 298 and of 2002 No. 74, item 676) the following amendments shall be introduced:



1) the title of the Act is given the following wording:

“on the Personal liability of officers of the Police, the Border Guard, the Government Protection Bureau, the State Fire Department, the Penitentiary Service, the Central Anti-Corruption Bureau and the Internal Security Agency as well as the Foreign Intelligence Agency”;

2) in Art. 1:

a) section 1 is given the following wording:

“1. The Act regulates the personal liability of officers of the Police, the Border Guard, the Government Protection Bureau, the State Fire Department, the Penitentiary Service, Central Anti-Corruption Bureau, the Internal Security Agency and the Foreign Intelligence Agency for the damage caused as a result of the omission to act or negligence in exercising their official duties, to the property of the State Treasury at the disposal of the body or the organisational units subordinated to or supervised by the ministers in charge of internal affairs, justice, the Head of the Central Anti-Corruption Bureau, the Head of the Internal Security Agency and the Head of the Foreign Intelligence Agency.”,

b) in section 2 item 1 is given the following wording:

“1) an officer – means: a Police officer, an officer of the Border Guard, an officer of the Government Protection Bureau, a firefighter of the State Fire Department, an officer of the Penitentiary Service, an officer of the Central Anti-Corruption Bureau, an officer of the Internal Security Agency and an officer of the Foreign Intelligence Agency.”.

#### **Art. 186**

In the Act on Weapons and Ammunition of 21 May 1999 (Journal of Laws of 2004 No. 52, item 525 and No. 96, item 959), the following amendments shall be introduced:

1) in Art. 3 item 1 is given the following wording:

“1) weapons and ammunition constituting the armament of the Armed Forces of the Republic of Poland, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Government Protection Bureau, the Border Guard and the Penitentiary Service and other armed State formations, in relation to which access to weapons and ammunition is regulated by separate provisions;”;

2) in Art. 15 section 6 is given the following wording:

“6. The provisions of sections 3 and 4 shall not apply to officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Government Protection Bureau, the Border Guard, the Penitentiary Service and officers of other armed State formations as well as professional soldiers of the Armed Forces of the Republic of Poland if they possess service weapons assigned to them pursuant to separate regulations.”;

3) in Art. 16 section 2 is given the following wording:

“2. Officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the Penitentiary Service and officers or employees of other armed State formations as well as professional soldiers of the Armed Forces of the Republic of Poland, members of the Polish Hunting Association – within the scope of hunting weapons, and the members of the Polish Association of Sports Shooting – within the scope of sports weapons, are exempt from the examination referred to in section 1, if they passed the said examination pursuant to separate regulations.”;

4) Art. 49 is given the following wording:

“Art. 49. The provisions of the chapter shall not apply to shooting ranges of the Armed Forces of the Republic of Poland, the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, Penitentiary Service and the Government Protection Bureau.”.

#### **Art. 187**

In the Act on the Customs Service of 24 July 1999 (Journal of Laws of 2004 No. 156, item 164 and No. 273, item 2703 as well as of 2005 No. 167, item 1399), the following amendments shall be introduced:

1) in Art. 1 section 2a is given the following wording:

“2a. The activities related to the tasks set forth in Art. 1 section 2 shall be conducted through undertaking control activities and conducting preparatory proceedings, pursuant to the provisions of the Code of Criminal Procedure and the Fiscal Criminal Code.”;

2) chapter 1c shall be revoked.

#### **Art. 188**

In the Act of 10 September 1999 – The Fiscal Criminal Code (Journal of Laws of 1983, item 930, as amended), the following amendments shall be introduced:

1) in Art. 53 in § 38 in item 4 the full stop shall be substituted by a comma and item 5 shall be appended in the following wording:

“5) the Central Anti-Corruption Bureau.”;

2) in Art. 118 § 2 is given the following wording:

“§ 2. The body for preparatory proceedings in matters concerning fiscal offences is also the Internal Security Agency and the Central Anti-Corruption Bureau.”;

3) in Art. 134 in § 1 in item 4 the full stop shall be substituted by a comma and item 5 shall be appended in the following wording:

“5) the Central Anti-Corruption Bureau – in matters concerning fiscal offences revealed within the scope of its competence.”;

4) in Art. 150 § 3 and 4 is given the following wording:

“§ 3. The activities referred to in Art. 75 § 2 and Art. 285 § 2 of the Code of Criminal Procedure are conducted by the Police, the Border Guard, the Internal Security Agency, the Central Anti-Corruption Bureau or the Military Police, and where the proceedings are conducted by a financial body for preparatory proceedings – by the Police at the request of the aforesaid body.

§ 4. Except the Police, the activity referred to in Art. 244 § 1 of the Code of Criminal Procedure may be conducted also by the Border Guard, the Internal Security Agency, the Central Anti-Corruption Bureau or the Military Police.”;

5) in Art. 151a in § 1 item 2 is given the following wording:

“2) if the suspected person is a judge, prosecutor, an officer of the Police, the Internal Security Agency, the Foreign Intelligence Agency or the Central Anti-Corruption Bureau,”.

#### **Art. 189**

In the Act on the Determination of Remuneration in the State Budgetary Sphere and on Amendments to some Acts of 23 December 1999 (Journal of Laws No. 110, item 1255, as amended), the following amendments shall be introduced:

1) in Art. 2 item 2 is given the following wording:

“2) employees – shall mean persons employed in the units referred to in item 1 as well as professional soldiers, soldiers in extended military service, soldiers in periodic military service, officers of the Police, the Border Guard, the Government Protection Bureau and the State Fire Department – except for soldiers in candidate service – as well as officers of the Central Anti-Corruption Bureau, the Penitentiary Service and the Customs Service,”;

2) Art. 10a is given the following wording:

“Art. 10a. The minister in charge of finance shall be entitled to remit the financial means for remuneration, annual awards and the remaining amounts due to soldiers and officers – among the parts and divisions – at the request of, respectively, the Minister of National Defence, the Minister of Justice, the minister in charge of internal affairs, the Head of the Internal Security Agency and the Head of the Central Anti-Corruption Bureau.”.

#### **Art. 190**

In the Act on the National Criminal Registry of 24 May 2000 (Journal of laws No. 50, item 580, as amended) in Art. 6, section 1 item 7 is given the following wording:

“7) the Internal Security Agency, the Central Anti-Corruption Bureau and the Military Information Services within the scope required to perform their statutory task,”.

#### **Art. 191**

In the Act on the Proclamation of Normative Acts and Certain Other Legal Acts of 20 July 2000 (Journal of Laws of 2005 No. 190, item 1606 and No. 267, item 2253 and of 2006 No. 73, item 501) in Art. 22 section 5 is given the following wording:

“5. The Minister of National Defence, the minister in charge of internal affairs, the minister in charge of foreign affairs, the Head of the Internal Security Agency, the head of the Foreign Intelligence Agency or the Head of the Central Anti-Corruption Bureau issue, if necessary, a separate edition of a journal of laws with legal acts containing classified information.”.

#### **Art. 192**

In the Act on the Counteracting of the Introduction into Financial Circulation of Property Values Derived from Illegal or Undisclosed Sources and on Counteracting Financing of Terrorism of 16 November 2000 (Journal of Laws of 2003 No. 153, item 1505, of 2004 No. 62, item 577, No. 96, item 959 and No. 116, item 1203, and of 2005 No. 183, item 1538) in Art. 33 the following amendments shall be introduced:

1) in section 1 item 2 is given the following wording:

“2) the Heads of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Military Information Services or persons authorised by them – within the scope of their statutory powers.”;

2) section 1a is given the following wording:

“1a. The General Inspector shall provide the minister in charge of internal affairs and the Heads of: the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Military Information Services with the information referred to in Art. 8 section 1, upon a written and justified request, submitted upon the consent of the Public Prosecutor General.”;

3) in section 2 item 1 is given the following wording:

“the General Inspector of Fiscal Control, the directors of fiscal chambers as well as the directors of fiscal control offices – exclusively within the scope of their statutory powers;”.

#### **Art. 193**

In the Act of 29 November 2000 – The Atomic Law (Journal of Laws of 2004 No.161, item 1689 and No. 173, item 1808, of 2005 No. 163, item 1362 and of 2006 No. 52, item 378) in Art. 63 section 4 is given the following wording:

“4. The Prime Minister shall define, by way of an ordinance, the procedure for the supervision and control conducted by the nuclear supervisory bodies in the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau, taking into account the procedures for the preparation of the control, documentation of control activities, preparation of the control report, post-control statement and information on the control results.”.

#### **Art. 194**

In the Act on Technical Inspection of 21 December 2000 (Journal of Laws No. 122 item 1321, of 2002 No. 74, item 676 and of 2004 No. 96, item 959) in Art. 24, section 2 is given the following wording:

“ 2. Technical inspection activities in the organisational units of the Police, the Border Guard, the State Fire Department, the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau shall be performed by inspectors, who, pursuant to separate regulations, are entitled to have access to classified information.”.

#### **Art. 195**

In the Act on the Government Protection Bureau of 16 March 2001 (Journal of Laws of 2004 No. 163, item 1712, No. 210, item 2135), the following amendments shall be introduced:

- 1) in Art. 62 in section 4, the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families”.
- 2) in Art. 107 in section 2, the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families”.

#### **Art. 196**

In the Act on the Gathering, Processing and Transfer of Criminal Information and on the National Information System of 6 July 2001 (Journal of Laws No. 110, item 1189, as amended) in Art. 19 item 1a shall follow item 2 in the following wording:

“2a) the Central Anti-Corruption Bureau,”.

#### **Art. 197**

In the Act on the Internal Security Agency and Foreign Intelligence Agency of 24 May 2002 (Journal of Laws No. 74, item 676, as amended), the following amendments shall be introduced:

- 1) in Art. 5 in section 1 in item 2 letter c shall be repealed;
- 2) Art. 11 is given the following wording:

“ Art. 11. The Special Services Commission, hereinafter referred to as the “Commission”, functions at the Council of Ministers as an opinion-giving and advisory body for the issues of programming, supervision and co-ordination of the activity of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Military Information Services, hereinafter referred to as “special services”, as well as activities for protecting the State’s security undertaken by the Police, the Border Guard, the Military Police, the Penitentiary Service, the Government Protection Bureau, customs bodies, tax offices, tax chambers, tax revenue inspection bodies, financial information bodies and reconnaissance units of the Armed Forces of the Republic of Poland.”;

3) in Art. 12:

a) in section 1:

i. item 1 is given the following wording:

“1) appointing and recalling the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency and the Head of the Central Anti-Corruption Bureau as well as the Head of the Military Information Services,”,

- item 7 is given the following wording:

“7) co-ordination of the activity of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Military Information Services as well as the activity of special services with the Police, the Border Guard, the Military Police, the Government Protection Bureau, the Customs Inspectorate, customs bodies, tax offices, tax chambers, tax revenue inspection bodies, financial information bodies and reconnaissance units of the Armed Forces of the Republic of Poland and their co-operation within the scope of the protection of the State`s security.”;

b) in section 2 in item 3 in letter e a full stop shall be substituted by a comma and item 4 shall be appended in the following wording:

“4) Minister – Member of the Council of Ministers responsible for co-ordinating the activity of special services, if such minister was appointed by the Prime Minister.”,

c) in section 3 item 2a shall be appended in the following wording:

“2a. The Head of the Central Anti-Corruption Bureau,”;

4) Art. 13 is given the following wording:

“Art. 13. The Prime Minister, in order to ensure the co-operation required among the special services, may, after consulting with the Commission, provide binding guidelines within this scope to the minister in charge of internal affairs – in relation to the activity of the Police, the Border Guard, the Government

Protection Bureau, to the Minister of Justice – in relation to the activity of the Penitentiary Service, to the Minister of National Defence – in relation to the activity of the Military Information Services and the Military Police, to the Head of the Central Anti-Corruption Bureau – in relation to the activity of the Central Anti-Corruption Bureau and to the Heads of the Agencies – in relation to the activity of the Agencies.”;

5) in Art. 21 section 3 is given the following wording:

“3. Officers of the Internal Security Agency perform their activities exclusively within the competence of this Agency and in this scope they are entitled to the legal powers of the Police, resulting from the provisions of the Code of Criminal Procedure.”;

6) Art. 42 is given the following wording:

“Art. 42.1. The Heads of the Internal Security Agency and the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau and the Head of the Military Information Services shall be obliged to co-operate within the scope of performance of their tasks.

2. The Prime Minister shall define, by way of a regulation, the terms, scope and procedure of the co-operation as well as the detailed division of competences among the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Military Information Services.”;

7) art 113 is given the following wording:

“Art. 113. An officer of the Agency released from service, who is not entitled to residential premises on the terms and conditions set forth in the regulations on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families, preserves the entitlement to the assigned residential premises pursuant to the generally effective norms or may be transferred to alternate residential premises.”;

8) in Art. 131 section 2 is given the following wording:

“2. The benefits referred to in section 1 shall be available to the spouse of an officer who remained in a conjugal partnership, and further to the children and parents if on the day of the officer`s death they fulfilled the requirements to obtain a family allowance pursuant to the provisions on the retirement benefits for the officers of Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families.”.

**Art. 198**

In the Act on Explosives for Civilian Uses Act of 21 June 2002 (Journal of Laws No. 117, item 1007 and No. 238, item 2019, and of 2004 No. 222, item 2249) in Art. 2 section 3 is given the following wording:

“3. The provisions of the Act shall not apply to explosives purchased, stored, displaced and used by the Armed Forces of the Republic of Poland, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Government Protection Bureau, the Police, the Penitentiary Service, the Border Guard as well as r the armies of foreign countries remaining in the territory of the Republic of Poland.”.

#### **Art. 199**

In the Act of 3 July 2002 – The Air Law (Journal of Laws of 2006 No. 100, item 696) in Art. 116 section 3 is given the following wording:

“3. The provisions of sections 1 and 2 shall not apply to the rights of the soldiers of the Military Information Services and officers of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Police, the Border Guard and the Government Protection Bureau in the course of performing their official activities.”.

#### **Art. 200**

In the Act of 12 June 2003 – The Postal Law (Journal of Laws No. 130, item 1188, of 2004 No. 69, item 627, No. 96, item 959 and No. 173, item 1808 and of 2005 No. 267, item 2258), in Art. 41:

1) section 2 is given the following wording:

“2. The obligation referred to in section 1 shall cover, free of charge, the ensuring by the operator, within the scope of the postal activity performed by him, of the technical and organisational possibilities of the performance by the prosecutor's office as well as courts, and also by authorised units subordinated to the Minister of Justice, the Minister National of Defence, the minister in charge of internal affairs, the Head of the Internal Security Agency and the Head of the Central Anti-Corruption Bureau of their tasks prescribed in separate regulations, as of the date of the commencement of the postal activity. At the request of the interested operator, the President of the Office of Electronic Communications may delay the time limit for performing the aforesaid obligation.”;

2) in section 3 the introductory sentence is given the following wording:

“The minister in charge of telecommunications, in consultation with the Minister of Justice, the Minister of National Defence, the minister in charge of internal affairs, and having obtained the opinion of the Head of the Internal Security Agency and the Head of the Central Anti-Corruption Bureau, shall define, by way of an ordinance:”.

#### **Art. 201**

In the Act on Foreigners of 13 June 2003 (Journal of Laws No. 128, item 1175, of 2004 No. 96, item 959 and No. 179, item 1842 as well as of 2005 No. 90, item 757, No. 94, item 788,



No. 132, item 1105 and No. 163, item 1362) in Art. 133 in section 1 item 4 shall be followed by item 4a in the following wording:

“4a) the Head of the Central Anti-Corruption Bureau,”.

#### **Art. 202**

In the Act on Family Benefits of 28 November (Journal of Laws No. 228, item 2255, as amended) in Art. 3 in item 5, the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families” shall be substituted by the words “on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families.”.

#### **Art. 203**

In the Act on the Promotion of Employment and Labour Market Institutions of 20 April 2004 (Journal of Laws No. 99, item 1001, as amended), the following amendments shall be introduced:

1) in Art. 71 in section 2 item 1 is given the following wording:

“1) compulsory military service, extended military service, military training, military training of the higher school graduates, military service performed as a candidate for professional military service, military exercises, periodic military service as well as military service in civil defence or alternate service, or service as an officer referred to in the Act on the Retirement Benefit for Officers the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families of 18 February 1994 (Journal of Laws of 2004 No. 8, item 67, No. 121, item 1264 and No. 191 , item, 1954, of 2005 No. 10, item 65, No. 90, item 757 and No. 130, item 1085 as well as of 2006 No. 104, item 708);”

2) in Art. 104 in section 1 in item 1 letter g is given the following wording:

“g) professional soldiers as well as officers not qualified to obtain an entitlement to an old-age or disability pension set forth in the regulations on retirement benefits for professional soldiers and in the regulations on the retirement benefit for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Department and the Penitentiary Service and their families for whom, after the **dismissal** from service or termination of the employment relationship, an old-age disability insurance contribution was paid from the remuneration or remuneration paid in the period of service or the employment relationship pursuant to separate provisions,”.

#### **Art. 204**

In the Act of 16 July 2004 – The Telecommunications Law (Journal of Laws No. 171, item 1800 and No. 273, item 2703, of 2005 No. 163, item 1362 and No. 267, item 2258 and of 2006 no. 12, item 66) the following amendments shall be introduced:

1) in Art. 4 item 4 is given the following wording:

“4) organisational units of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau – for their own needs;”;

2) in Art. 5 section 2 shall be followed by section 2a in the following wording:

“2a. The Prime Minister may determine, by way of an ordinance, the detailed principles for the performance of telecommunications activities as well as of the use of radio equipment by the organisational units of the Central Anti-Corruption Bureau, taking into consideration the scope of the tasks performed by those units.”;

3) in Art. 171 section 12 is given the following wording:

“12. The President of the Office of Electronic Communications (UKE), at a justified request from an operator, may, by way of a decision, establish a transitional period for the implementation of the service to stop incoming calls from a subscriber or a user that uses the elimination of the presentation of the identification of the calling line referred to in paragraph 2 item 3. The President of the UKE shall notify the Minister of National Defence, the minister in charge of public finance, the minister in charge of internal affairs, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency and the Head of Central Anti-Corruption Bureau with regard to the establishing of such a transitional period.”;

4) in Art. 179”:

a) in section 3 in item 1 the final sentence is given the following wording:

“- by authorised organisational units subordinated to or supervised by the Minister of National Defence, or by the authorised bodies and organisational units supervised by or subordinated to the minister in charge of internal affairs, the minister in charge of public finance and the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency and the Head of the Central Anti-Corruption Bureau;”;

b) section 4 is given the following wording:

“4. The access referred to in section 3 may also be implemented by means of interfaces, under the terms and conditions specified in agreements concluded between the authorised entities and telecommunications undertakings with the consent of: the Minister of Justice, the Minister of National Defence, the minister in charge of internal affairs, the minister in charge of public finance, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, according to their competences. The agreement may also specify the parties’ participation in the costs of the use of interfaces.”,

c) section 10 is given the following wording:

“10. The President of the UKE shall immediately deliver the information referred to in section 8 to the Minister of Justice, the Minister of National Defence, the minister in charge of internal affairs, the minister in charge of public finances and the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency and the Head of the Central Anti-Corruption Bureau.”.

## Art. 205

In the Act on the Emolument of the Deputies to the European Parliament Elected in the Republic of Poland of 30 July 2004 (Journal of Laws No. 187, item 1925) the following amendments shall be introduced:

1) Art. 3a shall be added in the following wording:

“Art. 3a. 1. Deputies to the European Parliament are obliged to submit an asset declaration. The asset declaration concerns separate property as well as the joint property of spouses. The statement contains detailed information on:

- 1) financial resources, real property, participation in civil law partnerships or commercial partnerships, shares and stocks in commercial companies, property acquired from the State Treasury, other state legal person, units of local government, their unions or communal legal person, subject to disposal by way of a tender, and also on the conducted business activities and positions occupied in commercial companies;
- 2) income acquired due to employment or other activity or activities conducted for gain, stating the amounts received in connection with each such activity;
- 3) movable property with a value exceeding PLN 10 000;
- 4) pecuniary liabilities with a value exceeding PLN 10 000, including contracted credit facilities and loans as well as on the terms and conditions on which they were granted.

2. The template of the asset declaration constitutes an attachment to this Act.

3. The asset declaration shall be submitted in two copies to the Speaker of the Sejm within the following time limits:

- 1) up to the date of the first seating of the European Parliament in which the deputy to the European Parliament participates, along with information on the manner and the time periods of the discontinuance of conducting business activities with the use of the property of the State Treasury or local government in connection with the election as a deputy to the European Parliament as well as with information on the possession of the property of the State Treasury or local government;
- 2) up to 30 April of each year, according to the states as at 31 December of the preceding year, enclosing a copy of the annual tax return (PIT);
- 3) within one month from the date of the ordering of new elections to the European Parliament.

4. One of the copies of the asset declaration shall be conveyed by the Speaker of the Sejm to the tax office competent at the place of residence of the deputy to the European Parliament.

5. The Information contained in the asset declaration is unclassified, except for the information on the address of the place of residence of the deputy to the European

Parliament and on the location of the real property. Unclassified information contained in the asset declaration shall be announced public by the Speaker of the Sejm in electronic form.

6. The competent tax offices shall conduct analysis of the data contained in the asset declaration. They are entitled to compare the contents of the statement being analysed to the contents of statements submitted in the preceding years as well as to the copy of the attached annual tax return (PIT). The results of the analysis shall be presented to the Speaker of the Sejm, who announces them to the public in the electronic form.
7. An asset declaration shall be kept for the period of 6 years.
8. Non-submission of an asset declaration results in the loss of the entitlement to emolument until the time when such statement is submitted.
9. Providing untrue information or concealing the truth in the asset declaration results in liability under Art. 233 § 1 of the Penal Code;

2) an attachment shall be added in the following wording:

Note!

1. The person submitting the asset declaration is obliged to complete each section truthfully, diligently and thoroughly.
2. If any section is not applicable in the specific case, "not applicable" shall be written in it.
3. The asset declaration refers to the property possessed in Poland and abroad.
4. The asset declaration comprises also pecuniary receivables.

### **Asset declaration**

I, the undersigned, .....

(first names and surname; females shall also provide their maiden surname)

born on ..... in .....

(place of employment, position or function)

place of residence

having familiarised myself with the provisions of the Act on the Emolument of Deputies to the European Parliament elected in the Republic of Poland of 30 July 2004 (Journal of Laws No. 187, item 1925), in compliance with Art. 3a of this Act, declare that I am in the possession of the following property, constituting the joint property of spouses or constituting my separate property:

**I.**

Pecuniary resources:

- pecuniary resources in the Polish currency:

- pecuniary resources in foreign currencies:

- securities:

in the amount of: .....

**II.**

1. A house with an area of:..... m<sup>2</sup> address: .....

..... of the value: .....

legal title: .....

2. A flat with an area of:..... m<sup>2</sup> , address: .....

..... of the value: .....

legal title: .....

3. A farm:

type of farm:..... area: .....

address:

value:

type of development:

legal title:

In this respect, in the preceding year, I achieved a revenue and income in the amount of:

.....  
.....

4. Other real properties:

area: .....

address: .....

value: .....

legal title: .....

**III.**

I participate in a civil law partnership or a commercial partnership (general, professional, limited, limited joint-stock) – please provide the amount of contributions made:

In this respect, in the preceding year, I achieved the revenue and income in the amount of:

.....  
.....

**IV.**

1. I hold shares in a commercial company with shares owned by state or communal legal persons or undertakings, in which such persons participate – please provide the number and the issuer of the shares:

In this respect, in the preceding year, I achieved income in the amount of:

.....  
.....

2. I hold shares in other commercial companies – please provide the number and the issuer of the shares:

In this respect, in the preceding year, I achieved income in the amount of:

.....  
.....

**V.**

1. I hold shares in commercial companies with shares owned by state or communal legal persons or undertakings, in which such persons participate – please provide the number and the issuer of the shares:

In this respect, in the preceding year, I achieved income in the amount of:

.....  
.....

2. I hold shares in other commercial companies – please provide the number and the issuer of the shares:

In this respect, in the preceding year, I achieved income in the amount of:

.....  
.....

**VI.**

I purchased (my spouse purchased), from the State Treasury, other state legal person, units of local government, their unions or a communal legal person, the

following property, which were sold by way of a tender – please provide the description of the property and the date of purchase, from whom:

**VII.**

1. I conduct business activities (please provide the legal form and the subject of the activity):

- in person

- jointly with other persons

In this respect, in the preceding year, I achieved revenue and income in the amount of:

.....  
.....

2. I manage business activities or I am a representative, attorney-in-fact of such activity (please provide the legal form and the subject of the activity):

In this respect, in the preceding year, I achieved revenue and income in the amount of:

**VIII.**

1. In a commercial company (the name, registered office):

- I am a member of the management board (since when):

- I am a member of the supervisory board (since when):

- I am a member of the audit committee (since when):

In this respect, in the preceding year, I achieved income in the amount of:



2. In foundations and associations conducting business activities:

- I am a member of the management board (since when):

.....

- I am a member of the supervisory board (since when):

- I am a member of the audit committee board (since when):

In this respect, in the preceding year, I achieved income in the amount of:

**IX.**

Other income achieved due to employment or other paid activity or occupation, providing the amounts achieved in connection with each:

**X.**

The components of the movable property exceeding PLN 10 000 (in the case of motor vehicles, please provide the brand, model and year of production):

**XI.**

Pecuniary liabilities exceeding PLN 10 000, including contracted credit facilities and loans as well as the terms and conditions, on which they were granted (to whom, in connection with what event, in what amount):

I submit the aforesaid declaration being aware that under Art. 233 § 1 of the Penal Code, providing untrue information or concealing of the truth may result in imprisonment.

.....

(place, date)

(signature)

## **Chapter 9**

### **Interim and final provisions**

#### **Art. 211**

Pre-trial proceedings as well as other proceedings initiated and not completed by the Internal Security Agency until the date of Art. 197 item 1 coming into force, which are connected with the performance of the tasks set forth in 5 section 1 item 2 letter c of the Act on the Internal Security Agency and the Foreign Intelligence Agency of 24 May 2002, shall be conducted on the basis of the existing provisions.

#### **Art. 212**

1. In the period of one year from the date when this Act becomes effective, officers serving in the Internal Security Agency, Police and Border Guard may submit an intention to enter into service in the CBA.
2. Officers of the Internal Security Agency, Police and Border Guard submit a written intention of entering into service in the CBA to the Head of the CBA or the Plenipotentiary referred to in Art. 214 section 1.
3. The provision of Art. 50 shall be applied accordingly.
4. The Head of the Central Anti-Corruption Bureau notifies in writing the Head of the Internal Security Agency, the Chief Commandant of the Police, the Chief Commandant of the Border Guard, respectively, about the qualification of the officers of the Internal Security Agency, Police and Border Guard to service in the CBA.
5. The officers referred to in section 4 shall be dismissed from service in the Internal Security Agency, Police and Border Guard within a period not longer than 3 months from the date of notification. The Head of the Internal Security Agency, the Chief Commandant of the Police, and the Chief Commandant of the Border Guard notify the Head of the CBA in writing on the envisaged date of terminating the officer from service.

6. Officers of the Internal Security Agency, Police and Border Guard, qualified to service, become officers of the CBA as of the date of appointing them to service by the Head of the CBA, preserving the continuity of service.

#### **Art. 213**

1. An officer of the Internal Security Agency dismissed pursuant to the procedure described in Art. 212 section 5 shall not be entitled to pecuniary benefits related to dismissal from service set forth in Art. 128 section 1 item 1 of the Act on the Internal Security Agency and the Foreign Intelligence Agency of 24 May 2002.
2. An officer of the Police dismissed pursuant to the procedure described in Art. 212 section 5 shall not be entitled to pecuniary benefits related to dismissal from service set forth in Art. 114 section 1 item 1 of the Act on the Police of 6 April 1990.
3. An officer of the Border Guard removed pursuant to the procedure described in Art. 212 section 5 shall not be entitled to pecuniary benefits related to dismissal from service set forth in Art. 118 section 1 item 1 of the Act on the Border Guard of 12 October 1990.

#### **Art. 214**

1. The Prime Minister shall, by way of a regulation, appoint, within 7 days as of the date this article coming into effect, a Plenipotentiary for organisational matters of the CBA, hereinafter referred to as the "Plenipotentiary", defining the scope of his tasks and measures required for their performance. Each person meeting the requirements prescribed in Art. 7 may be appointed as the Plenipotentiary. The purpose of the Plenipotentiary's activity shall be organising the CBA, including accepting officers to service and employment of employees as well as undertaking other activities essential to commence the work of the CBA. The Plenipotentiary ends his activity upon the appointment of the Head of the CBA.
2. In the course of performing his duty, the Plenipotentiary exercises the powers of the Head of the CBA defined in Art. 53, Art. 54 and Art. 212.
3. The Prime Minister supervises the activity of the Plenipotentiary.
4. The prime Minister may, by way of an ordinance, transfer the planned budget expenses among the parts, sections and chapters of the State budget in the event of the taking over, by the CBA, of the tasks performed by other existing bodies.
5. Within 6 months as of the date of this provision coming into effect, State budget units may transfer the property remaining at their disposal for the benefit of the CBA, free of charge.

#### **Art. 215**

Secondary legislation issued on the basis of:

- 1) Art. 17 section 3 of the Act referred to in Art. 148,
- 2) Art. 106 of the Act referred to in Art. 154,
- 3) Art. 5 section 2 of the Act referred to in Art. 158,
- 4) Art. 66 section 7 and Art. 76 sections 3-5 of the Act referred to in Art. 171,
- 5) Art. 14 sections 4 and 5 of the Act referred to in Art. 184

- remain in force until the implementation of the new secondary legislation, not longer than for 18 months from the date of this Act coming into force.

**Art. 216**

This Act comes into force upon the lapse of 30 days after its promulgation, except for Art. 197 section 1, which comes into force upon the lapse of 18 months after promulgation, and Art. 214, which comes into force 7 days after promulgation.