



Permanent Mission of the Republic of Poland
to the Organization for Security and
Co-operation in Europe

No. 24 /2009

Permanent Mission of the Republic of Poland to the Organization for Security and Co-operation in Europe presents its compliments to the Missions and Delegations of all the OSCE Participating States and to the OSCE Conflict Prevention Centre and, in accordance with the Decision 4/03 of the Forum for Security Co-operation, has the honour to transmit herewith Poland's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

Permanent Mission of the Republic of Poland to the OSCE in Vienna avails itself of this opportunity to renew to the Missions and Delegations of all the OSCE Participating States and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

PG

Encl.:1

Vienna, 4 June 2009

**To:
All Delegations and Missions to the OSCE**

The OSCE Conflict Prevention Centre

Vienna



Information
by Poland on the Code of Conduct on Political-Military Aspects of Security
in 2008

1. Measures to prevent and combat terrorism, with particular reference to participation in the relevant international agreements

(a) List of international agreements, including UN conventions and protocols on terrorism, to which the Republic of Poland is a party

Poland participates in the implementation of 13 UN conventions and protocols designed to combat international terrorism. They include:

- the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed in Tokyo on September 14 1963 – Poland has been a party to the Convention from June 16 1971,
- the Convention for the Suppression of Unlawful Seizure of Aircraft of December, signed in The Hague on December 16 1970 – Poland has been a party to the Convention from April 20 1972,
- the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, adopted in Montreal on September 23 1971 – Poland has been a party to the Convention from February 27 1975,
- the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the UN General Assembly on December 14 1973 – Poland has been a party to the Convention from January 13 1983,
- the International Convention against the taking of Hostages, adopted by the UN General Assembly on December 18 1979 – Poland has been a party to the Convention from June 24 2000,
- the Convention on the Physical Protection of Nuclear Materials, with Annexes I and II, signed in Vienna on March 3 1980 – Poland has been a party to the Convention from February 8 1987 ,
- the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed in Montreal on February 24 1988 – Poland has signed but not ratified the Protocol,
- the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted in Rome on March 10 1988 – Poland has been a party to the Convention from March 1 1988,
- the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on March 10 1988) – Poland has been a party to the Protocol from March 1 1992,
- the Convention on the Marking of Plastic Explosives for the Purpose of Identification, signed in Montreal on March 1 1991 - Poland has been a party to the Convention from November 25 2006,
- the International Convention for the Suppression of Terrorist Bombings, adopted by the UN General Assembly on December 15 1997 – Poland signed the Convention on June 14 1999,

- the International Convention for the Suppression of the Financing of Terrorism, adopted by the UN General Assembly on December 9 1999 - Poland signed the Convention on October 4 2001,
- the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the United Nations General Assembly on April 13 2005 – Poland signed the Convention but has not ratified it.

Poland is a party to Council of Europe conventions and protocols concerned with the prevention and suppression of terrorism and terrorism-related crimes:

- the European Convention on the Suppression of Terrorism, adopted in Strasbourg on January 27 1977 - Poland signed the Convention on September 13 1995 and ratified it on January 30 1996,
- the Protocol amending the European Convention on the Suppression of Terrorism – Poland signed the Protocol on May 15 2003 and ratified it on November 10 2004,
- the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, done at Strasbourg on November 8 1990 – Poland signed the Convention on November 5 1998 and ratified it on December 20 2000,
- the European Convention on Cybercrime, done at Budapest on November 23 2001 – Poland signed the Convention on November 23 2001,
- the Additional Protocol to the Convention on Cybercrime, Concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed Through Computer Systems – Poland signed the Protocol on July 21 2003 and ratified it on November 10 2004,
- the Council of Europe Convention on the Prevention of Terrorism, done at Warsaw on May 16 2005 – Poland signed the Convention on May 16 2005 and ratified it on April 3 2008; the Convention entered into force on August 1 2008,
- the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism - Poland signed the Convention on May 16 2005 and ratified it on August 8 2007; the Convention entered into force on May 1 2008.

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities

Under obligations assumed by the Republic of Poland (e.g. the Prague Capabilities Commitment made by the heads of state and government during the NATO Prague Summit in November 2002) – the Ministry of National Defense has implemented international disarmament agreements and prevented the proliferation of weapons of mass destruction , their components, technologies of manufacture, dual-use goods and WMD delivery systems.

The main relevant international agreements and control regimes to which Poland is a party and in the implementation of which the Ministry of National Defense was involved, include:

- the Nuclear Non-Proliferation Treaty , done at Moscow, Washington and London on July 1 1968 - ratified by Poland on May 3 1969,

- the Biological and Toxin Weapons Convention, done at Moscow, London and Washington on April 10 1972, ratified by Poland on December 11 1972 and the Joint Action in Support of the Biological and Toxin Weapons Convention and EU Action Plan on biological and toxin weapons,
- the Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on October 10 1980 (CCW),
- the Chemical Weapons Convention (CWC), done at Paris on January 13 1993 – ratified by Poland on July 27 1995,
- the Australia Group – established in 1985 to coordinate export policy in areas connected with the BTWC and CCW; the Group currently affiliates 41 states,
- the Missile Technology Control Regime (MTCR) – established in 1987 to control exports of missiles capable of delivering nuclear weapons (lift capacity of at least 500 kilos, range of at least 300 kilometers). The experience of the Persian Gulf war led in 1993 to the extension of controls to missiles capable of carrying biological and chemical weapons. The MTCR is a key instrument for countering the proliferation of missiles capable of WMD delivery. 34 states are involved in the works of the Regime,
- the Wassenaar Arrangement – established in the Hague in December 1995, for the purpose of controlling exports of conventional weapons and dual-use goods (i.e. which can be used for both civilian and military purposes); the WA currently includes 40 states,
- the Nuclear Suppliers Group (NSG) – established when the main suppliers of nuclear goods and technologies recognized the need for their enhanced export controls. Initially known as the London Club (named after the venue of its first meeting in 1975), in 1978 it adopted the rules of conduct for trade in nuclear goods and technologies for peaceful purposes, designed to prevent the proliferation of nuclear weapons. The Group's present name was adopted in 1978; it currently affiliates 46 states,
- the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention Against Transnational Organized Crime, adopted by the UN General Assembly on May 31 2001 – ratified by Poland on February 21 2005.

Moreover, Poland as EU member participates in numerous Union undertakings, pursuant to the following adopted documents :

- the European Security Strategy, adopted by the EU Council on December 12 2003,
- the EU Strategy for Combating Radicalization and Recruitment to Terrorism of November 24 2005;
- the EU Counter-Terrorism Strategy of November 30 2005;

- the EU Council Framework Decision of June 13 2002 on Combating Terrorism;
- the EU Council Framework Decision of June 13 2002 on the European Arrest Warrant and Surrender Procedures between Member States;
- the EU Council Framework Decision of June 13 2002 on Joint Investigation Teams;
- the EU Council Framework Decision of September 20 2005 on the Exchange of Information and Cooperation Concerning Terrorist Offences;
- the EU Council Framework Decision of June 26 2001 on Money Laundering, the Identification, Tracing, Freezing, Seizing and Confiscation of Instrumentalities and the Proceeds of Crime;
- the Declaration on Combating Terrorism of March 25 2004 and the EU Action Plan on Combating Terrorism;
- the Agreement Amending the Partnership Agreement between the African, Caribbean and Pacific Group of States, of the One Part, and the European Community and its Member States, of the Other Part, signed in Cotonou on June 23 2000, signed in Luxembourg on June 25 2005.

Furthermore, Poland has signed:

- the Agreement between the Government of the Republic of Poland and Allied Command Europe and Allied Command Atlantic concerning host nation support for NATO operations on the territory of the Republic of Poland ,
- for the needs of Operation Orlik II, in 2008 Poland acceded to the Memorandum of Understanding between the Government of the Republic of Lithuania, the Supreme Allied Command Europe and the Supreme Allied Command Transformation concerning the support of the host country for NATO operations, signed on March 15 2005.

Bilateral cooperation:

- the joint Polish-US working group on combating terrorism (in operation since March 31 2005 – it includes members of the Polish Armed Forces),
- the Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on defense cooperation;
- the Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on temporary stationing of members of the armed forces of the Republic of Poland and members of the armed forces of the Federal Republic of Germany in the territory of the other state;
- the Agreement between the Government of the Republic of Poland and the Government of the Republic of Hungary on cooperation in combating terrorism, illegal trafficking in drugs and organized crime , signed in Warsaw on May 15 1996; the Agreement entered into force on May 14 1998;

- the Agreement between the Government of the Republic of Poland and the Government of the Republic of Slovenia on cooperation in combating terrorism, organized crime, illicit trafficking in narcotic drugs, psychotropic substances and their precursors, signed in Ljubljana on August 28 1996; the Agreement entered into force on April 6 1998;
- the Agreement between the Government of the Republic of Poland and the Government of the French Republic on cooperation in internal affairs, signed in Warsaw on September 12 1996; the Agreement entered into force on March 1 1998;
- the Agreement between the Government of the Republic of Poland and the Government of the Republic of India on cooperation in combating organized crime and international terrorism, signed in New Delhi on February 17 2003; Poland has been a party to the Agreement since December 9 2004;
- the Agreement between the Government of the Republic of Poland and the Government of the Republic of Turkey on cooperation in combating terrorism, organized crime and other crime, signed in Ankara on April 7 2003; Poland has been a party to the Agreement since July 24 2004;
- the Agreement between the Government of the Republic of Poland and the Government of Romania on cooperation in combating organized crime, terrorism and other types of crimes, signed in Warsaw on July 11 2001, Poland has been a party to the Agreement since August 27 2003.

(c) National measures, including the pertinent legislation, taken to implement the above-mentioned agreements, conventions and protocols.

Pursuant to article 89.1 of the Constitution of the Republic of Poland of April 2 1997, an international agreement concerning peace, alliances, and political or military treaties requires ratification upon prior consent in the form of a law. International agreements that do not require ratification are subject to approval by the Council of Ministers - in line with article 12.3 of the Law of April 14 2000 on international agreements. In the light of article 91.2 of the Constitution of the RP, an international agreement ratified upon prior agreement in the form of a law, takes precedence over a national law, if this law cannot be reconciled with the provisions of the agreement.

“Register of undertakings and procedures for the activation of the National System of Crisis Alert” was introduced in June 2005, pursuant to the NATO Crisis Response System Manual (NCRSM) . The document obligates government administration organs to implement specified measures for the purpose of crisis response, readiness maintenance and countering aggression and also to implement the respective alarm levels as instruments of responding to terrorist threats.

Works on enhancing the document as an instrument of cooperation with the Alliance and improvement of the crisis-response capacity (including terrorist threats) of the relevant national entities are connected with the annual updating of the NCRSM and changes in the competencies of government administration organs (ministers, heads of central offices and voivodes)

(d) Information on national actions (efforts) to prevent and combat terrorism, including information on legislation exceeding UN conventions and protocols

In consequence of the terrorist attacks against the United States on September 11 2001 and the attack of March 11 2004 in Madrid, as well as Poland's participation in the anti-terrorist coalition, the Polish authorities have undertaken a set of measures designed to:

- upgrade the functioning of the national air defense system through the establishment of the Air Operations Centre,
- change the structure, concept and planning of the use of special forces,
- change the programs of military training,
- effective countering of terrorist threats (establishment of the Government Security Center , Anti-Terrorist Center etc);
- amend the Criminal Code of June 6 1997 through the introduction into its detailed part of the concept of terrorist crime, which in the light of article 115 § 20 of the CC is an unlawful act punishable by imprisonment of up to five years, committed for the purpose of gravely intimidating a large number of persons, coercing an organ of public authority of the Republic of Poland or another state, or an organ of an international organization, to undertake or abandon a specific action, cause serious political or economic disturbances in the Republic of Poland, another state or an international organization – or the threat of such an act. References to crimes of this kind are also made in articles 65 § 1, 110§ 1 and 258 § 2 and 4 of the CC.

The Strategy of National Security of the Republic of Poland (SNS RP), adopted on November 13 2007, describes organized international terrorism as a threat to Europe and Poland, stipulates ways of averting it and assigns tasks connected with combating terrorism to the respective executive sub-systems of national security.

According to the SNS RP, terrorist threats against Poland are primarily connected with our participation in the anti-terrorist campaign and stabilization and peace missions conducted by NATO and the EU. Poland's involvement in international operations carries the risk of retaliation attacks, with Polish targets in the area of responsibility of Polish Military Contingents under particular threat.

The SNS RP advocates the upgrading of NATO's counter-terrorism capacity and development of cooperation within the European Union in areas of key importance to internal security, including prevention of terrorism. The Strategy also pledges Poland's support for the development of international law and legal norms designed to effectively combat terrorism.

The document underlines the need for constant preparedness for possible terrorist threats, highlighting the importance of due mobility, efficient organization and prudent conduct of citizens in the event of a terrorist threat actually occurring. It also emphasizes the necessity of proper collaboration of the services and organs tasked with the prevention of terrorist threats and of professionalism in the execution of statutory duties.

The SNS RP assigns particular counter-terrorism tasks to institutions and organs responsible for national defense, special services, public administration and home affairs, the judiciary, budget and public finances, transportation and health care.

The special services bear primary responsibility for preventing and countering terrorism. Their fundamental role consists in obtaining, analyzing, processing and supplying security-relevant information to the competent organs, including advance information on potential and actual threats. The Police and Border Guard are also tasked with constant monitoring of terrorist threats and related cooperation with other services. The Government Protection Bureau is responsible for ensuring the security of Polish diplomatic missions, especially from terrorist threats. The judiciary has the task of developing cooperation with its European counterparts in the sphere of terrorism prevention. In order to prevent the financing of terrorism, measures will be taken to improve the monitoring of financial transactions and to upgrade operational cooperation with the Internal Security Agency, Central Anti-Corruption Bureau, Police, Border Guard and – internationally – with financial intelligence units of other states. The Customs Service is also obligated to cooperate with other services in combating terrorism. The SNS RP further underlines the importance of effective controls and monitoring of the shipment, storage and distribution of dangerous and dual-use goods, due to the possibility of their utilization for terrorist purposes. The document also notes the necessity of having suitably prepared medical staff and resources at the central, voivodship and local levels, in view of the threats posed by radiation, chemical and bio-terrorism to the health and lives of large groups of the population.

National plans envisage the attainment of full compatibility of the national system of crisis management with the NATO and EU systems of crisis response, exchange of information with other states (primarily in Central Europe) and the development of operational capabilities.

Regulations on preventing and combating terrorism are contained in the Law of April 26 2007 on crisis management, which determined the organs competent in matters of crisis management, their tasks and rules of operation and the principles of financing crisis management tasks.

The Government Team for Crisis Management, operating on the basis of the 2007 Law on crisis management, is the advisory organ tasked with initiating and coordinating actions concerned with crisis management. As part of implementation of the Law, a Government Security Center (GSC) was established in September 2008. The Center supports the Prime Minister, the Council of Ministers and the Government Team for Crisis Management in decision-making relating to security matters, by supplying them with substantive studies and analyses. The tasks of the GSC include: civilian planning, monitoring of potential threats, the preparation and application – in threat situations – of crisis management procedures, elaboration of draft opinions and positions, cooperation with the relevant units of NATO, the EU and other international organizations, conducting of training and exercises in crisis management. In the information sphere, tasks of the GSC include ensuring circulation of information between domestic and foreign organs and structures of crisis management, maintenance of standby duty in the framework of national defense readiness and implementation of tasks relating to countering, preventing and eradicating the effects of terrorist acts. Efficient flow of information between the organs and structures responsible for crisis management is designed to avert crisis situations, and should they occur – to effectively eradicate their effects. The GSC implements tasks elaborated in the Law on crisis management which stem from our allied obligations to NATO in the civilian sphere. An under-secretary of state at the Ministry of the Interior and Administration is the director of the DSC.

October 2008 saw the launching of the ISA Counter-Terrorism Center – as a body coordinating actions aimed at preventing and combating terrorism. The CTC is a unit of the Internal Security Agency, operating on a 7-24 basis. It is staffed by delegated officers and employees of the services and institutions tasked with Poland’s counter-terrorism protection (including the Police, Border Guard, the Government Protection Bureau, the Military Counterintelligence Service, the Military Intelligence Service and the Customs Service). The CTC receives all information that might indicate the threat of a terrorist attack. Its tasks include preparation of synthetic reports on terrorist threats for the state leadership, facilitation of decision-making in the event of an actual threat of a terrorist attack, coordination of operational measures, preparation of analytical material, streamlining of crisis-response procedures and cooperation with similar bodies abroad.

The Government Team for Response to Computer Incidents (CERT.GOV.PL) was launched in February 2008, in the framework of the ISA Department for Teleinformation Security. Its basic task consists in ensuring and enhancing the ability of organizational units of the Polish public administration to protect themselves from cyber threats, with special reference to attacks against teleinformation systems and networks, the destruction or disruption of which could endanger the life or health of individuals, the national heritage or the environment on a substantial scale, or could cause considerable material losses, or disruption of state functions. On March 9 2009 the Standing Committee of the Council of Ministers adopted the “Government Program for the Protection of Cyberspace of the RP” for the next several years, as a component of building a broad strategy of state security.

In April 2008 the Prime Minister appointed an Inter-Ministry Team for the Prevention of Illegal Proliferation of Weapons of Mass Destruction, headed by the MFA. It is tasked with monitoring current tendencies in the proliferation of WMDs and the efforts of the international community and Poland (in the framework of the Krakow Initiative – PSI, and the Global Initiative to Combat Nuclear Terrorism – GINCT), with a view to possible terrorist threats.

In December 2007 the Ministry of National Defense established a Team for Special Situations, tasked with providing advice on ways of responding to the abduction of personnel by terrorists. Meanwhile, designated units of the Armed Forces are ready to provide back-up to the public administration in any counter-terrorism actions.

Since mid 2008, conceptual work has been under way on a Counter-Terrorism Law. Its legal aspects are being examined by an inter-ministry Task Team for the Systematization of Counter-Terrorism Domestic Legal Regulations and Solutions, set up in June 2008. In November 2008 the decision was taken to establish a Task Team for the Counter-Terrorism Law, to draft the tenets of the act.

Matters pertaining to terrorist threats are discussed during the annual conferences of the NATO Crisis Response System, NATO and EU crisis management planning conferences, workshops and seminars, international experiments designed to upgrade the operational capabilities of the

member states and during discussion forums (conferences) organized for the purpose of exchange of experiences, such as the annual Athena conferences. The participants in these events include representatives of the Ministry of National Defense, the General Staff, and other ministries and central state institutions.

Furthermore, the General Staff of the Armed Forces collaborates with the ISA Counter-Terrorism Center by exchanging information on terrorist threats. Representatives of the Intel Analysis and Reconnaissance Board take part in regular meetings of a standing expert group on the prevention and combating of terrorism.

National undertakings designed to prevent and combat terrorism are also based on provisions of the following documents:

- the 2009 Strategy of the Participation of the Armed Forces of the Republic of Poland in international operations;
- the Law of November 21 1967 on the universal duty to defend the Republic of Poland;
- the Law of August 25 2002 on martial law and the competencies of the Commander-in-Chief of the Armed Forces and the principles of his subordination to the constitutional organs of the Republic of Poland;
- the Law of June 21 2002 on the state of emergency and regulation of the Council of Ministers of May 6 2003 on the rules of utilization during the state of emergency of units and subunits of the Armed Forces of the Republic of Poland;
- the Law of April 6 1990 on the Police and related regulations;
- the Regulation of the Council of Ministers of July 19 2005 concerning the specific conditions and mode of utilization of units and subunits of the Police and the Armed Forces of the Republic of Poland in the event of threat to public security or disruption of public security;
- the Regulation of the Council of Ministers of December 14 2004 concerning the use of air defenses against airships ignoring the instructions of the state air control organ;
- the Law of April 18 2002 on the state of natural disaster and the related regulation of the Council of Ministers of February 20 2003 concerning the particular rules of the use of units and sub-units of the Armed Forces of the Republic of Poland for averting or eradicating the effects of natural disasters;
- the Law of July 3 2002 – Aviation Law and the related regulation of the Minister of National Defense of February 28 2005 on the collaboration of air traffic control organs with the Air Force of the Armed Forces of the Republic of Poland;
- the Law of October 12 1990 on the protection of the state border;
- the Law of October 12 1990 on the Border Guard;
- the Law of August 24 2001 on the Military Gendarmerie and military disciplinary organs;
- the Regulation of the Council of Ministers of June 24 2003 concerning objects of special importance to state security and defense and their special protection.

(e) The role and tasks of the Armed Forces and security forces in preventing and combating terrorism

Article 26 of the Constitution of the Republic of Poland of April 2 1997 determines the role and tasks of Polish Armed Forces, which include safeguarding the independence and territorial integrity of the state, and ensuring the security and inviolability of its borders. The Constitution does not envisage the possibility of using armed forces on the territory of the Republic of Poland to avert and combat terrorism. Article 2.1 of the law on the principles of the use or deployment of the Armed Forces of the Republic of Poland outside the state borders, of December 17 1998, envisages the possibility of using Polish military units abroad to prevent acts of terrorism or their consequences.

At the same time, the participation of Polish Armed Forces in peace operations of international organizations and multinational forces is specified in the Strategy of National Security and the Military Strategy of the Republic of Poland. It affirms Poland's allied credibility and an expression of Poland's international commitment to regional stability, preservation of peace and combating of terrorism..

Pursuant to the Strategy of National Security of the Republic of Poland, the Armed Forces provide support for state organs in ensuring Poland's internal security and grant essential military assistance to the relevant government institutions and services, self government bodies, civilian organizations and the population at large in responding to threats. In this context, the need is highlighted for the Armed Forces to maintain sufficient capacity to extend help to the relevant organs of public administration and the population in the event of terrorist threats.

In accordance with the provisions of the law on crisis management, the law on natural disasters, the law on the state of emergency and the law on the Police, the Armed Forces of the RP may be used to back the actions of the public administration in crisis situations, if the use of other forces and resources is impossible or might be insufficient.

In order to implement the provisions of the above acts, the MOD has drafted the relevant plans for the use of units and subunits of the Armed Forces in crisis situations, including counter-terrorism operations.

Another mission of the Polish Armed Forces specified in the Strategy of National Security is maintenance of the state's defensive capacity and its ability to counter aggression as part of allied commitments. In this context the SNS RP underlines the need to maintain readiness for participation in multinational counter-terrorism operations, conducted in accordance with international law and organized by NATO, the EU or ad hoc coalitions of states. With reference to combating terrorism, the SNS highlights the role of Special Forces as best-trained to address asymmetrical threats and collaborate with other specialized institutions and organs operating within the system of state security.

With regard to international operations, the SNS RP emphasizes that the Polish Armed Forces should possess sufficient operational capacity to make a substantial contribution to crisis response operations conducted by NATO and the EU, and to support operations organized by the UN and the OSCE. The document also underlines the necessity of constant transformation of the Armed Forces, in line with the evaluations and recommendations of defense reviews, conducted within the framework of the Strategic Review of National Security. The transformation will involve the essential replacement of arms and equipment, and reorganization of structures, designed to boost combat readiness and mobility. It will

also raise flexibility and integration of command systems to ensure effective operations in peacetime, crises and war. Progressing professionalization of the forces is an inseparable component of the transformation.

National interest constitutes the key guideline in making decisions on the use of Polish Armed Forces beyond national borders. Accordingly, operations of the North Atlantic Alliance and the European Union have priority significance from the point of view of the Polish *raison d'état*.

Due to staffing and technical constraints, the Polish Armed Forces are not capable of participating in all foreign operations. The optimum number of troops simultaneously deployed abroad ranges from 3200 to 3800.

The Armed Forces of the RP participate in coalition counter-terrorism operations in Afghanistan (ISAF – International Security assistance Force) and in the Mediterranean (OAE – Operation Active Endeavor) The ISAF operation has been assigned priority status both by the Alliance and the Polish Armed Forces.

Furthermore, the role and tasks of the Armed Forces and internal security forces relative to the prevention and combating of terrorism are compatible with the provisions of the following documents:

- the plan of use of units and subunits of the AF of the RP in the event of crisis situations, including Plan of use of the AF of the RP in counter-terrorism operations;
- the Regulation of the Minister of National Defense of January 5 2005 concerning the crossing of the state border and flights of foreign airships in the airspace of the Republic of Poland;
- the Regulation of the Minister of National Defense of February 28 2005 on the collaboration of air traffic control organs with the Air Force of the Armed Forces of the Republic of Poland;
- the Guidelines of the Minister of National Defense of December 20 2004 concerning the particular requirements for the preparation and implementation of the special protection of category I objects;
- Regulation No. 162 of the Prime Minister of October 25 2006 on the establishment of an Inter-Ministry Team on Terrorist Threats;
- Regulation No. 21/MON of the Minister of National defense of October 18 2005 on the specific scope of operations of organizational units of the Military Gendarmerie;
- the Agreement of April 20 2005 on the collaboration of the Armed Forces of the Republic of Poland and the Police in preventing crisis situations;
- the Agreement of December 5 2001 on the collaboration of the Police and the Military Gendarmerie.

2. National planning and decision-making, including the role of Parliament and the ministries in the process of elaborating and confirming

(a) The military potential

The process of defense planning and programming is based on political and strategic decisions of the supreme organs of the legislative and executive branches.

Parliament, i.e. the Sejm and Senate, as the supreme legislative body, deals with defense-related issues primarily in the course of its law-making work, and when defining basic state policy. These issues are also addressed during the elaboration of fiscal plans and normative acts relating to the state budget. Furthermore, Parliament:

- adopts laws regulating all basic defense matters, thus directly influencing the work of the Minister of National Defense and the Ministry;
- influences the appointment of a civilian member of the democratically-elected government as Minister of National Defense and monitors his discharge of state defense policy.

Defense issues are handled in Parliament by the Sejm and Senate National Defense Committees.

The Council of Ministers exercises general leadership with regard to national defense and annually determines the number of citizens drafted for active duty in the Armed Forces.

The basic documents defining Poland's defense policy are the Regulation of the Council of Ministers of September 21 2004 on the defense preparedness of the state and the Politico-Strategic Defense Directive of March 12 2004. The two documents specify:

- the tenets of Poland's defense policy;
- the spheres of activity and instruments of its implementation;
- the tenets of defense strategy.

These documents elaborate the general assumptions of national defense and the conceptual basis for doctrine implementation documents, strategic and operational plans and defense programs. The strategy is based on the fundamental principles of national responsibility and universality of defense, allied solidarity and integration, cooperation and partnership, consolidation of confidence and regional military stability, deterrence and credibility, civilian-military cooperation and balancing of the needs and possibilities.

The Politico-Strategic Defense Directive will be gradually updated, in step with any changes in the country's security situation and the capacity of the defense system.

The national security command system is also elaborated in the Regulation of the Council of Ministers of April 27 2000 on the preparation of the system of national security management. Its main objective is to ensure continuity of decision-making and action for the preservation of national security, including the monitoring of the sources, types, directions and scale of threats to national security on the territory of the Republic of Poland and beyond its borders, prevention of the effects of threats to national security and their eradication, as well as management of the country's defense.

(b) Military expenditures (in 2008)

The Law of May 25 2001 on the restructuring , technical modernization and financing of the Armed Forces of the Republic of Poland is the basic legal act regulating the development priorities of the Armed Forces of the Republic of Poland, the principles of long-term development planning, the sources of defense preparation financing and the volume of national defense expenditures.

Pursuant to the law, the Council of Ministers - in line with the main directions of the development of the Armed Forces of the RP determined by the President of the RP and with due reference to Poland's NATO commitments – bi-annually defines guidelines for the restructuring and modernization of the Armed Forces for a subsequent six-year planning period. In line with NATO defense planning procedures, starting with 2009, the planning cycle will be four years long, with the planning horizon covering a ten-year period. The

guidelines of the Council of Ministers of October 11 2005 concerning Poland's defense preparations for the period 2007-2012, detailed by the Minister of National Defense, constitute the basis of works on drafting the six-year plan of development of the Armed Forces of the RP and the plan of non-military defense preparations. The Council of Ministers monitors the implementation of the program of armed forces development, biannually reporting to the Sejm on the fulfillment of the program, and on the directions of restructuring and modernization of the Armed Forces envisaged during the subsequent planning period.

Pursuant to the aforementioned law, the Republic of Poland earmarks at least 1.95 per cent of the previous year's GDP for defense in a given year.

Moreover, defense expenditures are also financed with:

- up till 2010 – not more than 0.05 % of the GDP for the preparation of airfield infrastructure, training of personnel on multi-task aircraft and credit servicing, and additional funds to cover the VAT on the aircraft, and in the years 2011-2015 - funds for the repayment and servicing of the credit, in line with the provisions of the law of June 22 2001 on the multi-year program of “Equipping the Armed Forces of the Republic of Poland with multitask aircraft and ensuring the conditions of its implementation”;
- part of the revenues of the Military Property Agency from the sale and utilization of surplus military equipment and real estate;
- part of the revenues obtained through the privatization of the arms industry – in line with the law of October 7 1999 on enhancement of the restructuring of the defensive industrial potential and technical modernization of the Armed Forces of the Republic of Poland.

The law on restructuring, technical modernization and financing of the AF of the RP guides the Council of Ministers, when – during the yearly budget planning – it determines the volume of allocations for defense, including the budget of the Ministry of National Defense.

Poland's defense expenditures in 2008 had the following structure:

- operational expenditures – 15, 864.6 million PLN
- technical equipment and construction – 3,350.5 million PLN
- scientific research – 38.2 million PLN
- other expenditures – 419 million PLN.

In line with the principles of openness and transparency, a report titled “Information on the draft budget of the MND” is prepared during the third quarter of each year, for the needs of parliamentary national defense committees. The document is largely devoted to technical modernization issues, acquisitions, investments and renovation as well as participation in foreign missions and international programs. It contains basic information on the plans of the Ministry of National Defense for subsequent years (in the main areas of its activity).

The Budget Decision of the Minister of National Defense is the final document concluding the process of budgetary planning; in effect, it constitutes the first budget implementing document.

Furthermore, the planning of defense-related spending is implemented on the basis of the provisions of the following legal acts:

- the Law of June 30 2005 on public finances;
- the Law of December 14 1995 on the office of Minister of National Defense;

- Regulation No. 40/MON of the Minister of National Defense of November 22 2006 concerning the organizational rules of the Ministry of National Defense;
- Decision No. 278/MON of the Minister of National Defense of June 19 2007 on the planning and implementation of the budget of the Ministry of National Defense;
- Decision No. 7/MON of the Minister of National Defense of January 14 2008 on the preparation and implementation of central task plans.

3. Information on:

(a) Constitutionally established procedures ensuring effective democratic control over the armed forces, paramilitary forces, internal security forces, intelligence services and the Police

The Armed Forces of the Republic of Poland maintain political neutrality and are subject to civilian and democratic control – pursuant to article 26.2 of the Constitution of the Republic of Poland. Democratic control over the Armed Forces of the Republic of Poland is ensured by the constitutional organs of legislative and executive branches, i.e. Parliament, the President, the Council of Ministers and the Minister of National Defense.

The principle of civilian control of the Armed Forces of the RP is elaborated in the Law of December 14 1995 on the office of Minister of National Defense. The provisions of the Law and of a packet of legal and organizational acts issued by the Council of Ministers and the Minister of National Defense describe the Ministry as the central organ for directing the Armed Forces, and introduce the principles of civilian and democratic control over the military. The aforementioned acts unambiguously define the tasks of the minister as the leading organ of state administration in the sphere of national defense, and the scope of his competences with regard to directing the overall activity of the Armed Forces.

(b) Constitutionally established organs/institutions responsible for the democratic control over the armed forces and security forces

Parliament, as the supreme legislative body – in addition to its law-making, budgetary and appointment functions – also performs controlling duties with regard to national defense issues. In Parliament, those functions are fulfilled by the national defense committees of the Sejm and Senate, and also individual deputies and senators through parliamentary queries and interventions. The Sejm National Defense Committee and the Special Services Committee, and the Senate National Defense Committee are particularly active in this sphere. The competences of the Sejm National Defense Committee include matters pertaining to the activity of the Armed Forces, the system and functioning of territorial and civil defense, the strengthening of national defense by state organs, cooperative and civic organizations and citizens, and the arms industry.

The President is the Supreme Commander of the Armed Forces of the Republic of Poland. In peacetime, he exercises that competency through the Minister of National Defense. The President appoints the Chief of the General Staff and the commanders of the respective armed forces. The President also has the wartime prerogative of appointing and dismissing the Commander-in-Chief of the Armed Forces (article 134 of the Constitution of the Republic of Poland). The President is advised on defense matters by the National Security Council. It is composed of the Prime Minister, the Speakers of the Sejm and Senate, the Ministers of National Defense, Interior and Administration, Finance, Foreign Affairs, the President of the National Bank of Poland, and the head of the National Security Bureau.

The Council of Ministers exercises general leadership in the sphere of national defense and annually determines the number of citizens called up for active military service – as provided in article 146.11 of the Constitution of the Republic of Poland.

The Minister of National Defense is the official responsible for monitoring and assessing the state of national defense. The minister is also the initiator of decisions taken by the appropriate state organs.

(c) The role and tasks of the military, paramilitary and security forces, and supervision of their activity determined in the Constitution

Pursuant to art. 26 of the Constitution, the Armed Forces of the Republic of Poland safeguard national independence and territorial integrity. The forces are subject to civilian, democratic control. Meanwhile, the Strategy of National Security highlights the crucial role of special forces in the protection of external and internal security, also underlining the need for their effective civilian, democratic control. The President is the Supreme Commander of the Armed Forces of the RP. In peacetime – in accordance with art. 134 paragraphs 1 and 2 - he exercises that authority through the Minister of National Defense, who is the chief organ of state administration with regard to national defense.

Pursuant to art. 19 paragraphs 1 and 2 of the Law on the sections of government administration of September 4 1997, the section of “national defense” in peacetime encompasses matters pertaining to national defense and the Armed Forces, and also to the participation of the Republic of Poland in military undertakings of international organizations connected with the fulfillment of military obligations stemming from international agreements.

In accordance with art. 5 paragraphs 1 and 7 of the Law on the Council of Ministers of August 8 1996, the Prime Minister may authorize a cabinet minister to act within a specified scope of issues, and he may also rule on the scope of competences of ministers – in the event of a competence dispute between them.

The terms of reference of the Minister of National Defense are detailed in the Regulation of the Council of Ministers of July 9 1996 concerning the precise scope of competencies of the Minister of National Defense.

(d) Public access to information related to the Armed Forces

Under article 61 of the Polish Constitution “A citizen shall have the right to obtain information on the activities of organs of public authority as well as persons discharging public functions”.

The above provisions of the Constitution are specified in laws. Under the law of September 6 2001 on access to public information, every person has the right to information on the activities, competences, legal status, principles of operation, property, expenditure of public funds and decisions taken by organs of public authority. These organs are obligated to disclose unclassified information about their activity in the Bulletin of Public Information and to provide such information within 14 days upon an individual application.

The public information activity of the Ministry of National Defense is based on four pillars: the Press and Information Department of the MND, its professional press service, the Military Editorial Office and the Office of the Spokesman of the MND. Information policy at the MND is implemented and coordinated by the Press and Information Department, supported in its activity by press spokesmen of the General Staff, the respective Armed Forces, the Operational Command, the Support Inspectorate, the Military Gendarmerie, the Warsaw Garrison, the 2nd Mechanized Corps, the respective divisions, flotillas and military districts, and by press officers of brigades, air bases, training centers and press officers of regiments and autonomous battalions.

On April 18 2008 the Minister of National Defense signed decision No. 198/MON amending the decision on the press service in the Ministry of National Defense. The amendment has the objective of bringing the structure of the press service in line with changes in the structure of the Armed Forces: the establishment of Special Forces as the fourth type of forces, and the creation of the Support Inspectorate. The changes reflect the conclusions drawn from a review of the work of the press service. The decision made it possible to set up a team of reporters within the press department of the Operational Command, tasked with the preparation of films presenting the Armed Forces during foreign missions and in training. The decision also details the tasks of the press service and the duties of press officers

Currently, the Ministry of National Defense implements the “Strategy of information and promotion of defense issues”, introduced under decision No. 274/MON of July 6 2006. The elaboration of a new strategy is expected in mid 2009 at the earliest.

The Strategy spells out the goals, tenets and rules of the management of information and the image of the Ministry of National Defense and the Armed Forces, and lays down mid-term strategic goals in the realm of public communication.

In order to implement the provisions of the law of September 6 2001, the Public Information Section of the Press and Information Department coordinates the provision of information, by acting as administrator of the Public Information Bulletin of the Ministry of National Defense. The provision of public information at the MND is regulated by decision No. 449/MON of October 4 2007.

Furthermore, the Press Law of January 26 1984 stipulates in articles 2 and 4 that “state organs, pursuant to the Constitution of the RP, shall create conditions essential for the fulfillment by the press of its functions and tasks, making possible the activity of the editorial offices of daily papers and magazines, diverse in terms of their programs, subject matter and presented positions”.

In order to ensure efficient provision of information to journalists, without undue delay, the Press and Information Department prepared Decision No.271/MON of June 13 2007 on guidelines concerning electronic circulation of correspondence at the Ministry of National Defense for the purpose of providing information to journalists. The decision obligates organizational units of the Ministry to answer a journalist’s question within 24 hours. The Press and Information Department forwards journalists’ questions by e-mail to the relevant organizational units.

Furthermore, the principles of providing public information and cooperating with the media are elaborated in NATO standardization documents. The document NATO Military Public Affairs Policy (MC 0457/1), adopted by the NATO Military Committee in September 2007, redefines NATO’s

information policy. It stipulates that military public affairs bodies have the role of promoting NATO's military aims and objectives to audiences in order to enhance awareness and understanding of military aspects of the Alliance. This involves three basic functions: media relations, internal and external communications.

Pursuant to the NATO document, the Press and Information Department is elaborating the draft of a new decision on the principles of information policy of the Ministry of National Defense. A system of internal and external information has also been launched. The internal information system services the leadership of the Ministry and General Staff, Ministry departments, bureaus, and plenipotentiaries, press spokesmen and press officers of the Armed Forces, Military Voivodship Staffs, Voivodship Recruitment Offices, military courts and prosecutors, the Deans' Convention of the Armed Forces, the Women's Council of the Armed Forces, chaplaincies, Polish Military Contingents, military attaches and military missions abroad, military schools and institutes, the Military Housing Agency, the Military Assets Agency and the trade union of employees of the armed forces. External information is addressed to the media (including academic broadcasting and publications), defense affairs departments of the respective ministries, the Military Family Association, NGOs, veterans' organizations, military attaches in Poland, members of parliament, local authorities (government and self-government), unions of former professional soldiers, candidate professional soldiers, civilian academic schools, students, secondary school graduates, middle school students, arms industry plants. A project to inform secondary school students about military issues by defense training teachers has been launched as part of the external information system.

The activities conducted in this sphere by the Ministry of National Defense have the goal of boosting public understanding of military and defensive issues and enhancing approval for the mission, mode of operation and objectives of the armed forces. On the other hand, these efforts are designed to counter and minimize any media attempts to discredit NATO and the Polish Armed Forces.

The commanders and heads of Ministry institutions are bound by the position of the Alliance, pursuant to which journalists have the right of access to information about the tasks being implemented by the armed forces, also in the course of joint operations. Journalists may be refused access to information if that could undermine mission security or endanger troops taking part in an operation. Access may also be restricted in the case of information classified in accordance with the relevant laws, including Article 61.3 of the Constitution, detailed in the law of January 22 1999 on the protection of classified information.

Furthermore, the press service of the Ministry of National Defense is obligated to respect international laws ratified by the Republic of Poland, including:

- the Universal Declaration of Human Rights of 1948;
- the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950;
- the International Covenant on Civil and Political Rights of 1966,
- the Declaration on the freedom of expression and information, also known as the European Media Charter of 1982.

In 2008 the Department of Press and Information conducted 25 press conferences. The press conferences and briefings concerned the most important decisions taken by the leadership of the Ministry, as well as major events and changes within the Armed Forces.

In 2008 the Military Editorial Office operated on the basis of Regulation No. 13/MON of April 13 2007.

All military press is published by the Military Editorial Office, which is subordinated to the director of the Department of Press and Information, as an executive instrument of the Ministry's information policy.

The Editorial office is tasked with the publication of internal Ministry bulletins and specialist journals addressed to a specific audience: professional soldiers, employees of the Armed Forces, members of the civilian service corps. These publications include:

- the weekly "Polska Zbrojna",
- monthly magazines of the respective services: "Przegląd Wojsk Lądowych" (Land Forces Review), "Przegląd Sił Powietrznych" (Air Force Review), "Przegląd Morski" (Naval Review);
- the quarterly „Nowa Bellona”;
- website bulletin.

The production of films in 2008 was conducted on the basis an agreement between the Ministry and Polish Television (concluded on April 18 2007) on cooperation for the purpose of informing public opinion about defense issues and the broadcasting of programs on defense and military topics.

Moreover, a reporter team (Combat Camera Team) – composed of four non-coms and a Ministry employee - has been established within the Press Department of the Operational Command. The team produces films presenting the forces on foreign missions and in training. Footage shot in combat conditions is used in training, shown on the Ministry website and supplied to the media. The films are also exchanged in the framework of the North Atlantic Alliance.

In 2008 the official website of the Ministry (www.mon.gov.pl) had 1293989 hits.

The Department of Press and Information also administers four topical services:

- <http://www.isaf.wp.mil.pl> (Polish Military Contingent in Afghanistan)
- <http://www.pkwczad.wp.mil.pl/pl/index.html> (PMC in Chad)
- <http://www.profesjonalizacja.wp.mil.pl/pl/index.html> (Professionalization of the Armed Forces)
- <http://www.pamiecipoległych.mon.gov.pl> (To the memory of soldiers who lost their lives during peace mission outside Poland)

The website has been equipped with new tools and solutions, boosting its functionality and speed of the service (animated gifs, calendar of events in the Armed Forces, slide show).

4. Stationing of the Armed Forces in the territory of other Participating States, on the basis of mutual international agreements and in accordance with international law:

The stationing of the Polish Armed Forces on the territory of other states is regulated by:

- the provisions of the Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces, done in London on June 19 1951 and ratified by Poland on May 27 1999;

- the provisions of the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the status of their forces, and its additional protocol, done in Brussels on June 19 1995 and ratified by Poland on February 18 1997;
- the provisions of the Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany concerning the temporary stay of members of the Armed Forces of the Republic of Poland and members of the Armed Forces of the Federal Republic of Germany in the territory of the other state, done at Warsaw on August 23 200, ratified by Poland on December 28 2001. The Agreement regulates matters pertaining to the entry, departure and temporary stay of members of the armed forces of the Parties for the purpose of conducting joint training, as well as humanitarian, search and rescue operations. The document specifies the rules that both sides respect while in the territory of the other state with regard to jurisdiction, environment protection, eradication of damages, representation of interests in transport cases before civilian authorities and entrepreneurs, the use of transportation infrastructure and airspace etc. The agreement sets restrictions on the numbers of troops and makes references to specific provisions in the PfP SOFA;
- the provisions of the law of December 17 1998 on the principles of the use or stay of the Armed Forces of the RP outside the state frontiers, and the executive acts to this law. Decisions on the use of troops abroad, and on shortening or extending their deployment, are made by the President upon a motion of the Council of Ministers;
- the provisions of the Agreement between the Government of the Republic of Poland and Allied Command Europe and Allied Command Atlantic concerning host nation support for NATO operations on the territory of the Republic of Poland. Its basic goal is to prepare the Republic of Poland for granting host nation support (HNS) for joint operations and exercises, conducted by NATO in Polish territory. Logistical support of Joint Forces is an element of the contribution to the Alliance's collective defense by the State Parties, pursuant to Article 5 of the North Atlantic Treaty.

This is a framework agreement: it elaborates the principles and methods of HNS, the scope and procedures of financial responsibility. At the same time, it ensures the necessary conditions for rapid entry by NATO-led forces and establishment of operational posts in Poland, or by forces supported from Poland during NATO operations and exercises. The agreement will be crucial in a situation of external threat, shortening and streamlining procedures connected with Poland's preparations to receive NATO forces. It will also facilitate the transit of such forces on their way to other states where operations will be conducted.

The Republic of Poland became bound by the Agreement pursuant to article 12.3 of the law of April 14 2000 on international agreements, on the basis of Council of Ministers resolution No. 200/2005 of July 28 2005;

- the provisions of the Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania concerning defense cooperation. The Agreement specifies the spheres of cooperation, including: logistical support, development of interoperational capabilities with NATO, environment protection and contamination control in military areas. It also elaborates forms of cooperation, including stay of Lithuanian forces in Polish territory, in accordance with the PfP SOFA and the Additional protocol done at Brussels on June 19 1995;
- the mandate contained in Security Council Resolution 1386 of December 20 2001, extended by Security Council Resolution No. 1707 of September 13 2006 ;

- the Decision of the President of the RP of October 10 2008 on the prolongation of the deployment of the PMC in Afghanistan until October 13 2009;
- the legal status of the Headquarters of the Multinational Corps Northeast in Szczecin, determined by the provisions of the Convention between the Government of the Republic of Poland, the Government of the Kingdom of Denmark and the Government of the Federal Republic of Germany concerning the Multinational Corps Northeast, done at Szczecin on September 5 1998 and ratified by Poland on September 23 1999,
- the legal status of the NATO Joint Forces Training Center (JFTC), determined by the provisions of the Memorandum of Agreement between the Government of the Republic of Poland and the Headquarters of the Supreme Allied Commander Transformation (HQ SACT) concerning the establishment in the territory of the Republic of Poland of the Joint Forces Training Center, signed on April 13 2005 in Brussels, ratified by Poland on September 27 2005.

Military activity in the framework of international operations (UN, NATO, EU,)

Currently, Poland is engaged in 16 international operations conducted by NATO, the UN and the EU.

Some 3400 troops are serving abroad. By the end of the year, after the withdrawal of contingents serving under UN auspices (PMC UNIFL, PMC UNDOF and PMC MINURCAT) and the strengthening of the PMC in Afghanistan, between 2500 and 2700 troops will be deployed in the framework of NATO and EU operations abroad.

Missions in the framework of NATO and counter-terrorist coalitions:

ISAF (Afghanistan). The legal basis for the engagement of the PMC in Afghanistan is provided by:

- the mandate determined by Security Council resolution No. 1386 of December 20 2001, extended by Security Council resolution No. 1707 of September 13 2006;
- decision of the President of the RP of October 10 2008 on the prolongation of the deployment of the PMC in Afghanistan till October 13 2009.

Poland is among the largest contributor states to the ISAF operation and is one of the few countries that have not imposed caveats on the use of their troops. The fourth rotation of the PMC numbered 1600 soldiers and employees. The Polish Task Forces constitute the main combat component of the PMC in Afghanistan. They implement their tasks in Ghazni Province within the structure of two Battle Groups, Special Forces Group, Autonomous Air Group, National Support Element, Reconnaissance Group, OMLT Group (one OMLT team at brigade level, two teams at battalion level), Specialist PRT Team and two IPMT teams. The PMC also includes officers serving with international commands in Afghanistan. The Polish zone of responsibility in Ghazni province has been divided into two regions: Grouping A and Grouping B. In December 2008 the Autonomous Air Group was transferred to Ghazni, leaving behind an Air Engineering Service unit at Bagram base. A Special Forces Team was moved from Kandahar to Ghazni base.

In March 2009 the decision was taken to increase the contingent to 2000 troops, with 200 more on standby in Poland.

During the 5th rotation of the PMC (April-September 2009), Poland has the status of leading country responsible for the safe operation of Kabul International Airport (KAIA).

During the 6th rotation, after withdrawal of the Polish KAIA personnel, plans envisage the creation of a 39-man battalion-level OMLT Team and a EUPOL squad (10 police officers).

In view of the above, in the event of additional elements being introduced into the PMC, its strength will be maintained at the level of 2200 troops.

NTM-I (Iraq). After five years of service in Iraq, the PMC was withdrawn last October from the Operation Iraqi Freedom. However, Polish soldiers are still serving in Iraq in the framework of the NATO Training Mission. They include 16 members of the Military Advisory-Liaison Team and 4 officers attached to the Force. The Military Advisory-Liaison Team is responsible for training and supervising an Iraqi battalion protecting a base where the Iraqi Military Academy is situated. The legal basis of the operations of PMC NTM-1 is provided by the decision of the President of December 24 2008, which envisages use of the unit abroad until December 31 2009.

KFOR. The PMC in Kosovo has implemented its tasks in the framework of the Polish-Ukrainian Battalion (POLUKRBAT) since July 15 2000. The Battalion is part of the Multinational Task Force East.

The Battalion (511 men) is composed of a Polish component (301 men), an Ukrainian component (181 men) and a Lithuanian component (platoon of 29 men), incorporated in the Polish Fox company.

The PMC fulfills the following tasks:

- monitoring, checking and enforcing the implementation of the UN Security Council resolution in order to create conditions for normalization of the situation in Kosovo;
- granting humanitarian assistance and facilitating the return of refugees to Kosovo,
- ensuring law and order and creating conditions for the work of international organizations (OSCE, UN),
- support for organizations providing humanitarian aid and promoting the democratization of life in Kosovo,
- patrol duty, mine clearance, detentions and demonstration of force in order to ensure security in the zone of responsibility.

Currently, in view of the progressing normalization in Kosovo, the contingent has limited certain operational tasks (building searches, control posts, vehicle searches). Meanwhile, increasing importance is assumed by cooperation with the European Union EULEX mission. The mission constitutes fulfillment of NATO obligations and is Poland's contribution to the stabilization of the Balkans.

INTERIM AIR POLICING – PMC ORLIK II. The participation of the PMC Orlik in the Interim Air Policing Mission in the air space of the Baltic States in March-June marked a qualitatively new area of engagement of the Polish Armed Forces in Alliance operations. Ninety-four troops and four MiG-29 aircraft were deployed in Lithuania as part of the mission. The PMC was tasked with protecting the airspace of Lithuania, Latvia and Estonia. Our forces are assigned to the mission on rotation, every two years. The next rotation of the PMS Orlik II is planned for the period May-August 2010.

ACTIVE ENDEAVOR (OAE). The Operation Active Endeavor (OAE) was launched on October 18 2001 and covers the international waters of the Mediterranean Sea, with particular note to probable targets of terrorist attacks. The international naval forces have the primary goal of ensuring safe navigation for civilian vessels, protecting maritime shipments, monitoring and controlling vessels. Two Polish naval vessels took part in the operation in 2008 and 2009: the RPS Pulaski – in July and August 2008 , and a Kobben-type submarine the RPS Kondor, from November 2008 till February 2009. The participation of Polish naval vessels in the operation is not envisaged in 2010.

Missions in the framework of the EU and UN:

PMC EUFOR. The PMC in Bosnia and Herzegovina is represented in the European Union's Operation ALTHEA by 212 troops; the largest component of the force is a maneuver company within the framework of a multinational battalion. The main task of the Polish contingent consists in monitoring the fulfillment of the Dayton peace accord. No changes in our engagement are planned in 2009.

The legal basis is provided decision of the President of November 18 2008 envisaging the use of the unit abroad until November 21 2009.

Observer Group with the EU Observation Mission in Georgia

The observers participating in this mission are primarily tasked with supervision of the agreement between Georgia and the Russian Federation of September 8 2008. The Polish Observer group numbers 17 men (8 soldiers and 9 policemen). The legal basis for its operations is provided by the decision of the President of September 25 2008, envisaging the use of the Observer group in Georgia until September 30 2009.

PMC UNDOF. The Contingent implements tasks in the Golan Heights within the framework of an operational battalion numbering 366 troops and civilians. It has the primary task of supervising the separation of Israeli and Syrian forces in the assigned sector of responsibility.

The legal basis for its use is provided by the decision of the President of December 24 2008, envisaging the battalion's deployment abroad until June 30 2009. The PMC UNDOF will conclude its activity by the end of October 2009.

PMC UNIFIL. The contingent numbers 500 men. It consists of a logistics battalion and a maneuver company. It has operated in Lebanon since 1992. The contingent has the mandated task of giving logistical support to UNIFIL forces, patrolling of the operational zone, convoying of UNIFIL personnel, and observation assignments. The legal basis for its use is provided by the decision of the President of August 28 2008, which envisages its use abroad until August 31 2009.

PMC UNIFIL will conclude its activity by the end of November 2009.

PMC EUFOR CHAD. The Polish military presence in Chad began with the participation of PMC Chad (numbering 400 troops and employees) in the operation of the European Union. After its conclusion and transformation into UN Mission MINURCAT, operational activity was initiated on March 16 2009 by PMC MINURCAT. The contingent's main task consists in the protection of refugee camps in its region of responsibility, provision of shelter for refugees from Chad and Sudan, displaced by hostilities. The PMC is composed of two maneuver companies, and command staff. After

transformation, the contingent will number 330 military and civilian personnel. The PMC Chad Air Group was withdrawn from the region of operation in late April. The legal basis for its use is provided by the decision of the President of March 13 2009. PMC MINURCAT will conclude its activity by the end of November 2009.

5. Information on

(a) Procedures for the recruitment or enlistment of personnel for service in armed, paramilitary and security forces

Under art. 85 of the Constitution, every citizen is duty-bound to defend the Homeland. The scope of military service is specified by the Law on the universal duty to defend the Republic of Poland of November 21 1967. The Law stipulates that the duty of performing military service applies to all Polish citizens whose health and age permits performance of military service. Persons with double citizenship are exempted from mandatory service if permanently residing outside the Republic of Poland.

Military service may be performed either as

- basic military service (on August 1 2008 the Polish Government adopted a plan of professionalization of the Armed Forces for the years 2008-2010, which concluded the first, planning stage of that process; the second stage was concluded on December 4 2008 with the termination of mandatory conscriptions for basic military service; and the third stage of building a fully volunteer army was launched on December 6 2008, so that the process of professionalization can be concluded by December 31 2010. At the same time, moves were undertaken to amend the relevant legislation. On October 24 2008 two draft laws were unveiled: on amendment of the law on the universal duty to defend the RP and on the military service of professional soldiers, and on amendment of the law on military service of professional soldiers and amendment of certain other laws),
- military training for graduates of higher schools, participation in military training classes, civil defense training for conscripts,
- military training or periodic military service by reserve soldiers,
- active military service in the event of mobilization, and in wartime – by conscripts and reserve soldiers.

Moreover, soldiers performing basic military service may, after completing 3 months, sign up voluntarily for an additional period of one to seven years.

Soldiers currently fulfilling extended service may sign appropriate contracts and be transferred into so called contract service, which is one of the forms of professional military service.

Conscripts qualified for basic military service (military training) whose service has not been postponed may, as conscientious objectors, apply for alternative service.

Basic military service

Basic military service is mandatory for conscripts aged 19. Conscripts who have turned 18 and have volunteered for service may also be inducted. In principle, induction into basic military service takes place within 18 months of a person reporting for the draft.

Statutory regulations in force determine that basic military service lasts 9 months. Basic military service is performed without interruption. The call up of a conscript is performed by the territorially relevant draft office commander. The conscription card – which has the status of an administrative decision - stipulates the date of reporting for service and identifies the military unit where it will be performed. In accordance with the Code of Administrative Procedure the call-up decision is delivered to a conscript not earlier than 90 days and not later than 14 days prior to the specified date of reporting at a military unit. Before a conscript is assigned to serve in a specified group of posts, he undergoes additional, specialist medical tests.

Military training for students and graduates of higher schools.

The principles of conducting military training are elaborated in the law of November 21 1967 on the universal duty to defend the RP , the regulation of the Minister of National Defense of May 26 2003 on the military training of students and graduates of higher schools and the regulation of the Minister of National Education and Sports and the Minister of Health of October 2 2003 on military training of students.

The system of military training for students is composed of two parts. The first theoretical part takes place in the school attended by the student and the second, lasting 6 weeks, is conducted during the summer break at designated military schools or training centers.

The military training of graduates takes place at military units and lasts up to three months. The duty to undergo military training applies to graduates of higher schools within twelve months following the completion of their studies.

Professional military service

The regulations governing enlistment into professional military service are contained in the law of September 11 2003 on the military service of professional soldiers and the regulation of the Minister of National Defense of April 23 2008 on induction into professional military service.

A professional soldier has to be a person who holds only Polish citizenship, has an unimpeachable reputation, whose loyalty to the Republic of Poland is beyond doubt, who has the appropriate qualifications, as well as physical and mental capacity to perform professional military service. The physical and mental capacity to perform professional military service is ascertained by a military medical commission. Professional soldiers are divided into officers', non-commissioned officers' and privates' corps.

Professional military service status is obtained by way of appointment, on the basis of volunteering for service, upon the issuance of a personal order by the appropriate military organ and conclusion of a contract for permanent or limited duration of service (up to 6 years).

Personal orders on appointment for professional military service are issued by:

- the Minister of National Defense in the case of appointments to the rank of colonel (commodore) and general (admiral);
- the director of the human resources department at the Ministry of National Defense in the case of appointments for service in the professional officers' and non-commissioned officers' corps;
- the commander of a military unit holding the rank of colonel (commander) or higher, in the case of appointments for service in the private's corps in the unit.

A soldier may be appointed for service in the professional officers' corps after graduating from a higher military academy or completing military training, on condition that he holds a professional master's degree (or equivalent). A reserve officer holding a professional master's degree (or equivalent) , and – in the period up till December 31 2010 - a reserve soldier holding a professional master's degree (or equivalent), who has completed military training and passed an officers' exam, may also be appointed to the corps of professional officers.

A soldier holding a secondary school certificate may be appointed corporal (or leading seaman) in the non-commissioned officers' corps – after completing a school for non-commissioned officers. A non-commissioned reserve officer holding a secondary school certificate may also be appointed to the corps. A non-commissioned officer in extended basic military service holding a secondary school certificate – on condition that he has qualifications useful in the non-commissioned officers' corps – may also be appointed to the corps, up till December 31 2010.

A reserve soldier, soldier in extended basic military service or basic military service may be appointed to the professional privates' corps – on condition that he has completed at least middle school, has vocational training, and has served out the full term of his basic military service. A person who has not completed full basic military service – but possesses special qualifications or abilities needed in the Armed Forces – may also be appointed to the corps.

(b) Exemptions from or alternatives to mandatory military service

Under the legal regulations in force, the following categories of persons are exempted from mandatory military service:

- persons who have been determined by the appropriate medical commissions to be incapable of performing active military service in peacetime, or permanently and completely incapable of performing active military service during peacetime and in the event of mobilization and during wartime;
- persons who become members of the clergy or join religious orders and are transferred to the reserve without performing military service;
- persons permanently residing abroad;
- persons who graduate from officers' and non-commissioned officers' schools of the Police, Border Guard and the State Fire Service, and directly after graduation take up employment as officers of the Police, Border Guard, the State Fire Service, the Prison Service, the Government Protection Bureau, the Foreign Intelligence Agency or the Internal Security Agency;
- persons who are graduates of higher academic schools and immediately after graduation take up employment with the Central Anticorruption Bureau or the Border Guard;
- persons who are designated to perform alternative service;
- persons who have performed military service in another country, the citizenship of which they also hold;
- persons who are accepted for service with the Internal Security Agency, the Foreign Intelligence Agency, the Military Counterintelligence Service, the Military Counterintelligence Service, or the Central Anticorruption Bureau and at the motion of the head of an organizational unit of one of the above institutions are transferred into reserve by the relevant draft office commander.

1. Service in armed formations which are not part of the Armed Forces

Service in armed formations which are not part of the Armed Forces (prevention units of the Police, the Border Guard or the Government Protection Bureau) constitutes under art. 56 of the law of November 21

1967 on the universal duty to defend the Republic of Poland an alternative form of fulfillment by citizens of that duty. Thus, service in these formations is equivalent to the performance of basic military service.

Under article 57 of the Law, the Council of Ministers each year issues a regulation determining the quota of conscripts who may be inducted into the armed formations that are not part of the Armed Forces. Conscripts found to be fit for military service, who have not obtained postponement of that service, may be assigned to service in the armed formations. The appropriate draft office commander assigns conscripts to service in the armed formations at the request of voivodship Police or Border Guard commanders, upon the conscript's written consent. Conscripts assigned to armed formations perform candidate service with the Police or the Border Guard for the period of 12 months.

Alternative service

Conscripts subject to mandatory military service may apply for alternative service as conscientious objectors. That service consists in the performance by men subject to mandatory military service, during peacetime, of works connected with environment protection, fire protection, health care, social assistance, care for disabled or homeless persons, and works for the public administration and jurisprudence. The service is performed in state and self-government organizational units, public health care institutions, and public benefit organizations, including church organizational units with legal personality.

The assignment of a conscript to alternative service is within the competence of voivodship alternative service commissions, which - under article 10.2 of the law of November 28 2003 on alternative service - are established by voivodship council speakers. The service is performed under the supervision of the minister responsible for labor affairs. The duration of alternative service is 18 months, and 6 months for graduates of higher schools.

The law of July 29 2005 amending the law on the universal duty to defend the RP introduced new legal regulations concerning service in armed formations and alternative service. The amendment instituted fundamental changes in the scope of conscription and basic military service itself.

(c) Legal and administrative procedures for the protection of the rights of armed forces personnel

Polish Armed Forces personnel enjoy the same constitutional rights as all Polish citizens, with the exception of the right to stand for election, join political parties and go on strike.

In the event of violation of the rights connected with the performance of military service, a member of the forces personnel has the right of appeal envisaged in the relevant Armed Forces regulations.

The law of September 11 2003 on the military service of professional soldiers is applied in such situations. Its amendment will permit:

- the creation of a system of reimbursement by the MND of costs of legal assistance incurred by soldiers suspected of committing crimes while fulfilling official duties – in the event of their acquittal or annulment of penal (preparatory) proceedings;
- improvement of benefits for the families of soldiers who died or were injured during the execution of official duties (e.g. grants, help with vocational training and payment of tuition costs).

The changes involve two aspects. The first concerns legal solutions that permit the reimbursement of the costs of legal aid incurred by soldiers charged with committing crimes during the fulfillment of official

duties, in the event of their acquittal or annulment of penal (preparatory) proceedings. The second regulates the system of assistance for soldiers injured on duty and for the families of soldiers who died during service. The system incorporates help with education, financial grants and housing benefits.

These issues are also regulated by a number of other legal acts concerning, among others, the material liability of soldiers, accident and health benefits connected with their service, accommodation of forces personnel etc.

6. Information on instruction in international humanitarian law and other international rules, conventions and commitments governing armed conflict, included in military training programs and regulations

International law of armed conflict:

Instruction in issues relating to the international law of armed conflict was provided within the Polish Armed Forces in 2008 in the framework of civic education, pursuant to the Methodology of civic education for active duty soldiers, introduced by decision No. 2/MON of the Minister of National Defense of January 8 2008.

Instruction in issues relating to the international law of armed conflict was provided in all corps of the Armed Forces and covered the following topics:

a) for officers:

- International humanitarian law of armed conflict in the context of contemporary armed conflicts. Liability of commanders for the violation of norms of the law of war – 2 hours;
- Military discipline. Awarding and responding to violations of military discipline, guidelines, rights and duties of superior officers – 2 hours.

b) for non-commissioned officers

The role of Poland and the Polish Armed Forces in the international system of security (membership of the European Union and NATO). Contemporary threats to international security. Participation of the Polish Armed Forces in foreign missions – 2 hours;

- Application of the international humanitarian law of armed conflict in combat – 2 hours;
- Penal and disciplinary liability. Rewarding and responding to violations of military discipline. Guidelines, rights and duties of superiors and subordinates under the rules of military discipline – 2 hours;

c) for professional privates:

- NATO and the European Union. The role of the Polish Armed Forces in the international security system. Contemporary threats – 2 hours;
- Application of the international humanitarian law of armed conflict in combat – 2 hours;
- Penal and disciplinary liability. Guidelines, rights and duties of subordinates under the rules of military discipline – 2 hours.

Issues relating to the international humanitarian law of armed conflict were also taken up during training courses for candidate professional soldiers at military academies and higher schools for officers and in the course of Officer Studies, pursuant to decision No. 123 of the Minister of National Defense on the Core Curriculum for Candidate Officers.

The Curriculum envisages, among others, instruction in the following subjects:

- International humanitarian law of armed conflict – 20 hours;
- Selected problems of national and international security - 40 hours;
- Host nation support (HNS) for allied forces – 8 hours
- Civilian-military cooperation – 8 hours.

Decision No. 420/MON of the Minister of National Defense of September 12 2008 on the introduction within the Polish Armed Forces of a system of in-service vocational training for professional soldiers envisages instruction in international humanitarian law of armed conflict and international law at all levels of education and training courses within the curricula of post-graduate studies and qualifying courses at military academies, higher schools for officers and schools for non-commissioned officers.

The Director of the Department of Military Science and Education issued a decision elaborating guidelines for five specialist courses within the above system:

- Course in international humanitarian law of armed conflict for battalion/squadron (or equivalent) commanders – 60 hours, conducted at the National Defense University;
- Course in international humanitarian law of armed conflict for officers and non-commissioned officers of the Air Force – 60 hours, conducted at the Polish Air Force Academy;
- Course in international humanitarian law of armed conflict for officers and non-commissioned officers of the Land Forces – 60 hours, conducted at the Land Forces Training Center;
- Course in international humanitarian law of armed conflict for officers and non-commissioned officers of the Navy – 60 hours, conducted at the Polish Naval Academy;
- Course in international humanitarian law of armed conflict for non-commissioned officers of the Special Forces, Command of Warsaw Garrison, Support Inspectorate of the Armed Forces, Operational Command, Military Gendarmerie - 40 hours, conducted at the Central Club of Polish Soldiers.

Moreover, all soldiers assigned to peace and stabilization missions take part in mandatory training in international humanitarian law of armed conflict and also receive instruction in the culture and laws of the country in question.

Training projects

In order to acquaint soldiers and civilian employees of the Armed Forces with the provisions of the international humanitarian law of armed conflict and to instill in them awareness of their individual

liability for their actions under domestic and foreign law, the following training projects were held in 2008:

- Specialist course in international humanitarian law of armed conflict for sub-unit commanders, held in Gdynia (participation of 23 officers);
- Two specialist courses in international humanitarian law of armed conflict for company and platoon commanders of the armed forces, held at the Land Forces Training Center in Poznan between January 24 and February 1 2008 and between May 12 and May 20 2008 (38 officers and non-commissioned officers took part in the courses);
- Specialist courses in international humanitarian law of armed conflict and protection of cultural goods for personnel of military units designated for NATO Response Force (70 soldiers took part).

A representative of the Department of Education and Defense Promotion took part in the quarterly meetings of the Commission for the Dissemination of Humanitarian Law, attached to the Central Board of the Polish Red Cross and in regular sessions of the inter-ministry Program Council for the Protection of Cultural Goods in the Event of Special Threats.

The Department of Education and Defense Promotion issued the following training materials for participants in foreign missions:

- “International humanitarian law – rules of engagement – Afghanistan”;
- “International humanitarian law – rules of engagement – Chad”;
- “Handbook on mines, booby-traps and explosive devices”;
- “Manual on the rights and duties of soldiers in combat”.

The Department of Education and Defense promotion has also prepared the following conspectuses:

- “Basic concepts in the law of war. Rules of engagement and protective markings used during combat”;
- “Application of the international humanitarian law of armed conflict in combat”;
- “Contemporary threats to international security. The Polish Armed Forces in foreign missions”.

Protection of cultural goods

Pursuant to decision No.250/MON of the Minister of National Defense of August 4 2005, the implementation is taking place of “ Instructions concerning the principles of protection of cultural goods in the activity of the Armed Forces of the Republic of Poland”. It details the tasks and competencies of the top officials of the Ministry of National Defense and the commanders of the Armed Forces.