



**PERMANENT MISSION
OF THE REPUBLIC OF POLAND TO THE
OSCE IN VIENNA**

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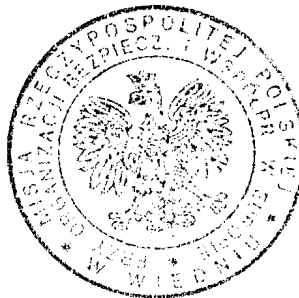
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The Mission of the Republic of Poland to the OSCE presents its compliments to the Missions and Delegations of all the OSCE Participating States and to the OSCE Conflict Prevention Centre and, in accordance with the Decision 4/03 and 2/09 of the Forum for Security Co-operation, has the honour to transmit herewith the Poland's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Mission of the Republic of Poland to the OSCE 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.

Encl.: 1

Vienna, 15 April 2010



To:

All Delegations and Missions to the OSCE

The OSCE Conflict Prevention Center

Vienna

Information
on the Code of Conduct on Political-Military Aspects of Security
in 2009

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1. List of international agreements, including UN conventions and protocols on preventing and combating 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 Others 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 been a party to the Protocol from September 11 2004;
- 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 in 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 has been a party to the Convention from March 4 2004;
- 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 and has been a party to it from October 26 2003;
- the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the United Nations General Assembly on April 13 2005 – Poland is a party to it from March 22 2010 (right to President's ratification of that day).

Poland is a party to 7 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.

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 uncontrolled transfer 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 European Union Council Document “New Directions of Action by the European Union against the proliferation of weapons of mass destruction and their delivery systems” of December 12 2008;
- 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 the 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;
- 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 Biological and Toxin Weapons Convention (signed in 1972) and the Chemical Weapons Convention (signed in 1993);
- 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) and of related technologies. In 1993 the scope of control was extended to missiles capable of carrying biological and chemical weapons;
- the Wassenaar Arrangement – established in December 1995 to control exports of conventional weapons and dual-use goods (i.e. which can be used for both civilian and military purposes);
- the Nuclear Suppliers Group (NSG) – since 1978 it has supervised the suppliers of nuclear goods and technologies for peaceful purposes, to prevent nuclear weapons proliferation;
- 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 member of the EU, participates in numerous Union undertakings, in compliance with the following 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 European Action Plan on 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 the support of the host country for NATO operations on the territory of the Republic of Poland;
- the General Agreement (for the needs of Operation Orlik II, in 2008) 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.

Bilateral cooperation:

- the Joint Polish-US Working Group on combating terrorism (from March 31 2005 – it also includes representatives 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 on 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 from 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 from 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.

Poland links its security directly to the security of the NATO and the EU. That is why issues relating to the prevention and combating of terrorism are considered in the context of building common security. By consenting to adopt the relevant solutions or actions proposed by those organizations, Poland automatically obligates itself to fulfill specific tasks. A jointly elaborated decision does not have the character of a treaty in the meaning of the Vienna Convention on the Law of Treaties done at Vienna on May 23 1969, but it does imply certain commitments. That is how Poland accepted in 2005 the solutions connected with the introduction by the NATO of a uniform system of crisis response. In view of the growing terrorist threat, more attention is being devoted to non-military aspects of crisis management, i.e. political, civilian and economic ones and to civil-military cooperation. Such measures permit coherent and coordinated response of all states to events of terrorist character, providing for the possibility of information exchange and cooperation to ensure the protection of the civilian population and critical infrastructure, and the introduction of restrictions connected with the respective levels of alarm, e.g. restrictions on the movement of the population and vehicles and enhanced protection of key objects and officials.

1.2. What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

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 an act. 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 an act, takes precedence over a national statute, if this statute cannot be reconciled with the provisions of the agreement.

The NATO Crisis Response System Manual (NCRSM) served as the basis for the introduction in June 2005 of “The register of undertakings and procedures of the crisis management system”. The register is binding on all ministries, central offices and voivodeship (province) authorities, obligating them to exchange information and implement crisis management measures in situation of terrorist threat. Coordination at national level is handled by the Government Security Center and the Counter-Terrorism Center of the Internal Security Agency (ISA). Actions proposed by the GSC are submitted to the Government Crisis Management Team, which then recommends them to the Council of Ministers.

The crisis management act was amended in 2009 in order to ensure effective response of the State to terrorist threats; in particular, it streamlined the national system of information exchange and cooperation.

Pursuant to the above act, tasks connected with the prevention of terrorist acts and eradication of their effects are realized by public administration authorities in collaboration with the ISA. Cooperation of the public administration authorities and coordination of their counterterrorist undertakings is performed by crisis management centers and teams operating at the central, regional and local levels.

In order to reduce reaction time, the act delegates the right of introducing alarm degrees to lower decision-making levels and orders that the relevant procedures, tasks and conditions of their introduction be specified in the register of undertakings and procedures of the crisis management system.

In view of the terrorist threat, work has also been initiated on a Counterterrorism Act, which will elaborate in greater detail the terms of cooperation between public administration authorities in implementing counterterrorism measures.

1.3. What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Article 26 of the Constitution of the Republic of Poland 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.

That is why the Armed Forces may be used to prevent and combat terrorism only in exceptional situations. Such a situation is envisioned in Article 18 of the Act on the Police of April 6 1990. It provides for the use of units of the Polish Armed Forces – on the basis of a decision of the President, taken at the motion of the Prime Minister - in the event of a threat to public security connected with a crime of terrorist character endangering objects of significance to state security or defense, or human lives, if the use of the Police or other armed units is deemed insufficient.

Polish troops may be used abroad for counterterrorism purposes on the basis of Article 2.1 of the Act on the principles of the use or stay abroad of the Armed Forces of the Republic of Poland, of December 17 1998.

The participation of the Polish Armed Forces in the peace operations of international organizations and within multinational forces is elaborated in the Strategy of National Security of the Republic of Poland of November 13 2007, the Strategy of the Participation of the Armed Forces of the Republic of Poland in International Operations of January 13 2008 and the Defense Strategy of the Republic of Poland of May 15 2009. The participation of Polish forces in such operations affirms Poland's allied credibility and reflects Poland's international commitment to regional stabilization, preservation of peace and suppression of terrorism.

The main objective of the Strategy of National Security of the Republic of Poland consists in providing support to state organs in ensuring Poland's internal security and the granting of 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 connection with the above acts, the Ministry of National Defense has elaborated the relevant plans for the use of units and sub-units of the Polish Armed Forces in crisis situations, including counterterrorist operations. Furthermore, the capabilities of Special Forces are being bolstered to enhance the potential response to terrorist threats.

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 Strategy of National Security of the Republic of Poland underlines the need to maintain readiness for participation in multinational counter-terrorism operations, conducted in accordance with international law and organized by the NATO, the EU or impromptu coalitions of states. With reference to combating terrorism, the Strategy 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 reference to international operations, the Strategy of National Security of the Republic of Poland highlights the need for the Polish Armed Forces to possess operational capacities permitting significant participation in the NATO and the EU crisis response operations and support for similar UN operations.

The Armed Forces of the Republic of Poland 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 implemented in accordance with the provisions of the following documents:

- Plan of use of units and subunits of the Armed Forces of the Republic of Poland in the event of crisis situations, including the Plan of use of the Armed Forces of the Republic of Poland in counter-terrorism operations;
- 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;
- Regulation of the Minister of National Defense of February 28 2005 on collaboration of air traffic control authorities with the Air Force of the Armed Forces of the Republic of Poland;

- Regulation no. 162 of the Prime Minister of October 25 2006 on the establishment of the Inter-Ministry Team on Terrorist Threats;
- Regulation no. 21/MON of October 18 2005 concerning the specific scope of activity of the organizational units of the Military Gendarmerie;
- Decision No. 71/MON of the Minister of National Defense of March 25 2003 on the prevention of terrorist threats from the air;
- Decision No. 17/MON of the Minister of National Defense of March 31 2005 concerning the introduction into official use of the “ Detailed terms of reference of the Duty Commander of Air Defenses with regard to countering RENEGADE-type air objects”;
- Agreement of April 20 2005 on the collaboration of the Armed Forces of the Republic of Poland and the Police in preventing crisis situations;
- Agreement of December 5 2001 on the collaboration of the Police and the Military Gendarmerie.

1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g. pertaining inter alia to financing of terrorism, border controls, security of radioactive sources, use of the Internet and other information networks, legal cooperation.

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 e.g. 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;
- effectively counter terrorist threats, including the establishment of the Government Security Center and the Counterterrorism Center;
- amend the Aviation Law of July 3 2002 in the part devoted to the prevention of airborne terrorism. Pursuant to article 122a of the Law, an airship used for an airborne terrorist attack may be destroyed, pursuant to the act of October 12 1990 on the protection of the state border;
- elaborate Council of Ministers regulations, constituting annexes to the Aviation Law, concerning procedures of conduct in the event of the threat of an airborne terrorist attack,

- 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 acutely 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.

The Strategy of National Security of the Republic of Poland 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 Strategy of national Security of the Republic of Poland further underlines the importance of effective controls and monitoring of shipments, 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, voivodeship and local levels, in view of the threats to the health and lives of large groups of the population posed by terrorist attacks, including radiation, chemical and bio-terrorism.

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. The Government Team for Crisis Management, operating on the basis of the 2007 Act on crisis management, is the advisory organ tasked with initiating and coordinating actions concerned with crisis management. As part of implementation of the Act, 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 mitigate their effects.

2008 saw the launching of the ISA Counter-Terrorism Center as a body coordinating actions aimed at preventing and combating terrorism. It is staffed by officers and employees seconded from 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 the preparation of synthetic reports on terrorist threats for the State leadership, facilitation of decision-making in the event of a probable threat of a terrorist attack, coordination of operational measures, preparation of analytical

materials 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 2008, in the framework of the ISA Department for IT 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 IT systems and networks, the destruction or disruption of which could endanger the lives or health of individuals, 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 years 2009-2011* prepared by the ISA and the Ministry of Interior and Administration. It is the first document of this type in Poland and is aimed at initiating moves to elaborate a cohesive strategy for the protection of cyberspace in Poland over the next several years, as a component of a broad strategy of national security.

Since 2008 a representative of the Ministry of Foreign Affairs has led the Inter-Ministry Team for the Prevention of Illicit Proliferation of Weapons of Mass Destruction. It is tasked with monitoring current tendencies in WMD proliferation and the efforts of the international community and Poland (in the framework of the Kraków Initiative – PSI, and the Global Initiative to Combat Nuclear Terrorism – GINCT), with a view to possible terrorist threats.

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

Matters pertaining to terrorist threats are discussed during workshops, seminars and international experiments designed to upgrade operational capabilities of the member states and during discussion forums (conferences) organized for the purpose of

exchanging experiences, such as the annual Athena conference. The participants in these events include representatives of different Polish ministries and central state institutions.

Annual conferences are held to update the NATO Crisis Response System Manual, also in the context of terrorist threats. The last such conference was held in Kraków on October 20-21 2009.

The NATO crisis management exercise scenarios, elaborated during planning conferences, also provide for the possibility of terrorist threats directed against the Alliance's security. The final planning conference before the 2010 exercise was held in Kraków on October 22-27 2009.

The updating of the Manual and the holding of the abovementioned exercises improves the Alliance's capacity to counteract and prevent terrorist threats.

Furthermore, the General Staff of the Polish Army exchanges information on terrorist threats with the ISA Counter-Terrorism Center. Representatives of the Intelligence and Reconnaissance Analyses Board take part in regular meetings of the permanent inter-ministry experts' group, devoted to the suppression and prevention of terrorism.

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

- the 2009 Strategy of the Participation of the Armed Forces of the Republic of Poland in international operations;
- the Act of November 21 1967 on the universal duty to defend the Republic of Poland;
- the Act 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 Act of June 21 2002 on the state of emergency and the related regulation of the Council of Ministers of May 6 2003 on the rules of use during a state of emergency of units and subunits of the Armed Forces of the Republic of Poland;
- the Act of April 6 1990 on the Police and the related Regulation;
- 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 a threat to public security or the disruption of public security;
- the Regulation of the Council of Ministers of December 14 2004 concerning the use of air defenses against airships failing to follow the instructions of the state air control authority;
- the Act 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 use of units and subunits of the Armed Forces of the Republic of Poland for averting or mitigating the effects of natural disasters;
- the Act 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 authorities with the Air Force of the Armed Forces of the Republic of Poland;
- the Act of October 12 1990 on the protection of the state border;
- the Act of October 12 1990 on the Border Guard;
- the Act 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.

2. Stationing of armed forces on foreign territory

2.1. Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as 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 on the territory of the other state, done at Warsaw on August 23 2000, ratified by Poland on December 28 2001.

- 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.

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.

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

Currently, Poland is engaged in 13 international operations conducted by NATO, the UN and the EU.

International Security Assistance Force (ISAF. (Afghanistan) The legal basis for the engagement of the Polish Military Contingent in Afghanistan is provided by:

- the mandate determined by Security Council Resolution No. 1386 of December 20 2001, extended by Security Council Resolution No. 1890 of October 8 2009 to October 13 2010;
- decision of the President of the RP of October 13 2009 on the prolongation of the deployment of the PMC in Afghanistan to October 13 2010.

In 2009 the PMC in Afghanistan numbered 2000 troops and civilian army staff. Contingent members working in CIMIC Support Group teams provided practical assistance to the civilian population in such areas as extension of the power grid, health care, irrigation, education and

construction. Further aid was financed out of the state budget allocation at the disposal of the Ministry of Foreign Affairs, in the framework of the “Program of Polish Foreign Aid”.

Between April 1 and October 1 2009 Poland played the role of the leading country responsible for the operation of Kabul International Airport. A unit of 70 men was assigned to the task.

From May 2009 two 14-man Police Mentoring Teams, provided by the Polish Armed Forces, have been engaged in the training of Afghan police.

The NATO Training Mission – Iraq (NTM-I). The legal basis for the operations of the PMC is provided by the decision of the President of December 28 2009, which envisages use of the unit abroad until December 31 2010. Poland has remained involved in the operation of the NATO Training Mission-Iraq in view of the need to continue support for the further development of the Iraqi Security Forces after the PMC withdrew from the International Stabilization Force.

The Polish Armed Forces assigned 20 troops and civilian staff to the NATO Training Mission. They have fulfilled tasks connected with provision of security and training of Iraqi Security Forces. Their engagement is based on the Long-Term Agreement between the NATO and the Government of Iraq of July 26 2009.

KFOR (Kosovo Forces). The legal basis for the deployment of the PMC is provided by the Decision of the President of the RP of December 28 2009, which envisages use of the unit abroad until December 31 2010. The unit numbered 1800 troops and civilian staff. The PMC was part of the Polish-Ukrainian Battalion (POLUKRBAT) in the framework of the Multinational Task Force East (MNTF-E). Its main tasks included monitoring and enforcing of international agreements and treaties, provision of humanitarian assistance, facilitating the return of refugees to Kosovo, ensuring law and order, patrol duty, including patrols with the Kosovo Border Police, maintenance of observation posts, security for convoys, confiscation of illegal weapons, maintenance of Polish and Ukrainian rapid response units.

ACTIVE ENDEAVOR (OAE). The Kobben-class submarine ORP KONDOR took part in the operation until March 2009. The OAE 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.

Missions in the framework of the EU and UN:

(European Forces - EUFOR). The legal basis for the participation of the PMC in Operation ALTHEA in Bosnia and Herzegovina is provided by the decision of the President of the RP of November 20 2009 envisaging use of the unit abroad until November 21 2010. The PMC numbered 160 troops and civilian staff, including a maneuver company and two observation-liaison teams. They maintained security in their zone of responsibility by conducting patrol duty, monitoring of the return of displaced persons to their places of residence, controlling places of temporary residence of such persons, inspecting places of declared deployment of troops and storage of military equipment, and enforced the freedom of movement in their zone of responsibility.

Observers of the Polish Armed forces with the EU Observation Mission in Georgia

In 2009 the Polish Armed Forces assigned 12 observers for service with the mission. They were primarily tasked with collection of information, analysis of incidents in violation of the process of stabilization and the six-point peace agreement between the parties to the conflict, and facilitation of dialog between the parties to the conflict.

Participation of the Polish Armed Forces in UN peace missions

In 2009 18 troops (14 observers and 4 staff officers) were assigned to service with UN peace missions. They served in the following countries: Kosovo (UNMIK) – 1 officer, Congo (MONUC) – 3 officers, Liberia (UNMIL) – 2 officers, Western Sahara (MINURSO) – 1 officer, Sudan (UNMIS) – 2 officers, Ivory Coast (UNOCI) – 5 officers, Syria (UNDOF) – 2 officers, Chad and the Central African Republic (MINURCAT) – 2.

The PMC with the UN Disengagement Observer Force (UNDOF)

Poles fulfilled peace-keeping tasks in the Golan Heights for almost 35 years (from June 1974 till October 2009). A total of almost 13 thousand troops and civilian staff served during that period with the UNDOF operation.

The PMC with the UN Interim Force (UNIFIL)

Poles (over 12 thousand troops and civilian staff) served in Lebanon from April 1992 to November 2009.

The PMC with the UN Mission in Chad and the Central African Republic (MINURCAT)

The PMC (numbering 400 troops and civilian staff) carried out its duties from March 15 to November 30 2009. The Polish mission in Chad won high marks from the local population and the authorities, with particular praise for the maintenance of security in Kobé Department. Members of the Zaghawa tribe benefited from humanitarian aid provided by the CIMIC Team. The Poles helped with the renovation of wells and hospitals and the refurbishing of a primary school in Iriba.

3. Implementation of other international commitments related to the Code of Conduct

3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

Poland, as a sovereign and democratic state in Central Europe possessing substantial political and military potential, wants to continue its contribution to the consolidation of common values and development of cooperation in the framework of the European Union, in the Euroatlantic space and on global scale, in order to guarantee lasting world security.

Involvement in international efforts to reduce the risk of major armed conflicts and to ensure the transparency and predictability of military activity is a new area of operation of the armed forces. The Ministry of National Defense bears the primary responsibility for the fulfillment of the State's obligations in this sphere.

November 4 2008 saw entry into force of resolution no. 242/2008 of the Council of Ministers (replacing Council of Ministers resolution no. 32/96 of January 30 1996) concerning the fulfillment by the Republic of Poland of international agreements on arms control, disarmament and confidence-building and security measures (Conventional Forces in Europe Treaty, Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe, Treaty on Open Skies, 1999 Vienna Document, Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on additional confidence-building measures, Additional Confidence-Building and Security Measures supplementing the 1999 Vienna Document, adopted by the Republic of Poland and the Republic of Ukraine) which elaborated the relevant responsibilities of the ministers of foreign affairs, interior, transport, communications, public finances, health and voivodes (heads of province-level administration).

The Minister of National Defense followed up the above resolution with decision no. 332 of September 23 2009 (superseding decision no. 50 of the Minister of National defense of April 21 1997) concerning the Ministry's tasks relating to the fulfillment by the Republic of Poland of obligations stemming from international agreements on arms control, disarmament and confidence-building and security measures in Europe. The decision builds on experience gained in the course of implementing disarmament accords. It addresses issues pertaining to allied coordination of verification and standardization efforts and cooperation between the verification units of different countries. It also deals with involvement in the works of permanent bodies and those defined in agreements and conferences devoted to possible changes in the system of European security. The decision also defines the competencies of senior Ministry officials and commanders down to independent battalion level with the regard to the implementation of obligations.

3.2. Provide information on how your State pursues arms control, disarmament and confidence-and security-building with a view to enhancing security and stability in the OSCE area.

In 2009 the Disarmament Control Section of the Military Foreign Affairs Department of the Ministry of National Defense executed the following undertakings as part of implementation of commitments stemming from international agreements on arms control, disarmament and confidence-building and security measures in Europe:

- it organized and conducted two CFE inspections abroad, took part in one CFE training inspection, received in Poland three foreign inspection teams, took part in five allied inspection teams abroad, and took part in works to extend the international involvement in verification activity by organizing multinational inspection teams (with the participation of eight inspectors from seven countries);
- under the implementation of the VD99 it conducted one evaluation visit and one on-site inspection and received one evaluation visit and three on-site inspections;
- under the implementation of bilateral agreements on additional confidence-building and security measures it conducted two evaluation visits and one on-site inspection and received one evaluation visit and three on-site inspections;
- it conducted two annual bilateral evaluation meetings;
- it took part in fourteen visits to air bases and other military facilities and in demonstrations of new types of arms;
- it took part in the observation of two war games;
- in the framework of the TOP, it received three observation flights and conducted three observation flights;
- it took part in four observation flights of other states;
- it took part in a meeting of the Multinational Advisory Group (MAG) of the Regional Arms Control Verification and Implementation center (RACVIAC) for the region of the Balkans;
- it organized two courses for arms control inspectors with the participation of 132 officers and civilian staff members.

Moreover, sixteen Polish representatives took part in eleven foreign courses for CFE/TOP inspectors organized by verification centers of States Parties to disarmament agreements.

Disarmament control undertakings are also implemented as part of the fulfillment by Poland of the Chemical Weapons Convention, signed in 1993 and ratified in 1995. Pursuant to article 25 of the act of June 22 2001 on the implementation of the Chemical Weapons Convention the Minister of National Defense is obligated to ensure fulfillment of the Convention provisions in organizational units subordinated to the Ministry of National Defense and related state enterprises. Furthermore, under article 9 of the act, the Minister of National Defense has issued a regulation concerning the production, processing, utilization, acquisition, storage and disposal of toxic chemical agents and their precursors (regulation of October 10 2002).

The WMD Defense Command coordinates within the Polish Armed Forces the fulfillment of tasks stemming from the Chemical Weapons Convention.

During the latter half of 2009 the WMD Defense Command conducted works on substantial amendments to the above regulation. The proposed changes are connected with the need to fully carry out the provisions of article 9.1 of the act of June 22 2001 on the implementation of the Convention and remove certain legal flaws. The amended regulation will serve as the basis for a decision by the Minister of National Defense, to be issued in 2010, detailing the tasks for organizational units of the Ministry of National Defense relating to the implementation of the Chemical Weapons Convention.

Section II: Intra-State Elements

1. National planning and decision-making process

1.1. What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?

National planning and decision-making

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

The Parliament, i.e. the Sejm and the 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. Those issues are also addressed during the elaboration of fiscal plans and normative acts relating to the state budget. Furthermore, the 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.

The Parliament and its committee also fulfill certain controlling functions.

Issues relating to the defense of the State are taken up in Parliament by the National Defense Committees of the Sejm and the Senate.

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 July 16 2009. The two documents specify the foundations of Poland's defense policy, the spheres of activity, instruments of its implementation and the foundations of defense strategy.

The 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 2004 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 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 the management of the country's defense.

Defense expenditures

The Act 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 Act, the Council of Ministers - in line with the main directions of development of the Armed Forces of the Republic of Poland 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 subsequent six-year planning periods. In line with the current, changed NATO defense planning procedures, starting in 2009 four-year planning cycles were introduced, with the planning horizon covering a ten-year period. The guidelines of the Council of Ministers of March 4 2008 concerning Poland's defense preparations for the period 2009-2018, detailed by the Minister of National Defense, constitute the basis of works on drafting a ten-year plan of development of the Armed Forces of the RP and a 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 act, 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 act of June 22 2001 on the multi-year program of “Supplying 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 act 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;

- part of the revenues from the sale of housing by the Military Housing Agency – to finance housing construction for soldiers.

The provisions of the Act on the restructuring, technical modernization and financing of the Armed Forces of the Republic of Poland guide the Council of Ministers in determining the annual defense budgetary allocations, including the Ministry of National Defense budget.

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, purchases, 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 the 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.

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

- Act of June 30 2005 on public finances;
- Act 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.

1.2. How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

Poland develops its capacity to implement national strategic security objectives in its immediate neighborhood and in the European and Euroatlantic space. Accordingly, our

country supports transformations in Eastern and Southern Europe. The North Atlantic Alliance is seen by Poland as the most important form of multilateral politico-military security cooperation, constituting the mainstay of the continent's stability and the primary platform of Transatlantic relations. Poland unconditionally supports the all-round development of the Alliance's potential to prevent crises, conduct stabilization operations, combat terrorism and counter threats stemming from WMD proliferation. The development of the Alliance's cooperation with partner countries is a key factor enhancing the security of the entire Euroatlantic area.

Membership of the European Union allows Poland to implement the objectives set by the European Headline Goal 2010. Poland intends to make substantial human and material contributions to EU stabilization, peace, humanitarian, rescue and training missions. Poland supports the further development of cooperation between EU arms industries, harmonization of acquisitions and joint military research programs. Poland supports the development of consistent, institutionalized security cooperation between NATO and the EU.

Poland develops vigorous cooperation and friendly relations with all its neighbors and other countries of Central and Eastern Europe, convinced that this enhances security in our part of the continent. Poland seeks closer cooperation in the framework of the Weimar Triangle and the Visegrad Group and supports the development of other subregional institutions, thus helping consolidate security and stability. Particular importance is attached to relations with states preparing for membership in the North Atlantic Alliance and the European Union or declaring their desire to join these organizations.

2. Existing structures and procedures

2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and 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. the 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 was elaborated in the Act 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.

2.2. How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The 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 the Parliament, those functions are fulfilled by the national defense committees of the Sejm and the Senate, and also by 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 the 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. 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.

2.3. What are the roles and missions of the military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

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 services 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 Act on the sections of government administration of September 4 1997, in peacetime the section of “national defense” 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 Act 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.

3. Procedures related to different forces personnel

3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

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 (in 2009 conscriptions were suspended in connection with the professionalization of the Polish Armed Forces. Conscriptions may be resumed in the event of introduction of the state of emergency or martial law);
- military training and participation in military training classes for students and graduates of higher schools;
- 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.

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. Statutory regulations determine that basic military service lasts 9 months. The basic military service is performed without interruption.

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 the 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 (including foreign schools) within twelve months following the completion of their studies, i.e. after they pass they final exams and obtain diplomas of graduation.

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 only holds 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 to 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 (commodore) or higher, in the case of appointments to service in the privates' corps in the unit.

A soldier may be appointed to service in the professional officers' corps after graduating from a higher military academy or completing military training, on condition that he/she 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 the 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.

3.2. What kind of exemptions or alternatives to military service does your State have?

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 became members of the clergy or joined religious orders and have been transferred to the reserve without performing military service;
- persons permanently residing abroad;
- persons who have graduated from officers' and non-commissioned officers' schools of the Police, the Border Guard and the State Fire Service, and directly after graduation took up employment as officers of the Police, the 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 took up employment with the Central Anticorruption Bureau or the Border Guard;
- persons who have been designated to perform alternative service;
- persons who have performed military service in another country, and simultaneously hold or held in the past the citizenship of that country
- persons who have been 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 head of an organizational unit of one of the above institutions have been 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 article 56 of the act of November 21 1967 on the universal duty to defend the Republic of Poland (Journal of Laws of 2004 No.241, item 2416, as amended) - an alternative form of fulfillment by citizens of that duty. Thus, service in those 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 voivodeship Police or the 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 assignation of a conscript to alternative service is within the competence of voivodeship alternative service commissions, which - under article 10.2 of the act of November 28 2003 on alternative service - are established by voivodeship 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 act of July 29 2005 amending the act 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. Alternative service applies only to volunteers.

3.3. What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

Members of the Polish Armed Forces enjoy the same constitutional rights as civilian citizens of the Republic of Poland, with the exception of the right to stand in elections, join political

parties and the right to strike. In the event of violation of rights stemming from military service, members of the Forces have the right of administrative appeal.

The act of September 11 2003 on the military service of professional soldiers is applied in such situations. Its amendment on August 24 2007 introduced dual changes. 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 to soldiers injured on duty and for the families of soldiers who lost their lives during service. The system incorporates help with obtaining education, financial grants and housing benefits.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1. How does your State ensure that International Humanitarian Law and Law of War are made widely available e.g. through military training programs and regulations?

In line with the obligations of the Republic of Poland, the curricula of military academies and schools include the principles of international humanitarian law of armed conflicts.

The dissemination of international humanitarian law of armed conflicts in the Polish armed forces in 2009 was conducted 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.

Training in international humanitarian law of armed conflicts was provided to all corps of the Polish Armed forces and covered the following topics:

a) for officers:

- “Application of international humanitarian law of armed conflicts in combat. Liability of commanders for the violation of norms of the law of war” – 2 hours;

b) for non-commissioned officers:

- “Contemporary threats to international security. The participation of the Polish Army in missions abroad” – 2 hours;

- “The basic concepts of the law of war. The rules of combat and protective markings used in armed operations” – 2 hours;

c) for professional privates:

- “Contemporary threats to international security. The participation of the Polish Army in missions abroad” – 2 hours;

- “The basic concepts of the law of war. The rules of combat and protective markings used in armed operations” – 2 hours.

The above topics were presented in the form of lectures, seminars and tests.

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 top officials of the Ministry of National Defense and commanders of the Armed Forces.

The Ministry of Foreign Affairs has conveyed to the Education and Defense Promotion Department of the Ministry of National Defense “The First Report on the Implementation and Dissemination of International Humanitarian Law of Armed Conflicts”, which has been supplied to the education departments of the Forces for dissemination.

The Minister of National Defense has appointed a panel tasked with regulating training in international humanitarian law of armed conflicts; this body includes a representative of the Education and Defense Promotion Department.

The following training projects were organized in 2009 in order to acquaint members of the Armed Forces with the provisions, principles, conventions and obligations contained in international humanitarian law of armed conflicts and to instill in them the awareness of individual responsibility under domestic and international law for one’s actions:

- two-week specialist courses in international humanitarian law of armed conflicts were held for forty-man groups of Air Force, Army and Navy soldiers in the framework of the System of In-Service Training in the Armed Forces of the Republic of Poland;

- in line with the Annual Plan of In-Service Training in the Armed Forces of the Republic of Poland, the Department of Education and Defense Promotion organized at the National Defense Academy two specialist courses in international humanitarian law of armed conflicts for battalion commanders; 50 officers took part;
- the Department also organized specialist courses in international humanitarian law of armed conflicts and protection of cultural objects, for 56 members of units designated for service within the NATO Response Force.

A cycle of in-service training courses in international humanitarian law of armed conflicts was also conducted for members of Ministry of National Defense Central Institutions and members of the General Staff of the Polish Army.

The Department of Education and Defense Promotion publishes the following training materials for members of military missions abroad:

- “International Humanitarian Law – rules of engagement - KFOR Kosovo”;
- “Manual on mines, booby-traps and dangerous explosive charges”;
- “Manual on the rights and duties of soldiers taking part in combat operations”;
- “International Humanitarian Law of Armed Conflicts. Rules of engagement – ISAF Afghanistan”.

The Department has also ordered the preparation by Polish Army Publishers of teaching aids (manuals, CDs, transparencies) dealing with the following topics taken up in civic training:

- “Application of international humanitarian law of armed conflicts in combat, the responsibility of commanders and troops for violation of the law of war in the context of Polish army missions abroad (issuance of orders and execution of orders)”;
- “ Rules of engagement by the Polish Army during military missions abroad”.

The director of the DEDP took part in meetings of the Commission for the Dissemination of International Humanitarian Law attached to the Central Board of the Polish Red Cross and in sessions of the inter-ministry Programming Council for the Protection of Cultural Goods in Situations of Special Threat.

4.2. What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The individual accountability of members of the Armed Forces is taken up in military schooling during classes on “Selected issues of international law of armed conflicts”.

The programs of training in military units and training centers include “Selected issues of the law of war”, as part of the subject “Legal Training”.

When preparing for peace missions, soldiers undergo training in “Issues of the law of war, humanitarian principles and related obligations”.

The General Staff of the Polish Army also organizes annual training at the Peace Forces Training Center in Kielce for professional soldiers designated for service within operation commands abroad. The participants receive instruction in international law of war, with special reference to prohibited methods and means of combat.

The relevant provisions of domestic penal law are taught to soldiers during practical training at command, staff and unit levels. The program of supplementary training for professional soldiers has been increased. The presence of issues relating to domestic law and international law of armed conflicts in the training of troops for peace and stabilization missions helps shape their attitudes and instills the habit of respecting national law and international humanitarian law.

4.3. How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Poland, as a participant in the Code of Conduct, has undertaken to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion and beliefs, acting in compliance with the UN Charter and the Universal Declaration of Human Rights. In 2009 Poland suspended conscription for basic military service (which lasted 9 months) in connection with the professionalization of the Polish Armed Forces. Pursuant to the legal regulations in force there are exceptions from and alternatives to military service (as detailed in Section II point 3.2 of this Questionnaire). Citizens may fulfill their duty of national defense by serving with armed formations not constituting the Armed Forces (prevention

units of the Police, the Border Guard and the Government Protection Bureau) or performing alternative service (for persons whose religious beliefs or moral convictions prevent them from performing military service). Such service may involve work in environment protection, health service, social assistance, fire prevention etc.

The Polish Armed Forces include the Field Chaplaincy Service, the Orthodox Chaplaincy Service and the Evangelical Chaplaincy Service.

4.4. What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Members of the Polish Armed Forces enjoy the same constitutional rights as civilian citizens of the Republic of Poland, with the exception of the right to stand in elections, join political parties and the right to strike. In the event of violation of rights stemming from military service, members of the Forces have the right of administrative appeal.

The Armed Forces maintain political neutrality, which means a ban on political for any party, organization or person seeking political power. The Forces are subject to civilian control and democratic supervision by civilian authorities. This is characteristic of the armed forces of all NATO states and constituted a goal of the transformations of the Polish Armed Forces, in accordance with the guidelines laid down in the Constitution. It is in the interest of democratic development of the State to ensure political neutrality of the armed forces and their non-engagement in current political activity.

4.5. How does your State ensure that its defense policy and doctrine are consistent with international law?

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 July 16 2009. The two documents specify the foundations of Poland's defense policy, the spheres of activity and instruments of its implementation and the foundations of defense strategy.

The documents elaborate the general assumptions of national defense and the conceptual basis for doctrine implementation documents, strategic and operational plans and defense programs. Under the law, their provisions must comply with ratified international treaties. Under article 188 of the Constitution, the Constitutional Tribunal is the body competent to ascertain the compliance of acts with international agreements the ratification of which required prior statutory consent and the compliance of legal regulations issued by central authorities with the Constitution, ratified international agreements and statutes.

Section III: Public access and contact information

1. Public access

1.1. How is the public informed about the provisions of the Code of Conduct?

Decision No. 108 of the Minister of National Defense of April 7 2009 concerning the implementation of information policy by the Ministry of National Defense provides guidance for public information activity concerning the Armed Forces and defense issues (including the subject matter addressed by the Code of Conduct) and for the promotion of a positive image of the Armed Forces with the use of the mass media.

The Ministry's information policy is designed to meet the public's need for information and stimulate public support for the Ministry's activity.

The press service of the Armed Forces of the Republic of Poland is composed of the Press and Information Department of the MND, the Press Team of the General Staff, press departments of the commands of the respective Armed Forces, the Operational Command, the Support Inspectorate, the Central Headquarters of the Military Gendarmerie and the Warsaw Garrison, the press sections of military districts, divisions, flotillas and Air Force wings, press officers subordinated to the commanders of the Military Health Service Inspectorate, the Ministry of National Defense Inspectorate for Flight Safety, Air Force bases, 2nd Mechanized Corps, brigades, military academies and higher schools, training centers of the respective Armed Forces, Land Forces schools for non-commissioned officer, Air Force schools for non-commissioned officers, military voivodeship staffs, the 36th Special Air Force Regiment and press officers of Polish military contingents.

1.2. What additional information related to the Code of Conduct, e.g. replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

After the adoption of the Code of Conduct, various measures were taken to publicize its content, particularly within the Armed Forces. In 1996 the Bureau of Civic Education of the Social Relations Department of the Ministry of National Defense issued a publication presenting the content and significance of that innovative document, adopted on December 4 1994. Steps were also taken to amend national legislation in line with the spirit of the Code. In subsequent years the content of the Code was incorporated in military training programs. The annual exchange of information in the form of the questionnaires, initiated in 1998, increased the engagement and interest of military institutions in issues covered by the Code. After the events of September 11 2001, the problem of countering terrorism gave the Code new significance. The two updates of the questionnaire in 2003 and 2009 put particular focus on the issues of combating terrorism, democratic control over the armed, paramilitary and police forces and observance of international humanitarian law. These matters were taken up in 2009 during civic training throughout the Armed Forces, including specialist training provided for units designated for peace and humanitarian operations and specialized units.

In view of the continuous updating of the Code questionnaire, including the role of the armed forces in combating terrorism, designed to adjust it to the current situation in the OSCE area, the Disarmament Control Section of the Military Foreign Affairs Department will ask the Press and Information Department of the Ministry of National Defense to publicize the questionnaire through an additional website thematic service.

1.3. How does your State ensure public access to information related to your State's 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 statutes. Under the act 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.

In order to implement the provisions of the act 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. Provision of public information by the Ministry of National Defense is regulated by decision No. 449/MON of October 4 2007.

Furthermore, articles 2 and 4 of the Press Law of January 26 1984 stipulate that “pursuant to the Constitution of the Republic of Poland, state authorities shall create essential conditions for the fulfillment by the press of its functions and tasks, including activity by editorial boards of daily papers and periodicals diverse in terms of their policies, content and attitudes”.

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 within 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 in order to enhance awareness and understanding of military aspects of the Alliance. This involves three basic functions: media relations, internal communications and community relations.

Pursuant to the NATO document, the Press and Information Department is elaborating the draft of a new decision on the principles of the information policy of the Ministry of National Defense. A system of internal and external information has also been launched. The internal information system serves the leadership of the Ministry and General Staff, Ministry departments, bureaus, and plenipotentiaries, press spokesmen and press officers, Military

Voivodeship Staffs, Voivodeship 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 academies 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 the 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 act 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 and the Declaration on the freedom of expression and information, also known as the European Media Charter of 1982.

The information activity of the Ministry of National Defense is conducted through electronic media, direct provision of information to interested journalists and citizens, dissemination of

audio-video materials, internal information and military press. The Press and Information Department operates within the NATO Integrated Data System (NIDS). The official Ministry website is updated daily and in 2009 it had 7070595 hits by 1293989 Internet users.

The Department of Press and Information also administers four thematic website services:

- <http://www.isaf.wp.mil.pl> (Polish Military Contingent in Afghanistan)
- <http://www.pkwczad.wp.mil.pl/pl> (PMC in Chad)
- <http://www.profesjonalizacja.wp.mil.pl> (Professionalization of the Armed Forces)
- <http://www.pamieciopoleglych.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 functionality and speed of the service (animated gifs, calendar of events in the Armed Forces, slide show).

Access to information is also ensured through the following e-mail addresses:

bip.wniosek@wp.il.pl, dpimon@wp.mil.pl, and rzecznik@mon.gov.pl.

The broadcast media in Poland are composed of public radio and television and a score of commercial TV and radio stations. They all present current news concerning the Ministry of National Defense, ensuring free access to information on defense issues. The MND press service closely collaborates with press, radio and TV editorial offices. The Press and Information Department collaborates with journalists in organizing press conferences of the respective military institutions. The Department assists journalists covering the activity of Polish Military Contingents and reporting on military exercises.

Direct provision of information to the media and citizens

The press service of the Polish Armed Forces provides public information on request to journalists, institutions and citizens, in accordance with the provisions of the act on access to public information.

Audio-video materials

This includes documentary films and TV shows acquainting the public with issues of particular importance to the Armed Forces.

Internal information

It is designed to assist press officers in a professional performance of their duties pertaining to contact of the Forces with the media and society.

Military press

In 2009 the Military Editorial Office operated on the basis of Regulation No. 13/MON of April 13 2007.

All military press was published by the Military Editorial Office, which is subordinated to the director of the Press and Information Department, 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, military pensioners and other persons connected with defense. These publications include the weekly "Polska Zbrojna", monthly magazines of the respective services: "Przegląd Wojsk Lądowych", "Przegląd Sił Powietrznych", "Przegląd Morski"; the quarterly „Nowa Bellona” and the website bulletin.

2. Contact information

2.1. Provide information on the national point of contact for the implementation of the Code of Conduct.

The national contact point for the implementation of the Code of Conduct at the Ministry of National Defense is the Disarmament Control Section of the Department of Foreign Military Affairs (Al. Niepodległości 218, 00-911 Warsaw, phone : (48 22) 6874430, fax: (48 22) 6840244, e-mail: z.zielinski@wp.mil.pl.