



Permanent Mission of the Republic of Poland
to the United Nations Office and
International Organisations in Vienna

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The Permanent Mission of the Republic of Poland to the United Nations Office and International Organisations in Vienna presents its compliments to all Delegations and Permanent Missions to the Organization for Security and Co-operation in Europe (OSCE) and to the Conflict Prevention Centre and has the honour to submit the response of the Republic of Poland to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security, in accordance with the Decision No. 2/09 of the Forum for Security Co-operation.

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

PG

Vienna, 15 April 2013



To:

**All Delegations and Permanent Missions to the OSCE
The Conflict Prevention Centre
Vienna**

Information
on the Code of Conduct on Political-Military Aspects of Security
in 2012

ENGLISH only

Section I: Inter-State elements**1. Account of measures to prevent and combat terrorism**1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

Poland is a party to the vast majority of international agreements adopted to prevent and combat terrorism, or contributing to the reduction of this phenomenon, including in particular:

- 20 UN conventions and protocols (Annex, Item 1-20);
- 13 Council of Europe conventions and protocols (Annex, Item 26-38);

In addition, Poland has concluded a number of bilateral agreements to combat organized crime, including terrorism (Annex, Item 39-61). They establish mechanisms for cooperation, coordination of efforts, information sharing, joint working groups, etc.

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

Polish legislation has been repeatedly updated to fulfill its obligations under the signed and ratified conventions and protocols listed above, and other international agreements concerning identification, prevention and combating terrorism. The most important legislation in this area includes:

- the Act of June 6, 1997, Penal Code, penalizing acts of a terrorist nature (Journal of Laws of 1997, No. 88 Item 553);
- the Act of November 16, 2000 on the prevention of money laundering and financing of terrorism (Journal of Laws of 2010, No. 46 Item 276);
- the Act of April 26, 2007 on crisis management (Journal of Laws of 2007, No. 89 Item 590);
- the Act of October 12, 1990 on the protection of the state border (Journal of Laws of 2009, No. 12 Item 67);
- the Act of September 4, 2008 on the protection of inland and sea ports (Journal of Laws of 2008 No. 171 Item 1055);
- the Act of August 29, 1997 on the Banking Law (Journal of Laws of 2002, No. 72 Item 665);
- the Act of July 3, 2002 on the Air Law (Journal of Laws of 2002, No. 130 Item 1112).

In addition, regulations governing the recognition, prevention and combating terrorism, and the division of powers in this area between the institutions of governmental and local administration, are included in a series of acts or implementing acts issued by the Council of Ministers. Among others in:

- the Act of April 6, 1990 on the Police (Journal of Laws of 2011, No. 287 Item 1687);
- the Act of October 12, 1990 on the Border Guard (Journal of Laws of 2011, No. 116 Item 675);
- the Act of May 24, 2002 on the Internal Security Agency and Foreign Intelligence Agency (Journal of Laws of 2010, No. 29 Item 154);
- the Act of March 16, 2001 on the Government Protection Bureau (Journal of Laws of 2004, No. 163 Item 1712);

- the Act of June 9, 2006 on the Military Counterintelligence Service and the Military Intelligence Service (Journal of Laws of 2006 No. 104 Item 709);
- the Act of December 17, 1998 on the principles of use and stay of the Polish Armed Forces abroad (Journal of Laws of 1998, No. 162 Item 1117);
- the Act of August 24, 2001 on the Military Police and military law enforcement bodies (Journal of Laws of 2001, No. 123 Item 1353);
- the Act of November 29, 2000 on foreign trade in goods, technologies and services of strategic importance for national security and the maintenance of international peace and security (Journal of Laws of 2013, No. 194 consolidated text).

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?

In Poland, the main role in identifying threats, preventing and combating terrorism is exercised by the police, supported by the security services, intelligence and counterintelligence.

If the police do not have the capacity to effectively counter these threats, the assistance may be provided by the Polish Armed Forces. The decision to use the armed forces is made by the President of the Polish Republic at the request of the Prime Minister. In urgent cases, the decision to grant assistance is made by the Minister of National Defense, at the request of the Minister of Internal Affairs, specifying its scope and form, immediately informing the Prime Minister and the President of the Polish Republic of the measures taken.

1.4 Provide additional 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 and legal cooperation.

The tasks associated with the diagnosis of threats, prevention and combating terrorism are in particular carried out by:

- Ministry of the Interior with subordinate structures: the National Police, the Border Guard, the Government Protection Office;
- Ministry of Defense and its subordinate structures: the Military Intelligence Service, the Military Counterintelligence Service, the Military Police;
- Ministry of Foreign Affairs;
- Ministry of Finance, together with the subordinate structures;
- The National Security Agency;
- The Intelligence Agency.

Coordination and advisory functions in combating terrorism are performed by the established Interministerial Team for Terrorist Threats working under the Prime Minister. It is chaired by the Minister of the Interior.

Preventing the financing of terrorism

The main piece of legislation used to counter the financing of terrorism is the adopted on June 25, 2009 Act on counteracting money laundering and terrorism financing (entered into force on October 22, 2009). The Act implements the 2005/60/EC Directive of the European Parliament and the EU Council of October 26, 2005 on the prevention of the use of the financial system for money laundering and the financing of terrorism.

The leading role in the system of combating financial crime and terrorist financing is played by the General Inspector of Financial Information (GIFI). His tasks include carrying out the procedure of transaction suspension or account blocking; sharing and requesting information

about transactions, transferring documents justifying the suspicion of committing a crime to the authorized bodies; exercising control over the compliance with regulations on counteracting money laundering and terrorist financing; cooperation with foreign institutions and international organizations. In October 2009, the Interdepartmental Committee for Financial Security was appointed by the General Inspector of Financial Information, having a consultative and advisory function concerning the use of specific restrictive measures against persons, groups and entities, such as freezing of assets in order to combat terrorism and prevent its financing.

The institution responsible for collecting information on suspicious financial transactions is the Polish Financial Intelligence Unit (PFIU) - Department of Financial Information in the Ministry of Finance. PFIU verifies the suspected money laundering and terrorist financing, contained in the reports, and subsequently collects the evidence and notifies the prosecutor's office, which, in cooperation with law enforcement authorities, takes action to bring an indictment against the suspected persons. PFIU is supervised by the General Inspector of Financial Information (GIFI). On the international arena PFIU participates in the work of e.g. MONEYVAL and the Egmont Group.

Poland fulfills the recommendations of the Special Committee on the Prevention of Money Laundering - The Financial Action Task Force (FATF) - 40 Recommendations concerning financial crimes and 9 FATF Special Recommendations regarding detecting, preventing and combating the financing of terrorism (9 Special Recommendations on Terrorist Financing).

Border control

Border control in Poland is carried out in accordance with the provisions of the Schengen Borders Code (EU Schengen Border Code) and the Act of October 12, 1990 on the Protection of the State Border. It is carried out by the Border Guard cooperating with the Customs Service, and special services. The Border Guard is also working with other national and international partners (including the European Agency for the Management of Operational Cooperation at the External Borders - Frontex).

Protection of radioactive materials

Poland is a member of the International Atomic Energy Agency (International Atomic Energy Agency-IAEA) and the European Atomic Energy Community (European Atomic Energy Community - Euratom). It implements the documents and regulations of these organizations.

Despite the absence of nuclear power plants, Poland has well-developed legislation and a nuclear safety system, under which supervision is exercised over all operations involving the use of nuclear materials and sources of ionizing radiation. The main body dealing with issues related to radioactivity in Poland is the National Atomic Energy Agency. This body reports directly to the Minister of the Environment and is responsible for nuclear safety and radiological protection.

The principal document in Polish legislation regulating nuclear safety is the Act of November 29, 2000, the Atomic Energy Law.

The Act regulates, among others:

- conduct of business rules in the field of peaceful use of atomic energy;
- actions taken in the event of radiological emergencies;
- specific rules for the protection of individuals against the dangers arising from the use of ionizing radiation for medical purposes;

Due to the lack of nuclear power plants in Poland, nuclear safety technical solutions involve mainly the monitoring and controlling radioactive contamination and keeping records of nuclear materials and radioactive sources.

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 Polish Armed Forces do not have permanent bases or units stationed permanently outside the country. Military units and soldiers are staying temporarily on the territories of other countries, with their consent, performing tasks under international missions with the purpose of introduction, maintenance and construction of peace, in accordance with the mandate of the United Nations Security Council (UNSC). The legal basis for the use and accommodation are the UN Security Council resolutions, decisions of international organizations engaged in international missions and / or relevant international agreements.

In 2012, the Polish Armed Forces and their representatives participated in 12 missions carried out under the aegis of NATO, the EU and the UN:

- In Afghanistan - the International Security Assistance Force (International Security Assistance Forces, ISAF). The legal basis for the involvement of the Polish Military Contingent (PMC) in Afghanistan are several resolutions of the UN Security Council, including: No. 1386 of December 20, 2001, No. 1510 of October 13, 2003 and No. 2069 of October 9, 2012
- In Kosovo - KFOR International Force (Kosovo Forces). The legal basis for PMC action is the UNSCR No. 1244 of June 10, 1999
- In Bosnia and Herzegovina - ALTHEA operation conducted by the forces of the European Union (European Forces - EUFOR). The legal basis for the participation of PMC in this operation are several resolutions of the UN Security Council, including: No. 1551 of July 9, 2004, No. 1575 of November 22, 2004 and No. 2074 of November 14, 2012, EU document Joint Action of the Council of the European Union 2004/570/CFSP of July 12, 2004 on the European Union military operation in Bosnia and Herzegovina (OJ No, L 04.252.10).
- In the Baltic States (Lithuania, Latvia and Estonia) - Polish Military Contingent was on duty as part of the NATO Air Policing mission - PMC Orlik IV, stationed on the territory of Lithuania. The legal basis for the mission is Article 3 of the North Atlantic Treaty, Concept of the Military Committee on the Integrated Air Defense System of the North Atlantic Treaty Organization - MC 54/1 and the Memorandum of the NATO Military Committee of July 25, 2007 on the mission of military supervision of airspace of the Republic of Estonia, the Republic of Lithuania, the Republic of Latvia and the Republic of Slovenia - MCM-0096-07.
- the EU Monitoring Mission in Georgia (EU Monitoring Mission to Georgia, EUMM Georgia) and observation missions under the aegis of the UN: in Western Sahara (Minurso), in the Democratic Republic of the Congo (MONUSCO), in Afghanistan (UNAMA), Kosovo (UNMIK), in Liberia (UNMIL), in South Sudan (UNMISS) and Côte d'Ivoire (UNOCI).

In total there were about 2,700 soldiers and military employees outside the country at one time.

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 attaches importance to the UN developed concept of arms control, disarmament and non-proliferation, on the basis of which agreements are created and implemented mitigating the

threats to peace, both at global and regional levels. We recognize that the compliance with the principle of transparency, reciprocity and equivalence of the fulfillment of obligations ensures international security at the lowest possible level of military arsenals.

Poland puts into effect, implements, provides transparency, predictability and reliable verification of treaties and agreements in the field of arms control, disarmament and non-proliferation existing on both global and regional level - In the OSCE area.

It is a party to the vast majority of multilateral treaties, conventions and agreements, including:

- The Treaty on Conventional Armed Forces in Europe (CFE);
- The Treaty on Open Skies (OS);
- all agreements on confidence and security building measures agreed upon in the OSCE;
- The Treaty on Non-Proliferation of Nuclear Weapons (NPT);
- The Treaty banning the research on nuclear weapons (CTBT);
- Convention on the Prohibition of the Development, Production, Storage and Use of Chemical Weapons and on their Destruction (CWC);
- Convention on the Prohibition of the Development, Production, Storage and Use of Biological and Toxin Weapons and on their Destruction (BTWC);
- The Convention on the Prohibition or Restriction of the Use of Certain Conventional Weapons, which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW), and all its Protocols;
- Convention on the Prohibition of the Use, Storage, Production and Transfer of Anti-personnel Mines and on Their Destruction.

Poland implements these treaties and agreements, as well as other international instruments and initiatives in the area of disarmament and non-proliferation, such as:

- UN Security Council Resolution No. 1540,
- The UN Plan of actions concerning Small Arms and Light Armament,
- The Global Initiative to Combat Nuclear Terrorism (GICNT);
- Initiative for the Non-proliferation of WMD (Proliferation Security Initiative - PSI).

In addition to the participation in the activities in the area of arms control in the European Union and NATO, Poland is an active member of the following export control regimes:

- The Nuclear Suppliers Group (Nuclear Suppliers Group – NSG);
- Zengger's Committee (ZC);
- The Australia Group (AG);
- Missile Technology Control Regime (Missile Technology Control Regime MTCR);
- Wassenaar Agreement (Wassenaar Agreement - WA).

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

In addition to the implementation of the above-mentioned treaties, conventions and agreements, and active participation in the decision-making bodies, Poland has been involved nationally and internationally in various projects in the field of arms control, among others pursuing additional, bilaterally agreed verification projects under the CFE and TOP Treaty as well as additional agreements on confidence and security building measures. In addition, representatives of the Polish Armed Forces support the verification activities in the Balkan Peninsula. Among others, they participated as assistants in the two inspections conducted in accordance with Article IV of the Dayton Peace Agreement, and participated in two meetings of the Multinational Advisory Group (Multinational Advisory Group-MAG), Centre for Security Co-operation (Centre for Security Co-operation, RACVIAC). Seventeen Polish representatives participated in thirteen foreign courses CFE / DW / TOP for inspectors organized by the

verification centers of the States being Parties to disarmament agreements and the NATO School in Oberammergau, Germany.

Polish arms control policy is focused on international cooperation to prevent the proliferation of weapons of mass destruction and the means of their delivery. We are active participants in the control regimes. We follow the guidelines of the EU Strategy on the Weapons of Mass Destruction (The EU's WMD Strategy). Poland notified and promotes the initiative on Tactical Nuclear Weapons. We participate in the process of preparation for the NPT Review Conference in 2015.

In 2012, Poland ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the Ottawa Convention). It shall come into force for Poland in June 2013. Not being a party to it, Poland voluntarily fulfilled most of the provisions of the treaty, among others submitted the relevant reports and destroyed so far approximately one million anti-personnel landmines.

Recognizing the legitimacy of concerns related to irresponsible use of cluster munitions and the possibility of causing undue suffering to the civilian population, Poland actively participated in the negotiations in the framework of the Convention on the Prohibition or Restriction of the Use of Certain Conventional Weapons, which may be deemed to be excessively injurious or having indiscriminate effects (the so-called CCW convention), held in Geneva.

Poland had a significant contribution, *inter alia*, in EU civilian crisis management missions in the OSCE area. Polish representatives took part in missions in Georgia (EUMM), Kosovo (EULEX), Bosnia-Herzegovina.

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 defence expenditures in your State?

National planning and the decision-making process

The basis for the planning and defense programming are the political and strategic decisions of the supreme legislative and executive powers in the field of state's defense policy.

The Parliament, 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. The Parliament and its committees (the Senate and the Parliamentary Committee on National Defense) also exercise control functions.

According to the Constitution of the Republic of Poland, managing national security in time of peace is exercised by the Council of Ministers, working with the President of the Republic of Poland as part of their domestic and foreign policies. The president is the supreme head of the Polish Armed Forces. His advisory body in the field of internal and external security is the National Security Council.

The Council of Ministers is responsible for the internal and foreign policy of the Republic of Poland, ensuring its internal and external security and exercising general control in the field of defense. The implementation of the policy of the Council of Ministers in the field of defense is ensured by the Prime Minister, who also specifies the ways of its implementation. Matters of particular importance in the field of defense may be examined by the Cabinet Council, which shall be convened and chaired by the President of the Republic of Poland.

Planning and programming issues are regulated, *inter alia*, by the Act of November 21, 1967 on the common duty to defend the Republic of Poland (Journal of Laws of 2002, No. 21, Item 205, as amended). According to it, the President of the Republic of Poland, in the area of sovereignty over the Polish Armed Forces determines, at the request of the Minister of National Defense, the main directions of development of the Armed Forces and their preparations for the defense of state.

The tasks of the Council of Ministers involve, *inter alia*, the development of national security strategy drafts and the planning and implementation of state defense preparations, including planning the development and the potential of the Armed Forces.

The main legal act regulating the development directions of the Polish Armed Forces, among others defining the principles of the system of development planning of the Polish Armed Forces, defense preparation funding and the scale of expenditures on national defense, is the Act of May 25, 2001 on the reconstruction and technical modernization and financing of the Armed Forces of the Republic of Poland (Journal of Laws of 2009 No. 67, 570 - consolidated text).

Currently, the long-term Armed Forces development planning is governed by the rules of defense planning of the North Atlantic Treaty. Plans are drawn up in a ten-year planning horizon and updated every two years. The substantive grounds for the development of the Development Program of the Polish Armed Forces are: The Development Strategy of the National Security System and the main directions of development of the Armed Forces and their preparation for the defense of the state established by the President of the Republic of Poland. The detailed directions of reconstruction and modernization of the Armed Forces determined by the Council of Ministers and the guidelines of the Council of Ministers for the programming of Polish defense preparations. Within the framework of the long-term defense planning ten-year programs are drawn up:

- development of the Polish Armed Forces;
- Economy Mobilization;
- Non-military defense preparations.

Defense expenditures

The budget for defense spending and the armed forces shall be approved annually by the Parliament during the general works on the state budget for the next year. The budget draft law, after being approved by the Council of Ministers, is submitted to the Parliament at least three months before the start of the financial year in order to adopt it as an Act. Then, in up to four months the parliament passes the Act and presents it to the President of the Republic of Poland, who signs the budget Act within seven days.

The Parliament within its respective competences also controls the implementation of the adopted budget. The principle of transparency of the development of defense spending and monitoring of the implementation of the defense budget are guaranteed by relevant regulations.

In the multi-annual planning of the defense expenditure, the assumptions of the State's Multiannual Financial Plan containing the four-year planning horizon are included. For the following years, defense spending is projected on the basis of the relevant provisions of the Law on reconstruction and technical modernization and financing of the Polish Armed Forces, according to which "to finance the defensive needs of the Republic of Poland, annually, expenditures from the state budget of not less than 1.95% of gross domestic product from the previous year are allocated." The forecast also takes into account the macroeconomic indicators defined by the Ministry of Finance.

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?

The main task of the foreign policy and the security and defense of Poland policy is to ensure the independence, territorial integrity, as well as security and civil liberties of its citizens. For this purpose, in accordance with the strategic documents and decisions of the democratically elected government, Poland maintains and develops the Armed Forces and defense capabilities at such a level that is necessary for the defense and independence of its territory and to fulfill its allied and international commitments.

As a member of the European Union and NATO, Poland belongs to the group of countries that share common democratic values and a common goal of building a zone of stability and security. It is a part of these activities, and promotes them. This is accomplished through political dialogue, crisis response, and close co-operation with neighboring countries. Poland is developing strong cooperation and friendly relations with all its neighbors, as well as cooperation with other countries of Central and Eastern Europe, seeing it as a chance to strengthen the zone of stability and security in this part of the continent. Poland aims to strengthen the cooperation within the Weimar Triangle and the Visegrad Group, and supports the development of other sub-regional institutions, contributing to greater security and stability.

Poland is actively seeking opportunities to increase international cooperation and to strengthen cross-border dialogue to resolve the most pressing threats to international security. These activities are implemented mainly through international forums and organizations, including the UN, NATO, EU and OSCE. In the case of military involvement abroad the legal basis for the use of and stay of the Polish Armed Forces in other countries are the UN Security Council resolutions, decisions of international organizations engaged in international missions and / or relevant international agreements.

2. Existing structures and procedures

2.1. What are the constitutionally established procedures for ensuring democratic control over the military, paramilitary and internal security forces, and the police?

All forces and services listed above are subject to civil and democratic control in accordance with the Constitution of the Republic of Poland. They are led by the heads of government departments, having a political mandate. The democratic control is ensured by the constitutional authorities of legislative and executive branches, that is the Parliament, the President, the Council of Ministers and the individual ministers.

The principle of the civil and democratic control over the Armed Forces of the Republic of Poland is specified in Article 26, par. 2 of the Polish Constitution and the Law on the Office of the Minister of National Defense, of December 14, 1995. The provisions of the Act, the package of executive legal and organizational acts, issued by the Council of Ministers and the Minister of National Defense, determine the Minister of National Defense as the central authority directing the Armed Forces and implement the principle of civil and democratic control over the military. In the above-mentioned acts the roles of the minister, and the extent of his competence with respect to directing all the activities of the Armed Forces have been clearly specified.

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

General leadership in this area is exercised by the President of the Republic of Poland. The implementation of procedures is ensured by the Council of Ministers and its members - the Ministers, who control individual departments.

The parliament as the supreme legislative authority deals with the defense issues mainly in the course of legislative work and in the course of determining the main activities of the state. These issues also appear in the preparation of financial plans and regulations that affect the state budget. In addition, due to the performed functions, the Parliament:

- regulates all the basic issues of defense by means of enacted laws, and thus directly affects the functioning of the Minister of National Defense and his Ministry;
- affects the appointment of a civilian, being a member of a democratically chosen Council of Ministers, to the position of the Minister of National Defense and enforces his/her responsibility for the implementation of the state policy in the field of defense.

The parliament and its committees (the Senate and the Parliamentary Committee on National Defense) also exercise control functions.

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

The task of the Polish Armed Forces is:

- ensuring the defense of the state and opposing aggression;
- participation in the process of stabilization of the international situation and in crisis response and humanitarian operations;
- supporting homeland security and providing aid to the public.

To ensure the ability of the state to defend itself and resist aggression within the framework of the allied commitments, the Polish Armed Forces maintain their readiness to carry out the tasks related to the defense and protection of the inviolability of the borders of the Republic of Poland, by participating in anti-terrorist operations in the country and abroad, by participating in solving local or regional armed conflicts within the NATO's area of responsibility or outside it, by participating in defense operations outside the country according to the alliance commitments, by conducting a strategic defense operation in Poland.

The stabilization of the international situation and the participation in crisis response and humanitarian operations requires the Polish Armed Forces to maintain the strength and ability to: participate in peacekeeping and crisis response operations led by the NATO, the EU, the UN and other operations resulting from international agreements; participate in humanitarian operations conducted by international organizations, governments and others; enable military cooperation in the development and application of confidence and security building measures.

The head of the Polish Armed Forces is the President. In times of peace he exercises authority over the Armed Forces through the Minister of National Defense, who, pursuant to the Article 134 (1) and (2) of the Polish Constitution, is the supreme body of state administration in the field of defense. Consent to the use of military force in the country and abroad is given by the President of the Republic of Poland, at the request of the Council of Ministers. The scope of activities of the Minister of National Defense is determined by the Council of Ministers Ordinance of July 9, 1996 on the detailed scope of activities of the Minister of National Defense.

3. Procedures related to the personnel of various forces

3.1. What kind of procedures does your State use for the recruitment and drafting of personnel for service in the armed forces?

Since 2009, in Poland the compulsory mandatory military service has been suspended. Appropriate regulations have been included in the Act of November 21, 1967, amended on

January 1, 2010 on the common duty to defend the Republic of Poland (Journal of Laws of 2012, Item 461, consolidated text). The National Reserve Forces (NSR) were established, which are an integral part of the drafting system of the Armed Forces. The service of the reserve soldiers in the NSR is carried out on the basis of crisis allocations as a result of voluntarily concluded contracts, signed with the Ministry of Defense for a period of two to six years. The size of the NSR meets the needs of the state in time of crisis, ensuring the acquisition of a sufficient number of volunteers with the desired abilities and skills for the Polish Armed Forces.

Regulations concerning the appointment of the professional army personnel are contained in the Act of September 11, 2003 on the professional military service (Journal of Laws of 2010 No. 90, Item 593, consolidated text) and the Regulation of the Minister of National Defense of March 9, 2010 on the appointment of the professional army personnel (Journal of Laws No. 45, Item 265).

Professional military service can be carried out in two ways: permanent and contract. Appointment for permanent service is binding for an indefinite period of time, while for contractual service for a limited time specified in the contract (18 months to 6 years). The contractual service may be carried out for the total period of no more than twelve years.

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

Polish Armed Forces are fully professional. Consequently, alternatives to military service have not been foreseen.

3.3. What are the legal and administrative procedures to protect the rights of the entire armed forces personnel?

Polish Armed Forces Personnel enjoy all the constitutional rights of citizens, with the exception of the right to associate in political parties and trade unions. A professional soldier can stand for the Sejm and the Senate and the European Parliament, take executive positions filled on the basis of election and apply for positions in local governments.

In the event of violation of rights stemming from military service, members of the Forces have the right of administrative appeal, provided for in relevant legislation relating to pragmatics of military service.

The rights and obligations of professional soldiers are specified in detail in the fourth chapter of the Act of September 11, 2003 on professional military service (Journal of Laws of 2010 No. 90, Item 593 consolidated text). Among other things, the soldier is entitled to reimbursement of expenses incurred for legal assistance if the preliminary inquiry initiated against him for an offense committed in connection with the performance of his duties will be concluded by a final decision on redemption. Detailed regulations also apply to the system of aid activities for soldiers injured in the course of performing of their duties, as well as for family members of soldiers who have died as a consequence of their service.

Disciplinary matters are regulated by the Act of October 9, 2009 on military discipline (Journal of Laws of 2009 No. 190, Item 1474), which established the provision of efficient disciplinary response, while maintaining the constitutional powers of the soldier as a human being and citizen.

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?

International Humanitarian Law and the Law of Armed Conflicts are propagated through the system of training and professional development of the entire personnel of the Armed Forces of the Republic of Poland. This issue is addressed within the framework of educational and professional development programs:

- Military Academies and Higher Officer Schools for the candidates for professional soldiers and improvement courses for commanders and legal advisors;
- Training centers of all types of Polish Armed Forces and military units as part of the routine training and professional development of soldiers;
- Military exercises, the scenarios of which include the requirement to take into account the limitations and the rules of International Humanitarian Law in military operations.

The proper organization, coordination and functioning of the education system was introduced by the decision of the Minister of National Defense of June 15, 2012 on the organization of education and training systems concerning the International Humanitarian Law of Armed Conflicts in the Ministry of Defense.

Within the framework of education, law case studies are used, thus providing an opportunity to analyze the actual events and define the rules of conduct in the event of similar situations and also the forms and methods of training are being improved. The scope of knowledge transferred in the course of education, is supplemented, on a regular basis, with information on international agreements to which Poland is a party, as well as experience gained concerning the performed operations. Education at all levels is supported by legal advisors.

Issues to be covered in the field of international humanitarian law of armed conflicts were implemented in all personal bodies of the Polish Army and involved in particular:

- Use of basic principles of international humanitarian law of armed conflicts during combat;
- Protection of human rights in the Armed Forces on the basis of the Recommendations of the Committee of Ministers for the Member States;
- Protection of cultural property during military conflicts, peacekeeping and stabilization operations (Second Additional Protocol to the Hague Convention of 1954).

Within the framework of the transferred knowledge, in particular, the importance of the basic principles of the laws of war was emphasized, such as: prohibition of the use of specific methods and means of warfare, the protection of civilian persons and goods (including humanitarian personnel) and the principles of treatment of prisoners and detainees.

Since 2012, the Army Center for Civic Education has launched an e-learning course on International Humanitarian Law of Armed Conflicts.

It is important to implement the international humanitarian law of armed conflicts, in educational practice, and integrate these issues during exercises. The main objective is, at the same time, to develop the attitudes and habits of soldiers, which will exclude the behavior in extreme combat conditions that is inconsistent with the norms of international law. All the soldiers participating in peacekeeping and stabilization missions undergo mandatory training in this area, and are familiarized with the cultural and legal considerations functioning in the country.

Representatives of the Polish Armed Forces regularly participate in international seminars and courses devoted to this area of the law, organized among others by the International Committee of the Red Cross, the International Institute of Humanitarian Law in San Remo and the International Association Military and Martial Law. The Ministry of National Defense

participates in the Polish School of International Humanitarian Law of Armed Conflicts in Radziejowice organized annually by the Board of the Polish Red Cross.

In order to promote knowledge, as well as familiarize the Polish Army soldiers with the obligations contained in the international humanitarian law and issues of individual responsibility for their actions, numerous training and informational materials are disseminated.

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?

Information on this topic has been partially included in Section 4.1 above.

In addition, in order to familiarize the Polish Army soldiers with the conventions and personal responsibility for their actions, according to internal legislation and international law, the subject is included in the training on the disciplinary and criminal liability of soldiers for violations of the law and their rights in disciplinary proceedings and criminal proceedings.

These issues have also been implemented in military education as part of the course "The selected issues of international law and of the law of armed conflicts" and within the program training conducted in military units training centers as part of the Legal Training Course - Selected Issues of martial law. Within the framework of this training, candidates are familiarized with the international law of war, with particular emphasis on the prohibited methods and means of conducting warfare.

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 and to deprive them of national, religious, cultural, linguistic or ethnic identity?

Acting in accordance with the purposes and principles of the UN Charter and the Universal Declaration of Human Rights, Poland has taken responsibility for respecting human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.

Information on this topic has also been partially included in Section 2.1 above.

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?

The information has been included in Chapter II, Section 2.1 and 3.3

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

Information has been partially included in Chapter II, Section 2.1

Poland supports the strengthening of international cooperation and international law and strictly adheres to accepted international obligations. This system is included in the Polish security policy, so the adoption of international obligations is automatically incorporated into the national legal system, which ensures its compatibility with international law.

Doctrinal and strategic documents and laws need to be compatible with the ratified international agreements. The study of this compliance, in accordance with Article 188 of the Polish Constitution falls under the jurisdiction of the Constitutional Court, which decides, among others, on the conformity of laws with the ratified international agreements, whose ratification

required prior consent granted by statute and on the conformity of legal provisions, issued by central State organs, with Constitution, ratified international agreements and statutes.

Polish strategic documents are consistent with the doctrinal documents of NATO and the European Union.

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?

This information is available on the websites of the Ministry of Foreign Affairs www.msz.gov.pl and the Ministry of National Defense www.mon.gov.pl.

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?

In addition to the Code of Conduct of individual States, there are no additional publications on the subject, apart from specialist or academic documents, publicly available, for example, via the Internet.

Replies to the Questionnaire of the Code of Conduct of individual States, are publicly available on the OSCE website.

1.3. How does your State ensure public access to information related to your State's armed forces?

The Republic of Poland shall offer its citizens the right to obtain information about the activities of public authorities and public office holders, which is referred to in Article 61 of the Constitution. These constitutional provisions have been defined in the statutes. Among others in the Act of September 6, 2001 on the access to public information and the Act of January 26, 1984 - Press Law. Public access to information may be restricted only in cases of the necessity to protect national security or in the cases provided by law, for example, relating to classifying information and documents and dealing with them.

Public access to information on the Polish Armed Forces is ensured by the implementation of the information policy of the government and the Ministry of National Defense. It is regulated by the decision of the Minister of National Defense of April 7, 2009 on the principles of the implementation of the information policy in the Ministry of National Defense and the Decision of the Minister of National Defense of June 13, 2007 on guidelines for the electronic exchange of correspondence in the Ministry of National Defense in order to make information available to the press.

The Ministry of National Defense pursues the information policy through a range of tools. Providing current information for the public and the personnel of the Armed Forces takes place through the official websites (in the form of messages, information, reports, as well as photo and video galleries). The main sources of information include the official web site of the Ministry of National Defense www.mon.gov.pl (edited and maintained by the Department of Press and Public Information) and the www.wojsko-polskie.pl portal in the area of internal information, education and promotion (edited and maintained by the Department of Defense Education and Promotion).

The press service of the Ministry runs the official websites of the General Staff of the Polish Army, all branches of armed forces, organizational units reporting directly to the Minister of

National Defense, the Operational Command of the Armed Forces, Polish Military Contingents, Military Police, the Armed Forces Support Inspectorate, Warsaw Garrison Command, and of individual units.

TVP1 is the information channel, which, in cooperation with the Ministry of National Defense, has been broadcasting the naszaarmia.pl program for several months now. The program is aired on TVP1 on Saturdays at 8:00 am, and each episode reaches up to 800,000 viewers. The Ministry of National Defense is in the process of talks concerning a continuous radio band on the first program. Most of the audio material will be produced by the press service of the Ministry and the journalists of the Military Publishing Institute.

The public is also kept informed by the Military Publishing House in Warsaw - a state cultural institution supervised by the Minister of National Defense.

The most important change in the information policy of the Ministry in 2012 was the creation of an online journal-portal www.polska-zbrojna.pl, which commenced operation on **August 15, 2012**. It is the official informational web journal of the Armed Forces and an essential element of the external and internal information policy, realizing their tasks through journalistic methods (article, interview, note, commentary, column, photo and video galleries).

The popular- didactic information is ensured by the quarterlies of individual types of the Armed Forces. „Przegląd Wojsk Lądowych”, „Przegląd Sił Powietrznych”, and „Przegląd Morski”, which are aimed primarily at soldiers up to the level of company commander, and are designed to provide an adequate level of new tactical knowledge and concerning the methods and methodology of education, specialized training of subordinate soldiers, trends in technique and technology, review of the knowledge of other armies. Quarterlies are published and edited by the Military Publishing Institute in cooperation with individual branches of the military.

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 Foreign Affairs is the Department of Security Policy (Al. J. Ch. Szucha 23, 00-580 Warsaw, Telephone No.: + 48 22 523 9205, fax: +48 22 523 8749.

Section IV Additional information on the implementation of the Security Council Resolution No. 1325 concerning women, peace and security, submitted pursuant to the provisions of the OSCE Action Plan for the promotion of gender equality, in accordance with the Ministerial Decision No. 14/04, as well as No. 14/5 on Women In Conflict Prevention, Crisis Management and Post Conflict Rehabilitation.

The issues of implementing the UNSCR No. 1325 were coordinated in the Ministry of National Defense by the Ministry of National Defense Representative for women's military service. "The plan of undertaken actions on the inclusion of the provisions of the UN Security Council Resolution in the operations and missions led by NATO" has been developed and the ventures included therein have been realized. This subject has been involved in training, education and development programs for soldiers in 2012.

Moreover, informational and promotional activities are undertaken, related to the functioning of the service of women, prevention of violence against women, the dissemination of knowledge on the UNSCR No. 1325. The Military Center for Civic Education has realized a DVD movie and released an album titled "Women in the Polish Army".

Professional military service of women

The trends observed in 2012 in the development of the professional military service of women are in line with the direction of the changes observed over the last few years. First of all, an increase in the number of women in the military and their appointment to positions in all branches of the Armed Forces and personnel corps is apparent. Women's increased interest in the military service is a result of appropriate information about the possibilities of pursuing a career in the Polish Army. In addition to serving as part of the medical service, women are increasingly taking stations traditionally unrelated to logistics.

The universities and military academies have been the main source of recruitment of women for several years.

By the end of 2012, 2384 women served in the Polish Army, representing 2.3% of professional soldiers, while at universities and military schools 419 were in training, which represents 16% of all candidates. Women most often occupy positions in the Land Forces (987), then in the Air Force (435) and the Military Navy (216). Officers are still the largest group (1001). The number of non-commissioned officers amounts to 672. Last year, there was another increase (45%) in the number of women in the professional private corps (711). They occupy the following positions: marksman, electro mechanic, gunner, driver, paramedic, radiotelephonist, scout, clerk.

The participation of women in peacekeeping and stabilization operations.

For several years, the number of women participating in missions outside the country has been steadily increasing in our country. Supporting the recommendations of the UNSCR No. 1325, in order to perform tasks on the missions, 110 female soldiers and 65 female civilian employees were sent in 2012. Most women (144) participated in the PMC Afghanistan. They occupied a variety of positions in all personnel corps. Within the KFOR PMC there were 9 women. Within the PMC EUFOR five women participated as officers with the land forces. Among the participants of the missions women are still employed mainly on medical positions. In other specialties women with the officer corps serve on positions such as: deputy company commander, platoon leader, counselor, legal clerk, section chief, socio-educational officer, liaison officer, operations officer.

ANNEX - List of international agreements and arrangements

Please indicate if your State is party to the following universal and regional legal instruments relevant to preventing and combating terrorism and related co-operation in criminal matters. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g. undergoing inter-ministerial coordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc).

	Name of the treaty	Party by: ratification P(R), accession P(a), succession P(s), acceptance P(A), approval P(AA), or Not party	Law and date of ratification, accession, succession, acceptance or approval
Universal legal instruments			
1	Convention on Offences and Certain Others Acts Committed on Board Aircraft (1963)	PL (R)	16.06.1971
2	Nuclear Non-Proliferation Treaty (1968)	PL (R)	03.05.1969
3	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	PL (R)	20.04.1972
4	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	PL (R)	27.02.1975
5	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972)	PL (R)	11.12.1972
6	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973)	PL (R)	13.01.1983
7	International Convention against the Taking of Hostages (1979)	PL (R)	24.06.2000
8	Convention on the Physical Protection of Nuclear Materials (1979)	PL (R)	08.02.1987
9	Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects (1980)	PL (R)	02.06.1983
10	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)	PL (R)	11.09.2004
11	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	PL (R)	01.03.1992
12	Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	PL (R)	01.03.1992
13	Convention on the Marking of Plastic Explosives for the Purpose of Identification (1991)	PL (R)	25.11.2006
14	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons	PL (R)	27.07.1995

	and on their Destruction (1993)		
15	International Convention for the Suppression of Terrorist Bombings (1997)	PL (R)	04.03.2004
16	International Convention for the Suppression of the Financing of Terrorism (1999)	PL (R)	26.10.2003
17	United Nations Convention against Transnational Organized Crime (2000)	PL (R)	12.11.2001
18	Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001)	PL (R)	21.02.2005
19	Protocol on Explosive Remnants of War to Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (2003)	PL (R)	01.07. 2011
20	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	PL (R)	08.04.2010
21	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)		
22	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety or Maritime Navigation (2005)		
23	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixes Platforms Located on the Continental Shelf (2005)		
24	Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)		
25	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)		
The Council of Europe legal instruments			
26	European Convention on the Suppression of Terrorism (1977)	PL (R)	01.05.1996
27	European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990)	PL (R)	20.12.2000
28	Convention on Cybercrime (2001)	PL (R)	23.11.2001
29	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (2003)	PL (R)	10.11.2004
30	Protocol amending the European Convention on the Suppression of Terrorism (2003)	PL (R)	10.11.2004
31	Council of Europe Convention on the Prevention of Terrorism (2005)	PL (R)	03.04.2008
32	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005)	PL (R)	08.08.2007
33	European Convention on Extradition (1957)	PL (R)	13.09.1993
34	Additional Protocol to the European Convention on Extradition (1975)	PL (R)	13.09.1993
35	Second Additional Protocol to the European Convention on Extradition (1978)	PL (R)	13.09.1993
36	European Convention on Mutual Legal Assistance in Criminal Matters (1959)	PL (R)	17.06.1996
37	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978)	PL (R)	17.06.1996

38	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001)	PL (R)	01.02.2004
Please list below any other regional, sub-regional, or bilateral agreements or arrangements relevant to preventing and combating terrorism and related co-operation in criminal matters, to which your country is a party.			
39	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 (1996)	PL (R)	14.05.1998
40	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 (1996)	PL (R)	06.04.1998
41	Agreement between the Government of the Republic of Poland and the Government of the French Republic on cooperation in internal affairs (1996)	PL (R)	01.03.1998
42	Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Spain on cooperation in combating organized crime and other serious crimes (2000)	PL (R)	27.02.2004
43	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 (2001)	PL (R)	27.02.2004
44	Agreement between the Government of the Republic of Poland and the Government of the Republic of Ireland on cooperation in combating organized crime and other serious crimes (2001)	PL (R)	13.03.2006
45	Agreement between the Government of the Republic of Poland and the Government of the Republic of Bulgaria on cooperation in combating crime (2002)	PL (R)	27.02.2004
46	Agreement between the Government of the Republic of Poland and the Government of the United Mexican States on cooperation in combating organized crime and other types crimes (2002)	PL (R)	27.02.2004
47	Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on cooperation in combating organized crime and particularly dangerous crimes (2002)	PL (R)	27.04.2004
48	Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on cooperation in combating organized crime and other types of crimes (2002)	PL (R)	19.04.2005
49	Agreement between the Government of the Republic of Poland and the Government of the Republic of Tajikistan on cooperation in combating crime (2003)	PL (R)	07.05.2004
50	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 (2003)	PL (R)	13.12.2004
51	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 types of crimes (2003)	PL (R)	30.11.2004
52	Agreement between the Government of the Republic of Poland and the Government of the Republic of Estonia on cooperation in combating organized crime and other types of crimes (2003)	PL (R)	23.04.2004

53	Agreement between the Government of the Republic of Poland and the Government of the Socialist Republic of Vietnam on cooperation in combating organized crime (2003)	PL (R)	23.04.2004
54	Agreement between the Government of the Republic of Poland and the Government of the Republic of Moldova on cooperation in combating organized crime and other types of crimes (2003)	PL (R)	16.08.2004
55	Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on cooperation in combating crime (2003)	PL (R)	04.03.2005
56	Agreement between the Government of the Republic of Poland and the Government of the Republic of Armenia on cooperation in combating crime (2004)	PL (R)	18.03.2005
57	Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on cooperation in combating crime and joint actions in border regions (2004)	PL (R)	26.10.2006
58	Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Sweden on cooperation in combating serious crime (2005)	PL (R)	14.11.2005
59	Agreement between the Government of the Republic of Poland and the Government of the Republic of Chile on cooperation in combating organized crime (2006)	PL (R)	20.09.2007
60	Agreement between the Government of the Republic of Poland and the Government of the Republic of Macedonia on cooperation in combating organized crime and other types of crimes (2008)	PL (R)	21.02.2009
61	Agreement between the Minister of National Defence of the Republic of Poland and the Ministry of National Defence of the Republic of Lithuania concerning cooperation in the field of defence	PL (A)	13.10.2011