



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

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NOTE VERBALE

The Permanent Mission of the Republic of Poland to the Organization for Security and Cooperation in Europe (OSCE) presents its compliments to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre and has the honour to submit the 2011 reply to the Questionnaire to the OSCE Code of Conduct on Politico-Military Aspects of Security in accordance with the Decision No. 2/09 of the Forum for Security Cooperation.

The Permanent Mission of the Republic of Poland to the OSCE 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, 14 April 2011



To: All Delegations/Permanent Missions to the OSCE
The Conflict Prevention Centre
Vienna

Information
on the Code of Conduct on Political-Military Aspects of Security
in 2010

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 since June 16 1971;
- the Convention for the Suppression of Unlawful Seizure of Aircraft, signed in Hague on December 16, 1970 – Poland has been a party to the Convention since 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 since 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 since 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 since 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 since 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 since September 11, 2004;
- the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted at Rome on March 10, 1988 – Poland has been a party to the Convention since March 1, 1992;
- the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on March 10, 1988 – Poland has been a party to the Protocol since 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 since 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 since 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 hereto since October 26, 2003;
- the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the UN General Assembly on April 13, 2005 – Poland signed the Convention on September 14, 2005 and has been a party hereto since May 8, 2010.

Poland is a party to 7 conventions and protocols of the Council of Europe concerned with 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 has been a party since May 1, 1996;
- the Protocol amending the European Convention on the Suppression of Terrorism, done at Strasbourg on May 15, 2003. 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.

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 Council Document “New Directions of Action by the European Union against the proliferation of weapons of mass destruction and their means of delivery” 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 have indiscriminate effects, done at Geneva on October 10, 1980;
- the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction, the Chemical Weapons Convention (CWC), done at Paris on January 13, 1993 and ratified by Poland on July 27, 1995;
- the Australian 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 transferring nuclear weapons (lift capacity of at least 500 kilos, range of at least 300 kilometers) and other 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 European 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 Strategy on the Fight against Terrorism Financing of December 17, 2004;
- the Council Framework Decision of June 13, 2002 on Combating Terrorism;
- the Council Framework Decision of June 13, 2002 on the European arrest warrant and surrender procedures between Member States;
- the Council Framework Decision of June 13, 2002 on Joint Investigation Teams;
- the 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 and 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 (since 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 since December 9, 2004;
- the Agreement between the Government of the Republic of Poland and the Government of the Republic of Turkey on cooperation in combating terrorism, organized crime and other crime, signed in Ankara on April 7, 2003; Poland has been a party to the Agreement since July 24 2004;
- the Agreement between the Government of the Republic of Poland and the Government of Romania on cooperation in combating organized crime, terrorism and other types of crimes, signed in Warsaw on July 11 2001; Poland has been a party to the Agreement since August 27, 2003.

Poland links its security directly to the security of the NATO and the EU. Hence, the issues concerning the prevention and combating of terrorism are considered as a part 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 nature of an agreement or a treaty, but it does imply certain commitments which give such a character.

In order to present the Alliance with a uniform and cohesive system of crisis management, a NATO Crisis Response Manual – NCRSM was developed, at the Alliance level. Projects included in the Manual are used both for application of Article 5 of Washington Treaty (common defense), as well as in crisis response operations performed outside of NATO countries (non-Article 5 crisis response operations), which may also be a result of terrorist threat or incidents. Through the funds provided by the NCRS System, it is possible to perform cohesive and coordinated operations with all countries in crisis situations, and therefore increase the effectiveness of such operations.

The measures provided by in the Manual are used in planning and performing operations of the Alliance (Operations Plans) and in the NATO crisis management training with the participation of partner countries and other international organizations including the UN, EU and OSCE. The decision on their application may be taken by the North Atlantic Council in each of the six phases of NATO crisis management and is closely linked with the receipt of information worked out under the NATO Intelligence Warning System - NIWS.

The measures covered in the Manual include the following elements: Preventive Options, Crisis Response Measures, Counter Surprise Measures, Counter Aggression Measures and Alarm States. Most of the tasks laid down in the abovementioned elements may be used to prevent and counteract threats of terrorist nature or eliminate the consequences of their occurrence.

Due to the increasing threat of terrorist attacks, the Manual draws a great deal of attention to non-military aspects of crisis management, namely the political, civil and economic aspects as well as to civil-military cooperation. It also facilitates mutual exchange of information and cooperation in civil protection and critical infrastructure, as well as the introduction of the "constraints" resulting from Alarm States (Alpha, Bravo, Charlie, Delta), that limit the movement of people and vehicles or strengthen the protection of premises and officers.

In order to build a broader security environment and common prevention against threats, particularly threats of a terrorist nature, the Manual, in particular scope, may also be used by the Alliance partner countries.

Poland, as a European Union Member State, is legally bounded by the provisions of EU primary and secondary law. On December 1, 2009 the Reform Treaty came into force, which in Article 222 of the Treaty on Functioning of the European Union establishes the solidarity clause if a Member State or Member States are the object of a terrorist attack. The clause obliges the other Member States to assist the State affected by this attack. The implementation of the abovementioned Treaty provisions creates the need to develop new EU offices or upgrade the existing ones, responsible for crisis management. However, this process is not yet finished.

- 1.2. What national legislation has been adopted in your State to implement the abovementioned 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 Act of April 14, 2000 on international agreements. In the light of Article 91 (2) and (8) of the Constitution of the Republic of Poland, an international agreement ratified upon prior agreement in the form of an act, takes precedence over an act, if this act cannot be reconciled with the agreement's provisions.

Legislation on the prevention and combating terrorism have been included in the Act of April 26, 2007 on crisis management, which identifies the authorities responsible for crisis management and their objectives and operation rules, as well as the financing of the crisis management operations. According to the assumptions adopted in the Act, crisis management is controlled by the Council of Ministers, voivods (for voivodships), ministers (in governmental departments which they preside) and local government authorities (for the county or commune respectively).

The objective of this Act is also the creation of two functional divisions, namely management teams and centers at all levels of public administration, from the government level (Government Crisis Management Team and Government Security Center), through

ministerial and voivodship levels to the county and commune levels. With a view to ensuring the effective action of the State in emergency situations or events of terrorist acts, in 2009 the Act on crisis management was amended to improve the national system for the exchange of information about terrorist threats and principles for the cooperation of all public administration bodies.

In accordance with the amendment, tasks of counteracting, prevention and removal of the effects of terrorist incidents are implemented by government authorities in cooperation with the Internal Security Agency. The cooperation of government authorities and coordination of their counter-terrorist operations are achieved through the crisis management centers and teams operating on the central, regional and local levels.

The need for legal recognition of provisions relating to cooperation in the event of a terrorist act stemmed from the lack of "Counterterrorism" Act. In view of the danger of a terrorist threat, works are being carried out on the codification of provisions and terminology in the field of counter-terrorism, which constitutes the first step in preparing the "Counterterrorism Act", which would more broadly define the conditions for cooperation of government authorities.

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 launching of the national crisis management system". Basic elements of the Alliance system are equivalent to those defined in the register, which allows to preserve the system's integrity.

The register is binding for all ministries, central offices and province authorities, obligating them to exchange information and implement crisis management measures in the event of terrorist threat or incidents of terrorist nature.

The proposals of actions prepared by the Government Security Center are presented to the Government Crisis Management Team for approval. Government Crisis Management Team opinions together with recommendations are presented to the Council of Ministers which decides about their implementation. The implementation of tasks by the various authorities is coordinated by the Government Security Centre. In the case of threats or incidents of a terrorist nature, the Counter-Terrorism Center of the Internal Security Agency supports the Government Security Center in the preparation of proposals and coordination of performed tasks.

In 2010, the Government Security Centre, in cooperation with government authorities, coordinated work on the "Register of projects and procedures for crisis management system", which is the implementation in the country of the NATO Manual. The work included defining the contractors of tasks performed under each measure, defining procedures for implementing the measures in the country and adapting to the amendments of the Manual and changes in the government administration.

In the case of threats or incidents of a terrorist nature, the Act delegates the right of introducing Alarm States to lower decision-making bodies. According to the Act, detailed solutions (including relevant procedures, tasks and conditions of Alarm States implementation) are specified in the abovementioned register. In addition to the Council of Ministers, depending on the area and threatened facilities or systems, Alarm States may also be introduced by ministers and voivods. To preserve consistency with the Manual four types of Alarm States are to be introduced (first, second, third and fourth). The implementation of tasks included in the higher Alarm State implies the realization of all tasks included in the lower Alarm State. The higher the Alarm State, the more limitations and restrictions it imposes, however, it covers a smaller area and lasts shorter. This stems from the need to maintain or restore, as soon as possible, the normal functioning of the affected area or region.

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 nature endangering facilities of significant importance to state security or defense, or human lives, if the use of the Police or other armed units is considered insufficient.

One of the three main missions of the Polish Armed Forces included in the Strategy of National Security of the Republic of Poland adopted on November 13, 2007 is supporting state authorities in ensuring Poland's internal security and providing the essential military assistance to the relevant government institutions and national or local agencies, civilian organizations and the society in responding to threats. Hence, a great emphasis is put on the Polish Armed Forces maintaining sufficient ability to provide assistance to the relevant authorities and the society in the event of terrorist threats.

Similar classification of the Polish Armed Forces missions have been included in the adopted on December 23, 2009, Defense Strategy of the Republic of Poland, according to which one of the three main missions of the Polish Armed Forces is supporting the internal security and assisting the society. The purpose of this mission is to maintain the capability of military forces to monitor and protect the airspace, perform surveillance and intelligence activities, monitor radioactive, chemical and biological contamination within the country and provide assistance to state authorities, public administration and the society in responding to threats, by carrying out counter-terrorism activities, counteracting to non-military and asymmetrical threats and performing tasks implemented in crisis situations.

In accordance with the Act on crisis management, the Act on the state of emergency and the Act on the Police, Polish Armed Forces units and sub-units can be used to support national authorities' activities in crisis situations, where the use of other forces and resources is not possible or may prove to be insufficient.

In order to implement the provisions of the above Acts, the Ministry of National Defense has prepared a Plan for Crisis Management which defines principles and procedures for the use and financing of units and sub-units of the Polish Armed Forces in crisis situations, including counterterrorist operations. Furthermore, the capabilities of Special Forces are continuously being improved to ensure a proper response to a potential terrorist threat.

Another mission of the Polish Armed Forces specified in the Strategy of National Security as well as in its executive document Defense Strategy of the Republic of Poland, 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, both documents the Strategy of National Security of the Republic of Poland and the Defense Strategy highlight 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 document also contains important provisions on the need for a continuous transformation of the Polish Armed Forces, based on the evaluations and recommendations of the defense equipment and structural review, carried out under the Strategic Review of National Security. This transformation will include the necessary exchange of weapons and equipment, rearrangement of the structure, increasing readiness and mobility of the troops and will, in result, provide a more flexible and internally uniformed command system, in order to ensure its effective operation in the time of peace, crisis or war.

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

1.4. Provide any additional and 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 and legal cooperation.

The Strategy of National Security of the Republic of Poland defines organized international terrorism as a threat to Europe and Poland and sets out ways to counteract this threat and orders tasks related to combating terrorism to relevant bodies of the national security system.

In accordance with the provisions of the Strategy of National Security of the Republic of Poland the terrorist threat is primarily the result of Polish participation in the campaign against terrorism and in stabilization and peacekeeping operations led by NATO and the EU. The involvement of the Republic of Poland in the international operations entails the risk of counter-attacks and a possible attack may particularly affect Polish entities that carry out tasks

under the responsibility of Polish Military Contingents. The Polish accession to the implementation of the Schengen Agreement may cause difficulties in combating terrorist threats.

The Strategy of National Security of the Republic of Poland advocates the improvement of NATO capabilities to combat terrorism and the development of cooperation within the European Union in areas relevant to internal security, including counter-terrorism. It also declares Polish support for the development of international law and legal norms, which will be an effective tool in combating terrorism.

The document paper orders constant consideration of the possibility of terrorist threats and prevention of their possible occurrence. It also stresses the need to ensure proper mobility, efficient organization and the citizens' ability to react correctly in the event of a real terrorist threat. Moreover, it indicates the need for good cooperation of agencies and bodies responsible for countering terrorist threats and professionalism in carrying out statutory tasks.

The Strategy of National Security of the Republic of Poland assigns particular counter-terrorism tasks to institutions and authorities responsible for national defense, special services, public administration and internal affairs, the judiciary system, budget and public finances, transportation and health care.

The special services bear primary responsibility for preventing and countering terrorism. Their fundamental role consists of obtaining, analyzing, processing and supplying relevant authorities with information which may have significance influence on the matters of national security, including advance information on potential and actual threats. The Police and the Border Guard are also obliged to monitor threats of terrorist nature and cooperate with other services.

The Government Protection Bureau is responsible for ensuring the security of Polish diplomatic missions, especially from terrorist threats. The judiciary bodies are obliged to develop cooperation with their European counterparts in the field 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, the Central Anti-Corruption Bureau, the Police, the Border Guard and – at the international level – with financial intelligence units of other States. In November 2009, the Inter-ministerial Committee on Financial Security was established – and

its second meeting took place in December 2010. The Inter-ministerial Committee on Financial Security works with the General Inspector of Financial Information. The Committee acts as a consultative and advisory body on the use of specific restrictive measures against persons, groups and entities.

The Customs Service is also obliged to cooperate with other services in combating terrorism. The Strategy of National Security of the Republic of Poland underlines the importance of effective controlling and monitoring of shipments, storage and distribution of dangerous and dual-use goods, due to the possibility of their use for terrorist purposes. The document also indicates the need to have well-prepared medical staff and resources at the central, provincial 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.

The Defense Strategy of the Republic of Poland considers international terrorism as a growing threat to the security of Polish citizens. Tackling and combating the proliferation of weapons of mass destruction and other asymmetric and non-military threats remains a fundamental task for the state.

The Defense Strategy of the Republic of Poland is in favor of the active influence of Polish state on combating the potential dangers of global terrorism. This involvement is reflected in conducting preventative foreign and socio-economic policy, including readiness to participate in activities against terrorism.

According to the document paper as a defense against terrorism Poland will be involved in the alliance and international counter-terrorist activities outside the country. They will be implemented in the form of military operations or support given to the authorities of the countries in order to mitigate the consequences of a terrorist attack.

As part of activities for the defense against terrorism, in case of obtaining information about the possible threat of terrorist attack, relevant bodies will start the implementation of tasks included in the register of projects and procedures of crisis management system and crisis management plans. The authorities responsible for crisis management will mobilize the necessary forces and resources in order to eliminate the consequences of terrorist attacks and strengthen the protection of critical infrastructures in the country.

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 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.

Work is currently underway on the development of the National Counterterrorism Program. It will be a document designating the basic counter-terrorism policies and defining the role of the various ministries, agencies and institutions working together on the executive, operational and strategic levels and implementing tasks on recognizing, preventing and combating terrorist threats and neutralizing the results of possible terrorist attacks. The main purpose of the document is to identify priority actions, conditions required for tasks implementation and resources to achieve strategic objectives.

The National Counterterrorism Program, according to the document "The plan of arrangement of development strategy" adopted by the Council of Ministers on November 27, 2009, (recapitulation of the decision of March 10, 2010), reflects the thematic scope of the Better Government Programme as one of nine integrated development strategies, implementing medium and long-term development strategy.

National Counterterrorism Program is a document prepared at the central government level with five years period of implementation. It is assumed that the document will be submitted for approval by the Council of Ministers in the first half of 2011.

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 experience. The participants in these events include representatives of different Polish ministries and central state institutions like Ministry of National Defense.

Annual conferences are held to update the NATO Crisis Response System Manual, also in the context of terrorist threats. 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 updating of the Manual and the holding of crisis management exercises improves the Alliance's capacity to counteract and prevent terrorist threats.

The Computer Emergency Response Team (CERT.GOV.PL) was launched in 2008, under the Internal Security Agency Department for IT Security. Its basic task involves ensuring and enhancing the ability of organizational units of the Polish public administration to protect themselves against 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 Internal Security Agency and the Ministry of Interior and Administration. It is the first document of this type in Poland and is aimed at initiating actions to create a cohesive strategy for the protection of cyberspace in Poland over the next several years.

Since 2008 a representative of the Ministry of Foreign Affairs has led the Inter-Ministerial Team for the Prevention of Illicit Proliferation of Weapons of Mass Destruction. It is responsible for 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.

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 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 armed 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 armed 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 under the international operations (performed by the UN, NATO and EU)

In 2010 Poland was engaged in 16 international operations conducted by NATO, the UN and the EU.

International Security Assistance Force (ISAF). 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;
- the decision of the President of the RP of October 13, 2009 on the prolongation of the deployment of the Polish Military Contingent (PMC) in Afghanistan to October 13, 2010.

In 2010 the PMC in Afghanistan consisted of 2600 soldiers and civilian army staff. Contingent members working in CIMIC Support Group teams provided practical assistance to the civilian population in such areas as electrification, health care, irrigation, education and civil engineering. Further aid was financed by the state budget reserve at the disposal of the Ministry of Foreign Affairs under “Program of Polish Foreign Aid”.

The NATO Training Mission – Iraq (NTM-I). The legal basis for the operations of the PMC was provided by the decision of the President on December 28, 2009, which allowed for the 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 A PMC of 17 soldiers and civilian staff to the NATO Training Mission in Iraq. They have fulfilled tasks connected with provision of security and training of Iraqi Security Forces. Their engagement up to the year 2011 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 was provided by the Decision of the President of the RP of December 28, 2009, which allows for the use of the unit abroad until December 31, 2010. The unit consisted of up to 300 soldiers and civilian staff. The PMC was a part of the Multinational Battle Group East (MGB-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 and confiscation of illegal weapons.

ACTIVE ENDEAVOR (OAE). The submarine ORP „BIELIK” took part in the operation from October 20, 2010 until March 1, 2009. The OAE covers the international waters of the Mediterranean Sea, with particular emphasis to regions which might be targets for possible 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 under the auspices of EU and UN:

(European Forces - EUFOR). The legal basis for the participation of the PMC in Operation ALTHEA in Bosnia and Herzegovina was provided by the decision of the President of the RP of November 19, 2009 which allowed for the use of PMC abroad until November 18, 2011. The PMC consisted of 250 soldiers and civilian staff, including a maneuver company (which finished its activity) and two observation-liaison teams. From December 1, 2010 PMC performs tasks with forces consisting of 50 soldiers and civilian staff. They maintained security in their zone of responsibility by conducting patrol duty, monitoring 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. Currently the main task for PMC is training and enhancing capabilities of Bosnia and Herzegovina Armed Forces.

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

In 2010 the Polish Armed Forces assigned 11 observers for service with the mission. Their primary task involved collection of information, analysis of incidents of violation of stabilization process 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 2010 17 soldiers (13 observers and 4 staff officers) were assigned to participate UN peace missions. They served in the following countries: Afghanistan (UNAMA) – 1 officer, Kosovo (UNMIK) – 1 officer, Congo (MONUSCO) – 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.

Also from April 15 to September 15, 2010 PMC operated (with up to 100 soldiers) as a part of Allied Forces in the North Atlantic Treaty Organization in military mission monitoring the airspace of the Republic of Estonia, Lithuania and the Republic of Latvia.

Sending women to peacekeeping and stabilization missions

In 2010, 111 women were sent to peace and stabilization missions abroad. The largest group of women was directed to perform tasks under the operation of the Polish Military Contingent in Afghanistan - 97 women, Kosovo - 9 women and Bosnia - 5 women).

In recent years, a trend has been observed to broaden the scope of the positions taken up by the female participants of the missions in accordance with their experience acquired in the service. When appointing to a position soldiers' experience and qualifications are taken into account.

Among the female participants of the missions there are still more women employed in medical jobs of the health service structure (in the officer corps: office manager, lab manager, analyst, infirmary manager, a senior nurse, (in the non-commissioned officer corps: a paramedic, nursing assistant and a nurse). Other positions occupied by women of the officer corps include: an analyst, a meteorological station commander, team commander, a commander's consultant for the psychological prevention, liaison officer, operations officer, section officer, service Chief, a legal officer, a senior pilot, centre Chief, section for operations officer. In the non-commissioned corps the positions occupied by women included: a driver, a sapper, a combat vehicle commander, a clerk, radio operator, cook, photographer, warehouse manager.

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 providing 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 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 the adoption 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 the international agreements on arms control, disarmament and confidence- and security-building 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- and Security-Building 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 provinces (voivod - level administration).

The Minister of National Defense following the abovementioned resolution introduced a Decision no. 332 of September 23, 2009 on the Ministry of National Defense tasks relating to the fulfillment by the Republic of Poland of obligations stemming from international agreements on arms control, disarmament and confidence- and security-building measures in Europe. The Decision builds on experience gained in the course of implementing past disarmament agreements. 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 up to independent battalion level with 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 2010 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- and security-building measures in Europe:

- it organized and conducted (according to Conventional Forces in Europe Treaty) two inspections abroad, received in Poland four foreign inspection teams, took part in six 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 six countries);
- under the Vienna Document of 1999 it organized a visit in the air base and in a military facility, and showed new types of weapons, received one evaluation visit and two on-site inspections and received two evaluation visits and two on-site inspections;
- under the bilateral agreements on additional confidence- and security-building measures it conducted two evaluation visits and two on-site inspections and received two evaluation visits and two on-site inspections;
- it held two annual bilateral evaluation meetings;
- it took part in nine visits to air bases and other military facilities and in shows of new types of weapons;
- it took part in one evaluation visit and two inspections as a part of foreign teams;
- it participated as an assistant in one of the inspections conducted in accordance with Article IV of the Dayton Peace Agreement;
- under Treaty on Open Skies, it received three observation flights and conducted three observation flights;
- it took part in seven observation flights of other states;

- it took part in a meeting of the Multinational Advisory Group (MAG) of the Center for Security Cooperation - RACVIAC);

- it organized a course for arms control inspectors with the participation of 65 officers and civilian staff members and 3 lecturers from abroad.

Moreover, twelve Polish representatives took part in eleven foreign courses for Conventional Forces in Europe/Vienna Document 1999/Treaty on Open Skies 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, on November 9, 2010, 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.

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 resources 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 authorities 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 his Ministry;
- influences the appointment of a civilian member of the democratically-elected government as a Minister of National Defense and monitors his discharge of state defense policy.

The Parliament and its committees 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 determines the number of citizens drafted for active duty in the Armed Forces on an annual basis.

The basic documents defining Poland's defense policy are the Regulation of the Council of Ministers of September 21, 2004 on the defense readiness 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 scope of activity, instruments of its implementation and the foundations of defense strategy.

The documents define the general assumptions of national defense and the conceptual basis for the implementation of doctrine 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 line with any changes in the country's security situation and the capacity of the defense system.

The national security command system is also defined 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 elimination, as well as the management of the country's defense.

Defense expenditures

Parliament within its jurisdiction adopts the state's defense budget and supervises its implementation. The amount and manner of disbursement of financial resources for defense and armed forces are set in part of the state budget, which is administered by the Minister of National Defense. The principle of openness in shaping defense expenditures and the control of the defense budget are guaranteed by the relevant provisions.

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 for the subsequent planning period.

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

Defense expenditures in 2010 reflect the growing trend in the development of Armed Forces annual budgets, including investments in capital expenditures, whose share in the Ministry of National Defense budget amounted to 22.5% (as stipulated by law expenditure for this purpose may not be less than 20%).

The share of particular expenditures in the budget of Ministry of National Defense in 2010 was as follows:

Subsidies	807 613, 80 PLN	3,2 %
Benefits	6 316 855, 30 PLN	24,8 %
Payments and the like	7 108 865, 10 PLN	27,9 %
Services (current)	5 512 032, 81 PLN	21,6 %
Investments	5 729 214, 20 PLN	22,5 %

Moreover, defense expenditures are also financed with:

- In the years 2011-2015 - funds for the repayment and servicing of the credit, in accordance 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 accordance 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.

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 capability 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 foundation of the continent’s stability and the primary platform of Transatlantic relations. Poland unconditionally supports the comprehensive development of the Alliance’s potential to prevent crises, conduct stabilization operations, combat terrorism and counter threats stemming from the proliferation of weapons of mass

destruction. 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 within the Weimar Triangle and the Visegrad Group and supports the development of other sub-regional institutions, thus helping consolidate security and stability. Particular emphasis is put on the 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 bodies 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 included in the Act of December 14, 1995 on the office of Minister of National Defense. The provisions of the Act 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 body 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 authority of state administration in the field 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 matter. 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 authorities, cooperative and social organizations and citizens, as well as the defense industry.

The President is the Supreme Commander of the Armed Forces of the Republic of Poland. In peacetime, he exercises that competence 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 pursuant to Article 134 of the Constitution of the Republic of Poland. The President is advised on defense matters by the National Security Council, which 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 scope of national defense. The Minister of National Defense is the authority responsible for monitoring and assessing the state of national defense. The minister is also the initiator of decisions taken by the relevant state authorities.

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?

Pursuant to Article 26 of the Constitution, the Armed Forces of the Republic of Poland safeguard national independence and territorial inviolability. 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 Article 134 paragraphs 1 and 2 - he exercises that authority through the Minister of National Defense, who is the chief authority of state administration with regard to national defense.

Pursuant to Article 19 paragraphs 1 and 2 of the Act on the actions of government administration of September 4, 1997, in peacetime it is “national defense” division that takes care of 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 Article 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 included in the Regulation of the Council of Ministers of July 9, 1996 concerning the precise scope of competences of the Minister of National Defense.

3. Procedures related to different forces personnel

3.1. What kind of procedures does your State apply for the recruitment and drafting of personnel for service in your military, paramilitary and internal security forces?

Under Article 85 of the Constitution, every citizen is duty-bound to defend the Homeland. The scope of military service is specified by the Act on the universal duty to defend the Republic of Poland of November 21, 1967. The Act 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.

Changes in the Act on the universal duty to defend the Republic of Poland, which entered into force on January 1, 2010 apart from restricting the obligation to perform compulsory military service and military training for university graduates and their relevant or alternative forms in case of threat to state security, amended the following areas:

- Legal possibility to perform – by general rules - active military service by women,
- Creation of the National Reserve Forces and performing volunteer service in reserves for emergency assignments,
- Changes in the scope of activities of local bodies of military administration in relation to the tasks of recruitment for voluntary service,
- Abolishing of extended compulsory military service (it was included in the contractual military service),
- Replacing the existing subject of ‘Civil Defense’ in junior high schools and high schools for the "Education for security" and the abolishing of ‘Civil Defense’ and military training for students during their studies,
- Changes in the scope of individuals able to serve active military service,
- Abolishing obligation to participate, including the voluntary service, in military classes by students of marine universities and liquidation of military university unit providing these classes,
- Introduction of the preparatory service targeted to people who will want to serve volunteer military service and who do not wish to devote themselves permanently to the military profession,
- Introduction of the institution for recognition of degrees of other services, which is meant to value the achievements of officers or persons with a certain degree of service,
- Terms of offices were limited only to the soldiers in permanent service, and in the case of officers, non-commissioned officers and most first class positions, there is no term limit (two-term limitation applies only to the positions of command),

- Introduction of decentralization of powers to appoint to official positions,
- Introduction of the qualifying ranks for the corps soldiers – non-commissioned officers and privates, which together with a very good official opinion gives a possibility for financial benefits, which is a real incentive to undertake activities related to raising the level of training and knowledge,
- Extending to 2015 the requirement for achieving unity between the held military degree and professional degree of the full-time official position in the corps of non-commissioned officers and privates,
- Introduction of institution specifying the ability to professional military service with certain restrictions, which means a limited ability to continue to perform voluntary military service in particular types of Armed Forces, other forces and business positions, of professional soldiers, who due to accident resulting from performing active military service or illness arising in connection with specific nature or conditions of military service, suffered a permanent or long-term damage to health,
- Up until June 12, 2011 former (injured) professional soldiers and former soldiers of extended compulsory military service having a limited ability to perform voluntary military service will be able to apply to the Minister of National Defense for the appointment to the professional military service,
- Introducing the possibility of converting extended compulsory military service into a professional contract military service (provided that a contract is concluded).

Professional military service

The regulations governing drafting to professional military service are contained in the Act 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 drafting into professional military service.

A professional soldier has to be a person who holds Polish citizenship, has an unimpeachable reputation, whose loyalty to the Republic of Poland is beyond doubt and 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 assessed by a military medical commission. Professional soldiers are divided into officers', non-commissioned officers' and privates' corps.

Professional military service may be performed in two forms: permanent and contractual. Permanent service is held for an indefinite period of time, while contractual service for the time specified in the contract. It must be noted that the contractual service can be held for a total period not exceeding twelve years. The total duration of contractual service includes periods of performing other forms of active military service and periods of service in the following agencies: the Police, Border Guard, Government Protection Bureau, State Fire Service, Prison Service, the Internal Security Agency, Intelligence Agency, Military Intelligence Agency, Military Counterintelligence Agency or the Office of State Protection.

Permanent military service status is obtained by way of appointment on the basis of volunteering for service and may take place in the corps of officers and non-commissioned officers. Contractual military service status, on the other hand, is obtained by way of appointment on the basis of a contract (from 18 months up to 6 years) concluded between a person volunteering for service and the appropriate military body in a corps of officers, non-commissioned officers and privates. 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' corps to the ranks of lieutenant colonel (commodore) and non-commissioned officers' and privates corps in military units not mentioned below;
- Chief of General Staff of the Polish Armed Forces, commanders of the armed forces, the Operational Commander of the Armed Forces, Chief of the Inspectorate for Armed Forces Support, the Chief Commander of Military Police and Commander of Warsaw Garrison, in non-commissioned officers' and privates corps in the subordinate military units;
- the commander of a military unit holding the rank of colonel (commodore) or higher, in the subordinate military units, in the privates' corps.

Permanent military service officer applicants can be as follows:

- a) a soldier appointed to the rank of Lieutenant (Sub-Lieutenant) after graduating from a higher military academy;

b) an officer of contractual service whose rank is equal to or lower than the professional degree of the official position to which he/she is to be appointed after being drafted to permanent military service and received very good feedback from the latest official duty;

c) a reserve officer:

- holding a professional master's degree;

- holding a military degree equal to or lower than the professional degree of the official position to which he/she is to be appointed after being drafted to permanent military service;

- performed, prior to being dismissed from the service and transferred to reserves, permanent or contractual military service;

Non commissioned officer applicants can be as follows:

a) a non-commissioned officer of contractual service whose rank is equal to or lower than the professional degree of the official position to which he/she is to be appointed after being drafted to permanent military service and received very good feedback from the latest official duty;

b) a non-commissioned officer:

- holding a professional master's degree;

- holding a military degree equal to or lower than the professional degree of the official position to which he/she is to be appointed after being drafted to permanent military service;

- performed, prior to being dismissed from the service and transferred to reserves, permanent or contractual military service;

Contractual military service applicants can be as follows:

1) in professional officers corps - a soldier holding a professional master's degree, appointed to a rank of lieutenant (sub-lieutenant), who has completed military university training or a reserve officer who holds a military degree equal to or lower than the professional degree of the official position to which he/she is to be appointed after being drafted to permanent military service.

2) in non-commissioned officers corps - a soldier holding a secondary school certificate, appointed to the rank of corporal (or leading seaman), after completing a school for non-

commissioned officers or a non-commissioned reserve officer holding a secondary school certificate or a military degree equal to or lower than the professional degree of the official position to which he/she is to be appointed after being drafted to permanent military service.

3) in professional privates corps - a soldier holding a junior high school certificate, after completing military training in a military training unit or a reserve soldier who completed active military service and holds at least a junior high school certificate and possesses vocational training or special qualifications or abilities needed in the Armed Forces or a military degree equal to or lower than the professional degree of the official position to which he/she is to be appointed after being drafted to permanent military service.

Women in professional military service

Principles of conscription, performance and dismissal from professional military service have not been differentiated by gender - in consequence, there are no barriers which limit women's access to official positions. They can enjoy the same rights as men but at the same time they have to follow the same obligations.

Gender equality, therefore, increases women's interest in the military service in all components of the Armed Forces, not necessarily related to logistics or medicine but also communications and information technology, aviation, all-military activities, military engineering and radio electronics.

For several years now, universities and military schools have been the main source of women's recruitment. In 2010 most women recruited for contractual or permanent military service served in the Land Forces - 121 women, the Air Force - 51 women, the Navy - 32 women. The number of women currently serving in the Polish Army is 1,751 (869 - in the officer corps, 660 - in the non-commissioned officer (NCO) corps and 222 in the professional private corps), which represents 1.9% of all professional soldiers and 351 women were trained in military academies and NCO schools.

Compared to last year the number of women in official positions has increased by 202 women. The recruitment of candidates for professional private corps is still dynamically increasing. Women most often occupy positions in: Land Forces (794), Air Force (347), Navy

(168), Inspectorate for Armed Forces Support (137).

Women also comprise a significant percentage of other corps: justice, legal advice and finance corps. This is caused by a low number of official positions in these corps and acquired civilian professional skills.

Of the total number of women remaining in active service (1751) up to 478 is serving in command positions (304 officers and 172 NCOs), in which women are most often platoon commanders (262).

Women - especially Chief Officers occupy positions in the institutions subordinate to the Ministry of National Defense and Chief of the General Staff of the Polish Armed Forces. The NCO corps is dominated by the positions up to the Corporal rank (440).

A high percentage of non-commissioned officers - women have been conscripted from the reserve forces to the medical corps. Non-commissioned officers - women occupy positions in both the line units, as well as in Field Hospitals and organizational units of military health service.

The Polish Armed Forces created the post of Chairwoman of the Council for Women - the plenipotentiary of the Minister of National Defense on women's military service.

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

Conscripts subject to basic military service may apply for alternative service as conscientious objectors.

Issues relating to alternative service are governed by the act of November 21, 1967 on the universal duty to defend the Republic of Poland and the act of November 28, 2003 on alternative service.

Pursuant to the act, 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.

That service consists in the performance 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.

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 is equivalent to the performance of basic military service. Assigning a person to such a 12-month service is possible only with their consent.

People assigned by the Head of the Conscription Office to an armed formation, perform such service based on the principles provided for in the regulations on the service of the officers of the Police, Border Guard and the Government Protection Bureau.

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

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 trade unions. However, 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. For the duration of the election campaign the soldier shall be granted unpaid leave.

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

Rights and obligations of professional soldiers are fully specified in the fourth chapter of the Act of September 11, 2003 on military service of professional soldiers. Professional soldiers, under those provisions, are entitled to uniforms, accommodation, meals, free-of-charge travel to the place of family residence, etc. on the terms specified in the relevant acts. In addition, a professional soldier is entitled to reimbursement of costs incurred for legal assistance if the preparatory proceedings initiated against him for an offense committed in connection with the performance of official duties are discontinued by a final court judgment. Specific regulations also apply to the system of aid for soldiers injured while performing duties, as well as for

family members of soldiers who died performing duties connected with the service. This system includes obtaining education financial support and housing benefits. However, the Act of October 9, 2009 on military discipline, which entered into force on January 1, 2010, established the provision of efficient disciplinary response, while maintaining the constitutional powers of the soldier as a human being and citizen. The Act introduces, inter alia, awards for former soldiers, including posthumous awards, for achievements in military service. Moreover, new awards were introduced - the expungement of record of criminal conviction before the due time specified in the act and two new reasons to grant 'collective' awards. Firstly, for heroic and sacrificial acts during war or in a war zone, and for outstanding achievements while performing military duties during the use of the Polish Armed Forces outside the country, the accused may request a voluntary submission to punishment (in this case, if the circumstances of committing the offense are obvious, further investigating proceedings may be discontinued). Secondly, during war or in a war zone, and while performing military duties during the use of the Polish Armed Forces outside the country, if the participation of the accused during the examination of his case is impossible or limited, a disciplinary decision may be issued without his participation. However, in the amendment of the Act on the accommodation of Armed Forces of the Republic of Poland - Act of January 22, 2010 on amending the Act on accommodation of Armed Forces of the Republic of Poland and certain other acts, which came into force on July 1, 2010, the essence of the changes is to adjust the rules governing the area of accommodation to the process of professionalization of the Polish Armed Forces. In this context, the following issues are emphasized:

- equal rights to accommodation for all professional soldiers, regardless of the type of performed military service (contractual or permanent), and four equivalent and interchangeable forms of accommodation for soldiers and their families;
 - the basic form of accommodation is the allocation of accommodation for the duration of service; alternative forms of accommodation are as follows: accommodation in a dormitory, and the two recently introduced forms – payment of housing benefits or temporary accommodation in a military unit;
 - two separate modes of conduct in housing matters were introduced: for professional soldiers - administrative mode, and for non-soldiers - civil law mode;
 - a change in the rules of flat sale for entitled persons was introduced, stating that in the future the flats will be sold with a relief lowered from 95% to 60% but inclusive of the land value.
- The abovementioned changes are the legal basis for the professionalization of the Armed

Forces, and due to them an effective continuation of the Polish Army reforming process is possible.

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 2010 was conducted in accordance with methodology training in subjects like: “Civic Education” and “Military discipline and prophylactic”, introduced by decision of the Minister of National Defense of December 21, 2009.

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:

- “The application of international humanitarian law of armed conflicts in combat. Liability of commanders for violating the norms of the law of war in Polish Military missions abroad” – 2 hours;

b) for non-commissioned officers:

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

- “The basic concepts of the law of war. The rules of combat used in peacekeeping missions”;

c) for professional privates:

- “The application of international humanitarian law of armed conflicts in combat. Rules of combat used in Polish Military missions abroad” – 2 hours;

- “International humanitarian law of armed conflicts. Liabilities of commanders and their subordinates (orders, refusal to obey the order, soldiers accountability, etc.)” – 2 hours;

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

To ensure proper protection of cultural assets during acts of war, pursuant to decision No.250/MON of the Minister of National Defense of August 4, 2005 on obeying rules on the protection of cultural goods in the activity of the Armed Forces of the Republic of Poland, “Instructions concerning the principles of protection of cultural goods in the activity of the Armed Forces of the Republic of Poland” was introduced. It specifies 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 Armed 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.

Representatives of the Education and Defense Promotion Department and Military Center for Civic Education participated in the preparation of the Guidelines of Undersecretary of State responsible for Arms and Modernization in the Ministry of Defense, on the protection of historic military properties.

The following training projects were organized in 2010 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 for one’s actions in accordance with domestic and international law:

- Under the “System of In-Service Training in the Armed Forces of the Republic of Poland” two-week specialist courses (60 hours) in international humanitarian law of armed conflicts were held for forty-man groups of Air Force, Army and Navy officers and non-commissioned officers;

- 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 five specialist courses (60 hours) in international humanitarian law of armed conflicts for battalion commanders; 150 officers were trained;
- in line with the “Plans of the Education and Defense Promotion Department for the year 2010” the Department organized specialist courses in international humanitarian law of armed conflicts and protection of cultural goods for military units’ personnel 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.

Under the decision of the Minister of National Defense, the Standard for Military Education for candidates for officers – Minimum Program Requirements have been introduced for candidates for professional soldiers trained in the course of full-time studies and at the Post-Secondary Officers’ School. The standard includes the following minimum military trainings in such areas as:

- “International Humanitarian Law of armed conflicts” – 20 hours;
- “Selected issues of national and international security” – 40 hours.

In addition to the above-named requirements schools, depending on the field of study, conduct from 20 to 40 hours of additional classes on international humanitarian law of armed conflicts.

Additionally, issues relating to international humanitarian law have been introduced at all levels of education and training as part of post-graduate studies and qualification courses covering from 4 to 6 hours.

To familiarize soldiers of the Polish Army with the principles, regulations, conventions and obligations included in the international humanitarian law and issues relating to individual liability for actions taken, various additional projects, such as conferences, meetings as part of cooperation with international organizations and dissemination of training and information materials, are implemented.

The Department of Education and Defense Promotion published 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” (reedition);
- “Manual on the rights and duties of soldiers taking part in combat operations” (reedition);
- “International Humanitarian Law of Armed Conflicts. Rules of engagement – ISAF Afghanistan”
- “Soldier Manual – Afghanistan (supplement). Gahzani Province”
- “Soldier Manual – Bosnia and Herzegovina”
- “Soldier Manual – KOSOVO”
- additionally, the Department of Education and Defense Promotion has also ordered the Military Center for Civic Education to prepare 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 liabilities of commanders and their subordinates for violating 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 Education and Defense Promotion Department as a representative of the Minister of National Defense took part in meetings of "Advisory Committee", which is a subsidiary body for the Council of Ministers in matters of coordination of activities regarding the protection of monuments in the event of armed conflict.

The representative of the Education and Defense Promotion Department took part in the meetings of the Commission for the Dissemination of International Humanitarian Law operating at the Central Board of the Polish Red Cross and in the 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”.

Moreover, the General Staff of the Polish Army 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 intensified training at command, staff and unit levels. The program of supplementary training for professional soldiers has been increased and its crucial element is the implementation of the aforementioned laws in the practical military training. 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 and 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 liberties, 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 supporting 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 activities.

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 specify 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 by international agreements and statutes.

Polish strategic documents are consistent with the doctrinal documents of NATO and the European Union. Both the Strategy of National Security of the Republic of Poland and Defense Strategy of the Republic of Poland emphasize the role and importance of the United Nations and its Charter of the United Nations in ensuring the world order. Poland supports international efforts to maintain international peace and security, and manifests it by participating in stabilization missions with NATO, EU and UN. In its strategic documents, Polish government supports the development of international law and ensures its common respect. It also seeks to develop legal standards that will provide effective tools of combating modern threats.

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 province 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 part specifying the role and missions 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 asked the Press and Information Department of the Ministry of National Defense to publicize the questionnaire through an additional thematic website.

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

Constitutional and legal basis governing public access to information on the functioning of the Polish Armed Forces

a) Constitutional right to access to information

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". Article 61, paragraph 2 adds that "the right to information includes access to documents and entry to sessions of public administration bodies formed by means of general elections, with the possibility to record sound or picture."

Procedure for the provision of information referred to in paragraph 1 and 2 is specified by the herein below acts and in respect to the Sejm and the Senate by their standing rules:

b) the Act of January 26, 1984 – Press Law

c) the Act of September 6, 2001 on access to public information.

Under the act of September 6, 2001 on access to public information, every natural or legal person as well as public benefit organizations have the right to information on the internal and foreign affairs, competences and principles of operation, public funds and decisions taken by bodies of public authority (Article 6). These bodies are obligated to disclose public information by the Ministry of National Defense in the Public Information Bulletin and to provide such information upon an individual application.

d) the Act of August 5, 2010 on protection of classified information

In accordance with Article 5, paragraph 1 of the Act on access to public information the relevant authority may refuse to disclose public information due to protection of classified information or other secrets protected by law.

e) Regulation of the Minister of Internal Affairs and Administration of January 18, 2007 on the Public Information Bulletin.

The document sets out detailed requirements for the consolidated system of parties to the Public Information Bulletin.

Ministerial legal acts:

- Decision of the Minister of National Defense 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

- Decision of the Minister of National Defense of October 4, 2007 on the principles of disclosing public information in the Public Information Bulletin of the Ministry of National

Defense. The document specifies the principles of disclosing public information regarding the activities of the Ministry of National Defense in the Public Information Bulletin.

- Decision of the Minister National Defense of April 7, 2009 on the principles of information policy in the Ministry of National Defense. The document specifies the objectives of the Ministry's information policy and regulates the rules for its implementation.

Provisions for privacy

The right to privacy is one of the fundamental rights and liberties of citizens.

The basis for refusal to access public information may be a need to protect someone's right to privacy. A decision has to be made on which right should be given priority - the right to information or the right to protect privacy.

The right to privacy is also closely tied to the issue of protection of personal data. They are subject to statutory protection - Act of August 29, 1997 on the protection of personal data. According to the Act, in the case of access to documents, which are public information, some of the items relating to personal data should be removed (made anonymous).

The Ministry of National Defense Website and wide use of the Internet to disseminate information

The official Ministry of National Defense website www.mon.gov.pl is administered by the Press and Information Department. Materials presented on the website include the following:

- the ongoing activities of the representatives of the Ministry of National Defense and the Armed Forces;
- events and ceremonies with the participation of the highest authorities of the state;
- events in the commands and military units across the country (e.g. training, etc.);
- events in the Polish Military Contingents;
- the announcement of press releases (press service, schedule);
- corrections, discussions and explanations;
- electronic address databases.

Press materials also include photographs, or audio and video files.

Announcements published by the Press and Information Department

First and foremost press releases of the Ministry of National Defense are posted on its website www.mon.gov.pl.

The Ministry also publishes on the Polish Press Agency website used by all types of media in Poland (the press - central and regional, radio - national and regional radio stations, TV-national and regional and the Internet).

Additionally, each message issued by the Ministry of National Defense is sent by the Press and Information Department directly to journalists (radio, newspaper, TV, the Internet), who in their editorial offices are responsible for the military stories.

National Reserve Forces

Information on the National Reserve Forces, which operate in Poland since October 1, 2010 is disseminated through information and promotion activities - logo, advertising films and spots presented on the Internet and TV.

Information activities include mainly the website with a special section containing guides, questions, answers etc. In addition, information letters together with the leaflet about the National Reserve Forces were sent directly to a group of people who performed basic military service. Any information about trainings in the country is regularly posted on the website. When establishing the National Reserve Forces a press conference was held, press releases were sent to the press and channels of internal communication were opened. An electronic browser of vacancies offered by the National Reserve Forces was also launched.

Publication of the defense budget and purchase information

Basic information on the state budget, defense spending and the budget of Polish Ministry of National Defense are always posted on the website of the Public Information Bulletin. The website presents the decision of the budget for the given year and information on its implementation. In addition, information on range of issues related to the budget is to be made available on the individual request for public information submitted to the Ministry of National Defense.

The Public Information Bulletin website publishes notices of public procurements implemented in the Ministry of National Defense.

The official Government statements

The official parliament statements of the Minister of National Defense or other members of the government on matters of defense and troops are posted on the Ministry of National Defense website, and on the Sejm website. In addition, the statements are sent via the Internal Information Bulletin to all press spokespersons. Parliament statements made by members of

the government are available for media representatives. Very often, after the statements of the Minister of National Defense, press conferences or individual meetings with journalists are held.

Debates and the possibilities to listen to debates in parliament

Article 61, paragraph 2 of the Constitution of the Republic of Poland states that the right to information includes entry to sessions of public administration bodies formed by means of general elections, with the possibility to record sound or picture.

According to the standing rules of the Sejm its sessions shall be open. The openness of the meetings is provided by allowing the audience to observe the deliberations from the audience section row.

”Military complexes open days” for example, in the garrisons

”Military complexes open days” are organized by the commanders of military units and institutions in collaboration with Local Government Units, voivods proxies on combatants matters, and non-governmental organizations. The project objective is to promote the tradition of armed forces of Polish Army, present its current character, build the social defense background and promote the occupation of a professional soldier. ”Military complexes open days” are of special importance, especially during public holidays (May 3rd, Polish Flag Day, etc.). During the ”Military complexes open days” fundraising, demonstrations of equipment and sports and recreation events are being held. In some units during the event information points are opened, where people can get information about the service in the National Reserve Forces.

Military Press

Military Editorial Office in Warsaw, which is directly subordinated to the Minister of the National Defense, is the editor for the periodical publications and two websites:

- weekly “Polska Zbrojna” – 15, 000 copies,
- monthly “Przegląd Wojsk Lądowych” – 3000 copies,
- monthly “Przegląd Sił Powietrznych” – 1500 copies,
- monthly “Przegląd Morski”- 1500 copies,
- quarterly “Przegląd Logistyczny” – 1500 copies,

- quarterly "Przegląd Żandarmerii" – 1500 copies,
- quarterly „Nowa Bellona” – 1300 copies.

The weekly "Polska Zbrojna" available in general distribution and internal military distribution, publishes articles, interviews, essays and reports that deal with the issues related to defense policy, social aspects of military service and technology and weapons. This matter is presented both through an international as well as national prism. The weekly is intended for people serving or working in the military, as well as people outside the military concerned with the issues of defense and security.

Every month the magazine adds some extra publications of guidance nature such as "Patrol" and "Niezbędnik". Also some special occasion editions of "Polska Zbrojna" are issued. In 2010, five of them were issued for the occasions of: the International Defense Industry Exhibition in Kielce, Baltmilitary Expo in Gdynia, the sixteenth edition of the Buzdygan awards and professionalization of the army.

Technical publications are distributed in the internal military distribution. Training magazines comprise the overviews of different types of the armed forces such as monthlies: "Przegląd Wojsk Lądowych", "Przegląd Sił Powietrznych" and "Przegląd Morski" or quarterlies: "Przegląd Logistyczny" and "Przegląd Żandarmerii". They are addressed primarily to soldiers and staff of the army and present issues related to both the strategy and tactics of military operations, training and security operations as well as weapons and equipment being used by Polish or foreign armed forces. A few editions are supplied with the CD-R containing additional materials. "Bellona" quarterly is of similar nature. It is a scientific publication where articles are written mainly by scientists but also civilians who are interested in the issues of defense and state security. There are also special editions of quarterlies. In 2010, a special edition was published, which was the study of strategic and operational activities of the General Staff of the Polish Armed Forces from 1945 - 1990.

Daily updated website of "Polska Zbrojna" includes information and multimedia related to national security system and the functioning of the army. The website publishes the current news from all types of units of the Armed Forces, from the missions involving the participation of Polish soldiers, from governmental and legal institutions, and also from the institutions associated with the military (schools with classes of military profile, historical reenactment groups, associations, pro-defensive organizations).

A newsletter, containing the most important information on the dates and announcements of various events, is sent every day.

The website also provides the contents of the printed publications of the Military Editorial Office and electronic versions of all periodic publications published by the Military Editorial Office.

The Internet portal Zbrojni.pl is an information platform of guidance nature. It is addressed to people connected with the military (soldiers, military personnel) and those who are thinking about starting the service, and enthusiasts of the broad subject of military and defense. Therefore, it is based on practical information (professional soldier's career path, daily service, attention to physical fitness, explanation of the laws, etc.). It also has a social network module which allows the users to express themselves, mainly on subjects relating to military and defense, to discuss in thematic groups, to establish contacts, to find friends and create interest groups within units, schools or communities. The creation of this site means going out to reach readers - in order to establish cooperation. Topics and issues taken up by the users can serve as an inspiration for journalists of "Polska Zbrojna".

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:

- Unit for Regional Security at the Security Policy Department of the Ministry of Foreign Affairs (Al. Szucha 23, 00-580 Warsaw, phone: 00 48 22 5239 704, 5238 151, e-mail: dpb.sekretariat@msz.gov.pl);
- Disarmament Control Section at the Department of Foreign Military Affairs of the Ministry of National Defense (Al. Niepodległości 218, 00-911 Warsaw, phone: 00 48 22 6874 430, fax: 00 48 22 6840 244, e-mail: z.zielinski@wp.mil.pl).