



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

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The Permanent Mission of the Republic Poland to the United Nations Office and International Organizations in Vienna presents its compliments to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Center and in accordance with the FSC Decision 2/09 has the honour to transmit herewith the Poland's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for the calendar year 2018.

The Permanent Mission of the Republic of Poland to the United Nations Office and the International Organizations in Vienna avails itself of this opportunity to renew to the all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Center the assurances of its highest consideration. AB

Vienna, 10 April 2018



To:

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

Vienna

Exchange of Information on the OSCE Code of Conduct on Politico-Military Aspects of Security POLAND 2017

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

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

- 21 UN conventions and protocols (Annex, Item 1-21);
- 15 Council of Europe conventions and protocols (Annex, Item 27-41).

In addition, Poland has concluded a number of bilateral agreements to combat organized crime, including terrorism (Annex, Item 47-87). They establish mechanisms for cooperation, coordination of efforts, information sharing, joint working groups, etc.

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

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

- the Act of June 6, 1997, Penal Code, penalizing acts of a terrorist nature (Journal of Laws of 1997, No. 88 Item 553, with later changes);
- the Act of November 16, 2000 on the prevention of money laundering and financing of terrorism (Journal of Laws of 2010, No. 46 Item 276, consolidated text with later changes);
- the Act of April 26, 2007 on crisis management (Journal of Laws of 2013, Item 1166, consolidated text with later changes);
- the Act of June 10, 2016 on the Antiterrorist Activities (Journal of Laws of 2016, Item 904);
- the Act of October 12, 1990 on the protection of the state border (Journal of Laws of 2015, Item 930, consolidated text with later changes);
- the Act of September 4, 2008 on the protection of inland and sea ports (Journal of Laws of 2016, Item 49);
- the Act of August 29, 1997 on the Banking Law (Journal of Laws of 2015, Item 128, consolidated text with later changes);
- the Act of July 3, 2002 on the Air Law (Journal of Laws of 2013, Item 1393);
- the Act of September 16, 2011 on information exchange between law enforcement authorities of the Member States of the European Union (Journal of Laws of 2011, No. 230, Item 1371, with later changes).

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

- the Act of April 6, 1990 on the Police (Journal of Laws of 2015, Item 355, consolidated text with later changes);
- the Act of October 12, 1990 on the Border Guard (Journal of Laws of 2014, Item 1402, consolidated text with later changes);
- the Act of May 24, 2002 on the Internal Security Agency and Foreign Intelligence Agency (Journal of Laws of 2015, Item 1929, consolidated text with later changes);
- the Act of March 16, 2001 on the Government Protection Bureau (Journal of Laws of 2014, Item 170, consolidated text with later changes);
- the Act of June 9, 2006 on the Military Counterintelligence Service and the Military Intelligence Service (Journal of Laws of 2014, Item 253, consolidated text with later changes);
- the Act of December 17, 1998 on the principles of use and stay of the Polish Armed Forces abroad (Journal of Laws of 2014, Item 1510);
- the Act of August 24, 2001 on the Military Police and military law enforcement bodies (Journal of Laws of 2016, Item 96, consolidated text with later changes);
- the Act of November 29, 2000 on foreign trade in goods, technologies and services of strategic importance for national security and the maintenance of international peace and security (Journal of Laws of 2013, Item 194, consolidated text);
- the Act of December 12, 2013 on Foreigners (Journal of Laws of 2013, Item 1650, with later changes);
- the Act of June 13, 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws of 2012, Item 680, consolidated text with later changes).

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?

The Act of June 10, 2016 on the Antiterrorist Activities (further referred to as “the act”) (Journal of Laws 2016, Item 904) constitutes one of the most important legislative acts concerning the issue of preventing and combating terrorism. The essential aim of the abovementioned act was to establish a coherent system of cooperation between multiple law enforcement services and other government agencies and institutions. This kind of approach creates a normative framework for effective and rapid response instruments within the field of combating terrorism or reducing the negative effects thereof. Furthermore, it puts in place the analytical instruments allowing for the comprehensive and accurate operational activities. In accordance with Art. 3 of the Act, the Head of the Internal Security Agency (in Polish: Agencja Bezpieczeństwa Wewnętrznego, ABW) further referred to as “the Head of the ABW” is responsible for prevention of terrorist incidents, whereas the minister competent for home affairs is responsible for taking control of terrorist incidents by means of coordinated, structured and planned actions, reacting to such incidents and reproducing the necessary resources.

In consequence, the Head of the Internal Security Agency was defined as a central government entity responsible for the overall process of preventing and combating terrorist incidents. In order to guarantee that the tasks within this sphere are being realized in a prompt and efficient manner the act introduced, inter alia, the following instruments:

- The Head of the ABW coordinates the analytical activities carried out by the intelligence services and the process of exchange of information on terrorist threats and data on individuals who may be potentially associated with such threats, provided by the Police, Border Guard, Government Protection Bureau, the State Fire Brigade,

National Treasury Administration, Military Police and the Government Centre for Security;

- The Head of the ABW shall maintain a list of individuals who may be engaged in the activities carried out on behalf of the terrorist organizations, organizations associated with terrorism or members thereof. Such a list shall comprise as well data on persons wanted for terrorist activities or suspected of having committed a terrorist crime with respect to whom the relevant authorities of the Republic of Poland have issued a detention or search order on other individuals who may be deemed to constitute a terrorist threat;
- The Head of the ABW coordinates the operational activities carried out by intelligence service, the Police, Border Guard, National Treasury Administration, Military Police and Military Police with respect to terrorist threats;
- The Head of the ABW may be granted, without any charge, access to information stored in public registers and databases held by intelligence agencies, public administration bodies and other entities as well as access to the image of events registered by devices placed in public utility buildings, alongside public roads and in other public places.

According to the Act on Antiterrorist Actions of June 10, 2016 and the Act on the Police of April 6, 1990 it is the task of the Police to carry out anti-terrorist and counter-terrorist activities. Counterterrorist activities are carried out against perpetrators and individuals preparing or assisting in preparing terrorist crimes (regulated in Article 115 par. 20 Act of June 6, 1997, Penal Code); conducting of such activities aims at eliminating the direct threat of risk or life of people, health or freedom of persons or property by using specialized forces and measures and special tactics.

If the Police does not have the capacity to effectively protect security of people and the public order, the assistance may be provided by the Polish Armed Forces (Art. 18, Act on the Police). The decision to use the armed forces is made by the President of the Republic of Poland at the request of the Prime Minister. In urgent cases, the decision to grant assistance is made by the Minister of National Defence at the request of the Minister of Internal Affairs, specifying its scope and form, immediately informing the Prime Minister and the President of the Republic of Poland of the measures taken. The President authorizes the decision or revokes it.

Additionally, the June 10, 2016 Act on Antiterrorist Actions introduced a simplified procedure of granting support of the Armed Forces, the application of which is however limited to situations when third or fourth (highest) alert level has been announced. According to the Act, Armed Forces may be used to assist Police by virtue of a decision of the Minister for National Defence issued at request of the minister competent for internal affairs. As opposed to the abovementioned procedure, the authorization of the decision by the President is not required. Nevertheless the President may overrule the decision or amend it.

Border Guard and the Military Police can also be used to support the Police.

Coordination and advisory functions in combating terrorism are performed by the established Interministerial Team for Terrorist Threats working under the Minister of the Interior and Administration. The Team consists i.a. of: the Minister of the Interior (chairman), the Minister of National Defence (vice chairman), the Chief of General Staff and the Commander in Chief of the Military Police. Among the above-mentioned services the leading role in the

recognition of terrorist threats plays the Internal Security Agency, and in relation to a physical fight against terrorism – the Police.

The bodies participating in the Polish counter-terrorist system are, among others: the Interministerial Team for Terrorist Threats, Ministry of Interior and Administration, Internal Security Agency, Police, Border Guard, Government Protection Bureau, Foreign Intelligence Agency, Military Intelligence Agency, Military Counterintelligence Agency, Customs Service, National Security Bureau, Government Centre for Security, Ministry of Foreign Affairs, State Fire Service, General Inspector of Financial Information, General Staff of Polish Armed Forces, Military Police and other institutions which may pose information important for the counterterrorist protection of the country.

In cases when there is a suspicion that a foreign civil aircraft flying in the airspace of the Republic of Poland or a vessel sailing in the Polish waters may be used as agents of a terrorist attack a major role plays the Ministry of National Defence. In such cases decisions are made on behalf of the Minister of National Defence by the Operational Commander of the Polish Armed Forces. These issues are governed by the Act of October 12, 1990 on the protection of the state border and the Act of September 4, 2008 on the protection of inland and sea ports.

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

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

- **the Ministry of the Interior and Administration**, together with the Police, the Border Guard, the Government Protection Bureau;
- **the Ministry of National Defence**, together with the Military Intelligence Service, the Military Counterintelligence Service, the Military Police;
- **the Ministry of Foreign Affairs**;
- **the Ministry of Finance**, together with the General Inspector of Financial Information, the Customs Service;
- **the Internal Security Agency**;
- **the Foreign Intelligence Agency**;
- **the Government Centre for Security**;
- **the National Security Bureau**.

Preventing the financing of terrorism

The main piece of legislation used to counter the financing of terrorism is the adopted on June 25, 2009 Act on counteracting money laundering and terrorism financing (entered into force on October 22, 2009). The Act implements the 2005/60/EC Directive of the European Parliament and the EU Council of October 26, 2005 on the prevention of the use of the financial system for money laundering and the financing of terrorism. In addition, the financing of terrorism offense was penalized by law in the Act of June 6, 1997 Penal Code Article 165a that penalizes collection, transfer, or offering of payment, financial instruments, securities, foreign currencies, property rights or other movable or immovable property in order to finance a terrorism (entered into force on October 22, 2009).

The leading role in the system of combating financial crime and terrorist financing is played by the General Inspector of Financial Information (GIFI). His tasks include carrying out the

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

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

On the international arena PFIU participates in the work of e.g. MONEYVAL and the Egmont Group.

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

Border Guard

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

Border Guard undertakes activities in prevention of terrorism in the following areas:

- Prevention of illegal border crossing by persons and vehicles and revealing of crimes and offences and prosecuting perpetrators;
- Prevention of entries of undesirable aliens and persons suspected of terrorist activities;
- Prevention of transportation across the border of explosives, weapons and ammunitions, radioactive and nuclear materials and harmful chemical substances without required permission;
- Providing security in international transportation and public order in a range of border crossings and in border zone in the scope of Border Guard responsibilities;
- Conducting security control in international transport means and in a range of land, maritime and river border crossings. Participation in supervision of security control performed by services of airports' authorities. In March 2013 security control performance duties were transferred to security services subordinated to airport authorities;
- Providing security guards on passengers aircrafts (air marshals);
- Protection of main international transportation routes against crimes in the scope of Border Guard responsibilities;

- Control of aliens' stay legality in Poland including activities related to identification and prevention of terrorist threats;
- Gathering and analyzing information on potential terrorist threats and exchange of information with e.g. Antiterrorist Center of the Internal Security Agency, the Police, military intelligence agencies, General Inspectorate of Financial Information;
- Conducting intelligence activities on identification and prevention of terrorist threats in the scope of Border Guard responsibilities;
- Information exchange with law enforcement services of neighboring countries and other countries and international institutions on terrorist threats prevention;
- Control of large scale money transport across the state border;
- Providing opinions on visa issuing by the state consular offices;
- Monitoring of ships for their compliance with regulations in effect in the Polish maritime areas.

Protection of radioactive materials

Poland is a member of the International Atomic Energy Agency (International Atomic Energy Agency – IAEA) and the European Atomic Energy Community (European Atomic Energy Community – Euratom). It implements the documents and regulations of these organizations. Despite the absence of nuclear power plants, Poland has well-developed legislation and a nuclear safety system, under which supervision operations are exercised involving the use of nuclear materials and sources of ionizing radiation. Technical solutions for nuclear safety involve mainly the monitoring and controlling radioactive contamination and keeping records of nuclear materials and radioactive sources.

The main body dealing with issues related to radioactivity in Poland is the National Atomic Energy Agency. This body reports directly to the Minister of the Environment and is responsible for nuclear safety and radiological protection. The principal document in Polish legislation regulating nuclear safety is the Act of November 29, 2000, the Atomic Energy Law. The act regulates, among others:

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

The Border Guard (BG) conducts radiometric control not only at borders but also within the country. All collected information are delivered via a central computer system to the Border Guard Headquarters in Warsaw, where they can be analyzed. The relevant data is regularly made available to the National Atomic Energy Agency and International Atomic Energy Agency's Illicit Trafficking Database (ITDB).

Radiometric control is performed based on detailed internal BG operational procedures. BG officers exchange information and consult National Atomic Energy Agency (NAEA) what was regulated in special agreement. Radiometric control is performed by officers – professional radiometrists trained in BG training center by trainers certified by NAEA.

The radiometric control system is regularly upgraded. Co-operation with US Department of Energy contributed much to the modernization of the system in last several years.

Use of the Internet and other computer networks for terrorist purposes

The Act of June 6, 1997, Penal Code Article 255a penalizes dissemination or public presentation of the content which might facilitate committing a crime of terrorist nature with an intent for such crime to be committed (entered into force on November 14, 2011).

Moreover, the June 10, 2016 Act on Antiterrorist Actions amended the May 24, 2002 Act on Internal Security Agency and Foreign Intelligence Agency by introducing measures aimed at countering Internet terrorist propaganda that allow the judicative to ban specified Internet data or services that are used with the intent to cause a terrorist event.

NC Cyber (National Cybersecurity Center), an entity responsible for the security of Polish cyberspace was launched on July 4, 2016. The Center operates within the structure of NASK - a research institute subordinate to the Ministry of Digital Affairs. As an early warning center NC Cyber operating on a 24/7 basis, 365 days a year monitors network-related threats and manages the exchange of related information. Besides NC Cyber the Governmental Computer Security Incident Response Team - CERT.GOV.PL is operating. Its chief task is ensuring and developing the capability of public administration units to protect themselves against cyber - threats. The CERT.GOV.PL team is a part of the IT Security Department at the Polish Internal Security Agency.

Responding to the ongoing challenges arising from cyberspace the government of Poland presented in 2016 a draft of the national cybersecurity strategy.

Prevention of violent extremism and radicalization that lead to terrorism

The main acts related to extremism are penalized in the Act of June 6, 1997, Penal Code, especially in the articles:

- Article 119, referring to using violence or unlawful threat because of the victim national, ethnic, racial, political or religious affiliation or because of a lack of any religious denomination of a victim;
- Article 256, referring to propagating fascism and totalitarianism, racism and intolerance;
- Article 257, referring to public insulting of a group of people of different worldview, national or racial affiliation.

2. Stationing of armed forces on foreign territory

2.1 Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

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

In 2017, the Polish Armed Forces and their representatives participated in 16 missions carried out under the aegis of NATO, the EU and the UN and within coalition framework, keeping outside the country 11 military contingents and 11 observers.

- In Afghanistan – NATO Resolute Support Mission, development of Afghan national defence and security capabilities. The character of the mission was advisory, without engagement in military activities. The legal basis for the involvement of the Polish Military Contingent (PMC) in Afghanistan was the resolution No. 2189 of December

12, 2014 of the UN Security Council. This contingency consisted of 250 regular soldiers and military personnel.

- In Kosovo – NATO KFOR International Force (Kosovo Forces). The legal basis for PMC action is the UNSCR No. 1244 of June 10, 1999. The Polish contingent consisted of 300 regular soldiers and military personnel. KFOR derives its mandate from UNSCR 1244 of 10 June 1999 and the Military-Technical Agreement (MTA) between NATO and the Federal Republic of Yugoslavia and Serbia. Initially, KFOR's mandate was to deter renewed hostility and threats against Kosovo by Yugoslav and Serb forces; to establish a secure environment and ensure public safety and order; to demilitarize the Kosovo Liberation Army; to support the international humanitarian effort, and to coordinate with and support the international civil presence.
- In Bosnia and Herzegovina – the ALTHEA operation conducted by forces of the European Union (European Forces – EUFOR). The legal basis for the participation of PMC in this operation are annually adopted resolutions of the UN Security Council, with the latest No. 2315 of November 8, 2016 as well as the “Joint Action on the European Union military operation in Bosnia and Herzegovina” adopted by the Council of the European Union 2004/570/CFSP of July 12, 2004 (OJ No, L 04.252.10) and the General Framework Agreement for Peace in Bosnia and Herzegovina of November 21, 1995 (the Dayton Agreement). The PMC consisted of 50 regular soldiers and personnel. The tasks of PMC included training and building of military capabilities, monitoring security situation as well as cooperation with representatives of local authorities, public institutions and non-governmental organizations in the sphere of its responsibility.
- In the Central African Republic (CAR) – in the European Union Military Advisory Mission (EUMAM RCA). The legal basis for the action of the PMC was the decision of the Council of European Union of March 16, 2015. Two Polish soldiers participated in the mission.
- In the Republic of Iraq, Kingdom of Jordan and State of Kuwait – PMC OIR IRAK in the military Operation Inherent Resolve within the framework of the Global Coalition against Daesh. The legal basis for the participation of the Polish Military Contingent is Article 51 of the United Nations Charter establishing the right to defence of individual or collective states, against which armed attack was done and on request of the government of the Republic of Iraq to the Chairman of the UN Security Council. Poland has been participating in Inherent Resolve operation from June 20, 2016. PMC consists of 130 soldiers and personnel of Special Operations Forces. The participation of PMC has an advisory and training character, without engagement in military activities.
- In the State of Kuwait, the Republic of Iraq and State of Qatar – in the military Operation Inherent Resolve, within the framework of Global Coalition against Daesh. PMC OIR Kuwait consisted of 150 soldiers and other military personnel. The PMC conducted reconnaissance activities supplementing the fight against Daesh.
- In the Republic of Estonia, the Republic of Lithuania, and the Republic of Latvia – PMC ORLIK 7 in the NATO Air Policing military operation (140 soldiers and personnel, 4 F-16 fighters; from April 18 till October 1, 2017).

- In Mediterranean, Black Sea and Aegean Sea – PMC CZERNICKI as part of NATO’s Operation Sea Guardian (a flexible operation, designed to conduct a variety of maritime security tasks in response to the challenges of ensuring the sea-lanes are safe and secure for mariners of all nations). The operation focuses on three core missions: maritime situational awareness, counter-terrorism and regional capacity building. PMC CZERNICKI (January 1-July 6, 2017; 70 soldiers) was a part of Standing NATO Mine Countermeasures Group 2 (SNMCMG2).
- In the Republic of Estonia, the Republic of Lithuania, and the Republic of Latvia – PMC LOTWA, as a part of NATO’s enhanced Forward Presence (eFP) battalion (200 soldiers and personnel, as of May 1, 2017). These forces are a defensive and proportionate deterrent force, fully in line with NATO’s international commitments.
- In Romania – PMC ROMANIA, as a part of NATO’s multinational brigade, under Multinational Division Southeast in Romania (multinational training through a Combined Joint Enhanced Training Initiative). PMC Romania consists of 250 soldiers and personnel (deployed May 1, 2017). These forces are a defensive and proportionate deterrent force, fully in line with NATO’s international commitments.
- The EU Monitoring Mission to Georgia (EUMM Georgia) and observation missions under the aegis of the UN: in the Democratic Republic of the Congo (MONUSCO), in Afghanistan (UNAMA), Kosovo (UNMIK), in Liberia (UNMIL), in Western Sahara (MINURSO), in South Sudan (UNMISS) and Côte d'Ivoire (UNOCI) – participated 22 observers.

In total there were 1620 soldiers and military personnel outside the country at one time.

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

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

Poland attaches importance to the UN developed concept of arms control, disarmament and nonproliferation of weapons of mass destruction, on the basis of which agreements are created and implemented mitigating threats to peace, both at global and regional levels. We recognize that the compliance with the principle of transparency, reciprocity and equivalence of the fulfilment of obligations ensures international security at the lowest possible level of military arsenals.

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

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

- The Treaty on Conventional Armed Forces in Europe (CFE);
- The Treaty on Open Skies (TOS);
- The Vienna Document 2011 (VD’11);
- all agreements on confidence and security building measures agreed upon in the OSCE;
- The Treaty on Non-Proliferation of Nuclear Weapons (NPT);

- The Treaty banning the research on nuclear weapons (CTBT);
- The Convention on the Prohibition of the Development, Production, Storage and Use of Chemical Weapons and on their Destruction (CWC);
- The Convention on the Prohibition of the Development, Production, Storage and Use of Biological and Toxin Weapons and on their Destruction (BTWC);
- The Convention on the Prohibition or Restriction of the Use of Certain Conventional Weapons, which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW), and all its Protocols;
- The Convention on the Prohibition of the Use, Storage, Production and Transfer of Antipersonnel Mines and on Their Destruction;
- The Arms Trade Treaty.

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

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

In addition, Poland is an active member of the following export control regimes:

- The Nuclear Suppliers Group (NSG);
- Zangger’s Committee (ZC);
- The Australia Group (AG);
- Missile Technology Control Regime (MTCR);
- Wassenaar Arrangement (WA).

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

In addition to the implementation of the above-mentioned treaties, conventions and agreements, and active participation in the decision-making bodies, Poland has been involved nationally and internationally in various projects in the field of arms control, among others pursuing verification projects under the CFE, VD’11 and TOS as well as bilateral agreements on additional confidence and security building measures. In addition, representatives of the Polish Armed Forces supported the verification activities in the Balkan Peninsula.

Poland was actively engaged in discussions on modernization of VD’11. Poland actively promoted an amendment to Para 17 in Chapter III of VD’11 (proposal for a Draft FSC Vienna Document Plus Decision on Strengthening Co-operation as Regards Hazardous or Dangerous Incidents of a Military Nature). In 2017 Poland also offered additional voluntary transparency in the OSCE by presenting a briefing at the FSC on exercise “Dragon 17” and sending a voluntary notification on “Saber Strike 17” exercise.

Polish arms control policy is also focused on international cooperation to prevent the proliferation of weapons of mass destruction and the means of their delivery. We are active participants in the control regimes. We follow the guidelines of the EU Strategy on the Weapons of Mass Destruction (The EU’s WMD Strategy). Poland volunteered to chair in 2018 the II Preparatory Committee for the 2020 Non-Proliferation of Nuclear Weapons (NPT) Review Conference. Poland also actively participates in the meetings of the G8 Global

Partnership against the Proliferation of WMD, the Proliferation Security Initiative and the International Partnership for Nuclear Disarmament Verification.

On December 14, 2012 Poland ratified the Convention on the Prohibition and the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the so-called the Ottawa Convention). The Convention went into effect as of June 1, 2013.

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

Section II: Intra-State elements

1. National planning and decision-making process

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

National planning and the decision-making process

The basis for the planning and defence programming are the political and strategic decisions in the field of state's defence policy made by the supreme legislative and executive powers. The Parliament, as the supreme legislative body, deals with defence-related issues primarily in the course of its law-making work and when defining basic state policy. Those issues are also addressed during the elaboration of fiscal plans and normative acts relating to the state budget.

The Parliament and its committees (the Senate and the Parliamentary Committee on National Defence) also exercise control functions. The President is the supreme head of the Polish Armed Forces. His advisory body in the field of internal and external security is the National Security Council. According to the Constitution of the Republic of Poland, managing national security in time of peace is exercised by the Council of Ministers, working with the President of the Republic of Poland as part of their domestic and foreign policies. The Council of Ministers is responsible for the internal and foreign policy of the Republic of Poland, ensuring its internal and external security and exercising general control in the field of defence. The implementation of the policy of the Council of Ministers in the field of defence is ensured by the Prime Minister, who also specifies the ways of its implementation. Matters of particular importance in the field of defence may be examined by the Cabinet Council, which shall be convened and chaired by the President of the Republic of Poland.

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

The Act of February 22, 2013 on restructuring, modernization and financing of the Polish Armed Forces regulates directions of the development of the Polish Armed Forces, including defining the rules for planning the development of the Polish Armed Forces, sources of financing defence preparations and the size of defence spending. Issues of planning and programming the development of the Armed Forces and defence system are regulated *inter alia* by the Act of November 21, 1967 on the common duty to defend the Republic of Poland (Journal of Laws of 2002, No. 21, Item 205, as amended). According to it, the President of the

Republic of Poland, in the area of sovereignty over the Polish Armed Forces determines, at the request of the Minister of National Defence, the main directions of development of the Armed Forces and their preparations for the defence of state.

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

Within the framework of the long-term defence planning, based on the ten-year planning horizon, are drawn up:

- Development of the Polish Armed Forces Program;
- Economy Mobilization Program;
- Non-military Defence Preparations Program.
- National Security Strategy (The Strategic Defence Review)
(http://www.mon.gov.pl/d/pliki/rozne/2017/05/KORP_DRUK_v03_mn2.pdf)

Defence expenditures

The legal basis for defence planning is enshrined in the of Act of May 25, 2001 on reconstruction, technical modernization and financing of the Armed Forces of the Republic of Poland. The act legislates that annual military expenditures from the state budget should be of not less than:

- a) 2% of GDP in 2017-2018-2019;
- b) 2,1% of GDP in 2020;
- c) 2,2% of GDP in 2021-2023;
- d) 2,3% of GDP in 2024-2025;
- e) 2,4% of GDP in 2026-2029;
- f) 2,5% of GDP in 2030 and afterwards.

27,5% of total defence budget is allocated for the purpose of capital investment expenses (modernization of the army, hardware purchase and infrastructure maintenance), and 2,5% of the budget is allocated for R&D spending.

The program “Priority Tasks of Technical Modernization of the Armed Forces” has been conducted within the 2014-2022 operations framework.

The following financial plans are prepared:

- the State's Multiannual Financial Plan (part of the budget – national defence) containing the four-year planning horizon. It provides a basis for the preparation of the budget bill for the next financial year. The Minister of Finance presents to the Council of Ministers a draft State's Multiannual Financial Plan;
- the annual budget of the Ministry of National Defence (with a two-year forecast). The Minister of National Defence issues appropriate decision;
- the Modernization of the Armed Forces Fund's financial plan (including the two-year forecast). It is approved by the Minister of National Defence.

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

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

The control of military expenditure is realized by public and social institutions - the Ministry of National Defence, the Parliament and the Senate and its Commissions of National Defence, the Highest Chamber of Control, the mass-media.

The organs controlling the exchequer are the minister of finances, the General Inspector of Treasury Controls, and the Department of Control of the Ministry of the National Defence. The realization of the budget is examined by, among others, the Highest Chamber of Control and is covered by parliamentary analysis in formulating the national budget.

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

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

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

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

UN Security Council resolutions, decisions of international organizations engaged in international missions and / or relevant international agreements.

2. Existing structures and procedures

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

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

The principle of the civil and democratic control over the Armed Forces of the Republic of Poland is specified in Article 26, par. 2 of the Polish Constitution and the Law of June 21, 2013 on changing the Law on the Office of the Minister of National Defence. The provisions of the Act, the package of executive legal and organizational acts, issued by the Council of Ministers and the Minister of National Defence, determine the Minister of National Defence as directing the national defence part of government administration and the body, through which the President of the Republic of Poland in peacetime exercises authority over the Armed Forces of the Republic of Poland and implement a policy to civilian and democratic control over the military. In the above-mentioned acts the roles of the minister, and the extent of his competence with respect to directing all the activities of the Armed Forces have been clearly specified.

Special Services

The model of supervision over the activities performed by the special services is a complex one. The supervision is exercised by the following bodies:

1. The Parliament

The Parliamentary Commission for Special Services operates in accordance with the provisions stipulated in the Procedures of the Polish Parliament. The scope of the Commission's powers includes giving opinions on bills, regulations, decrees and other legal acts concerning activities of special services, including examination of the annual reports of heads of special services. Another important task of the Commission is issuing opinions on budget drafts of special services, including annual reports on the implementation of the budgets and other financial information gathered from special services. The Commission evaluates candidates for heads of special services and their deputies.

Special services are obliged to provide the Commission with information about particularly important events in the course of their activities, including suspicion of irregularities in the activities of special services and suspected violations of law. Special services are also obliged to provide access to information, documents and materials which are obtained as a result of fulfilling their statutory tasks.

2. The Prime Minister

The Prime Minister defines the guidelines for the Internal Security Agency activities by issuing instructions. The Agency presents the Prime Minister with plans of activities for next year. The Agency is also obliged to present information about its activity in the previous year.

The government Committee for Special Services is a consultative and advisory body which is responsible in the matters of programming, overseeing and coordinating the activity of law enforcement and intelligence agencies. The Prime Minister is the chairman of the Committee, and the Committee is placed in the Chancellery of the Prime Minister.

3. The Judiciary

3.1 Intelligence activities

In the course of performing intelligence operations undertaken by the Internal Security Agency, when other measures have proved ineffective or there is a high probability that they would be ineffective or useless, the court of law may, upon a written request by the Head of the Internal Security Agency submitted upon a written approval of the Prosecutor General, order operational control (Article 27 of the Internal Security Agency and Foreign Intelligence Agency Act of May 24, 2002). Operational control is to be performed in secrecy and may involve the control of the contents of written correspondence, control of the contents of postal parcels and application of technical measures enabling a secret collection and recording of information and evidence, especially the contents of telephone conversations and other information transmitted via telecommunication networks.

The court decision regarding operational control is made by the District Court in Warsaw. In cases of urgency where a delay might result in the loss of information or obliteration or destruction of the evidence of crime, the Head of the Internal Security Agency may order operational control upon a written approval from the Prosecutor General, while simultaneously submitting a request to the court of law for a decision in this matter.

According to par. 1 (1) of the Regulation of the Prime Minister of November 18, 2015 with respect to the detailed scope of duties of the Minister – Member of the Council of Ministers, Mr. Mariusz Kamiński – Coordinator of Intelligence Services and controls the activities carried out by intelligence services. Thus a more direct and efficient oversight mechanism over the intelligence community has been implemented into the Polish legal system.

3.2 Special operations

In criminal cases referred to in Article 5 paragraph 1, subparagraph 2 of the Internal Security Agency and Foreign Intelligence Agency Act, operational activities carried out in order to verify previously obtained credible information about crime, or to establish its perpetrators and to obtain evidence of crime, may consist in a secret acquisition or interception of objects obtained by crime, objects which are subject to forfeiture or objects whose production, possession, transportation or trade in are prohibited. Such operational activities may also consist in accepting or handing in a material profit. Such actions may be ordered by the Head of the Internal Security Agency, for a specified period of time upon prior obtaining a written approval from the Prosecutor General. Then the Head of the Internal Security Agency informs the Prosecutor General on an ongoing basis about the course of those actions and their result. Should the information on the commitment of crime specified in Article 5 paragraph 1, subparagraph 2 be confirmed, the Head of the Internal Security Agency forwards to the Prosecutor General materials collected in the course of the operational activities with a request to initiate a criminal procedure. (Article 29 of the Internal Security Agency and Foreign Intelligence Agency Act of May 24, 2002).

Another form of operational work is set out in Article 30 of the Internal Security Agency and Foreign Intelligence Agency Act of May 24, 2002. In criminal cases referred to in Article 5

paragraph I, subparagraph 2, within the frames of operational activities carried out in order to record such crimes, to establish the identity of the perpetrators, or to intercept the objects of crime, the Head of the Internal Security Agency may, prior to the initiation of the criminal procedure, order a secret surveillance of the production, transfer, storage and trade in objects of crime, on condition that it would not endanger the life or health of any person. The Head of the Internal Security Agency immediately notifies the Prosecutor General of the ordering, course and results of actions undertaken according to the procedure provided for in paragraph 1, and the Prosecutor General may order that such operational activity be discontinued. Should the information on the commitment of crime be confirmed, the Head of the Internal Security Agency forwards to the Prosecutor General the materials acquired as the result of the operational activity with a request to order the initiation of criminal proceedings.

3.3 Criminal proceedings

The Internal Security Agency may also perform tasks ordered by a court or a public prosecutor to the extent defined in the Criminal Code. All investigative activities of the officers of the Internal Security Agency are subject to judicial supervision.

The Border Guard

According to the Act on the Council of Ministers and the Act on the Border Guard, the control over the activities of the Border Guard exercise both the Prime Minister and Minister of Interior and Administration, who directs, supervises and controls the activity of the organs of the Border Guard.

In particular, the Prime Minister appoints and dismisses the commanders in chief of the Border Guard at the request of the Minister of Interior and Administration. At the same time Minister of Interior and Administration has the right to appoint and dismiss the deputy commanders in chief and regional units commanders of the Border Guard. In addition, the Minister of Interior and Administration, by regulation, establishes and liquidates the regional units of the Border Guard.

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

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

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

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

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

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

The task of the Polish Armed Forces is:

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

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

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

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

The Border Guard

The Border Guard is responsible for protecting the state border on land and at sea and border traffic control, as a separate, unitary, uniformed and armed police-type service.

Under the Act of October 12, 1990 on the Border Guard, the following tasks of formation were defined and performed mainly:

- state border protection;
- fighting border crime and prosecuting perpetrators;
- organization and execution of border traffic control;
- fight against illegal migration;
- execution of international agreements regarding legal relations on the state border;
- supervision of the exploitation of Polish maritime areas and the obeying of regulations valid in these areas by ships,;
- providing law and order within the border crossing as well as in the border zone;
- preventing transportation of drugs, psychotropic and chemical substances, harmful wastes, ammunition and explosives without proper permit required by separate regulations.

3. Procedures related to the personnel of various forces

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

Regulations concerning the appointment of the professional army personnel are contained in the pragmatic military law - the Act of September 11, 2003 on the professional military service (consolidated text: Journal of Laws of 2016, item 1726) and the Regulation of the Minister of National Defence of March 9, 2010 on recruiting to professional military service (Journal of Laws, 2015, item 1299).

Professional military service can be carried out in two ways: permanent and contract. Appointment for permanent service is binding for an indefinite period of time, while for contractual service for a limited time specified in the contract. According to present law there is no limitation of the contractual service duration. This enables to stabilize the military service and to keep the personnel in the Armed Forces.

Candidates for professional soldiers are trained in military schools (in particular cases non-military school with cooperation of military collage) – officers. There are schools for non-commissioned officers and training centers for privates.

Act of November 16, 2016 of the Act of the Common Duty to defend the Republic of Poland and other acts introduced a new branch of the Armed Forces in Poland – Territorial Defence Forces (TDF; 6500 soldiers in 2017), led by the Commander of TDF.

This is a new kind of active military service in Poland. The military service in TDF can last from one year to six years. This is a rotational service: soldiers serve at least once a month for 2 days (in time off from working) and as service at disposal. The military service will be performed in a specialized unit. Soldiers of TDF remain ready for service in designated timeframe.

The tasks of TDF encompass among others fighting with natural disasters and alleviating their consequences, supporting protection, rescue actions and protection of health and human life, participation in crisis management tasks and cooperation with other institutions responsible for national defence.

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

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

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

Polish Armed Forces personnel enjoy all the constitutional rights of citizens, with the exception of the right to combine the duties of a professional soldier with the function of a Member of Parliament, including the European Parliament, a Senator, executive positions filled on the basis of election, positions in local governments and the right to associate in political parties and trade unions.

In the event of violation of rights stemming from military service, members of the Forces have the right of administrative appeal, provided for in relevant legislation relating to pragmatics of military service. The rights and obligations of professional soldiers are specified in detail in the fourth chapter of the Act of September 11, 2003 on professional military service (Journal of Laws of 2010 No. 90, Item 593 consolidated text). Among other things, the soldier is entitled to reimbursement of expenses incurred for legal assistance if the preliminary inquiry initiated against him for an offense committed in connection with the performance of his duties will be concluded by a final decision on redemption. Disciplinary matters are regulated by the Act of October 9, 2009 on military discipline (Journal of Laws of 2009 No. 190, Item 1474), which aside from establishing the provision of efficient disciplinary response, emphasizes also the constitutional powers of the soldier.

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 2017 knowledge of International Humanitarian Law and the Law of Armed Conflicts continued to be disseminated through the system of training and professional development of the entire personnel of the Armed Forces of the Republic of Poland. This issue is addressed within the framework of educational and professional development programs as well as international seminars and training programs organized by the International Committee of Red Cross, International Institute of Humanitarian Law and International Association on Military and War of Law. As a result, standards of education raised in practical trainings for soldiers, intensification for military commanders and staff and for preparing instructors.

The issues of International Humanitarian Law of Armed Conflicts were addressed in accordance with the methodology of the civic education of soldiers in active military service. The topic ‘Issues of International Humanitarian Law of Armed Conflicts’ is taught in the military schools as a separate subject (20 hours – candidates for professional soldiers; advanced vocational training for professional soldiers).

Within the system of professional development of the soldiers of the Polish Armed Forces special courses on international humanitarian law were carried out: in the War Studies University (established on May 20, 2016), the Polish Naval Academy, the Military Centre of Civic Education, Training Centers of the Army, the Navy, the Military Police. Issues of International Humanitarian Law of Armed Conflict were addressed in all personal corps of the Polish Army during lessons on civic education.

The scope of knowledge transferred in the course of education, was supplemented, on a regular basis, with information on international agreements – including the new ones – to which Poland is a party, as well as experience gained by participating in peace missions and stabilizing operations. The instructors were supported by legal advisors.

Transferring knowledge, in particular, the importance to abide by the basic principles of the laws of war was emphasized, such as: prohibition of the use of specific methods and means of warfare, the protection of civilian persons (including humanitarian personnel) and the principles of treatment of prisoners and detainees. Teaching was conducted with the use of

interactive methods which require participants' involvement, carrying out analysis and solving out special cases.

The above issues were integrated into the conducted exercises. Their main objective was to develop the attitudes and habits of soldiers, which will allow for a proper behavior in extreme combat conditions that is inconsistent with the norms of international law. All the soldiers and civil employees participating in peacekeeping and stabilization missions undergone mandatory training in this field, and were familiarized with the cultural and legal considerations functioning in the conflict areas.

In order to promote knowledge, as well as familiarize soldiers and civilian employees of the Armed Forces with the obligations contained in the international humanitarian law and issue of individual responsibility for their actions, numerous trainings and informational materials were disseminated in 2017: cyclic trainings of professional staff and military personnel as system of supplementary education, conferences, meetings and co-operation with international organizations, dissemination of training and informative materials.

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

Information on this topic was partially included in Section 4.1 above. In addition, this issue in 2017 was included into specialized courses for officers and noncommissioned officers, carried out in the War Studies University, the Naval Academy, the Military College of the Air Force, the Military Centre for Civic Education, the Navy Training Center, the Land Forces Training Centre and the Training Centre for Peacekeeping.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights and to deprive them of national, religious, cultural, linguistic or ethnic identity?

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

In 2017 within the framework of supplementary education the following subject was carried out: The national identity in conditions of globalization and process of population migration. This training included all personnel of the Armed Forces.

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

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

The information was included in Chapter II, Section 2.1 and 3.3

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

Information was partially included in Chapter II, Section 2.1. Poland supports the strengthening of international cooperation and international law and strictly adheres to accepted international obligations. The adoption of international obligations is automatically incorporated into the national legal system, which ensures its compatibility with international law.

Doctrinal and strategic documents and laws need to be compatible with the ratified international agreements. The study of this compliance, in accordance with Article 188 of the Polish Constitution falls under the jurisdiction of the Constitutional Court, which decides, among others, on the conformity of laws with the ratified international agreements, whose ratification required prior consent granted by statute and on the conformity of legal provisions, issued by central State organs, with Constitution, ratified international agreements and statutes. Polish strategic documents are consistent with the doctrinal documents of NATO and the European Union.

Section III: Public access and contact information

1. Public access

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

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

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

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

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

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

Public access to information on the Polish Armed Forces is ensured by the implementation of the information policy of the government and the Ministry of National Defence. It is regulated by Directive No. 27 of October 4, 2016 issued by the Ministry of National Defence. The institution implementing information policy is the Public Information Section in the Operational Center of the Minister of National Defence

The Ministry of National Defence pursues the information policy through a range of modern tools. Providing current information for the public and the personnel of the Armed Forces takes place through the official websites (in the form of press releases, information, reports, as well as photo and video galleries). The main sources of information include the official web site of the Ministry of National Defence www.mon.gov.pl and the www.wojsko-polskie.pl.

Profiles of the Ministry of National Defence are maintained on Facebook (main profile, a profile with ZOOM photos and a profile for veterans), Twitter (main profile in Polish and English and a profile for veterans), Google and YouTube.

The public is also kept informed by the Military Publishing House in Warsaw. The main activities of the Institute in 2017 was issuing of online media products, including:

- a) online journal-portal (www.polska-zbrojna.pl);
- b) magazine “Armed Poland”;
- c) “The Armed Forces Review”
- d) “The Veteran Courier”
- e) “Armed Poland – History”
- f) scientific quarterly “Quarterly Bellona”;
- g) quarterlies of individual branches of the Armed Forces: “Przegląd Wojsk Lądowych”, “Przegląd Sił Powietrznych”, and “Przegląd Morski” (aimed primarily at soldiers up to the level of company commander) are designed to provide an adequate level of new tactical knowledge and concerning the methods and methodology of education, specialized training of subordinate soldiers, trends in technique and technology, review of the knowledge of other armed forces.

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 is the Security Policy Department at the Ministry of Foreign Affairs (Al. J. Ch. Szucha 23, 00-580 Warsaw, telephone no.: + 48 22 523 9205; fax: +48 22 523 8749).

Section IV.

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

These issues were carried out during training and courses for professional soldiers and civil employees (among others - special trainings which included following topics: international humanitarian law, protection of human rights in the situation of an armed conflict, implementation of international human law during an armed conflict).

The National Action Plan to implement the UN Security Council Resolution No.1325 has not been introduced yet, but the Ministry of National Defence implemented numerous commitments proposed in this resolution. Supplementary trainings for professional soldiers were continued in 2017. They included courses on gender equality in military service,

UNSCR No. 1325, prevention of aggression, violence and discrimination. The physical exams are diversified accordingly to sex, but training in military service remains identical. There is no limit in number of women serving in the armed forces.

Before deployment to missions soldiers received training courses on the Resolution No. 1325 as well as medical and psychological support. Needs of women were accordingly included in the projects carried out by the Armed Forces of the Republic of Poland.

On March 8, 2016 the Plenipotentiary for Military Service of Women was appointed upon the decision of the Minister of National Defence. This decision was connected with a growing number of women serving in armed forces which resulted in a necessity to make appropriate changes in monitoring women's service and their functioning in structure of the armed forces.

On August 10, 2016 the Council on Women Issues was established upon the decision of Minister of National Defence. One of the tasks of the Council is a cooperation with the Plenipotentiary for Military Service of Women. The Council consists of 21 representatives of all branches of the Armed Forces and the Ministry of Defence.

In 2017 there were further changes introduced in the development of the professional military service of women. First of all, an increase in the number of women in the military and their appointment to positions in all branches of the Armed Forces and personnel corps was apparent. Women's interest in the military service was a result of appropriate information about the possibilities of pursuing a career in the Polish Armed Forces. In addition to serving as part of the medical service and other logistics services, women were increasingly taking command positions.

The universities and military academies have continued to be the main source of recruitment of women. By the end of 2017, Armed Forces consisted of 5000 women soldiers (representing 5% of professional soldiers). 500 women studied in the military schools preparing candidates for professional soldiers.

The participation of women in peacekeeping and stabilization operations.

In support of the UNSC Resolution No. 1325, 89 woman (53 professional soldiers and 36 civil employees) were deployed to foreign missions in 2017:

- in the PMC KFOR – 33 (12 soldiers and 21 civil employees);
- in the PMC OIR IRAK – 3 (2 soldiers and 1 civil employee);
- in the PMC OIR KUWAIT – 4 (3 soldiers and 1 civil employee);
- in the PMC AFGHANISTAN RSM – 24 (16 soldiers and 8 civil employees);
- in the PMC EUFOR – 3 (1 soldier and 2 civil employees);
- in the PMC LATVIA – 12 (10 soldiers and 2 civil employees);
- in the PMC ROMANIA – 8 (7 soldiers and 1 civil employee);
- in the PMC ORLIK – 1 soldier;
- in the PMC CZERNICKI – 1 soldier.

ANNEX – List of international agreements and arrangements

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

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

	Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993)		
15	International Convention for the Suppression of Terrorist Bombings (1997)	PL (R)	04.03.2004
16	International Convention for the Suppression of the Financing of Terrorism (1999)	PL (R)	26.10.2003
17	United Nations Convention against Transnational Organized Crime (2000)	PL (R)	12.11.2001
18	Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001)	PL (R)	21.02.2005
19	Protocol on Explosive Remnants of War to Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (2003)	PL (R)	01.07. 2011
20	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	PL (R)	14.12.2012
21	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	PL (R)	08.04.2010
22	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)		
23	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety or Maritime Navigation (2005)		
24	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixes Platforms Located on the Continental Shelf (2005)		
25	Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)		
26	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)		
The Council of Europe legal instruments			
27	European Convention on the Suppression of Terrorism (1957)	PL (R)	06.07.1994
28	European Convention on the Suppression of Terrorism (1977)	PL (R)	01.05.1996
29	European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990)	PL (R)	20.12.2000
30	Convention on Cybercrime (2001)	PL (R)	23.11.2001
31	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (2003)	PL (R)	10.11.2004
32	Protocol amending the European Convention on the Suppression of Terrorism (2003)	PL (R)	10.11.2004
33	Council of Europe Convention on the Prevention of Terrorism (2005)	PL (R)	03.04.2008
34	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005)	PL (R)	01.05.2008

35	European Convention on Extradition (1957)	PL (R)	13.09.1993
36	Additional Protocol to the European Convention on Extradition (1975)	PL (R)	13.09.1993
37	Second Additional Protocol to the European Convention on Extradition (1978)	PL (R)	13.09.1993
38	European Convention on Mutual Legal Assistance in Criminal Matters (1959)	PL (R)	17.06.1996
39	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978)	PL (R)	17.06.1996
40	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001)	PL (R)	01.02.2004
41	European Parliament and EU Council Directive of May 11, 2016 on establishing European Police Office (Europol)	PL (R)	

Export control regimes			
42	The Nuclear Suppliers Group	PL (R)	1978
43	The Australian Group	PL (R)	1985
44	The Wassenaar Arrangement	PL (R)	1995
45	The Zangger Committee		2006
46	The Arms Trade Treaty	PL (R)	2014

Please list below any other regional, sub-regional, or bilateral agreements or arrangements relevant to preventing and combating terrorism and related co-operation in criminal matters, to which your country is a party.

47	Agreement between the Government of the Republic of Poland and the Government of the Republic of Hungary on cooperation in combating terrorism, illegal trafficking in drugs and organized crime (1996)	PL (R)	14.05.1998
48	Agreement between the Government of the Republic of Poland and the Government of the Republic of Slovenia on cooperation in combating terrorism, organized crime, illicit trafficking in narcotic drugs, psychotropic substances and their precursors (1996)	PL (R)	06.04.1998
49	Agreement between the Government of the Republic of Poland and the Government of the French Republic on cooperation in internal affairs (1996)	PL (R)	01.03.1998
50	Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Spain on cooperation in combating organized crime and other serious crimes (2000)	PL (R)	26.11.2003
51	Agreement between the Government of the Republic of Poland and the Government of Romania on cooperation in combating organized crime, terrorism and other types of crimes (2001)	PL (R)	27.08.2003
52	Agreement between the Government of the Republic of Poland and the Government of the Republic of Ireland on cooperation in combating organized crime and other serious crimes (2001)	PL (R)	18.03.2006
53	Agreement between the Government of the Republic of Poland and the Government of the Republic of Bulgaria on cooperation in combating crime (2002)	PL (R)	28.11.2003
54	Agreement between the Government of the Republic of Poland and the Government of the United Mexican States on cooperation in combating organized crime and other types crimes (2002)	PL (R)	27.11.2003
55	Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on cooperation of police, border guard and custom forces (2014)	PL (R)	09.07.2015
56	Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on cooperation in combating organized crime and other types of crimes (2002)	PL (R)	30.03.2005
57	Agreement between the Government of the Republic of Poland and the Government of the Republic of Tajikistan on cooperation in combating crime (2003)	PL (R)	02.04.2004
58	Agreement between the Government of the Republic of Poland and the Government of the Republic of India on cooperation in combating organized crime and international terrorism (2003)	PL (R)	09.12.2004
59	Agreement between the Government of the Republic of Poland and the Government of the Republic of Turkey on cooperation in combating terrorism, organized crime and other types of crimes (2003)	PL (R)	25.07.2004
60	Agreement between the Government of the Republic of Poland and the Government of the Republic of Estonia on cooperation in combating organized crime and other types of crimes (2003)	PL (R)	07.02.2004
61	Agreement between the Government of the Republic of Poland and	PL (R)	26.04.2004

	the Government of the Socialist Republic of Vietnam on cooperation in combating organized crime (2003)		
62	Agreement between the Government of the Republic of Poland and the Government of the Republic of Moldova on cooperation in combating organized crime and other types of crimes (2003)	PL (R)	26.07.2004
63	Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on cooperation in combating crime (2003)	PL (R)	05.03.2005
64	Agreement between the Government of the Republic of Poland and the Government of the Republic of Armenia on cooperation in combating crime (2004)	PL (R)	07.04.2005
65	Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on cooperation in combating crime and joint actions in border regions (2004)	PL (R)	18.12.2006
66	Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Sweden on cooperation in combating serious crime (2005)	PL (R)	14.11.2005
67	Agreement between the Government of the Republic of Poland and the Government of the Republic of Chile on cooperation in combating organized crime (2006)	PL (R)	12.09.2007
68	Agreement between the Government of the Republic of Poland and the Government of the Republic of Macedonia on cooperation in combating organized crime and other types of crimes (2008)	PL (R)	21.02.2009
69	Agreement between the Minister of National Defence of the Republic of Poland and the Ministry of National Defence of the Republic of Lithuania concerning cooperation in the field of defence (2010)	PL (R)	13.10.2011
70	Amendment to the Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on cooperation in combating crime and joint actions in border regions signed in 2005 (2010)	PL (R)	31.07.2011
71	Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Saudi Arabia on cooperation in the fight against crime (2007)	PL (R)	09.08.2008
72	Agreement between the Government of the Republic of Poland and the Government of the Republic of Austria on cooperation in preventing and combating crime (2002)	PL (R)	01.12.2003
73	Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Belgium on cooperation in combating organized crime (2000)	PL (R)	01.01.2004
74	Agreement between the Government of the Republic of Poland and the Government of the Republic of Cyprus on cooperation in combating organized and other forms of crime (2005)	PL (R)	17.02.2006
75	Agreement between the Government of the Republic of Poland and the Government of the Czech Republic on cooperation in combating crime, protection of public order and collaboration in border regions (2006)	PL (R)	02.08.2007
76	Agreement between the Government of the Republic of Poland and the Government of the Republic of Finland on co-operation in prevention of and combating against organized crime and other crimes (1999)	PL (R)	20.11.2003

77	Agreement between the Government of the Republic of Poland and the Government of Georgia on the co-operation in the fight against organized crime and other types of crime (2007)	PL (R)	03.05.2008
78	Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on cooperation of police and border guard forces in border regions and in combating crime (2006)	PL (R)	08.07.2007
79	Agreement between the Government of the Republic of Poland and the Government of the Republic of Ukraine on the cooperation in combating organized crime (1999)	PL (R)	24.08.2003
80	Agreement between the Government of the Republic of Poland and the Government of the Uzbek Republic on the cooperation in combating organized crime (2002)	PL (R)	22.11.2003
81	Agreement between the Government of the Republic of Poland and the Government of the Republic of Italy on the cooperation in combating organized crime (2007)	PL (R)	25.06.2009
82	Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Brazil on cooperation in combating organized crime and other crime, signed on October 9, 2006.		
83	Agreement between the Government of the Republic of Poland and the Government of the Republic of Croatia on cooperation in combating crime, signed on July 9, 2010.		27.01.2015
84	Agreement between the Government of the Republic of Poland and the Government of the Republic of Azerbaijan on cooperation in combating international terrorism, organized crime and other forms of crime, signed on June 4, 2008.		22.05.2015
85	Agreement between the Government of the Republic of Poland and the Government of the Republic of Serbia in cooperation on combating organized crime and other forms of crime, signed on November 7, 2011.		
86	Agreement between the Government of the Republic of Poland and the Government of the Republic of Indonesia in cooperation on combating organized crime and other forms of crime, signed on July 2, 2005.		
87	Agreement between the Government of the Republic of Poland and the Government of the Arab Republic of Egypt on security matters (1996)		31.12.1998