

ACT

of 9 June 2006

ON THE CENTRAL ANTI-CORRUPTION BUREAU

Chapter 1

General provisions

Art. 1

1. The Central Anti-Corruption Bureau, hereinafter referred to as the “CBA”, is created as a special service to combat corruption in public and economic life, particularly in public and local government institutions as well as to fight against activities detrimental to the economic interest of the State.
2. The Central Anti-Corruption Bureau is exclusively entitled to use the name Central Anti-Corruption Bureau and the acronym “CBA”.
- 3a. Within the meaning of the Act, corruption means an act which:
 - 1) involves promising, proposing or giving, directly or indirectly, of any undue advantage by any person to a person performing a public function for themselves or any other person, in return for acting or omission to act in performing the person’s function;
 - 2) involves demanding or accepting by a person performing a public function, directly or indirectly, of any undue advantage for themselves or any other person, or accepting an offer or promise of such advantage in return for acting or omission to act in performing the person’s function;
 - 3) is perpetrated in the course of business, covering the implementation of obligations towards the public authority (institution), involving promising, proposing or giving, directly or indirectly, of any undue advantage to a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity;
 - 4) is perpetrated in the course of business, covering the implementation of obligations towards the public authority (institution), involving demanding or accepting, directly or indirectly, of any undue advantage by a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity.
3. Within the meaning of the Act, an activity deemed detrimental to the economic interest of the State is any conduct, which may result in serious damage, within the meaning of art. 115 § 7 of the Act of 6 June 1997 – the Criminal Code (Journal of Laws No. 88, item 553, as amended), to the property of:
 - 1) a unit of the public finance sector, within the meaning of the Public Finance Act;
 - 2) a unit not belonging to the public finance sector, receiving public funds;

3) entrepreneurs with the Treasury shareholding or local government units.

Art. 2

1. Within the competence set forth in art. 1 section 1, the CBA's tasks comprise:

- 1) recognition, prevention and detection of criminal offences against:
 - a) the activity of public institutions and local government, set out in art. 228-231 of the Act of 6 June 1997 – the Criminal Code, and also referred to in art. 14 of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions (Journal of Laws of 2006 No. 216, item 1584, as amended),
 - b) the administration of justice, set forth in art. 233, elections and referendum, set forth in art. 250a, public order, set forth in art. 258, the credibility of documents, set forth in art. 270-273, property, set forth in art. 286, business transactions, set forth in art. 296-297 and 299 and 305, trading in money and securities, set forth in art. 310 of the Act of 6 June 1997 – the Criminal Code, as well as those referred to in art. 585-592 of the Act of 15 September 2000 – the Code of Commercial Companies (Journal of Laws of 2013, item 1030, and Journal of Laws of 2014, items 265 and 1161) and set forth in art. 179-183 of the Act of 29 July 2005 on Trading in Financial Instruments (Journal of Laws of 2014, items 94 and 586) if they are related to corruption or activities detrimental to the economic interest of the State,
 - c) funding of political parties, set forth in art. 49d and 49f of the Act of 27 June 1997 on Political Parties (Journal of Laws of 2001 No. 155, item 924) if they are related to corruption,
 - d) tax obligation as well as donation and subvention settlements set forth in chapter 6 of the Act of 10 September 1999 – the Criminal Fiscal Code (Journal of Laws of 2013, item 186, as amended) if they are related to corruption or activities detrimental to the economic interest of the State,
 - e) the principles of sports competition set forth in art. 46-48 of the Sports Act of 25 June 2010 (Journal of Laws of 2014, item 715),
 - f) trade in pharmaceuticals, circulation of foodstuffs for particular nutritional use, medical devices set forth in art. 54 of the Act of 12 May 2011 on Refund of Pharmaceuticals, Foodstuffs for Particular Nutritional Use, and Medical Devices (Journal of Laws No. 122, item 696, as amended).
- as well as prosecution of perpetrators;
- 2) disclosure and prevention of non-observance of the provisions of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions;
- 3) documentation of the grounds for and initiation of the execution of the provisions of the Act of 21 June 1990 on the Return of Unjustly Received Benefits to the Disadvantage of the State Treasury or Other State Legal Persons (Journal of Laws No. 44, item 255, as amended);
- 4) disclosure of cases of non-observance of procedures, defined by the provisions of law on taking decisions and implementation thereof within the scope of: privatisation and commercialisation, financial support, award of public contracts, disposing of the property of units or entrepreneurs referred to in art. 1 section 4 as well as granting licenses, permits, personal and transaction exemptions, allowances, preferences, quotas, ceilings, sureties, and credit guarantees;

- 5) the accuracy and veracity verification of asset declarations or declarations on conduct of business activities by persons performing public functions referred to in art. 115 § 19 of the Act of 6 June 1997 – the Criminal Code, submitted pursuant to separate regulations;
 - 6) analytical activities concerning phenomena falling within the CBA`s competence as well as presenting information within this scope to the Prime Minister, the President of the Republic of Poland, the Sejm, and the Senate,
 - 7) other activities set forth in separate acts and international contracts.
2. In order to implement the tasks of the CBA, the Head of the Central Anti-Corruption Bureau may undertake cooperation with competent authorities and services of other states as well as with international organisations.
- 2a. Undertaking cooperation referred to in section 2 may be commenced upon the Prime Minister`s consent.
3. The CBA may conduct pre-trial proceedings comprising all acts disclosed in its course if they remain in a subjective or objective relation with the act constituting the grounds for instituting such proceedings.
 4. The CBA`s activity beyond the borders of the Republic of Poland may be conducted in relation to its activity in the territory of the country, exclusively within the scope of performance of its tasks set forth in section 1 item 1.

Art. 3

The government administration, local government bodies, and public institutions shall co-operate, within the scope of their activities, with the CBA, and, in particular, provide support in the performance of the CBA`s tasks.

Art. 4

1. The CBA`s activity shall be State-funded.
2. The costs of the performance of the tasks of the CBA, within the scope of which – due to their exclusion from publicity – the provisions on public finance, accountancy and public procurement cannot be applied, shall be financed from an operational fund created expressly for such purpose.
3. The Head of the Central Anti-Corruption Bureau shall set forth, by way of regulation, detailed principles, which constitute classified information, of creation of the operational fund referred to in section 2, and the manner of such fund management.

Chapter 2

Structure of the Central Anti-Corruption Bureau

Art. 5

1. The CBA shall be managed by the Head of the Central Anti-Corruption Bureau, hereinafter referred to as the “Head of the CBA”.
2. The Head of the CBA is a central authority of the government administration supervised by the Prime Minister, acting with the assistance of the CBA, which is an office of the government administration.

- 2a. The activity of the Head of the CBA shall be subject to the Sejm control.
3. The Prime Minister, or a member of the Council of Ministers appointed by the Prime Minister, shall co-ordinate the activity of the CBA, the Internal Security Agency, the Foreign Intelligence Agency, the Military Counterintelligence Agency and the Military Intelligence Service.

Art. 6

1. The Head of the CBA shall be appointed, for a four-year term in office, and removed from the position by the Prime Minister, following a consultation with the President of the Republic of Poland, the Special Services Committee and the Parliamentary Committee for Special Services.
2. The Head of the CBA may be reappointed only once. The Head of the CBA shall perform his functions to the date of the appointment of his successor.
3. The term in office of the Head of the CBA shall expire in the event of his death or removal from the position.
4. At the request of the Head of the CBA, the Prime Minister shall appoint and remove deputy heads of the CBA, after consulting the Parliamentary Committee for Special Services.

Art. 7

1. The function of the Head of the CBA or of deputy heads of the CBA may be performed by a person who:
 - 1) has exclusively Polish citizenship;
 - 2) fully enjoys his rights as a citizen;
 - 3) demonstrates an unblemished moral, civil, and patriotic attitude;
 - 4) has not been convicted of an intentional criminal offence on the grounds of public prosecution, or of a fiscal offence;
 - 5) satisfies the requirements set forth in the regulations on the protection of classified information within the scope of access to information constituting classified information with the "top secret" level of classification;
 - 6) has a university degree;
 - 7) was not in professional service, did not work for or cooperate with the state security services referred to in art. 5 of the Act on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation of 18 December 1998 (Journal of Laws of 2014, item 1075); was not a judge who, in the course of adjudicating, offended the dignity of the post by betraying the independence of the judiciary.
2. The function of the Head of the CBA or of deputy heads of the CBA shall not be combined with any other public function.
3. The Head of the CBA or the deputy heads of the CBA shall not remain in an employment relationship with another employer or undertake a paid activity other than the service.
4. The Head of the CBA or the deputy heads of the CBA shall not be a member of a political party or participate in the activities thereof, or on its behalf.

Art. 8

The removal of the Head of the CBA from the position held shall take place in the event of:

- 1) his resignation from such position;
- 2) non-fulfilment of any of the requirements set forth in art. 7;
- 3) uninterrupted non-performance of his duties for over three months, due to illness.

Art. 9

Where the position of the Head of the CBA is vacant or in the event of the Head's temporary inability to perform such function, the Prime Minister may vest the performance of the duties thereof, for no longer than 3 months, in the deputy head or another person who satisfies the requirements set forth in art. 7.

Art. 10

1. The Head of the CBA shall manage the CBA directly or through his deputies.
2. The Head of the CBA may authorise subordinated officers to manage matters on his behalf within a defined scope, save for the matters referred to in art. 17, 19, and 23.
3. The Head of the CBA shall specify, by way of regulation, the manners, methods, and forms of performing tasks by the CBA.

Art. 11

1. The Prime Minister shall provide the CBA, by way of regulation, with a statute, which defines its internal organisation.
2. The Head of the CBA shall provide, by way of regulation, the internal rules and regulations of the organisational units of the CBA, defining the internal structure and the detailed tasks thereof.
3. The Head of the CBA shall set forth, by way of regulation, the forms of and the procedure for training the CBA's officers.
4. The Head of the CBA may create permanent or temporary teams, specifying their names, composition as well as detailed scope of and the procedure for their activity.

Art. 12

1. The Prime Minister shall determine the directions of the activity of the CBA, by way of guidelines.
2. Two months prior to the end of the calendar year at the latest, the Head of the CBA shall present the annual plan of the activity of the CBA for the consecutive year, for the Prime Minister's approval.
3. The Head of the CBA shall provide the Prime Minister and the Parliamentary Committee for Special Services with a report on the performance of the CBA in the previous calendar year.
4. Each year, by 31 March, the Head of the CBA shall provide the Sejm and the Senate with information on the performance of the CBA, with the exception of information to which the regulations on the protection of classified information apply.

Chapter 3
Powers of the officers of the Central Anti-Corruption Bureau

Art. 13

1. Within the limits of the tasks referred to in art. 2, the CBA officers perform:
 - 1) operational intelligence in order to prevent perpetration of criminal offences, to recognise and detect such offences, and – if there is a reasonable suspicion of a criminal offence – investigation activities to prosecute the perpetrators;
 - 2) control activities in order to disclose cases of corruption in public institutions and in local government authorities as well as the abuse of functions, and to disclose activities detrimental to the economic interest of the State;
 - 3) operational intelligence as well as analytical and informative activities in order to obtain and process information relevant to combating corruption in public institutions and in local government authorities as well as activities detrimental to the economic interest of the State.
2. The CBA also performs activities by order of the court or prosecutor within the scope set forth in the Act of 6 June 1997 – the Code of Criminal Procedure (Journal of Laws No. 89, item 555, as amended) and in the Act of June 1997 – the Executive Criminal Code (Journal of Laws No. 90, item 557, as amended).
3. Officers of the CBA perform activities falling within the competence of the CBA and within this scope they are vested with the procedural rights of the Police, resulting from the provisions of the Act of 6 June 1997 – the Code of Criminal Procedure.
4. In the course of the performance of the activities referred to in sections 1 and 2, officers of the CBA shall respect human dignity, observe and protect human rights irrespective of a person's nationality, origin, social situation, political, religious or ideological beliefs.

Art. 14

1. Officers of the CBA, while performing the activities set forth in art. 2, section 1, item 1, have the right to:
 - 1) issue orders to individuals to behave in a specific manner, within the limits necessary to perform the activities referred to in items 2-5;
 - 2) check a person's identity documents to establish their credentials;
 - 3) apprehend persons pursuant to procedures and circumstances specified in the provisions of the Code of Criminal Procedure;
 - 4) search persons and premises according to the procedure and under the circumstances specified in the provisions of the Code of Criminal Procedure;
 - 5) conduct a body search, examine the contents of luggage, stop vehicles and other means of transport as well as check the cargo in land, air and water means of transport in the event of a reasonable suspicion of a criminal or fiscal offence;
 - 6) observe and register, with the use of technical measures, the picture of events in public places and the sound accompanying such events in the course of performing operational intelligence undertaken pursuant to the Act;
 - 7) request indispensable assistance from the State institutions, government administration and local authorities as well as entrepreneurs carrying out activities within the scope of public

utility; the abovementioned institutions, agencies, and entrepreneurs shall provide assistance, within the scope of their activities, gratuitously under the provisions of the law in effect;

- 8) request indispensable assistance from entrepreneurs, organisational units, and social organisations other than those set forth in item 7, as well as ask any person for assistance, within the provisions of the law in force.
2. A detained person or a person subjected to search has the rights of, accordingly, a detained person or a person whose rights have been infringed, as set forth in the provisions of the Code of Criminal Procedure.
3. A person may be detained only if other measures have proven pointless or ineffective.
4. A detained person may be presented, photographed or fingerprinted only when their credentials cannot be established in a different manner.
5. In the event of a reasonable need, a detained person should undergo a medical examination or be provided with first aid.
6. The activities referred to in section 1, items 1 – 6 should be performed in a manner which in the least degree violates the personal rights of the person with respect to whom such activities were undertaken.
7. Against the manner of conducting activities referred to in section 1:
 - 1) items 1, 2, 5, 7 and 8, within 7 days of performing the activity,
 - 2) item 6, within 7 days of the date the entity learnt about the activities carried out against the entity;
- a claim may be filed with the prosecutor competent with respect to the place where the activities were conducted. The provisions of the Act of June 1997 – the Code of Criminal Procedure - pertaining to appeal proceedings apply to the complaint.
8. The materials resulting from the activities referred to in section 1.6, which do not confirm the perpetration of a criminal offence or a tax offence, are subject to an immediate destruction by protocol, in the presence of a commission. The Head of the CBA shall order the destruction of the materials.
9. The Prime Minister shall define, by way of ordinance, the procedure for medical examinations, referred to in section 5, of persons apprehended/detained by the officers of the CBA. The ordinance should specify the persons conducting the examinations, the organisation and place of the medical tests, as well as the circumstances justifying the need to provide such apprehended/detained person with first aid, taking into consideration the protection of the such person's health.
10. The Council of Ministers shall define, by way of ordinance, detailed terms of conducting and documenting of the activities referred to in section 1 items 1-6, taking into consideration the manner, adjusted to the situation, of carrying out the activities undertaken by the officers of the CBA within their statutory powers, and the officers` obligations in the course of performance thereof.
11. The Council of Ministers shall define, by way of ordinance, the detailed manner of carrying out the activities referred to in section 1 items 7 and 8, taking into account the obligations of an officer of the CBA who demands or requests assistance.

Art. 14a

1. Officers of the CBA have the right to escorting referred to in art. 4, section 2(a) of the Act of 24 May 2013 on measures of direct coercion and firearms (Journal of Laws, item 628, as amended), or convoy referred to in art. 4, section 3 of the abovementioned Act.
2. The officers of the CBA who escort or convoy have the right to issue orders to behave in a specific manner if it is necessary to ensure security of such escort or convoy.
3. To perform tasks within the scope of escorting and convoy the provisions of at. 15 are applied.

Art. 15

1. In the events referred to in art. 11 items 1-6 and 8-14 of the Act of 24 May 2013 on Measures of Direct Coercion and Firearms, an officer of the CBA may use measures of direct coercion referred to in art. 12, section 1, items 1-5, 7,11, item 12(a) and (d), items 13, 18 and 20 of this Act, as well as measures dedicated to surmount construction locks and other obstacles, with the exclusion of explosives, or make use of such measures.
2. In the events referred to in art. 45 item 1(a-c) and (e), items 2, 3 and 4(a), (b) and (c) indent 2, as well as in art. 47 item 2(a), items 3, 5, and 6 of the Act of 24 May 2013 on the Measures of Direct Coercion and Firearms, an officer of the CBA may use firearms or make use thereof.
3. Use and making use of direct coercion measures and firearms as well as evidencing such use and making use shall be carried out pursuant to terms set forth in the Act of 24 May 2013 on the Measures of Direct Coercion and Firearms.

Art. 16

(repealed)

Art. 17

1. In the course of operational intelligence undertaken by the CBA in order to identify, prevent, and detect criminal offences, as well as obtain and preserve evidence of:
 - 1) criminal offences referred to in art. 228 – 231, 250(a), 258, 286, 296-297, 299, 310 § 1, 2 and 4 of the Act of 6 June 1997 – the Criminal Code;
 - 2) fiscal offences referred to in art. 2 section 1 item 1(d), if the value of the object of the criminal offence or decrease in receivables under public law exceeds fifty times the amount of the minimum average remuneration for work determined pursuant to the provisions of the Act of 10 October 2002 on the minimum remuneration for work (Journal of Laws No. 200, item 1679, of 2004 No. 240, item 2407 and of 2005 No. 157, item 1314)
 - when other measures have proved ineffective or will be useless, the court, upon a written request submitted by the Head of the CBA, filed upon a written consent of the Public Prosecutor General, may, by way of decision, order operational control.
- 1a. The request referred to in section 1 shall be presented together with materials justifying the need for operation control.
2. The decision referred to in section 1 shall be issued by the Circuit Court in Warsaw.
3. In urgent cases, in danger of loss of information or obliteration or destruction of the evidence of such criminal offence, the Head of the CBA may order, upon obtaining the consent of the Public

Prosecutor General, operational control, simultaneously submitting a request to the court referred to in section 2 to issue a decision to this effect. The Court shall issue a decision within 5 days. Where the consent has not been obtained from the court, the Head of the CBA shall suspend the operational control and order an immediate destruction, by protocol and in the presence of a commission, of the evidence collected in the course of the control.

4. In the event operational control needs to be ordered in relation to a suspect or person accused in another case, information on the proceedings pending against such suspect or such person is included in the request submitted by the Head of the CBA, referred to in section 1.
5. Operational control is classified and includes:
 - 1) control of the contents of correspondence;
 - 2) control of the contents of parcels;
 - 3) application of technical measures which allow to obtain information and evidence implicitly and the record of such information and evidence, in particular of the content of telephone conversations and other information conveyed through telecommunications networks.
6. Operational control shall be documented in the form of a protocol to the extent related to the case.
7. The request submitted by the Head of the CBA, referred to in section 1, includes in particular:
 - 1) the case number and its cryptonym, if applicable;
 - 2) the description of the criminal offence and its legal qualification;
 - 3) the circumstances justifying the need to apply operational control, including the statement on ineffectiveness or uselessness of other measures;
 - 4) the individual's personal data or other data which allow to unequivocally define the entity or object against whom/which operational control shall be performed, including the location or the manner of performing such control;
 - 5) the aim, duration and the type of operational control.
8. Operational control shall be ordered for a period not exceeding 3 months. The court referred to in section 2 may, upon a written request submitted by the Head of the CBA, filed upon a written consent of the Public Prosecutor General, issue a decision on a one-time extension for a period not longer than subsequent 3 months if the grounds for ordering operational control have not ceased.
9. Under reasonable circumstances, where in the course of carrying out operational control new circumstances arise which are crucial to prevent or detect such criminal offence or to establish the perpetrator and obtain the evidence of such criminal offence, the court referred to in section 2, upon a written request submitted by the Head of the CBA, filed upon a written consent of the Public Prosecutor General, may issue a decision to continue operational control also after the expiry of the terms referred to in section 8.
10. The provisions of sections 1(a) and 7 apply accordingly to the requests referred to in sections 3, 8 and 9. Prior to the issuance of the decision referred to in sections 1, 3, 8 and 9, the court shall examine the materials substantiating the request, and in particular those gathered in the course of operational control ordered in this case.
11. The requests referred to in sections 1, 3, 8, and 9, are examined by the Court composed of one judge, while the activities of the Court related to the examination of the requests are performed pursuant to terms of conveying, storage and disclosure of classified information as well as pursuant to duly applied regulations issued under art. 181 § 2 of the Act of 6 June 1997 – the

- Code of Criminal Procedure. Exclusively the prosecutor and an officer of the CBA appointed by the Head of the CBA are entitled to participate in the court's session.
12. Entities carrying out telecommunications activities and entities entitled to perform postal activities shall ensure, at their own expense, technical and organisational terms to conduct operational control by the CBA.
 13. Operational control should be completed immediately after the cessation of the causes of the arrangement thereof, but not later than upon the expiry of the term for which it was arranged.
 14. The Head of the CBA shall notify the Public Prosecutor General of the results of operational control upon its termination, and on the Prosecutor's request also of the course of control, presenting the materials gathered.
 15. Where the evidence obtained allows to institute criminal proceedings or where it is relevant to pending criminal proceedings, the Head of the CBA shall submit all materials obtained in the course of operational control to the Public Prosecutor General. In proceedings before the court, with reference to such materials, art. 393 § 1 sentence one of the Act of 6 June 1997 – the Code of Criminal Procedure, applies accordingly.
 - 15a. The use of evidence obtained in the course of operational control shall be permitted solely in a criminal the procedure for a criminal or fiscal offence in relation to which such control by any competent entity is permitted.
 - 15b. The Public Prosecutor General shall take a decision on the scope and manner of application of the submitted materials. Art. 238 § 3-5 and art. 239 of the Act of 6 June 1997 – the Code of Criminal Procedure shall be applied respectively.
 - 15c. In the event of obtaining, in the course of operational control, evidence that a criminal or fiscal offence, in relation to which operational control may be ordered, has been perpetrated by a person in relation to whom operational control has been performed, other than referred to in the regulation on operational control, or perpetrated by another person, the decision to use such evidence in a criminal procedure is issued by the court, referred to in section 2, at the request of the Public Prosecutor General.
 - 15d. The request referred to in section 15c shall be submitted to the court by the Public Prosecutor General within one month of the date the Prosecutor receives the materials gathered in the course of operational control, submitted to him by the Head of the CBA without delay, not later than 2 months of the date of the control completion.
 - 15e. The court shall issue a decision referred to in section 15c within 14 days of the date of the request submission by the Public Prosecutor General.
 16. The materials gathered in the course of operational control which do not constitute information acknowledging the perpetration of such criminal offence, are subject to an immediate destruction by protocol in the presence of a commission. The destruction of such materials shall be ordered by the Head of the CBA.
 - 16a. The order and the execution the order relating to the destruction of the materials referred to in section 16 shall be communicated, without delay, to the Public Prosecutor General.
 17. The Head of the CBA may submit a complaint against the court's decision on operational control, referred to in sections 1, 3, 8, and 9. The provisions of the Code of Criminal Procedure apply to the complaint, accordingly.
 18. The Prime Minister shall define, by way of ordinance, the manner of operational control documentation as well as the storage and conveying of requests and regulations, and the storage, conveying, processing and destroying of the materials obtained in the course of such

control, taking into consideration the need to ensure the classified nature of undertaken activities and obtained materials, and the templates of the documents and registers used.

Art. 18

1. The obligation to obtain the consent of the court referred to in art. 17, does not refer to information indispensable for the performance of the CBA`s tasks stipulated in art. 2, in the form of the data:
 - 1) referred to in art. 180c and 180d of the Act of 16 July 2004 – Telecommunications Law (Journal of Laws of 2004, item 243, 827, and 1198) hereinafter referred to as “telecommunications data”;
 - 1) (repealed);
 - 2) identifying the entity using postal services and concerning the fact, circumstances of rendering postal services or the use of these services.
2. The entity performing telecommunications activities or the entity entitled to perform postal activities shall gratuitously provide the data, set forth in section 1, upon:
 - 1) a written request submitted by the Head of the CBA or a person authorised by the Head of the CBA;
 - 2) an oral demand by an officer of the CBA who holds a written authorisation issued by the Head of the CBA or by a person authorised thereby;
 - 3) through a telecommunications agency, to the officer of the CBA who holds a written authorisation issued by the persons referred to in section 1.
3. In the event referred to in section 2 item 3, rendering access to telecommunications data shall take place without the participation of the employees of the entity conducting the telecommunications activity or with the indispensable assistance thereof if the agreement concluded between the Head of the CBA and the entity provides such an option.
4. Disclosure of the data set forth in section 1 to the CBA may occur through the telecommunications network if:
 - 1) the network provides:
 - a) the possibility to identify the officer of the CBA, who obtains such data, the type of such data and the time of obtaining such data;
 - b) technical and organisational protection preventing an unauthorised access to such data;
 - 2) it is substantiated by the specific nature or the scope of tasks performed by the organisational units of the CBA or by activities performed thereby.

Art. 19

1. In cases concerning criminal offences set forth in art. 17 section 1, operational intelligence aiming to check previously obtained, credible information on a criminal offence and to detect perpetrators and obtain evidence may involve a secret purchase or seizure of objects being proceeds of crime, which are subject to forfeiture, or objects the manufacturing, possession, transportation of or trading in which is prohibited, and may also include acceptance or giving of a financial advantage.

2. The Head of the CBA may order, for a specified period of time, the activities set forth in section 1, upon a written consent of the Public Prosecutor General, whom he notifies on an on-going basis about the current course of such activities and results thereof.
- 2a. Prior to issuing the written consent, the Public Prosecutor General shall examine the materials substantiating the need to conduct the activities referred to section 1.
3. The activities specified in section 1 may comprise the submission of a proposal of purchase, sale or seizure of objects being proceeds of crime, which are subject to forfeiture, or objects the manufacturing, possession, transportation of or trading in which is prohibited, and may also include the proposal of acceptance or giving of a financial advantage.
4. The activities set forth in section 1 shall not involve managing activities having the features of an act prohibited under penalty.
5. In the event of confirmation of information about a criminal offence set forth in art.2 section 1, item 1, the Head of the CBA shall deliver to the Public Prosecutor General the materials obtained as a result of such activities. In the course of the proceedings before the court, with respect to such materials, the provisions of art. 393 § 1 sentence one of the Act of 6 June 1997 – The Code of Criminal Procedure apply accordingly.
6. The Prime Minister shall define, by way of ordinance, the manner of carrying out and documenting of the activities referred to in section 1. Taking the classified nature of the activities into consideration, the ordinance shall specify the manner of the storage, conveying and destruction of the materials and documents obtained or created in connection with activities referred to in section 1, as well as provide the templates of the documents and registers used.

Art. 20

In the course of performing the activities referred to in art. 19, operational control may be used pursuant to principles set forth in art. 17.

Art. 21

A person who is authorised to perform and performs activities set forth in art. 19 section 1 does not perpetrate a criminal offence if the terms set forth in art. 19 item 3 have been observed.

Art. 22

1. Within the scope of its competence, the CBA may obtain information, including classified information, gather, verify and process information.
2. (repealed)
3. (repealed)
4. (repealed)
5. (repealed)
6. (repealed)
7. (repealed)
8. (expired)
9. (expired)
10. (expired)

Art. 22a

1. Within the limits referred to in art. 2 section 1, the CBA may process personal data, including the data specified in art. 27 section 1 of the Act of 29 August 1997 on Personal Data Protection (Journal of Laws of 2014, item 1182) without the knowledge or consent of the person to whom such data refer.
2. Within the scope referred to in section 1, the CBA may gratuitously obtain such data from data collections, including personal data collections, kept by the bodies of state or public authority or organisational units of local governments.
3. Save as otherwise provided in separate acts, data collection administrators referred to in section 2, shall make the data available to the CBA upon a written request issued by the Head of the CBA or a person authorised by the Head.
4. The request shall indicate:
 - 1) the designation of the case;
 - 2) the data collection from which the data are to be disclosed;
 - 3) the data which are to be disclosed.
5. The data collection administrators, referred to in section 2, may conclude a written agreement with the Head of the CBA on disclosure of information gathered in such collections to the organisational units of the CBA, by teletransmission, without a prior written request submitted in each case if the units fulfil jointly the following conditions:
 - 1) possess an equipment which allows to make the following records in the system: who, when and for what purpose obtained the data;
 - 2) have technical and organisational safeguards to prevent the use of data contrary to the purpose of obtaining thereof;
 - 3) the specific nature or the scope of the tasks performed by the organisational units justifies such disclosure.
6. The provisions of sections 2-5 apply, accordingly, to personal data and other information obtained as a result of performing operational and operational intelligence activities by authorised agencies, services and state institutions.
7. The entities referred to in section 6 may refuse to deliver information to the CBA or to limit its extent if it might prevent such entities from performing their statutory tasks or result in the disclosure of data on a person who is not an officer of such entity and who renders assistance to such entities.
8. The CBA shall process personal data within the time limit in which they are indispensable for the accomplishment of the CBA's statutory tasks. At least once in 5 years, the CBA shall verify the need for further data processing, removing the data which are redundant.
9. Following the verification, redundant data shall be removed without delay by a commission established by the Head of the CBA. A report shall be drawn up on the activity of the commission containing, in particular, the list of the documents destroyed or the IT carriers containing the data, as well as the manner in which they were destroyed.
10. Personal data revealing the race or ethnical origin, political views, religious or philosophical beliefs, religious, party or union affiliation as well as the data on the state of health, addictions or sexual life of persons suspected of perpetrating a criminal offence, who have not been convicted for such offences, are subject to destruction by protocol in the presence of a commission immediately after the relevant court decision becomes final.

Art. 22b

1. The supervision over the compliance of the processed personal data, gathered by the CBA, with the provisions of the Act and the regulations on personal data protection is performed by a representative authorised to control personal data processed by the CBA, hereinafter referred to as a “representative”.
2. The representative has the rights and duties of an administrator of the information security referred to in art. 36 section 3 of the Act of 29 August 1997 on Personal Data Protection.
3. The Head of the CBA shall appoint the representative from among the officers of the CBA. The removal from service, except for the cases referred to in art. 64 section 1 items 1, 4, 5, and 6 or the removal of the representative from the function is subject to the consent of the Prime Minister, after consulting the Parliamentary Committee for Special Services.
4. In order to perform supervision, the representative shall conduct a reliable, objective and independent control over the regularity of data processing, in particular of their storage, verification and removal.
5. The representative shall be entitled to, in particular:
 - 1) an insight into all and any documents relating to the control performed;
 - 2) a free access to the premises and facilities of the organisational unit of the CBA under control;
 - 3) written explanations obtained at his request.
6. The manager of the organisational unit of the CBA, to whom the representative submitted a written order to remove the irregularities, shall notify the Head of the CBA, within 7 days of the order issuance, of the execution or the reason of non-execution of the order.
7. In the event of the breach of the provisions of the Act and the provisions on personal data protection, the representative shall undertake activities aiming to explain the circumstances of the breach, notifying the Prime Minister and the Head of the CBA, without delay.
8. Each year, by 31 March, the representative shall present to the Prime Minister, the Parliamentary Committee for Special Services and the Inspector General for Personal Data Protection, through the Head of the CBA, a report on the previous calendar year, in which he specifies the condition of personal data protection in the CBA and all cases of breach within this scope.

Art. 23

1. Where necessary for the effective prevention of criminal offences referred to in art. 2 section 1 item 1, or for the detection of the offences or establishment of the perpetrators and obtaining evidence, as well as in order to verify the veracity of asset declarations referred to in art. 2 section 1 item 5, within the scope of its competence, the CBA may use the information, constituting a bank secret, processed by banks, and information concerning agreements on securities accounts, agreements on money accounts, insurance agreements or other agreements concerning trading in financial instruments, and in particular the personal data of persons who concluded such contracts, processed by the authorised entities.
2. The provisions of section 1 apply, accordingly, to:
 - 1) saving and credit cooperative financial institutions;

- 2) entities performing their activities under the Commodity Exchange Act of 26 October 2000 (Journal of Laws of 2014, item 197);
 - 3) entities performing insurance activities;
 - 4) investment funds;
 - 5) entities performing their activities in the scope of trading in securities and other financial instruments under the Act of 29 July 2005 on Trading in Financial Instruments.
3. The information and data referred to in section 1, as well as information relating to conveying such information and data are subject to the protection stipulated in provisions on the protection of classified information and may be disclosed exclusively to officers who carry out activities in a given matter, and to their supervisors, authorised to control operational intelligence conducted thereby. Moreover, files containing such information and data are provided exclusively to courts and public prosecutors provided it is done for the purpose of criminal prosecution.
 4. Access to the information and data referred to in section 1 shall be provided pursuant to a decision issued by the Circuit Court in Warsaw, upon a written request of the Head of the CBA.
 5. The request referred to in section 4 shall contain:
 - 1) the case number and its cryptonym, if applicable;
 - 2) the description of the criminal offence and its legal qualification;
 - 3) the circumstances justifying the need to disclose the information and data;
 - 4) the indication of the entity to which the information and data refer;
 - 5) the entity obliged to disclose the information and data;
 - 6) the type and scope of information and data.
 6. Upon the examination of the request, the Court, by way of decision, shall express its consent to grant access to information and data of the indicated entity, specifying their type, scope and the entity obliged to grant the access, or shall refuse to grant a consent to disclose the information and data. The provisions of art. 17 section 11 apply accordingly.
 7. The Head of the CBA shall have the right to submit a complaint against the decision of the Court, referred to section 6.
 8. In the event the Court grants access to information, the Head of the CBA shall notify, in writing, the entity obliged to provide access to the information and data about the type and scope of the information and data which are to be disclosed, the entity to which the information and data relate as well as about the officer of the CBA authorised to collect the information and data.
 9. Within 120 days of the date of conveying the information and data referred to in section 1, the CBA, without prejudice to sections 10 and 11, shall notify the entity referred to in section 5 item 4, of the Court's decision to grant access to the information and data.
 10. The Court, upon request of the Head of the CBA lodged after obtaining a written consent of the Public Prosecutor General, may defer, by way of decision, for a fixed period, with a possibility of further extension, the obligation referred to in section 9 if it is substantiated that notifying the entity referred to in section 5 item 4, may be detrimental to the results of the operational intelligence undertaken. The provisions of art. 17 section 11 apply accordingly.
 11. Where in the period referred to in section 9 or 10 pre-trial proceedings were initiated, the entity indicated in section 5 item 4 is notified of the decision of the Court to grant access to information and data by the prosecutor or, upon his instructions, by the CBA prior to the closing of such pre-trial proceedings or immediately after their discontinuation.

12. In the event the information and data referred to in section 1 have not provided the grounds for initiating pre-trial proceedings, the body requesting to issue a decision immediately notifies, in writing, the entity which conveyed the information and data.
13. The materials gathered according to the procedure referred to in sections 1-10, which do not constitute information acknowledging the perpetration of a criminal offence, are subject to immediate destruction by protocol, in the presence of a commission. The Head of the CBA orders the destruction of such materials.
14. The State Treasury is liable for damage caused by the breach of provisions set out in section 3, pursuant to the Act of 23 April 1964 – the Civil Code (Journal of Laws of 2014, items 121 and 827).
15. The Prime Minister shall define, by way of ordinance, the manner of personal data and information processing referred to in section 1, in data collections, the types of organisational units of the CBA authorised to use such collections, and the templates of documents required in the course of data processing, taking into consideration the need to protect the data against unauthorised access.

Art. 24

1. In connection with the performance of its tasks, the CBA shall ensure the protection of measures, forms, and methods of accomplishment of tasks, collected information, its own premises, and the data identifying officers of the CBA.
2. In the course of operational intelligence, an officer of the CBA may use documents, which preclude his identification, as well as the measures which he used in the course of performing the service tasks.
3. Persons providing assistance to the CBA in the course of operational intelligence may use the documents referred to in section 2.
4. A criminal offence is not perpetrated by:
 - 1) a person who orders or manages the preparation of the documents referred to in section 2;
 - 2) a person who prepares the documents referred to in section 2;
 - 3) a person who provides assistance in the preparation of the documents referred to in section 2;
 - 4) an officer of the CBA or a person indicated in section 3 who in the course of operational intelligence uses the documents referred to in section 2.
5. The Prime Minister shall define, by way of ordinance, the detailed procedure for issuance and storage of the documents referred to in sections 2 and 3, as well as of using the documents, taking into consideration the requirements on protection of classified information.

Art. 25

1. In the course of performing its tasks, the CBA may seek assistance of persons other than the CBA officers. Without prejudice to section 2, disclosure of the data of the person who provides assistance to the CBA in the course of intelligence shall be prohibited.
2. The disclosure of the data of the person referred to in section 1 may occur exclusively under the circumstances stipulated in art. 28.

3. The persons referred to in section 1 may be compensated for their assistance from the operational fund.
4. Where in the course of or in connection with the assistance provided to the CBA by other persons referred to in section 1 such persons lose their life or suffer deterioration in health or damage to property, such persons or their heirs are entitled to damages pursuant to the Civil Code.
5. The Prime Minister shall define, by way of ordinance, the terms of and the procedures for awarding damages under the circumstances referred to in section 4 as well as the types and amount of damages due in the event of such loss of life or suffering deterioration in health or damage to property in the course of or in connection with the assistance provided to the CBA, taking into consideration the specific nature of the assistance provided as well as the scope of tasks completed.

Art. 26

1. In the course of performing its tasks, the CBA shall not seek secret cooperation with:
 - 1) deputies or senators;
 - 2) state senior staff referred to in art. 2 of the Act of 31 July 1981 on Remuneration of State Sector Senior Staff (the Journal of Laws of 2011 No. 79, item 430 and No. 112, item 654);
 - 3) directors general in ministries, central institutions or voivodeship offices;
 - 4) judges, prosecutors and advocates;
 - 5) members of the supervisory board, members of the management board or programme directors of "Telewizja Polska – Spółka Akcyjna" (Polish Television) and "Polskie Radio – Spółka Akcyjna" (Polish Radio) as well as the directors of local branches of "Telewizja Polska - Spółka Akcyjna";
 - 6) the director general, directors of offices and managers of regional divisions of "Polska Agencja Prasowa – Spółka Akcyjna" (Polish Press Agency);
 - 7) broadcasters within the meaning of art. 4, item 1 of the Radio and Television Broadcasting Act of 29 December 1992 (Journal of Laws of 2004 No. 43, item 226, as amended);
 - 8) editors-in-chief, journalists or persons carrying out publishing activity referred to in the Act of 26 January 1984 – Press Law (Journal of Laws No. 5, item 24, as amended);
 - 9) rectors, pro-rectors and managers of basic organisational units of public and non-public colleges and universities;
 - 10) members of the General Council of Higher Education, the Polish Accreditation Committee and the Central Committee for Degrees and Titles.
2. In order to perform the tasks of the CBA, the Head of the CBA may grant consent to seek secret cooperation with such persons referred to in section 1 items 7 and 8 if such cooperation is reasonable due to national security, upon the consent of the Prime Minister.
3. In the event of a minister to co-ordinate the activities of special services is appointed, the Head of the CBA shall issue a consent referred to in section 2, upon the consent of such minister.

Art. 27

The Head of the CBA shall define, by way of ordinance, circulation of information in the CBA, including classified information.

Art. 28

1. The Head of the CBA may permit officers and employees of the CBA as well as former officers and employees, after the termination of their service or employment relationship with the CBA, as well as persons who provide assistance thereto in the course of operational intelligence, to provide classified information to a specified person or institution.
2. The permission referred to in section 1 shall not relate to providing information on:
 - 1) a person, if the information has been obtained as a result of operational intelligence conducted by the CBA or other bodies, services or state institutions;
 - 2) detailed forms and principles of conducting operational intelligence as well as measures and methods used in connection therewith;
 - 3) a person providing assistance to the CBA, referred to in art. 25.
3. The prohibition referred to in section 2 shall not apply in the event of a request submitted by a prosecutor or court in order to prosecute a criminal offence resulting in the death of a person, deterioration in health or damage to property.
4. The prohibition referred to in section 2 shall not apply also in the event of a request, substantiated by a suspicion of a criminal offence, pursuant to public prosecution, submitted by a prosecutor or court, which has been perpetrated in connection with operational intelligence.
5. In the event of a refusal to release an officer, employee or person providing assistance in the course of operational intelligence, from the obligation to maintain information classified as "secret" or "top secret" in confidence, or refusal to grant access to documents or materials constituting information classified as "secret" or "top secret", despite the prosecutor's or court's request submitted in connection with the criminal proceeding concerning crimes against peace, humanity and war crimes, or misdemeanour against human life or health if it resulted in a person's death, the Head of the CBA shall present the requested documents and materials as well as the explanation to the First President of the Supreme Court. If the First President of the Supreme Court determines that taking the prosecutor's or the court's request into consideration is essential for the correctness of criminal proceedings, the Head of the CBA shall release from the obligation to maintain the information in confidence or to grant access to classified documents and materials.

Art. 29

1. The Heads of: the CBA, the Internal Security Agency, the Military Counterintelligence Service and the Commander in Chief of the Police, the Commander in Chief of the Border Guard, the Commanding Officer of the Military Gendarmerie, the General Inspector of Treasury Control, the Head of the Customs Service and the General Inspector of Financial Information shall co-operate, within the scope of their competence, in the field of combating corruption in state institutions, local governments and in public and economic life, as well as activities detrimental to the economic interest of the State.
2. The Head of the CBA shall co-ordinate operational intelligence, informative and analytical activities undertaken by the bodies referred to in section 1, where they may have an impact on the performance of the tasks of the CBA referred to in art. 2 sections 1 and 2.
3. The Prime Minister shall define, by way of ordinance, the terms and scope of as well as the procedures for:

- 1) co-operation within the scope referred to in section 1,
 - 2) co-ordination referred to in section 2
- bearing in mind ensuring efficiency and effectiveness of proceedings, as well as requirements concerning the protection of classified information constituting the state secret.

Art. 30

1. The internal security service of the CBA shall ensure security of the CBA's equipment, areas and premises as well as persons remaining on the premises thereof.
2. Officers of the CBA performing their tasks within the scope of security, within protected areas and premises, shall have the right to:
 - 1) confirm the right to remain in the protected areas or on premises and to check the identity documents of persons in order to identify them;
 - 2) request to leave the site or the premises where a person is not authorised to remain in the protected area or on the premises or in the event of disturbance;
 - 2a) use or apply measures of direct coercion and firearms;
 - 3) apprehend persons who, in an apparent way, pose a direct risk to human life and health as well as to the property secured, in order to immediately hand the persons over to the Police.
- 2a. Provisions of art. 15 apply to the use or application of measures of direct coercion and firearms referred to in section 2, item 2a.
3. The Head of the CBA may vest the performance of the protection referred to in section 1 in a specialised armed security formation.

Chapter 4

Control activities carried out by the officers of the Central Anti-Corruption Bureau

Art. 31

1. The control activities referred to in art. 13 section 1 item 2 consist in verification of compliance by persons performing public functions with the provisions of:
 - 1) the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions;
 - 2) other laws implementing restrictions on undertaking and conduct of business activities by persons performing public functions.
2. Control activities also involve examination and control of procedures specified by law concerning undertaking of and carrying out decisions within the scope of: privatisation and commercialisation, financial support, public procurement awards, disposal of state or public utility property as well as granting licenses, permits, personal and transaction exemptions, allowances, preferences, quotas, ceilings, sureties and credit guarantees.
3. Within the scope referred to in sections 1 and 2, control applies to persons performing public functions, units of the public finance sector within the meaning of the provisions on public finance, units not included in the public finance sector which receive public funds, as well as to entrepreneurs.

Art. 32

1. The CBA shall carry out control activities pursuant to annual control schedules approved by the Head of the CBA.
2. The CBA may conduct ad hoc control activities pursuant to regulations issued by the Head of the CBA.

Art. 33

1. Control shall be exercised in compliance with the control schedule approved by the Head of the CBA or a person authorised to act in his name.
2. Control shall be exercised by the CBA officers on the grounds of an official identity card and a personal authorisation issued by the Head of the CBA or a person authorised to act on his behalf.
3. Control shall be completed within 3 months, and in the event it refers to an entrepreneur – within 2 months.
4. Under particularly reasonable circumstances, such control period may be extended by a further specified period indicated by the Head of the CBA, however, not exceeding 6 months.
5. Where the circumstances justify an immediate control, in particular where the risk of loss of evidence occurs, control may be initiated after the presentation of the officer's official identity card to the person under control or to a person authorised thereby, or to a person performing a public function.
6. In the event referred to in section 5, the person under control or the person authorised thereby, as well as a person performing a public function shall be immediately, but not later than within 3 days of the date of the initiation of control, served with an authorisation to initiate control. Documents referring to control activities performed with a breach of such obligation shall not constitute evidence in control procedures.
7. The authorisation form to carry out control shall contain:
 - 1) the name and surname as well as the number of the official identity card of the officer who conducts control;
 - 2) the indication of the entity under control and the date of such control completion;
 - 3) the detailed scope of such control;
 - 4) an instruction on the rights and obligations of the person/entity under control.
8. The Prime Minister shall define, by way of ordinance, the template of the authorisation form to carry out control, the body issuing the authorisation and the substantive scope of the authorisation, taking into consideration the unification of information contained in the authorisation form.

Art. 34

1. The officer who conducts control shall be excluded from participation in control upon request or ex officio if such control results may concern their rights and obligations or the rights and obligations of their spouse or cohabitant, relatives and in-laws to the second degree or persons related thereto due to adoption, custody or legal guardianship. The reasons for exemption persist despite the termination of marriage, cohabitation, adoption, custody or legal guardianship.

2. The officer who conducts control shall also be excluded in the event of occurrence, in the course of control, of circumstances that may result in reasonable doubts as to their impartiality.
3. The Head of the CBA shall take the decision on exclusion; the decision shall be final.
4. The Head of the CBA may, upon request or ex officio, exclude all officers of an organisational unit of the CBA from control procedures if the results of such control could have an impact on the rights and obligations of the head or the deputy head of that unit or persons close thereto referred to in section 1; in the event of such exclusion, the Head of the CBA shall indicate officers from outside of this organisational unit to conduct such control procedures.
5. Until the decision referred to in section 3 is issued, such officer exclusively performs urgent activities.

Art. 35

1. Control shall be conducted in the main seat of the body, organisational unit or organisational unit, during the time of performance of their tasks as well as after working hours and on holidays upon the consent of the person/entity under control or a person authorised thereby.
2. Control or particular activities thereof may also be conducted in an organisational unit of the CBA.

Art. 36

1. Without prejudice to the provisions on the protection of classified information, an officer conducting control shall be allowed to freely move around the premises of the unit under control, without an obligation to obtain a pass, and shall be exempt from personal inspection if it is provided for in the internal regulations of the unit under control.
2. Without prejudice to the provisions on the protection of classified information, the person/entity under control or a person authorised thereby shall provide the officer conducting control with conditions and measures necessary to conduct control efficiently, in particular, by immediate presentation of the documents and materials requested for control as well as providing verbal and written explanations by the employees of the unit.
3. Control or the individual activities there of conducted on the premises under management of the Chancellery of the Sejm and the Chancellery of the Senate may be carried out in consultation with, accordingly, the Speaker of the Sejm of the Republic of Poland or the Speaker of the Senate of the Republic of Poland. The arrangements shall be made by the Prime Minister and, in the absence of such arrangement, the activity shall not be conducted.

Art. 37

1. The officer conducting control shall establish the findings on the grounds of evidence gathered in the course of control.
2. The evidence means in particular: documents, objects, results of inspection, expert opinions as well as explanations and statements.
3. The person/entity under control or a person authorised thereby shall provide access to the documents in order to prepare copies, photocopies or excerpts as well as statements and calculations based on the documents.

4. True copies, photocopies and excerpts as well as statements and calculations shall be certified by the person/entity under control or a person authorised thereby.
5. The officer conducting control activities appropriately secures the evidence collected in the course of control activities, if required, by:
 - 1) delivering them for safekeeping by the person/entity under control or a person authorised by the person/entity under control with acknowledgement of receipt;
 - 2) storing them at the unit under control in a separate, closed and sealed room;
 - 3) collecting from the unit under control, with acknowledgement of receipt.
6. The decision on the release of evidence from security shall be taken by the officer conducting control, and in the event of his/her refusal – by the head of the relevant organisational unit of the CBA.

Art. 38

1. The officer conducting control shall collect objects in the presence of the person/entity under control or a person authorised thereby, and in their absence – an employee indicated by the person/entity under control or a person authorised the person under control. The object collected shall be marked in a manner which precludes its exchange.
2. The officer conducting control and the person participating in the collection of objects shall sign a protocol drafted on the collection of objects.

Art. 39

1. Where the condition of the objects or other assets needs to be determined, the controlling officer may carry out inspection.
 - 1a. The person under control to whom inspection refers shall be notified, prior to the commencement of such activities, on the purpose of the inspection, and requested to present the specified objects.
 2. Inspection shall be conducted in the presence of the person/entity under control or a person authorised thereby, and in the event of their absence – in the presence of an employee indicated by the person under control or a person authorised thereby.
 - 2a. Inspection shall be carried out in accordance with its purpose, in moderation and respecting the dignity of the persons subjected to such activity, as well as without causing unnecessary damage or distress.
 3. A report on the course and outcome of inspection shall be drawn up without delay and signed by the officer conducting control and the person specified in section 2.
 - 3a. Such inspection report shall contain the indication of the case to which the inspection refers, the venue, the dates and the time of the activity commencement and completion, the participants, the objects under inspection and their description, statements and conclusions made by the participants. The provisions of art. 148 § 2 sentence 2, and § 4 of the Act of 6 June 1997 – the Code of Criminal Procedure apply.
4. Moreover, the course and the outcome of inspection may also be recorded by means of:
 - 1) a transcript; a transcript shall be converted into an ordinary piece of writing, providing the stenographic system used, and enclosing the original stenographic record to the report;

- 2) an equipment recording images or sound; the recorded image or sound constitutes an enclosure to the report.
5. The data received as a result of such inspection shall constitute a legally protected secret and shall be subject to protection provided for information classified as “restricted”, as defined in the provisions on classified information.
6. In the event of redundancy of the data possessed for the needs of the proceedings which constituted the grounds for obtaining the data, the Head of the CBA or a person authorised thereby shall demand, without delay, to destruct the data in the presence of a commission, drawing up a report.
7. Art. 207 § 2 of the Act of 6 June 1997 – the Code of Criminal Procedure shall be applied accordingly.

Art. 40 (repealed)

Art. 41

1. The officer conducting control may demand from the unit under control or a person performing a public function to provide, on a date and in a location determined by the officer, verbal and written explanations concerning the subject of control. A protocol of the verbal explanations shall be drawn up, which shall be signed by the officer conducting control and the person providing the explanations.
2. Refusal to provide explanations may occur exclusively where the explanations refer to:
 - 1) a secret protected by law;
 - 2) facts and circumstances the disclosure of which might expose the person requested to provide explanations to criminal or financial liability, as well as his/her spouse or cohabitant, relatives, and in-laws to the second degree or persons related thereto due to adoption, custody or legal guardianship.
3. The right to refuse explanations in the events referred to in section 2 item 2 persists despite the termination of marriage, cohabitation, adoption, custody or guardianship.
4. The person providing explanations may avoid replying to questions under the circumstances referred to in sections 2 and 3.

Art. 42

1. Each person may submit a verbal or written representation concerning the subject of control to an officer conducting control.
2. An officer conducting control shall not refuse to accept such representation where it relates to the subject of control.

Art. 43

1. If in the course of control the examination of particular issues requiring specific knowledge is necessary, the head of the relevant organisational unit of the CBA, on their own initiative or upon request of the officer conducting control, shall appoint an expert.
2. The subject matter, the scope and the date of the opinion shall be specified in the decision on the appointment of the expert.
3. As a result of such examination, such expert shall prepare a detailed report containing the description of the tests conducted together with the opinion issued on the basis of the tests.

4. If in the course of control there occurs a need to conduct specific research activities by the officer conducting control with the participation of such expert in a particular area of knowledge or practice, the officer conducting control may, by way of decision, appoint such expert to participate in such activities, specifying the subject matter and the period of such expert's activity.
5. Such expert/specialist shall act pursuant to the decision on the appointment thereof.
6. The person/entity under control or a person authorised thereby or a person performing a public function may submit, through the officer conducting control, a request to the head of the relevant organisational unit of the CBA, to exempt such appointed expert or specialist from the proceedings due to the reasons set forth in art. 34 sections 1 and 2.

Art. 44

1. The officer carrying out control shall present the results of control in a control protocol.
2. The control protocol shall contain the description of the actual state of facts found in the course of control as well as an assessment of the found irregularities, taking into consideration the reasons of the occurrence, scope and effects of such irregularities as well as persons responsible for such irregularities.

Art. 45

1. The officer conducting control and the person/entity under control or a person authorised thereby shall sign the control protocol.
2. In the event referred to in art. 2 section 1 item 5, the control protocol shall be signed by the officer conducting control and the person performing a public function.
3. The person/entity under control or a person authorised thereby or the person referred to in section 2, shall be entitled to submit, prior to signing the control protocol, reasonable reservations pertaining to the findings contained in the protocol.
4. Such reservations shall be submitted to the Head of the CBA in writing within 7 days of the date of the receipt of the control protocol.
5. In the event of submission of the reservations referred to in sections 3 and 4, the Head of the CBA shall analyse them and order additional control activities, if necessary, and where such reservations are well founded, order to amend or supplement the respective part of the control protocol.
6. In the event of the rejection of such reservations in whole or in part, the Head of the CBA shall provide his decision in writing to the person submitting such reservations.
7. The person/entity under control or a person authorised thereby or the person referred to in section 2 may refuse to sign the control protocol, submitting an explanation for the refusal in writing within 7 days of the receipt of the protocol.
8. If reservations are submitted, the time limit for delivery of an explanation on the refusal to sign the protocol shall run from the date of the receipt of the decision of the Head of the CBA concerning the examination of such reservations.
9. The officer conducting control shall make a note in the protocol on the refusal to sign the control protocol and to submit explanations.

10. The refusal to sign the protocol by the person referred to in sections 1 and 2 shall not prevent the officer conducting control from signing the protocol and implementing the findings of the control.

Art. 46

1. After the control protocol is drawn up, taking into consideration the time limits referred to in art. 45 sections 4 and 7, the head of the respective organisational unit of the CBA may submit:
 - 1) a request:
 - a) to remove from the position held or dissolve the relationship of employment without notice due to the employee's non-compliance with the provisions of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions as well as other laws imposing limitations on undertaking and conduct of business activities by persons performing public functions,
 - b) to initiate disciplinary procedures in the situations referred to in item (a);
 - 2) a request to the person/entity under control or the body supervising its activity to find, within the organisational unit, the occurrence of infringements of:
 - a) the provisions of the Act on Restriction on Conduct of Business Activities by Persons Performing Public Functions and the provisions of other laws imposing limitations on undertaking and conduct of business activities by persons performing public functions,
 - b) the provisions of the law relating to procedures on taking and implementing decisions referred to in art. 31 item 2.
 - 3) information to the Supreme Audit Office or other competent audit authorities if the need to carry out control in a wider scope occurs.
2. On the basis of the control protocol, in the event of a reasonable suspicion of a criminal offence referred to in art. 2 section 1 item 1, the CBA shall institute and conduct pre-trial procedures.
3. Under the circumstances referred to in art. 309 item 2 of the Act of 6 June 1997 – the Code of Criminal Procedure, if the circumstances prescribed in section 2 occur, the materials gathered in the course of control procedures together with the request to institute pre-trial proceedings shall be submitted by the Head of the CBA to the Public Prosecutor General.
4. In the event of disclosure of acts other than those referred to in section 2, for which statutory disciplinary or criminal liability is envisaged, the CBA shall notify competent authorities.
5. Such authorities and heads of organisational units, to whom motions, reports, requests, information and notifications were submitted, shall notify the CBA about the manner and scope of the use thereof.

Art. 46a

The provisions of chapter 5 of the Act of 2 July 2004 on Freedom of Business Activities (Journal of Laws of 2013, item 672, as amended) shall apply to control entrepreneurs' business activities.

Art. 47

The Council of Ministers shall define, by way of ordinance, the procedures for and detailed terms of preparation and conduct of control activities, evidencing particular control activities, drawing up

control protocols as well as post-control reports and requests by the officers of the CBA, taking into consideration the possibility of submitting reservations and refusal to sign a protocol as well as templates of documents required in the course of control activities.

Chapter 5

Service of officers of the Central Anti-Corruption Bureau

Art. 48

Service in the CBA may be performed by a person who:

- 1) has exclusively Polish citizenship;
- 2) fully exercises public rights;
- 3) demonstrates impeccable moral, civil and patriotic attitude;
- 4) has not been convicted of an intentional criminal offence, prosecuted pursuant to public prosecution, or of a fiscal offence;
- 5) satisfies the requirements set forth in the regulations on the protection of classified information;
- 6) has completed at least secondary education, has required professional qualifications, and has medical capacity for service;
- 7) has not performed professional service, worked for or co-operated with the State security services mentioned in art. 5 of the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Criminal Offences against the Polish Nation.

Art. 49

1. The candidates' medical capacity for service in the CBA, and the medical clearance of the officers of the CBA shall be conducted by medical commissions accountable to the minister in charge of internal affairs.
2. The Prime Minister shall define, by way of ordinance, the terms of medical clearance to serve in the CBA, taking into consideration the manner of the clearance, the register of diseases and disabilities as well as the categories of medical capacity for service in the CBA.

Art. 50

1. A candidate's acceptance to serve in the CBA shall take place after completion of the recruitment process, which comprises:
 - 1) submission of a service application, a personal questionnaire, as well as documents confirming the required education, professional qualifications and containing data on previous employment;
 - 2) an interview;
 - 3) security clearance, prescribed in the provisions on the protection of classified information;
 - 4) medical clearance to serve in the CBA.
2. A candidate applying for service in the CBA in a position requiring specific skills or qualifications may be subject to a recruitment process extended by activities intended to check the candidate's suitability for such position, including a polygraph test.

3. The qualification process for officers or former officers of the Internal Security Agency, the Police and the Border Guard may be limited to the activities set forth in section 1 items 1 and 2.
4. The Prime Minister shall define, by way of ordinance, the template of the personal questionnaire as well as detailed procedures for conducting the recruitment process for candidates to serve in the CBA, taking into consideration the activities required to issue a decision with respect to the person applying for service in the CBA.

Art. 51

1. Prior to service commencement, an officer of the CBA, hereinafter referred to as an "officer", shall take an oath worded as follows:
"I, a Citizen of the Republic of Poland, swear: to serve the Nation faithfully, to observe the law diligently, to remain faithful to the constitutional authorities of the Republic of Poland, to perform the duties of an officer of the CBA diligently and impartially, even risking my life, and also to protect the honour, dignity, and good name of the service as well as to observe professional discipline and the principles of professional ethics."
The oath may be taken with the addition of the sentence "So help me God".
2. The Head of the CBA shall define, by way of ordinance, the ceremony of taking such oath.

Art. 52

1. An official relationship of an officer shall arise by way of appointment, referred to in art. 6 section 1 or 4, by way of entrusting duties under art. 9 or by way of nomination through a service application.
2. The commencement of the service of an officer shall be counted from the date set forth in the act of appointment, the act of entrusting the duties or the decision on acceptance into service and appointment to a position in the CBA.
3. The Prime Minister shall define, by way of ordinance, the template of the official identity card and other documents for officers, bodies competent to issue, exchange and cancel them as well as make entries therein, the circumstances under which an official identity card or other documents are subject to return, exchange or cancellation as well as procedures in the event of their loss and the manner of using the official identity card and other documents, taking into consideration the requirements specified in the provisions on the protection of classified information.
4. The Head of the CBA shall define, by way of resolution, the designs of marks and templates of other documents identifying officers.

Art. 53

1. A person accepted into service in the CBA shall be appointed an officer in preparatory service for a period of 3 years.
 - 1a. The person appointed the Head of the CBA or who was entrusted with the duties of the Head of the CBA shall be appointed an officer in permanent service.
2. In the course of preparatory service, an officer of the CBA is subject to training.

3. After a lapse of preparatory service and obtaining a positive general assessment in an official opinion, such officer shall be appointed an officer in permanent service.
4. In the event of such officer's break in the performance of official duties exceeding 30 days, the Head of the CBA may extend the period of preparatory service.
5. In reasonable events, the Head of the CBA may reduce the period of preparatory service or release an officer from such service.

Art. 54

1. The Head of the CBA shall be in charge of accepting individuals into service in the CBA, appointment of officers to official positions as well as transfer, delegation, secondment, dismissal or removal from official positions, suspension and waiver of suspension from duty, removal from service as well as termination of service relationship.
2. Superiors authorised by the Head of the CBA shall be in charge of officer resource matters other than those mentioned in section 1.
3. Officer resource matters referred to in section 1 shall be resolved by way of decision.
4. An appointment to a position shall take place with respect to the level of education and professional qualifications of officers.
5. The Prime Minister shall define, by way of ordinance, official positions within the structure of the CBA as well as requirements concerning the level of education and professional qualifications which should be satisfied by officers in particular positions in the service, with respect to ensuring the performance of the statutory tasks of the CBA by such officers.

Art. 54a

The Prime Minister or a minister authorised by the Prime Minister, appointed to coordinate activities of special services, shall be in charge of cases arising from the official relationship of the Head of the CBA. The authorisation shall not refer to cases set forth in art. 6.

Art. 55

1. The time of an officer's service shall be determined by the amount of their duties, with respect to the right to rest.
2. The Prime Minister shall define, by way of ordinance, the schedule of service, with respect to the time to rest as well as the circumstances of extension of such officer's service, substantiated by the need to ensure an uninterrupted course of service.

Art. 56

The Prime Minister shall define, by way of ordinance, the safety and health conditions of service as well as the limits of the application of the provisions of chapter 10 of the Labour Code, taking into consideration the specific nature of the service, the threats occurring in certain positions or in the course of performing certain official tasks, and duties vested in officers and their superiors within the scope of preventing possible threats to life or health, as well as taking into consideration the

provisions of the law applicable to official positions not covered by the specific nature of service in the CBA.

Art. 57

1. An officer shall be subject to an official opinion, at least once every two years.
2. An officer in preparatory service shall be subject to an official opinion at least once in every 6 months.
3. An officer shall be informed about the outcome of the official opinion within 7 days of the date of its execution; within 7 days after an officer has reviewed such official opinion, they may submit an appeal to their major superior.
4. The Prime Minister shall define, by way of ordinance, the template of the form of an official opinion, the detailed terms of and the procedures for providing an opinion on officers, taking into consideration the prerequisites for preparing opinions and their frequency, the criteria taken into consideration while preparing such opinion as well as the grading, the competence of the superiors in the scope of issuing opinions, the procedures for reviewing official opinions by officers and the procedures for submitting and processing an appeal against such opinions.

Art. 58

1. An officer may be removed from the position held or put on gardening leave.
2. An officer may be put on continuous gardening leave, up to 4 months.
3. After a lapse of the period referred to in section 2, such officer shall be transferred to a particular position, and in the event of their written refusal to be transferred thereto, such officer shall be removed from service with retention of the rights prescribed for officers removed under art. 64 section 2 item 4, unless they satisfy the terms of removal from service on more advantageous conditions.
4. The Prime Minister shall define, by way of ordinance, the terms of and the procedures for directing officers to gardening leave, taking into consideration the manner of performing service in such period.

Art. 59

1. For a period of up to 6 months, an officer may be delegated or transferred, ex officio or at their own request, to perform service temporarily in another location.
2. In reasonable events, the Head of the CBA may prolong the period of delegation, referred to in section 1, to 12 months.

Art. 60

1. For a period of 6 months, an officer may be entrusted with performing duties in another position. In such event, the officer's emoluments shall not be decreased.
2. Where justified by the performance of the CBA's tasks, upon directing such officer to gardening leave and subject to their consent, such officer may be delegated to perform official tasks outside the CBA. The provisions of art. 58 shall not apply.

3. The Prime Minister shall define, by way of ordinance, the terms of and the procedures for delegating, the rights and duties of an officer in the period of delegation, the amount and the manner of payment of emoluments and other financial advantages to which the delegated officer is entitled, taking into consideration the location, the nature and the scope of the CBA's tasks; the Prime Minister shall also define, taking into consideration the provisions on the protection of classified information, the detailed rights and obligations of an officer serving outside the Republic of Poland.

Art. 61

1. An officer shall be demoted in the event of an administrative or a disciplinary penalty of appointment to a lower position.
2. An officer may be demoted in the event of:
 - 1) an opinion by a competent medical commission on a permanent disability to perform service in the position held if there is no possibility of appointment to an equal position;
 - 2) unsuitability for the position held, determined in an official opinion in the course of preparatory service;
 - 3) failure to perform one's duties in the position held, determined in the course of permanent service in two consecutive opinions;
 - 4) liquidation of the position held if there is no possibility of appointment to an equal position.
3. An officer may also be demoted upon their written request.
4. In the event of lack of the officer's consent to be demoted due to the reasons specified in section 2, such officer may be removed from service.

Art. 62

1. An officer shall be suspended from duty for a period up to 3 months in the event of instituting criminal proceedings against them for an intentional criminal offence subject to public prosecution or for fiscal offences.
2. An officer may be suspended from duty for a period up to 3 months in the event of instituting criminal proceedings against them for an unintentional offence subject to public prosecution, misdemeanour proceedings or proceedings concerning a fiscal misdemeanour as well as disciplinary procedures if the above are deemed reasonable due to the interest of such proceedings.
3. Under particularly reasonable circumstances, the period of suspension from duty may be extended for a further specified period, until the decision issued in the course of criminal proceedings, penal fiscal proceedings or proceedings concerning misdemeanour or fiscal misdemeanour becomes final; and in other cases, for a period up to 12 months.
4. Suspension in the performance of official duties involves such officer's release from performing their duties.
5. Such officer may submit a request to the Head of the CBA to re-examine the decision on their suspension.
6. An officer suspended from duty shall:

- 1) Immediately return their weapons and an official identity card as well as objects connected with the tasks performed, in particular the case files and documents concerning the matters conducted;
- 2) inform the head of their organisational unit about the intent to leave their place of residence for a period up to 3 days.

Art. 63

1. An officer may be directed to a medical commission referred to in art. 49:
 - 1) ex officio or at their own request in order to determine the condition of their health and to determine their medical capacity for service, as well as the relation of particular diseases with the service;
 - 2) ex officio, in order to verify the accuracy of the medical opinion on temporary inability to serve due to disease, or the proper use of medical sick leave.
2. An officer may also be subjected to polygraph tests. The Head of the CBA shall decide on directing an officer to a polygraph examination. The decision of the Head of the CBA shall not require a justification.

Art. 64

1. An officer shall be removed from service in the event of:
 - 1) an opinion by a competent medical commission on a permanent disability to perform service;
 - 2) unsuitability for the position held, determined in an official opinion in the course of preparatory service;
 - 3) administration of a disciplinary penalty of dismissal from service;
 - 4) loss of Polish citizenship or acquiring the citizenship of another country;
 - 5) declaring untruth in the declaration submitted under art. 10 of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions, stated in the course of disciplinary procedures;
 - 6) conviction under a final and valid judgment for perpetration of an intentional criminal offence subject to public prosecution, or a fiscal offence;
 - 7) taking a state executive position or a function, out of choice, in local government bodies.
2. An officer may be removed from service in the event of:
 - 1) non-performance of official duties during the term of permanent service, stated in two consecutive opinions;
 - 2) temporary detention;
 - 3) conviction under a final and valid judgment for perpetration of an intentional criminal offence other than those stipulated in section 1 item 6;
 - 4) acquiring a full retirement entitlement set forth in separate regulations;
 - 5) an indictment being filed in the event of an intentional criminal offence subject to public prosecution;
 - 6) failure to file the declaration referred to in art. 10 of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions, within the prescribed time limit;
 - 7) refusal to be subjected to the examination referred to in art. 63 section 2;

- 7a) lapse of 12 months of the date of service discontinuance due to disease;
 - 8) perpetration of a criminal offence subject to public prosecution where the circumstances of its perpetration do not raise doubts.
3. An officer shall be removed from service within the time limit of up to 3 months of their written submission of the notice of leaving service.

Art. 65

An officer's service relationship expires in the event of:

- 1) the death of such officer or determination of their disappearance referred to in art. 98 section 4;
- 2) the absence of such officer from service for a period exceeding 3 months due to temporary detention, unless the officer has been removed from service previously.

Art. 66

- 1. In the event of a revocation of the final judgment or the final decision on conditional discontinuance of criminal proceedings, and issuing of a ruling on the discontinuance of criminal proceedings or, in the event of a reversal of a disciplinary penalty, involving demotion or a penalty of removal from service, the effects arising for the officer in connection with demotion shall be reversed. The Head of the CBA shall decide on the reversal of other effects.
- 2. In the event of a revocation of conviction or the final decision on the conditional discontinuance of criminal proceedings and the issuing of a final acquitting judgement, all and any effects arising for the officer in connection with disciplinary procedures conducted in connection with the indictment of perpetrating a criminal offence constituting the subject matter of the ruling of the court shall be reversed.
- 3. Where, in the event referred to in section 2, the grounds for the decision on a disciplinary penalty were constituted by prerequisites other than merely the accusation of perpetrating a criminal offence, the decision on the reversal of the effects arising for the officer as a result of disciplinary procedures shall be made by the Head of the CBA. The provision of section 1 apply accordingly.

Art. 67

The removal of an officer from service under art. 64 section 1 item 2 and section 2 item 1 may occur within the time limit of 3 months of the date of the discontinuation of service due to disease, providing the officer submits a written notice of leaving service.

Art. 68

- 1. An officer shall not be removed from service during pregnancy, maternity leave or leave on maternity leave terms, additional maternity leave, additional leave on maternity leave terms, paternity leave, parental leave or childcare leave, with the exclusion of circumstances set forth in art. 64 section 1 items 3, 4, 6 and 7 as well as in section 2 items 2 - 5.
- 2. In the event of removal of an officer from service pursuant to art. 64 section 2 item 4 during pregnancy, maternity leave or leave on maternity leave terms, additional maternity leave,

additional leave on maternity leave terms, paternity leave or parental leave, such officer shall be entitled to emoluments until the end of pregnancy or the abovementioned leave.

3. An officer removed under art. 58 section 3 or art. 64 section 2 item 4 in the course of childcare leave, until the end of the period for which the leave was granted, shall be entitled to:
 - 1) a pecuniary benefit paid subject to the principles of payment of a child-raising allowance;
 - 2) other entitlements envisaged for persons made redundant in the course of childcare leave due to reasons not concerning employees.

Art. 69

1. An officer removed from service shall receive a certificate of service, without delay.
2. An officer may demand the correction of the certificate of service within 7 days of the date of its receipt.
3. The Prime Minister shall define, by way of ordinance, the data, which shall be included in the certificate of service as well as the procedures for issuance and correction of the certificate of service as well as the form of the certificate of service, taking into consideration the competence of the superiors as well as the specific nature of the service.

Art. 70

1. The CBA may employ employees.
2. The provisions of art. 72 shall apply accordingly with respect to employees referred to in section 1.

Chapter 6

Obligations, rights and emoluments of the officers of the Central Anti-Corruption Bureau

Art. 71

1. An officer shall observe obligations which stem from the wording of the oath taken.
2. An officer shall refuse to execute an order of a superior where the execution of such order entails perpetrating a criminal offence.
3. An officer shall notify the Head of the CBA of the refusal to execute the order referred to in section 2, excluding the official chain of command.

Art. 72

1. An officer shall not remain in a labour relation or undertake any other paid job outside the service.
2. Limitations on the conduct of economic activities resulting from the Act of 21 August 1997 on the Restrictions on Conduct of Business Activities by Persons Performing Public Functions shall apply to officers. Officers shall submit an asset declaration in compliance with the terms of, the procedures for, and within the time limit set forth in the provisions of this Act.

3. Officers of the CBA shall submit the declarations, referred to in section 2, to the Head of the CBA. The Head of the CBA and the deputy heads of the CBA shall submit the declarations to the Prime Minister, who carries out an analysis of the data contained in the declarations.
- 3a. The declarations, referred to in section 2, of the Head of the CBA and the deputy heads shall be posted, without their consent, on the page of the Public Information Bulletin of the CBA within 7 days of the date of the submission of the declarations, excluding the data referring to the date and place of birth, PESEL (Universal Electronic System for Population Registration) and NIP (Tax Identity Number) numbers, the place of residence and the location of the property specified in the declaration.
4. The Head of the CBA may permit an officer to perform a remunerative scientific or research and didactic activities, where it shall not collide with the performance of their official tasks.
5. An officer shall notify the Head of the CBA of their contracted liabilities as well as the liabilities of their spouse or cohabitant where the amount of the liabilities exceed jointly five times the monthly emolument provided for the officer.
6. The Prime Minister shall define, by way of ordinance, the scope of the data conveyed by an officer in the cases referred to in sections 4 and 5, taking into consideration the requirements set forth in the regulations on personal data protection.

Art. 73

1. An officer shall not be a member of a political party or shall not participate in the activity of such a party or on its behalf.
2. An officer shall not perform a public function.
3. Officers shall not associate in trade unions.
4. An officer shall obtain the permission of the Head of the CBA to belong to national, foreign or international associations.

Art. 74

1. An officer shall obtain the permission of the Head of the CBA to travel abroad outside the European Union.
2. An officer shall notify their superior about travelling abroad to European Union Member States.
3. The Head of the CBA shall define, by way of regulation, the events in which obtaining of permission or performance of the obligation referred to in sections 1 and 2 shall not be required, as well as obligations of an officer travelling abroad and returning from abroad.

Art. 75

1. In connection with the performance of their duties, an officer shall be covered by protection envisaged for public officers in the Criminal Code.

Art. 76

1. An officer shall be entitled to the reimbursement of the costs incurred for legal protection if criminal proceedings instituted against them for a criminal offence perpetrated in connection

with the performance of duties were accomplished with a final decision on discontinuance due to the absence of statutory features of a prohibited act or non-perpetration of a criminal offence or an acquittal.

2. Costs in the amount corresponding to the remuneration of one defence counsel in the amount set forth in separate regulations shall be reimbursed from the budget of the CBA.

Art. 77
(repealed)

Art. 78

1. Officers shall be gratuitously provided with weapons and equipment required to perform their official duties.
2. The Head of the CBA shall define, by way of regulation, the norms of the equipment and weapons as well as the detailed principles of access to equipment and weapons, their allocation and use.

Art. 79
(repealed)

Art. 80

1. Where an officer removed from service does not fulfil the requirements to obtain the right to a Police pension or a Police disability pension, from the emoluments paid to the officer after 31 December 1998 to the date of removal from service, from which contributions towards a pension or disability pension insurance were not deducted, premiums for the period stipulated in the Act of 13 October 1998 on the Social Insurance System shall be transferred to the Social Insurance Institution (ZUS) (Journal of Laws of 2013, item 1442, as amended).
2. Emoluments, constituting the grounds for the calculation of the amount of contributions towards a pension or disability pension insurance referred to in section 1, mean the base emolument, additional benefits as well as annual and discretionary awards, calculated pursuant to art. 110 of the Act referred to in section 1.
3. The premiums shall also be transferred where an officer fulfils only the requirements to acquire the right to a Police disability pension. The transfer of the premiums shall take place upon the officer's request.
4. The premiums shall be subject to indexation by premium indexation ratio calculated pursuant to the Act of 17 December 1998 on Social Insurance Fund Pensions (Journal of Laws of 2013, item 1440, as amended).
5. When calculating the amount of the premiums due, indexed pursuant to section 4, the provisions of art. 19 section 1 and art. 22 section 1 items 1 and 2 of the Act referred to in section 1 apply accordingly.
6. The provisions of sections 1-5 also apply to an officer where upon their removal from service, despite fulfilling the requirements to receive a Police pension, the officer requested for pension due to being subject to social insurance.

7. In the case referred to in sections 3 and 6, the amount of due and indexed premiums shall be transferred without delay on the basis of a notification from the Social Insurance Institution (ZUS) on acquiring the right to a pension or disability pension by an officer, prescribed in the provisions referred to in section 4.
8. The amount of due and indexed premiums constitutes revenues of the Social Insurance Fund.
9. The Prime Minister shall define, by way of ordinance, the procedures for and the time limits of transferring the premiums referred to in sections 1, 3, 4 and 7, to the Social Insurance Institution (ZUS), as well as units competent for such task, taking into consideration the necessity to ensure a proper and immediate performance of the activities connected with the transfer of these premiums.

Art. 81

1. The term of an officer's service shall be treated as work performed in special conditions or work of specific nature within the meaning of the Act of 17 December 1998 on Pensions from the Social Insurance Fund.
2. If after dismissal service in the CBA an officer commenced a job, the period of such service shall count towards the term of employment within the scope of all and any entitlements under the labour law.

Art. 82

An officer shall be entitled to employee rights relating to parenthood, set forth in chapter VIII of the Act of 26 June 1974 – the Labour Code, excluding the art. 186, save as otherwise provided. Art. 189 applies accordingly.

Art. 83

The Prime Minister shall define, by way of ordinance, the course of service of officers. The ordinance shall define:

- 1) the detailed terms of and the procedures for settling matters, including officer resource matters, the commencement, termination or expiry of the service relationship, appointment, transferring, removing and dismissing from official positions;
- 2) the manner of excusing absences from service;
- 3) the types of information an officer is obliged to provide due to the course of service.

Art. 84

1. An officer shall be entitled to an annual paid holiday leave of 28 working days.
2. An officer shall acquire the right to the first holiday leave upon 6 months of the service commencement, in the amount equal to one-half of the amount of holiday leave they are entitled to after a year of service.
3. An officer shall acquire the right to holiday leave in the full amount after one year of service. The holiday leave referred to in section 2 shall be included in such leave.
4. An officer shall acquire the right to subsequent holiday leaves in each consecutive calendar year.

5. The periods of previous employment and service, regardless of breaks in employment and service or the manner of the dissolution of the employment relationship or the service relationship, are included in the length of service on which the holiday leave entitlement is dependent.
6. Working days mean the days from Monday to Friday, excluding statutory holidays.

Art. 85

1. An officer performing service in conditions particularly onerous or hazardous to health or where it is justified by specific nature of service, may be granted an additional paid leave of up to 7 working days annually.
2. An officer who obtained permission to pursue education or university studies and who pursues such education or university studies, as well as an officer who obtained permission for doctoral or post-doctoral dissertation, and for legal advisers or legislators traineeship, is granted a paid training leave of:
 - 1) 7 days to prepare for and take an entrance examination,
 - 2) in case of universities and colleges, 21 days in each academic year,
 - 3) in case of officers learning at post-secondary schools or taking post-graduate programmes – 14 days in order to prepare for and take the final examination,
 - 4) in order to prepare for a doctoral graduation and to defend his/her doctoral dissertation or to prepare for the colloquium as well as post-doctoral lecture – 28 days,
 - 5) in order to prepare for and take the examination for legal advisers – 30 days,
 - 6) in order to prepare for and take an examination upon legislators traineeship – 14 days.
3. Upon written request justified by material personal matters, an officer in permanent service may be granted unpaid leave of up to 6 months.
4. An officer shall be granted a paid special-event leave (compassionate, emergency or exceptional leave) in order to enter into marriage, in the event of the birth of a child, the marriage of an officer's own child as well as adopted child, child-in-law, a child taken to be raised and provided for in a foster family, as well as due to the death of a spouse, child, parents, siblings, parents-in-law, grandparents and guardians or any other person who is dependent on the officer or is under their direct care. An officer may also be granted a special-event leave in order to settle important personal matters or in other cases deserving special consideration. Such special-event leave is granted up to 5 days.
5. The Prime Minister shall define, by way of ordinance, the types of positions exposed to conditions onerous or hazardous to health as well as the types of other positions which entitle to an additional leave referred to in section 1 or, where it is justified by the specific nature of tasks, taking into consideration the specific nature of service.

Art. 86

1. An officer delegated to serve outside the CBA shall be entitled to one holiday leave, of the more advantageous duration.
2. Unused holiday entitlements occurring in the course of delegation, resulting from the difference in the length of the holiday leave entitlements, shall be settled upon the return from the delegation.

Art. 87

1. The Prime Minister shall define, by way of ordinance, the terms of and the procedures for granting the leaves referred to in articles 84 and 85 sections 1-4, taking into consideration:
 - 1) the superiors in charge of leaves;
 - 2) the terms of granting paid training and special-event leave;
 - 3) the terms of granting unpaid leave;
 - 4) the manner of calculating the cash equivalent for unused holiday entitlement well as the manner of calculating the remuneration for paid leaves.
2. The ordinance shall take into consideration an officer's right to rest as well as ensuring the continuity and efficiency of the performance of tasks.

Art. 88

An officer reaching outstanding results in the course of service may be awarded the following distinctions by the Head of the CBA:

- 1) a short-term holiday leave of up to 7 working days;
- 2) a financial or material award;
- 3) nomination to a higher position;
- 4) presenting an award of a medal or decoration.

Art. 89

1. The right to emolument shall arise on the date of appointment, entrusting the duties or the nomination for the official position.
2. For the performance of service an officer shall receive one emolument and other pecuniary benefits.
3. Emoluments shall consist of the base emolument, a bonus and a performance bonus, if awarded.
4. An officer shall receive a bonus of up to 30% of the base emolument, however, not less than 1%.
- 4a. The Head of the CBA shall determine the amount of an officer's bonus at the request of the head of the organisational unit of the CBA in which the officer serves, and the amount of the bonus for the deputy heads of the CBA, heads of organisational units of the CBA and their deputies – directly.
- 4b. The Head of the CBA shall determine the bonus amount for the period of 6 months within the following time limits:
 - 1) from 1 January to 30 June of a given year;
 - 2) from 1 July to 31 December of a given year.
- 4c. The Head of the CBA shall determine the amount of a bonus by way of decision. The issuance of a decision shall not be required where the amount of the bonus remains unchanged.
- 4d. The bonus amount shall be dependent on:
 - 1) the degree of difficulty, complexity, and the manner of accomplishment of tasks by the officer;
 - 2) professional qualifications of the officer;
 - 3) the officer's performance results;

- 4) an official opinion preceding the determination of the bonus.
- 4e. In reasonable events, and in particular in the event of:
- 1) perpetrating a criminal offence, a fiscal offence or a disciplinary misconduct by the officer,
 - 2) the officer's failure to perform,
 - 3) a significant decrease in the officer's performance,
 - the Head of the CBA may reduce the bonus amount before the lapse of the 6-month period for which the bonus was awarded.
- 4f. The Head of the CBA may award a higher bonus before the lapse of the 6-month period for which the bonus was awarded where it is justified by the nature and results of current tasks or tasks exceeding the scope of the officer's duties.
- 4g. The Head of the CBA may, by way of decision, award a performance bonus where the officer:
- 1) accomplishes tasks in exceptionally difficult conditions or in conditions which require a considerable amount of labour, involvement and responsibility, which influences the performance of the CBA;
 - 2) performs official duties outside the permanent place of service for a period exceeding 3 months;
 - 3) has specialised knowledge and skills, which are particularly useful in the implementation of complex undertakings or activities performed by the CBA.
- 4h. The Head of the CBA shall determine the amount of an officer's performance bonus at the request of the head of the organisational unit of the CBA in which such officer serves, and the amount of the performance bonus for the deputy heads of the CBA, heads of organisational units of the CBA and their deputies – directly.
- 4i. Awarding a performance bonus, the Head of the CBA shall determine the period for which it is awarded.
- 4j. The amount of the performance bonus shall not exceed 30% of such officer's base emolument.
5. An average emolument of an officer shall constitute a multiple of the base amount, which is set forth in the Budget Act pursuant to separate provisions.
6. The Council of Ministers shall define, by way of ordinance, the multiple of the base amount referred to in section 5, however, it shall not be lower than 3.5 times the base amount, taking into consideration the specific nature and conditions of the service performed.
7. Emoluments shall be payable in advance, on a monthly basis.

Art. 90

1. The Prime Minister shall define, by way of ordinance, the rates of base emolument for officers in particular positions as well as the increase in base emolument due to the length of service, taking into consideration the procedures for and the time limits of their payment.
2. (repealed)
3. The Prime Minister shall define, by way of ordinance, the terms of and the procedures for calculating the length of service and work, taken into account in the course of determining the increase in emoluments, including other service periods and treating them as equal to the service in the CBA, the length of employment and other periods, which pursuant to separate provisions are included in the length of service.

Art. 91

1. Claims concerning the entitlement to emoluments, benefits and other amounts due shall come under the statute of limitation after a lapse of 3 years of the date on which the claim became due.
2. The body competent to settle claims may not respect the limitation where the delay in the pursuit of the claim is justified by unique circumstances.
3. The process of the limitation of claims concerning emoluments, other benefits or amounts due shall be interrupted by:
 - 1) any activity before the Head of the CBA or head of an organisational unit of the CBA, undertaken directly in order to investigate into, settle or satisfy the claim;
 - 2) claim acknowledgement.

Art. 92

1. An officer shall be entitled to the following pecuniary benefits:
 - 1) dues for business trips and benefits due to transfer or delegation to serve temporarily in another location;
 - 2) dues related to removal from service;
 - 3) (repealed);
 - 4) (repealed).
2. In the event of the death of an officer or a member of their family:
 - 1) funeral allowance;
 - 2) severance pay on death.

Art. 93

1. An officer may be granted annual awards, discretionary awards, allowances, and housing allowances.
2. (repealed)
3. (repealed)
4. The Head of the CBA shall define, by way of regulation, the amount of such awards, allowances, and a housing allowance fund, and the amount of financial means designated for annual and discretionary awards, allowances, and housing allowances as well as the terms of increasing the fund for discretionary awards, allowances, and housing allowances.

Art. 93a

1. An officer performing service in a calendar year shall acquire the entitlement to an annual award in the amount of 1/12 of the emoluments received in the calendar year for which such annual award is granted.
2. (repealed)
3. (repealed)
4. An annual award due to a deceased officer shall be disbursed to the family members who are entitled to a police survivors' pension.
5. Emoluments referred to in section 1 shall not cover emoluments received in the course of suspension from duty or temporary arrest unless the proceedings which were the grounds for

the suspension or temporary arrest were discontinued or they resulted in the acquittal of the officer.

6. An annual award shall be reduced, by not more than 50% of its amount set forth in section 1, in the following events:
 - 1) conditional discontinuance of criminal proceedings conducted against the officer or refraining from imposing the penalty by the court;
 - 2) inflicting a disciplinary punishment in the form of reprimand against the officer;
 - 3) a judgement in force against the officer for unintentional perpetration of a crime subject to public prosecution, or for a fiscal crime.
7. In the events referred to in section 6, when establishing the amount of the annual award, the head of the organisational unit shall take into consideration the nature of the act perpetrated or offence, its results and type as well as previous service performance.
8. An annual award shall not be granted in the events of:
 - 1) conviction under a final and valid judgment for perpetration of an intentional criminal offence subject to public prosecution, or a fiscal offence;
 - 2) inflicting against an officer a disciplinary penalty in the form of:
 - a) removal from service,
 - b) appointment to a lower position,
 - c) warning of insufficient capacity for service in the position held;
 - 3) removal from service under art. 64 section 1 items 2, 4 or 5, or art. 64 section 2 item 1.
9. The reduction in or deprivation of the entitlement to an annual award shall relate to the calendar year in which an officer perpetrated the act which constitutes the subject-matter of criminal proceedings, fiscal criminal proceedings or disciplinary procedures, and where the award was disbursed – for the year in which the proceedings were accomplished by a final court decision.
10. An annual award shall be disbursed within the first three calendar months following the year for which the annual award is due, except for an annual award due to an officer being removed from service as well as an annual award due to a deceased officer, which shall be disbursed without delay upon the official relationship expiry.

Art. 93b

1. An officer may be granted a discretionary award for significant achievements, accomplishes tasks in exceptionally difficult conditions or in conditions which require a considerable amount of labour, involvement and responsibility, as well as for performance involving such officer's courage.
2. The amount of the discretionary award should be proportional to the conditions substantiating granting thereof.
3. The discretionary award shall be granted by the Head of the CBA.

Art. 93c

1. In fortuitous events causing worsening of an officer's and their family's material situation, the officer may be granted an allowance. All circumstances having impact on the material situation shall be considered when determining the amount of the allowance.

2. In the event of an officer's decease, the allowance may be granted to the family members who are entitled to the police survivors' pension.
5. The allowance shall be granted by the Head of the CBA.

Art. 93d

1. An officer shall be granted, by way of decision, a housing allowance where justified by the needs of the CBA as well as where:
 - 1) the officer himself/herself, or their cohabitant, do not possess a flat or a house at the place of service or in the vicinity;
 - 2) the officer was transferred to serve in another locality in which himself/herself, or their cohabitant do not possess a flat or a house;
 - 3) the officer was moved to perform service to another locality and was not accommodated at the expense of the CBA.
2. A locality in the vicinity means a locality to which the time of commuting by public means of transport envisaged in the timetable, including changes, does not exceed two hours, counting from the station (stop) nearest to the place of performing the service to the nearest station (stop) in the place of residence, excluding the time to reach the station (stop) within the limits of the locality from which the officer commutes and in which he/she performs service.
3. An officer shall not be granted a housing allowance where:
 - 1) the officer's spouse or cohabitant, performing service in the CBA, obtain a housing allowance for a flat or house in the same locality;
 - 2) the officer or the persons referred to in section 1 possesses a flat or a house, including in a locality different than the one referred to in section 1 item 1, and obtain income from its rental;
 - 3) obtaining a housing allowance in the period preceding submission of the request, in the event of the change of the actual condition having impact on the entitlement to the housing allowance or its amount, the officer did not fulfil the obligation to notify the Head of the CBA of the fact.
4. The housing allowance shall be granted upon such officer's request, which includes:
 - 1) justification;
 - 2) documents acknowledging the legal title to the flat or house;
 - 3) a declaration that the circumstances referred to in section 3 do not occur;
 - 4) a commitment to notify the Head of the CBA, in writing, without delay, of each change which has impact on the entitlement to the housing allowance or the amount thereof.
5. The Head of the CBA shall grant a housing allowance for the rental period, however not longer than one year, provided the prerequisites substantiating its granting remain unchanged throughout the entire period.
6. Such housing allowance may be granted to the amount resulting from the documents presented, taking into consideration the officer's family and financial situation as well as average market rental prices at the place of service, on the date of the housing allowance granting.
7. The disbursement of the housing allowance shall be discontinued in the event of non-fulfilment of the prerequisites substantiating its granting.

Art. 94

1. The allowances referred to in art. 92 section 1 item 1 mean:
 - 1) a daily allowance constituting a cash equivalent to cover the costs of board during business trip;
 - 2) the reimbursement of the costs of transportation on the route from the permanent location of service to the destination of the business trip and back, as well as accommodation or a lump-sum for accommodation;
 - 3) daily allowances for the time of travel and the first 24 hours of stay in the new location where service shall be performed;
 - 4) the reimbursement of the costs of transportation to the location to which an officer is transferred or delegated;
 - 5) a settlement allowance due to the transfer to perform service in another locality.
2. The Prime Minister shall define, by way of ordinance, the amount of and the procedures for granting the allowances referred to in section 1, as well as the manner of their payment, taking into consideration the nature of the tasks performed by an officer travelling on business or transferred or delegated to serve in another locality as well as the difference arising from the costs of subsistence.

Art. 95

1. Pursuant to court or administrative execution titles as well under special regulations, deductions may be made from officers' emoluments – under terms set forth in the regulations on court executions or executive proceedings in administration or in other special regulations.
2. The Prime Minister shall define, by way of ordinance, the terms of payment of the emoluments and other pecuniary allowances as well as the competence of and the procedures for payment of pecuniary allowances and deductions from such dues, taking into consideration the form of the payment of the pecuniary allowances and the maximum delay period allowed in their payment.

Art. 96

1. An officer removed from service under art. 58 section 3, art. 61 section 4, and art. 64 section 1 items 1 and 7, section 2 items 1 and 4 and section 3, shall receive:
 - 1) severance pay;
 - 2) a pecuniary equivalent for holiday leave not used in the year of removal from service as well as for outstanding leave.
2. An officer removed from service under art. 64 section 1 items 2-6, and section 2 items 2, 3 and 5-8 shall receive a pecuniary equivalent referred to in section 1 item 2.

Art. 97

1. The amount of severance pay for officers in permanent service shall be equal to a six-month emolument in the latest position held or on the last day of gardening leave. The severance pay is increased by 20% of the emolument for each consecutive full year of service for over 5 years of continuous service, up to the amount of an eight-month emolument. A period of service exceeding 6 months shall count as a full year.

2. The amount of the severance pay for an officer in preparatory service is equal to a one-month emolument due in the latest official position or on the last day of gardening leave.

Art. 98

1. In the event of an officer's death, their survivors are entitled to a severance pay on death in the amount equal to the amount of severance pay the officer would have been entitled to in the event of their removal from service.
2. In the event of an officer's death in connection with service, their survivors are entitled to a pecuniary allowance in the amount of a double dependants' pension, paid monthly from the State budget's part at the disposal of the CBA.
3. The allowances referred to in sections 1 and 2 are due to the spouse of the officer who lived under conjugal community with the officer, and subsequently to children and parents if on the day of the officer's death they fulfilled the requirements envisaged for receiving a dependants' pension under the provisions on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families.
4. The provisions of sections 1 and 2 also apply to missing officers. The fact of an officer's missing and the connection thereof with service shall be stated by the Head of the CBA.

Art. 99

1. An officer in permanent service, removed from service under art. 64 section 1 item 1, shall be paid monthly, for a period of one year after their removal from service, a pecuniary allowance in the amount equal to the emolument due to them in the last official position or on the last day of gardening leave.
2. An officer entitled to the allowance referred to in section 1, who acquired retirement pension entitlements, is entitled to choose one of these allowances.
3. An officer removed from service under art. 64 section 2 item 4, who due to a continuing disease cannot undertake employment, shall be paid a monthly pecuniary allowance set forth in section 1 for the time of the disease duration, up to 3 months, unless previously a relevant medical commission has issued a certificate of disability constituting the grounds for establishing the right to a disability pension.

Art. 100

1. In the event of an officer's death, regardless of the severance pay on death, referred to in art. 98 section 1, a funeral allowance shall be paid in the amount of:
 - 1) PLN4,000 where the funeral costs are incurred by the spouse, children, grandchildren, siblings or parents;
 - 2) the costs actually incurred, however not exceeding the amount referred to in item 1 where another person incurs the funeral costs.

2. Where an officer's death resulted from an accident related to service, the funeral costs shall be covered from the financial resources of the CBA. The Head of the CBA may issue a consent to cover the funeral costs of an officer who died of a disease related to service.

Art. 101

1. In the event of the death of a family member, an officer shall be entitled to a funeral allowance in the amount of:
 - 1) PLN4,000 - where the funeral costs are incurred by the officer;
 - 2) the costs actually incurred, however not exceeding the amount referred to in item 1 where another person incurs the funeral costs..
2. The funeral allowance referred to in section 1 shall be due in the event of the death of the following members of an officer's family:
 - 1) spouse;
 - 2) own children or the spouse's children as well as adopted children;
 - 3) children raised in a foster family;
 - 4) children taken to be raised before becoming of age if their parents are deceased or are unable to provide for the children, or are deprived of or limited in their parental rights;
 - 5) an officer's parents as well as an officer's step-father, step-mother, and adopting persons;
 - 6) persons for whom the officer or the officer's spouse were appointed a legal guardian.
3. (repealed)

Art. 102

In the event of holiday leave, exemption from official activities, and gardening leave, an officer receives emoluments and other pecuniary benefits due in the latest official position, taking into consideration changes which occurred in that period, and which affected the entitlement to emoluments and other pecuniary allowances or their amounts.

Art. 102a

1. An officer's monthly emoluments for the period defined by the Labour Code as maternity leave, a period of additional maternity leave, a period of leave on maternity leave terms, a period of additional leave on maternity leave terms, and paternity leave shall constitute 100% of the emolument referred to in art. 102.
2. An officer's monthly emoluments for the period defined by the Labour Code as parental leave shall constitute 60% of the emolument referred to in art. 102.
3. Monthly emoluments of a female officer who not later than 14 days upon the childbirth submits a request to grant her full-length additional maternity leave directly after maternity leave, and directly after such leave - full-length parental leave, shall constitute 80% of a monthly emolument referred to in art. 102 for the entire period of such leaves.
4. Art. 3 shall apply accordingly to an officer who not later than 14 days upon taking a child to be raised and filing a request with the guardianship court to institute adoption procedures, or upon taking a child to be raised as a foster family, excluding a professional foster family, submits a request to grant them, directly after full-length leave on maternity leave terms, additional full-length leave on maternity leave terms, and directly after such leave - full-length parental leave.

5. In the event of an officer's resignation from full-length additional maternity leave or its part, or in the event of resignation from full-length additional leave on maternity leave terms or its part, an officer who due to their request submitted pursuant to section 3 or 4 received 80% of emolument referred to in section 3 shall be entitled to a single compensation emolument referred to in section 3, up to the amount of 100%, provided the officer did not receive emoluments for the period equal to the periods of such leaves.

Art. 102b

1. While on sick leave, an officer shall receive 80% of emolument.
2. Medical sick leave shall cover the period when an officer is released from official duties due to:
 - 1) illness, including inability to perform official duties for reasons set out in art. 6 section 2 of the Act of 25 June 1999 on pecuniary benefits under social insurance in the event of sickness or maternity (Journal of Laws of 2014, item 159);
 - 2) blood or blood components donations in organisational units of the Polish Blood Transfusion Service or due to periodical medical tests for blood donors,
 - 3) necessity to personally provide care for an ill own child or a spouse's child, an adopted child, or a child taken to be raised and provided for up to 14 years of age;
 - 4) necessity to personally provide care for a family member; family members mean: spouse, parents, parents-in-law, grandchildren, siblings and children over 14 years of age where they cohabit with such officer in the period of providing care for them;
 - 5) necessity to personally provide care for such officer's own child or a spouse's child, an adopted child, or a child taken to be raised and provided for up to 8 years of age, in the events of:
 - a) unexpected closing of childcare facilities which the child attends,
 - b) labour or illness of such officer's spouse who permanently provides care for the child if the labour or illness makes it impossible for such officer to provide care for the child,
 - c) if such officer's spouse, who permanently provides care for the child, stays in healthcare institution which performs activity involving round-the-clock and inpatient healthcare.
3. Release from official duties due to personal care providing referred to in section 2 items 3 and 5 are due for a period of up to 60 days in a calendar day, and in the event referred to section 2 item 4 – for a period of up to 14 days in a calendar year, while jointly the periods shall not exceed 60 days in a calendar year.
4. Section 3 applies regardless of the number of children and other family members requiring providing care for.
5. Where medical sick leave covers the period in which an officer is released from duties due to:
 - 1) an accident related to service,
 - 2) an illness resulting from specific features or terms of service,
 - 3) an accidents to or from workplace,
 - 4) an illness during pregnancy,
 - 5) undergoing necessary medical tests envisaged for candidates for human cell, tissue and organ donors and undergoing procurement of cells, tissues and organs,
 - 6) blood or blood components donations in organisational units of the Polish Blood Transfusion Service or due to periodical medical tests for blood donors
 - the officer shall be entitled to 100% of emolument.

6. An officer shall also be entitled to 100% of emolument in the event of their release from official duties:
 - 1) due to having perpetrated by another person an intended act prohibited in relation to official activities, stated in a decision by a competent authority;
 - 2) resulting from deeds of heroism performed in exceptionally difficult conditions, involving particular courage, at risk to life and health in defence of the law, inviolability of state borders, life, health and security of citizens.
7. Such officer's supervisor shall acknowledge, by way of decision, the relation of the release from duties to acts referred to in section 6 item 2.
8. The decision referred to in section 7 is subject to appeal to the major superior.

Art. 102c

1. Sick leave shall be confirmed with a medical certificate issued by a doctor on a form issued pursuant to art. 53 section 3 of the Act of 25 June 1999 on pecuniary benefits under social insurance in the event of sickness or maternity, however:
 - 1) in the event referred to in art. 102b section 2 item 2 – with a certificate issued by an organisational unit of the Polish Blood Transfusion Service;
 - 2) in the event referred to in art. 102b section 2 item 5a – with an officer's declaration;
 - 3) in the event referred to in art. 6 section 2 item 1 of the Act of 25 June 1999 on Pecuniary Benefits under Social Insurance in the Event of Sickness or Maternity – with a decision issued by a competent authority or an entity authorised under regulations on prevention of and fighting against infections and contagious diseases to humans.
2. In events justified by the service nature, the place and manner or type of duties performed by such officer, the duration of sick leave shall be confirmed in a manner other than referred to in section 1.
3. The Head of the CBA shall define, by way of regulation, subject to the protection of classified information, the manner of confirming officers' absence from service referred to in section 2.

Art. 102d

1. An officer shall submit a medical certificate, a certificate issued by an organisational unit of the Polish Blood Transfusion Service or the decision referred to in art. 102c section 1 item 3 to the superior in charge of officer resources, within 7 days of the receipt thereof.
2. An officer shall submit a declaration on the occurrence of circumstances referred to in art.102b section 2 item 5a to the superior in charge of officer resources, within 7 days of the occurrence thereof.
3. In the event of failure to fulfil obligations referred to in section 1 or 2, absence from service in the period of sick leave shall be deemed unexcused unless the failure to submit such certificate or such declaration occurred for reasons beyond the officer's control.

Art. 102e

1. The accuracy of decisions on temporary inability to perform duties due to illness, proper use of medical sick leave, fulfilment of requirements prescribed for medical certificates referred to in art. 102c section 1 item 2 may be subject to control.

2. The control shall be carried out by:
 - 1) medical commissions subject to the minister in charge of internal affairs – within the scope of the accuracy of decisions on temporary inability to perform duties due to illness and proper use of medical sick leave;
 - 2) an officer's superior in charge of officer resources – within the scope of proper use of medical sick leave and fulfilment of requirements prescribed for medical certificates as well as an officer's declaration referred to in art. 102c section 1 item 2.
3. Where, in the course of control, improper use of medical sick leave is established, such officer is not entitled to emolument for the entire period of sick leave.
4. Where, in the course of control, an officer's declaration is proved untrue, such officer is not entitled to emolument for the entire period of sick leave.
5. Where, in the course of control, the medical commission establishes the date of the completion of inability to serve, such officer is not entitled to emolument for the period from this date to the end of sick leave.
6. Where, in the course of control, medical sick leave is proved forged, such officer is not entitled to emolument for the entire period of sick leave.
7. Control of proper use of medical sick leave shall consist in establishing whether or not such officer in the course of their incapacity for service, including personal providing care for a child or other family member, uses medical sick leave consistently with its purpose, in particular whether the officer performs paid work.
8. Control of such officer's declaration referred to in art. 102c section 1 item 2 consists in establishing whether or not unexpected closing of school or childcare facilities which such officer's child attends occurred.
9. Control of proper use of medical sick leave and such officer's declaration referred to in art. 102c section 1 item 2 is carried out by a person authorised by such officer's superior.
10. Where, in the course of control, such officer is proved to perform paid work or uses medical sick leave in other unauthorised manner, the person who conducts control shall draw up a report containing the details of the unauthorised use of medical sick leave.
11. Where, in the course of control, such officer's declaration referred to in art. 102c section 1 item 2 is proved untrue, the person who conducts control shall draw up a report.
12. The report shall be presented to such officer in order to introduce corrections. Such officer shall confirm the introduction of the corrections in writing.
13. Pursuant to the report findings, the superior shall confirm the officer's loss of entitlement to emolument for the period referred to in section 3 or 4. The provision apply accordingly where a medical commission subject to the minister in charge of internal affairs submits a notification on irregularities in use of medical sick leave found in the course of control carried out thereby.
14. The decision referred to in section 13 is subject to the officer's appeal to their major superior.
15. Control of formal requirements of medical certificates shall consist in verification whether or not the certificate:
 - 1) has been forged;
 - 2) has been issued pursuant to terms of and procedures for issuing medical certificates.
16. Where, in the course of control referred to in section 15 item 1, a suspicion shall occur that the medical certificate has been forged, the superior shall request the doctor who issued the certificate to clarify the matter.

17. In the event of suspicion that the medical certificate has been issued contrary to the terms of and procedures for issuing medical certificates, the superior shall request the local organisational unit of the Social Insurance Institution (ZUS) to clarify the matter.

Art. 102f

1. The base of emolument referred to in art. 102b means emoluments due in the latest official position, taking into consideration changes which occurred in that period, and which affected the entitlement to emoluments and other dues or amounts thereof.
2. While calculating the period of medical sick leave it shall be assumed that the emolument for one day of sick leave constitutes 1/30 of the emolument referred to in art. 102b.
3. Where an officer has already collected emoluments for sick leave, a proportionate part of emolument is deducted from the next pay.
4. Where an officer was on sick leave in the last month of their service, a proportionate part of their emolument is deducted from dues related to removal from service or such officer returns a proportionate part of their emolument on the date of the official relationship termination.

Art. 102g

1. Financial resources obtained due to the deductions from officers' sick emoluments shall be entirely allocated to awards for performance in replacement for officers on sick leave.
2. Financial resources referred to in section 1 shall increase the award fund within the award, allowance and housing allowance fund.
3. Financial resources referred to in section 1 shall be allocated upon the reference period, from one calendar month up to 3 calendar months, provided the selection of the reference period is subject to the amount of the financial resources obtained due to deductions from such officers' emoluments.

Art. 102 h

Deductions from base emoluments together with permanent benefits for the period of sick leave shall not be taken into account in the course of counting the amount of benefits referred to in art. 98 section 1 item 1 and art. 99.

Art. 103

1. In the event an officer is suspended from duty, 50% of their latest due emolument shall be suspended from the next pay date.
2. In the event of revocation of suspension from duty, an officer shall receive the suspended part of emolument as well as the obligatory increases therein introduced in the course of suspension unless the officer was removed from service due to a final court decision or punished with a disciplinary penalty of dismissal from service.

Art. 104

1. In the event an officer is temporarily arrested, 70% of their latest due emolument shall be suspended from the next pay.

2. In the event of discontinuance of criminal proceedings or acquittal by a final court ruling, an officer shall receive the suspended part of emolument as well the obligatory increases therein introduced in the course of suspension, even where the discontinuance or acquittal took place upon the removal of such officer from service.
3. The provision of section 2 shall not apply where the criminal proceedings were discontinued due to the statute of limitations or amnesty as well as in the event of conditional discontinuance of the criminal proceedings.

Art. 105

1. Emoluments due to an officer who arbitrarily abandons the place of service or remains outside thereof or does not undertake service shall be suspended from the next pay date. Where such officer has already received the emolument for the period of unexcused absence, a relevant part of emolument shall be deducted from the next pay.
2. Where the absence is considered excused, such officer shall be paid the suspended emolument; in the event of unexcused absence, 1/30 of the monthly emolument shall be deducted for each day of absence.
3. The provisions of sections 1 and 2 apply in the event of culpable incapability to perform official duties by an officer.
4. An officer who begins unpaid leave in the course of a calendar month shall be entitled to emolument in the amount of 1/30 of the monthly emolument for each day preceding the date of commencement of unpaid leave. Where such officer has already collected their emolument for the period of unpaid leave, a relevant part of the emolument shall be deducted from the next pay.

Chapter 7

Disciplinary liability of officers of the Central Anti-Corruption Bureau

Art. 106

Regardless of criminal liability, an officer shall be disciplinary liable for perpetrated crimes and offences.

Art. 107

1. An officer shall be subject to disciplinary liability for infringement of official discipline as well as in other cases set forth in the Act.
2. Infringement of disciplinary principles includes:
 - 1) a refusal to perform or failure to perform the superior's order, or an order of a body authorised to issue orders to officers of the CBA under the Act, excluding the orders referred to in art. 71 section 2;
 - 2) an omission to perform an official activity or its improper performance;
 - 3) failure to perform or misuse of powers set forth in separate provisions of the law;
 - 4) misleading a superior or another officer if it led to or might have led to damage to service, an officer or another person;

- 5) a superior's conduct contributing to lax discipline in the subordinated organisational unit or an organisational unit of the CBA;
- 6) reporting for duty after consumption of alcohol or after consumption of any similarly acting substances, or consumption of alcohol or use of similarly acting substances on duty or on the premises of or in the area belonging to the CBA;
- 7) loss of weapons, ammunition or an official identity card;
- 8) loss of an object constituting official equipment, the use of which by unauthorised persons resulted in damage suffered by a citizen, or which created a threat to public order or public security;
- 9) loss of materials containing classified information;
- 10) disclosure of information relating to performance of official activities;

Art. 108

A disciplinary offence shall be deemed culpable where an officer:

- 1) intends to perpetrate such offence, i.e. they want to perpetrate an offence or, predicting the possibility of perpetration thereof, agrees thereto;
- 2) not intending to perpetrate an offence, perpetrates such offence as a result of failure to exercise care required in particular circumstances despite the fact that the officer predicted such a possibility or could have and should have predicted it.

Art. 109

1. An officer shall be held disciplinary liable where they perpetrate a disciplinary offence themselves or jointly with another person or in agreement therewith as well as where they manage the perpetration thereof by another officer.
2. An officer shall be held disciplinarily liable also where they induce another officer to perpetrate a disciplinary offence or facilitates perpetration thereof.
3. Officers referred to in sections 1 and 2 shall be liable within the limits of their guilt irrespective of the guilt of the remaining persons.

Art. 110

1. The Head of the CBA shall exercise disciplinary power over all officers.
2. Head of an organisational unit of the CBA, hereinafter referred to as a "disciplinary superior", shall exercise disciplinary power over the officers performing service in the subordinated organisational unit.

Art. 111

1. Disciplinary procedures may not be initiated after a lapse of 90 days of the date of the receipt by the superior, referred to in art. 110 section 2, of a notice of an offence perpetration or breach of official discipline.
2. A disciplinary penalty shall not be imposed on an officer after a lapse of 1 year of the date of an offence perpetration referred to in section 1.

3. If the act referred to in section 1, simultaneously constitutes a criminal offence, the disciplinary liability shall come under the statute of limitation after a lapse of the period of limitation for a crime.

Art. 112

A competent body shall notify the Head of the CBA about the perpetration of an offence by an officer, including the refusal to accept a ticket or failure to pay a fine imposed in the form of a ticket in absentia.

Art. 113

1. The following disciplinary penalties may be imposed on an officer:
 - 1) a reprimand;
 - 2) a warning of insufficient aptitude for service in the position held;
 - 3) appointment to a lower position;
 - 4) removal from service.
2. An officer may also be administered an additional punishment in the form of a temporary loss of a bonus.

Art. 114

A reprimand entails pointing out misconduct to the punished officer.

Art. 115

A warning of insufficient capacity for service in the position held entails pointing out misconduct to the punished officer and warning them that in the event of re-perpetrating thereof they may be appointed to a lower position pursuant to disciplinary procedures, or punished with a more severe disciplinary penalty.

Art. 116

1. The punishment of appointing to a lower position entails removal from the current position and assignment to a position lower than the one held hitherto.
2. Prior to the expunction of demotion, an officer may be appointed to a higher official position.

Art. 117

The penalty of dismissal from service consists in removal from service in the CBA.

Art. 118

1. For a perpetrated disciplinary offence only one disciplinary penalty may be imposed.
2. For perpetrating several disciplinary offences, one disciplinary punishment, proportionally more severe, may be imposed.

Art. 119

1. The imposed punishment should be proportional to the perpetrated disciplinary offence and to the degree of fault, and in particular it should relate to the circumstances of the perpetration of the disciplinary offence, its consequences, including the consequences for the service, type and degree of the breach of duties incumbent on the alleged offender, the motives for acting, the conduct of the alleged offender prior to and following the perpetration of the disciplinary offence as well as their service record.
2. The following circumstances of a disciplinary offence perpetration shall aggravate the punishment:
 - 1) acting out of motives deserving particular condemnation or after consumption of alcohol or similarly acting substances;
 - 2) perpetration of a disciplinary offence by an officer prior to the expunction of a disciplinary penalty imposed thereon,
 - 3) serious consequences of the disciplinary offence, especially a serious interference with the performance of the CBA's tasks or tarnishing the good name of the CBA;
 - 4) acting in the presence of a subordinate, jointly with them or to the detriment thereto.
3. The following circumstances of a disciplinary offence perpetration shall mitigate the punishment:
 - 1) unintentional perpetration of an offence;
 - 2) undertaking efforts by the officer to mitigate the consequences of such offence;
 - 3) lack of sufficient professional experience or sufficient professional skills;
 - 4) voluntarily notifying a supervisor on the perpetration of disciplinary offence prior to the initiation of disciplinary procedures.
4. While imposing a disciplinary penalty, the circumstances referred to in sections 1-3 shall be considered exclusively with respect to the officer to whom they pertain.

Art. 120

1. If a substantiated suspicion of a disciplinary offence perpetrated by an officer arises, the disciplinary superior:
 - 1) shall initiate disciplinary procedures:
 - a) at the initiative of such officer's direct superior,
 - b) on the application of the direct superior of such officer,
 - c) on request of the court or prosecutor;
 - 2) may initiate disciplinary procedures at the request of the injured party.
2. In the event referred to in section 1 item 1c and item 2, the court and or the prosecutor or the injured party, accordingly, shall be notified about the initiation of disciplinary procedures and the result thereof by sending a copy of the issued ruling or decision. The evidence submitted by the court, the prosecutor or the injured party shall be included in the files of disciplinary procedures.
3. Where doubts arise with respect to the perpetration of a disciplinary offence, its legal qualification or the identification of the perpetrator, prior to the initiation of the proceedings, the disciplinary superior shall order explanatory activities. The activities shall be completed within 30 days.

4. Disciplinary procedures shall be initiated on the day of the issuance of the decision on the initiation of disciplinary procedures. The officer with respect to whom the decision on the initiation of disciplinary procedures has been issued shall be deemed charged with an offence.
5. The decision on the initiation of disciplinary procedures shall include:
 - 1) an indication of the disciplinary superior;
 - 2) the date of issuance of the decision;
 - 3) the first name, the surname and the official position of the charged officer;
 - 4) a description of the disciplinary offence with which the officer is charged, along with the legal qualification thereof;
 - 5) actual grounds for the alleged disciplinary offence;
 - 6) an indication of the disciplinary prosecutor to conduct the procedure;
 - 7) the signature with the first name and the surname of the disciplinary superior;
 - 8) an instruction on the rights of the charged officer in the course of disciplinary procedures.

Art. 121

1. Disciplinary procedures shall be not be initiated, and initiated procedure shall be discontinued:
 - 1) Where the explanatory activities have not confirmed the occurrence of the disciplinary offence;
 - 2) after a lapse of the time limits set forth in art. 111 sections 2 and 3;
 - 3) in the event of the death of the officer;
 - 4) where a final disciplinary decision has been issued in the same matter or where disciplinary procedures are in progress.
2. The decision on the refusal to initiate disciplinary procedures as well as on discontinuation of disciplinary procedures shall be delivered to the injured party if they submitted lodged a request to initiate disciplinary procedures. The injured party may submit a complaint or an appeal to the Head of the CBA against the decision on the refusal to initiate disciplinary procedures or discontinuation of disciplinary procedures, respectively, within 7 days of the date of receipt.

Art. 122

1. Disciplinary procedures and the explanatory activities referred to in art. 120 section 3 shall be conducted by a disciplinary prosecutor.
2. At the request of disciplinary superiors, in each organisational unit of the CBA, the Head of the CBA shall appoint disciplinary prosecutors for a period of 4 years, from among officers in permanent service.
3. The disciplinary prosecutor shall be removed in the event of:
 - 1) the occurrence of circumstances which constitute the grounds for their removal from service in the CBA;
 - 2) a legally valid disciplinary punishment imposed on them.
4. Upon the consent of the Head of the CBA, the disciplinary prosecutor may seek assistance of another disciplinary prosecutor, in the course of evidence-gathering activities.
5. The disciplinary prosecutor or the disciplinary superior shall be subject to exclusion from participation in disciplinary procedures where:
 - 1) the matter relates directly to them;

- 2) they are the charged officer's spouse, relative or in-laws or person injured thereby within the meaning of the Code of Criminal Procedure;
 - 3) they were a witness to the offence;
 - 4) the prosecutor is in a personal relationship with the charged officer or the person injured thereby, which may evoke doubts with respect to their impartiality.
6. The disciplinary prosecutor or the disciplinary superior may also be excluded from disciplinary procedures on the grounds of other justified reasons.
 7. The Head of the CBA shall be notified without delay by the disciplinary prosecutor or the disciplinary superior about the circumstances providing grounds for the exclusion from disciplinary procedures.
 8. The exclusion of a disciplinary prosecutor or a disciplinary superior from disciplinary procedures may also occur at the request of the charged officer or their defence counsel if applicable.
 9. The Head of the CBA shall issue a decision on the exclusion or refusal to exclude a disciplinary prosecutor or a disciplinary superior from disciplinary procedures.

Art. 123

1. In the event of exclusion of a disciplinary superior from disciplinary procedures, under art. 122 sections 5 and 6 the Head of the CBA shall assume responsibility for disciplinary procedures.
2. Where the circumstances referred to in art. 122 sections 5 and 6 occur with respect to the Head of the CBA, one of deputy heads shall assume responsibility for disciplinary procedures.
3. In the event of exclusion of a disciplinary prosecutor from disciplinary procedures, under art. 122 sections 5 and 6 another disciplinary prosecutor shall be appointed to assume responsibility of disciplinary procedures.
4. Until the Head of the CBA issues the decision on exclusion, the disciplinary prosecutor shall exclusively conduct urgent activities.

Art. 124

1. The disciplinary prosecutor shall gather evidence and undertake activities necessary to clarify the matter. In particular, they shall interview witnesses and the charged officer, accept explanations from the charged officer, conduct an inspection. The disciplinary prosecutor shall draw up a protocol of such activities. The disciplinary prosecutor may also order to carry out relevant research.
2. A protocol shall be drawn up of activities other than those stipulated in section 1 if required under special regulations, or where it is deemed necessary by the disciplinary superior or the disciplinary prosecutor. Otherwise, an official note may be drawn up.
3. The protocol shall contain:
 - 1) an indication of the activity, its time and place, participants or persons present as well as the nature of their participation;
 - 2) a description of the course of the activity;
 - 3) if necessary:
 - a) a statement on finding other circumstances concerning the course of the activity,
 - b) representations and conclusions of the participants of the activity,
 - c) instructions on rights and obligations.

4. Explanations, testimonies, representations and conclusions as well as finding specific circumstances by the disciplinary prosecutor or the head of an organisational unit of the CBA, referred to in section 8 shall be accurately recorded in the protocol; the participants of the activity have the right to demand that all and any issues concerning their rights and interests be recorded in the protocol to with full accuracy.
5. After the review of the protocol, the participants of the activity recorded in the protocol, as well as the persons present sign each of the protocol pages. Refusal to review the protocol as well as refusal to sign or lack of signature of any person shall be elaborated in the protocol.
6. In the course of the procedures, the disciplinary prosecutor shall issue decisions if the issuance is not restricted to the competence of the disciplinary superior.
7. A decision issued in the course of the procedure, except for the decision on the initiation of disciplinary procedures, shall contain:
 - 1) an indication of the disciplinary prosecutor or the disciplinary superior issuing the decision;
 - 2) the date of the issuance of the decision;
 - 3) legal grounds for issuing the decision;
 - 4) the first name, the surname and the official position of the charged officer;
 - 5) the results;
 - 6) actual and legal grounds;
 - 7) an instruction on whether the decision is subject to an appeal and according to what procedures;
 - 8) a signature including the first name and the surname of the person issuing the decision.
8. Where it is necessary to conduct the activities in a location other than where disciplinary procedures are carried out, the disciplinary superior may submit a request to conduct the activities to the head of the organisational unit of the CBA competent for the place in which the activities are to be conducted.
9. If the activity constituting the subject-matter of disciplinary procedures is or was the subject of other proceedings, including pre-trial proceedings, the disciplinary superior may submit a request to the competent body to provide access to the files of such proceedings in whole or in part. With the consent of that body, the required copies of and extracts from the accessible files shall be included in the files of disciplinary procedures.
10. Where substantiated by the evidence gathered, the disciplinary superior shall issue a decision on the change or supplementation of the charges.

Art. 125

1. In the course of disciplinary procedures, the charged officer is entitled to:
 - 1) submit explanations;
 - 2) refuse to submit explanations;
 - 3) submit motions as to evidence;
 - 4) review the files of disciplinary procedures and to take notes thereof;
 - 5) appoint a defence counsel, including from among the officers;
 - 6) submit complaints to the disciplinary superior on the decisions issued in the course of the procedures by the disciplinary prosecutor, within 3 days of the date of receipt thereof and in the cases set forth in the Act; the charged officer shall be entitled to submit a complaint against the decisions issued by the disciplinary superior to the Head of the CBA.

2. The disciplinary prosecutor may, by way of decision, refuse to provide access to the files if it is justified by the interest of such procedures. The decision is subject to appeal.
3. The appointment of a defence counsel, if not restricted, shall authorise the counsel to act in the course of the entire disciplinary procedures, including the activities following the final decision. The charged officer shall immediately notify the defence counsel and the disciplinary prosecutor on the change of the scope of the power of attorney to act in disciplinary procedures or of the withdrawal thereof.
4. The defence counsel shall not undertake any activities to the disadvantage of the charged officer. They may resign from representing the charged officer in the course of disciplinary procedures, notifying the charged officer and the disciplinary prosecutor. Until the appointment of a new defence counsel, however not longer than 14 days of the date of the notification submitted to the charged officer, the defence counsel shall undertake the necessary decisions.
5. The participation of such defence counsel in disciplinary procedures shall not exclude the personal participation of the charged officer.
6. Rulings, decisions, notifications and other documents issued in the course of disciplinary procedures shall be served on the charged officer and the counsel, if applicable. In the event the document, against which an appeal or complaint may be filed, is submitted to the charged officer and the counsel on different dates, the time limit to submit an appeal or a complaint runs from the earlier date of service of the document.
7. The charged officer shall submit the motion as to evidence, in writing, to the disciplinary prosecutor who decides, by way of decision, about the acceptance or rejection of the motion if:
 - 1) the circumstance which is to be proved has no significance for the settlement of the matter or it has already been proved according to the requester's representation;
 - 2) the evidence is not useful for the establishment of the circumstance or the examination of the evidence is not possible;
 - 3) the examination of evidence breaches the law.
8. The decision on the rejection of the motion as to evidence is subject to appeal.
9. Unexcused absence from service of the charged officer, discharge of the charged officer from official activities due to their illness as well as unexcused failure to appear at the request of the disciplinary prosecutor shall not suspend the conduct of disciplinary procedures; the activities, in which the participation of the charged officer is envisaged, shall not be conducted or shall be conducted at the place of the charged officer's stay.
10. Participation in evidence gathering as well as reviewing the files of disciplinary procedures of the charged officer who was discharged from official activities due to illness requires the permission of the doctor who stated the charged officer's temporary inability to serve. Where the contact with the doctor is impossible or where the doctor has been changed, such permission may be issued by a doctor who is currently treating the charged officer, and in further order, by a doctor of the same specialisation.

Art. 126

1. The disciplinary superior and the disciplinary prosecutor shall examine and consider the circumstances both in favour and to the disadvantage of the charged officer.
2. The charged officer shall be deemed innocent until proven guilty and until their guilt is acknowledged with a final ruling. Doubts that cannot be removed shall be settled to the advantage of the charged officer.

Art. 127

1. Evidence-gathering in the course of disciplinary procedures should be completed within one month of the date of the initiation of the procedures. The disciplinary superior, by way of decision, may prolong the term of evidence-gathering activities up to 2 months.
2. The Head of the CBA may extend, by way of decision, the term of evidence-gathering activities for a period longer than 2 months.
3. The disciplinary superior may suspend disciplinary procedures due to the occurrence of a long-term obstacle that prevents the conduct of such procedures. A complaint against the decision to suspend such disciplinary procedures may be filed within 7 days of the decision delivery. If such disciplinary procedures were instituted at the initiative of the injured party, a complaint may also be submitted thereby.
4. The disciplinary superior issues decisions on the initiation of suspended disciplinary procedures after the cessation of the obstacle referred to in section 3.

Art. 128

1. Upon completion of evidence-gathering activities and finding all significant circumstances of the case, the disciplinary prosecutor shall acquaint the charged officer with the files of such disciplinary procedures.
2. The defence counsel may review the files of the disciplinary procedures referred to in section 1, not later than by the date on which the charged officer reviews them.
3. The activity of reviewing the files of such disciplinary procedures shall be confirmed with a protocol.
4. The refusal to review the files or to sign in order to confirm such circumstance shall not withhold the procedures. The disciplinary prosecutor shall make a note about such refusal in the files of the procedures.
5. Within 3 days of the date of the files review, the charged officer shall be entitled to submit a request to have the files supplemented. The charged officer shall have the right to submit a complaint against the decision on the refusal to supplement the files of disciplinary procedures issued by the disciplinary prosecutor.
6. Within 3 days of the date of the review of the supplemented files of disciplinary procedures, the charged officer shall be entitled to submit a request to have the files supplemented in the scope resulting from the evidence-gathering activities, which supplement the files of the procedure.
7. The disciplinary prosecutor, upon the charged officer's review of the files, shall issue a decision on the evidence-gathering completion and draw up a report, which:
 - 1) indicates the person conducting the procedures and the disciplinary prosecutor who issued the decision on the initiation of disciplinary procedures;
 - 2) indicates the charged officer and defines the disciplinary charges against them along with the description of the actual state established on the grounds of the evidence gathered;
 - 3) presents conclusions concerning an acquittal, refraining from imposing punishment or imposition of a penalty or discontinuance of the procedures.

Art. 129

1. On the grounds of the assessment of the evidence gathered in the course of disciplinary procedures, the disciplinary prosecutor shall issue a decision on:
 - 1) an acquittal, or
 - 2) refraining from imposing punishment, or
 - 3) a penalty, or
 - 4) a discontinuance of the procedures.
2. The decision should contain:
 - 1) an indication of the disciplinary superior;
 - 2) the date of the decision issuance;
 - 3) the first name and the surname as well as the official position of the charged officer;
 - 4) a description of the alleged disciplinary offence along with the legal qualification thereof;
 - 5) the decision on an acquittal, determination of guilt, refraining from imposing punishment or imposition of a disciplinary penalty or discontinuance of disciplinary procedures;
 - 6) actual and legal grounds for the decision;
 - 7) an instruction on the right to, the time limit for and the procedure of submitting an appeal;
 - 8) the signature, including the first name and the surname of the disciplinary superior, as well as the seal of the organisational unit of the CBA.
3. The disciplinary superior shall reverse the decision referred to in article 128 section 7 and submit the files to the disciplinary prosecutor for supplementation if they determine that not all circumstances of the case have been explained.
4. The disciplinary superior shall discontinue disciplinary procedures in the events referred to in article 121 section 1 or where the procedures are deemed groundless due to other reasons.
5. The disciplinary superior may refrain from imposing a punishment if the degree of guilt or the degree of noxiousness of the disciplinary offence is insignificant to service, and the competence and personal skills of the officer as well as the course of their service provide grounds for an assumption that despite refraining from punishment the officer shall observe professional discipline as well as the principles of professional ethics.
6. The decision referred to in section 1 along with the substantiation thereof shall be drawn up in writing, not later than within 14 days of the date of the decision issuance on the completion of evidence-gathering activities.
7. The decision referred to in section 1 shall be submitted to the charged officer without delay.
8. Where the disciplinary superior deems that a disciplinary penalty should be imposed to the administration of which they are not entitled, they submit a request on the matter along with the files of disciplinary procedures to the Head of the CBA.
9. In the event of an intention to impose the penalty of removal from service in the CBA, the Head of the CBA, prior to the issuance of such disciplinary decision, shall hear the charged officer's explanations. The disciplinary prosecutor shall participate in the hearing. The charged officer shall be served with a report in time to review it prior to the hearing.
10. The provision of section 9 shall not apply in the event of:
 - 1) a temporary arrest of the charged officer;
 - 2) a refusal by the charged officer to appear or an unexcused absence;

3) an occurrence of another obstacle which prevents such charged officer from making an appearance within 14 days of the date of the submitting the decision on the completion of evidence-gathering activities.

Art. 130

1. Disciplinary procedures consist of two instances. The charged officer shall be entitled to appeal against the decision issued in the first instance, within 7 days of the decision delivery.
2. Such appeal shall be submitted to the Head of the CBA through the disciplinary superior who issued the decision in the first instance.
3. The Head of the CBA shall refuse to accept the appeal, by way of decision, if an unauthorised person filed it after the time limit or if it is unacceptable. Such decision is final.
4. If the ruling or decision in the first instance is issued by the Head of the CBA, it is not subject to appeal or complaint. However, the charged officer may, within the time limit referred to in section 1, submit a request to the Head of the CBA to re-examine the case; the provisions pertaining to appeals against rulings apply accordingly.

Art. 131

1. In the course of appeal proceedings, the case shall be examined on the grounds of the actual state of facts established in the course of disciplinary procedures. If necessary due to the proper decision issuance, the Head of the CBA may supplement the evidence by ordering the disciplinary prosecutor conducting disciplinary procedures to conduct evidence-gathering activities, defining their scope.
2. The disciplinary prosecutor acquaints the charged officer with the evidence gathered in the course of the evidence-gathering activities referred to in section 1. The charged officer is entitled to submit remarks on the conducted evidence-gathering activities to the Head of the CBA within 3 days of the date of the evidence review.

Art. 132

1. Within 7 days of filing such appeal, the Head of the CBA may appoint a committee for the examination of the appealed decision, hereinafter referred to as the "committee".
2. The committee consists of three officers in permanent service.
3. The provisions of art. 122 sections 5 and 6 apply accordingly to the members of the committee.
4. The committee may hear the disciplinary prosecutor, the charged officer or the defence counsel.
5. The failure to appear of the duly notified: the disciplinary prosecutor, the charged officer or the defence counsel shall not suspend the examination of the case.
6. The committee may submit a request to a senior disciplinary superior to supplement the evidence under art. 131 section 1.

Art. 133

1. The committee shall draw up a report on the activities conducted, along with a motion relating to the manner of such appeal settlement.

2. The committee presents the report, referred to in section 1, to the Head of the CBA within 21 days of the date of such committee's appointment.
3. The Head of the CBA examines the appeal within 14 days of the date of its submission, and in the event of such committee appointment – within 7 days of the date of the receipt of the report referred to in section 1.
4. With respect to such appealed decision, the Head of the CBA may:
 - 1) uphold it, or
 - 2) reverse it in whole or in part and acquit the charged officer in such scope, refrain from punishment, or impose another penalty or, reversing such decision – discontinue the disciplinary procedures in the first instance, or
 - 3) reverse it in whole and remit the case for re-examination by the disciplinary superior, when the settlement of the case demands that the evidence-gathering activities be conducted in whole or in a significant part.
5. Appeal proceedings shall be discontinued in the event of the withdrawal of the appeal.
6. In the course of appeal proceedings, the Head of the CBA cannot impose a more severe disciplinary penalty unless the appealed decision seriously breaches the law or the interest of service.

Art. 134

1. A ruling or a decision becomes final:
 - 1) after a lapse of the time limit set for an appeal or submission of a complaint if it has not been submitted;
 - 2) on the date of the issuance, by the appellate body, of the final ruling or the final decision.
2. After such ruling or decision becomes final, the disciplinary superior executes the imposed penalty without delay.
3. After such ruling becomes final, the superior in charge of personnel matters shall execute, without delay, the punishment of warning of insufficient capacity for service in the position held.
4. After the ruling becomes final, the superior referred to in section 3 shall execute, without delay, the penalty of: appointment to a lower official position, removal from service by issuing a decision on, accordingly: dismissal or removal of the charged officer from their current position and appointing such officer to a lower position or the dismissal of the punished officer from service.
5. The final ruling on refraining from punishment or on imposing punishment as well as the final decision on refraining from initiation of disciplinary procedures are included in the personal files of such officer.

Art. 135

1. In matters not regulated by this Act, the provisions of the Act of 6 June 1997 – the Code of Criminal Procedure, concerning summonses, time limits, deliveries, and witnesses, excluding the possibility of imposing penalties for breach of order as well as apprehending and escorting witnesses, shall apply to disciplinary procedures, accordingly. In the course of disciplinary procedures, the provisions of art. 184 of the Act of 6 June 1997 – the Code of Criminal Procedure shall not apply to witnesses.

2. The disciplinary prosecutor shall decide about the release from giving testimony or from replying to questions by a person remaining in a particularly close relationship with the charged officer. A refusal to release from giving testimony or reply to questions is subject to appeal within 3 days of the date of the serving of the decision.

Art. 136

1. Expunction of a disciplinary penalty means acknowledging the penalty null and void.
2. Disciplinary penalties are expunged after a lapse of:
 - 1) 6 months from the date a ruling imposing a penalty of a reprimand becomes final;
 - 2) 12 months from the date a ruling imposing a penalty of a warning of insufficient aptitude for service in the position held becomes final;
 - 3) 18 months from the date a ruling imposing a penalty of appointment to a lower position becomes final.
3. In the event of impeccable service, stated in an official opinion, the disciplinary superior may expunge the disciplinary penalty prior to the lapse of the time limit set forth in section 2, however, not earlier than before a lapse of:
 - 1) 3 months from the date a ruling imposing a penalty of a reprimand becomes final;
 - 2) 6 months from the date a ruling imposing a penalty of a warning of insufficient capacity for service in the position held becomes final;
 - 3) 12 months from the date a ruling imposing a penalty of appointment to a lower position becomes final.
4. For bravery and courage as well as significant performance in service, the disciplinary superior may expunge such disciplinary penalty at any time.
5. If an officer is re-punished before such disciplinary penalty is expunged, the time limit required for expunging the penalty which has not been exercised runs anew from the date the ruling on a new penalty is issued.
6. In the event of more than one disciplinary penalty, expunction of such penalties takes place after a lapse of the time limit stipulated for the more severe penalty.
7. Expunction of a disciplinary penalty results in the removal of the ruling on such penalty from the personal files of the officer. The ruling on refraining from punishment is removed after a lapse of 6 months from the date of becoming final, the provisions of sections 3 and 4 apply accordingly.

Art. 137

1. Disciplinary procedures ended with a final decision are re-opened if:
 - 1) the evidence on the basis of which significant circumstances were established has proved fraudulent;
 - 2) new circumstances, not known in the course of disciplinary procedures, significant for the subject matter have been discovered;
 - 3) the ruling was issued with a breach of the provisions of the law in force if such breach could have had an impact on such ruling;
 - 4) the ruling was issued on the grounds of another decision or a court ruling, which has afterwards been reversed or amended.

2. Disciplinary procedures are re-opened at the request of the punished or charged officer, or in the event of their death, at the request of a family member entitled to a dependants' pension if, as a result of the ruling of the Constitutional Tribunal, the provision constituting the grounds for the issuance of the disciplinary ruling has been deemed invalid or has been amended.
3. In the event referred to section 2, the request to re-open such procedures shall be submitted within one month from the date on which the ruling of the Constitutional Tribunal becomes final.
4. In the event of the death of such punished or charged officer, disciplinary procedures are not re-opened to the disadvantage of such officer after the cessation of criminality of such disciplinary offence.
5. Disciplinary procedures are not re-opened after a lapse of 5 years from the date the ruling becoming final.
6. The disciplinary superior who issued such final disciplinary ruling, re-opens disciplinary procedures ex officio or at the request of such punished or charged officer or, in the event of their death, at the request of a family member entitled to a dependants' pension. Such punished or charged officer or, in the event of their death, a family member entitled to a dependants' pension, shall be notified of the re-opening of disciplinary procedures ex officio.
7. A request to re-open disciplinary proceedings shall be filed with the disciplinary superior who issued such ruling in the first instance, within 30 days from the date on which such punished or charged officer learnt about the circumstances constituting the grounds for the procedure re-opening.
8. If the procedure re-opening results from the activity of the disciplinary superior referred to in section 6, the decision to re-open such procedures is taken by a senior disciplinary superior.
9. Such charged officer as well as a family member entitled to a dependants' pension, referred to in section 6, shall be entitled to submit a complaint against the decision on the refusal to re-open disciplinary procedures to the Head of the CBA within 7 days from the date of the decision submission; however, with respect to the decision issued by the Head of the CBA exclusively a request to re-examine the case may be submitted within the same time limit.

Art. 138

1. After such re-opening of disciplinary procedures, evidence-gathering activities limited to the causes of such re-opening are conducted and, after the completion thereof, depending on the findings made, a ruling shall be issued:
 - 1) reversing the existing ruling and determining an acquittal of the punished officer or the discontinuation of disciplinary procedures, or
 - 2) amending the existing ruling and imposing a different disciplinary penalty, or
 - 3) refusing to reverse the existing ruling.
2. A change of the existing ruling and imposition of a different disciplinary penalty shall not occur after the cessation of criminality of the disciplinary offence.
3. A decision on a more severe punishment shall be taken exclusively if the procedures are re-opened ex-officio and the imposed punishment is significantly disproportional to the disciplinary offence.

4. If such re-opening of disciplinary procedures resulted in the punishment mitigation, the effects of the existing punishment shall be reversed; where a more severe punishment is imposed, an execution thereof shall start from the date of its imposition.
5. The punished or charged officer or, in the event of their death, a family member entitled to a dependants' pension, is entitled to submit an appeal or a complaint against the ruling or the decision, issued as a result of the disciplinary procedure re-opening, to the Head of the CBA within 7 days from the date of the submission of such ruling or decision; however, with respect to the decision issued by the Head of the CBA exclusively a request to re-examine the case may be submitted within the same time limit.
6. The time limit for expunction of a punishment changed as a result of the re-opening of the procedures begins on the date on which the ruling to impose a new punishment becomes final. The expunction period that has passed from the date on which the ruling on the imposition of the existing punishment became final shall be included in the expunction period of the new punishment.

Art. 139

An officer shall be entitled to file a complaint against the final ruling and the final decision in disciplinary procedures with the administrative court.

Art. 140

The Prime Minister shall define, by way of ordinance, the detailed procedure for conducting activities connected with disciplinary procedures with respect to officers, including the circulation of documents connected with such disciplinary procedures, clerical and calculation error correction as well as other obvious mistakes; the templates of decisions and other documents drawn up in the course of disciplinary procedures, taking into consideration the efficiency of such procedures.

Chapter 8

Amendments in regulations in force

Art. 141

Art. 17a section 1 of the Polish Citizenship Act of 15 February 1962 (Journal of Laws of 2000 No. 28, item 353; of 2001 No. 42, item 475; of 2003 No. 128, item 1175; and of 2005 No. 94, item 788) is given the following wording:

- "1. In matters falling within the scope of the competence of the voivode and of the President of the Office for Repatriation and Foreigners, these authorities may turn to the Voivodeship Chief Commander of the Police, the Commander in Chief of the Police, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, and the Head of the Military Information Services, as well as to other authorities, if necessary, to provide information essential for the proceedings."

Art. 142

The Act of 17 November 1964 - the Code of Civil Procedure (Journal of Laws No. 43, item 296, as amended) is amended as follows: (amendments omitted).

Art. 143

The Act of 17 June 1966 on Enforcement Proceedings in Administration (Journal of Laws of 2005 No. 229, item 1954) is amended as follows: (amendments omitted).

Art. 144

The Act of 21 November 1967 on the Universal Duty to Defend the Republic of Poland (Journal of Laws of 2004 No. 241, item 2416 and No. 277, item 2742, as well as of 2005 No. 180, item 1496) is amended as follows: (amendments omitted).

Art. 145

Art. 44h section 1 item 2 of the Act of 10 April 1974 on Population Records and Identity Cards (Journal of Laws of 2001 No. 87, item 960, as amended) is given the following wording:

“2) the authorities of the Police, the Border Guard, the Prison Service, the Military Information Services, the Military Gendarmerie, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, and the municipal police.”

Art. 146

Art. 302 of the Act of 26 June 1974 – the Labour Code (Journal of Laws of 1998 No. 21, item 94, as amended) is given the following wording:

“art. 302. The duty time in the Police, the State Protection Office, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Prison Service, the Border Guard and the State Fire Service shall be included in the period of employment in the scope and on principles prescribed in separate provisions”.

Art. 147

Art. 75 of the Act of 6 July 1982 on Legal Advisers (Journal of Laws of 2002 No. 123, item 1059, as amended), is given the following wording:

“art. 75. The service relationship and the rights and obligations, which derive from such relationship, of legal advisers and trainee legal advisers who are soldiers in active military service, officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the State Fire Service or the Prison Service, within the scope not set forth in this Act, shall be governed by provisions of separate laws”.

Art. 148

The Act of 14 July 1983 on National Archive Resources and Archives (Journal of Laws of 2006 No. 97, item 673) is amended as follows: (amendments omitted).

Art. 149

Art. 20 of the Act of 14 March 1985 on the State Sanitary Inspectorate (Journal of Laws of 1998 No. 90, item 575 as amended):

a) section 1 is given the following wording:

“1. In the Police, the State Fire Service, the Border Guard, the Government Protection Bureau, organisational units accountable to and supervised by the minister in charge of internal affairs, healthcare facilities established by the minister in charge of internal affairs, the office assisting the minister in charge of internal affairs as well as in organisational units of the Internal Security Agency, the Foreign Intelligence Agency and the Central Anti-Corruption Bureau, the tasks of the State Sanitary Inspectorate shall be exercised by the State Sanitary Inspectorate of the Ministry of Internal Affairs and Administration, financed from the State budget.”,

b) section 3 is given the following wording:

“3. The minister in charge of internal affairs, after consulting the Heads of the Internal Security Agency, the Foreign Intelligence Agency, and the Central Anti-Corruption Bureau, shall define, by way of ordinance, the organisation as well as the terms of and the procedures for performance of tasks by the State Sanitary Inspectorate of the Ministry of Internal Affairs and Administration on the premises of the Internal Security Agency, the Foreign Intelligence Agency, and the Central Anti-Corruption Bureau as well as in relation to officers of the Internal Security Agency, the Foreign Intelligence Agency, and the Central Anti-Corruption Bureau”.

Art. 150

Art. 13 section 3 item 1a of the Act of 21 March 1985 on Public Roads (Journal of Laws of 2004 No. 204, item 2086, as amended) is given the following wording:

“a) the Police, the Public Transport Inspectorate, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the State Fire Service, fire protection units, the Border Guard, the ambulance service, the Prison Service, the Customs Service,”.

Art. 151

The Act of 25 July 1985 on Research and Development Units (Journal of Laws of 2001 No. 33, item 388, as amended) is amended as follows: (amendments omitted).

Art. 152

The Police Act of 6 April 1990 (Journal of Laws of 2002 No. 7, item 58, as amended) (amendments omitted).

Art. 153

Art. 2 section 1 item 5 of the Act of 21 June 1990 on the Return of Benefits Gained Unjustly to the Disadvantage of the State Treasury or Other State Legal Persons (Journal of Laws No. 44, item 255, as amended) is followed by item 5a, having the following wording:

“5a) the Head of the Central Anti-Corruption Bureau”.

Art. 154

The Border Guard Act of 12 October 1990 (Journal of Laws of 2005 No. 234, item 1997) is amended as follows: (amendments omitted).

Art. 155

Art. 19 section 2 of the Collective Labour Dispute Resolution Act of 23 May 1991 (Journal of Laws No. 55, item 236, as amended) is given the following wording:

“2. Organising a strike at the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, units of the Police and Armed Forces of the Republic of Poland, the Prison Service, the Border Guard, the Customs Service and organisational units of fire protection is inadmissible”.

Art. 156

Art. 30 section 1 item 5 of the Personal Income Tax Act of 26 July 1991 (Journal of Laws of 2000 No. 14, item 176, as amended) is given the following wording:

“5) from the consideration for providing assistance to the Police, the fiscal control authorities, the Customs Inspectorate authorities, the Border Guard, the Military Information Services, the Military Gendarmerie, the Internal Security Agency, the Foreign Intelligence Agency, and the Central Anti-Corruption Bureau, paid from operational funds – in the amount of 20% of the remuneration,”.

Art. 157

The Act of 24 August 1991 on the State Fire Service (Journal of Laws of 2006, No. 96, item 667) is amended as follows: (amendments omitted).

Art. 158

The Fiscal Control Act of 28 September 1991 (Journal of Laws of 2004 No. 8, item 65, as amended) is amended as follows: (amendments omitted).

Art. 159

In the Act of 19 October 1991 on Management of Agricultural Real Property of the State Treasury (Journal of Laws of 2004 No. 208, item 2128, as amended) in art. 36 section 2 item 4, the full stop is substituted with a comma, and item 5 is appended, having the following wording:

“5) of the Central Anti-Corruption Bureau – requires the consent of the Head of the Central Anti-Corruption Bureau”.

Art. 160

Art. 17 section 1 of the Act of 16 October 1992 on Medals and Decorations (Journal of Laws No. 90, item 450; of 1999 No. 101, item 1177; of 2000 No. 62, item 718; and of 2002 No. 74, item 676)) is given the following wording:

“1. The Cross of Merit for Bravery, established by the President of the Republic of Poland by way of ordinance of 7 March 1928, shall be awarded to Police officers, officers of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Fire Department as well as to soldiers for acts performed in particularly difficult conditions, showing extreme courage, with danger to their life or health, in the defence of the law, the inviolability of the state borders as well as their life, property, and the citizens’ safety.”

Art. 161

The Act of 10 December 1993 on the Retirement Benefits for Soldiers and Their Families (Journal of Laws of 2004 No. 8, item 66, as amended) is amended as follows: (amendments omitted).

Art. 162

The Act of 18 February 1994 on the Retirement Benefits for the Officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Service and the Prison Service, and their families (Journal of Laws of 2004 No. 8, item 67, as amended) is amended as follows: (amendments omitted).

Art. 163

Art. 64 section 1 item 1 of the Act of 22 June 1995 on Quartering of the Polish Armed Forces (Journal of Laws of 2005 No. 41, item 398 and No. 132, item 1110) is given the following wording:

“1) the Police, accordingly the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the State Fire Service and the Prison Service;”.

Art. 164

Art. 15 section 2 item 1 of the Act of 13 October 1995 on the Registration and Identification of Taxpayers and Tax Remitters (Journal of Laws of 2004 No. 269, item 2681 and of 2005 No. 14, item 113) is given the following wording:

“1) the courts, prosecutors, tax authorities, customs authorities, representatives of the Supreme Audit Office, the Police, the Internal Security Agency, the Central Anti-Corruption Bureau, the Military Gendarmerie, and the Military Information Services – in connection with the conducted proceedings;”.

Art. 165

The Prison Service Act of 26 April 1996 (Journal of Laws of 2002 No. 207, item 1761, as amended) is amended as follows: (amendments omitted).

Art. 166

Art. 35 section 6 of the Act of 9 May 1996 on the Exercise of the Mandate of a Deputy or Senator (Journal of Laws of 2003 No.221, item 2199, as amended) is followed by section 6a, having the following wording:

“6a. The integrity and veracity verification of asset declarations referred to in section 1 shall be conducted by the Central Anti-Corruption Bureau pursuant to the procedures and terms set forth in Chapter 4 of the Act of 9 June 2006 on the Central Anti-Corruption Bureau (Journal of Laws No. 104, item 708).”

Art. 167

Art. 21a item 2 of the Act of 10 April 1997 – Energy Law (Journal of Laws of 2006 No. 89, item 625) is given the following wording:

“2) of the organisational units of the Internal Security Agency, the Foreign Intelligence Agency, and the Central Anti-Corruption Bureau are energy inspectorates appointed by the heads thereof in consultation with the President of the Energy Regulatory Office.”

Art. 168

Art. 17 section 3 item 4 of the Act of 11 April 1997 on disclosure of work or service in state security bodies or co-operation therewith in the years 1944-1990 by persons performing public functions (Journal of Laws of 1999 No. 428, as amended) is given the following wording:

“4) is not a secret collaborator of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau or the Military Information Services.”

Art. 169

The Act of 6 June 1997 – the Criminal Executive Code (Journal of Laws No. 90, item 557, as amended) is amended as follows: (amendments omitted).

Art. 170

The Act of 6 June 1997 – the Code of Criminal Procedure (Journal of Laws No. 89, item 555, as amended) is amended as follows: (amendments omitted).

Art. 171

The Road Traffic Act of 20 June 1997 (Journal of Laws of 2005 No. 108, item 908, as amended) is amended as follows: (amendments omitted).

Art. 172

Section 9, having the following wording, is appended to art. 10 of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions (Journal of Laws No. 106, item 679, as amended):

“9. The integrity and veracity verification of asset declarations referred to in art. 8 section 1 and sections 1, 2, 5, and 6 shall be carried out by the Central Anti-Corruption Bureau pursuant to

procedures and terms set forth in chapter of the Act on of 9 June 2006 on the Central Anti-Corruption Bureau (Journal of Laws No. 104, item 708).”

Art. 173

In art. 46 section 4 item 4 of the Act of 21 August 1997 on Real Property Management (Journal of Laws of 2004 No. 261, item 2603, as amended), the full stop is substituted by a comma, and item 5 is appended, having the following wording:

“5) of the Central Anti-Corruption Bureau – requires the consent of the voivode, issued in consultation with the Head of the Central Anti-Corruption Bureau.”

Art. 174

Item 7, having the following wording, is appended to art. 4 section 1 of the Act of 22 August 1997 on Protection of Persons and Property (Journal of Laws of 2005 No. 145, item 1221):

“7) the Head of the Central Anti-Corruption Bureau.”

Art. 175

In art. 111a section 1 item 2 of the Act of 28 August 1997 on Pension Fund Organisation and Operation (Journal of Laws of 2004 No. 159, item 1667, and of 2005 No. 143, item 1202, and No. 183, item 1538), the words “on retirement benefits for the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families” are substituted by words “on the retirement benefits of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families.”

Art. 176

The Tax Ordinance Act of 29 August 1997 (Journal of Laws of 2005 No. 8, item 60, as amended) is amended as follows: (amendments omitted).

Art. 177

The Act of 29 August 1997 – the Banking Law (Journal of Laws of 2002 no. 72, item 665, as amended), is amended as follows: (amendments omitted).

Art. 178

Art. 43 section 2 of the Act of 29 August 1997 on personal data protection (Journal of Laws of 2002 No. 101, item 926, and No. 153, item 1271, as well as of 2004 No. 25, item 219, and No. 33, item 285) is given the following wording:

“2. In relation to the data collections referred to in section 1 items 1 and 3, and the collections referred to in section 1 item 1a processed by the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau and the Military Information Services,

the Inspector General is not entitled to the powers set out in art. 12 item 2, art. 14 items 1, 3-5, and in art. 15-18.”

Art. 179

In the Act of 4 September 1997 on departments of government administration (Journal of Laws of 2003 No. 159, item 1548, as amended), art. 33a section 1 item 7 is followed by item 7a, having the following wording:

“7a) the Central Anti-Corruption Bureau,”.

Art. 180

Art. 1 section 3 item 2 of the Act of 12 December 1997 on Additional Annual Remuneration for Employees of State Budget Units (Journal of Laws No. 160, item 1080, as amended) is given the following wording:

“2) soldiers and officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Customs Service, the State Fire Service, the Prison Service, and the Government Protection Bureau.”

Art. 181

The Social Security System Act of 13 October 1998 (Journal of Laws No. 137, item 887, as amended), is amended as follows: (amendments omitted).

Art. 182

The Act of 17 December 1998 on Old Age Pensions and Other Benefits from the Social Insurance Fund (Journal of Laws of 2004 No. 39, item 353, as amended), is amended as follows: (amendments omitted).

Art. 183

Art. 38 section 1 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws No. 155, item 1016, as amended) is given the following wording:

“1. Officers and soldiers of special services duly authorised by the Head of Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau or the Head of the Military Information Services acting within the scope of their statutory tasks, after notifying the President of the Institute of National Remembrance, may have access to the data included in the documents gathered by the Institute of Remembrance, within the limits of their authorisation.”

Art. 184

The Act of 22 January 1999 on Protection of Classified Information (Journal of Laws of 2005 No. 196, item 1631) is amended as follows: (amendments omitted).

Art. 185

The Act of 7 May 1999 on the Personal Liability of Officers of the Police, the Border Guard, the Government Protection Bureau, the State Fire Service, the Prison Service, the Internal Security Agency, and the Foreign Intelligence Agency (Journal of Laws No. 53, item 548; of 2001 No. 27, item 298; and of 2002 No. 74, item 676) is amended as follows: (amendments omitted).

Art. 186

The Act of 21 May 1999 on Weapons and Ammunition (Journal of Laws of 2004 No. 52, item 525; and No. 96, item 959) is amended as follows: (amendments omitted).

Art. 187

The Customs Service Act of 24 July 1999 (Journal of Laws of 2004 No. 156, item 1641; and No. 273, item 2703; as well as of 2005 No. 167, item 1399) is amended as follows: (amendments omitted).

Art. 188

The Act of 10 September 1999 – the Fiscal Criminal Code (Journal of Laws No. 83, item 930, as amended) is amended as follows: (amendments omitted).

Art. 189

The Act of 23 December 1999 on Remuneration in the State-Budget Sector and Amendments to Certain Acts (Journal of Laws No. 110, item 1255, as amended), is amended as follows: (amendments omitted).

Art. 190

Art. 6 section 1 item 7 of the Act of 24 May 2000 on the National Criminal Registry (Journal of Laws No. 50, item 580, as amended) is given the following wording:

“7) the Internal Security Agency, the Central Anti-Corruption Bureau, and the Military Information Services within the scope required to perform their statutory task,”.

Art. 191

Art. 22 section 5 of the Act of 20 July 2000 on Promulgation of Normative Acts and Certain Other Legal Acts (Journal of Laws of 2005 No. 190, item 1606, and No. 267, item 2253; and of 2006 No. 73, item 501) is given the following wording:

“5. The Minister of National Defence, the minister in charge of internal affairs, the minister in charge of foreign affairs, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency or the Head of the Central Anti-Corruption Bureau shall issue, if necessary, a separate edition of the journal of laws with legal acts containing classified information.”.

Art. 192

Art. 33 of the Act of 16 November 2000 on Counteracting Introduction into Financial Circulation of Assets Derived from Illegal or Undisclosed Sources and Counteracting Financing of Terrorism (Journal of Laws of 2003 No. 153, item 1505, as amended) is amended as follows:

1) section 1 item 2 is given the following wording:

“2) the heads of: the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, and the Military Information Services or persons authorised thereby – within the scope of their statutory powers.”;

2) section 1a is given the following wording:

“1a. The General Inspector shall provide the minister in charge of internal affairs and the heads of: the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, and the Military Information Services with the information referred to in art. 8 section 1, at a written and reasonable request, submitted upon the consent of the Public Prosecutor General.”;

3) section 2 item 1 is given the following wording:

“the General Inspector of Treasury Control, the directors of tax chambers, and the directors of treasury control offices – exclusively within the scope of their statutory powers;”.

Art. 193

Art. 63 section 4 of the Act of 29 November 2000 – Nuclear Law (Journal of Laws of 2004 No.161, item 1689, and No. 173, item 1808; of 2005 No. 163, item 1362; and of 2006 No. 52, item 378) is given the following wording:

“4. The Prime Minister shall define, by way of ordinance, the procedures for supervision and control conducted by the nuclear supervisory bodies at the Internal Security Agency, the Foreign Intelligence Agency, and the Central Anti-Corruption Bureau, taking into account the procedures for such control preparation, documentation of control activities, preparation of such control reports, post-control reports, and information on such control results.”

Art. 194

Art. 24 section 2 of the Technical Inspection Act of 21 December 2000 (Journal of Laws No. 122, item 1321; of 2002 No. 74, item 676; and of 2004 No. 96, item 959) is given the following wording:

“ 2. Technical inspection activities in the organisational units of the Police, the Border Guard, the State Fire Service, the Internal Security Agency, the Foreign Intelligence Agency, and the Central Anti-Corruption Bureau shall be performed by inspectors, who are granted access to classified information pursuant to separate regulations.”

Art. 195

The Act of 16 March 2001 on the Government Protection Bureau (Journal of Laws of 2004 No. 163, item 1712, No. 210, item 2135) is amended as follows: (amendments omitted).

Art. 196

Art. 19 item 2 of the Act of 6 July 2001 on Gathering, Processing and Transfer of Criminal Information and on the National Information System (Journal of Laws No. 110, item 1189) is followed by item 2, having the following wording:

“2a) the Central Anti-Corruption Bureau,”.

Art. 197

The Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency (Journal of Laws No. 74, item 676, as amended) is amended as follows: (amendments omitted).

Art. 198

Art. 2 section 3 of the Act of 21 June 2002 on Explosives for Civil Use (Journal of Laws No. 117, item 1007 and No. 238, item 2019; and of 2004 No. 222, item 2249) is given the following wording:

“3. The provisions of the Act shall not apply to explosives purchased, relocated and used by the Armed Forces of the Republic of Poland, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Government Protection Bureau, the Police, the Prison Service, the Border Guard as well as by the armies of foreign countries present in the territory of the Republic of Poland.”

Art. 199

Art. 116 section 3 of the Act of 3 July 2002 – Aviation Law (Journal of Laws of 2006 No. 100, item 696) is given the following wording:

“3. The provisions of sections 1 and 2 shall not apply to the rights of the soldiers of the Military Information Services and officers of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Police, the Border Guard, and the Government Protection Bureau in the course of performing their official activities.”

Art. 200

In the Act of 12 June 2003 – Postal Law (Journal of Laws No. 130, item 1188, as amended), art. 41:

1) section 2 is given the following wording:

“2. The obligation referred to in section 1 shall cover gratuitous ensuring by the operator, within the scope of the postal activities performed thereby, technical and organisational possibilities of performance by the prosecutor's office as well as courts, and also by authorised units accountable to the Minister of Justice, the Minister of National Defence, the minister in charge

of internal affairs, the Head of the Internal Security Agency, and the Head of the Central Anti-Corruption Bureau of their tasks prescribed in separate regulations, from the date of commencement of such postal activities. At the request of the interested operator, the President of the Office of Electronic Communications may defer the time limit for performing such obligation.”;

- 1) in section 3, the introductory sentence is given the following wording:

“The minister in charge of telecommunications, in consultation with the Minister of Justice, the Minister of National Defence, the minister in charge of internal affairs, and having obtained the opinion of the Head of the Internal Security Agency and the Head of the Central Anti-Corruption Bureau, shall define, by way of ordinance:”.

Art. 201

Art. 133 section 1 item 4 of the Act of 13 June 2003 on Aliens (Journal of Laws No. 128, item 1175, as amended) is followed by item 4a, having the following wording:

“4a) the Head of the Central Anti-Corruption Bureau,”.

Art. 202

In art. 3 item 5 of the Act of 28 November 2003 on Family Benefits (Journal of Laws No. 228, item 2255, as amended), the words “on retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families” are substituted by the words “on retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families.”.

Art. 203

The Act of 20 April 2004 on Employment Promotion and Labour Market Institutions (Journal of Laws No. 99, item 1001, as amended) is amended as follows: (amendments omitted).

Art. 204

The Act of 16 July 2004 – Telecommunications Law (Journal of Laws No. 171, item 1800, as amended) is amended as follows: (amendments omitted).

Art. 205

The Act of 30 July 2004 on Payment for the Members of the European Parliament Elected in the Republic of Poland (Journal of Laws No. 187, item 1925) is amended as follows: (amendments omitted).

Art. 206

Art. 66 section 1 of the Act of 27 August 2004 on Health Benefits Financed from Public Funds (Journal of Laws No. 210, item 2135, as amended) is followed by item 8a, having the following wording:

“8a) officers of the Central Anti-Corruption Bureau;”.

Art. 207

In art. 2 section 1 item 8 of the Act of 20 May 2005 on Pecuniary Allowances for Certain Old Age Pensioners, Pensioners, and Persons Receiving Pre-retirement or Early Retirement Benefits (Journal of Laws No. 102, item 852), the words “on retirement benefits for the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families” are substituted by the words “on retirement benefits of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families.”

Art. 208

The final sentence of art. 28 of the Public Finance Act of 30 June 2005 (Journal of Laws No. 249, item 2104, and No.169, item 1420; and of 2006 No. 45, item 319) is given the following wording:

“- taking into consideration the specific nature of the activities performed by organisational units accountable to or supervised by the Minister of National Defence, the minister in charge of internal affairs, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central-Anti-Corruption Bureau, penitentiary units accountable to the Minister of Justice, and organisational units acting outside of the Republic of Poland; as well as the specific nature of financing of training courses which under separate laws are carried out and settled in terms which do not coincide with the financial year, and the specific nature of the organisation and service of appellate procedures.”

Art. 209

In art. 137 section 3 of the Act of 27 July 2005 – Law on Higher (Journal of Laws No. 164, item 1365; and of 2006 No. 46, item 328), the words “on retirement benefits for the officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families” are substituted by the words “on retirement benefits of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families.”

Art. 210

Art. 149 section 8 of the Act of 29 July 2005 on Trading in Financial Instruments (Journal of Laws No. 183, item 1538) is followed by item 8a, having the following wording:

“8a) of the Central Anti-Corruption Bureau where necessary to effectively prevent an offence perpetration, to detect such offence or identify the perpetrators and obtain evidence, pursuant to the terms and procedures set forth in art. 23 of the Act of 9 June 2006 on the Central Anti-Corruption Bureau (Journal of Laws No. 104, item 708);”.

Chapter 9

Transitional and final provisions

Art. 211

Pre-trial proceedings as well as other proceedings initiated but not completed by the Internal Security Agency until the date of entry into force of art. 197 item 1, which are connected with the performance of the tasks set forth in 5 section 1 item 2c of the Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency, shall still be conducted pursuant to the existing regulations.

Art. 212

1. Within one year from the effective date of this Act, officers serving in the Internal Security Agency, the Police, and the Border Guard may declare their intention to enter service in the CBA.
2. Officers of the Internal Security Agency, the Police, and the Border Guard shall declare their intention to enter service in the CBA, in writing, to the Head of the CBA or the Plenipotentiary referred to in art. 214 section 1.
3. Art. 50 shall apply accordingly.
4. The Head of the Central Anti-Corruption Bureau shall notify in writing, accordingly, the Head of the Internal Security Agency, the Commander in Chief of the Police, the Commander in Chief of the Border Guard, of the officers of the Internal Security Agency, the Police, and the Border Guard as eligible for service in the CBA.
5. The officers referred to in section 4 shall be removed from service in the Internal Security Agency, the Police, and the Border Guard within a period not exceeding 3 months counting from the date of notification. The Head of the Internal Security Agency, the Commander in Chief of the Police, the Commander in Chief of the Border Guard shall notify the Head of the CBA in writing about the envisaged date of termination of such officers' service.
6. Officers of the Internal Security Agency, the Police, and the Border Guard, eligible for service, become officers of the CBA as of the date of appointment thereof to service by the Head of the CBA, preserving the continuity of service.

Art. 213

1. Officers of the Internal Security Agency removed pursuant to the procedures set forth in art. 212 section 5 shall not be entitled to pecuniary benefits related to removal from service set forth in art. 128 section 1 item 1 of the Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency.
2. Officers of the Police removed pursuant to the procedures set forth in art. 212 section 5 shall not be entitled to pecuniary benefits related to removal from service set forth in art. 114 section 1 item 1 of the Police Act of 6 April 1990.

3. Officers of the Border Guard removed pursuant to the procedures set forth in art. 212 section 5 shall not be entitled to pecuniary benefits related to removal from service set forth in art. 118 section 1 item 1 of the Act 12 October 1990 on the Border Guard.

Art. 214

1. Within 7 days of the effective date of this article, the Prime Minister shall appoint, by way of regulation, a Plenipotentiary for organisational matters of the CBA, hereinafter referred to as the "Plenipotentiary", defining the scope of his tasks and the measures required for their implementation. Each person meeting the requirements set forth in art. 7 may be appointed Plenipotentiary. The purpose of such Plenipotentiary's activity comprises the organisation of the CBA, including acceptance of officers to service and employment of employees as well as undertaking other activities of importance for the commencement of the CBA's performance. The Plenipotentiary completes his activities upon the appointment of the Head of the CBA.
2. In the course of performing his duty, the Plenipotentiary shall exercise the powers of the Head of the CBA set forth in art. 53, art. 54, and art. 212.
3. The Prime Minister shall supervise the activities of the Plenipotentiary.
4. The Prime Minister may, by way of ordinance, reassign the planned budget expenses to other parts, sections, and chapters of the State budget where the CBA takes over the tasks performed by other existing bodies.
5. Within 6 months from the effective date of this provision, State budgetary units may gratuitously transfer their property for the benefit of the CBA.

Art. 215

Implementing regulations issued pursuant to:

- 1) art. 17 section 3 of the Act referred to in art. 148,
- 2) art. 106 of the Act referred to in art. 154,
- 3) art. 5 section 2 of the Act referred to in art. 158,
- 4) art. 66 section 7, and art. 76 sections 3-5 of the Act referred to in art. 171,
- 5) art. 14 sections 4 and 5 of the Act referred to in art. 184

- remain in full force and effect until the implementation of the new implementing regulations, not longer than for 18 months from the effective date of this Act.

Art. 216

This Act shall enter into force after a lapse of 30 days from its promulgation, except for art. 197 section 1, which enters into force after a lapse of 18 months from such promulgation, and art. 214, which enters into force 7 days from such promulgation.