

**Dz. U. 1967 No. 44 item 220**

**US TAWA**

of November 21, 1967

**on the universal obligation to defend the Republic of Poland**

**CHAPTER I**

**general rules**

**Art. 1.** The defense of the homeland is a matter and duty of all citizens Polish Republic.

**Art. 2.** Strengthening the defense of the Republic of Poland, preparation population and national property in the event of war, and performing other tasks under the general obligation to defend, belongs to all authorities and government administration as well as other state organs and institutions, organs local government, entrepreneurs and other organizational units, social organizations, as well as to every citizen to a certain extent in laws.

**Art. 3.** 1. Guarding the sovereignty and independence of the Polish Nation and its security and peace are facing the Armed Forces of the Republic of Poland, called hereinafter "the Armed Forces".

2. The Armed Forces may also participate in combating natural disasters and the elimination of their effects, anti-terrorism and protection activities property, search and rescue or protection of health and life human, clearing explosive and hazardous areas of military origin and their disposal, as well as in the implementation of tasks in the field of crisis management.

Developed at  
basis: i.e.  
Dz. Of Laws of 2019  
Pos. 1541, 2020, from  
2020 item 374.

2a. Armed Forces, carrying out constitutional tasks in the field of protection independence of the state, the independence of its territory and assurance security and the integrity of its borders have the right to apply measures

16/03/2020

direct coercion, the use of weapons and other weapons, including the necessity and purpose of these tasks, adequate to the threat and within the limits of the rules set out in the Republic of Poland binding ratified international agreements and international law customary.

2b. Armed Forces used for the purpose specified in art. 2 point 1 of the Act of December 17, 1998 on the rules for the use or stay of the Polish Armed Forces Polish outside the country (Journal of Laws of 2014, item 1510) have the right the use of direct coercion measures, the use of weapons and other equipment on the conditions set out in this Act, within the limits of the rules set out in binding The Republic of Poland ratified international agreements and international customary law, and also taking into account the purpose of use Armed Forces outside the state.

3. The Armed Forces include as their types:

- 1) Land Forces;
- 2) Air Force;
- 3) Navy;
- 4) Special Forces;
- 5) Territorial Defense Forces.

4. The Armed Forces consist of military units and unions organizational.

4a. The commander of the types of the Armed Forces is the General Commander of the Types of Forces Of the Armed Forces, hereinafter referred to as "General Commander", Operations Commander of the Genres Armed Forces, hereinafter referred to as "Operational Commander", and Commander of Defense Forces Territorial.

5. A military unit is understood as an organizational unit of the Force Armed, operating on the basis of the Ministry of Defense A national post defining its internal structure, number, types and rank

all official positions present in this unit as well  
the number and types of armaments, means of transport and other equipment due  
unit, and using the official seal with the emblem of the Republic of Poland  
Polish and the name (number) of the unit.

16/03/2020

6. Organizational association means military units  
organized in a specific structure, in particular in a corps, division or  
a brigade, functioning alone or as part of the Armed Forces type.

7. The Armed Forces also include the Military Police as theirs  
separate and specialized service.

8. In the event of universal or partial mobilization and in time  
wars Military Counterintelligence Service and Military Intelligence Service become  
by law, part of the Armed Forces.

9. The Minister of National Defense shall define, by way of an ordinance, the mode and manner  
preparation of the Military Counterintelligence Service and the Intelligence Service  
Military to be included in the Armed Forces, in the case in question  
in paragraph 8, with a view to ensuring that these services are effectively integrated into the composition  
Armed Forces, including operational and mobilization development  
military units and the necessary personnel reserves for these services.

**Article 3a** 1. Military units and their organizational associations are deployed  
in garrisons.

2. The Minister of National Defense entrusts the function of commander  
garrison to a professional soldier in his official position  
garrisons and also exempts from this function.

3. The Minister of National Defense, by regulation, creates,  
transforms and lifts garrisons, defines the tasks of their commanders and headquarters  
and territorial scope of jurisdiction, taking into account in particular the division  
territorial state.

**Art. 4.** 1. All citizens shall be subject to the general duty of defense  
Polish capable of performing this duty due to their age and health.  
A Polish citizen who is also a citizen of another state is not subject to it

universal defense duty if he resides permanently outside of the country  
Polish Republic.

2. Under the general obligation to defend, Polish citizens are  
obliged to:

1) performing military service,

16/03/2020

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**Page 4**

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p. 4/216

2) performance of obligations arising from the allocated assignments  
emergency and mobilization assignments,

3) the provision of work under employee mobilization assignments,

4) performing civil defense service,

5) education for security,

6) participate in the self-defense of the population,

7) to undergo exercises in units intended for militarization  
and serving in militarized units,

8) performance of defense services

- on the principles and to the extent specified in the Act.

2a. Intended for substitute service, directing to perform it and  
serving substitute service takes place on the principles set out in the Act of  
November 28, 2003 on substitute service (Journal of Laws of 2018, item 885).

3. Voluntary fulfillment of tasks under the general obligation to defend  
The Republic of Poland is the right of all Polish citizens.

**Art. 4a.** 1. The President of the Republic of Poland, standing guard  
sovereignty and security of the state, its integrity and indivisibility  
territory, in particular:

1) approve, at the request of the Prime Minister, a security strategy  
national;

2) issues, at the request of the Prime Minister, by means of a resolution,  
Political and Strategic Defense Directive of the Republic of Poland and  
other implementing documents for the national security strategy;

3) approves, at the request of the Council of Ministers, plans for national system exercises

- defensive and directs their course;
- 4) decides, at the request of the Prime Minister, to introduce or changing a specific state of defense readiness of the state;
- 4a) if necessary, defend the state, upon a proposal from the Council Ministers, on the day the war begins on the territory Polish Republic. In the same mode he decides on the day the war is over;

16/03/2020

- 4b) directs the defense of the state, in cooperation with the Council of Ministers, for the time being appointment and takeover of the Supreme Commander of the Armed Forces command;
- 5) may apply to all public authorities, administrations government and local government, entrepreneurs, managers of other units organizational and social organizations for relevant information for the security and defense of the state;
- 6) initiates and patrons enterprises focused on shaping patriotic and defensive attitudes in society.
- 1a. The provisions referred to in par. 1 point 4a, shall be immediately announced in the Journal of Laws of the Republic of Poland.
- 1b. The Chief of the General Staff of the Polish Army is an auxiliary body Of the President of the Republic of Poland in the process of managing state defense.
2. The information referred to in para. 1 point 5 shall be forwarded without delay.

**Art. 5. The** President of the Republic of Poland, exercising authority over Armed Forces, in particular:

- 1) determines, at the request of the Minister of National Defense, the main directions of development Armed Forces and their preparations for the defense of the state;
- 1a) indicates, at the request of the Prime Minister, the person envisaged to appointment as the Supreme Commander of the Armed Forces;
- 2) may participate in briefings of the managerial staff of the Ministry of Defense National and Armed Forces;
- 3) approve, at the request of the Minister of National Defense, by way of

provisions:

- a) national plans to use the Armed Forces to defend the state,
- b) organization and functioning of the war command system  
Armed Forces.

**Art. 5a.** 1. The person referred to in art. 5 point 1a, preparing to implementation of tasks arising from the competence of the Supreme Commander of the Armed Forces, until the Supreme Commander of the Armed Forces has been appointed or appointed by Of the President of the Republic of Poland another person to be appointed this position.

16/03/2020

2. The preparations referred to in par. 1 include in particular participation in strategic games and defense exercises, planning the use of the Armed Forces to defend the state and to prepare the war command system  
Armed Forces.

**Art. 6.** 1. For the tasks of the Council of Ministers carried out as part of the assurance external state security and general management in the field of national defense, in particular:

- 1) developing national security strategy projects;
- 2) planning and implementing state defense preparations  
its functioning in the event of an external security threat  
and during the war, including the planning of economic and defense projects  
and tasks performed for the Armed Forces and allied forces;
- 3) preparation of the national security management system, including  
defense of the state and public authorities to operate on  
management positions;
- 4) maintaining constant state defense readiness, inference to  
The President of the Republic of Poland to raise it in the event of  
an external security threat during and for the war  
lowering according to the reduction of the degree of danger;
- 5) identification of objects of particular importance for national security, including  
defense and preparation of their special protection;

- 6) preparation for the defense needs of the state and keeping them in permanent position  
readiness of uniform observation, measurement and analysis systems,  
forecasting and notification;
- 7) preparing a system of constant roster for the time of external danger  
state security and war;
- 8) determining the rules for the use of health care and technical infrastructure  
countries for defense needs, including how to secure space  
air and territorial waters in the event of an external threat  
security and during war;
- 9) ensuring the functioning of the defense training system in the country;
- 10) conducting control of the state of defense preparations in the country.

16/03/2020

2. The Council of Ministers determines, by regulation, the mode of implementation of tasks, referred to in paragraph 1, in particular:

- 1) the conditions and mode of planning and financing of tasks performed under  
state defense preparations implemented by administrative bodies  
government and local government bodies, how they are imposed and  
competence of the authorities in these matters, including those in planning  
operational and defense programs;
- 2) organization and mode of preparation of the safety management system  
national, including state defense, and the conditions for the functioning of organs  
public authority in management positions;
- 3) states of defense readiness of the state, their types, conditions of introduction,  
tasks related to increasing the state's defense readiness and their mode  
implementation, organization and tasks in creating a permanent system  
duty hours for the purposes of increasing the state's defense readiness, and  
competence of the authorities in these matters;
- 4) objects particularly important for the security and defense of the state, theirs  
categories, as well as tasks for their special protection, and  
competence of the authorities in these matters;
- 5) organization and conditions of preparation as well as the way the systems function  
observation, measurement, analysis, forecasting and notification of contamination

on the territory of the Republic of Poland and the competence of the authorities in these cases;

- 6) conditions and method of preparation and use of sea transport, railway, car, air, inland waterway transport and road and rail infrastructure for the state's defense needs, as well as their protection during the war and the competence of authorities in these matters;
- 7) conditions and method of preparation and use of communication systems on state defense needs and the competence of authorities in these matters;
- 8) the conditions and method of preparation and use of medicinal entities within the meaning of the provisions on therapeutic activities for defense purposes the state and jurisdiction of authorities in these matters;

16/03/2020

- 9) organization of defense training in the state, entities covered by this training, tasks in the field of planning and implementation of defense training and the competence of the authorities in these matters;
- 10) scope and manner of conducting by government administration bodies and local government to control the implementation of defense tasks performed by organizational units and entrepreneurs.

**Articles 7-10. (repealed)**

**Art. 11.** 1. The President of the Republic of Poland shall perform tasks in the field security and defense with the help of the National Security Bureau.

2. Applies to employees of the National Security Bureau respectively, the provisions of the Act on employees of state offices.

The powers of competent authorities provided for in these provisions are vested in respectively to the President of the Republic of Poland.

3. The National Security Bureau shall be headed by a secretary of state appointed by the President of the Republic of Poland.

4. The activities of the National Security Bureau are financed from budgetary resources of the Chancellery of the President.

5. The President of the Republic of Poland shall define the organization and scope activities of the National Security Bureau.

**Article 11a** 1. The General Commander is competent in terms of command military units and organizational unions of the Armed Forces excluding military units or Force organizations armed:

- 1) directly subordinated to the Minister of National Defense, or other authorities or entities;
- 2) subordinated to the Operational Commander;
- 3) subordinated to the Commander of Territorial Defense Forces.

2. The scope of activity of the General Commander includes in particular:

- 1) implementation of the Armed Forces development programs;
- 2) planning, organizing and conducting training of subordinate units military and organizational associations of the Armed Forces;
- 3) organizing the mobilization of troops;

16/03/2020

- 4) training of personal reserves for the needs of use in a crisis situation or in the event of war and keeping them ready for such use;
- 5) implementation of tasks related to military logistics in military units and organizational associations of the Armed Forces;
- 6) cooperation with other bodies and entities in related matters with state defense;
- 7) management and conducting controls in subordinate units military and organizational associations on the principles and in the manner set out in the provisions of the Act of 15 July 2011 on control in administration Government (Journal of Laws, item 1092 and of 2019, item 730).

3. The General Commander performs his tasks with the help of the Command General Types of the Armed Forces, hereinafter referred to as "Command General".

4. The Minister of National Defense shall determine, by regulation, a detailed one scope of activity, seat and organizational structure of the General Command.

**Art. 11b.** 1. The Operational Commander shall be competent in terms of command

operational part of the Armed Forces subordinated to it on the basis of a decision  
Minister of National Defense.

2. The scope of operations of the Operational Commander shall include in particular:

- 1) (repealed)
- 2) performing the tasks of the Minister of National Defense in the field of border protection  
in the airspace of the Republic of Poland at the time  
peace, in a crisis or during a war;
- 3) planning, organizing and conducting training for the Force command authorities  
Armed, in accordance with the war command system, and assurance  
their cooperation with the commands of military units and unions  
organizational Armed Forces to be subordinated to him;
- 4) determining operational requirements for the Armed Forces in terms of planning  
operational and programming development of the Armed Forces;
- 5) preparation of the command post of the Supreme Commander of the Armed Forces;
- 6) management and conducting controls in subordinate units  
military and organizational associations on the principles and in the manner set out

16/03/2020

in the provisions of the Act of 15 July 2011 on control in administration  
government;

- 7) chairing the SAR Council referred to in art. 121 of the Act of  
18 August 2011 on maritime safety (Journal of Laws of 2018, item 181,  
1137, 1669 and 2245).

3. The Operational Commander performs his tasks with the help of the Command  
Operational Types of the Armed Forces, hereinafter referred to as "Command  
Operational".

4. The Minister of National Defense shall determine, by regulation, a detailed one  
operational scope, seat and organizational structure of the Operational Command.

**Article 11c** 1. The Commander of Territorial Defense Forces is competent in the field  
command of military units and organizational unions of the Army  
Territorial Defense.

2. The scope of activities of the Commander of Territorial Defense Forces includes

particular:

- 1) implementation of the Armed Forces development programs;
- 2) planning, organizing and conducting training of subordinate units  
military and organizational unions;
- 3) planning and organizing mobilization and operational development  
and the use of Territorial Defense Forces;
- 4) preparation of forces and resources of Territorial Defense Forces for activities  
combat;
- 5) performing tasks related to the participation of branches and sub-branches  
Territorial Defense Forces in combating natural disasters and their liquidation  
effects, protection of property, search and rescue, or  
protection of human health and life, as well as participation in the implementation of tasks from  
scope of crisis management;
- 6) cooperation with other bodies and entities in matters related to  
state defense;
- 7) management and control of subordinate military units and  
organizational relationships on the principles and in the manner specified in the Act of  
on July 15, 2011 on control in government administration.

16/03/2020

3. The Commander of Territorial Defense Forces performs his tasks at  
help from the Territorial Defense Forces Command.

4. The Minister of National Defense shall determine, by regulation, a detailed one  
scope of activity, seat and organizational structure of the Defense Forces Command  
Territorial.

**Art. 12.** (lost power)

**Art. 13.** (repealed)

**Art. 13a.** (deleted)

**Art. 13b.** (deleted)

**Art. 13c.** 1. A position of the Chief of Inspectorate is created in the Armed Forces  
Support of the Armed Forces.

1a. The Head of the Armed Forces Support Inspectorate reports directly to the Head

General Staff of the Polish Army.

2. To the scope of activities of the Chief of the Inspectorate for Support of the Armed Forces in particular you should:

- 1) organizing and managing the logistic support system of the Armed Forces, including logistic security for military units used or staying outside the country;
- 2) managing the planning process and implementation of tasks resulting from the performance the functions of the host country (HNS) and the sending country;
- 3) management of separate forces of military engineering and defense against weapons mass destruction;
- 4) commanding subordinate organizational associations and units military niewydzielonymi in subordination commanders Operational;
- 5) management and carrying out inspection subordinate compounds organizational and military units on the principles and in the manner set out in regulations on control in government administration;
- 6) planning and implementation of mobilization and operational development subordinate organizational unions and military units;
- 7) training of subordinate organizational unions and military units;

16/03/2020

- 8) performing tasks related to the participation of branches and sub-branches military in combating natural disasters and eliminating their effects, property protection, search and rescue or protection human health and life, as well as in the purification of areas from materials of explosive and dangerous military origin and theirs disposal, as well as in the implementation of management tasks crisis;
- 9) ensuring supplementing of the needs of military units;
- 10) cooperation with other bodies and entities in related matters with state defense.

3. The Head of the Armed Forces Support Inspectorate shall perform his tasks at

assistance of the Armed Forces Support Inspectorate.

4. The Minister of National Defense shall determine, by regulation, a detailed one scope of activity, organizational structure and the seat of the Force Support Inspectorate Armed.

**Art. 14.** 1. Local executive bodies of the Minister of Defense National in operational defense matters and government administration non-associated are:

1) (repealed)

2) heads of voivodship military staffs;

3) military commanding officers.

2. (repealed)

3. Heads of voivodship military staffs in matters about which referred to in paragraph 1, perform in particular tasks in the field of:

1) a higher-level authority within the meaning of the provisions of the Act of June 14 1960 - Code of Administrative Procedure (Journal of Laws of 2018, item 2096 and from 2019 item 60, 730 and 1133), in relation to military commanders additions;

2) ensuring the operational and mobilization development of units military;

3) coordination of the development and use of troops and military subunits on the need to combat natural disasters and eliminate their consequences, protect

16/03/2020

property, search and rescue or protection of health and life human;

4) gathering information for the purposes of implementing projects carried out as part of the host country's responsibilities and usage planning allocated forces and resources to support allied forces;

5) ensuring supplementation of the personal needs of military units and other units performing defense tasks, or state security;

5a) coordination of activities carried out as part of gathering resources personal for the purposes of mobilizing the Armed Forces and

- National Reserve Forces and during the war;
- 5b) participation in the implementation of tasks in the field of crisis management in the province;
  - 5c) coordination of projects carried out as part of assistance in the field professional activation of soldiers and people dismissed from active service military and members of their families (conversion);
  - 5d) organizing training or courses for reserve soldiers assigned crisis assignments and soldiers serving territorial service military at their disposal to acquire qualifications useful in the Armed Forces, including using cooperation with employers employing these soldiers;
  - 6) planning the use of non-military forces for defense purposes;
  - 7) administration of personal reserves and defense benefits;
  - 8) participation in spatial planning, due to the needs of national defense and security;
  - 9) cooperation with other bodies and entities in related matters with state defense.

4. Military commanders for supplements in matters referred to in para. 1

in particular, perform tasks in the field of:

- 1) ensuring the mobilization development of military units;
- 2) administration of personal reserves;
- 3) defense benefits;

16/03/2020

- 4) cooperation with other bodies and entities in related matters with state defense;
- 5) recruitment and recruitment of volunteers for active military service, including professional military service and candidate service;
- 5a) the implementation of activities under the collection of personal resources for the needs complementary mobilization of the Armed Forces and during the war;
- 6) participation in the implementation of tasks in the field of crisis management under territorial scope of military supplementary commands;

7) defense promotion and military service.

5. (repealed)

6. The Minister of National Defense, by regulation, creates, transforms and abolishes provincial military staffs and military headquarters additions, specifies the detailed tasks of the heads of provincial staffs military and military commanding officers as government bodies unassisted administration, and determines the headquarters and territorial scope of activity provincial military staffs and military supplement commands, taking into account in particular division government countries. Management positions and units should also be specified in the regulation organizational of voivodship military staffs and military commands additions.

**Art. 15.** (repealed)

**Art. 16.** (repealed)

**Art. 17.** 1. A central body of government administration in defense matters is the Chief of National Civil Defense.

2. The Chief of National Civil Defense is appointed by the Prime Minister on a proposal minister competent for internal affairs.

3. The Head of Civil Defense of the Country shall report to the minister competent for matters Interior.

4. The scope of activities of the Chief of National Civil Defense includes:

- 1) preparing draft assumptions and principles of civil defense;
- 2) establishing general principles for the implementation of civil defense tasks;

16/03/2020

3) coordinating specific projects and controlling implementation

by government administration bodies and local government bodies of tasks civil defense;

4) supervising the performance of basic defense service civil.

5. The Head of National Civil Defense in matters within his scope actions issue ordinances, guidelines, instructions and regulations.

6. Regional civil defense authorities are voivodes, starostes, village mayors or mayors (city presidents).

7. To the scope of activities of the heads of civil defense of provinces and poviats and municipalities should be managed and coordinated preparation and implementation civil defense projects by state institutions, entrepreneurs and others organizational units and social organizations operating in their area.

8. The Council of Ministers defines the detailed scope by regulation actions of the Chief of National Civil Defense and heads of civil defense of provinces, poviats and communes, as well as the principles and mode of management and coordination by the preparation and implementation of civil defense projects.

**Art. 18.** 1. Tasks performed as part of the universal obligation defense by organs, entities, organizational units and organizations listed in art. 2 are defined by statutes and legal acts issued on their basis competent authorities.

2. The Council of Ministers shall define, by regulation, general principles performing tasks under the general obligation of defense by ministers, voivods, voivodship marshals, starostes and voits or mayors (city presidents) as well as entrepreneurs and other organizational units, as well as social organizations.

3. Ministers organize the implementation of tasks within the framework of the universal duty of defense by subordinate ministries, subordinated and supervised organizational units and entrepreneurs for which they are bodies incorporation.

4. Voivods organize the performance of tasks under the universal the duty of defense by provincial offices, subordinated and supervised organizational units and entrepreneurs for which they are bodies

16/03/2020

founders, and also by local government bodies, organizations social and non-organizational entrepreneurs subordinated or supervised by ministers.

**Art. 19.** Administrative bodies and heads of specified units in art. 18 take into account in the performance of defense tasks

postulates regarding the needs of the Armed Forces, forwarded by the Minister of Defense National or military authorities authorized by him, and postulates regarding the needs of civil defense, forwarded by the Head of Civil Defense Country or local civil defense authorities.

**Art. 20.** 1. The management of defense matters in the voivodship belongs to governor.

2. The voivode as part of the management referred to in para. 1, performs tasks in the scope and on the principles set out in statutes, in particular:

- 1) defines detailed directions of activities for managers of combined services, inspections and guards, non-joint administration bodies and units local government in the implementation of defense tasks;
- 2) manages the implementation of projects related to increasing readiness of the state defense system performed by marshals of provinces, starosts, commune heads or mayors (city presidents), entrepreneurs and others organizational units and social organizations based in within the province;
- 3) coordinates undertakings necessary to secure mobilization military units and the performance of defense services;
- 4) manages the implementation of projects related to the preparation of positions management for local authorities;
- 5) organize the use of local forces and resources for the needs of defense state and area of the province, including civil protection and goods material and culture against destruction as well as to help victims;
- 6) controls and assesses the performance of defense tasks by authorities, entities, organizational units and organizations referred to in items 1 and 2;

16/03/2020

- 7) organize public education regarding defense preparation and conducts defense training and exercises.

**Art. 21.** (repealed)

**Art. 22.** Provisions of the Act regarding:

- 1) minister - shall also apply accordingly to the chairman of a committee  
a central administrative body that is part of the Council of Ministers  
government, head of another state central office or institution  
state, president or board of the bank and main board of the organization  
social;
- 2) entrepreneurs - applies to natural persons, legal entities and  
organizational units without legal personality, which  
they run a business;
- 3) employers - applies to natural persons, legal persons and entities  
organizational entities without legal personality that they employ  
employees.

## SECTION II

### **Administration of personal reserves**

#### Chapter 1

#### **Competence of bodies**

**Art. 23.** Administration of personal reserves for universal purposes  
the duty of defense includes:

- 1) carrying out military registration and qualification;
- 2) determining the capability for military service;
- 3) intended for:
  - a) military service,
  - b) civil defense services,
  - c) services in militarized units;
- 4) supplementing the Armed Forces;
- 5) keeping military records;
- 6) performing other activities in this area.

16/03/2020

**Art. 24.** 1. Administration of personal reserves, with the exception of activities referred to in Article 23 points 1 and 2, belongs to the Minister of National Defense.

2. Local military administration bodies competent in matters referred to in paragraph 1 are the heads of provincial military staffs and military commanding officers.

**Art. 25.** 1. To carry out activities related to performance general defense obligation and to cooperate with military authorities to the extent specified in art. 24 paragraph 1 are the competent voivode and commune head (mayor, city president) or staroste who exercises the power of general administration and organs local government.

2. In matters concerning the fulfillment of the general obligation to defend by Polish citizens residing abroad and cooperation in this competent Polish consular offices are responsible for military authorities.

3. Government institutions, entrepreneurs and other organizational units as well as social organizations are obliged to cooperate with military authorities and competent voivods and commune heads (mayors, city presidents) or starosts exercising the power of general administration and local government bodies territorial administration of personal reserves and to exercise related activities specified in the Act and the regulations issued on it basis.

**Art. 26.** 1. Determining the fitness for active military service of persons appearing for military qualification belongs to poviats and provincial medical boards, subject to art. 29 paragraph 1.

1a. As part of the activities referred to in paragraph 1, people appearing to military qualification, undergoes compulsory medical examinations, and according to the needs and according to the decision of the chairman of the medical commission, specialist tests, including psychological ones, and hospital observation.

1b. A person appearing for military qualification is obliged present to the medical commission the possessed medical documentation, including the results specialist tests carried out 12 months before appearing for military qualification.

16/03/2020

1c. Persons subject to appearing for military qualification, in relation for which permanent or long-term inability to work on the farm was issued on the basis of the Act of 20 December 1990 on social insurance farmers (Journal of Laws of 2019, items 299 and 303), persons totally incapable of work and incapable of independent existence or considered completely unable to work under the Act of 17 December 1998 on pensions and pensions from the Social Insurance Fund (Journal of Laws of 2018, items 1270 and 2245 and from 2019 item 39, 730 and 752), as well as persons subject to appearing to military qualifications classified as significant disability or moderate disability within the meaning of the Act of 27 August 1997 on vocational rehabilitation and social and employment of disabled people (Journal of Laws of 2019, item 1172), you may not undergo medical examinations referred to in para. 1a, if present to the committee a judgment or an extract from the content of the judgment stating this inability or disability, on the basis of which the ability can be determined these persons for active military service.

2. Poviats and voivodship medical commissions are appointed by voivods in consultation with the heads of provincial military staffs.

2a. The provincial medical commission supervises the activities poviats medical commissions.

3. The Council of Ministers shall determine, by regulation, the composition and procedure appointment and proceedings as well as office dates for poviats and provincial medical commissions and rules for conducting medical examinations, as well as the principles of the committee's cooperation with voivods and commune heads (mayors, mayors of cities) or starostes exercising the power of general administration and local government bodies.

4. (repealed)

**Art. 27.** (repealed)

**Art. 28.** 1. The decision of the poviats medical commission shall be served on the person appearing for military qualification and the military commandant supplements in writing with justification.

16/03/2020

2. A person is entitled to a decision of a poviast medical commission appearing for military qualification and the military commandant supplements appeal to the provincial medical commission within fourteen days from the date of delivery of the decision. This ruling may be changed by voivodship medical commission also ex officio, if issued in violation of the law.

3. Members of the poviast medical commission shall have the right to bring to provincial medical commission objecting to the decisions of the poviast commission medical within fourteen days from the date of the decision.

4. Final judgment on the capacity for active military service the category of capability for active military service A or B can be changed by the poviast medical commission of its own motion or upon a written request of a person appearing for military qualification or a military commander of supplements, if that person's health has changed significantly.

4a. On initiation of the proceedings ex officio, referred to in para. 4 the supplementary military commander and the person appearing to be notified military qualification.

4b. Application for a change of category of capability to active military service A or B is made through the military commandant for additions. To the conclusion a person appearing for military qualification attaches a medical certificate stating changes in her health since the last day a judgment establishing the category of capability to perform active military service.

4c. There are no persons referred to the poviast medical commission a final judgment was issued establishing the category of capacity for active service military D or E.

4d. To persons for whom the category of capacity for active service has been established military D or E, the chairman of the poviast medical commission launches ex officio proceedings regarding the change of the category of active service capability military, if a final decision on the degree of their ability to be active military service was issued in violation of the law. On initiation these proceedings shall be notified to the military commander of additions and a person for whom the category of capacity for active service has been pronounced military D or E.

5. Final decisions of medical committees are binding on the military commanders of additions.

**Art. 29.** 1. Military medical commissions shall be competent to decide on capability for active military service:

- 1) persons with an unregulated relationship to military service in the period when they are not there is a poviatic medical commission;
- 2) soldiers on active military service;
- 3) reserve soldiers;
- 4) persons transferred to the reserve who are not reserve soldiers;
- 5) other than those listed in items 1-4, subject to age duty of military service, who volunteered for her event.

1a. Notwithstanding the ruling referred to in para. 1, military commissions Medical also declare:

- 1) ability to perform service outside the country;
- 2) the ability to perform service in the types of troops and services and in positions service and military functions requiring special health predisposition;
- 3) the need to grant the soldier a health leave;
- 4) establishing the relationship of diseases and death with military service;
- 5) the correctness of adjudicating on temporary incapacity for service due to illness or correct use of a sick leave.

2. Persons referred to in para. 1 points 1 and 3-5, to the military commission medical service is managed - ex officio or at the request of these people - by a military commandant additions, and the persons referred to in paragraph 1 point 2 - unit commander military. To determine the capacity of persons to perform service abroad state military commander of additions or commander of a military unit directs these persons, ex officio or at their request, to the military medical commission.

2a. On the referral of a person referred to in paragraph 1 point 1 or 3-5, to the military medical committee military commandant for additions, and in the case of referral to the military medical commission of the person referred to in para. 1 point 2 - commander military unit, inform the chairman of this commission and send

attached is the medical records on the person's health addressed.

3. Diagnostic tests and specialist consultations for the purposes of adjudication they implement medical facilities chosen by military medical commissions Minister of National Defense.

3a. During peace, he is not directed to the person's military medical commission, for which a final judgment was issued establishing the category of fitness for active military service E.

3b. The decision of the military medical commission shall be served in writing together with justification for the person referred to the military medical commission and the authority that referred that person to the military medical commission.

3c. From the decision of the military medical commission to the person referred and the authority that referred that person to the military medical commission is entitled appeal to a military medical commission which is a higher-level body, within fourteen days of the day the decision was delivered.

3d. The chairman of the military medical commission shall inform the authority which he referred the person to a military medical commission not to appear in front of the military medical commission.

3e. The final decision of the military medical commission is binding on military commanders of additions and commanders of military units.

4. For contracts for the performance of the services referred to in para. 3, shall not apply provisions *[of the Act of 29 January 2004 - Public Procurement Law (Journal of Laws of 2018, items 1986 and 2215 and of 2019, items 53 and 730)]* **<the Act of 11 September 2019 - Public procurement law (Journal of Laws, item 2019)>** .

**Change in paragraph 4 in art. 29 will come in force from 01/01/2021 (Dz. Of Laws of 2019, item 2020).**

5. Referral to a military medical commission at the request of persons about whom referred to in paragraph 1 points 1 or 3-5, may occur only in the event of occurrence complementary needs of the Armed Forces.

6. (repealed)

7. To determine the fitness for active military service of persons for whom referred to in paragraph 1 point 1, by the military medical commissions the provisions of art. 26 section 1a-1c shall apply accordingly.

8. The Minister of National Defense, by regulation:

- 1) creates, transforms and abolishes military medical commissions and defines them headquarters, range of activity as well as property, taking into account in particular the territorial division of the state;
- 2) determine the procedure for awarding contracts for diagnostic tests and consultations specialized for the needs of adjudication by military medical commissions, having equal treatment for medical facilities.

**Art. 30.** 1. Healthcare entities shall grant release from work, with compliance the right to remuneration for poviats doctors and provincial medical commissions and employees of medium-sized staff medical appointed to poviats medical boards in the event of the necessity of their participation in the work of the commission during working hours.

2. Persons who are members of the medical commissions in question in paragraph 1, deciding on the degree of the capability of persons to active military service appearing for military qualification, and medium employees medical personnel referred to in paragraph 1, are entitled to additional remuneration for work related to the determination of their ability to be active military service performed outside of working hours, with retaining the right to remuneration in accordance with para. 1.

3. The Council of Ministers shall determine, by regulation, the method of determination additional remuneration for members of medical boards deciding on the degree of the capability of the putting persons for active military service to qualify for military and middle medical personnel designated to poviats medical commissions. The amount of remuneration for each working day may not exceed 10% of the average salary announced by the President of the Central Statistical Office in Dziennik Journal of the Republic of Poland 'Monitor Polski' pursuant to art. 20 point 2 Act of 17 December 1998 on pensions from the Insurance Fund Social for the quarter preceding payment of wages.

4. Voivods order health care entities to carry out on poviats and voivodship needs commission medical research specialist, including psychological, and hospital observation of persons appearing for military qualification.

4a. If it is impossible to order specialized tests or psychological tests to health entities, voivodes may include contracts for such examinations by individual physicians specialized medical practices or group medical practices and by psychologists.

4b. When appointing poviats and voivodship medical commissions and for contracts for the implementation of the benefits referred to in art. 30 paragraph 4 and 4a and in art. 26 section 1a, the provisions of *[the Act of 29 January 2004 - Public procurement law]* **<the Act of 11 September 2019 - Law public procurement>** .

**Change in paragraph 4b in art. 30 will come in force from 01/01/2021 (Dz. Of Laws of 2019, item 2020).**

5. The remuneration costs referred to in para. 1 and 2, and research specialist and hospital observations referred to in paragraph 4, coincide from the state budget, from the part at the voivode's disposal.

**Article 30a** 1. The following categories of active service capability are established military:

- 1) category A - capable of active military service, which means the ability to performing or performing a specific type of active military service, referred to in art. 59, as well as the ability to serve in defense civil and substitute service;
- 2) category B - temporarily incapable of active military service, which means transient impairment of general health or acute or chronic disease states that within twenty-four months of the day tests forecast recovery of the capability for military service in question in point 1, during peace;
- 3) category D - unable to perform active military service, as referred to in point 1, during peace, except for certain job positions intended for territorial military service;
- 4) category E - permanently and completely incapable of active military service, referred to in item 1, during peace and in the event of a mobilization announcement and during the war.

2. A decision to include a given person in one of the categories in question in paragraph 1, the competent medical commissions shall issue on the basis of a medical examination the person's physical and mental ability to perform the appropriate type of service

16/03/2020

military, taking into account the results of specialist tests, and in the case of also need hospital observation.

3. In the case of several diseases and deficiencies in determining the ability all active restrictions are considered together for active military service caused by these diseases and disabilities. The examined person can be in such of an accident fall into a lower category of capability for active military service than this would result from the capacity category established for specific diseases and disability; in this case, the assessment of overall fitness is decisive psychophysical subject.

4. The Minister of National Defense in consultation with the minister competent for Home affairs and the minister responsible for health will determine by the way Regulation:

- 1) list of diseases and disabilities taken into account when deciding on the ability to active military service and for service outside the country;
- 2) list of diseases and disabilities taken into account when deciding about the ability to performing service in types of armies and services as well as in official positions and military functions requiring special predispositions health;
- 3) detailed conditions for adjudicating on the capability to perform active military service by military medical commissions;
- 4) detailed conditions for deciding on the capability for military service outside state borders;
- 5) the procedure of military medical commissions;
- 6) the method of establishing the relationship of diseases and death with military service by these committees;
- 7) the method of deciding on the need to grant a soldier a health leave.

5. In the regulation referred to in para. 4, please indicate categories ability to serve declared in the event of specific diseases and disability, taking into account the designation of these diseases and disabilities according to

paragraphs and points to ensure the protection of personal data in the process of jurisprudence, as well as determine the mode of referral to military medical commissions and their procedure, including additional research and specialist required in specific types of troops and services, on

16/03/2020

particular official positions and military functions as well as for service outside the country, procedure for issuing and approving judgments, necessary elements of the decision, procedure for reviewing appeals and objections against these decisions and repeal them under supervision, necessary medical records and other documents that may form the basis of a military medical commission's decision, model for referral to military medical commissions, as well as models for decisions and certificates issued by these committees.

## Chapter 2

### **Military registration and qualification**

**Art. 31.** 1. Polish citizens who have reached the age of eighteen, are subject to registration.

2. Registration is carried out by the head of the commune or mayor (city president) competent for on the basis of permanent or temporary residence exceeding three months of the person subject to registration on the day he or she turns eighteen life. In other cases, local jurisdiction is determined according to provisions of the Code of Administrative Procedure.

3. Registration shall be carried out for the purposes of establishing military records and conducting military qualifications.

4. Registration is carried out on the basis of specified personal data in art. 8 points 1-5, 7, 9-11, 14, 17-21 and 26 of the Act of 24 September 2010. on population records (Journal of Laws of 2018, items 1382 and 1544 and of 2019, items 60, 730 and 1016) referred to in art. 49 paragraph 2b point 1, obtained from the population register led by village heads or mayors (city presidents).

5. The data referred to in para. 4 shall be included in the register of covered persons registration and lists of persons subject to the call for qualifications military.

6. One copy of the register of persons covered by the registration shall be forwarded

competent military commander of additions for the needs of the establishment military records.

7. Registration does not require any application, consent or notifying the person referred to in paragraph 1.

16/03/2020

**Art. 31a.** 1. In the event of mobilization and during the war, registration may be made also be covered other than those mentioned in art. 31 section 1, persons.

2. Persons subject to registration may be required to apply for registration at a specified time and place.

3. The obligations referred to in para. 1 and 2 may enter, by way of ordinances, the Council of Ministers, in the event of mobilization and during war, and also in the event of large population migration, disturbances occur in forwarding data from the register of kept population for the purposes of registration by head of council or mayors (city presidents) or if necessary extension of the scope of persons required to apply for qualifications military, indicating at the same time groups of persons covered by the registration and obligation to register.

4. To conduct registration in the case referred to in para. 2 shall apply the provisions of Art. 3, subject to paragraph 5-9.

5. The obligation to apply for registration in the case in question in paragraph 2 shall not apply to persons in respect of whom a permanent decision has been issued either long-term inability to work on a farm pursuant to the Act of December 20, 1990 on social insurance for farmers, persons completely incapable of work and incapable of independent existence or recognized as completely unable to work on the basis of the Act of 17 December 1998 on pensions from the Social Insurance Fund, as well as individuals classified as severely or moderately disabled degree of disability within the meaning of the Act of 27 August 1997 on vocational and social rehabilitation and employment of disabled people, if they present the commune head or mayor (city president) with a document stating this inability or disability.

6. Registration in the case referred to in para. 2, led by the head of a village head or the mayor (city president) competent for the place of permanent residence or temporary stay lasting over three months of the person subject to registration. In other cases, local jurisdiction shall be determined in accordance with the provisions Code of Administrative Procedure.

7. For registration in the case referred to in para. 2, calls the person governor or mayor (city president) subject to this obligation.

16/03/2020

8. Persons who are required to apply for registration who are not came to this registration in the case referred to in paragraph 2, in the specified time and place, they are obliged to do so immediately after the obstacle ceases.

9. In the event of failure to register for unjustified reason In the case referred to in paragraph. 2, a person subject to this obligation, the head of the commune or the mayor (city president) imposes a fine to coerce either manages compulsory delivery by the Police to the commune office in the mode provisions on administrative enforcement proceedings.

**Art. 31b.** 1. The minister competent for internal affairs in consultation with the Minister of National Defense will determine, by regulation, the procedure keeping registration and sample documents kept as part of registration, having regard to the written or electronic way of conducting them and indicating detailed scope of data included in individual documents. The regulation should ensure the implementation of the purpose of registration, including indicate the authorities to whom related documents may be made available with registration.

2. In the regulation referred to in para. 1 shall also be included the option of introducing an obligation for individuals to register for registration, in this indicate the mode and how to call them.

**Art. 32.** 1. Men who end in a given calendar year nineteen years old, are required to appear, within a specified period and place for military qualification.

2. Persons who do not appear for military qualifications they have fulfilled this obligation within a specified time and place, they are obliged to

to do so as soon as the obstacle ceases.

3. The obligation referred to in para. 1 and 2, lasts until the end of the year calendar in which the person covered by this obligation ends twenty four years of age.

4. Volunteers may also appear for military qualifications, including women, by the end of the calendar year in which they are twenty-four years old life, regardless of their qualifications and education, if they completed every at least eighteen years of age. Volunteers who came to qualify

16/03/2020

on the day of this appearance, are subject to the duty of active service military on general principles.

5. Appearing for military qualification includes appearing before commune head or mayor (city president), poviast medical commission and military commandant of additions.

6. As part of the military qualification, activities related to:

- 1) checking the identity of persons subject to appearing for qualification military;
- 2) determination of the capability for active military service of subordinate persons appearing for military qualification;
- 3) the initial destination of persons subject to appearing for qualification military to individual forms of universal defense Of the Republic of Poland, referred to in art. 4 clause 2, and the party applications for replacement service;
- 4) establishing or updating military records and data processing collected in this record;
- 5) issuing military personal documents;
- 6) transfer of persons subject to appearing for military qualification to the reserve and issuing, upon their request, certificates of regulated settlement relation to military service;
- 7) preparing military recruitment for voluntary service military.

7. The activities referred to in par. 6, mentioned in:

- 1) point 1 - belong to the commune head or mayor (city president) or authorized employee of the municipal (city) office;
- 2) point 2 - belong to the poviast medical commission;
- 3) points 3-7 - belong to the military commandant of the supplements or his authorized representative.

8. To appear for military qualification in the case in question in paragraph 1, calls the commune head or mayor (city president), ensuring the planned appearance of persons for military qualification.

9. During the military qualification the commune head or mayor (city president):

16/03/2020

- 1) maintains a list of appearances of persons for military qualification, including the following personal data of these people:
  - a) name and surname,
  - b) name or names,
  - c) surname at birth,
  - d) PESEL identification number,
  - e) place of birth,
  - f) identity card series and number,
  - g) a place of permanent or temporary residence exceeding three months,
  - h) correspondence address;

2) pays the benefits referred to in art. 52 paragraph 2 and 3.

10. In the event of failure to appear for military qualification without justification reasons, head of village or mayor (city president) ex officio or on application chairman of the poviast medical commission or military commander supplements impose a fine on a person subject to military qualification for coercion or orders compulsory delivery by the Police to military qualification under the provisions on enforcement proceedings in administration.

11. The provisions of para. 5 and 6 points 3-7 do not violate military powers commandant for supplements related to the performance of specified activities

in these provisions, regardless of the duration of military and related qualifications with her the rights of persons subject to military qualification and those who become they turned to her.

11a. During the period of compulsory military service and military training as part of military qualifications:

- 1) a military commanding officer may also perform activities related to the postponement of deferred active military service and service in civil defense;
- 2) the head of the commune or mayor (city president) may also perform activities related to the acceptance of applications for a judgment on the need to exercise by persons subject to military qualifications direct care for a family member.

16/03/2020

12. The Council of Ministers may, by regulation, introduce in the event of mobilization announcements and during the war obligation to appear for qualification military persons who finish at least in a given calendar year eighteen years of age, lasting until the end of the calendar year in which these people are fifty-five years old, taking into account the needs of the Armed Forces, threat to the external and internal security of the state and pointing the age limits of the persons to whom this obligation applies.

**Art. 32a.** 1. Staroste (city president with powiat status) for the needs military qualifications:

- 1) provides premises for the commune head or mayor (city president), district office medical committee and military commanding officer supplementing together with equipment and items necessary for the work of these bodies, as well as rooms with equipment necessary for entering data to the military records of persons appearing for military qualifications;
- 2) may employ on the basis of a fixed-term employment contract or contract orders, no more than four people for work related to the introduction data for the military records of persons appearing for qualification military and the issuing of military personal documents and a person to conduct classes with persons applying for military qualifications

in the premises where military qualification is conducted;

3) ensures order in the premises where the qualification is conducted

military and safety of organs mentioned in point 1,

and is also responsible for securing rooms and documentation after termination of office of these authorities.

4) (repealed)

2. The persons referred to in para. 1 point 2, there is no remuneration lower than the salary of speakers with secondary or secondary education industry, specified in the regulations issued on the basis of art. 37 section 1 of the Act of November 21, 2008 on local government employees (Journal of Laws of 2019, item 1282).

3. The persons referred to in par. 1 point 2, performing work related with entering data into military records and issuing military data personal documents for persons applying for military qualifications,

16/03/2020

the military commandant for additions issues a written authorization to perform these works on the principles set out in the provisions on the protection of personal data. These activities are carried out under the supervision of a military commanding officer.

**Art. 32b.** 1. The voivode provides premises for the voivodship medical commission along with equipment and items necessary for the work of this commission.

2. The voivode shall, if necessary, provide training for entering persons in the composition of voivodship and poviats medical commissions, employees of offices municipalities (cities) dealing with matters of military qualification, as well as persons, referred to in art. 32a paragraph 1 point 2.

3. The military commanding officer completes training of persons about whom referred to in art. 32a paragraph 1 point 2.

**Art. 33.** 1. Persons subject to military qualification shall appear before commune head or mayor (city president), poviats medical commission and military commander of additions competent for their place permanent residence. Persons registered for a temporary stay of over three months appear before the head of the commune or mayor (city president), poviats medical commission and military commander of additions,

appropriate for the place of stay.

2. Persons subject to military qualifications who in the period from the day of announcing the military qualification to the day of its commencement have changed the place of permanent residence or temporary stay of more than three months, report to the head of the commune or mayor (city president), competent with because of their new permanent or temporary residence over three months. The head of the village or the mayor (city president) assigns them a place and the date of appearance for military qualification.

3. Persons subject to military qualifications who after they intend to change the place of commencing military qualifications in a given area permanent or temporary stay lasting over three months, appear for military qualification before leaving the previous location. In other cases, local jurisdiction shall be determined in accordance with the provisions Art. 21 § 1 point 3 and § 2 of the Act of 14 June 1960 - Code of Conduct Administration.

16/03/2020

4. The provisions of para. 1-3 also apply to volunteers.

**Art. 34.** Persons who were required to appear for qualification military officer and for no reason appear to her, they are obliged report to the military commander of additions competent for theirs place of permanent or temporary stay exceeding three months in to regulate the relationship with the general obligation to defend. This obligation lasts until fifty-five years of age, and if announced mobilization and during war - until the age of sixty.

**Art. 35.** 1. Military qualifications are carried out by voivods at participation of heads of voivodship military and military staffs commanding officers and starostes, as well as village heads or mayors (city presidents).

2. For conducting military qualifications in the poviat (cities in poviat rights) corresponds to the staroste (city president).

3. Military qualification shall be carried out annually, with the proviso that its

carrying out in several periods of a given calendar year may take place only in the event of mobilization and during war.

4. The minister competent for internal affairs and the Minister of National Defense annually set, by regulation, the date or dates of the announcement military qualification and its duration or duration on the territory of the country, and years and groups of persons subject to the obligation to appear for qualifications military. The regulation should in particular take into account persons who are obliged to report to the head of the commune or mayor (city president), poviats medical commission and military commander of additions, as well as provide that the date or dates of announcement of the military qualification will be at least fourteen days ahead of the day it starts or begins.

**Art. 36** (repealed)

**Art. 37.** 1. Supervision over the conduct of qualifications military, including controls, are exercised by the minister competent for matters Interior.

2. Ongoing supervision over the preparation and conduct of military qualifications exercised by voivodes.

16/03/2020

3. Control of the provincial military qualifications and poviats medical commissions and military commanding officers performed by the Minister of National Defense and heads of voivodship staffs military, and by local government authorities the Prime Minister and voivods.

**Art. 38.** (repealed)

**Art. 39.** 1. Postponement of basic military service shall be granted to a person subject to the obligation to undergo this service at its documented request from due to:

- 1) election of a deputy, including a member of the European Parliament, or senator - on time performing the mandate;
- 2) running for the Sejm of the Republic of Poland, the Senate of the Republic of Poland Polish or European Parliament - until the day the results are announced elections;
- 3) the need to provide direct care for a family member

- living together with her who is under sixteen years of age or  
he was declared completely incapable of work and independent work  
existence or who is seventy-five years old, if he is not there  
another adult member of the family who is close or equal in rank  
kinship obliged to exercise this care, or because of  
obligation to provide care resulting from a final judgment  
court - for the duration of this care, subject to paragraph 4;
- 4) receiving education at a university, if it is a student - on time  
download this learning;
- 5) (repealed)
- 6) receiving education at a secondary school - for the time of receiving this education;
- 7) education to obtain qualifications useful in the Armed Forces of  
based on the agreement concluded with the military commanding officer about which  
referred to in art. 132a section 3 or referral referred to in art. 132b paragraph 2 - on  
time of this education.
- 1a. Postponement of basic military service is not granted to a person  
appointed for territorial military service.

16/03/2020

2. Postponements due to receiving education are also granted to persons  
subject to compulsory military service  
alumni of senior seminaries, religious persons (after profession  
temporary), newcomers to religious orders or students of religious schools  
churches and religious associations having legal personality - on time  
download this learning.

3. Postponement of basic military service may also be granted from  
due to important personal or family matters of the person subject to the obligation  
basic military service, in particular related to the occurrence  
a difficult personal or family situation that does not authorize you to provide this  
a deferral of direct care of the member  
family or because of the necessity to settle matters related to  
its business, farm or other activities

business.

4. The adjournments referred to in para. 1 point 3 shall be granted each time at the period specified in the decision referred to in art. 39a section 1.

5. The adjournments referred to in para. 1 point 7 and in para. 3, only one is granted once every three to twelve months.

6. Removal from the list of students, listeners or pupils and failure to comply a person subject to compulsory military service from the contract referred to in art. 132a section 3, or from the obligation set out in referral indicated in art. 132b paragraph 2, cause loss of the granted postponement of basic military service on account of receiving education.

7. Person subject to compulsory military service, which has been granted the deferral referred to in para. 1 points 4-6, at the end of the year school (studies), but no later than within fourteen days of the day the beginning of the next school year (studies), he presents to the military the commandant for additions competent for the place of permanent residence (residence) or temporary stay lasting over three months certificate of completing the previous one and starting a new school year (Studies).

8. The Council of Ministers shall determine, by regulation, detailed conditions and the procedure for granting adjournments of basic military service, taking into account the requirement,

16/03/2020

that deferral is granted to a person who is required to perform a basic service military service at its documented request. The regulation should also specify the documents to be attached to the application for award postponement.

**Art. 39a.** 1. On the necessity of exercising by a subordinate person the obligation to undergo basic military service of direct care over a family member referred to in art. 39 section 1 point 3, the head of the commune or mayor (city president), on a reasoned request of a person subject to an obligation undergo basic military service or a member of her family, specifying in accordance with with the application care period, however not longer than twelve months.

2. The decision of the head of a commune or mayor (city president) is served on a person subject to compulsory military and military service the commander of additions in writing with reasons.

3. A person is entitled to the decision of a commune head or a mayor (city president) subject to compulsory military and military service the commander of additions has an appeal to the voivode within fourteen days from day of delivery of the decision. This decision can be changed by the voivode as well ex officio, if issued in violation of the law. Contribution the appeal does not suspend the appointment to a person's basic military service subject to this duty.

4. Final decisions in matters referred to in para. 1 shall be binding on military commanding officers.

5. The Council of Ministers shall determine, by regulation, the procedure for adjudicating about the necessity of exercising by a person subject to the obligation to serve basic military service, direct care for a family member, and documents required in these matters, including the requirement that adjudication about the necessity of exercising by a person subject to the obligation to serve basic military service of direct care for a family member takes place at the reasoned request of a person subject to an obligation to serve basic military service or a member of her family.

16/03/2020

**Art. 40.** A person subject to the duty of basic service a military party benefiting from the postponement of basic military service obliged to appear before the military commander of additions immediately after the deferral period.

**Art. 41.** (repealed)

**Art. 42.** 1. Adjudication on granting to persons subject to the obligation basic military service deferrals of this service belong to the military commanders of additions.

2. The decision to grant a deferral can be announced orally, subject to

paragraph. 3. In this case, confirmation of the administrative decision issued is made in the form of an entry or placing data in a military document personal and by entering data into the military records.

3. Refusal to grant a deferral or to grant a deferment in content other than a request from a person subject to compulsory military service, specified in its application for granting this deferral, as well as granting deferrals, referred to in art. 39 section 3 shall be made by means of an administrative decision which served on a person subject to the duty of basic service military, in writing with justification.

4. A person is entitled to supplements from a military commander's decision subject to compulsory military service, appeal to chief of the provincial military staff within fourteen days of service of the judgment. Lodging an appeal does not suspend appointment to basic military service of a person subject to the obligation to perform this service.

5. The decision of the military commanding officer may be changed by the head of the provincial military staff also ex officio, if he stayed issued in violation of the law.

6. On the date of expiry of the period of the obligation to perform essential service military and military training expire decisions to grant to persons subject to the obligation of performing postponement of the basic military service this service.

16/03/2020

7. Persons referred to in para. 6, military commanding officer transfers to the reserve on the day following the day on which the period expired duration of the obligation to perform basic military service.

8. Transfer to the reserve referred to in para. 7, comes from the office and not requires the consent or participation of the persons referred to in paragraph 6.

**Art. 43.** The minister competent for internal affairs and the Minister of Defense National, in consultation with the minister competent for health, shall determine

by way of regulation, the method of calling for military qualification and content announcements and templates of calls in these matters, organization and course military qualifications and documents that persons subject to this compulsory should provide for military qualification, including activities of voivods, starostes, heads of heads or mayors (city presidents) and military commanders supplementing in this regard. The regulation should enable cooperation between bodies performing tasks during qualification military and provide conditions for these bodies to serve a certain number people on a given day in a way that is least onerous for those people as well take into account the possibility of volunteer military qualifications, including women.

**Art. 44.** 1. No subordinate persons shall be active in the military service the obligation to perform basic military service deemed fit for this services:

- 1) Polish citizens who permanently reside abroad and who do not have one permanent or temporary residence exceeding three months for the territory of the Republic of Poland;
- 2) graduates of schools and training centers of the State Fire Service who within three months of graduation (study) they have taken up service in the Internal Security Agency, Foreign Intelligence Agency, Service Military Counterintelligence, Military Intelligence Service, Police, Guard Border Guard Service, State Security Service, Prison Service or State Service Fire brigade;

16/03/2020

- 3) university graduates who immediately after graduation they took up service in the Central Anti-Corruption Bureau, Police and Office Government Protection, State Protection Service or Border Guard.

2. In matters referred to in para. 1, a military commandant decides additions at the request of the person subject to the obligation of basic service military service. The decision of the military commanding officer shall be served

a person subject to compulsory military service in writing with justification.

3. The person has the right to make additions to the decision of the military commander subject to compulsory military service, appeal to chief of the provincial military staff within fourteen days of service of the decision. This decision may be changed by the voivodship head military staff also ex officio if it was issued in violation legal regulations.

4. Decisions in matters referred to in para. 1 point 1 shall expire on the return of a person subject to compulsory military service to the country and to register for permanent or temporary stay lasting over three months. The provision of art. 46 section 3 point 4 shall apply accordingly.

5. The person referred to in par. 1 point 2, military commandant for additions to her application, documented with a service certificate issued by the head of the organizational unit of the Security Agency Internal, Foreign Intelligence Agency, Military Counterintelligence Service, Service Military Intelligence, Police, Border Guard, Government Protection Bureau, Service Security State, Prison Service or State Fire Service, moves to reserves on the day preceding the day of taking up service.

6. The person referred to in par. 1 point 3, military commandant for additions, on based on the received from the head of an organizational unit of the Central Office Anti-Corruption, Police, Government Security Bureau, State Security Service or The Border Guard notices the public's complaint about the transfer, to the reserve.

**Art. 44a.** 1. A person called to active military service, excluding service referred to in art. 59 clause 1 point 7, and the reserve soldier he has made application for the conclusion of a contract for the performance of obligations under National Reserve Forces, the military commandant for additions directs to

16/03/2020

military psychological laboratory for psychological research in order finding no contraindications for active military service at a position requiring special psychophysical predispositions.

1a. A soldier in active military service and an executing soldier

duties under the National Reserve Forces commander of the military unit may refer to a military psychology lab for tests

psychological to determine the absence of contraindications for continued performance active military service or active military service on a position requiring special psychophysical predispositions.

1b. Psychological tests include assessing intellectual performance and traits personality, psychomotor skills and level of maturity emotional and social. For service requiring special psychophysical predispositions also include fitness assessment functioning in difficult and stressful situations and assessing the mode of action and making decisions in emergency situations.

2. About referral to the military psychological laboratory the commanding officer of the additions or the commander of the military unit informs the head of this studio.

3. The head of the military psychological laboratory informs the military commander of additions or commander of a military unit on non-appearance directed to the military psychological laboratory.

4. The psychological judgment of the military psychological laboratory is published by the psychologist of this studio authorized to conduct psychological tests.

5. The psychological judgment is served by the military psychological laboratory in writing to the subject and the military supplementary commandant or commander of the military unit.

6. From a psychological judgment of a military psychological laboratory the subject and the military commander of additions or commander of a military unit a reference to a military psychological laboratory of higher authority.

7. Psychological rulings of military psychological laboratories of higher rank are binding on the military commandant for additions and commander of the military unit.

16/03/2020

8. (repealed)

9. (repealed)

10. Military psychological workshops are also competent to publish

psychological decisions regarding the absence of contraindications to performance professional military service by persons who have expressed a desire to perform this service on the principles set out in art. 5a of the Act of 11 September 2003 on service of military professional soldiers (Journal of Laws of 2019, items 330 and 730).

10a. Control of the performance and documentation of psychological tests and issuing psychological decisions are carried out by military laboratories psychological organs of higher rank.

11. The Minister of National Defense, by regulation, creates, transforms and abolishes military psychological workshops and defines their headquarters and scope of activity, taking into account in particular territorial division countries and various types and specialized services of the Armed Forces.

12. The Minister of National Defense shall determine, by regulation:

- 1) the procedure for appealing against psychological decisions,
- 2) the mode of controlling the performance and documentation of psychological tests, and issuing psychological rulings,
- 3) way proceedings with documentation associated with research psychological,
- 4) model psychological ruling, except for the ruling model concerning the testing of drivers and applicants for the entitlements to driving vehicles and performing work as a driver

- having regard to the properties of military psychological laboratories, the need ensuring a uniform procedure of control and uniformity of issued judgments and the need to ensure adequate protection of documentation related to psychological research.

**Art. 45.** 1. Persons recognized as capable of active military service and subject to compulsory military service the commandant assigns supplements for service, taking into account the needs of the Forces Forces, the decision of the competent medical commission and as appropriate psychological judgment, professional qualifications and, as far as possible, wishes of these people.

16/03/2020

2. Persons referred to in para. 1 should be appointed for service

active military service, if possible, in a military unit having established near their place of permanent residence (residence) or stay temporary lasting over three months.

3. Military commandant of additions at the request of the person in question in paragraph 1, provides her with information on the expected date of appointment basic military service.

4. The Minister of National Defense shall determine, by way of a regulation, detailed rules for the appointment of persons referred to in paragraph 1, for service, taking into account the requirements necessary to direct these persons to individual types of the Armed Forces and types of troops and their criteria directing to individual positions and military functions.

**Art. 46.** 1. Persons subject to the duty of basic service military and unauthorized to serve it within eighteen months of to appear for military qualification or from the date of reporting to the military commandant of additions to regulate the relation to universal the duty of defense in the case referred to in art. 34, transferred to the reserve on the last day of this period, subject to art. 47a section 3, art. 93 item 2a and art. 98l.

2. The provision of para. 1 shall not apply to persons who:

- 1) could not be appointed to perform basic military service during, referred to in paragraph 1 due to the postponement of this service or deposit an application for a substitute service;
- 2) for reasons beyond the control of military bodies, they could not be appointed to undergo basic military service within the period specified in para. 1 from due to:
  - a) serving a prison sentence,
  - b) ordering a criminal measure depriving public rights,
  - c) temporary stay abroad,
  - d) failure to comply with the military registration requirement,
  - e) failure to appear when summoned by military authorities in cases regarding the general obligation to defend or not surrender medical or psychological examinations;
- 3) they have been recognized as temporarily unable to perform active military service;

16/03/2020

- 4) have been declared unfit for active military service in peacetime;
- 5) have fulfilled the duty of military service in another country, which at the same time were or are citizens.

3. Persons subject to compulsory military service

and unauthorized for it because of:

- 1) deferment of this service, subject to paragraph 4, transferred to the reserve in the last day of eighteen months after the date of repeal or the termination of the decision to postpone the military service, or a military commander will receive information about this expiry, and if the deferral was granted due to collection education in the event of removal from the list of pupils or students or expulsion from a university, teacher training institution, school secondary, after the day the military received the notification the commander of additions on this deletion or expulsion;
- 2) the submission of an application for the purpose of serving a substitute service shall be transferred to reserve on the last day of thirty-six months, and in the case of university graduates - eighteen months, following the day of destiny to substitute service if that person does not was sent to serve this service, or on the last day of the period eighteen months after the day the judgment is set aside intended for substitute service;
- 3) serving a prison sentence or a criminal measure deprivation of public rights is transferred to the reserve on the last day eighteen months after the date of receipt notification by the military commandant of additions about serving a sentence or end of criminal measure;
- 4) temporary stay abroad or military failure registration obligation, failure to appear at the authorities' call military in matters relating to the general obligation to defend or not to undergo medical or psychological examination moves to reserves on the last day of eighteen months after the date receipt of a notification by a military commanding officer on returning from abroad or fulfilling a military duty

16/03/2020

registration, the obligation to appear at the call of military authorities in matters relating to the general obligation to defend or surrender medical or psychological examinations;

5) recognition as temporarily unable to active military service is transferred to reserves on the last day of eighteen months after the date, in which the medical commission's decision stating the active capacity military service became final;

6) recognition as incapable of active military service during peacetime transfers to the reserve as of the day when the medical committee ruling becomes final;

7) fulfilling the duty of military service in another country, which at the same time were or are citizens of, transferred to the reserve on receipt of documented notification by the military commander of supplements about fulfilling the duty of military service in another country.

#### 4. Persons subject to compulsory military service

and unauthorized for her due to the postponement of the service in question in art. 39 section 1 point 3, is transferred to the reserve on the last day of the total expiry thirty-six months of these deferrals.

#### 5. Persons subject to compulsory military service

and intended for replacement service, which has been postponed for reasons specified in art. 21 paragraph 1 point 3 of the Act of November 28, 2003 on a substitute service or who were dismissed from a substitute service prior to serving on based on art. 31 section 2 point 2 of this Act, is transferred to the reserve on the last day the total thirty-six months of these deferrals or waivers have expired.

6. The deadline for transfer to the reserve specified in para. 3 point 2 is not present apply to persons for foster service who could not be referred to this service or not due to the postponement of this service the service referred to in art. 21 paragraph 1 point 1, 2, 4 and 5 and par. 3 of the Act of November 28, 2003 on substitute service or for reasons beyond the marshal's control voivodships referred to in par. 2 point 2 lit. a-e and points 3 and 4.

7. Persons referred to in para. 6, transferred to the reserve on the last day thirty-six months have expired, and in the case of school graduates higher - eighteen months, following the day of revocation or expiry

decision to postpone the replacement service or to cease reasons beyond the control of Marshal of the voivodship, referred to in para. 2 points 2-4, preventing their referral to substitute service.

8. Persons who have been suspended from substitution service for reasons termination of the contract with the entity for the performance of work by the person addressed to perform this service, he is transferred to the reserve on the last day of the total lapse thirty-six months, and in the case of university graduates eighteen months, waiting for a referral to serve, following the date of termination of the contract for reasons attributable to the party entity or after the cessation of other reasons that justified the interruption of this service.

9. Until the period referred to in para. 8, time counted from the day is included following the day of destiny to substitute service until the day of its commencement, with the exception of the duration of the deferrals or the reasons set out in paragraph 2 points 2-4.

10. Persons subject to compulsory military service, for whom qualification procedures for service in the Agency were carried out Internal Security, Foreign Intelligence Agency, Counterintelligence Service Military, Military Intelligence Service or Central Office Anticorruption ended with a positive assessment of the predisposition to service and which intends to be accepted into service at the Internal Security Agency, the Agency Intelligence, Military Counterintelligence Service, Military Intelligence Service or the Central Anti-Corruption Bureau, military commandant for additions, at motion of the head of the organizational unit of the Security Agency Internal, Foreign Intelligence Agency, Military Counterintelligence Service, Service Military Intelligence or Central Anti-Corruption Bureau competent in matters of human resources, transfers to the reserve.

11. Persons subject to compulsory military service and unauthorized for this service or military training moves to reserve military commander of additions.

12. The Minister of National Defense may, by regulation, the transfer of a certain proportion of persons subject to an obligation to serve basic military service, including university graduates subject to military training, to the reserve, before the end of the period during which they are required to be appointed to serve

military, taking into account the needs of the Armed Forces regarding additions. In particular, the regulation should specify a group or groups of people subject to transfer to the reserve and the date of this transfer.

**Art. 47.** 1. Persons subject to the duty of basic service military, who became clergy or members of religious orders (after profession perpetual usufruct), is transferred to the reserve.

2. The provision of para. 1 and other provisions of the Act concerning clergy or members of religious orders do not apply to:

- 1) clergy elected for a specified term;
- 2) clergy or members of church orders and other associations denominational not having legal personality.

**Art. 47a.** 1. Persons qualified for active military service may appoint to perform basic military service, including in the mode volunteer, only during the period of the obligation to do it, not later however, than until they were transferred to the reserve pursuant to art. 46.

2. Persons subject to appointment, including on a voluntary basis, to undergo basic military service after the expiry of the duty period while serving, the military commanding officer moves to the reserve.

3. In the case of persons referred to in para. 2, their transfer to the reserve takes place on the day following the date of expiry of the obligation basic military service and military training, and in the case of persons subject to military qualifications outside this period or reporting to the military commandant for supplements pursuant to art. 34 - on, in which a ruling on their capability to active military service happened final.

4. Transfer of the persons referred to in para. 3 follows ex officio and does not require the consent or participation of the person transferred to the reserve.

**Art. 48.** 1. Women with qualifications useful for active duty military and women receiving education to obtain these qualifications, who leave school or are in a given school or academic year students or university graduates may be subject to compulsory

to appear for military qualification, starting from January 1 of the year calendar in which they are nineteen years old.

1a. (Deleted)

2. For the qualifications referred to in para. 1, education or is recognized professional qualifications required to practice medical professions, veterinary, marine and aviation, as well as professions: psychologists, physiotherapists, radiologists, laboratory diagnostics, IT specialists, IT specialists, navigators and translators.

3. In the event of introducing the obligation to appear for military qualification women:

- 1) school heads referred to in para. 1, send to the military man the commandant for additions, competent for the school's seat, name list of women who finish school in a given calendar year;
- 2) military commandant for additions, competent for the seat of the school, referred to in paragraph 1, sends supplements to military commanders, appropriate for the place of permanent residence of women or their place temporary stay lasting over three months, name lists of women, subject to compulsory military qualification;
- 3) military commanders of additions after receiving the lists in question in point 2, send them to the head of commune or mayors (city presidents) in order calls for women for military qualification. These lists supplement an additional list of women referred to in paragraph 4.

3a. In the name lists of women referred to in para. 3 points 1 and 2, in the scope of personal data of persons included in these lists shall be included the following data:

- 1) surname;
- 2) first name or names;
- 3) surname at birth;
- 4) PESEL registration number;
- 5) place of birth;
- 6) series and number of ID card;
- 7) permanent or temporary residence exceeding three

8) mailing address;

9) year and field of study as well as the name and seat of the school;

10) qualifications useful for active military service, the possession of which results in the obligation to appear for military qualification.

4. They may also enter the military qualification within a specified period in paragraph 1, women who volunteered to perform active service military.

5. Women who appeared for military qualification are subject to obligation of active military service on general principles.

6. (repealed)

7. (repealed)

8. (repealed)

9. The Council of Ministers, by way of regulation, imposes an obligation about which referred to in paragraph 1, indicating the groups of women subject to this obligation, and specify official positions or functions assigned to active women military service, having regard to the provisions on the list of onerous works, dangerous or harmful to the health of pregnant women or women lactating child issued on the basis of art. 176 § 2 of the Act of June 26, 1974 - Labor Code (Journal of Laws of 2019, items 1040 and 1043) and regulations on health and safety at work during manual transport works issued on the basis of art. 237 <sup>15</sup> § 1 of this Act and the needs of the Armed Forces.

### Chapter 3

#### **Record**

**Art. 49.** 1. Military records of persons subject to registration and qualifications military and subject to the obligation of active military service, as well as subject to other types of universal defense obligation:

1) at central level - the Minister of National Defense for the entire territory countries;

2) at the voivodship level - the head of the voivodship military staff for

- area of the province;  
3) at field level - a military commanding officer for the area covered by this commander's territorial coverage.

16/03/2020

1a. Military supplement commanders cooperate with the Chief of National Criminal Information Center to the extent necessary to carry out its tasks laws.

1b. The military records referred to in para. 1 in terms of persons performing active military service in military units, and who have a mobilization assignment or employee mobilization assignment commanders of these units also lead to these units.

1c. The authorities keeping military records are obliged to mutual forwarding data collected in this register.

1d. Personal data collected in military records can be available:

- 1) commanders of military units and their superiors - if required their task;
- 2) the superiors of the military commanding officer;
- 3) military courts, common organizational units of the prosecutor's office, in which organizational units for military affairs were created, Service Military Counterintelligence, Military Intelligence Service and Gendarmerie Military - if their tasks require it;
- 4) common courts, universal organizational units Prosecutor's Office, Police, Border Guard, Security Agency Internal, Foreign Intelligence Agency, Central Anti-Corruption Bureau and The State Protection Service - if their tasks require it and it is necessary for their conduct;
- 5) employers - as regards the relationship of employees they employ to the general duty of defense and the type and time limit for doing so obligation;
- 6) persons who are subject to personal data collected in the records military;
- 7) other entities authorized under separate provisions.

1e. Sharing personal data collected in the records  
military entities listed in paragraph 1d is free.

1f. Entities referred to in par. 1d points 1 and 2, are also entitled to  
inspect personal data collected in military records.

16/03/2020

2. Public administration bodies are obliged to free of charge  
providing personal data for processing in the records  
military.

2a. For military records kept at central level, as part of  
sharing personal data necessary for its conduct is provided  
on an IT data carrier or by teletransmission data from files  
Universal Electronic Population Register System, hereinafter referred to as  
"PESEL", and central records of drivers and the National Criminal Register.

2b. In the military records kept at central level in the field of  
transferring data from the collections referred to in paragraph 2a, accumulates  
the following data:

- 1) from the PESEL register - specified in art. 8 points 1-5, 7, 9-11, 14, 17-21 and 26 of the Act  
of September 24, 2010 on the population register;
- 2) from the central register of drivers - referred to in art. 100aa section 1 points 1-3  
and paragraph 4 points 1-16 of the Act of 20 June 1997 - Road Traffic Law  
(Journal of Laws of 2018, item 1990, as amended1 ) );
- 3) from the National Criminal Register - referred to in art. 20 clause 1 point 1 (covering  
surname, first names and PESEL number) and item 2 (covering  
statement whether a given person is listed or not in the Register) of the Act  
of May 24, 2000 on the National Criminal Record (Journal of Laws of 2019, item  
1158).

2c. In the military records they can be collected and processed  
the following data:

- 1) first name or forenames and surname, including the maiden name and surname  
and previous names;
- 2) date and place of birth;
- 3) PESEL identification number;

- 4) names and family names of parents;
- 5) marital and family status, including names and date of birth  
spouse and children;
- 6) citizenship;

<sup>1)</sup> Amendments to the consolidated text of the said Act were announced in the Journal of Laws Of Laws of 2018, item 2244 and 2322 and from 2019 item 53, 60, 730, 752, 870, 1123 and 1180.

16/03/2020

- 7) gender;
- 8) series and number of ID card;
- 9) permanent or temporary residence exceeding three months  
and correspondence address as well as the address of the immediate family;
- 10) concerning education and the learned profession;
- 11) regarding education, including the place of downloading, and qualifications held  
professional, including rights to practice professions or activities;
- 12) regarding employment or business activity, including theirs  
place, type and period and position held;
- 13) regarding the capability for active military service;
- 13a) regarding harmful use of alcohol or the use of means  
intoxicants, psychotropic substances or substitutes;
- 13b) regarding psychological rulings;
- 14) military rank, military specialty, qualification class, corps  
passenger and group;
- 15) intended for active military service or its equivalent forms, and  
foster service or other forms of general duty of defense;
- 16) crisis assignment, mobilization assignment, employee assignment  
mobilization or organizational and mobilization assignment or advertising  
from the obligation to perform active military service in the event of an announcement  
mobilization and during war;
- 17) the course of active military service or its equivalent forms, or  
substitute;
- 18) features of a military personal document, crisis allocation cards,  
mobilization card or organizational and mobilization assignment card

- and identity cards and plates;
- 19) regarding final judgments in criminal matters and in cases  
for offenses;
- 20) on the application of detention on remand in a prison  
in criminal or pre-trial detention or on placement in a correctional institution  
and release from those establishments or detention center;
- 21) information about a person from the National Criminal Record;

16/03/2020

22) date of death, death certificate number and identification of the registry office, which  
drew up a death certificate.

2d. Processing of personal data collected in the records  
military may take place without the consent and knowledge of the data subject.

2e. Persons subject to military records are obliged to provide  
information to authorities keeping this records in the scope of data regarding  
these people and processed in military records.

2f. To obtain data from the collections referred to in paragraph 2a, no  
requires a separate request, question or request in this case, and their  
the transfer takes place free of charge in the manner specified in the agreement concluded  
between the Minister of National Defense and in the field of:

- 1) PESEL register - with the minister competent for computerization;
- 2) central records of drivers - with the minister competent for matters  
computerization;
- 3) National Criminal Record - with the Minister of Justice.

3. The Minister of National Defense shall determine, by regulation, the manner  
keeping military records, detailed scope of data collected  
and processed in military records, documents constituting the records  
military and documents being the basis for entering data into this register  
and the period of keeping military records and data storage  
gathered in this register, taking into account in particular categories of persons  
covered by military records, forms of meeting the universal defense obligation  
and the scope of data referred to in paragraph 2c, collected and processed  
in military records. The regulation should ensure correct

the fulfillment by the Polish citizens of a general duty of defense, and necessary protection of personal data and classified information collected and processed in military records.

4. The Minister of National Defense shall define, by regulation, the scope and the method of reconstruction of military records of persons subject to an obligation military service, including when necessary reconstruction of military records and the place of reconstruction of these records.

**Art. 49a.** 1. Uniform records of soldiers in active military service, including professional and candidate soldiers, and

16/03/2020

employees of military units and subordinate organizational units  
Minister of National Defense and its supervisors and cells  
organizational units of the Ministry of National Defense, hereinafter referred to as "uniform records ", run by:

- 1) the Minister of National Defense;
- 2) head of the organizational unit competent in matters of human resources;
- 3) head of the organizational unit competent in matters of resource management personal;
- 4) head of the organizational unit competent in employee matters;
- 5) the authority competent to appoint for official positions;
- 6) the authority competent to conclude employment contracts;
- 7) head of the provincial military staff;
- 8) commander of the military unit and his superiors;
- 9) military commanding officer.

2. The following may be collected and processed in a uniform register data:

- 1) first name or forenames and surname, including the maiden name, and surnames and previous names;
- 2) date and place of birth;
- 3) PESEL number;
- 4) names and family names of parents;
- 5) marital and family status, including names and dates of birth

- spouse and children;
- 6) citizenship;
  - 7) gender;
  - 8) type, series and number of identity card;
  - 9) permanent or temporary residence exceeding three months  
and correspondence address as well as the address of the immediate family;
  - 10) regarding education and qualifications;
  - 11) military rank, military specialty, qualification class, corps  
passenger and group;
  - 12) regarding the course of active military service and work;

16/03/2020

- 13) regarding final judgments in criminal matters, in cases of  
offenses and in administrative or disciplinary proceedings, a  
also professional responsibility;
- 14) regarding the state of health;
- 15) regarding emoluments or remuneration and awards.
  3. Uniform records shall be kept in electronic form.
  4. Processing of personal data collected in a uniform register  
may take place without the knowledge and consent of the data subject.
  5. The provisions of Art. 49 paragraph 1c, 1d  
points 1-4, 6 and 7 and par. 1e, 1f, 2 and 2e.
  6. The uniform record shall be updated immediately.
  7. A soldier or employee informs the commander of a military unit in which  
is on duty or employed, about changes in data collected and  
processed in uniform records and presents documents confirming these  
changes.
  8. Uniform records shall be kept until the day the soldier is released from active  
military service or the termination of the service relationship of military service and  
termination or termination of an employee's employment relationship.
  9. Data collected and processed in a uniform register is stored  
for a period of 10 years from the date referred to in paragraph 8.

10. After the deadline referred to in para. 9, data collected and processed in a uniform register shall be removed immediately by a committee appointed by Minister of National Defense. Minutes are made of the committee's activities containing a list of people whose data has been deleted.

**Art. 50.** 1. Employers shall be obliged to notify not later than before fourteen days have elapsed, military commanding officers for the additions competent for due to the place of permanent residence (residence) or temporary stay an employee lasting over three months, about his employment and dismissal, and about qualifications and position held.

2. Rectors of universities, heads of teacher education institutions, headmasters of secondary schools are obliged to notify no later than before fourteen days from the date of the event, military commanders of additions appropriate for the place of permanent residence

16/03/2020

(residence) or temporary stay of over three months of the student (pupil) about his admission to school, estimated time of study (study), repeating a year or semester of study (study), striking off the list of students (students) or expulsion from university and on obtaining graduate status college or about his graduation from school.

3. Notifications referred to in para. 1 and 2, apply only to specified ones persons subject to the obligation of active military service.

4. Employers, schools and other organizational units are required issue certificates on universal defense obligations on request interested persons and competent military authorities.

5. The Council of Ministers shall define, by regulation, the scope of duties and the procedure to be followed in the matters referred to in para. 1-4, including written form of notifications and data which should be included in notifications.

**Art. 51.** 1. Military commanders of additions, and in the event of introduction the obligation to register specific persons for registration also authorities who carry out this registration shall be notified:

1) by courts - on the application of pre-trial detention to persons subject to the obligation of active military service and valid conviction of these persons;

2) by prisons and correctional facilities and pre-trial detention centers - on detention in prison or pre-trial detention of persons subject to the obligation active military service or on the placement of such persons in a facility in detention and on release from these establishments or detention.

3) (repealed)

2. Minister of Justice, Minister of National Defense and competent minister for internal affairs shall determine, by regulation, the scope of notifications, referred to in paragraph 1, and the manner and deadlines for sending them, taking into account written or electronic notification.

**Art. 52.** 1. Persons subject to the general duty of defense are obliged to appear in person at the call of the competent authorities in matters related to this obligation within the time and place specified in the call and to undergo medical and psychological examinations.

16/03/2020

2. Employees summoned to appear in person before the competent person authority on matters relating to the general duty of defense who do not they received remuneration from the employer for the time abandoned due to the call, at their request, a flat-rate compensation for lost earnings is payable, for every day in the amount of 1/30 of the minimum wage applicable in December of the previous year, determined on the basis of regulations Act of 10 October 2002 on minimum pay for work (Journal of Laws of 2018, item 2177). The compensation is paid by the requesting authority based on certificates issued by employers.

3. Persons summoned by the competent authority to appear in person in matters relating to the general obligation to defend, on their request, reimbursement of travel expenses to the place of appearance and return to the place permanent residence (residence) or temporary stay lasting over three months. The requesting authority reimburses these costs on a documented basis statements of the summoned person, in accordance with the principles set out in the department's regulations 2 of Title III of the Act of July 28, 2005 on court costs in cases civil (Journal of Laws of 2019, items 785 and 1043).

4. If the summons to appear is due to failure to comply or improper fulfillment, due to the fault of the person summoned, of specified obligations in the Act, the provisions of para. 2 and 3 shall not apply.

5. The Minister of National Defense shall determine by regulation the cases in which persons subject to the general duty of defense are obliged to appear in person at the summons of military authorities, summoning procedure, military authorities competent in these matters and a model call, having regard to cases in which the place of appearance of the requested person is different from the place of business requesting authority.

**Art. 53.** 1. Persons subject to the obligation of active military service are required to notify military commanders of name changes, name, education and profession, and place of permanent residence (residence) or temporary stay lasting over three months or correspondence address, and going abroad for more than six months and returning from it departure.

2. Persons subject to the obligation of active military service who:

16/03/2020

1) did not appear for military qualification - from 1 January of the year calendar in which they are nineteen years old, or

2) were called up for active military service or training in civil defense or substitute service - from the day of delivery of the card appointments (referral cards) to this service

- are required to obtain the permission of the military commanding officer appropriate for the place of permanent or temporary stay

lasting over three months to travel and stay abroad. In the application for a permit to travel and stay abroad, please indicate the planned date departure and return and country of departure. For issuing proceedings Permits for travel and stay abroad shall apply the Act of 14 June 1960.

- Code of Administrative Procedure.

3. The obligation to notify changes referred to in para. 1 is fulfilled immediately after their occurrence in person, by registered mail or via electronic means of communication. For serving soldiers territorial military service available and persons assigned to it

crisis, mobilization assignment or employee mobilization assignment, this obligation may be met by reporting changes to the unit commander military in which they are on duty or assigned.

4. Persons referred to in para. 3, notifying the military commander supplements in person, are required to provide a military booklet or a document confirming identity and a mobilization card.

5. Reserve soldiers who have been given a crisis assignment also have the obligation to notify the commander of a military unit in a manner agreed with this commander, with the current mailing address or method notification on matters related to the assigned crisis allocation.

5a. Soldiers performing territorial military service have at their disposal also an obligation to notify the commander of the military unit in which they perform service, in a manner agreed with this commander, with the current address by correspondence or method of notifying them of matters related to this service, including in the event of their obligation to appear for service rotating.

16/03/2020

6. Soldiers released from basic military service ahead of time, in the manner specified in art. 90, are required to obtain the permission of the commander military unit for a change of location; this obligation lasts until transfer to reserve.

**Art. 54.** 1. Military commanding officers issue supplements for their needs general obligation to defend persons covered by military records, military personal documents.

1a. Entries or data in military documents  
personal make:

- 1) military commanding officer - as far as universal duty is concerned  
defense;
- 2) the commander of a military unit or a military commanding officer -  
in the field of active military service.
- 3) (repealed)

1b. The activities referred to in paragraph 1a, may be made in writing or in electronic form.

1c. Persons who were soldiers on active military service to whom they were issued military personal documents are required to produce these documents on request:

- 1) superiors;
- 2) senior military rank;
- 3) local military administration bodies;
- 4) commanders of military units;
- 5) soldiers of the Military Police and military law enforcement agencies;
- 6) courts and organizational units of the prosecutor's office;
- 7) village heads or mayors (city presidents);
- 8) other authorized entities.

1d. Non-soldiers in active military service, to whom military personal documents were issued, they are required to present these documents on demand:

- 1) local military administration bodies;
- 2) courts and organizational units of the prosecutor's office;
- 3) commune heads or mayors (city presidents);

16/03/2020

- 4) starosts;
- 5) voivodship marshals;
- 6) employment and disability authorities;
- 7) employers;
- 8) rectors (directors) of universities and higher vocational schools and headmasters of secondary schools;
- 9) other authorized entities.

1e. A person who has been issued with a military personal document cannot dispose of this document and, at the request of the military commanding officer, and in the case of soldiers on active military service also the unit commander military, is obliged to return this document to military authorities.

1f. The person to whom a military personal document was issued is required

notify the military commander of additions, and being a soldier in active military service commander of a military unit in the event of loss or destruction this document.

2. The Minister of National Defense shall define, by regulation, the model military personal document (military booklet), its purpose, manner of issuing and recording and returning, scope of information regarding the universal duty of defense and the course of active service military and personal data entered or included in these documents, taking into account that the personal data it should contain military personal document, include in particular first name (names), surname, date and place of birth, registered address and military rank; military the personal document should also contain a photograph.

3. Military personal documents may not be moved, transported or to send abroad.

4. The Minister of National Defense in consultation with the minister competent for internal affairs, by regulation, specify the method of service military personal documents, procedure in the event of their loss, destruction or non-acceptance and the authority to which the person traveling abroad is obliged to submit a military personal document for safekeeping.

**Art. 54a.** 1. Military authorities equip soldiers in active service military and persons serving in militarized units

16/03/2020

assigned to the Armed Forces of the Republic of Poland, civilian personnel medical and sanitary of the Armed Forces of the Republic of Poland, civilians accompanying the Armed Forces of the Republic of Poland, staff of the organization "Polish Red Cross" and other volunteer support organizations, individuals civil performing pastoral activities and other persons specified by law international - cards and identity plates.

2. Identity cards referred to in para. 1, issued to soldiers in active military service traveling abroad for official purposes they also constitute an identity card referred to in art. III item 2 lit. a Agreements between States Parties to the North Atlantic Treaty regarding status their armed forces, done in London on June 19, 1951 (Journal of Laws

from 2000, item 257 and of 2008, item 1052).

3. Soldiers referred to in para. 2 also seems individual or collective travel order.

4. In the identity cards referred to in para. 1 shall be posted respectively:

- 1) surname and first name (s) of the card holder;
- 2) date of birth of the card holder;
- 3) military rank and designation of the card holder's military booklet;
- 4) PESEL number of the card holder;
- 5) type of service (status) of the card holder;
- 6) blood type of the card holder;
- 7) photograph and signature of the card holder;
- 8) dry imprint of the official seal of the issuing authority;
- 9) name of the issuing country;
- 10) series and card number;
- 11) card security elements.

5. The Minister of National Defense shall define, by regulation, the types and models of cards and identity plates issued to persons referred to in paragraph 1 military authorities competent to issue and record them, their mode recording, delivery and proceedings in the event of their destruction or loss, including the purpose and use of identity cards and plates by the persons referred to in paragraph 1, as well as a specimen of departure order.

16/03/2020

## CHAPTER III

### **Military service**

#### Chapter 1

#### **general rules**

**Art. 55.** 1. The duty of military service shall consist in:

- 1) performing military exercises by:
  - a) reserve soldiers,
  - b) persons transferred to the reserve who are not reserve soldiers,

- c) volunteers who will apply for them and are not subject compulsory military service;
- 2) performing preparatory service by:
  - a) persons transferred to the reserve, including reserve soldiers who they have not yet performed active military service,
  - b) volunteers who apply for it and are not subject to it compulsory military service;
- 2a) the performance of territorial military service by soldiers;
- 3) performing periodic military service by reserve soldiers.

2. In the event of a threat to national security, if necessary to ensure the ability to perform tasks related to the designation of the Force Armed, the duty of military service also includes:

- 1) basic military service by persons subject to this obligation;
- 2) undergoing military training by university graduates.

3. The President of the Republic of Poland, at the request of the Council of Ministers, shall determine by regulation, the start date and duration of the obligation basic military service and military training, taking into account the degree of threat to national security.

4. In the event of mobilization and during the duty of duty military consists in performing military service by:

- 1) persons subject to military qualifications;
- 2) persons transferred to the reserve, including reserve soldiers;
- 3) soldiers left on active military service;

16/03/2020

- 4) other persons who apply to this service as part of a volunteer recruitment.

5. As part of the military service, qualified persons military - instead of for basic military service - may be intended for basic civil service or training.

6. The fulfillment of the duty of military service shall also be deemed to be carrying out, on the terms set out in the Act of 11 September 2003 on Military Service professional soldiers, candidate service and professional military service.

**Art. 55a.** 1. In the case referred to in art. 55 item 2 and 3, by virtue of law there is also an obligation to undergo basic service or training in civil defense, services in armed formations not part of the Forces Armed and foster service.

2. Soldiers on basic military service or training on the day of the expiry of the obligation to perform this service, and training, are subject to dismissal from active military service and transfer to reserves as of this day.

3. Persons undergoing basic service or training in civil defense, serving in armed formations not belonging to the Armed Forces or substitute service on the date of expiry of the duration of the duty of basic service military service and military training are exempt from these services or training on this day.

4. Persons referred to in para. 3, on the day of dismissal from service or training, the military commandant of refill moves to the reserve.

**Art. 55b.** Equal to fulfilling the duty of essential service military service by persons subject to the obligation to perform it territorial military service in Territorial Defense Forces for a period and on the conditions referred to in art. 98l.

**Art. 56.** 1. Equivalent to fulfilling the duty of essential service military service by persons subject to it is serving in formations armed not belonging to the Armed Forces.

1a. Service in armed formations not part of the Armed Forces may be performed only during the period of the basic service obligation military service and military training.

16/03/2020

2. Duration of service in armed formations not included in the composition Armed Forces is twelve months.

3. The minister competent for internal affairs shall specify, by the way of the Regulation, dates of directing the persons referred to in para. 1, for service in armed formations not belonging to the Armed Forces and deadlines dismissal from this service, taking into account the complementary needs of these formations, and

training periods in these formations. The regulation is issued annually during the period of compulsory military service and military training.

4. The minister competent for internal affairs may, by the way of the Regulation, limit the duration of the service of the persons referred to in para. 1 in armed formations not forming part of the Armed Forces, pursuant to complementary needs of these formations, if it does not endanger safety countries.

5. In cases where the necessity of providing so requires State security, the Council of Ministers may extend, by the way of the Regulation, the duration of the service of the persons referred to in para. 1, in formations armed not belonging to the Armed Forces for a period not exceeding six months in total.

6. The Council of Ministers shall define, by regulation, armed formations not part of the Armed Forces in which the service is performed equivalent to fulfilling the duty of basic military service.

7. The persons referred to in para. 1, serving in the formation armed not belonging to the Armed Forces and their family members, irrespective of the rights specified for these persons in the provisions under this title the services have special rights provided for in this Act and in regulations issued on its basis for soldiers of basic service military and their families to the extent specified by the Council of Ministers by way of Regulation.

8. Referral to armed non-armed formations the Armed Forces may be made only with the consent of the person referred to in para. 1.

9. The Minister of National Defense in consultation with the ministers they are subordinate formations referred to in paragraph 6, determines the way

16/03/2020

regulations, the procedure regarding the appointment and directing of persons, referred to in paragraph 1, to serve in armed non-armed formations in the Armed Forces, as well as the course of this service, ensuring cooperation in these matters the military commandant of the supplements and the unit commander

organizational armed formation not belonging to the Armed Forces or another authority competent in these matters, and in the field of destination and referring to this service also taking into account the need to supplement the Force Armed in the first place.

**Art. 56a.** Persons referred to in art. 56 section 1 serving on duty in armed formations not forming part of the Armed Forces, specified in based on art. 56 section 6, are covered by the health insurance obligation on the principles set out in the provisions of the Act of 27 August 2004. on healthcare services financed from public funds (Journal of Laws of 2018, item 1510, as amended<sup>2</sup> ).

**Art. 56b.** 1. Persons referred to in art. 56a, on the terms set out in Act of 27 August 2004 on healthcare services financed from public funds, they have the right to choose:

1) primary care physician, primary care nurse

health or midwife for primary health care as defined provisions of the Act of 27 October 2017 on primary care health (Journal of Laws of 2019, items 357 and 730),

2) service providers providing outpatient benefits specialist

3) dentist,

4) hospital

- at the place of service, from among service providers who have concluded contracts for the provision of healthcare services, which are budgetary units created and supervised by the minister competent for internal affairs, having a dispensary, a dispensary with a chamber in the organizational structure sick or primary care physician, primary nurse

<sup>2)</sup> Amendments to the consolidated text of the said Act were announced in the Journal of Laws Of Laws of 2018, item 1515 1532, 1544, 1552, 1669, 1925, 2192 and 2429 and from 2019, item 60, 303, 399, 447, 730, 752 and 1078.

16/03/2020

being medical entities established by the minister competent for home affairs.

2. If the persons referred to in para. 1 can not get healthcare services provided by the healthcare provider referred to in paragraph 1 May the right to choose another healthcare provider from those who have concluded contracts for the provision of healthcare services.

3. Costs of partial or total payment for *medicines*<sup>3)</sup> issued to persons, referred to in art. 56a, on the terms and to the extent specified in the Act of August 27, 2004 on healthcare services financed from funds public, are financed from the state budget, from the remaining part at the disposal of the minister competent for internal affairs.

4. The minister competent for internal affairs in consultation with the minister competent for health matters shall determine, by regulation, the manner and procedure financing the cost of *medicines*<sup>3)</sup> referred to in para. 3, taking into account the principles and the method of spending public funds.

**Art. 57.** 1. The Council of Ministers shall determine, by regulation, the number of persons, which may be called to active service in a given calendar year military, essential service or training in civil defense and for service in armed formations not part of the Armed Forces.

2. In the regulation referred to in para. 1 should be included supplementary needs of the Armed Forces, indicating types active military service and individual formations to which there would be a calling, as well as the possibility of serving a given type of service by volunteers within the limit of persons set out in this Regulation.

**Art. 58.** 1. Obligation of military service to the extent specified in of this Act, Polish citizens shall be subject from the day on they are eighteen years old, by the end of the calendar year in which they end

<sup>3)</sup> Currently, medicinal products, pursuant to art. 26 section 1 of the Act of September 6, 2001 - Provisions introducing the Pharmaceutical Law, the Act on medical devices and Act on the Office for Registration of Medicinal Products, Medical Devices and Products Biocides (Journal of Laws, item 1382 and 1801, from 2002, item 300 and 1266, from 2004, items 77, 882 and 896 and from 2007 item 492), which entered into force on October 1, 2002.

16/03/2020

sixty-three years of age.

2. However, listed persons are not subject to military service in paragraph 1 who were deemed permanently incapable of being in health status this service.

3. Women are not subject to the military service:

1) during pregnancy and within six months after delivery;

2) caring for children under eight years of age;

3) taking care of:

a) children from eight to sixteen years old,

b) bedridden patients

c) persons for whom permanent incapacity has been declared

on a farm pursuant to the Act of 20 December 1990.

on farmers' social insurance,

(d) persons who have been declared totally incapable of work and

independent existence on the basis of the Act of 17 December 1998.

on pensions from the Social Insurance Fund,

e) persons with a significant degree of disability

within the meaning of the Act of 27 August 1997 on rehabilitation

professional and social and employment of disabled people,

if they live with them and this care cannot be entrusted

other people.

3a. For women who have applied for a contract for performance of duties within the National Reserve Forces or have concluded such a contract, or those remaining in crisis assignment and performing duties within the National Reserve Forces or which have submitted an application for appointment for preparatory service or territorial military service, or who perform territorial military service, the obligation of military service gives up suspended for pregnancy and for six months after delivery.

4. (repealed)

**Art. 59.** 1. Soldiers in active military service, as defined of this Act, there are persons who hold or perform the following types:

1) basic military service;

16/03/2020

- 2) military training;
- 3) territorial military service;
- 4) military exercises;
- 5) preparatory service;
- 6) periodic military service;
- 7) military service in the event of mobilization and during war.

2. Soldiers in active military service are divided into:

- 1) a corps of officers, which includes:
  - a) junior officers,
  - b) senior officers,
  - c) generals and admirals;
- 2) the body of non-commissioned officers, which includes:
  - a) junior non-commissioned officers,
  - b) non-commissioned officers,
  - c) senior non-commissioned officers;
- 3) serial corps.

3. Corps of officers, non-commissioned officers and privates are divided into corps personal. The personnel corps are divided into groups in which it occurs division into military specialties.

4. A soldier in active military service commander of a military unit, in whose soldier is on duty, is included in a specific corps, group personal and military specialty and states this fact in the daily order.

5. A soldier in active military service may be transferred to another a corps, another group or other military specialty through commander of a military unit in the case of designation for another position business or changes to this corps, personal group or specialty military officer in his position.

5a. A soldier in active military service may be directed by military unit commander to perform tasks other than arising with his military specialty and military training, if he possesses qualifications and permissions to perform these tasks.

16/03/2020

6. The Minister of National Defense, by regulation, creates and abolishes personnel corps, determines their division into groups and military specialties, ensuring that the needs of the Armed Forces are met.

**Art. 59a.** 1. Reserve soldiers who are first anticipated call for active military service in the event of a mobilization announcement and during the war, he is assigned to this service by broadcast in peacetime mobilization assignment to official positions or to perform functions military, which are defined in the full-time military unit and occur over time war.

1a. The mobilization assignment referred to in para. 1 may be broadcast also a soldier in active military and professional service military service or candidate service on the day of his dismissal, effect following the date of dismissal.

1b. The mobilization assignment is suitable for a vacant official position or for to perform an vacant military function and, if necessary, also to positions or functions already assigned to such an allocation.

1c. Mobilization assignments are not suitable for people who are advertised from the obligation to perform active military service in the event of mobilization and war announcements, and to those suspended duty of military service.

2. Employees employed in military units, and in the case of needs also for employees of other employers and others non-employees may be broadcast in peacetime employee mobilization assignments for employee positions that are specified in the full-time military unit and occur during the war.

3. Employee mobilization assignments shall not be granted to persons who:

- 1) are under eighteen years of age;
- 2) are over sixty years old, except for employed persons  
in a military unit that has agreed to be allocated to them;
- 3) (repealed)
- 4) have a crisis or mobilization assignment;
- 5) are judges, assessors or prosecutors;

- 6) are officers of the Police, Internal Security Agency, Foreign Intelligence Agency, Central Anti-Corruption Bureau, Security Service The State, the Border Guard, the Prison Service, the State Fire Service, Rail Protection Guards or specialized armed employees protective formations in subordinate organizational units, subordinated or supervised by ministers, managers central offices, voivodes, the President of the National Bank of Poland and the National Broadcasting Council;
- 7) are advertised from the obligation to perform active military service in the event of mobilization and war announcements;
- 8) they have been recognized as permanently or permanently unable to work on the farm on the basis of the Act of 20 December 1990 on insurance social farmers or for completely incapable of work and independent existence or completely incapable of work under the Act of December 17, 1998 on pensions from the Insurance Fund Social or people with a significant degree of disability or moderate disability within the meaning of the Act of August 27, 1997 on occupational and social rehabilitation and employment people with disabilities.

4. Mobilization assignments and employee mobilization assignments broadcasts and repeals the military commandant for additions, acting in concert with the commander of the military unit.

5. Giving the mobilization assignment and employee assignment mobilization takes the form of a mobilization card. The person who was given mobilization assignment or employee mobilization assignment, is required accept the mobilization card.

6. The mobilization card of the military commanding officer shall be served in the mode, referred to in art. 52, or in the manner specified in art. 39 of the Act of June 14, 1960 - Code of Administrative Procedure.

6a. The mobilization card can also be delivered to soldiers in time performing or performing active military service and professional service military service or candidate service at the place of service, and employees of military units - in the workplace.

Reserve soldiers who are given crisis assignments, mobilization card can be delivered with this assignment card.

7. The Minister of National Defense shall determine, by regulation:

- 1) the procedure and conditions for issuing and canceling mobilization assignments, and employee mobilization assignments and the conditions they should meet reserve soldiers, employees, or other non-personnel employees to be assigned to active military service or work in military units in the event of mobilization or in time war, taking into account the cooperation of the military commanding officer and military unit commander and the need to provide mobilization of the Armed Forces;
- 2) templates of mobilization cards containing their date of issue, issuing authority, personal data of the reserve soldier, employee or other person an employee, including military rank, first and last name, unit data military, including name, address, mobilization number, subunit, assignment mobilization or employee mobilization assignment, as well as deadline and place of appearance to the military unit, instruction on the effects evading the duty of active military service or work, how to proceed in the event of card loss and in the event of unable to appear in the place specified on this card, as well as list of items of personal use that the reserve soldier, employee or another non-employee should bring with him / her when appearing at military unit in the event of mobilization and during the war.

**Art. 59b.** 1. Reserve soldiers may be issued in peacetime

Crisis assignments to official positions that are specified on a full-time basis military units, including positions for which they have already been given such allocation.

2. A condition for granting a crisis allocation is the conclusion of a contract for performance of duties under the National Reserve Forces, called hereinafter "the contract", between a reserve soldier and a soldier on active duty military and a soldier performing professional military service or service candidate who volunteered to perform his duties under National Reserve Forces and submitted an application to the military commander

supplements to the conclusion of the contract and meets the conditions for its conclusion, and the commander military unit in which this assignment is to be issued. The application can be submitted by electronic means of communication.

3. The application for conclusion of the contract may be withdrawn or may be refused conclusion of the contract. Refusal to undergo medical examinations or psychological, failure to appear in a given period in a military commission medical, military psychological laboratory or in a military unit is tantamount to withdrawal of the application.

4. A contract may be concluded if there are supplementary needs of the Forces Armed justifying the allocation of a crisis.

5. The contract includes:

- 1) designation of the parties - military rank, first and last name and position name service commander of the military unit, as well as military rank, name and surname, father's name, registered address, series and ID number and the PESEL number of the soldier who volunteered to perform duties under the National Reserve Forces;
- 2) date and place of signing;
- 3) the date of acceptance of the obligations arising from the allocation crisis and the day to which the contract is valid;
- 4) specification of the type of official positions in which the service will be performed military - if appointed to it, and the forecast period performing the service and the mode of calling to it;
- 5) the commander's obligation to inform the soldier about the dates of serving military exercises, except for exercises conducted in mode immediate appearance;
- 6) the obligation of the soldier to undergo military preparation exercises to assign crisis allocation and military exercises carried out as part of this assignment, including military rotary exercises;
- 7) the obligation of the soldier to accept the crisis assignment in the specified one time;
- 8) the obligation of the soldier to appear for active military service, to whose appointment is effected by immediate appearance,

within the time limit specified in the notification in this matter;

16/03/2020

9) commitment of the reserve soldier to perform periodic military service, including abroad, and his statement that he is known to him rules for performing this service.

6. A contract may be concluded with a soldier who meets the following conditions:

- 1) was not intended for substitute service;
- 2) he was not convicted of an intentional crime;
- 3) has at least education:
  - a) junior high school or primary school after finishing eight years of school primary - provided for positions intended for serial,
  - b) industry average or industry average - provided for positions intended for non-commissioned officers,
  - c) higher - intended for positions intended for officers;
- 4) has professional preparation and useful qualifications and skills in the Armed Forces;
- 5) passed a physical education test;
- 6) performed preparatory service and passed the exam referred to in art. 98b paragraph. 5 - in the case of a reserve soldier who has not previously been active military service.

7. The education referred to in para. 6 point 3, provided for positions intended for a given corps, not applicable to reserve soldiers already in this corps the appropriate military rank.

8. The conclusion of the contract may also be subject to possession by reserve soldier's security clearance or possession of a judgment a military psychological laboratory about the lack of contraindications to perform service requiring special psychophysical predisposition or with the ability to performing service outside the country. Commander before the contract a military unit or a military commanding officer may apply for conducting the verification procedure referred to in art. 64 clause 5,

or refer to a psychological laboratory for psychological tests.

9. The contract shall terminate if the allotment is canceled or expired crisis, as well as in the event of a written resignation by a reserve soldier

16/03/2020

from a concluded contract made before the date on which the decision to grant Crisis assignment has become final, or non acceptance crisis within a specified period.

10. Extension of the contract period or change of position business does not require the conclusion of another contract and takes place on the road written change of the concluded contract.

11. The commander of the military unit is competent to amend the contract, in which a soldier will perform duties under the National Forces Reserve.

12. The Minister of National Defense shall determine, by regulation:

- 1) the procedure for concluding the contract, taking into account the need for efficient determination suitability for military service of applicants for its conclusion and cooperation between military commanders, supplements and unit commanders military;
- 2) a template of the application containing information about the volunteer about preparation professional and specific qualifications and skills useful in the Armed Forces and a template contract containing elements referred to in paragraph 5, together with the necessary instructions about rights and volunteer responsibilities.

**Art. 60.** 1. Appointment to active military service shall take place by means of cards appointment, mobilization cards, either through announcements or other means determined by the Minister of National Defense. The appointment card is a decision administration.

2. Appointment to active military service belongs to the military commanding officer.

2a. He serves the appointed person from the decision on the appointment to active military service appeal to the head of the provincial military staff, submitted for through the military commanding officer of additions within fourteen days from

the day of its delivery. Filing an appeal does not suspend enforcement.

In the event of a mobilization or during a war, no appeal shall lie.

3. The day of calling to active military service is specified in the card appointment day to appear for this service, and in the case of military exercises

16/03/2020

rotational day to appear for these exercises on the first day of their start in a given calendar year.

3a. Appointment cards for rotational military exercises are attached as Annex, list of days in which in a given calendar year these take place exercises, being an excerpt from the list referred to in art. 101c paragraph 1.

4. Organization of delivery and delivery of appointment cards exercises military conducted in immediate mode appearance, periodic military service performed immediately appearance and for active military service in the event of an announcement mobilization and during war, as well as calls for territorial service in military rotation with immediate appearance:

- 1) in municipalities - to commune heads or mayors (city presidents);
- 2) in poviats - to starosts (city presidents with poviat rights).

5. In the cases referred to in para. 4, delivery of appointment cards may also take place through military units, organizational units of the Post Office Polish Joint Stock Company or the Police.

6. Placement of announcements on the appointment of persons for active service in the event of mobilization and during the war belongs to the head of the village head or mayors (city presidents).

7. Appointment cards may be served in justified cases also on public holidays and at any time of the day. About the need delivery of appointment cards on public holidays by units organizational structure of Poczta Polska Spółka Akcyjna for the purposes specified in para. 8 point 1, the Chief of the General Staff of the Polish Army shall notify each time General Director of this enterprise with at least two days in advance of a public holiday.

7a. Appointment for military exercises conducted in the mode

immediate appearance and periodic military service  
the Chief of General Staff manages the immediate appearance  
Polish army.

8. Appointment to undergo military exercises carried out in the mode  
immediate appearance may occur in order to:

1) checking the mobilization and combat readiness of military units;

16/03/2020

2) the participation of military units in combating natural disasters and liquidation  
their effects.

8a. Appointment to periodic military service, performed in the mode  
immediate appearances may occur for the participation of individuals  
military in combating natural disasters and eliminating their effects,  
anti-terrorist and property protection actions  
search and rescue or protection of human health and life,  
clearing areas of explosives and hazardous sources  
military and their disposal, as well as in the implementation of tasks in the field  
crisis management.

8aa. Call of soldiers performing territorial military service to  
appearing in the immediate appearance mode for territorial performance  
rotational military service may occur in order to:

1) checking the mobilization and combat readiness of military units;

2) the participation of military units in combating natural disasters and liquidation  
their effects, anti-terrorist and property protection activities,  
search actions and rescue or protection of health and life  
human, clearing sites of explosives and  
of dangerous military origin and their disposal, a  
also in the implementation of tasks in the field of crisis management;

3) counteracting the threat to national security, if it is necessary  
to perform the tasks of the Armed Forces and the role of Territorial Defense Forces in  
in this respect.

8b. To appoint reserve soldiers with assigned assignments  
emergency services for active military service, referred to in para. 8 or 8a,

these soldiers may be served with calling cards without a specific date appearing to this service, with an indication that this deadline will remain given by the military supplementary commander or unit commander military by way of notification referred to in art. 53 section 5.

8c. The military commanding officer informs the employer of the person appointed for her appointment to active military service, with the exception of service military service in the event of mobilization and during war, and when the appointment is effected by immediate appearance. In case of

16/03/2020

reserve soldier appointed for military rotary exercises the commandant for completions shall also notify his employer of the days on which these exercises will take place, and about changes in the list of these exercises.

9. The Minister of National Defense shall define, by regulation, specimen cards vocations and their purpose, as well as models of announcements. Specimen appointment cards should contain instructions on the effects of evading active duty military service and proceedings in the event of loss of the card and in the case of inability to appear for active military service, as well as a list documents and items of personal use that the person called to active military service should take with him, appearing for this service.

**Art. 61.** 1. Called to active military service are obliged to appear to this service at a specific time and place. They become soldiers in active military service as soon as they appear in that service in a specific place.

2. In the event of failure to appear, called to active military service without justified reason, except for military rotational exercises, staroste (city president with poviats status) competent for the place of stay permanent or temporary residence of over three months, on application military commander of additions, administers forced delivery appointed by the Police to a designated military unit, pursuant to regulations on enforcement proceedings in administration.

**Art. 62.** Minister competent for internal affairs, Minister of Defense National and minister competent for communications, shall determine, by way of regulations, mode of delivery of appointment cards and posting announcements,

having regard in particular to the procedure of the bodies of units military, Police and Poczta Polska Spółka Akcyjna in this respect and manner covering the costs associated with the delivery of appointment documents, as well as specimen authorization for courier couriers.

**Art. 63.** The manner of performing active military service and duties and the rights of soldiers are specified by statute and issued on its basis regulations and orders, as well as regulations and orders issued by the Minister National Defense.

16/03/2020

**Art. 63a.** 1. The commander of the unit in active military service may assign qualification classes according to their level military and specialist training, according to occupied official position or military function, subject to paragraph 2.

2. The qualifying class is given to soldiers on active military service after passing the exam before an examination board appointed by the commander military unit.

3. There are four types of qualification classes: third, second, first and masterful.

4. The Minister of National Defense shall determine, by way of a regulation, detailed method of assigning a qualification class, mode of its granting, confirmation, increase and loss, manner of carrying out and passing the exam and the scope of knowledge and skills checked during the exam, as well as the property of commanders of military units and committees examinations, taking into account the specifics of the service and the fact that class giving qualification is by order of the commander of the military unit.

**Art. 63b.** (deleted)

**Art. 64.** 1. Soldiers are obliged to keep everyone secret news which they have read directly or in connection with the performance active military service, if the messages are classified information.

2. The obligation of secrecy lasts both during active performance

military service, as well as after his dismissal.

3. From the obligation of secrecy may release the soldier in active military service commander of the Armed Forces kind, and a soldier released from active military service, the Minister of National Defense, subject to cases specified in the provisions of the Act of 6 June 1997 - Code criminal proceedings (Journal of Laws of 2018, items 1987 and 2399, and of 2019, item 150, 679 and 1255).

3a. Soldiers in active military service may not without the permission of the Minister National Defense to disseminate the results of its scientific activities, literary, artistic or journalistic, containing classified information. The permit constitutes an administrative decision.

16/03/2020

4. The Minister of National Defense shall determine, by regulation, the procedure granting permission to soldiers on active military service disseminating the results of their scientific, literary and artistic activities or journalistic, containing classified information, taking into account the fact that the permit is issued at the request of the soldier or the editor-in-chief, publisher, business manager or unit commander military (military institution) intending to disseminate the result soldier's activity, requiring permission.

5. Soldiers in active military service and reserve soldiers who in connection with the allocation of crisis or allowances mobilization have or will have access to classified information, are subject to, on the terms set out in the provisions on the protection of classified information, appropriate screening. Normal screening carried out on written instruction of the commander of a military unit or Military Commander Supplements Information Protection Officer classified, while expanded security investigation Military Counterintelligence Service at the written request of the commander respectively a military unit or a competent military commanding officer.

**Art. 64a.** 1. During peace, the commander of a military unit shall broadcast and revoke mobilization assignments for official posts or military functions specified

in the full-time military unit to soldiers in active military service who they will perform military service in the event of mobilization and during the war on service positions or military functions other than those they occupy in peace time.

2. In the mobilization assignment, the official position or function shall be determined military and the name or number of the military unit in which the soldier will be he performed military service in the event of mobilization and during the war.

3. The fact of granting or canceling the mobilization assignment in question in paragraph 1, is stated in the daily order.

4. With the order referred to in para. 3, get acquainted with the soldier.

5. Soldiers performing periodic military service or serving Military exercises, mobilization assignments, broadcasts and repeals on rules

16/03/2020

for reserve soldiers, a military commanding officer for additions, acting in in agreement with the commander of the military unit.

6. Soldiers performing periodic military service or undergoing training military who had mobilization assignments prior to being appointed to of this service, they keep them until they are lifted by a military commander additions.

7. The mobilization assignment expires by law on the day of release a soldier from active military service, except for mobilization assignment given to a soldier referred to in para. 5 or 6.

8. A soldier performing essential military service or training military or preparatory service may not be broadcast by name mobilization assignment, if for a job or function military, which is occupied or performed by this soldier, the commander of a military unit defined the allocation.

9. Appointment of a soldier in peace during a job or post a military function on which he will also perform military service in the event of mobilization announcement and during the war, is tantamount to giving it a soldier of the mobilization assignment for this position or function.

10. The Minister of National Defense shall determine, by regulation, the conditions and procedure granting and canceling mobilization assignments to soldiers in active military service performed in peacetime and the competence of organs military in these matters, taking into account the secret nature of this ordinance.

**Art. 65.** 1. During the period of active military service, membership soldiers in political parties are suspended.

2. During the period of active military service, soldiers may not take participation in the activities of civic movements and other groups of citizens of a political nature or conduct any political activity on the territory of the military unit (institution), including disseminate publications on political issues.

3. Soldiers in active military service and reserve soldiers, taking part in political gatherings, they cannot appear in uniforms and military badges and signs.

16/03/2020

4. The provision of para. 2 shall not apply in the case of a soldier's candidacy in active military service to the Sejm of the Republic of Poland or the Senate Of the Republic of Poland, the European Parliament or local government bodies government.

5. Soldiers in active military service may not form or join trade unions or participate in trade union activities, of which they were members when they were called to this service.

6. Soldiers in active military service may join associations and other organizations operating outside the army and participate in activities associations and other organizations to which they belonged at the time of their appointment to this service, after informing the commander of a military unit in which he wrote they are on duty.

7. Activities of political parties and associations and other organizations on the territory of military units (institutions) are defined by separate laws, except that on the ground military units (institutions) cannot be created and cannot environmental associations and other organizations of soldiers operate in active military service.

**Art. 66.** Soldiers in active military service are required to obtain permission by the Minister of National Defense or a military body by him authorized to travel and stay abroad in the manner specified by the Minister National Defense by way of regulation.

**Art. 67. 1.** Soldiers on active military service, except for soldiers performing territorial military service at their disposal, are obliged in time to carry out official duties wear uniforms and badges and signs military.

1a. Soldiers on territorial military service at their disposal military uniform and equipment items appear. Soldiers they are required to appear in the issued uniform with equipment in the case of performing territorial military service on a rotational basis.

2. Soldiers who do not perform active military service may be issued items of military uniforms and equipment for purposes related to the performance of the universal duty of defense. These soldiers are here

16/03/2020

are obliged to appear in issued uniform and with equipment in the event of calling to service.

3. In other cases than those referred to in para. 1 and 2 soldiers can wear uniforms and military badges and signs only if obtained permits in the manner and on the terms set out by the Minister of National Defense.

3a. The Minister of National Defense shall determine, by way of a regulation, detailed rules and procedure in matters of obtaining a permit, referred to in paragraph 3, taking into account in particular the condition for obtaining by the soldier a positive opinion of the leading military authority records of the soldier, fulfilling his universal duty defense, if it is subject to him, and the legitimacy of the motives, which the soldier cited in your request for permission.

4. The Minister of National Defense shall determine, by regulation:

1) patterns, rules and manner of wearing uniforms as well as badges and signs military, as well as the rules and manner of wearing weapons,

- 2) cases in which soldiers are exempted from wearing uniforms and military badges and signs,
  - 3) the rules and method of wearing orders, decorations and medals by soldiers and non-military badges,
  - 4) the method of issuing uniforms and equipment military and payment standards and useful life of these items in cases referred to in para. 1a and 2
- in particular taking into account the division of uniforms into starting ones, training and field, specificity related to the marking of uniforms, sets of employment for soldiers of particular types of troops and services, manner and circumstances of wearing uniforms, military badges and signs, and the nature of the tasks performed.

**Art. 68.** 1. Soldiers in active military service shall receive:

- 1) free meals or cash equivalent, except for soldiers performing territorial military service at their disposal;
- 2) military uniforms and equipment in kind, or equivalent financial.

16/03/2020

1a. The Minister of National Defense shall determine, by regulation, the cases in which soldiers receive the benefits referred to in paragraph 1, detailed rules and standards for their receipt, in particular conditions of service, methods of implementing additional food standards and the conditions, procedure and time limits for paying cash equivalents.

2. Soldiers' entitlement to accommodation, emoluments and benefits compensation and retirement benefits as well as invalidity provision separate acts and legal acts issued on the basis thereof.

**Art. 69.** Soldiers on basic military service, training military or military exercises and soldiers on duty preparatory, territorial military rotational service or service in the event of mobilization and during the war are subject to duty health insurance on the terms set out in the Act of 27 August

2004 on healthcare services financed from funds public.

**Art. 69a.** Soldiers performing periodic military service are included health insurance obligation on the principles set out in the Act of August 27, 2004 on healthcare services financed from public funds.

**Art. 69b.** 1. Soldiers referred to in art. 69, on the terms set out in Act of 27 August 2004 on healthcare services financed from public funds, they have the right to choose:

1) primary care physician, primary care nurse

health or midwife for primary health care as defined provisions of the Act of 27 October 2017 on primary care health care, or a person performing a service or employed in an entity medicinal in the form of a budgetary unit and a military unit for which the creating entity is the Minister of National Defense,

2) service providers providing outpatient benefits specialist

3) dentist,

4) hospital

16/03/2020

- at the place of service, from among service providers who have concluded contracts for the provision of healthcare services which are medical entities created by the Minister of National Defense.

2. If the soldiers referred to in para. 1 can not get healthcare services provided by the healthcare provider referred to in paragraph 1 May the right to choose another healthcare provider from those who have concluded contracts for the provision of healthcare services.

3. Soldiers on basic military service, training military, military exercises, candidates for professional soldiers, and performing preparatory or military service in the event of an announcement mobilization and during the war, you are entitled to free supply of products medicinal, medical devices and medical device equipment as defined

provisions of the Act of 20 May 2010 on medical devices (Journal of Laws of 2019 item 175, 447 and 534), other than those marked with "Rp", financed from the budget from the part at the disposal of the Minister of National Defense.

4. The Minister of National Defense in consultation with the minister competent for health matters will be established, by regulation, a list of medicinal products marked with the OTC symbol and the products referred to in paragraph 3, issued free of charge, and the method and method of financing the costs incurred, including principles and method of spending public funds.

**Art. 70.** 1. During active military service, soldiers may grant the following holidays:

- 1) rest - soldiers performing essential military service  
or performing periodic military service, preparatory service,  
territorial military service, if the total duration of that service  
rotates at least thirty days in a calendar year,  
or military service in the event of a mobilization and during a war;
- 2) additional - soldiers performing periodic military service or service  
military in the event of mobilization and during war;
- 3) health - soldiers performing essential military service or  
performing periodic military service, preparatory service and service  
military in the event of mobilization and during war;
- 4) occasional - soldiers on active military service;

16/03/2020

5) award prize - soldiers in active military service;

6) for honorary blood donation - to basic soldiers  
military service.

2. Soldiers on basic military service or duty  
periodic military service or territorial military service shall be granted leave on  
the duration of their own election campaign, if they run for  
bodies referred to in art. 65 section 4.

3. Holidays referred to in para. 1 and 2, are provided by the unit commander  
military, and the leave referred to in paragraph 1 point 5, also gives the authority  
competent to distinguish a soldier.

4. The commander of a military unit may dismiss a soldier from the leave of which he is mentioned referred to in paragraph 1, for important business reasons. The soldier is canceled shall immediately appear at the place of active service military.

5. Soldiers on leave referred to in para. 1, this holiday can be extended.

6. The Minister of National Defense shall define, by regulation, the procedure and conditions for granting leave to soldiers on active military service, cancellation or extension of leave and the duration of such leave. The regulation should take into account the possibility of varying the length of holidays depending on the type of active military service or the nature of the services performed tasks in the official position or as part of the function performed, unique the nature of dismissing or extending soldiers' leave.

**Art. 71.** 1. Release from active military service shall take place after expiry the duration of the service as determined by statute or appointment, and before this expires time - in cases specified in the act or regulations issued on her basis.

1a. Soldier - a woman performing active military service is subject to dismissal from this service also because of recognition as temporarily incapable of active service military because of pregnancy. On the day of release from active military service the commander of a military unit transfers this soldier to the reserve.

16/03/2020

1b. A soldier performing territorial military service - a woman this service is suspended during pregnancy and for a period of six months after birth.

2. Release shall be carried out by commanders of military or other units military organs.

3. A soldier is considered to be dismissed from active military service at the moment his departure from the place of service, after dismissal from it pursuant to paragraph 2.

4. Release from active soldier's military service military rotational occurs after the set total duration of their duration.

5. The soldier referred to in para. 4, is also considered released from active military service upon his departure from training military rotational, after their release on a given day or after their period event.

6. Release of a soldier from active military service commander of the unit military, in which the soldier performs service, states in the daily order and makes an entry in the military personal document of this soldier. IN case of rotational military exercises in a military document personal entry is made of exemption from active military service following the end of the set total duration of these exercises, and in in the case of territorial military service - after the duration of this service.

**Art. 72.** 1. Persons appointed to active military service and persons those released from this service are entitled to reimbursement of travel expenses to the place of appearance and return to the place of permanent residence or temporary stay above three months.

2. Travel costs shall be deemed to be public transport costs public rail transport by passenger or express train in the second or bus class in ordinary or express transport, and in the absence of such a measure - the cost of travel with the cheapest available means of public transport.

3. Travel expenses shall be reimbursed by the commanders of military units at based on a documented statement or by way of payment of an equivalent cash, subject to paragraph 4.

16/03/2020

4. Military commandant of additions, on a documented request of a person called to active military service, justified by its difficult situation material, may, upon receipt, pay out a cash equivalent to cover travel costs associated with entering this service, in the amount and according to the principles specified in para. 2 and 5.

5. Travel expenses are not refundable if guaranteed free travel or when travel is within the limits of the village,

in which the place of active military service is located.

6. In the event of mobilization and during the war, travel on the basis of mobilization and calling cards are free.

**Art. 73.** The Minister of National Defense shall, by regulation, detailed conditions, procedure and dates of appointment to active military service and dismissal from this service, taking into account the complementary needs of the types of Forces Armed and various periods of training at military training centers.

**Art. 73a.** 1. Superiors are responsible for the state of safety and hygiene of soldiers' service and are obliged to provide conditions for the protection of their lives and health by ensuring safe and healthy working conditions.

2. The soldier is obliged to comply with the rules and principles occupational health and safety.

3. To the extent specified in para. 1 and 2, apply to soldiers respectively, the provisions of the tenth chapter of the Act of June 26, 1974 - Labor Code, except for art. 209, art. 210, art. 230 § 2, art. 232, art. 234 § 2, Art. 235, art. 237, art. 237 <sup>1</sup>, art. 237 <sup>7</sup> § 1 point 1 and § 2-4, art. 237 <sup>8</sup> § 1, art. 237 <sup>9</sup> § 3 and art. 237 <sup>11</sup> § 4.

4. In the scope of detailed application of the provisions of the Labor Code in the field of occupational health and safety to the soldiers in question in paragraph 1-3, the provisions issued pursuant to art. 70 item 4 of the Act of September 11, 2003 on the military service of professional soldiers.

**Article 73b** 1. Compliance with the obligation to perform basic military service or military training or basic service or defense training civil, substitute service or service in armed non-armed formations members of the Armed Forces by persons subject to the obligation of basic service

16/03/2020

military service and their transfer to the reserve shall be deemed to be settled by not to military service.

2. Considered to have a regulated relationship with military service also other persons who are not subject to the general obligation of defense, and in the scope of persons referred to in par. 1, the obligation to serve

military service.

3. The persons referred to in par. 1 or 2, military commanding officer

at the request of these persons, issue a certificate of their relationship to military service.

## Chapter 2

### **Military ranks**

**Art. 74.** 1. Due to their military rank, there are soldiers  
privates, non-commissioned officers or officers.

2. The military ranks are the following ranks, subject to para. 2a:

1) serial:

a) serial,

b) senior private;

2) non-commissioned officers:

a) junior non-commissioned officers:

- corporal,

- senior corporal,

- platoon,

b) non-commissioned officers:

- Sergeant

- senior sergeant,

- junior ensign,

c) senior non-commissioned officers:

- ensign,

- senior ensign,

- senior staff ensign;

3) officers:

a) junior officers:

- second lieutenant

16/03/2020

- lieutenant

- captain,

b) senior officers:

- major

- lieutenant colonel,
- colonel,

c) general:

- Brigadier General
- division general,
- general of arms,
- general.

2a. In the Navy, military degrees are:

1) serial:

- a) a sailor,
- b) senior seaman;

2) non-commissioned officers:

a) junior non-commissioned officers:

- mat,
- older mat
- bosman's head,

b) non-commissioned officers:

- bosun
- senior bosun,
- junior navy ensign,

c) senior non-commissioned officers:

- navy ensign,
- senior navy ensign,
- senior navy staff ensign;

3) officers:

a) junior officers:

- Navy lieutenant
- navy lieutenant,
- navy captain,

16/03/2020

b) senior officers:

- lieutenant commander,

- lieutenant commander,
- commander

c) Admiral:

- Rear Admiral
- Vice Admiral
- fleet admiral,
- admiral.

3. The highest military rank is the rank of Polish Marshal.

4. The Minister of National Defense may also establish other degree names military in specific types of troops or services synonymous with the degrees mentioned in paragraph 2 and establish new regulations military ranks.

**Art. 75.** 1. Military ranks are for life.

2. Military rank is the title of soldier.

3. The Minister of National Defense may, by regulation, introduce other military titles and rules for the use of degrees and other titles military, taking into account the needs of the Armed Forces of the Republic of Poland.

**Art. 76.** 1. They receive the rank of rank private posting persons called for active military service for the first time - on appearing in this service.

2. A higher military rank shall be granted by appointment.

3. Minister of Defense shall nominate rank-and-file non-commissioned officers National or military authorities, which are: Chief of the General Staff of the Army Polish, commander of the Armed Forces, Chief of the Gendarmerie Wojskowa, Warsaw Garrison Commander, local administration bodies military and other commanders of military units, at least from the rung regiment (equivalent).

4. For the first officer rank (second lieutenant) and for officer rank generals and admirals are appointed by the President at the request of the Minister of Defense National.

16/03/2020

5. The Minister of National Defense appoints the other officer ranks.
6. The President of the Republic of Poland at the request of the Minister of Defense

Narodowa nominates a military officer holding the Polish Marshal's rank  
military rank of general (admiral) for exceptional service to the Armed Forces.

7. In case of mobilization and during the war to a higher rank  
military appoints:

- 1) in the case of the rank of military lieutenant - by decision

Supreme Commander of the Armed Forces;

- 2) for military rank of generals and admirals - on the way

provisions of the President of the Republic of Poland at the request of the Chief  
Armed Forces Commanders;

- 3) in other cases - by decision or order, respectively

The Minister of National Defense or the Supreme Commander of the Armed Forces, as well as  
military organs, which are: Chief of the General Staff of the Polish Army,  
Armed Forces commander, Head of Military Counterintelligence Service,  
Head of the Military Intelligence Service, Chief of the Gendarmerie  
Wojskowa, Warsaw Garrison Commander, local administration bodies  
military and other commanders of military units, units or  
subunits.

8. The Minister of National Defense, and in the cases referred to in para. 4  
The President of the Republic of Poland may appoint to a higher rank during peace  
military rank also persons who, because of their completed age or state  
health are not subject to the obligation of military service, and reserve soldiers:

- 1) in recognition of their merits for participating in the battles for the independence of the state  
Polish;
- 2) in recognition of their special merits for sovereign activities  
and the democratic Republic of Poland;
- 3) in recognition of their merits for participating in missions and operations abroad  
countries;
- 4) in recognition of their merits for carrying out defense work or tasks  
countries, including those who:

16/03/2020

- a) operate or have been active in non-governmental, performing organizations  
defensive, educational and educational activities or  
in the field of public security,
  - (b) are employed or have been employed in public authorities or  
in entities with legal personality,
  - c) they have an assigned employee mobilization assignment or assignment  
organization and mobilization;
- 5) if they have a mobilization assignment assigned or are expected to be assigned  
such assignment and military training or periodic service  
military;
- 6) in cases justified by the needs of the Armed Forces, despite not being present  
military exercises or periodic military service, if any  
profession or education useful for the official position in the unit  
military.
- 8a. Appointment to a higher military rank may occur:
- 1) in the case referred to in para. 8 points 1 and 2, in relation to:
    - a) persons with rank ranks or non-commissioned officers -  
for the first officer rank (second lieutenant),
    - b) persons with officers 'degrees - for officers' degrees;
  - 2) in the cases referred to in para. 8 point 3, only once under  
given corps of professional staff of the Armed Forces;
  - 3) in the cases referred to in para. 8 point 4, only within the given  
corps of the professional staff of the Armed Forces, if since the previous appointment  
at least three years have passed;
  - 4) in the cases referred to in para. 8 point 5, if in your possession  
military officers performed periodic military service or served the appropriate number  
military exercise days;
  - 5) in the cases referred to in para. 8 point 6 if they have been issued  
mobilization assignment for a period of at least a year or have been frustrated  
on a shipping vessel intended for mobilization needs and from  
at least three years have elapsed.

8b. In particularly justified cases, for the merits in question in paragraph 8 points 1 or 2, there may be a posthumous appointment to a higher rank military. This appointment may occur only once.

9. A condition for the appointment of a soldier for the first military rank at the time the room is:

- 1) in the body of non-commissioned officers - having at least his education at the level of upper secondary or secondary school and sentence NCO exam;
- 2) in officers' corps - his higher education and passing the officer exam.

10. Soldiers in active military service may be appointed in time peace to the next higher military rank, if they meet the total of the following conditions:

- 1) obtain positive results in military training;
- 2) received a positive official opinion;
- 3) are disciplined;
- 4) have completed the military course or training required for the military rank, to which they are to be appointed.

11. (repealed)

11a. (Deleted)

12. Appointment to a higher military rank may not be made against persons convicted of a crime of intentional fault, except in the case of when during the war a soldier deserved valor on the battlefield.

13. In the event of the death of a soldier on active military service with a relationship with this service, for his services to the defense of the state, the Minister of Defense Narodowa, and in the cases referred to in para. 4, President Of the Republic of Poland, may posthumously appoint this soldier to a higher rank military rank.

13a. The President of the Republic of Poland shall, by regulation, the mode of awarding military ranks, referred to in para. 4 and 6, having regard to needs of the Armed Forces.

14. The Minister of National Defense shall, by regulation, determine detailed conditions, procedure and manner of appointment to military ranks for which

may appoint the President of the Republic of Poland or the Minister of Defense Narodowa, and military ranks for which they may appoint military authorities, referred to in paragraph 3 and 7 point 3, as well as the specimen application, having regard to in particular, various types of active military service referred to in art. 55 paragraph. 1, the course of military service or the appointment of a reserve soldier in the event of an accident mobilization announcements and wartime, as well as complementary needs of forces Armed regarding personnel.

15. (repealed)

**Art. 76a.** 1. A person with a police rank, Security Agency Internal, Foreign Intelligence Agency, Government Security Bureau, Security Service The State, the State Fire Service, the Military Counterintelligence Service, Military Intelligence Service, Prison Service or Border Guard, appointed at her request or with her consent to undergo military training or performing preparatory service, periodic military service or service in the event of mobilization and during the war, may be appointed for military rank specified for the service position for which it remained designated, equivalent to his rank in relevant service, if the needs of the Armed Forces speak for it.

2. The person referred to in par. 1, appointed at its request or with its consent to undergo military exercises or perform preparatory, periodic service military service or military service when mobilized and in time of war, is appointed to the appropriate military rank on the principles set out for reserve soldiers while on exercise or on duty, if meets the conditions for this appointment.

3. The Council of Ministers shall define, by regulation, police ranks, Internal Security Agency, Foreign Intelligence Agency, Government Protection Bureau, State Protection Service, State Fire Service, Counterintelligence Service Military, Military Intelligence Service, Prison Service or Guard Border, corresponding to individual military ranks. Ordinance should take into account the equivalence of the first degrees in the individual bodies.

**Art. 77** (repealed)

**Art. 78.** 1. A soldier loses his rank in the event of:

- 1) renunciation of Polish citizenship;
- 2) the final decision of the court ruling the penalty of deprivation of public rights or degradation;
- 3) refusal to take the military oath.

2. In the cases referred to in para. 1 point 2, the soldier retains his rank of military private (seaman).

**Art. 79.** (repealed)

**Art. 80.** 1. A soldier regains his military rank if he is deprived of a final judgment of the court in which the criminal measure was applied of deprivation of public rights or degradation or reduction of a military rank.

2. In the event of obtaining Polish citizenship again, a deprived person regains a military rank unless the authorized body for appointment deems advisable to restore her lost higher rank of military. The restoration of a military rank takes place by way of a decision of the administration.

**Art. 81.** 1. For special achievements at work or merits for the Republic of Poland may be returned to the soldier's military rank.

2. Restoration of a military rank in the event of its loss due to deprivation of public rights cannot be imposed before the expiry of the period for which this criminal measure was applied.

3. The authority competent for shall decide on the restoration of the military rank appointment to this degree. The Minister decides to restore the rank of second lieutenant of National Defense. The restoration of a military rank takes place by way of a decision of the administration.

### Chapter 3

#### Basic military service

**Art. 82.** 1. The duration of basic military service is nine months.

2. The service specified in par. 1 takes place in one continuous period.
3. (repealed)

4. The Minister of National Defense may, by regulation, limit duration of basic military service, as required by the Armed Forces and if it does not threaten the defense or security of the State.

5. Where required to provide defense or State security, the Council of Ministers may extend, by the way ordinance, duration of basic military service for a period of not exceeding six months in total.

6. (repealed)

**Art. 83.** 1. Persons are appointed to perform basic military service intended in accordance with art. 45 to this service and persons subject to qualifications military, who volunteered to serve it.

2. Persons are also appointed to perform basic military service recognized as capable of military service after the age of eighteen and volunteered for this service.

3. The Minister of National Defense shall determine, by regulation:

1) the procedure in cases of voluntary reporting

basic military service, taking into account the qualifications of volunteers useful in active military service and complementary needs of the Forces armed;

2) basic military service.

The regulation should, in particular, specify the manner and procedure to be followed military organs in the field of admitting persons appointed to the principal military service, appointing, changing and dismissing soldiers from positions business, transfer to other military units, delegation and business trips, as well as the types and method of business opinions, taking into account the right of soldiers to complain about these matters.

**Art. 84.** (repealed)

**Art. 85.** Soldiers transferred during basic service military to a military unit in which this service lasts longer or shorter than the period for which they were appointed, they are obliged to serve for a period of time

established for soldiers of this unit.

**Art. 86** (repealed)

16/03/2020

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pp. 96/216

**Art. 86a.** The period of active military service is not included arbitrary leaving the military unit in which the soldier serves, or a designated place of residence or arbitrary staying outside them. However, this period may be included in the duration of active service military, if later the soldier distinguished himself by exemplary service.

**Art. 87. 1.** A soldier who has completed essential military service, a commander military unit moves to the reserve.

2. Before commencing basic military service, the commander of the unit military officer releases a soldier from this service in the event of:

- 1) recognizing him due to his state of health as temporarily incapable of being active military service or incapable of active military service at the time peace or for permanently and completely incapable of active military service in peacetime and in the event of mobilization and in war;
- 2) the need for him to directly care for the member families; provision of art. 39 section 1 point 3 shall apply accordingly;
- 3) elect him as a deputy, including a European Parliament or senator;
- 4) ordering him to execute a prison sentence, including substitute penalty.

2a. In the cases referred to in para. 2 points 2 and 3, military commander supplements from the office is given to soldiers who are discharged from the basic service military service before postponing the postponement of basic military service, at the same time determining its duration. The provision of *art. 40 clause 2 shall* apply respectively.

3. After the reasons for dismissal from basic military service have ceased, referred to in paragraph 2, the military commandant for additions appoints a soldier to serve the remainder of this service, unless circumstances occur justifying the postponement of deferment due to another title or it is transferred to the reserve on the last day of the expiry of the three months following the date on which they ceased reasons or circumstances excluding the possibility of this appointment.

3a. Soldier - a woman who was on basic military service and dismissed from this service because of being deemed temporarily incapable of active service military due to pregnancy, cannot be called to serve the remainder

16/03/2020

period of this service. On the day of dismissal from service, the commander of a military unit moves this soldier to the reserve.

4. The adjournments referred to in para. 3, military commandant for additions provides in the cases referred to in art. 39 section 1 points 1-6.

4a. The soldier referred to in paragraph 2 point 2, unauthorized to serve the remaining period of basic military service due to the postponement of this service, in the case referred to in art. 39 section 1 point 3, military commandant supplements are transferred to the reserve on the last day of the expiry of the total period thirty-six months of these deferrals.

5. Transfer to the reserve of a soldier released before serving basic military service, if this soldier is declared incapable for active military service in peacetime, belongs to the unit commander military and takes place on the day of his release from this service.

6. The Minister of National Defense may, by means of an administrative decision, on documented application of the soldier justified by particularly important reasons personal or family, made by business, release him from active service military before performing essential military service and transfer to the reserve, if this is not prevented by the complementary needs of the Armed Forces.

**Art. 87a.** (deleted)

**Art. 88.** 1. On the need for direct soldier protection over a family member referred to in art. 39 section 1 point 3, rule on the application this soldier, head of the village or mayor (city president), specifying each time according to his request, the period of exercising this care, not longer at one time however, than twelve months.

2. The decision of the head of commune or mayor (city president) is served on a soldier and the competent military authority in writing with reasons.

3. The decision of the commune head or mayor (city president) is vested in

a soldier and a competent military body, an appeal to the voivode within fourteen days from the date of delivery of the decision. This decision can be changed by the voivode also ex officio if it was issued in violation legal regulations.

16/03/2020

4. Final decisions in matters referred to in para. 1 shall be binding on commanders of military units.

5. In matters of adjudication on the necessity of exercising by a soldier direct care for a family member applies the regulations issued on based on art. 39a section 5.

**Art. 89.** (repealed)

**Art. 90.** 1. Soldiers may be released from basic military service before leaving the military unit's commander.

1a. The exemption referred to in paragraph 1 may be due to reasons service justifying immediate change of state records of soldiers on active military service in the unit military.

1b. The exemption referred to in paragraph 1, performed by the unit commander military with the consent or on the order of the Minister of National Defense.

1c. Soldiers referred to in paragraph 1 during the period of stay at the disposal of the commander of a military unit, no benefits are due to perform active military service specified in this Act.

2. Transfer of soldiers dismissed from the basic service to the reserve early military belongs to the military commanding officer and occurs after the statutory duration of this service, counted from start its serving.

3. Before being transferred to the reserve, soldiers discharged from the basic service before the military can be called by the commander at any time military unit or military commanding officer to supplement it event.

4. The remaining period of basic service is not called upon

military of those soldiers who have served at least eight months active military service.

**Art. 90a.** The Minister of National Defense shall determine, by regulation:

- 1) detailed procedure regarding the release of soldiers  
from basic military service prior to its serving as well as transfer to reserves of these soldiers, fixing the dates on which the release from

16/03/2020

services and transfer to the reserve, including subordinate activities implementation by individual military bodies, differentiation proceedings depending on the grounds for dismissal and the necessary period necessary for the settlement of a soldier with a military unit;

- 2) detailed cases, conditions and procedure for summoning soldiers dismissed prematurely from basic military service to serving the remainder of this service, bearing in mind that the call to the remaining period of basic military service is served a soldier in writing, at least three days before the day of appearance this service.

#### Chapter 4

#### **Military training**

**Art. 91.** Whenever the law refers to 'university graduates', it means persons subject to military qualifications who have submitted exams required by the study plan, including the diploma exam, and obtained entitlement to receive a diploma.

**Art. 92.** 1. Graduates of universities are required to undergo military training.

2. Obligation to undergo military training shall also apply university graduates who have completed their studies abroad.

2a. College graduates can instead of military training to perform basic military service at his own request.

3. University graduates who are reserve soldiers may attend

military training at your own request.

4. The Council of Ministers may impose, by regulation, an obligation undergoing military training also for university graduates possessing qualifications useful for active military service. The provision of art. 48 paragraph. 2 shall apply accordingly.

**Art. 93.** 1. Military training for university graduates shall take place in military units of up to three months.

2. University graduates are appointed to undergo training military not later than within twelve months of receipt

16/03/2020

notification by a military commander of additions that they have become university graduates, and in the event of circumstances about which referred to in art. 46 section 2, not later than within twelve months of notifying the military commander of additions about the cessation of these circumstances. The provisions of art. 46 section 3 and 4 and 10 and 11 shall apply accordingly.

2a. On the last day of the expiry of the period referred to in paragraph 2, graduates colleges not authorized to undergo military training are moved to the reserve, unless they are previously transferred to the reserve on the basis of Art. 46.

3. In matters of postponement of military training to school graduates higher *art. 38 -42*.

4. The military commandant for supplements is adjourned by a college graduate, at his request, military training also when directly after graduating, he took up doctoral school education. In this case a college graduate is invoked to undergo military training no later than twelve months from the day the decision was revoked or expired about postponement. The provision of art. 42 shall apply accordingly.

5. (repealed)

6. (repealed)

**Art. 93a.** (deleted)

**Art. 93b.** (deleted)

**Art. 93c.** Military training referred to in art. 92 paragraph 1, ends

take an exam.

**Art. 93d.** Costs related to undergoing military training by university graduates are covered by the state budget from the part of which the administrator is the Minister of National Defense.

**Art. 93e.** (deleted)

**Art. 94.** 1. (repealed)

2. In matters of releasing soldiers from military training before his the provisions of Art. 87, 88 and 90a.

3. (repealed)

16/03/2020

**Art. 95** (repealed)

**Art. 96** (repealed)

**Art. 97.** 1. The Council of Ministers may, by regulation, dismiss graduates of some universities with the obligation to undergo training military.

2. Students who did not become university graduates are subject to the obligation to perform active military service on general principles.

**Article 97a** The Minister of National Defense shall determine, by regulation, the procedure assigning and appointing university graduates to undergo military training and dismissal, as well as its course. In the order, in particular, must be taken into account when intended and appointing university graduates to undergo training military strive to ensure compliance of education, field of study or professional qualifications held by university graduates with complementary needs of the Armed Forces, and in terms of course military training admission to military units for the purpose of undergoing military training and releasing it smoothly and maintaining the individual character of the admission of each graduate, while appointing and dismissing soldiers from official positions took into account the diverse conditions of the service.

**Article 97b** In the scope of being subject to university graduates the obligation to undergo military training provision of art. 47a applies respectively.

**Art. 98.** (repealed)

#### Chapter 4a

#### **Preparatory service**

**Art. 98a.** 1. Volunteers with a regulated attitude towards service military, as well as other persons not subject to the obligation of basic service military service or military training, they may perform at their request or with their consent, the preparatory service.

16/03/2020

2. The preparatory service is not performed during the period of the duty basic military service and military training.

3. The service relationship of a preparatory service is formed on the way appointment, on the basis of voluntary reporting to this service.

4. A person not convicted of may be called to the preparatory service intentional crime of Polish citizenship, adequate capacity physical and mental to perform active military service, age at least eighteen years of age and education:

- 1) at least higher - in the case of training for the needs of the corps of officers;
- 2) at least secondary or industry average - in the case of education at needs of the corps of non-commissioned officers;
- 3) at least lower secondary or elementary school after completing eight years of school primary - in the case of education for the needs of the serial corps.

**Art. 98b.** 1. Soldiers of the preparatory service are educated in schools military and training centers.

2. Military schools referred to in para. 1, there are military universities and NCOs.

3. The soldiers of the preparatory service educate for the needs of the corps:

- 1) officers - military universities;

- 2) non-commissioned officers - non-commissioned officers' schools;
- 3) serial - training centers.

4. Soldiers in the preparatory service under training may be trained also in military units.

5. The preparatory service ends with an exam.

**Art. 98c** On the day of commencing the preparatory service, soldiers the preparatory services receive without particular title:

- 1) a cadet, if they are studying to be an officer;
- 2) cadet, if they are studying as an NCO;
- 3) elwa, if they are studying for private.

**Art. 98d** 1. The duration of the preparatory service is:

- 1) for a soldier attending an officer - up to six months;
- 2) for a soldier studying NCO - up to five months;

16/03/2020

3) for a soldier studying for private - up to four months.

2. The preparatory service for college students may be performed in several periods during summer vacation breaks.

3. Duration of the preparatory service for school graduates implementing innovative or experimental adoption programs defense or education for security and members of the organization NGOs who have completed these schools or NGOs training corresponding to the specified curriculum carried out as part of the preparatory service, may be limited - pursuant to the training regulations of this service - subject to conclusion agreements on this matter by the school or an NGO with the commander of the military school or training center in question in art. 98b paragraph 1. The agreement must be approved by the Chief of Staff General Polish Army.

**Art. 98e.** 1. a soldier who had not previously performed active military service, including professional military or candidate service on the day of dismissal from the preparatory service, a commandant of a military school or training center or the commander of a military unit moves to the reserve.

2. A soldier who performs preparatory service is released from this service, before its expiry, in the case of:
- 1) renunciation of Polish citizenship;
  - 2) electing a deputy, including a European Parliament, or a senator;
  - 3) recognition due to health condition to be permanently or temporarily unable to active military service;
  - 4) loss of military rank or degradation;
  - 5) a final judgment of a disciplinary penalty for removal from service preparation;
  - 6) a final judgment of a criminal measure depriving public rights or a ban on practicing the profession of soldier;
  - 7) sentencing by a final judgment to the penalty of restriction of liberty or the penalty imprisonment.
  - 8) (repealed)

16/03/2020

3. Release from the preparatory service takes place by decision of the commandant military school or training center or by the decision of the unit commander military.

4. In the event of dismissal of a soldier from the preparatory service or he refuses to accept his refusal costs associated with the course of this service, also in the event of failure to take up by him another type of active military service.

5. A soldier performing preparatory service may be released from this service before its expiry if he fails to obtain it satisfactory academic results or failure to pass examinations conducted in accordance with the training program, as well as at his written request submitted by road business and justified by particularly important personal reasons or family.

**Art. 98f.** The period of preparatory service is included in the employee's account up to the period of employment in terms of all rights arising from the relationship work.

**Art. 98g** The Minister of National Defense shall determine, by regulation:

- 1) detailed conditions, procedure and dates of appointment  
preparatory, including the application form and documents submitted for appointment to this service, and time limits for dismissal from this service, taking into account the needs complementary forces of the Armed Forces, including the needs of the National Forces Reserve and different periods of education;
- 2) regulations for the training of preparatory service soldiers, the course of service preparatory and the course and duration of education, depending on the corps for which the soldier will be trained, taking into account the need to optimize the effects of this education.

**Art. 98h** 1. During the preparatory service and in the case of dismissal from this service, the soldier is subject to official opinion in the form of an opinion business.

2. The official opinion is conducted in writing by the soldier's superior.

3. The official opinion about the soldier of the preparatory service contains an assessment the course of his previous military service, including performance evaluation

16/03/2020

by him, his official duties and compliance with military discipline, and provisions on the protection of classified information, and defines its personal characteristics, predispositions and talents, and may also contain information that allows determination of the possibility of further use of the soldier as part of the universal duty of defense, including for the needs of the National Reserve Forces.

4. A soldier is entitled to a preparatory service from an official opinion appeal to the immediate supervisor drafting this opinion.

5. The Minister of National Defense shall determine, by regulation:

- 1) the manner and mode of business opinions, including the methodology for making them grades in business opinions and the scale of grades,
  - 2) the procedure for appealing against the official opinion,
  - 3) specimen business opinion sheet
- having regard to the need to obtain information on suitability a soldier for further military service, the purposes and nature of this service and the law soldier to appeal against the official opinion.

**Territorial Military Service**

**Art. 98i.** 1. Territorial military service may be performed at their request or for with their consent, persons having a regulated relationship to military service, as well as other persons not subject to compulsory military service or military training, and in the case of introducing an obligation to undergo training basic military service or military training - also for persons subject to this obligation.

2. Territorial military service is performed in military units and organizational associations of Territorial Defense Forces and in Command Territorial Defense Forces.

3. On the day of commencing the exercise of territorial military service, soldiers they are awarded the title of "OT soldier".

**Art. 98j.** 1. The duration of territorial military service is from one to six years old.

16/03/2020

2. The duration of territorial military service may be extended for another period, upon request or with the consent of the OT soldier, by the unit commander military, in which an OT soldier performs service, while performing this service.

**Art. 98k** 1. The service relationship of territorial military service arises in by appointment, on the basis of voluntary reporting to this service.

2. The appointment indicates the place and period of performing territorial service military and official position in the full-time military unit designed for soldier OT.

3. A person who meets may be appointed to the territorial military service the following conditions:

- 1) has Polish citizenship,
- 2) has the physical and mental ability to perform active service  
military

- 3) has an age of at least eighteen years,
  - 4) was not punished for an intentional crime,
  - 5) was not intended for substitute service,
  - 6) does not perform any other type of active military service or does not have one assigned crisis allocation,
  - 7) is not advertised from the obligation to perform active military service in the event of mobilization and during the war or in the event of posting organizational and mobilization assignment in the form of a collective name list in the unit intended for militarization,
  - 8) has the following education:
    - a) at least higher - in the case of performing service in a position service in the corps of officers,
    - b) at least medium or industry average - in the event of performance service in the official position in the corps of non-commissioned officers,
    - c) at least basic - in the case of performing service in a position in the corps of privates
- if there are supplementary needs of the Armed Forces.

4. Appointment to territorial military service can also be addicted to:

16/03/2020

- 1) the candidate for OT soldier's qualifications required for holding a position;
- 2) possession of a military psychological laboratory judgment on the lack of contraindications to perform service in demanding positions special psychophysical predispositions;
- 3) submitting the application together with a security questionnaire for conducting proper screening referred to in art. 64 clause 5.

5. Priority in calling to territorial military service entitled:

- 1) persons with permanent residence (residence) or temporary stay above three months in the area of dislocation of this place;

- 2) former professional soldiers;
- 3) members of pro-defense non-governmental organizations that they have signed cooperation agreement with the Minister of National Defense or commanders military units having the recommendations of the authorities of these organizations;
- 4) graduates of schools implementing innovative programs or experimental defensive adoption or education for safety.

6. In the case of persons who had not previously performed active military service and have not taken the military oath, appointment may be made only on official position in the corps of privates.

**Art. 98l** In the case of introducing the obligation of basic service military service or military training are not subject to this obligation persons who have been called up to territorial military service and will perform it for at least six years.

**Art. 98m** 1. Territorial military service, an OT soldier fully rotates or amenable.

2. Territorial military service, an OT soldier rotates in the unit military, in the days of service specified by the commander of the military unit, co at least once a month for two days off work.

3. Territorial military service, an OT soldier may also rotate on other days, according to the needs of the Armed Forces, as per the annual list

16/03/2020

drawn up by the commander of the military unit in which the OT soldier performs service agreed with this soldier.

4. Territorial military service an OT soldier performs freely outside military unit, being ready to appear for service in rotation at the time and place indicated by the commander of the military unit.

5. OT soldiers who had not previously performed active military service and were not they took their military oaths, in the first period they performed territorial service military rotation continuously for a period of sixteen days, under which OT soldiers undergo basic training and take the military oath.

6. In justified cases, basic training may be completed in

several periods within four months of non-working time.

7. Appointment to the territorial military service of the soldiers referred to in paragraph. 5, occurs once a quarter, specifying the place of appearance for the training basic. After completing the training of the soldier, OT heads to the unit military in order to perform further service and to take up a post.

**Art. 98n** 1. During the performance of territorial military service by OT soldier - commander of the military unit in which the OT soldier performs service, can direct a soldier OT, on his request or with his consent, on a course, including NCO or officer course, or specialized training as needed Armed Forces and military unit.

2. An OT soldier may be called to the candidate or professional service military service on the principles set out for reserve soldiers, on the principles priority of the appointment to these services over other persons, if performed territorial military service for a period of at least three years.

**Art. 98o.** 1. Commander of a military unit in which OT soldiers perform territorial military service, determines - in the form of a collective list for the unit military - days on which service is performed in a given calendar year rotation. Days on which service is performed on a rotational basis immediate appearances are included in the list upon completion perform this service in the form of an attachment to the list.

2. The list shall be drawn up no later than thirty days before the end of the year calendar preceding the calendar year in which the territorial service

16/03/2020

the military will be rotated, and OT soldiers get acquainted with it written confirmation and an extract from the list shall be sent to the appropriate one military commanding officer.

3. Determining the days referred to in para. 1, in the first calendar year military service of the OT soldier may take place in this year, in the form of an annex to the list.

4. The list may be changed at the justified request of an OT soldier or for with his consent, except in the case of performing territorial military service

rotate immediately.

5. After having read the list, the OT soldier shall immediately inform his employer about the days on which he will perform the territorial service on a rotational basis, and about changes in these dates, and also notifies employer to call him to perform this service on other days, except for case of territorial military service rotational in the mode immediate appearance.

6. In the event of summoning an OT soldier to perform territorial service military rotation in immediate military appearance Commandant of additions immediately after receiving information from the commander military unit, to which the soldier was called, to appear the soldier OT to the service informs about this fact the employer of this soldier.

7. Before the beginning of the next training period, but not later than six months before the expected date of referral or specialist training conducted as part of the territorial military service rotating, commander of the military unit in which the OT soldier performs service, inform the OT soldier about the possibility of being directed to this course or training.

**Art. 98p** 1. Day of arrival of an OT soldier for territorial service military commander of a military unit in which an OT soldier performs service, states in the daily order.

2. On the first day of performing territorial military service on a rotational basis the commander of the military unit in which the OT soldier performs service, designates an OT soldier to his official position and gives him a mobilization assignment.

3. While performing territorial military service, rotationally soldier of the OT can be guided on a business trip, delegated to perform tasks outside

16/03/2020

a military unit or other military unit, including a training center, and direct with his consent or at his request for a course or training specialized and transferred to another military unit for further use performing this service.

**Art. 98q.** 1. OT soldier performing territorial military service he can be summoned by the commander of a military unit in which he is available

performs the service of the competent military commanding officer or additions specified in art. 60 paragraph 4 for its rotation in an immediate mode appearance.

2. OT soldier summoned to perform territorial military service in rotational mode, he must appear before this service at a specific time and place.

**Art. 98** 1. During the territorial military service available OT soldier is obliged to educate and improve, including improving fitness physical to the extent necessary to perform the tasks in the position business, as well as maintain constant contact with the military unit.

2. During territorial military service on duty, a soldier OT may stay in a military unit with the consent of the commander of that unit. Time this does not count towards the duration of the territorial military service performed rotation.

**Art. 98s.** 1. During the performance of territorial military service, a soldier of the OT subject to official opinion, in the form of an official opinion.

2. The official opinion is conducted by a soldier's superior in writing OT, occupying the office of at least a company commander or equivalent.

3. The service opinion is prepared at least once a calendar year, in the first quarter of the year for the previous year.

4. In the case of a soldier who has been called up for territorial service in the last quarter of a calendar year, the opinion shall be drawn up in the next calendar year after 365 days from the date of appointment.

5. As part of issuing the OT soldier's opinion, the superior assesses:  
1) personal characteristics;

16/03/2020

2) the course of current military service;  
3) compliance with military discipline;  
4) compliance with the provisions on the protection of classified information.

6. As part of the service opinion, the superior issues an overall assessment of an opinion on an OT soldier, expressed using the following rating scale:

- 1) exemplary (6);
- 2) very good (5);
- 3) good (4);
- 4) sufficient (3);
- 5) insufficient (2).

7. The service opinion may also contain information enabling determining the fitness of an OT soldier to perform duty on the occupied official position or other official function corresponding to his professional preparation and qualifications and skills.

8. An OT soldier may be appealed against to a higher officer supervisor.

9. The appeal must be lodged in writing together with the reasons, via the intermediary of the superior preparing an official opinion within seven days from the day read the OT soldier's official opinion.

10. An appeal lodged after the deadline referred to in para. 9, leaves without consideration, which is reported to the OT soldier.

11. If the supervisor referred to in para. 9, will include dismissal of an OT soldier in its entirety changes the content of the appealed official opinion. This service opinion is final.

12. If the appeal of an OT soldier or is not taken into account include it in part, the supervisor referred to in para. 9, transmit an appeal to the superior superior together with the official opinion from which it was lodged appeal, and his position in this matter no later than on time three days from the date of receipt of the appeal.

13. The senior superior may have the official opinion from which he was lodged appeal:

- 1) maintain in force;
- 2) change or supplement;

16/03/2020

- 3) repeal and issue a new one;
- 4) repeal if there were no legal grounds to issue it.

14. A senior supervisor may change his business opinion to the disadvantage

OT soldier only in the event of disclosure of circumstances or facts having negative impact on the result of official opinions that were not known to the opinion maker, referred to in paragraph 9, on the day of issuing the opinion against which the appeal was lodged.

15. Opinion of the commander of a military unit in which a soldier of the OT performs service, can provide free of charge:

- 1) superiors,
  - 2) the military commandant for additions and his superiors,
  - 3) military courts, common organizational units of the prosecutor's office, in which organizational units for military affairs were created, Service Military Counterintelligence, Military Intelligence Service and Gendarmerie military
  - 4) common courts, universal organizational units  
Prosecutor's Office, Police, Border Guard, Security Agency  
Internal, Foreign Intelligence Agency, Central Anti-Corruption Bureau and Government Protection Bureau and State Protection Service, if necessary to their proceedings
- if their tasks require it.

16. The Minister of National Defense shall determine, by regulation:

- 1) method of assessing soldiers,
  - 2) specimen business opinion sheet
- having regard to the diverse nature of the service and tasks performed under its performance on a rotational or rotational basis, to make a model of the official opinion sheet it contained all the data necessary for its preparation and made it possible the opinion opinion on the further course of service, as well as that opinions are based on the principle of openness for the opinionnee.

**Art. 98 1.** An OT soldier is released from territorial military service from the date of its completion set out in the appointment or extension referred to in art. 98j paragraph 2.

2. An OT soldier shall be released from territorial military service before expiry its duration in the case of:

16/03/2020

- 1) reaching the age at which he ceases to be subject to the duty of service military, as defined in art. 58 paragraph 1 - as appropriate

- military rank;
- 2) failure to meet the conditions referred to in art. 98k paragraph 3;
- 3) loss of military rank or degradation;
- 4) a final judgment of a disciplinary penalty for removal from this service;
- 5) final judgment of a criminal measure depriving public rights;
- 6) being sentenced by a final judgment to the penalty of restriction of liberty, imprisonment or military custody;
- 7) appointment to professional military service or admission to service military as a candidate for professional soldier;
- 8) receiving a general unsatisfactory assessment in the official opinion;
- 9) failure to complete basic training or military oath in the case of soldiers referred to in art. 98m section 5;
- 10) not agreeing to change the official position to a position in another military unit in the event of the military unit being demolished, in which he performed this service;
- 11) not agreeing to a change of official position in the case of to abolish the post in which he was a military unit appointed.

3. An OT soldier may be released from territorial military service before its duration has expired in the case of:

- 1) submitting, by official means, a justified written request particularly important personal or family considerations;
- 2) the needs of the Armed Forces;
- 3) failure to appear for territorial military service on a rotational basis;
- 4) refusal to issue or withdraw the OT soldier's certificate security, initiating control screening in this case or refusal by the OT soldier to carry out screening;
- 5) refusal to accept a referral to a military medical commission or a military psychological laboratory, failing to report to this commission, or

16/03/2020

- studio within a specified time and place or not to undergo examinations, to which an OT soldier was obliged by that commission or studio;
- 6) receiving an overall satisfactory assessment in the official opinion;
- 7) inability to designate an OT soldier for another official position in the same or another military unit, corresponding to its preparation professional and qualifications and skills useful in the Forces Armed, when this soldier agreed to change his official position.

4. Soldier OT, referred to in art. 98m section 5, released from territorial military service the commander of a military unit moves to the reserve.

**Art. 98u** 1. Release of an OT soldier from territorial military service and the fact that he left the service on a given day of his rotation on a rotating basis military unit in which he performs service, states in the daily order, determining at the same time the total uninterrupted number of days of performing this service.

2. At the request of the OT soldier, the commander of the military unit in which the soldier OT serves, issues a certificate of period of territorial service military, indicating in it the period and number of days in which he performed this service rotation.

**Art. 98v** 1. As part of the territorial military service on a rotational basis OT soldier is trained in the military specialty corresponding to the position the service for which he was appointed and the function which was left to him entrusted.

2. The training referred to in par. 1 may be conducted in centers and training centers and military units.

**Art. 98** 1. OT soldier performing territorial military service on a rotational basis may be temporarily delegated, based on the order of the unit commander military service in which he performs tasks in another unit military.

2. The posting period may not exceed two days at a time, and in the event of consent by the OT soldier - three months.

**Art. 98x.** 1. OT soldier performing territorial military service on a rotational basis may be directed on a business trip.

16/03/2020

2. The commander of the unit directs the OT's national business trip military, in which an OT soldier performs service.

3. On a foreign business trip of an OT soldier, with his consent and at the request the commander of the military unit in which the OT soldier performs service, is headed by the commander Brigade or Commander of Territorial Defense Forces.

4. Foreign soldier's business trip takes place in the presence and under supervision of a professional soldier.

5. OT soldier who made a business trip at night, at least six hours immediately after travel rest.

**Art. 98y.** 1. An OT soldier may be transferred, ex officio or to his own application, to another military unit of the Territorial Defense Forces.

2. Transfer of an OT soldier to another military unit may take place from the office, in particular:

- 1) for training reasons;
- 2) to supplement the full-time needs of other military units;
- 3) in the event of deformation of a military unit;
- 4) in the event of a decrease in the full-time status of a military unit.

**Art. 98z** The Minister of National Defense shall determine, by regulation:

- 1) detailed procedure for appointment to territorial military service,
  - 2) specimen application for appointment to territorial military service,
  - 3) documents submitted with the application referred to in point 2,
  - 4) detailed manner of performing territorial military service
- having regard to the complementary needs of the Armed Forces and the intended use of the Army Territorial Defense.

## Chapter 5

### **Military exercises and periodic military service**

**Art. 99.** 1. A reserve soldier is a person who has taken a military oath and was transferred to the reserve after being released from active military service, including from professional military service or from candidate service, if in continues to be subject to military service.

2. The persons referred to in para. 1, a reserve soldier shall be entitled.

**Art. 99a.** 1. Reserve soldiers who have been given crisis assignments form National Reserve Forces.

2. Crisis assignment to a soldier on active duty military and a soldier performing professional military service or service candidate does not occur earlier than on the day of his dismissal from this service, from effect following the day of release.

3. The crisis allocation shall be suitable for a period of two to six years or for suspension period referred to in art. 58 paragraph 3a, with the possibility of his re-posting. If a crisis assignment has not been reassigned, amended or repealed, it expires by virtue of law after the expiry of the period for which it They have been given.

4. Crisis assignments shall be issued and revoked by the military commandant additions, in consultation with the commander of the military unit.

5. Crisis assignment shall be given in the form of an assignment card crisis constituting an administrative decision. In the assignment card no crisis justification is given.

6. Giving an emergency allocation is the same as giving an allocation mobilization for the same official position occurring also in time war, unless a mobilization assignment is given to another position business.

7. The crisis assignment card shall be served by the military commanding officer in the mode referred to in art. 52, or in the manner specified in art. 39 of the Act of June 14, 1960 - Code of Administrative Procedure. Charter Emergency Assignment can also be delivered to soldiers on the day conclusion of the contract and the soldiers referred to in paragraph 2, on the day of release from military service, in a military unit, including a military school and the center training. Staff employed in military units Emergency allocation can also be served in the workplace.

8. Until the expiry or revocation of the crisis assignment soldier the reserve is obliged to perform the obligations arising from this allocation.

9. Change of the crisis assignment to a reserve soldier may occur, for with the consent or at the request of the commander of the military unit, if these are the needs of the Forces

Armed, in particular in the event of the need to designate a soldier for other job position:

- 1) within the positions specified in the contract;
- 2) in connection with the appointment to a higher military rank;
- 3) in another military unit in the event of the unit being dismantled military, in which he had the previous crisis allocation;
- 4) in the event of the termination of a position in a military unit business for which he had the previous emergency assignment;
- 5) in the event of loss or failure to obtain professional qualifications or qualifications required for the current official position, if applicable the need to change the crisis allocation to the position in which they are other qualifications or qualifications required;
- 6) in the event of increasing the existing or acquiring new rights or professional qualifications required or useful on another position;
- 7) in the event of a request being made by a reserve soldier.

10. Changing the crisis assignment does not require another one contract, if it occurs during the period and for the duration of the contract.

In the event of a crisis reassignment to an official position occurring in a military unit other than that specified in the contract the reserve soldier's consent or application is required.

11. Revocation of the emergency assignment to a reserve soldier takes place in case of:

- 1) renunciation of Polish citizenship;
- 2) reaching the age at which he ceases to be subject to the duty of service military, as defined in art. 58 paragraph 1 - as appropriate military rank;
- 3) election as a senator or MP, including the European Parliament, for leadership state position and to executive bodies local government;
- 4) recognition due to health condition to be temporarily unable to be active military service or incapable of active military service at the time

- peace or for permanently and completely incapable of active military service  
in peacetime and in the event of mobilization and in war;
- 5) loss of military rank or degradation;
- 6) exemption from periodic military service as a result of a final one  
disciplinary penalty removal from this service;
- 7) a final judgment of a criminal measure depriving public rights;
- 8) sentencing by a final judgment to imprisonment or sentence  
military detention without conditional suspension of its execution;
- 9) appointment to professional military service or admission to service  
military as a candidate for professional soldier;
- 9a) appointment to territorial military service;
- 10) the reserve soldier's failure to consent to the change of assignment  
crisis for a position in another military unit  
in the event of the demolition of the military unit in which he owned  
current emergency allocation;
- 11) the reserve soldier's failure to consent to the change of assignment  
crisis for another job position in the event of being abolished  
military unit of the official position for which he possessed  
current emergency allocation;
- 12) circumstances excluding the possibility of assigning an allocation  
crisis and the loss or failure to obtain qualifications or qualifications  
professional required for the official position and if not  
there is a need to change the crisis allocation to another position.
12. Revocation of the crisis assignment to a reserve soldier may occur,  
with the consent or at the request of the military unit commander, in the case of:
- 1) refusal to accept a referral to a military medical commission or  
a military psychological laboratory, failing to report to this commission, or  
studio within a specified time and place or not to undergo examinations, to  
whose reserve soldier has been obliged by that commission or studio;
- 2) refusal to accept or not collect an appointment card or failure to appear  
in the case of appointment to active military service within a specified period  
and place for military exercises or periodic service

- 3) sentencing by a final judgment to imprisonment or sentence  
military detention with a conditional suspension of the execution of this sentence;
- 4) refusal to issue or withdraw a required reserve to a soldier  
security clearance or refusal of consent  
carrying out the screening;
- 5) in the cases referred to in para. 11 points 10 and 11, if there is none  
the possibility of changing the crisis soldier's allocation to other reserves  
service position in the same or another military unit,  
corresponding to his professional preparation and qualifications  
and skills useful in the Armed Forces;
- 6) a request from a reserve soldier justified by particularly important reasons  
personal or family;
- 7) issuing an official opinion confirming the inadequacy of the reserve soldier to  
performing service in the occupied official or other position  
official position corresponding to his professional preparation  
and qualifications and skills.

13. The Minister of National Defense shall determine, by regulation:

- 1) the procedure for granting, changing and revoking crisis assignments, taking into account  
cooperation between the military commanding officer and the unit commander  
military when carrying out activities related to broadcasting and repealing  
crisis assignments and a requirement to document the circumstances  
giving them their name, change or revocation;
- 2) template of the emergency allocation card containing the date of issue, authority  
issuing, personal data of the reserve soldier, including military rank, name  
and surname, data of the military unit together with the name, address, subunit,  
crisis allocation and information on how to proceed in the event of loss  
card.

**Art. 99b.** (deleted)

**Art. 100.** 1. Duty of military service of reserve soldiers in peacetime  
involves performing military exercises and performing periodic service

1a. Obligation of military service during peace of persons transferred to reserves that are not soldiers of the reserve consists of doing exercises military.

2. Military exercises may include:

- 1) reserve soldiers with assigned crisis assignments;
- 2) reserve soldiers, at their request or with their consent, by voluntary means apply for these exercises if the needs of the Forces justify it armed;
- 3) persons transferred to the reserve who are not reserve soldiers, who they volunteered to undergo military exercises if they speak for this the needs of the Armed Forces.

3. Military exercises and periodic military service shall not be invoked reserve soldiers who:

- 1) run their own election campaign when running for bodies referred to in art. 65 section 4 - during its duration;
- 2) they were elected as a deputy, including to the European Parliament, or a senator - during the term of office;
- 3) have been designated for substitute service or have performed this service.

4. Non-soldiers are not cited for military exercises reserves that:

- 1) run their own election campaign when running for bodies referred to in art. 65 section 4 - during its duration;
- 2) were elected senator or MP, including the European Parliament - during the term of office;
- 3) were intended to perform a substitute service or completed this service.

**Art. 101.** 1. Military exercises may be carried out as:

- 1) one-day;
- 2) short-term - lasting continuously up to thirty days;
- 3) long-term - lasting continuously up to ninety days;

4) rotational - lasting up to thirty days in total and carried out with breaks  
on certain days during the calendar year.

2. Reserve soldiers with assigned crisis assignments:

1) carry out rotational military exercises every year;

16/03/2020

2) can undergo military exercises in an immediate mode

attendance, but not more often than once a year

calendar, and if appointed to these exercises completed their period

up to the duration of rotational military exercises;

3) they may be required to do so during the period of validity of the assignment

crisis, short-term military exercises;

3a) may be required to serve once for the entire period of stay

on the allocation of crisis long-term military exercises;

4) at their request or with their consent they may undergo military exercises

short-term and long-term if such are the needs of the Armed Forces;

5) at their request or with their consent may take place on non-working days,

one-day military exercises, if in a given calendar year

the limit of days for military exercises has been exhausted

Rotary.

2a. About the possibility of calling for military exercises, about which  
referred to in paragraph 2 point 3a, military commandant of supplements or unit commander  
informs the reserve soldier who has been assigned  
crisis at least before the start of the next training period,  
however not later than six months before the expected date  
appointments for these exercises.

3. Reserve soldiers, with their consent, by volunteering  
the need to conclude a contract to allocate a crisis allocation, may  
take military exercises for a short or long time.

4. Reserve soldiers and persons may be appointed for military exercises  
transferred to the reserve who are not reserve soldiers as a result of volunteer work  
applying.

5. In the cases referred to in para. 2 points 1-3 and par. 10, reference to

military exercise does not require the application or consent of reserve soldiers and persons transferred to the reserve of non-reserve soldiers.

6. Reserve soldiers are released from military exercises after their time expires duration specified in the appointment card.

16/03/2020

7. Reserve soldiers appointed for military exercises in the mode immediate appearance is released from these exercises after the causes have ceased their calling.

8. Reserve soldiers are released from military exercises before they are served in the event of their crisis allocations being revoked.

9. Reserve soldiers can be released from military exercises before them also in the event of justifying circumstances revocation of crisis allocation.

10. The Council of Ministers, by regulation, may introduce compulsory military exercises for reserve soldiers and persons transferred to reserves of non-soldiers reserves in cases of danger state security or the occurrence of the needs of the Armed Forces, as well as during duration of the duty of basic military service and training military, taking into account the purpose of introducing military exercises, categories persons who are required to serve them, as well as the period for which this is introduced responsibility.

**Art. 101a.** 1. A reserve soldier may volunteer to serve military exercises, including those carried out as part of a military unit outside state borders by submitting an application to the military commander additions.

2. Submission of the application referred to in para. 1 does not cause an obligation appointment of a reserve soldier to undergo military exercises and is treated as his consent to the appointment at any time, but no later than within six months from the date of submission of the application.

3. The Minister of National Defense shall determine, by regulation, the procedure

proceedings in cases of voluntary application for training military, taking into account the qualifications of volunteers useful in active service military and complementary needs of the Armed Forces.

**Art. 101b.** 1. Reserve soldiers undergo military exercises in military units and organizational unions, and in cases justified by training needs, they can also take place at universities military, NCOs and training centers.

16/03/2020

2. Reserve soldiers may also undergo military exercises in others than specified in paragraph 1 subordinated organizational units Minister of National Defense or supervised by him, executing tasks in the field of mobilization and training of reserve soldiers, if they manage these units or to perform these tasks in these units professional soldiers perform active military service.

3. In the case of conducting military exercises in units organizational matters referred to in para. 2, competent to perform the activities specified for the commander of a military unit in the field of military exercises reserve soldiers is the head of the organizational unit if he is a soldier professional, otherwise a professional soldier on active duty military in this unit, designated to carry out tasks in the field of matters mobilization and training of reserve soldiers.

**Art. 101c.** 1. Commander of a military unit to which reserve soldiers have crisis assignments assigned, determines - in the form of a collective list for military unit - days on which they are held in a given calendar year through them military rotational exercises. This list does not include exercise military units conducted in the immediate appearance mode.

2. The list referred to in para. 1 shall be made not later than on thirty days before the end of the calendar year preceding the year calendar in which rotational military exercises will take place, and acquainted with it, with written confirmation, the reserve soldiers and the extract from this list he sends additions to the military commander for appointment these soldiers for military exercises.

3. Determining the days referred to in para. 1, in the first year calendar in which the reserve soldier was given a crisis allocation, may take place within the same year as an annex to the list.

4. The list referred to in para. 1 may be changed upon request a soldier, including in a case justified by his family and professional situation, and with his consent, except for changes resulting from the carrying out military exercises in the mode of immediate appearance and performance periodic military service.

16/03/2020

5. The reserve soldier, after reviewing the list referred to in para. 1 immediately informs his employer of the days on which he will be held military rotational exercises, and changes in the list in question in paragraph 4, and also notifies him of his call to these exercises.

**Art. 102.** (repealed)

**Art. 103.** 1. Total duration of military exercises throughout the period the soldier's remaining in the reserve may not exceed:

- 1) for privates who have completed essential military service - twelve months;
- 2) for privates who did not undergo basic military service - fifteen months;
- 3) for non-commissioned officers - eighteen months;
- 4) for officers - twenty-one months.

2. Military exercises completed in rank or in degree non-commissioned officer is included in the total military exercise time set for officers.

**Art. 104.** 1. The duration of military exercises may not exceed jointly ninety days a year.

2. A reserve soldier may undergo military exercises lasting up to twenty-four hours no more than three times a year, and the remaining exercises once a year. Notwithstanding these exercises, a reserve soldier may hold no more than once a year, military exercises conducted to verify

mobilization and combat readiness of military units.

3. Where required to provide defense or state security, the Council of Ministers, by regulation, may extend the duration of military exercises for a period not exceeding in total six months of the year.

**Art. 105.** The provisions of art. 103 and art. 104 shall not apply to military exercises related to participation in combating natural disasters and elimination of their effects, search and rescue of human life, as well as exercises, on which was appointed as a result of a volunteer reserve volunteer or performing duties under the National Reserve Forces.

16/03/2020

**Art. 106.** The Minister of National Defense shall determine, by regulation:

- 1) the procedure for appointing and exempting military exercises,
  - 2) the manner of undergoing military exercises, as well as their number and duration for individual groups of reserve soldiers, according to rank and type military training and education,
  - 3) the manner and procedure of military authorities during their serving military exercises in the field of admission of reserve and other soldiers persons for military service, appointment to official positions, changes service positions and dismissal of soldiers from service positions, transfer to other military units, delegation and travel business
- having regard to the complementary needs of the Armed Forces, including the National Forces Reserve, different periods of training in military units, the need to ensure the efficient reception of those called to serve these exercises and the purpose of these activities.

**Art. 107.** Clergy, except for those elected for a specified term, and members of the orders may be called to undergo military exercises only for the purpose of training to perform the function of a military chaplain, with permission proper church superior.

**Art. 108.** 1. Periodic military service shall be performed in cases

justified by the needs of state defense, the needs of the Armed Forces or crisis management, combating natural disasters and eliminating their effects, anti-terrorist activities, property protection, search operations and saving or protecting human health and life, cleaning up areas from explosives and dangerous materials of military origin and their disposal, as well as the performance of tasks by the Armed Forces abroad countries.

2. Periodic military service is performed in military units and organizational relationships, and in the case of designation or referral to the service referred to in paragraph 5, also on official positions or functions military entities outside these units or associations.

16/03/2020

3. A reserve soldier who performs periodic military service is appointed to official positions or military functions specified in the unit's full-time position military.

4. A reserve soldier performing periodic military service may be transferred to another military unit, delegate or direct a business trip, if there are business reasons, including in particular training or related to the performance of tasks by military units, including those of a nature representative.

5. As part of periodic military service, a reserve soldier may be designated or directed to perform this service outside the country. Obligation of a reserve soldier to perform service outside the country, referred to in art. 59b paragraph 5 point 9, is also a written consent, referred to in art. 8 clause 1 of the Act of 17 December 1998 on the rules of use or the stay of the Armed Forces of the Republic of Poland outside the country.

5a. Designation or referral, as part of periodic military service, a reserve soldier who has been assigned a crisis allocation to perform this duty service outside the state does not require change or repeal existing and new crisis allocation.

5b. Designation or referral, as part of periodic military service,

reserve soldier who has not been assigned a crisis assignment performing this service outside the country may take place with the written consent or at the request of this soldier.

6. The duration of periodic military service may not exceed cumulatively twenty four months. This time may be extended with the consent of the soldier reserves for a total of up to forty-eight months for:

- 1) commander of a military unit - while performing this service;
- 2) a military commanding officer for supplements - before being appointed to perform it.

7. Time of periodic military service of soldiers directed to performing the service outside the state cannot last one time longer than nine months. This time is counted from the day of crossing the state border until the day of crossing this border on the return journey after leaving the service.

16/03/2020

8. The reserve soldier is released from periodic military service after his termination the reasons for calling him to this service, no later than after the expiry of time, referred to in paragraph 6 or 7.

9. A reserve soldier who has been assigned a crisis allocation shall be released from periodic military service before the expiry of the time referred to in para. 6 also in the event of its crisis allocation being revoked or occurring circumstances justifying its repeal.

10. (repealed)

11. In the calendar year in which the reserve soldier performed periodic period military service, the commander of a military unit may release this soldier military training, with the exception of exercises conducted in mode immediate appearance.

12. Reserve soldiers on periodic military service shall be entitled to, according to military rank, soldiers' rights performing contractual professional military service referred to in the Act of September 11, 2003 on the military service of professional soldiers.

13. The Minister of National Defense shall define, by regulation, the manner performing periodic military service and procedure of organs

military personnel to accept reserve soldiers for periodic service  
military, appointment to official positions, change of official positions  
and dismissing soldiers from official positions, transferring to other units  
military, delegation and business travel, including appointment and management  
to perform service outside the country, taking into account the necessity  
ensuring the efficient reception of those called to perform this service and purpose  
doing these things.

## Chapter 6

### **Military service in the event of mobilization and during the war**

**Article 108a** 1. During military exercises and during  
periodic military service reserve soldier is subject to service opinion  
in the form of a business opinion.

2. The official opinion is conducted in writing by the soldier's superior  
in the position of at least a company commander or equivalent.

16/03/2020

3. The official opinion of the reserve soldier includes an assessment of his course  
of current military service, including the assessment of his tasks  
service and compliance with military discipline and protection regulations  
classified information, and defines its personal characteristics, predispositions  
and talents, and may also contain identifying information  
the possibility of further use of the reserve soldier under the universal  
duty of defense, including for the needs of the National Reserve Forces.

4. For reserve soldiers with assigned assignments  
Crisis service opinion also contains information to identify  
suitability of a soldier to perform service in an official position  
or other official function corresponding to his preparation  
professional and qualifications and skills in the same or different unit  
military.

5. For reserve soldiers with assigned assignments  
critical service opinions may also be provided outside the service  
military, in particular for the purposes of changing the crisis allocation,

appointment to professional military service or candidate service, appointment for a higher military rank or award distinctions.

6. The reserve soldier may appeal to the official the immediate superior preparing this opinion.

7. The Minister of National Defense shall determine, by regulation:

- 1) the manner and mode of business opinions, including the methodology for making them grades in business opinions and the scale of grades,
  - 2) the procedure for appealing against the official opinion,
  - 3) specimen business opinion sheet
- having regard to the need to obtain information on suitability soldier for further military service and the soldier's right to bring appeals from official opinions.

**Art. 109.** 1. In the event of mobilization and during the war, persons recognized as capable of military service, whatever their purpose, may be at any time appointed to active military service.

2. Other persons may also be appointed to active military service, who have volunteered to perform this service.

16/03/2020

2a. A volunteer recruitment is carried out by a military commanding officer appropriate for the place of permanent residence (residence) or stay temporary volunteer over three months.

2b. Polish citizens with permanent residence abroad in matters of volunteer recruitment they report to Polish representative offices diplomatic.

2c. As part of a volunteer recruitment, he does not refer to active service military persons who are not subject to separate provisions duty of this service in the event of mobilization and during war.

3. The Minister of National Defense shall determine, by way of a regulation, detailed rules for conducting volunteer recruitment, including situations in which the haul will be carried out, how the haul will be announced, conditions to be met by those taking the haul and the manner dealing with people reporting as a volunteer recruitment

directly to the commanders of military units.

**Art. 109a.** 1. Persons with a mobilization assignment are required in the event of a mobilization and during the war, appear in time and place specified in the mobilization card. Persons with employee assignment mobilization are obliged to appear at the place and time specified in the card mobilization, in the event of a mobilization announcement, during martial law and during the war.

2. Reserve soldiers referred to in art. 59a section 1 become legally binding after the mobilization was announced or during the war soldiers in active service military when they appear in that service at a specified time and place.

3. In the event of mobilization and during the war, the current relationship the work of an employee who has been given an employee mobilization assignment to military unit, on the day of its appearance in that unit, as specified in mobilization card, it is suspended for the duration of the tasks resulting from the allotment no longer than on time to the day of the demobilization announcement.

4. On the day of announcing the mobilization or on the day on which time begins war, determined by the President of the Republic of Poland on the basis of Art. 4a paragraph 1 point 4a, the commander of a military unit terminates the employment relationship with an employee of the unit who has not been assigned an employee assignment

16/03/2020

mobilization. The employee is paid benefits due employees due to termination of employment with them for reasons related to employer.

5. The employee referred to in para. 3, and another non-person an employee after appearing in a military unit on a specified day in a mobilization card, by virtue of law it becomes a civilian person included in it personnel of the Armed Forces as defined by the Republic of Poland provisions of international law.

6. To persons who testify after mobilization, under martial law or on the day the war begins, as determined by the President Of the Republic of Poland pursuant to art. 4a paragraph 1 point 4a, work in units military on the basis of employee mobilization assignment, including within the scope of their duties and powers, the provisions shall apply accordingly

regarding persons serving in militarized units. To these people the provisions on universal enforcement obligations do not apply work referred to in the provisions of the Act of 29 August 2002 on the State war and on the powers of the Supreme Commander of the Armed Forces and rules its subordination to the constitutional organs of the Republic of Poland (Journal of Laws of 2017 item 1932).

**Art. 110.** Soldiers on active military service on the day of announcement mobilization or on the day the war begins, as determined by The President of the Republic of Poland pursuant to art. 4a paragraph 1 point 4a as well soldiers appointed to this service pursuant to art. 109 and art. 109a paragraph 2 remain in active military service until release.

**Art. 111.** 1. Soldiers called up for active military service may be intended to perform this service in civil defense or in units militarized.

2. The Minister of National Defense shall define, by way of a regulation, detailed rules and procedure for assigning soldiers to service in units militarized, including the situation and time in which it occurs assigning a purpose for service, and specifying the types of units in which this service is carried out.

16/03/2020

**Art. 112.** 1. Clergy, except for those elected for a given term of office, may be called to active military service only to perform their functions military chaplains.

2. Students of seminaries and religious schools as well as members of religious orders may be called to active military service exclusively for sanitary service or civil defense services.

**Article 112a** 1. Conducting a military qualification if announced mobilization and during the war is administered by the Minister of National Defense.

2. There are competent bosses for conducting military qualifications provincial military staffs.

3. The heads of voivodship military staffs appoint poviats

and provincial medical commissions.

4. The decisions of poviats medical commissions are final.

5. The decision of the poviats medical commission may be changed or annulled by the provincial medical commission only under supervision, if it was left issued in violation of the law or is obviously incorrect.

6. To carry out a military qualification if published mobilization and during the war, the provisions of Art. 32–33 and art. 48 and implementing regulations issued pursuant to art. 43, subject to that competences provided for in these provisions of the staroste and the head of commune or mayor (city president) are entitled to the military commanding officer.

**Art. 113.** (repealed)

**Art. 114.** (repealed)

**Art. 115.** Postponement of active military service is granted only for reasons for health condition, for a time fixed by the poviats medical commission, no longer however, than six months. After this period, the person using he is obliged to appear again before the competent medical commission.

**Art. 116.** 1. No active military service shall be invoked in the event of announcement of mobilization and during war persons who were released from their duty performing this service through advertising.

16/03/2020

2. The complaints referred to in par. 1 by a military commander additions, and in the case of soldiers on active military service the commander military unit.

3. Advertising is also carried out in peacetime.

4. Advertising shall take place:

1) ex officio and applies to persons who:

a) fulfill the mandate of a deputy, senator or councilor,

b) occupy managerial state positions specified in art. 2 of the Act

of July 31, 1981 on the remuneration of persons in managerial positions

state positions (Journal of Laws of 2019, item 152) or positions  
public administration bodies within the meaning of the Code of Conduct  
administrative

c) because of their qualifications or positions held

necessary to ensure national defense or security;

2) on request and applies to persons whose appointment to active military service,  
referred to in paragraph 1, threatens to cease or seriously disrupt  
work of a state or local government office or activity  
economic entrepreneur, necessary to provide defense or  
state security.

5. The basis for advertising ex officio is a written notification

(name list of persons) forwarded by the Chancellery of the Sejm of the Republic of Poland  
Polska, the Chancellery of the Senate of the Republic of Poland and heads of offices  
local government units in relation to the persons referred to in para. 4  
point 1 lit. a, or heads of state offices or offices of units  
local government and entrepreneurs, employers or others  
entities entitled to employment or entering into a business relationship  
in relation to the persons referred to in paragraph 4 point 1 lit. to beat.

6. The basis for advertising on the application is documented in writing  
a request from the heads of state or local government offices, or  
entrepreneurs in relation to the persons referred to in paragraph 4 point 2.

7. Advertising is a material and technical activity subject to  
entry or entry in the military records.

16/03/2020

8. Refusal to make a complaint on the application or to annul it in time  
peace constitutes an administrative decision against which the applicant may appeal  
to the head of the provincial military staff.

9. If the reasons for advertising cease to exist, it shall expire by virtue of law.

10. Refusal to make a complaint referred to in para. 8, maybe  
occur if there is a need to supplement the Armed Forces with the state  
personnel, and in the military records there are no resources of persons who due to  
possessed age, military rank, education, qualifications, state

health or residence, a mobilization assignment may be given or employee mobilization assignment.

11. The Council of Ministers shall determine, by regulation, detailed conditions and the mode of advertising from the obligation to perform active military service, a detailed list of qualifications or positions which they possess or occupy causes ex officio advertising, models of notifications and applications in the matter advertising, including the obligation to notify military authorities by persons advertised of all circumstances affecting this advertising, jurisdiction of bodies making notification of persons subject to ex officio advertising or requesting advertising, as well as priority to supplement the Armed Forces with a personal status in the event of an announcement mobilization and during the war, and expenditure incurred by the Armed Forces on training of reserve soldiers.

**Art. 117.** 1. Release from active military service shall take place:

- 1) in the event of a soldier's recognition by the military medical commission as permanent unfit for military service;
- 2) in the event of demobilization of individual years or groups of soldiers determined by the Minister of National Defense.

2. Release from active military service may occur:

- 1) if the soldier is recognized by the military medical commission as temporary unfit for military service;
- 2) when advertising.

3. Soldiers dismissed from active military service are obliged to report in person within seven days of dismissal from the service to the competent

16/03/2020

due to the place of permanent residence (residence) of the military supplementary headquarters to make appropriate changes to the military records.

## Chapter 7

### Special rights of soldiers and their families

**Art. 118.** 1. In the period between the day of delivery of the card to the employee

appointment to active military service and its completion may not be an employment relationship be spoken or terminated by the employer.

2. If the period made by the employer or by the employee termination of employment expires after the day of delivery of the card to the employee active military service, termination becomes ineffective.

In this case, termination of employment may only take place upon request worker's.

3. The provisions of para. 1 and 2 shall also apply to employment contracts concluded for a period trial. If the trial period expires after the employee's appointment to active military service employment contract is considered to be concluded for an indefinite period.

4. The provisions of para. 1-3 do not apply to employees appointed to active service military, which is to be carried out in the form of one-day exercises.

5. However, a fixed-term employment contract is terminated after the deadline specified in the contract.

6. The provisions of para. 1-5 shall not apply if the employer can terminate an employment contract without notice due to the fault of the employee and in the event of notice bankruptcy or liquidation of the workplace. In these cases, the dissolution of the relationship work follows general rules.

**Article 118a** 1. During the period of the soldier's crisis assignment reserve being an employee, the employment relationship with that employee may not be spoken or terminated by the employer.

2. The provision of para. 1 shall not apply to employment contracts concluded for a trial period or for a limited period, and also if the employer can terminate the employment relationship without notice due to the fault of the employee (official) and in the event of announcement bankruptcy or liquidation of the workplace or the liquidation of the workplace, as well as in the cases specified in art. 1 clause 1 of the Act of March 13, 2003.  
on special rules for terminating employment relationships with employees

16/03/2020

for reasons not related to employees (Journal of Laws of 2018, item 1969). In these In cases of termination of employment, the general rules may apply.

**Art. 119.** 1. At the request of an employee who has been served with an appointment card to active military service, the employer is obliged to grant him an exemption from

work without the right to remuneration:

- 1) for two days if the employee has been served with a basic appointment card or periodic military service;
- 2) for one day, if the employee has been served with an appointment card military exercises lasting over thirty days or on duty territorial military service.

2. The provision of para. 1 shall not apply if the served appointment card undertakes to appear immediately.

3. At the request of an employee who has undergone ongoing military exercises for more than thirty days or served territorial military service on a rotational basis once for a continuous period of at least thirty days, employer is obliged to grant him dismissal after completing these exercises or performing this service for one day, without retaining the right to remuneration.

4. In the cases referred to in para. 1 and 3 the employer may - on his own cost - pay the employee remuneration for time off work.

**Art. 119a.** 1. The reserve soldier and the person transferred to the reserve non-reserve soldiers who did military exercises, except for exercises lasting up to twenty-four hours during or non-working day, a cash benefit is payable lost remuneration from employment or service relationship or income from any business or farming activity they could obtain during military exercises.

2. Cash benefit for each day of military training is the amount  $\frac{1}{21}$  of the monthly remuneration or income referred to in para. 1 multiplied by the number of days of military exercises.

3. The amount of the daily cash benefit may not be higher than  $\frac{1}{21}$  two and a half times the average monthly salary in the sector enterprises in force in the period preceding the date of appointment to

16/03/2020

undergo military exercises, the amount of which is announced by the President of the Central Office Statistics.

4. (repealed)

5. Cash benefits are set and paid by the head of commune or mayor (president cities) at the documented request of an authorized reserve soldier or person transferred to the reserve not a reserve soldier, deposited no later than within three months of completing military exercises.

6. Cash benefits shall be paid in the amount less emoluments, which the reserve soldier received for his military exercises.

7. Expenses for the payment of cash benefits shall be borne by the budget Ministry of National Defense.

8. The Council of Ministers shall determine, by regulation, the method of determination and the procedure payment of a cash benefit, the procedure for reimbursing expenses in this respect to the authorities local government and the procedure in these matters, including the need to compensate for lost wages or income and necessity ensuring efficiency and speed of conduct.

**Art. 119b.** 1. OT soldiers who performed territorial military service on a rotational basis, except when serving on a one-off basis during a day off or on a day off from work, you are entitled to cash compensation compensating for lost remuneration from employment or service relationship or income from business or agricultural activity which they could obtain in period of discharging territorial military service.

2. Cash benefit for each day of territorial military service performed on a rotational basis is the amount of 1/21 of the monthly remuneration or the income referred to in paragraph 1 multiplied by the number of days of performing this service in a given month.

3. The amount of the daily cash benefit may not be higher than 1/21 two and a half times the average monthly salary in the sector enterprises in force in the year preceding territorial performance rotational military service, the amount of which is announced by the President of the Central Office Statistics.

4. In the case of business activity carried out by an OT soldier in the year preceding the period of discharging territorial military service

16/03/2020

the amount of income obtained by a soldier from his activities economic benefit, he is entitled to cash in the amount resulting from divide by 21 the minimum wage for employees' work established on the basis of the provisions of the Act of 10 October 2002 on minimum salary during the period of service territorial military service rotating, and then multiplying by the number of days performing this service.

5. The cash benefit for a given month shall be determined and paid by the unit commander military, in which an OT soldier performs service, on a documented request eligible OT soldier, not later than three months after expiry of the month in which the territorial military service was performed on a rotational basis.

6. Cash benefits shall be paid in the amount less emoluments, which an OT soldier received for performing territorial service in a given month military rotation.

7. Up to the period of performing territorial military service in rotation, for which cash benefit is granted, days stated in the order are not included daily military unit in which an OT soldier:

- 1) arbitrarily left the military unit or designated place staying or arbitrarily staying outside;
- 2) due to the consumption of alcohol or intoxicants, substances psychotropic preparations, their preparations, precursors and substitutes was unable to perform official duties;
- 3) refused to participate in training or to perform duties business;
- 4) did not perform territorial military service in full rotation dimension due to failure to appear on time or unjustified delay from your pass, vacation or trip business.

8. In the event of convergence of rights to remuneration from the employment relationship or service relationship or income from business activity or agricultural sector constituting the basis for calculating the cash benefit,

16/03/2020

an OT soldier is entitled to only one more favorable type of benefit money.

9. Expenses for the payment of cash benefits are covered from the budget of the country, from which the Minister of National Defense is the administrator.

10. The Minister of National Defense shall, by regulation, determine the detailed method and procedure for determining and paying a cash benefit, considering the need to compensate for lost wages or income and the need to ensure efficiency and speed of proceedings.

**Art. 120.** 1. An employee who, within thirty days of the day of dismissal from active military service he started working for the employer with whom he was employed on the day of appointment to this service, the duration of military service is included in employment period for this employer with respect to all entitlements arising from the employment relationship.

2. An employee who, within thirty days of being dismissed from work military service took up work for the first time or with an employer other than this one, with whom he was employed on the day of his appointment to this service, duration of service military personnel is included in the period of employment required for the acquisition or retaining the rights arising from the employment relationship, except for the rights entitled only to employees of the employer with whom he started work.

3. An employee who started work after thirty days from the day of exemption from active military service, the duration of this service is included in the period of employment required to acquire or retain entitlements arising from the employment relationship, with the exception of entitlements only employees of the employer where they started work.

4. The dates provided for in para. 1 and 2 shall be considered as preserved if an employee could not take up work for reasons justifying absence at work.

5. The provisions of para. 1-4 shall apply if there are no special provisions more favorable permissions.

6. The provisions of para. 1-3 do not affect the rights of the unemployed specified in separate regulations.

16/03/2020

7. In the case of OT soldiers up to the period of employment referred to in para. 1-3, only the period of territorial military service is included rotation.

**Art. 121.** 1. Reserve soldiers who within thirty days of the day exemption from active military service, subject to art. 120 paragraph 4, they can't take up employment as a result of bankruptcy or liquidation of the employer with whom they were employed on the day of their appointment to this service or termination of relations with them work for reasons not related to employees, as well as for other reasons are looking for a job - they have priority in the field of job placement.

2. The minister competent for labor matters in consultation with the Minister of Defense Narodowej defines, by regulation, detailed operating rules job placement in relation to the reserve soldiers referred to in para. 1.

**Art. 122.** 1. An employer who employed an employee on the day of his appointment to active military service, is obliged to employ him previously position held or an equivalent position in terms of type work and remuneration, if within thirty days of being released from employee service has volunteered to work in this establishment. Failure to this deadline results in the termination of the employment relationship, unless it occurred for reasons justifying absence from work.

2. If the employee obtained during active military service other or higher professional qualifications, the employer is obliged on application employee to employ him if possible in a position that suits qualifications acquired in the Armed Forces.

**Art. 123.** An employee who started work after early dismissal from basic military service, leaving the commander at his disposal military unit - in the event of a call to continue this service - is obliged to appear for work the next day after dismissal.

**Art. 124.** 1. The employer grants the employee appointed to serve military exercises, periodic military or territorial service military service rotationally unpaid leave for the duration of these exercises or service.

2. During the unpaid leave referred to in para. 1, employee retains all rights arising from the employment relationship, except for right to remuneration.

**Art. 125.** An employee appointed to perform periodic military service military service or territorial military service receives from the employer severance pay in the amount of two weeks' salary calculated according to rules set for determining the equivalent for vacation leave. Briefing he is not entitled to reappointment to the same service.

**Art. 126.** During the period of the soldier's basic service military termination by the employer of the employment relationship with the wife of the soldier may occur solely through the fault of the employee and in the event of bankruptcy or liquidation of the employer.

**Art. 126a** 1. In the period between the day of delivery to the student or pupil, who volunteered to undergo basic military service, a card appointment to active military service and on the day of expiry of the period of thirty days from on the day of his dismissal from this service, this student or student cannot be removed from the list students or pupils and release or expel from school.

2. During the period referred to in para. 1, until the date of notification referred to in paragraph 5, the student or student is granted leave.

3. During the leave referred to in para. 2, the student or student is fired from providing any benefits to the university or school arising therefrom for receiving education in it.

4. The military commanding officer shall notify the school or school concerned on the dismissal of a soldier who is a student or pupil referred to in para. 1 from basic military service.

5. A student or student who, within thirty days of the date of dismissal from the basic military service he will report in the school where he received his education on calling to this service, the intention to continue this teaching, is restored in rights student or student and enter for the year or semester of study that has been interrupted due to basic military service. Failure to meet this deadline deletes this student or student from the list of students or pupils, and his release from school.

**Art. 127.** 1. The head of a commune or mayor (city president), by way of decision administrative, recognizes a soldier on active military service or a person to whom an appointment card was served for this service as being the exclusive dependent of family members or a lone soldier. The decision seems to be on documented request of the entitled person or a member of his family, about which referred to in art. 128 section 2. The provision shall not apply to periodic military service.

2. A lone soldier within the meaning of the Act is a soldier or person, referred to in paragraph 1, not married, operating separately Household, independently occupying a dwelling or a house residential, in which he is registered for permanent residence, if there are no other people obliged to cover the amounts due for occupying this premises or residential house.

3. The decision referred to in para. 1, is issued by the head of the village or mayor (president cities) appropriate for the place of permanent residence (residence) or stay temporary applicant lasting over three months.

4. The decision of the head of commune or mayor (city president) is vested in a person, who submitted the application, appeal to the voivode within fourteen days from service of the decision. The decision can be changed by the voivode as well ex officio, if issued in violation of the law.

**Art. 128.** 1. Soldiers of active military service, except for periodic service military service and territorial military service, possessing the exclusive dependents of family members while serving or performing the service shall apply, subject to paragraph 4 and 5, the allowance in the minimum amount remuneration for work in force in December of the previous year, determined based on the provisions of the Act of 10 October 2002 on the minimum pay for work.

2. Family members of a soldier on active military service, his dependents are his spouse, children and parents and persons against whom a soldier is subject to a maintenance obligation, provided that they earn no income or income from any of them the title is lower than the minimum wage for work in force in December of the previous year, determined on the basis of the provisions of the Act of October 10, 2002 on the minimum wage for work.

3. The provision of para. 2 does not apply to persons mentioned in this provision, if lost their right to unemployment benefit because of the expiry of his period download, except for the wife of a soldier.

4. If the total monthly income obtained by the persons in question in paragraph 2, is lower than the amount of the minimum remuneration for work applicable in December of the previous year, determined on the basis of separate provisions, the allowance referred to in paragraph 1 shall be payable in the amount constituting the difference between the amount of the minimum wage and amount of work income. Child benefit is not considered as income.

5. The allowance is not entitled if the persons referred to in para. 2, obtain total income equal to the amount of the minimum wage in question in paragraph 1 or higher than her.

**Art. 128a** 1. A soldier, except for an active soldier military service for less than thirty days, performing periodic military service or territorial military service with a maintenance obligation based on a final court decision, an allowance of maintenance allowance, but not higher than the amount referred to in art. 128 section 1.

2. The allowance referred to in para. 1 may be paid directly the person entitled to a maintenance allowance, or his representative, on their request. The provisions of art. 128b shall apply accordingly.

3. The total amount of benefits referred to in para. 1 and in art. 128 section 1 may not be higher than the amount of the minimum remuneration for work employees.

**Art. 128b** 1. The decision to grant the soldier the allowance in question in art. 128 section 1 and art. 128a, issues commander of the military unit on the basis of documented application of this soldier.

2. The decision referred to in para. 1, a soldier may appeal to a higher-level military body as defined in separate regulations.

3. The allowance referred to in art. 128 section 1 and in art. 128a, pays out commander of the military unit in which the soldier serves. The allowance pays

**Art. 128c.** A soldier who gave false data in order to obtain undue allowance or an allowance higher than him shall be entitled or not notified of the circumstances giving rise to the change the amount of the allowance or the expiry of the decision to grant it, is obliged to reimbursement of unduly collected benefit or part of it, together with interest statutory delay.

**Art. 128d** The Council of Ministers will determine, by regulation, detailed rules and procedure for granting and paying benefits for the maintenance of members families referred to in art. 128 section 1 and art. 128a paragraph 1. Regulation should specify a detailed list of entities authorized to download allowance, bodies authorized to issue a decision granting allowance, documents required to issue a decision granting an allowance, how to deal with documentation when transferring a soldier to another military unit or person performing essential civil defense service to another unit organizational structure, as well as the payout date and the period of receiving the allowance.

**Art. 129.** (repealed)

**Art. 129a.** 1. A soldier shall be entitled to a refund of costs incurred for assistance legal, if preparatory proceedings instituted against him for an offense committed in connection with the performance of official duties will end with a final judgment on redemption.

2. Costs in the amount corresponding to the salary of one defender, specified in the regulations issued on the basis of art. 16 clause 2 and 3 of the Act of May 26, 1982 - Law on the bar (Journal of Laws of 2018, item 1184, 1467, 1669 and 2193 and from 2019 item 730), returns from the part of the state budget, which is disposed by the Minister of National Defense.

3. To the extent not regulated in par. 1 and 2 to refund the costs incurred for legal aid, the provisions of section XIV of the Act of June 6, 1997 shall apply.

- Code of Criminal Procedure.

**Art. 130.** 1. Family members of a soldier on active duty

military who lived with him on the day he was called to this service, must not be forcibly removed from residential premises occupied by on the basis of legal title, subject to the provisions of para. 2.

16/03/2020

2. The provision of para. 1 shall not apply if the soldier has not been recognized as with dependent family members and delay in payment the amount due for occupying a dwelling is at least two full payment periods.

3. Lonely soldiers must not be occupied engaged in active military service.

4. The provisions of para. 1-3 shall not apply to soldiers on temporary duty military or territorial military service available.

**Art. 131.** 1. Soldiers recognized as being exclusive dependents of family members and soldiers considered lonely during the period their active military service, except for periodic service military and territorial military service, at their documented request:

1) coincide:

- a) receivables from the lease of residential premises occupied by on the basis of an administrative decision,
- b) receivables from the occupation of cooperative housing of the type tenant,
- c) current operating fees for the occupation of cooperative premises residential ownership type,
- d) receivables from the occupation of housing on the basis of lease agreements, except when the subject of the agreement there is part of the premises, and one of the parties to the contract is charged maintenance obligations towards the other party,
- e) current receivables from the occupation of housing premises, constituting the subject of separate ownership within the meaning of the provisions on the ownership of the premises or the dwelling house being the subject soldier's property;

2) repayment is suspended:

- a) a loan obtained from the company's housing fund,
  - b) credit or loans granted by banks or authorized institutions
- to grant loans or credits, unless the parties in the contract decided otherwise.

16/03/2020

2. The loan and credits referred to in para. 1 point 2 during the suspension their repayments do not bear interest.

3. The rights referred to in para. 1 and 2 also apply to spouses soldiers engaged in or performing active military service, except for periodic military service and territorial military service, if due to of them, the soldiers were considered to have exclusively dependent members families.

3a. The rights referred to in paragraph 1 point 2 and par. 2, also apply other than mentioned in paragraph 1 active or serving soldiers military service, except periodic military service and territorial service military, if they make a request in this matter, respectively to the employer, bank or institution granting the loan.

4. A condition for exercising the rights listed:

- 1) in paragraph 1 point 1 letter a – cie - is not handing over a dwelling or a house residential for free use either for rent or for sublease;
- 2) in paragraph 1 in item 2 and in para. 2 - is to take out a loan before the day the soldier was called to active military service;
- 3) in paragraph 1 point 1 letter d - in addition to the condition set out in point 1 is also conclusion of a lonely lease by the soldier with the owner of the premises residential and fulfillment of the obligation to check in on this premises at permanent residence.

5. The provisions of para. 1, 2 and 4 shall not apply to lone soldiers undergoing military exercises lasting less than thirty days.

5a. The decision to cover the fees and charges referred to in paragraph 1 seems the head of the commune or mayor (city president) competent for the location dwelling house or soldier's dwelling house.

6. Mayors or mayors (city presidents) pay their debts

and the fees referred to in paragraph 1 point 1, from the day of the soldier's appearance military service.

7. The receivables referred to in para. 1 point 1 letter d, shall be paid in the form lump sum. When determining the lump sum height, the area is not taken into account exceeding the normative surface referred to in art. 5 of the Act of

16/03/2020

June 21, 2001 on housing allowances (Journal of Laws of 2017, item 180 and of 2018 item 756, 1540 and 2529).

8. (repealed)

**Art. 132.** 1. Expenses for allowances, fees and charges referred to herein in art. 128, art. 128a and art. 131 section 1 point 1, are covered from the state budget from the part managed by the Minister of National Defense.

2. The Minister of National Defense shall determine, by regulation:

- 1) the manner and procedure for covering the amounts due and charges referred to in art. 131 section 1 point 1, and the amount of the lump sum referred to in art. 131 section 7 having regard to the need to document the justifying circumstances covering these fees and charges and the rent rate specified by the appropriate local government unit for the dwelling with a comparable usable area, including this standard the premises;
- 2) the procedure for reimbursement to local government authorities of expenses incurred for the objectives listed in paragraph 1, taking into account the need to ensure speed and efficiency of reimbursement of expenses;
- 3) the procedure for suspending the repayment of loans and credits referred to in art. 131 section 1 point 2, taking into account the need for efficiency and speed of proceedings, and the need to document an application for suspension of repayment.

**Art. 132a.** 1. Soldiers who did essential military service within the set time of its duration in official positions or functions military corresponding to their qualifications acquired before being appointed to of this service, cash equivalent shall be paid in respect of costs incurred before the establishment of costs related to obtaining a qualification to this service

useful in the Armed Forces, revalued to forecast in the Act  
consumer price index for a given year  
in force on the day of the soldier's release from service.

2. The cash equivalent referred to in para. 1, shall pay upon application  
a soldier's military commandant for additions within fourteen days of the day of submission  
application, provided that the application was submitted no later than on time  
thirty days from the day the soldier was released from basic military service.

16/03/2020

These receivables are covered from the part of the state budget which it disposes of  
Minister of National Defence.

3. The basis for payment of amounts due for qualification is  
agreement concluded between the military commandant for additions and the subordinate person  
the obligation to undergo basic military service on the basis of which the person  
undertook to obtain before calling for this service  
qualifications, and the military commandant of additions undertook to appoint her  
to this service for a service position or military function corresponding to  
obtained qualifications.

**Art. 132b.** 1. Persons intended for basic military service  
they may be directed to undergo training (course) in order to obtain qualifications  
useful in the Armed Forces.

2. To undergo the training (course) referred to in para. 1, directs the military  
commandant of additions. A referral is an administrative decision.

3. Training (courses) referred to in para. 1 run by natural persons,  
legal persons or organizational units without legal personality,  
with which the head of the provincial military staff concluded a contract for implementation  
this training (course). To select entities providing training (courses)  
the provisions of *[the Act of 29 January 2004 - Procurement Law shall apply  
public]* <the **Act of 11 September 2019 - Procurement Law  
public**>.

Change in paragraph 3  
in art. 132b  
will come into force with  
dn. 1/1/2021  
(Journal of Laws of 2019  
Pos. 2020).

4. The duration of the training (course) referred to in para. 1 may be up to  
three months and be implemented during time off work or during a break

holiday.

5. Participants of the training (course) referred to in para. 1, being employees are entitled to:

- 1) dismissal from work for the time necessary to complete classes, including time needed to get there;
- 2) full remuneration for the time of dismissal due to doing classes.

6. Costs related to the implementation of the training (course) referred to in para. 1 and resulting from the benefits referred to in paragraph 5, coincides with part of the budget of the state which is administered by the Minister of National Defense.

16/03/2020

**Art. 132c** The Minister of National Defense shall determine, by regulation:

- 1) qualifications useful in the Armed Forces referred to in art. 132 paragraph. 1 and art. 132b paragraph 1
  - 2) model agreement referred to in art. 132a section 3 and art. 132b paragraph 3
  - 3) the method and manner of calculating and paying out the cash equivalent, about which referred to in art. 132a section 1
- having regard to the classification of professions and specialties based on Art. 36 paragraph 8 of the Act of 20 April 2004 on employment promotion and labor market institutions (Journal of Laws of 2018, item 1265, as amended<sup>4</sup>), law and obligations of the parties to the contract and the period after which it is paid equivalent.

**Art. 132d** 1. Reserve soldiers with crisis assignments, regardless of the rights arising from military training and performing periodic military service:

- 1) whose remuneration for the employment relationship is higher than the salary basic received during periodic military service - during this time financial compensation is payable, in the amount of the difference between this salary and emoluments;
- 2) (repealed)
- 3) residing outside the place of service - has the right to reimbursement of travel expenses from home to place of performance active military service and back on the terms set out in art. 72;

- 4) the period of unpaid leave granted by the employer is included in the period of work on which employee rights depend, including the dimension annual leave for the year;
- 5) period of active military service within the National Forces Reserves are added to the retirement service on the terms specified in the Act of 10 December 1993 on the retirement provision of soldiers professional and their families (Journal of Laws of 2019, items 289 and 730);
- 6) (repealed)

<sup>4)</sup> Amendments to the consolidated text of the said Act were announced in the Journal of Laws Of Laws of 2018, item 1149, 1544, 1629, 1669, 2077, 2192, 2215, 2245, 2432 and 2435 and from 2019, item 60, 577, 622, 730, 743 and 986.

16/03/2020

- 7) has the right to:
- a) decorations, distinctions and awards,
  - b) public speaking and participation in state ceremonies, military and local in uniform, pursuant to the principles of the Act of December 21, 1978 on badges and uniforms (Journal of Laws of 2016 Pos. 38)
  - c) the use of an honorary title given by way of recognition to persons outstanding in service, military training or in the performance of official duties, including after leaving the service in the National Reserve Forces,
  - d) exercising priority in employment in administrative offices in positions related to national defense, on the rules for professional soldiers specified in art. 119 section 1–1c of the Act of 11 September 2003 on service military professional soldiers and executive regulations issued on the basis of art. 119 section 2 and 3 of this Act;
- 8) are entitled to benefits including:
- a) free food or cash equivalent in question in art. 68 paragraph 1 point 1 - while performing active military service,
  - b) free collective accommodation on the principles set out in art. 7

active military service,

c) military uniforms and equipment in kind, or

monetary equivalent referred to in art. 68 paragraph 1 point 2 -

during active military service,

d) signs and badges provided for soldiers of the National Forces

Reserve.

e) (repealed)

2. Costs related to benefits for soldiers, provision for

remaining on the crisis assignment coincides with the state budget in part,

which is disposed by the Minister of National Defense.

16/03/2020

3. The Council of Ministers shall determine, by regulation, the detailed procedure and the scope and conditions for granting the benefits referred to in paragraph 1 reserve soldiers with crisis assignments. Ordinance should in particular take into account that the conditions and scope of the grant individual entitlements took into account the need to vary the amount or the scope of these benefits depending on the duration of the allotment crisis, and the mode of conduct provided opportunity document the appropriateness of granting these benefits and consider the case without undue delay.

**Art. 132e.** 1. Soldiers assigned to perform periodic service outside the state have the following powers and benefits:

- 1) the right to stay at the place of service together with the spouse and children;
- 2) the right to free accommodation in a dwelling, together with  
with the necessary furniture and equipment or the right to an equivalent cash for renting a dwelling, up to  
position held and the number of entitled  
and displaced family members;
- 3) the right to a lump sum to cover certain related benefits

- with the use of housing;
- 4) reimbursement of fees related to the education of children in primary school and secondary, if they are with a soldier abroad;
  - 5) reimbursement of necessary, documented costs of treatment in the country, in which they perform their duties, and the costs of medical treatment of entitled persons and displaced family members;
  - 6) reimbursement:
    - a) travel of a soldier and his family members, in the case of soldiers going outside the country to take up the position business, including from the country in which the soldier served military service to another state in which he was appointed another job position, as well as soldiers returning to the country after leaving the service outside the country,

16/03/2020

- b) the carriage of personal effects and household items household in the case of soldiers referred to in point and,
- c) travel to the place of service abroad and back to the country family members not staying with him abroad:
  - once every two years, if the soldier's family member has not moved abroad to a soldier's place of service,
  - once, if a family member was with the soldier abroad and the soldier was charged for his travels after less than one year after resettlement.

2. Soldiers directed to perform periodic military service outside the following rights and benefits apply:

- 1) free accommodation and meals;
- 2) free health services and free supply of products medicinal and medical devices, and equipment for medical devices, within the meaning of the provisions of the Act of 20 May 2010 on products medical;
- 3) free transport:

- a) from the country to the place of service and back in the relationship with the commencement and termination of service abroad countries,
- b) from the place of service to the country and back in the event of the death of a member families;

4) individual and collective accident insurance

accidents occurring while performing service outside the country, which resulted in bodily injury, health disorder or death soldier.

3. Soldiers directed to perform periodic military service outside after the termination of service under this referral, is granted acclimatization leave of one business day for each ten days of service abroad began. Leave is granted commander of a military unit in which a soldier holds a official post, or to which he was referred or appointed as part of his periodic service

16/03/2020

military. Acclimatization leave may not exceed twenty two business days.

4. Soldiers directed to perform periodic military service outside national borders are entitled to free annual preventive examinations at the principles set out in the provisions of the Act of 27 June 1997 on service occupational medicine (Journal of Laws of 2019, item 1175).

5. Soldiers directed to periodic military service abroad countries are subject to free medical and psychological examinations and preventive vaccinations.

6. Soldiers returning to the country after completing their periodic service outside the country are subject to free medical examinations and psychological, with the possibility of referral to curative and medical stays -profilaktyczne. Therapeutic and preventive stays include therapeutic and therapeutic activities -rehabilitation and preventive healthcare, including psychological prevention, which reserve soldiers are subject to performing periodic service abroad sick or injured countries and who have suffered or requires a mental injury

their psychophysical state.

7. The Council of Ministers shall determine, by regulation, the conditions for granting benefits to soldiers appointed or assigned to perform periodic service military service outside the country and benefits due soldiers in connection with the designation or referral for temporary duty military service outside the country with a view to benefits due to family members of soldiers staying with them abroad, taking into account the specifics of tasks performed, health or life hazards these soldiers, as well as local conditions existing in the country.

8. The Minister of National Defense shall determine, by regulation, the procedure acclimatization leave and medical treatment stays

- prophylactic, framework program of these stays, as well as the governing body assessing the current state of health of soldiers referred to in paragraph 6 and indicating the place of conducting therapeutic and preventive stays, taking into account the needs of soldiers resulting from their current state of health, including the need to ensure full recovery and enable them

16/03/2020

further treatment or rehabilitation after the end of the stay at the curative and medical stay

- prophylactic, and conditions of service.

**Art. 132f.** 1. Reserve soldiers who performed their duties under National Reserve Forces for at least three years in positions service or military functions corresponding to their qualifications acquired before or during the contract, the equivalent is paid cash for costs incurred in obtaining the qualification useful in the Armed Forces, revalued to forecast in the Act consumer price index for a given year in force on the day of the soldier's release from military service.

2. The basis for payment of the equivalent is the contract concluded between military commandant of additions and a soldier of the reserve, based on which he undertook to obtain certain contracts prior to the conclusion of the contract qualifications, and the military commander of additions undertook to grant

Crisis assignment for an official position or military function corresponding to the qualifications obtained.

3. The equivalent shall be paid after three years of performance duties under the National Reserve Forces. At the request of the soldier reserves equivalent can be withdrawn before the end of this period in a situation where the reserve soldier undertakes to return the paid equivalent in the event of revocation of the crisis allocation for reasons beyond the authorities' control military before the end of this period, except in the case arising out of from a certificate of incapacity for active military service or a certificate psychological stating contraindications to perform this service either appointment to professional military service or admission to military service as a candidate for a professional soldier.

**Art. 132g.** 1. Reserve soldiers who have entered into a performance contract duties under the National Reserve Forces and have committed to having a crisis assignment for a continuous period of not less than three years, they can be directed by a military commanding officer for supplements obtaining qualifications useful in the Armed Forces to undergo training (Course). A referral is an administrative decision.

16/03/2020

2. Referral should be related to your allocation crisis or arising from the need to change the crisis assignment or need giving another assignment.

3. Referral may take place at the request of the military unit commander and with the consent of the reserve soldier, and if the reserve soldier is simultaneously employee, this referral may take place after consulting the employer.

4. A reserve soldier shall bear the costs associated with referral to training (course) in the case of:

- 1) not completing the training (course) or not obtaining useful qualifications in the Armed Forces;
- 2) revocation of the crisis allocation for reasons beyond the control of the authorities military before the expiry of three years of holding the assignment

crisis, with the exception of: a certificate of incapacity for active service military, psychological ruling stating contraindications

to perform this service, to be called for professional military service, or admission to military service as a candidate for soldier training.

5. Participants of the training (course) who are employees are entitled to:

- 1) dismissal from work for the time necessary to complete classes, including time needed to get there;
- 2) full remuneration for the time of dismissal due to doing classes.

6. Costs related to the implementation of the training (course) and resulting from benefits referred to in paragraph 5 are covered from the part of the state budget, of which the administrator is the Minister of National Defense.

**Art. 132h.** The Minister of National Defense shall determine, by regulation:

- 1) qualifications useful in the Armed Forces referred to in art. 132f paragraph 1 and art. 132g paragraph 1
- 2) templates of the agreement referred to in art. 132f paragraph 2, and referrals about which referred to in art. 132g paragraph 1
- 3) the method and manner of calculating and paying out the cash equivalent, about which referred to in art. 132f paragraph 1

16/03/2020

- 4) the manner and procedure for calculating and reimbursing the costs in question in art. 132g paragraph 4 and 5

- having regard to the classification of professions and specialties based on Art. 36 paragraph 8 of the Act of 20 April 2004 on employment promotion and labor market institutions, rights and obligations of the parties to the contract and the period after which the equivalent is paid out.

**Art. 132i.** 1. A reserve soldier with a crisis assignment, funding for studies or study costs or for an internship, course or specializations, especially in demanding military specialties increased qualifications, in proportion to the declared

period of being on the emergency allocation.

2. The commander of a military unit includes a reserve soldier with crisis allocation agreement defining the principles, amount and manner co-financing the costs referred to in para. 1, and the conditions for returning it funding in the event of interruption of education or termination or revocation of the crisis allocation before the period specified in the contract having a crisis allocation not longer than three years from the end education.

3. The reimbursement shall be made in the event of interruption of education or the expiry or revocation of a crisis assignment for reasons beyond the control of military bodies. The refund of co-financing does not take place in the case of a certificate of incapacity for active military service or a certificate psychological stating contraindications to perform service either appointment to professional military service or admission to candidate service.

4. The Minister of National Defense shall determine, by regulation:

- 1) the procedure for granting reserves to soldiers with assigned assignments crisis funding for study or study costs or an internship, course or specialization,
- 2) the type, scope and amount of co-financing as well as the refund procedure,
- 3) the method of documenting expenses incurred by the soldier covered by co-financing,
- 4) the template of the contract referred to in para. 2

16/03/2020

- having regard to the efficiency of the financing procedure, amount actual costs of study or study or an internship, course or specialization, the ability to verify these costs and the rights and obligations of the parties to the contract.

**Art. 132j.** 1. OT soldiers:

- 1) residing outside the place of service - has the right to reimbursement of travel expenses from the place of residence to the place where this service is performed rotation and back services according to the principles specified in art. 72;
- 2) the period of unpaid leave in connection with this service granted by the employer is included in the period of work on which the rights depend

employee, including the amount of annual leave for a given year.

2. Costs related to benefits for OT soldiers for performing duties active military service are covered from the state budget, with a part of which the administrator is the Minister of National Defense.

**Art. 132k** 1. A soldier released from territorial military service who he performed professional military service for at least ten years, due to the specific nature of education, military experience and knowledge specialist uses priority in employment in positions related to national defense in public administration.

2. The entitlement referred to in para. 1, in the first place former OT soldiers who were released from territorial military service as a result of determination by the military medical commission of the inability to perform territorial military service due to accident or illness remaining in in connection with the performance of territorial military service.

3. The Prime Minister shall define, by regulation, the job position related to the defense of the country in the public administration on which they are performed tasks and activities for which qualifications of fired soldiers Territorial Military Service are particularly useful considering needs defensive country.

**Art. 132l** 1. OT soldiers who performed territorial military service for at least three years in official positions or functions military corresponding to their qualifications acquired before being appointed to this service or during it, cash equivalent shall be paid for incurred

16/03/2020

costs related to obtaining qualifications useful in the Armed Forces, revalued by the indicator forecast in the budget act for a given year prices of consumer goods and services in force on the day of the soldier's release from military service.

2. The basis for the payment of the equivalent is the contract concluded between military commandant of additions and a soldier of the OT, based on which OT soldier undertook to obtain before calling for territorial service

military qualifications, and the military commandant supplement he undertook, after consultation with the commander of the military unit, to appoint an OT soldier for an official post or corresponding military function obtained qualifications.

3. The equivalent shall be paid after three years of territorial service military service. At the request of an OT soldier, the equivalent can be paid before the period has expired if he undertakes to pay back equivalent in the event of dismissal from the service before its termination for reasons independent of military bodies, except in the case arising from a certificate of incapacity for active military service or a psychological certificate logical stating contraindications to perform this service either appointment to professional military service or admission to military service in as a candidate for a professional soldier.

**Art. 132m** 1. Soldiers of the OT, who have committed to perform territorial military service for a continuous period of not less than three years may remain directed by the military commanding officer of additions, by way of decision, to the request of the commander of the military unit in which the soldier performs his service, or on his own an application, with the consent of the military unit commander, for a course or training specialized conducted outside the Armed Forces to obtain qualifications useful in the Armed Forces, as long as it relates to the occupied one post or referral of an OT soldier for a course or training specialist results from the need to change job position either leaving him on territorial military service for another period, not shorter than three years.

2. The OT soldier shall bear the costs related to the referral to a course or training specialized in the case of:

16/03/2020

- 1) failure to complete a course or specialized training or failure to obtain qualifications useful in the Armed Forces;
- 2) release him from the territorial military service for reasons beyond the control of military organs before their fixed period of performance not lasting less than three years, except in the case arising from the decision on inability to perform active military service or psychological judgment

stating contraindications to performing this service or calling to professional military service or admission to military service in as a candidate for a professional soldier.

3. Participants in the course or specialist training who are employees are entitled to:

- 1) dismissal from work for the time necessary to complete classes, including time needed to get there;
- 2) full remuneration for the time of dismissal due to doing classes.

4. Costs related to the implementation of the course or specialized training, and costs of benefits referred to in paragraph 3, are covered from the state budget, from part managed by the Minister of National Defense.

**Art. 132n.** The Minister of National Defense shall determine, by regulation:

- 1) qualifications useful in the Armed Forces referred to in art. 132l section 1 and art. 132m section 1
  - 2) templates of the agreement referred to in art. 132l section 2, and referrals about which referred to in art. 132m section 1
  - 3) the method and manner of calculating and paying out the cash equivalent, about which referred to in art. 132l section 1
  - 4) the manner and procedure for calculating and reimbursing the costs in question in art. 132m section 2, and the costs of benefits referred to in art. 132m section 3
- having regard to the classification of professions and specialties specified in the regulations issued on the basis of art. 36 paragraph 8 of the Promotion Act of April 20, 2004 employment and labor market institutions, rights and obligations of contracting parties and the period, after which the equivalent is paid out.

16/03/2020

**Art. 132o. 1.** A soldier of the OT may be granted additional costs study, study, internship, course or specialization, especially in specialties military requiring increased qualifications in the dimension proportional to the declared period of performing territorial service

military.

2. Co-financing may be granted only in cases where level and field of study are consistent with the qualification requirements for occupied or planned to be appointed official position.

3. The basis for co-financing is the contract concluded between the commander military unit and an OT soldier, defining the principles, height and manner of this co-financing and the conditions for its return.

4. Co-financing is granted to an OT soldier in the form of a refund paid by an OT soldier.

5. Co-financing the costs of studies, study, internship, course or specialization, which have lasted less than six months, followed by their termination and the OT soldier presents proof of payment.

6. Co-financing shall be granted in the amount of 1/3 of the costs in question in paragraph 1, for each year of territorial military service by an OT soldier after completing education.

7. If the studies, study, internship, course or specialization lasted more than six months, the OT soldier presents the commander of the military unit in which he fully service, a certificate confirming the completion of their subsequent periods and proof of payment.

8. Refund of co-financing by an OT soldier takes place in the case of discontinuing education or dismissal from territorial military service before the period of performance specified in the contract, lasting not less than three years, with reasons beyond the control of the military authorities, except in the case of resulting from a certificate of incapacity for active military service or psychological ruling stating contraindications to perform this service or appointment to professional military service or admission to service military as a candidate for professional soldier.

9. The return referred to in para. 8, the commander of the military unit approaches, in which an OT soldier performs service.

16/03/2020

10. The Minister of National Defense shall determine, by regulation:  
1) procedure for granting OT soldiers funding for studies, education, internship,

- course or specialization,  
2) the method of documenting expenses incurred by the OT soldier covered by co-financing,  
3) the template of the contract referred to in para. 3  
- having regard to the efficiency of the financing procedure, amount actual costs of study, study, internship, course or specialization, option verification of these costs and the rights and obligations of the parties to the contract.

**Art. 133.** Soldiers performing preparatory service and their members families have special rights provided for main soldiers military service and their family members on the principles set out in art. 118-132.

**Art. 133a. 1.** A soldier who has been dismissed from active military service as a result of permanent or temporary establishment by the military medical commission inability to perform military service following an accident or illness in connection with the performance of active military service, may benefit, within two years from the date of release from active military service, from assistance in the field of improving qualifications, retraining and professional counseling or job placement provided by competent authorities.

2. A soldier who was dismissed from active military service for reasons referred to in paragraph 1 in connection with performing military service outside borders of the country related to the implementation of the objectives referred to in art. 2 point 1 Act of 17 December 1998 on the rules of use or stay of the Armed Forces Of the Republic of Poland outside the state, avails of the aid of which referred to in paragraph 1, indefinitely.

3. With the assistance referred to in para. 1, may also use indefinitely spouse and dependent children of a soldier who:

- a) has been lost or died in connection with the performance of tasks business;
- b) died within three years of his release from active military service following an accident or illness related with active military service.

16/03/2020

4. The Minister of National Defense shall determine, by way of a regulation,

detailed conditions and procedure for using by soldiers referred to in para. 1 and 2, as well as spouses and dependent children of soldiers who lost or died in connection with the performance of official duties, with the aid referred to in paragraph 1, taking into account the special treatment of these soldiers who became invalids.

**Art. 133b.** (deleted)

**Art. 134.** The provisions of art. 118-132 shall apply accordingly to graduates colleges undergoing military training and their family members.

**Art. 134a.** 1. Employers employing a soldier employee reserves with an assigned crisis allocation or an OT soldier are entitled cash benefit for the period of military training and performance periodic military service or territorial military service rotating through this soldier.

2. The benefit covers only compensation of costs, without amounts remuneration incurred by the employer for employment on the basis of a fixed-term employment contract for a new employee to replace a soldier the reserves referred to in par. 1, or for entrusting this substitution to another an employee employed so far with this employer, as well as pay to the soldier of the severance reserve referred to in art. 125.

3. (repealed)

4. (repealed)

5. The employer sends the application for payment of the benefit together with documents confirming the incurred costs referred to in para. 2 head of the voivodship military staff competent for the seat employers no later than ninety days after that release of a reserve soldier from military exercises, from performing periodic service military or territorial military service.

6. The amount of the benefit is determined by the competent chief of the voivodship staff military.

7. Refusal to pay the benefit or to set a lower amount than indicated in the employer's application is made by way of an administrative decision.

16/03/2020

8. The amount of the benefit for each day the soldier holds the reserve military exercises, provision of a periodic service reserve by a soldier military or territorial military service by an OT soldier in rotation it cannot be higher than 1/21 of two and a half times average monthly salary in the enterprise sector applicable in the period preceding the date of appointment for military exercises or in the period preceding the given month of periodic military service, or territorial military service on a rotating basis, the amount of which is announced President of the Central Statistical Office.

9. The amount of the benefit is determined and paid each time for the time of service a given type of military exercise, and in the case of periodic military service or territorial military service performed on a rotating basis - for a given month perform.

10. If a reserve soldier who has been assigned a crisis assignment or OT soldier is employed by two or more employers, benefit applies to all employers employing him, in proportion to costs incurred by them, with the consideration that the amount of the benefit for one employer for each day of military or completed military exercises periodic military service or territorial military service performed in rotation may not exceed the amount calculated on the basis of para. 8.

11. Expenses for the payment of benefits referred to in paragraph 1, cover from the state budget from the part managed by the Minister of Defense National.

12. The Minister of National Defense in consultation with the minister competent for labor matters shall determine, by regulation:

- 1) the method of calculating the incurred costs referred to in para. 2
  - 2) the sample application for payment of the benefit referred to in paragraph 5,
  - 3) the method of documenting the costs incurred by the employer,
  - 4) the payment procedure
- having regard to the possibility of verification by the competent voivodship head military staff submitted documents before payment benefits, the necessary scope of information to make the settlement and directing

16/03/2020

the need to ensure efficiency and speed of proceedings as well as speed reimbursement.

**Art. 135.** 1. The provisions of art. 118, 119 paragraph 1, 2 and 4, art. 120, 122, 124-126 and 129 -132 apply to soldiers serving active military service in the event of mobilization announcements and during war, if the relevant provisions do not provide otherwise.

2. Family members dependent on the soldier performing military service, referred to in para. 1 retain the right to all benefits from the employer who employed the soldier on the day of his appointment him to the service of family members of other employees employed by this employer.

3. The Council of Ministers, by means of an ordinance, defines:

- 1) the categories of soldiers performing military service specified in para. 1 which dependent family members are entitled to benefits war;
- 2) the amount, rules and procedure for granting war benefits.

**Art. 136.** The Council of Ministers may, by regulation, grant soldiers and their family members have other special rights or concessions, specifying the terms and conditions for using them.

## CHAPTER IV

### Civil defense

#### Chapter 1

#### general rules

**Art. 137.** Civil defense is aimed at protecting the population and workplaces and public utilities, cultural goods, rescue and assistance victims during the war and cooperation in combating disasters natural and environmental hazards and removing their effects.

**Art. 138.** 1. The basic organizational units designated to perform civil defense tasks are civil defense formations.

2. Civil defense formations consist of civil defense units intended for general or special and other tasks units of these formations.

3. Civil defense formations are constituted by regulation of ministers, and voivods, starostes, commune heads or mayors (city presidents) - by way of an ordinance, taking into account in particular: the scale of those present threats, type of formation, their purpose as well as personal status and organization inside.

4. Civil defense formations may also be created by employers.

**Art. 139.** 1. The obligation of citizens in the field of civil protection consists in:

1) taking place:

- a) civil defense services,
- b) education for safety,
- c) training in the field of universal self-defense of the population;

2) performing other tasks provided for in the Act.

2. Civil defense service takes place in civil defense formations.

3. Civil defense service may also be carried out in units organizational entities other than civil defense formations, as defined by The Council of Ministers.

4. Persons subject to the duty of civil defense service may be obliged under this service to carry out work necessary for the needs civil defense and to participate in combating natural disasters and threats the environment and removing their effects.

4a. The Council of Ministers defines, by regulation, the rules for dismissal by employers under the obligation to perform the work of persons called to service in civil defense in connection with combating natural disasters and catastrophes and environmental hazards, taking into account the principles of compensating for lost remuneration and taking into account, in particular, the plant's operating profile.

5. The Council of Ministers shall define, by regulation, positions in offices government administration bodies and other state bodies, institutions state offices, local government offices and entrepreneurs and in other organizational units, considered equivalent to holding

civil defense services, in particular taking into account related positions with civil protection and combating natural disasters.

**Art. 140** (repealed)

## Chapter 2

### Civil Defense Service

**Art. 141.** 1. The duty of the civil defense service consists in:

- 1) serving in peacetime:
  - a) basic service or training,
  - b) exercises;
- 2) performing active service during the war.

2. Basic civil defense service or training in peacetime takes place only during the period of the obligation to perform essential service military and military training.

**Art. 142.** 1. The obligation to provide civil defense services shall apply to:

- 1) persons recognized as capable of military service, intended instead basic military service to undergo:
  - a) basic service in civil defense units, if they do not use from the postponement of basic military service,
  - b) training in civil protection units;
- 2) intended for this service:
  - a) reserve soldiers not contemplated for military service or service in militarized units,
  - b) men not subject to military service, until the end the calendar year in which they turn sixty years old,
  - c) women, from 1 January of the year in which they turn eighteen life, until the end of the calendar year in which they end fifty-five years of life.

2. (repealed)

3. The obligation to provide civil defense services shall not apply to:

- 1) persons recognized as permanently or for a long time unable to work on the farm on the basis of the Act of 20 December 1990 on insurance social farmers or for completely incapable of work and independent

existence or completely incapable of work under the Act of December 17, 1998 on pensions from the Insurance Fund Social or people with a significant degree of disability or moderate disability within the meaning of the Act of August 27, 1997 on occupational and social rehabilitation and employment people with disabilities;

- 2) pregnant women and six months after delivery;
- 3) persons caring for children under eight years of age;
- 4) taking care of:
  - a) children from eight to sixteen years old,
  - b) bedridden patients
  - c) persons for whom permanent incapacity has been declared on a farm pursuant to the Act of 20 December 1990. on farmers' social insurance,
  - (d) persons who have been declared totally incapable of work and independent existence on the basis of the Act of 17 December 1998. on pensions from the Social Insurance Fund,
  - e) persons with a significant degree of disability within the meaning of the Act of 27 August 1997 on rehabilitation professional and social and employment of disabled people, if they live with them and this care cannot be entrusted other people.

**Art. 143.** 1. For the basic service in civil defense, he assigns and appoints military commanding officer.

2. Persons referred to in art. 142 paragraph 1 point 2, is intended for service in civil defense, commandant of civil defense formation or head of unit organizational unit referred to in art. 139 section 3, and for the position of commandant formation - employer or commune head or mayor (city president), after seeking, in justified cases, doctor's opinion.

3. Appointment to the essential service in civil defense takes place by means of calling cards for this service.

4. Intended to serve the civil defense of the persons in question in paragraph 2, takes place by way of an organizational and mobilization assignment to service in a specific:

- 1) civil defense formation or
- 2) organizational unit referred to in art. 139 section 3.

5. The Minister of National Defense shall define, by regulation, the categories reserve soldiers who are required to serve in civil defense consent of the military commandant for additions, including the purpose of appointment to civil defense services and the tasks they are to perform there.

**Art. 144.** 1. Persons appointed to the main service in civil defense are obliged to report to this service at the time and place specified in the card appointment.

2. The date of the call to basic civil defense service is specified in the appointment card the day of appearance to this service.

3. Persons mentioned in art. 142 paragraph 1 point 2 are obliged to report to service at the time and place specified in the assignment card for service in formation civil defense or in the summons of a branch commandant or unit manager organizational unit referred to in art. 139 section 3; provision of art. 61 section 2 shall apply respectively.

**Art. 145.** 1. Basic service in civil defense takes place in one, an uninterrupted period of nine months.

2. (repealed)

3. Persons called to the main service in civil defense on appearing to this service are given the title of lifeguard without special award. The title of senior rescuer is given by appointment.

4. Rescuers perform basic civil defense service in the form or restrained in civil defense units and pass practical training in the preparation of civil defense. form the service is determined by the body that creates the civil defense unit within

5. In the scope of releasing rescuers from basic defense service before civil service the rules set out in art. 87 paragraph 2-6 and principles and procedure specified in art. 88.

**Art. 146.** 1. Training in civil defense consists of taking place in civil defense organizational units over a period of three years:

- 1) training classes organized in free time;
- 2) training at a training camp for up to thirty days.

2. Total training time in civil defense organizational units no may exceed sixty days a year, including twenty statutory days free from work.

3. Participation in combating natural disasters is not included in the training period and environmental hazards and removing their effects. Training classes in the period combating natural disasters and environmental threats and removing their effects may be conducted during work.

4. Recognized women may also be covered by training in civil defense capable of military service. Appointment of women to undergo this training may occur until the end of the calendar year in which they end twenty four years of age.

**Art. 147.** 1. The Head of National Civil Defense may shorten its duration basic civil defense service or training.

2. Persons who have undergone essential civil service or training in civil defense, the military commandant of additions moves to the reserve.

**Art. 148.** 1. Exercises shall take place in defense organizational units civil or in organizational units referred to in art. 139 section 3 in non-working time of up to fifteen days a year, including no more than five public holidays.

2. Persons intended to perform instructor and managerial functions,

regardless of the exercises referred to in paragraph 1 may be called once every three years to undergo continuous exercises for up to fifteen days.

3. Total duration of civil defense exercises throughout the period being subject to the duty of civil defense service may not exceed periods determined in art. 103.

16/03/2020

4. Periods are not included in the duration of civil defense exercises participation in the fight against natural disasters and environmental threats and their removal effects. During the period of combating natural disasters and environmental hazards or removal of their effects exercises can be carried out during work.

5. Where required by the need to provide defense States, the Council of Ministers, by regulation, may extend the duration exercises referred to in paragraph 1, for a period not exceeding a total of fifteen days and order these exercises to be carried out during work.

**Art. 149.** 1. In the event of mobilization and during the war, called persons and intended for civil defense service are obliged to perform active duty service for the time and to the extent resulting from the performance of tasks.

2. The Council of Ministers may define, by regulation, units organizational civil defense in which, in the event of mobilization and during the war active service is performed indefinitely, given units whose tasks include detection of threats, alarming and conducting rescue operations.

3. Persons performing active civil defense service may be charged on the order of the body creating the civil defense organizational unit.

**Art. 150.** Persons serving in civil defense are obliged to carrying out superiors' orders in matters related to the performance of this service and performing civil defense tasks.

**Art. 151.** To rescuers performing essential defense service civil law, the provisions of Art. 65.

**Art. 152.** 1. Persons serving in civil defense service are exemplary service and for achievements in the performance of civil defense tasks can be

granted the following distinctions:

- 1) praise;
- 2) a letter of approval;
- 3) short-term vacation;
- 4) in-kind or cash prize;
- 5) a diploma of recognition;
- 6) giving a distinguishing title and badge of an exemplary lifeguard;

16/03/2020

7) entering the name and merits to the chronicle of the branch of the organizational unit  
civil defense;

8) entering the name and merits in the "Honorary Book of Civil Defense".

2. The distinctions referred to in par. 1 points 3, 4 and 6 shall be granted only  
rescuers performing essential civil defense service.

3. Distinction is also earlier deletion of the previously measured  
disciplinary penalty.

4. The Head of National Civil Defense may also introduce other types  
distinctions.

**Art. 153.** Persons serving in civil defense regardless of  
granted distinctions may be awarded orders or decorations and a badge  
"For Merits for Civil Defense" - in cases and on the terms set out  
in separate regulations.

**Art. 154.** 1. Persons serving in civil defense for violations  
duties arising from this service may be imposed the following penalties  
disciplinary:

- 1) a warning;
- 2) reprimand;
- 3) reprimand with a warning;
- 4) performing cleaning operations out of order;
- 5) a ban on leaving the accommodation for a specified period;
- 6) depriving the distinguishing title and badge of an exemplary lifeguard or  
senior lifeguard title;
- 7) reduction or deprivation of leave.

2. The penalties referred to in para. 1 points 3-7, are measured only rescuers performing essential civil defense service.

3. You may not discipline after six months from committing an offense.

**Art. 155.** 1. The disciplinary penalty imposed shall be revoked in the event of:

- 1) disclosure of new circumstances that indicate that there were no grounds for punishment;
- 2) punishment contrary to the provisions of the Act or provisions issued on the basis thereof.

16/03/2020

2. Persons entitled to revoke disciplinary penalties are the superior who has the penalty he measured, and his superiors.

3. The Head of Civil Protection of the Country may revoke any disciplinary penalty targeted at a person serving in civil defense.

**Art. 156.** Does not include for the duration of the basic service in civil defense the period for which the rescuer arbitrarily left the defense organizational unit civil or designated place of residence or through which arbitrarily outside he remained them. However, this period can be included in the main duration civil defense services, if the rescuer later distinguished himself exemplary service and disciplinary punishment for this offense was deleted on the way distinctions.

**Art. 157.** Persons serving in civil defense shall apply respectively provisions of art. 64.

**Art. 158.** 1. Persons serving in civil defense are obliged to wear signs and uniforms while they are in this service established for these people.

2. The Council of Ministers shall determine, by regulation, the pattern and color uniforms of persons serving in civil defense, including in particular the types of service and components of the uniform.

**Art. 159.** 1. Persons serving in civil defense may be granted, by the means specified by the Council of Ministers, by way of ordinances, accommodation and free meals or equivalent

cash and reimbursement of travel expenses.

2. Rescuers during basic service:

1) are entitled to uniforms or monetary equivalent and emoluments in the amount and according to the rules provided for privates basic military service;

2) leave is granted to the extent and on the terms provided for soldiers basic military service.

3. Rescuers may also receive other specified financial receivables by the Council of Ministers by way of regulation.

16/03/2020

**Art. 160.** 1. To employees undergoing training at the camp training or civil defense exercises, the rules apply accordingly rewarding reserve soldiers undergoing military exercises.

2. Persons performing active service in the event of mobilization and during war receive remuneration determined by the Council of Ministers by way of Regulation; applies to dependent family members of these persons the provision of Art. 135 section 2.

**Art. 161.** 1. Persons serving in civil defense who: became sick or injured during or in connection with her taking place either on the direct route to the place where it is held or on the way return, you are entitled to free care benefits health care entities within the meaning of the provisions on operations therapeutic, to the extent and under the conditions specified in the Act of 27 August 2004 on healthcare services financed from funds public.

2. The benefits referred to in para. 1, for persons not covered by universal health insurance is financed properly by entities, referred to in art. 138 section 3 and 4 and in art. 139 section 3 in which these people they are on duty.

3. Documents entitling to the use of free benefits, referred to in paragraph 1 in the event of illness or injury

health: organizational and mobilization assignment for civil defense service and a certificate of the branch commander or head of the organizational unit, referred to in art. 139 section 3, stating that the disease or sensation damage to health occurred during or in connection with this service either on the direct route to the place of service or on the way return, submitted to medical entities.

**Art. 162.** 1. A person serving in civil defense who has suffered damage to health as a result of an accident related to the execution this service, and in the event of the death of that person - family members are entitled, subject to paragraph 4-6, benefits on the terms and in the manner provided for employees in the provisions on benefits in respect of accidents at work

16/03/2020

and occupational diseases. Proceedings to determine the circumstances and causes the accident is carried out and compensation is paid by the employer, the administration body government or other body which the civil defense organizational unit is subordinate or organizational unit referred to in art. 139 section 3.

2. The provision of para. 1 shall apply accordingly to accidents on the way to a place or from the place of service, except that the right to benefits is determined by benefits pays the Social Insurance Institution.

3. From the decision of the employer or body referred to in para. 1 and 2 in the case compensation may be appealed under the conditions and in the manner provided for employees in the provisions on benefits in respect of accidents at work and occupational diseases.

4. A lifeguard performing essential service in an organizational unit civil defense, which suffered damage while undergoing this the service, and in the event of the death of the rescuer - the family members are entitled to benefits damages and pensions as well as death claims, on the principles provided for in separate regulations for soldiers serving the principal military service.

5. The Council of Ministers, by means of a regulation, defines:

1) the competence of the authorities and the procedure for determining:

a) the circumstances and causes of the accident that the lifeguard suffered,

(b) the relationship of the rescuer's disease with the special characteristics or conditions of basic civil defense service;

2) competence of the authorities to decide on damage to the lifeguard's health and to award and pay compensation benefits and claims post-mortem referred to in paragraph 4.

6. From decision authority proper in matters benefits damages referred to in paragraph 4, shall apply to the person concerned appeal to the district labor and social security court on time specified in the provisions on proceedings before labor and insurance courts social.

7. The period of basic civil defense service is the period contributory within the meaning of the provisions on pensions from the Fund Social Security.

16/03/2020

**Art. 163.** To the material liability of rescuers for damages caused in connection with the performance of duties arising from serving of basic civil defense service, the specific rules shall apply accordingly for soldiers in active military service, except in the event of refusal voluntary payment of damages is considered by a common court.

**Art. 164.** 1. With regard to the rights of persons performing essential service in civil defense and their family members, the provisions shall apply accordingly Art. 118, art. 119 section 1 point 1 and par. 4, art. 120-122, 124-126, 128-132 and 136.

2. The Council of Ministers may, by regulation, grant persons other civil servants and their family members powers in addition to those provided for in Article 159-162, specifying terms and conditions using them.

**Art. 165.** The minister competent for internal affairs shall determine, by way of Regulation:

1) detailed organization and manner of serving in civil defense, having regard in particular to the principles and procedure for appointing and assigning to service and dismissal, specimen calling cards for basic service in civil defense and assignment cards for civil defense formation, rules

- and the procedure of granting distinctions and imposing disciplinary penalties, and powers of superiors in this respect, rules for exercising and deleting penalties;
- 2) the model badge of the exemplary lifeguard, including the pattern badge ID;
  - 3) patterns of signs and the manner of wearing these signs and uniforms, having regard in particular to international and national signs of defense insurance;
  - 4) uniform standards for persons on duty  
in defence civil, Having need each  
specialized formations;
  - 5) in consultation with the minister competent for public finance the amount of cash equivalent in exchange for uniforms

16/03/2020

lifeguards, taking into account the principles of its payment and authorities competent in this respect.

### Chapter 3

#### **education for safety**

**Art. 166.** 1. Students of primary and secondary schools: high school, technical college and industry primary school, except for adult school students are subject to compulsory education for safety.

2. Education for safety is a compulsory subject of teaching in the schools mentioned in paragraph 1, one hour a week in the training cycle.

3. The minister competent for education and upbringing, in consultation with the minister competent for internal affairs and the minister of defense Narodowej, will determine, by regulation, the manner of implementing education for security, including the possibility of organizing camps specialist.

**Art. 166a.** (deleted)

**Article 167.** (repealed)

## Chapter 4

### **Universal self-defense of the population**

**Art. 168.** 1. Persons with Polish citizenship who are capable of because of state of health, are subject to the obligation to train the population in a universal field self-defense.

2. Training of the population in the field of universal self-defense is aimed at preparation for self-defense against mass destruction and other means enemy actions.

3. Training of the population in the field of universal self-defense shall be carried out in the form of basic classes or practical exercises.

4. Practical exercises may also include participation in combating natural disasters and environmental hazards and removing their effects.

16/03/2020

**Art. 169.** 1. Training shall not be subject to:

- 1) persons who have reached the age of sixty;
- 2) persons recognized as permanently or for a long time unable to work on the farm on the basis of the Act of 20 December 1990 on insurance social farmers or for completely incapable of work and independent existence or completely incapable of work under the Act of December 17, 1998 on pensions from the Insurance Fund Social or people with a significant degree of disability or moderate disability within the meaning of the Act of August 27, 1997 on occupational and social rehabilitation and employment people with disabilities;
- 3) pregnant women and six months after delivery;
- 4) persons caring for children under eight years of age;
- 5) persons taking care of:
  - a) children from eight to sixteen years old,

- b) bedridden patients
- c) persons for whom permanent incapacity has been declared  
on a farm pursuant to the Act of 20 December 1990.  
on farmers' social insurance,
- (d) persons who have been declared totally incapable of work and  
independent existence on the basis of the Act of 17 December 1998.  
on pensions from the Social Insurance Fund,
- e) persons with a significant degree of disability  
within the meaning of the Act of 27 August 1997 on rehabilitation  
professional and social and employment of disabled people,  
if they live with them and this care cannot be entrusted  
other people;
- 6) persons receiving education or studying at all schools  
types;
- 7) persons performing essential civil service or training in civil defense and  
substitute service;
- 8) soldiers in active military service and Agency officers  
Internal Security, Foreign Intelligence Agency, Central Office

16/03/2020

Anti-Corruption, Police, Border Guard, State Protection Service,  
Prison Service and State Fire Service.

2. The following may be released from the obligation to undergo training:

- 1) reserve soldiers with mobilization cards for Force units  
armed;
- 2) persons holding assignment cards for militarized units;
- 3) persons holding assignment cards for civil defense service.

3. Exemption from training obligations in the form of practical exercises  
involving participation in combating natural disasters and environmental hazards  
and removing their effects does not apply to persons referred to in paragraph 1 points 6 and 7.

**Art. 170.** 1. Persons performing the obligation to train the public in the field  
universal self-defense that has fallen ill or has suffered damage to health  
during or in connection with the performance of this obligation or in direct relation

on the way to its place of performance or on the way back, there is a right for free use of healthcare services of entities medicinal within the meaning of the provisions on therapeutic activities, to the extent and on conditions specified in the Act of 27 August 2004 on benefits healthcare financed from public funds.

2. The benefits referred to in para. 1, for persons not covered by universal health insurance is financed properly by entities, referred to in art. 138 section 3 and 4 and art. 139 section 3 in which these people undergoing training.

2a. Documents entitling to the use of free benefits, referred to in paragraph 1 in the event of illness or injury health: decision on the obligation to participate in training in universal self-defense and training organizer's certificate confirming participation in the training and stating that to get sick or damage to health occurred during or in connection with the exercise this obligation either on the direct route to the place of performance or on the return journey, which should be submitted to medical entities.

3. Persons who have suffered damage as a result of an accident arising during or in connection with the performance of a training obligation people in the scope of universal self-defense or on the direct path to

16/03/2020

places of performance of this obligation or on the way back, and members families of persons who have died as a result of such an accident are entitled to benefits for principles and in the manner provided for employees in the regulations on benefits in respect of accidents at work and occupational diseases, provided that the right to benefits is determined and benefits are paid by the Insurance Company Social.

**Art. 171.** 1. The Council of Ministers shall define by organization a regulation, principles and dimension of population training in the field of universal self-defense, principles and the procedure for exemption from training obligations and the competence of bodies in these cases.

2. Practical exercises in the field of universal self-defense are ordered by the Council Ministers, by regulation, each time identifying categories of persons

required to participate in these exercises, the area in which they will be carried out and their scope.

**Art. 172.** 1. Persons possessing Polish citizenship may be obliged to supply personal protective equipment and other items and items necessary in case of danger.

2. The obligation referred to in para. 1 may be introduced by the Council of Ministers by regulation, at the same time specifying the terms and conditions of supply.

**Art. 173.** 1. In preparation for self-defense, possessing persons Polish citizenship may be required to:

- 1) preparation of security for the building or apartment and property personal and individual;
- 2) securing own sources of drinking water and foodstuffs against pollution or contamination;
- 3) maintenance and maintenance of owned and allocated equipment and protection measures;
- 4) maintenance and maintenance of domestic security rooms;
- 5) performing other projects aimed at protecting one's own life, health and property and providing assistance to victims.

2. The obligations specified in para. 1 impose by village heads or mayors (city presidents).

16/03/2020

3. The Council of Ministers shall determine by regulation and procedure proceedings in matters referred to in paragraph 2.

## CHAPTER V

### **Service in militarized units**

**Art. 174.** 1. In the event of mobilization and during the war, the Council of Ministers it can militarize organizational units that perform tasks particularly important for the defense or security of the state and the individual organizational specially created to perform such tasks.

2. The Council of Ministers, upon a request of ministers and voivods after prior approval

opinion by the Minister of National Defense, determines existing and specially created organizational units that are expected to be militarized

(units intended for militarization) and constituting organizational units forming base for specially created militarized units, as well as limits on persons who are expected to be appointed to service in units militarized.

3. The Council of Ministers shall define, by regulation, the categories of tasks justifying militarization and the procedure for determining organizational units and the limits of persons referred to in paragraph 2, as well as a specimen application for subscription individual organizational units preparing for militarization.

The regulation will in particular take account of development needs defense system and the functioning of its elements in conditions external threat to the state and during the war, including mobilization and war needs of the Armed Forces of the Republic of Poland and assurance support for allied forces on the territory of the Republic of Poland, detailing in the application form the purpose of these units, their offices, bodies referred to in art. 187 paragraph 3, and the bodies according to which arrangements will be prepared for individual units as well as specifications expected expenses related to this.

4. The organizational units referred to in para. 1 and 2, the Council of Ministers may also militarize in the event of a state of emergency the entire territory of the Republic of Poland.

16/03/2020

**Art. 175.** 1. They may be in service in militarized units intended persons who meet the requirements specified in par. 3, unless they meet the premises referred to in paragraph 4.

2. Persons are intended to serve in militarized units by giving them organizational and mobilization assignments to these units. Allocations are also suitable after becoming militarized established organizational units.

3. In peacetime, organizational and mobilization assignments may be made given to men under the age of sixty and women,

who are under fifty-five years of age. After becoming militarized established organizational units, allocations to these units are allocated also to persons who have not reached the age specified in the relevant age provisions on retirement provision.

4. Organizational and mobilization allocations shall not be granted to persons who:

- 1) exceed the age specified in paragraph 3;
- 2) are under eighteen years of age;
- 2a) are soldiers in active military service;
- 3) are persons with an unregulated relationship to military service;
- 4) have crisis or mobilization assignments, or  
employee mobilization assignments to military units;
- 5) are officers of the Police, Internal Security Agency, Intelligence Agency, Central Anti-Corruption Bureau, Border Guard, State Protection Service, Prison Service, Railway Security Guard and the State Fire Service, if these persons under separate provisions can serve in the event of a mobilization announcement and in war and are intended to perform this service;
- 6) they have been recognized as permanently or permanently unable to work on the farm on the basis of the Act of 20 December 1990 on insurance social farmers or for completely incapable of work and independent existence or completely incapable of work under the Act of December 17, 1998 on pensions from the Insurance Fund Social or people with a significant degree of disability or moderate disability within the meaning of the Act of

16/03/2020

August 27, 1997 on occupational and social rehabilitation and employment people with disabilities;

- 7) they have been sentenced to imprisonment and await serving it either they serve her.

5. Persons employed in existing units provided for militarization and organizational units that form the basis of forming specially created units provided for militarization, allocations

organizational and mobilization is suitable in the form of a collective name list.

The other persons referred to in par. 1, organizational and organizational assignments -mobilization is suitable in the form of assignment cards.

6. Organizational and mobilization assignments grant:

- 1) managers of existing units planned for militarization and organizational units constituting the basis for special molding created units intended for militarization, as well as managers militarized units - persons employed in these units, except that those who are soldiers of the reserve are allocated allowances in agreement with the military commandant for additions competent with due to the place of permanent residence of the person to be allocated quota;
- 2) military commanding officers competent for the place of stay permanent (residence) - other persons, at the request of the manager unit intended for militarization.

7. Organizational and mobilization assignment granted in peacetime is subject to annulment if the person who has been allocated:

- 1) received a mobilization card for the military unit;
- 2) was called up for active military service;
- 3) renounced Polish citizenship;
- 4) permanently resident outside the Republic of Poland;
- 5) has reached the age specified in paragraph 3 or has met the conditions specified in para. 4 points 5-7;
- 6) (repealed)
- 7) has received termination or has terminated the employment relationship or service with the employer who assigned the organizational and mobilization assignment.

16/03/2020

8. The Council of Ministers shall determine, by regulation, the procedure to be followed associated with the granting of organizational and mobilization assignments, as well as specimens of the collective name list and assignment card referred to in para. 5, including personal data and place of performance data in the templates the service and acknowledgment of acceptance of the fact of intended service

in a militarized unit. The regulation should also include the manner qualifying people who are expected to be allocated organizational and organizational

- mobilization for militarized units and preparation

demand to supplement the needs of specially created units

provided for militarization of reserve soldiers, with special attention

taking into account the needs of units reporting to the Minister of National Defense,

The Minister of Justice and the ministers competent for internal affairs

and transport.

**Art. 176.** 1. Persons who have been given organizational and mobilization assignments, are required to undergo exercises in units provided for militarization in non-working time of up to fifteen days a year, including no more than five public holidays, subject to the provision of para. 2. The provisions of art. 148 section 3-5 shall apply accordingly.

1a. Persons referred to in paragraph 1 who have or may have access to classified information, subject to the principles set out in regulations on the protection of classified information, proper screening.

Procedure viewing carried Agency Safety

Internal or Military Counterintelligence Service, as appropriate

specified in the provisions on the protection of classified information, upon a written request head of the organizational unit planned for militarization, to which organizational and mobilization assignments were granted.

2. The Council of Ministers shall specify, by regulation, the units envisaged for militarization, to which persons with organizational and organizational assignments - mobilization may be appointed to undergo dimension exercises provided for in art. 104.

3. The Council of Ministers shall determine annually, by regulation, the number of persons appointed in the calendar year to complete exercises in units

16/03/2020

foreseen for militarization, taking into account the need for assurance implementation of tasks envisaged for these units during mobilization and war.

4. Conducting exercises in units intended for militarization is ordered by the Prime Minister.

5. Appointment to undergo exercises in units provided for militarization occurs:

1) in relation to persons employed in existing units

foreseen for militarization and base units

forming specially created units intended for militarization

- in the form of collective name lists drawn up by those managers units;

2) in relation to other persons - in the form of a call issued by

military commander of additions competent for the place

permanent residence of these persons, at the request of the head of the unit intended for militarization.

6. The Council of Ministers shall determine, by regulation, the procedure to be followed associated with the appointment to undergo exercises in the units provided for militarization and the call template referred to in para. 5 point 2, having regard to in particular the manner of summoning persons who are envisaged to be called to serve exercises in units planned for militarization organized in connection with combating natural disasters or removing their effects, as well as exercises performed in the mode of immediate appearance. The call template should include personal data, estimated duration exercises and the date and place of appearance, as well as confirmation of admission to news of the fact of calling to exercise.

**Art. 177.** 1. To persons undergoing training in the units provided for labor law provisions applicable to these employees shall apply to militarization units.

1a. To persons undergoing exercise units provided for militarization applies the dimension and distribution of working time in force in the unit foreseen for militarization.

1b. Extending the working time of people doing exercises in the unit foreseen for militarization outside normal working hours may occur on

16/03/2020

principles and in the manner provided for in the labor law provisions in force in the unit intended for militarization, except that the specified one does not apply

in these provisions the permissible number of overtime hours and is allowed work on public holidays.

1c. A person doing exercises in a unit intended for militarization you can entrust the performance of work of a different kind than the resulting one from an employment relationship or service relationship if it suits her qualifications. The person is then entitled to a corresponding salary type of entrusted work, not lower however than the last received before the day you entrust another type of work. In this case, termination the current working and pay conditions are not required.

2. Persons undergoing training in units provided for militarization, not employed in these units, have rights reserve soldiers undergoing military exercises.

2a. The persons referred to in paragraph 2, is entitled to the specified remuneration for reserve soldiers undergoing military exercises, by rank military owned by these people, and if they do not have a degree military - according to rank military rank.

3. The Council of Ministers shall determine, by regulation, the rates of remuneration people undergoing exercises in units intended for militarization not employed in these entities and the mode of payment by the entity provided for the militarization of their remuneration, with the consideration that the daily wage rate is calculated if time the exercises performed are not less than eight hours.

**Art. 178.** The Council of Ministers shall determine, by regulation:

- 1) tasks related to the preparation of organizational units foreseen for their militarization and bodies obliged to implementation of these tasks, including the scope of projects and their mode performance, deadlines for action, securing needs, providing financial resources;
- 2) the principles of equipping units intended for militarization and units militarized in means of transport, machinery and equipment and in military equipment, including their sources of origin;

16/03/2020

3) the rules and procedure for conducting checks on the preparation status of units organizational plans for militarization and organs competent in these matters, including the subject of the audit and entities subject to control.

**Art. 179.** 1. As of the day on which militarization of established units takes place organizational units, these become militarized units, and people which have been given organizational and mobilization assignments to these units, are persons serving in a militarized unit.

2. After militarization of established organizational units for service in these units they may be appointed by means of assignments organizational and mobilization, also other persons than specified in par. 1 if have qualifications useful for this service.

**Art. 180.** 1. The head of a militarized unit shall release from service in this unit:

- 1) persons who have reached the age specified in the relevant provisions on retirement provision;
- 2) persons who lost their ability to practice.

2. The head of a militarized unit may dismiss from service in this the entity other than persons referred to in para. 1 if they perform activities not directly related to the subject of the entity's operation.

3. Persons dismissed from service in a militarized unit and persons who they were not appointed to this service, they remain employees of the unit militarized.

**Art. 181.** 1. Persons serving in a militarized unit may not terminate the employment relationship with this unit.

2. Termination of employment with a person on duty in the unit militarized can only take place after the person has been released from service.

**Art. 182.** 1. The current employment relationship of persons on duty in militarized units it is suspended on the day of their appointment to this service; at the same time, a service relationship of militarization is created by law, regulated by the provisions of this chapter.

16/03/2020

2. Applies to persons serving in militarized units generally applicable labor law and special provisions, if apply in these units, with the resulting changes and additions from the provisions of this chapter.

2a. The managers of militarized units are responsible for state of safety and hygiene of the service of persons discharging service in these units and are obliged to provide conditions for the protection of their life and health by providing safe and hygienic working conditions.

2b. Persons serving in militarized units in the event of mobilization announcements, martial law and war announcements are entitled free health benefits. The costs of these benefits are covered by part the state budget managed by the body to which the entity is subject militarized.

3. The Council of Ministers may, by regulation, specify specific ones principles of service in militarized units, including the specificity of service in units assigned to the Armed Forces and reporting to the Minister of National Defense, the Minister of Justice, as well as the minister responsible for internal affairs.

3a. In terms of the rights of persons discharging service in units militarized and their family members, the provisions shall apply accordingly Art. 118, 119 paragraph 1, 2 and 4, art. 120, 122, 124-126, 130-132 and art. 136.

4. The militarization service relationship referred to in para. 1, and its effects legal entities expire by law on the day of dismissal from service in the entity militarized.

5. The period of service in a militarized unit is included in the period employment in respect of all rights arising from the employment relationship.

**Art. 183.** 1. Persons serving in a militarized unit are obliged to carry out superiors' orders issued in cases business.

2. Persons serving in a militarized unit may be appointed by the head of the unit for other work positions than they occupied on the day of calling to this service.

3. Appointment to a lower job position may take place only:

- 1) in the event of a violation of the discipline of service in a militarized unit;
- 2) due to the organizational needs of the militarized unit;
- 3) at the request of the person concerned.

4. Persons serving in a militarized unit may be transferred to another unit. The transfer takes place by posting organizational and mobilization assignment.

5. If the transfer referred to in para. 4, would occur by a militarized unit based in another city, a provision paragraph. 4 shall not apply to:

- 1) pregnant women and six months after delivery;
- 2) (repealed)
- 3) persons taking care of:
  - a) children up to the age of sixteen,
  - b) jointly ill persons with bedridden or persons living with them, for whom permanent inability to work on the farm was issued on the basis of the Act of 20 December 1990 on insurance socially farmers, or considered completely incapable of work and independent existence under the Act of 17 December 1998 on pensions from the Social Insurance Fund, or included in people with a significant disability on pursuant to the Act of 27 August 1997 on vocational rehabilitation and social and employment of disabled people, if this care cannot be entrusted to another person.

**Art. 184.** 1. Persons serving in a militarized unit shall receive in the event of a mobilization, martial law or war announcement, subject to paragraph 2, remuneration according to the position held misconduct.

2. The remuneration of persons on duty in a militarized unit is not may be lower than that received on the day of being called to this service.

3. The Council of Ministers may specify, by regulation, other than referred to in paragraph 1 rates of remuneration for persons performing service in units militarized, taking into account the scope of tasks entrusted to individual positions.

**Art. 185.** 1. Service in militarized units shall be performed in the dimension and time distribution specified in generally applicable regulations labor law.

2. The minister (voivode) to whom the militarized unit is subject may determine other than specified in paragraph 1 dimension and time distribution of service, with observance right to rest.

3. The time of service determined by the competent authorities pursuant to para. 2 can't violate generally applicable labor law regulations regarding protection women's work and youth employment, as well as working time employees employed in particularly onerous conditions or harmful to health and employees recognized as disabled within the meaning of the provisions on vocational and social rehabilitation and employment people with disabilities.

**Art. 186.** 1. Persons who undergo exercises in units provided for militarization and serving in militarized units are obliged to wear during exercise or service uniforms and signs, if uniforms and signs have been established for the organizational unit, in which exercises or service are carried out.

2. Persons performing exercises in units provided for militarization and service in militarized units are bound to wear during exercise or service, armaments and other equipment special provided for in separate regulations for units organizational units in which exercises are carried out or service is performed.

**Art. 187.** 1. The head of the unit intended for militarization shall be head of an organizational unit which is expected to be militarized, or head of the organizational unit constituting the base for special forming of the militarized unit being created.

2. The head of the militarized unit is the head of the unit organizational subject to militarization.

3. Units intended for militarization in matters of their preparation militarization is subject to the relevant ministers (voivods) in accordance with with generally applicable regulations.

4. Militarized units are subject to the ministers competent for the subject of their activity or the competent voivods, in accordance with generally applicable regulations.

5. Militarized units perform tasks set by the authorities, to which they are subject.

**Art. 188.** 1. The Council of Ministers may assign militarized units ministers (voivods) other than those referred to in art. 187 paragraph 3 and 4 or organs civil defense.

2. The Council of Ministers may assign militarized units to the Forces Of the Armed Forces of the Republic of Poland.

3. In the cases referred to in para. 2, a militarized unit reports to a military body determined by the Minister of National Defense.

4. The Council of Ministers shall determine, by regulation, detailed rules and the procedure to be followed in the matters referred to in para. 1-3, including in particular the organizational needs of the Armed Forces of the Republic of Poland and command structures for these Armed Forces in peacetime and in case of an accident war.

## CHAPTER VI

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## CHAPTER VIA

### **Granting consent to Polish citizens to serve in a foreign army or a foreign army military organization**

**Art. 199a.** 1. A Polish citizen may accept service in a foreign army or foreign military organization with the consent of the body referred to in art. 199d.

2. Consent shall not be granted if a mobilization is announced, during war and in the event of introduction throughout the territory of the Republic of Poland martial law or state of emergency.

3. Polish citizens who before the announcement, existence or the introduction of the states referred to in paragraph 2, have obtained permission to accept services in a foreign army or foreign military organization may perform this service for the period for which consent has been given to them, provided they have already begun to exercise this service.

4. The obligation to obtain the consent referred to in para. 1, not applicable Polish citizens who are also citizens of another country, if permanently reside in its territory and intend to accept service in the armed forces or a military organization of that country.

5. Consent is granted only upon a written request of a Polish citizen, who intends to accept service in a foreign army or foreign military organization, submitted to the competent authority referred to in art. 199d.

6. To the application referred to in par. 5, shall be attached:

- 1) a criminal record certificate from the National Criminal Record;
- 2) a certificate from the head of the tax office regarding the lack of arrears tax;
- 3) certificate of the competent branch of the Social Insurance Institution or Kasa Rolniczego Ubezpieczenia Społecznego (Agricultural Social Insurance Fund) with no arrears social security and health insurance contributions;
- 4) certificate from the National Court Register of non-configuration in the register insolvent debtors;

**<5) statement of the person referred to in para. 5 that is not disclosed in National Register of Indebted Persons.>**

**Art. 199b** A Polish citizen subject to universal suffrage the duty of defense may be granted permission to serve in a foreign army or a foreign military organization only if it has a regulated relationship with military service, is not a soldier in active military service and is not has a crisis, mobilization and employee assignment mobilization assignment or organizational and mobilization assignment, a the competent military commanding officer does not conduct the proceedings in the case giving this citizen any of these assignments.

**Art. 199c.** 1. Consent to serve in a foreign army or foreign organization military may be granted, subject to the provisions of para. 2 if they are met jointly the following conditions:

- 1) this service does not infringe the interests of the Republic of Poland;
- 2) service is not prohibited by international law;

**5 point added paragraph. 6 in art. 199a will come into force with dn. 1/12/2020 (Journal of Laws of 2018 Pos. 398 and with 2019 item 55).**

3) service will not affect tasks performed by the Armed Forces;

16/03/2020

4) there is no obstacle referred to in art. 199b.

2. No consent is given for service in a foreign army or foreign organization military despite meeting the conditions set out in paragraph 1 if the citizen Polish, applying for consent:

1) was transferred to the reserve as a result of recognition by the competent commission doctor for incapable of active military service in peacetime (category "D" of capability for active military service);

2) did not meet at least one of the obligations set out in Art. 31a section 2 Art. 32 section 1 and 4, art. 34, art. 40, art. 48 paragraph 1, art. 52 paragraph 1 and art. 53 section 1 and 3-6 if he was required to comply with them;

3) he was not appointed and did not undergo any basic military service, training military, military exercises, exercises in the units provided for militarization or civil defense service for reasons attributable to the party citizen;

4) has been recognized by the competent medical commission as permanent and complete incapable of active military service in peacetime and in the event of mobilization and war announcements (category "E" of active capacity military service);

5) has submitted an application to be assigned to substitute service, it was intended to substitute service, he was sent to perform substitute service, he performed substitute service, he was transferred to the reserve after serving substitute or without replacement;

6) he has been sentenced by a final judgment of the court to at least one imprisonment, including conditional suspension embodiment;

7) is serving a prison sentence or awaiting its execution;

8) is in a trial period in the performance of a conditionally suspended sentence imprisonment;

9) he is serving a penalty of restriction of liberty;

10) has tax arrears or arrears due to insurance premiums social or health;

[11) is entered in the register of insolvent debtors.]

16/03/2020

**<11) is entered in the Register of Insolvent Debtors of the National Register Court or disclosed in the National Register of Indebted Persons.>**

3. Submission of the application referred to in art. 199a section 5, does not cause the obligation to refer a Polish citizen seeking consent to the competent military medical commission to determine the capability to be active military service.

**Art. 199d** 1. Consent to serve in a foreign army or foreign organization military officer grants or refuses to grant it, subject to para. 2, minister competent for internal affairs, after consulting the Minister of Defense National and minister competent for foreign affairs or bodies by them authorized.

2. Polish citizens who are former professional soldiers of consent Minister of National Defense grants or refuses to grant it, after consultation opinion of the minister competent for foreign affairs or the body by him authorized.

3. Polish citizens residing or temporarily staying above three months abroad submit an application for permission to serve in a foreigner army or foreign military organization to the body referred to in paragraph 1 or 2, for through the Polish consular post.

4. Consent is granted and refused by way of decision administration.

5. Persons who have been granted permission to serve in a foreign army or foreign military organization, the allowances listed in Art. 199b for the period for which the consent was given.

6. The consenting authority shall notify the competent military officer the commander of additions for each case granted to a Polish citizen permission to serve in a foreign army or foreign military organization.

**New sound point 11 in paragraph 2nd century Art. 199C will come into force with dn. 1/12/2020 (Journal of Laws of 2018 Pos. 398 and with 2019 item 55).**

**Art. 199e.** Granting permission to serve in a foreign army or foreign organization does not give rise to the responsibility of the organs of the Republic of Poland for the consequences of taking up this service.

**Art. 199f.** The Council of Ministers shall determine, by regulation:

16/03/2020

- 1) the procedure for granting Polish citizens permission to serve in a foreign army or foreign military organization, whereas in the consent given provide the name of a foreign army or foreign military organization in which service may be performed, the period for which consent is given, and a requirement notifying the Polish consular post about the date and place commencement and termination of service;
- 2) specimen application for permission to serve in a foreign army or a foreign army military organization;
- 3) the scope of information for which they apply to the minister competent for matters foreign or a body authorized by him granting authorities consent, as well as the scope of information requested by the Minister of Defense National or a body authorized by him, the minister competent for home affairs, always bearing in mind the obligation securing the interests of the Republic of Poland and possibilities performing tasks by the Armed Forces.

## CHAPTER VII

### **Defense benefits**

#### Chapter 1

#### **Personal benefits during peace**

**Art. 200.** 1. For persons who have completed Polish citizenship sixteen, and not exceeding sixty years of age, can be imposed the obligation of personal benefits consisting in the performance of various types ad hoc work for the preparation of state defense or combating disasters natural disasters and their effects.

2. The obligation to provide personal benefits may also include an obligation

use of simple tools possessed, and in relation to contractors  
benefits consisting in the delivery of documents of appointment to active service  
military and calls for benefits, hereinafter referred to as "couriers" -  
also owned means of transport.

3. The obligation to provide personal benefits may be imposed on the relationship  
with military exercises, exercises in units provided for  
militarization, civil defense exercises and practical exercises

16/03/2020

in the field of universal self-defense, as well as to provide and service  
items of benefits in kind, subject to paragraph 4.

4. In relation to couriers, the obligation of personal benefits may be  
imposed to check the mobilization readiness of the Armed Forces and in  
in the event of an immediate appearance of soldiers  
reserves with crisis assignments or calls on OT soldiers to  
appearing in territorial military service on a rotational basis.

**Art. 201.** 1. The duration of personal benefits may not exceed  
twelve hours at a time, in relation to couriers and people  
providing and servicing items of benefits in kind - forty  
eight hours.

2. The obligation to perform a personal benefit may be imposed  
at most three times a year.

3. Until the performance of the personal benefits referred to in para. 1  
includes:

- 1) travel time to the place of performance of the personal benefit and return to  
permanent or temporary residence exceeding three months,  
not more than two hours in total;
- 2) time spent on rest, but no more than eight hours, if  
the benefit is provided for more than twelve hours.

**Art. 202.** 1. The head of commune or mayor (city president) imposes, by means of a decision  
administrative obligation to provide personal benefits at the request of the military  
commandant of supplements, head of the organizational unit being the base  
forming a specially created militarized unit, unit manager

organization performing tasks for the purposes of national defense, in question in art. 208 paragraph 2, or the competent civil defense authority.

2. The decision to impose an obligation to perform a personal benefit is served on the obliged person and the applicant in writing together with a justification, fourteen days before the due date for performance.

3. The decision referred to in para. 1 shall apply to an obliged person and the applicant, appeal to the voivode, within 7 days of delivery

16/03/2020

decision. This decision may be changed by the voivode ex officio, if was issued in violation of the law.

4. The decision referred to in para. 1, immediate rigor enforceability within the time limit specified therein.

5. A person who has an obligation to perform a personal benefit, is obliged to appear to perform this benefit at the time and place indicated in the decision.

6. The provisions of art. 60 and 61 shall apply accordingly.

7. The provisions of para. 1-5 shall not apply to couriers.

**Art. 203.** 1. The commune head or mayor (city president) issues in peacetime an administrative decision to assign a person to perform benefits personal, including planned to be carried out in the event of mobilization announcement and during the war, at the request of organs and organizational units about which referred to in art. 202 clause 1.

2. Persons are designated for the courier function ex officio or upon request military commanding officer.

3. The decision referred to in para. 1 shall be delivered to the person intended for performing personal benefits and the applicant in writing together with justification.

4. The decision referred to in para. 1 is entitled to the person intended for performing personal benefits and the applicant's appeal to the voivode, within fourteen days from the date of delivery of the decision.

5. Persons to whom final administrative decisions have been issued

for the purpose of providing them with personal benefits, may be ex officio or at the request of the bodies and heads of the organizational units in question in art. 202 clause 1, summoned by the commune head or mayor (city president) to performance of these benefits.

6. Call the persons designated for the courier function to perform personal benefit consisting in the delivery of the documents in question in art. 200 paragraph 2 may be ex officio or at the request of a military commander additions.

7. The calls referred to in para. 5 and 6, may require to performance of personal benefits in immediate appearance mode.

16/03/2020

8. The calls referred to in para. 5 and 6, there is no appeal.

9. Persons referred to in para. 5 and 6, are obliged to appear to performance of the personal benefit on the date and place indicated in the call.

10. The provisions of art. 60 and 61 shall apply accordingly.

**Art. 204.** 1. A lump sum shall be payable for the performance of a personal benefit hourly in the amount of 1/178 of the minimum wage applicable in December of the previous year, determined on the basis of regulations Act of 10 October 2002 on the minimum wage for work, for every hour of time referred to in art. 201 clause 1 and 3, subject to the provisions of para. 2 and 3.

2. If the personal benefit is provided by the employee over time work and the employer has not paid remuneration for work time abandoned due to a personal benefit, the person performing the benefit is entitled to abandoned working time cash payment - instead of the lump sum payment in question in paragraph 1, in the amount corresponding to the lost remuneration for work. This payment is made on the basis of an employer's certificate.

3. If the personal benefit is provided by the employee over time holiday leave, the person performing the benefit is entitled to time performance of the benefit, equal to the average daily working time, cash payment, instead of the lump sum referred to in para. 1, calculated according to rules applicable when determining remuneration for vacation leave.

This payment is made on the basis of an employer's certificate.

4. The lump sum and payment referred to in para. 1-3, the unit pays organizational unit for which personal benefit is performed.

5. Persons performing personal benefits are entitled to free of charge board according to the rules specified for soldiers undergoing basic training military service or a lump sum corresponding to the rates of such meals, as long as time is available the performance of the personal benefit is longer than eight hours. Until then the time referred to in art. 201 clause 3 point 1.

6. Travel costs to the place of performing the personal benefit and return to the place of permanent residence or temporary stay of more than three months are borne by the organizational unit for which the item is performed provision.

16/03/2020

**Art. 205.** 1. The employer shall dismiss (justify absence from work) of the employee for the time necessary to perform the benefit personal.

2. Time off work (absenteeism) due to performance personal benefits are included in the period of work required for the purchase or retaining employee rights.

**Art. 206.** 1. Persons who perform personal benefits who become sick or have suffered damage while or in connection with the provision of these benefits either directly to the place of performance or on the way return, you have the right to free use of the services of entities medicinal products which are not entrepreneurs within the meaning of the provisions on operations treatment.

2. (repealed)

3. Persons who have suffered damage as a result of an accident arising during or in connection with the performance of personal services, or on the direct route to the place of performance of these benefits or on the road return, and family members of people who died as a result of such an accident are entitled to benefits according to the rules and in the mode provided for employees in the provisions on benefits in respect of accidents at work and diseases

professional, except that the right to benefits is determined and benefits are paid by the Company Social Security.

**Art. 206a.** 1. The obligation to provide personal benefits is not subject to, subject to paragraph 2:

- 1) persons elected to the Sejm and Senate of the Republic of Poland or bodies local government for the duration of his mandate;
- 2) soldiers on active military service and persons served on them appointment card for this service, if the time of appearance for service conflicts with the date of performance;
- 3) persons performing basic civil defense service or service replacement;
- 4) persons for whom permanent or long-term inability to work has been declared on a farm pursuant to the Act of 20 December 1990.

16/03/2020

on social insurance for farmers, persons considered completely incapable for work and independent existence or completely incapable of working on pursuant to the Act of 17 December 1998 on pensions from the Social Insurance Fund, as well as persons classified as persons severely or moderately disabled disability within the meaning of the Act of 27 August 1997. on professional and social rehabilitation and employment of people disabled;

- 5) judges, deputy judges, prosecutors, police and agency officers Internal Security, Foreign Intelligence Agency, Counterintelligence Service Military, Military Intelligence Service, Central Office Anti-Corruption, State Protection Service, Border Guard, Service Prison, State Fire Service, Railway Security Guard and employees of specialized armed protective formations in subordinate, subordinate or organizational units supervised by ministers, heads of central offices, voivods, the President of the National Bank of Poland and the National Council Broadcasting;

- 6) pregnant women and six months after delivery and the person caring for children under eight years of age;
  - 7) persons caring for children who have lived with them for years eight to sixteen persons against whom permanent incapacity has been declared work on a farm or found to be completely incapable of work and independent existence or are classified as significant degree of disability under the laws referred to in point 4, and bedridden persons, if this care cannot be entrusted other people;
  - 8) persons employed as managers of medical entities who are not entrepreneurs within the meaning of the provisions on operations medical and social care facilities care and education.
2. Release of the persons referred to in para. 1, from the obligation to provide benefits personal is based on documents confirming the reason

16/03/2020

release and presented to the head of the commune or mayor (city president) by interested persons.

**Art. 207.** 1. The Council of Ministers shall determine, by regulation:

- 1) the mode and scope of planning and imposing the obligation of personal benefits, allocate and exempt from these benefits and perform them;
- 2) templates of plans and lists of personal benefits maintained by voivode, local military administration bodies, self-government bodies territorial and organizational units for which it can be personal benefit performed;
- 3) models of administrative decisions, applications, calls and notices, and certificates issued regarding personal benefits;
- 4) the mode of paying a lump sum and cash payments for the performance of services personal and documents submitted for payment.

2. In the regulation referred to in para. 1 should be included in particular, the priority of tasks carried out by the Armed Forces or tasks implemented on their behalf, the obligation to inform those authorities and them

notification by persons intended or obliged to perform personal benefits about situations and circumstances affecting their performance, manner and place of storage of documents and scope providing or delivering plans and lists of personal benefits or their excerpts or other documents drawn up in these matters, possibility paying lump sums and cash receivables not earlier than after they have been made personal benefits and the obligation to return them in case of undue payment payment.

**Article 207a** The voivode coordinates activities in the voivodship local government bodies in the scope of planning and imposing obligations personal benefits, including:

- 1) maintains a collective list of personal benefits provided for implementation in the province;
- 2) plans financial expenses related to imposing the obligation to provide benefits personal in the region;

16/03/2020

- 3) supervises tasks related to planning, typing and application personal benefits in the voivodship;
- 4) analyzes the needs and possibilities of providing personal benefits by the authorities municipalities within the voivodship, and if necessary indicates the head of the village head or mayor (city president) who can accomplish the imposition tasks these benefits.

## Chapter 2

### **Benefits in kind during peace**

**Art. 208.** 1. For state offices and institutions as well as entrepreneurs and others organizational units as well as natural persons may be subject to an obligation benefits in kind, consisting in putting into use owned real estate and movable property for the purpose of preparing the defense of the State.

2. Benefits in kind may be provided to the Armed Forces, organizational units constituting forming bases specially created

militarized units, civil defense organizational units and organizational units performing tasks for the purposes of national defense or combating natural disasters and eliminating their effects.

2a. Organizational units performing tasks for the purposes of defense states are organizational units of the Police, Security Agency Internal, Foreign Intelligence Agency, Central Anti-Corruption Bureau, Guard Border Protection Service, State Fire Service, Service Prison, organizational units subordinate and supervised by the Minister National Defense, not part of the Armed Forces, as well as state organizational units referred to in art. 221 section 1 and 2.

3. The provision of para. 1 does not apply to temporary accommodation of the Forces Armed.

4. The subject of benefits in kind may not be:

1) grounds, rooms, means of transport, machinery and other equipment, located owned by:

a) organizational units serving directly the Sejm's activities

and the Senate of the Republic of Poland, the Chancellery of the President The Republic of Poland, the Chancellery of the Prime Minister,

16/03/2020

ministries and voivodship offices and the National Bank

Polish and banks, as well as the State Paper Factory

Valuable and the State Mint,

b) subordinate, subordinate or organizational units

supervised respectively by the Minister of National Defense,

Minister of Justice, minister competent for internal affairs,

minister competent for computerization, Head of the Agency

Internal Security, the Head of the Foreign Intelligence Agency and the Head

Central Anti-Corruption Bureau,

c) diplomatic missions and consular posts of states

strangers and other agencies and institutions equated with them

as regards privileges and immunities pursuant to laws, agreements or

commonly established international customs as well

members of these representations, offices and institutions, and their members families, as well as other people equaled with them in terms of privileges and immunities if they do not have Polish citizenship;

2) libraries, museums, archives and monuments recognized by the President

Of the Republic of Poland for historical monuments and cultural goods about referred to in art. 218 of the Act, and objects inscribed on the "heritage list" on the basis of the World Protection Convention cultural and natural heritage, adopted in Paris on November 16 1972 (Journal of Laws of 1976, items 190 and 191);

3) scientific and artistic collections of a public nature;

4) temples, prayer houses, and rooms for churches and other associations

denominational entities having legal personality, together with those present in them, objects intended for religious worship;

5) items excluded from enforcement pursuant to the provisions of the Act of

June 17, 1966 on enforcement proceedings in administration (Journal of Laws from 2018 item 1314, with later d. 5 ), except for simple tools and means of transport;

6) national parks and nature reserves;

<sup>5)</sup> Amendments to the consolidated text of the said Act were announced in the Journal of Laws Of Laws of 2018, item 1356 1499, 1629, 2192, 2193 and 2432 and from 2019, item 730.

16/03/2020

7) kindergartens, orphanages, care and education centers, schools

special and boarding schools, special educational and schooling centers  
- educational and psychological and pedagogical counseling centers;

8) telecommunications equipment and networks:

a) included in the action plans referred to in art. 176a section 2 of the Act of July 16, 2004 - Telecommunications Law (Journal of Laws of 2018, item 1954, 2245 and 2354 and from 2019 item 643, 730 and 1030), provided for use for the needs of organizational units referred to in paragraph 2

b) necessary to implement decisions imposed on entrepreneurs telecommunications by the President of the Office of Electronic Communications in the manner specified in art. 178 paragraph 1 of the Act of 16 July 2004 -

Telecommunications law;  
9) motor vehicles not allowed to traffic on public roads and  
used only for internal transport, after presentation by  
holder of relevant documents.

5. The Council of Ministers shall determine, by regulation, for implementation  
necessary benefits in kind:

- 1) the type and number of properties that can be used for this purpose  
in a given calendar year,
- 2) the type and number of movable property which may in a given calendar year  
be downloaded for this purpose,  
taking into account in particular the needs related to conducting qualifications  
military, conducting military exercises, including organized ones  
with the immediate appearance of reserve soldiers  
and checking the mobilization readiness of the Armed Forces.

**Art. 209.** 1. The time for performing benefits in kind may not exceed  
once in case of collecting the subject of the service:

- 1) to check the mobilization readiness of the Armed Forces - forty  
eight hours;
- 2) in connection with military exercises or exercises in units  
scheduled for militarization - seven days;
- 3) in connection with civil defense exercises or practical exercises  
in terms of universal self-defense - twenty-four hours.

16/03/2020

2. The imposition of the obligation to provide benefits in kind may take place at the most  
three times a year, except that in the dimension specified in par. 1 point 2 - only once.

3. Until the performance of benefits in kind, referred to in para. 1  
the time necessary to deliver the subject of the service to the indicated is included  
place and its return to the place of parking (storage), no more however  
than two hours.

4. The restriction referred to in para. 1, does not apply to use  
real estate made available during registration and  
military qualification.

5. The restrictions referred to in para. 1 and 2 and in art. 210 and 211, not applicable

to use real estate and movable property made available for the purpose combating natural disasters and eliminating their effects.

**Art. 210.** 1. The commune head or mayor (city president) issues a decision administrative of the purpose of real estate or movable property for purposes benefits in kind, including those planned to be carried out in the event of an advertisement mobilization and during war, at the request of authorities and heads of units organizational matters referred to in art. 202 clause 1.

1a. The application for the decision referred to in para. 1, intended use real estate or movable property for the purpose of providing services in connection with their use during the military qualification he submits according to the tasks of a voivode or governor the governor.

2. The decision referred to in para. 1 shall be delivered to the property owner or movable property and the applicant in writing with reasons.

3. The decision referred to in para. 1 is entitled to the holder real estate or movable property and the applicant, appeal to the voivode, within fourteen days from the date of delivery of the decision. This decision can be changed by the voivode also ex officio if it was issued in violation legal regulations.

4. In the decision referred to in para. 1, holders may be obliged real estate or movable property to perform these benefits without separate call.

16/03/2020

**Art. 211.** 1. The owner of real estate or movable property towards which a final administrative decision has been issued on the intended use of the property, or movable property for the purpose of benefits in kind may be, at the request of the authorities and heads of organizational units referred to in art. 202 clause 1 summoned by the commune head or mayor (city president) to do this benefits.

2. The request referred to in para. 1, shall be served fourteen days before the date of performance, except for cases where performance

benefits are made to check the mobilization readiness of the Forces Armed.

3. From the call referred to in para. 1, no appeal shall be available.

4. The request referred to in para. 1, immediate rigor enforceability within the time limit specified therein.

5. The holder referred to in para. 1, is obliged to hand over the subject of the benefit at the time and place indicated in the call.

6. The provisions of art. 60 and 61 shall apply accordingly.

**Art. 212.** 1. Holders of real estate and movable property towards which a final decision was made on the use of these properties and things movable for the purpose of benefits in kind, are obliged to inform the commune head or the mayor (city president) to dispose of this property or thing mobile.

2. Government administration bodies, local government bodies and entrepreneurs are obliged, at the request of military commanders of additions and competent civil defense authorities to provide information, according to records held, on the condition of real estate and movable items that may be subject of benefits in kind.

**Art. 213.** 1. The holder of the subject of the service requested to perform the benefit is obliged to hand it over for use in a usable condition along with the documents related to him.

2. The subject of the benefit is obliged to use it in a manner corresponding to its properties and purpose. The taker bears ordinary costs and other burdens related to the maintenance of the subject of the service,

16/03/2020

and the expenditure or outlays made by him on the subject of the benefit no are refundable.

3. The subject of the benefit is responsible for its loss or damage and for damages resulting from using it in a manner contrary to his properties or purpose.

4. The recipient is obliged to return the benefit to the holder

in good condition. The recipient is not responsible for consumption the subject of the service resulting from the correct use.

5. The subject of the benefit is liable for consequential damages from failing to return it on time and from repairs carried out after that date as a result of damage caused during use by the recipient.

6. The claims of the holder against the recipient referred to in para. 3-5 the limitation period is one year from the date of return of the subject of the service.

**Art. 214** 1. A person is entitled to use the subject of the benefit in kind a lump sum payment equivalent to the damage suffered as a result of its delivery and its depreciation rate.

2. A lump-sum payment is made for using the subject of benefits in kind organizational unit for which the benefit has been provided.

**Art. 215.** 1. The Council of Ministers shall determine, by regulation:

- 1) the mode and scope of planning and imposing the obligation on benefits in kind, allocate and exempt from these benefits and perform them;
- 2) types of plans, lists and lists of benefits in kind kept by a voivode, local organs of military administration, organs local government and organizational units for which it can benefit in kind;
- 3) templates of administrative decisions, applications, calls for benefits property;
- 4) the mode and scope of the request and transmission of information referred to in art. 212;
- 5) mode of delivery, acceptance and return of the subject of benefits in kind, as well as the procedure pursuing claims referred to in art. 213;

16/03/2020

6) list of daily flat-rate rates for using individual items benefits in kind referred to in art. 214.

2. In the regulation referred to in para. 1 should be included in particular, the priority of tasks carried out by the Armed Forces or tasks implemented on their behalf; obligation to inform authorities and units

organizational matters pertaining to benefits in kind and their notification by persons obliged to perform these benefits about situations and circumstances affecting their performance; way and place of storage of documents and scope of provision or delivery plans, lists and lists of benefits in kind or their extracts, or other documents drawn up in these cases; storage option and delivery of calls for benefits in kind by the authorities or organizational units for which the service will be performed property; possibility to inspect real estate and movable property, which may or are the subject of benefits in kind; road release court proceedings in pursuing claims referred to in art. 213, and the fact that a lump sum for using individual items of benefits tangible is subject to annual adjustment.

**Art. 215a.** The voivode coordinates activities in the voivodship local government bodies in the scope of planning and imposing obligations benefits in kind, including:

- 1) maintains a collective list of benefits in kind provided for implementation in the province;
- 2) plans financial expenses related to imposing the obligation to provide benefits material in the voivodship;
- 3) supervises tasks related to planning, typing and application benefits in kind in the voivodship;
- 4) analyzes the needs and possibilities of providing benefits in kind by commune authorities within the voivodship, and if necessary indicates the head of the commune or the mayor (city president) who can complete the imposition tasks these benefits.
- 5) (repealed)

16/03/2020

### Chapter 3

#### **Benefits in the event of mobilization and during war**

**Art. 216.** 1. Persons subject to the obligation of personal benefits may

be called at any time in the event of mobilization and during the war performing various types of ad hoc work for the Armed Forces, defense civil or organizational units performing defense tasks countries.

2. The duration of personal benefits may not exceed seven days at a time.

**Art. 217.** 1. Government administration bodies, self-government bodies territorial, entrepreneurs and other organizational units, organizations social and natural persons may be in the event of mobilization and in time wars obliged to perform benefits in kind, consisting in handing over owned real estate and movable property for use by the Forces Armed, civil defense organizational units or organizational units performing tasks for the purposes of national defense.

2. Items of benefits in kind shall be refunded after the cessation of need their use.

**Art. 218.** Cultural goods under special protection within the meaning of the Convention of the Hague of May 14, 1954 on the protection of cultural property in the event of a conflict armed (Journal of Laws of 1957, item 212) or reinforced protection within the meaning The Second Protocol to this Convention of 26 March 1999 may not be subject of benefits in kind. Cultural goods subject to this General protection conventions may be subject to benefits in kind only with the consent of the voivodship conservator.

**Art. 219.** 1. The obligation of personal and material benefits is imposed by the head of a commune office or mayor (city president) based on ad hoc applications submitted by bodies and heads of organizational units referred to in art. 202 paragraph. 1, as well as commanders of military units.

2. The decision to impose the obligation to provide is subject to rigor immediate enforceability within the time limit specified therein.

16/03/2020

3. Mayor, mayor (city president) in special situations, maybe impose the obligation of personal or kind benefits also by way of

notices or otherwise.

4. The obligation of personal benefits shall not apply to persons advertised from the obligation to perform active military service.

5. For personal benefits performed during mobilization and war the provisions of art. 200 paragraph 1 and 2, art. 201 clause 3, art. 204-206 and art. 207a.

6. For benefits in kind performed during mobilization and war the provisions of art. 208 paragraph 4, art. 209 paragraph 3, art. 211-214 and art. 215a.

7. Persons intended for personal benefits during peace or in kind are obliged to perform them on the date and place specified in the decision on the destination or in the call to perform these benefits.

8. The Council of Ministers shall determine by regulation:

- 1) the procedure and scope of imposing the obligation to provide personal and material benefits;
- 2) models of administrative decisions, applications and notices, as well as certificates issued in cases of personal and kind benefits;
- 3) detailed rules and procedure for payment for the use of items of benefits property;
- 4) the procedure and method of determining and paying compensation for damages caused to them;
- 5) the method of paying the lump sum and cash payments for the performance of services personal documents as well as documents submitted for their payment.

9. In the regulation referred to in para. 8 should be included in particular, the priority of tasks carried out by the Armed Forces or tasks implemented on their behalf; an obligation to inform those authorities and them notifying persons obliged to perform benefits about situations and circumstances affecting their performance; opportunity to make payment for the use of the subject of an in-kind benefit or payment lump sum and cash payments for the performance of a personal benefit no earlier than after the performance of this benefit and the obligation to return it in the event of an undue payment.

16/03/2020

**Art. 220.** Persons obliged to perform personal benefits and their family members have the rights specified in art. 206.

#### Chapter 4

#### **Special benefits**

**Art. 221.** 1. Local government administration bodies, state institutions, local government bodies as well as entrepreneurs and other entities  
Organizational fees may be required for:

- 1) adaptation of owned real estate and movable property to needs  
defending the State without changing their properties and purpose;
- 2) adaptation of built (rebuilt and expanded)  
buildings and manufactured movable items as required  
defending the State without changing their properties and purpose;
- 3) collection, storage and maintenance of items necessary for  
performing the actions referred to in items 1 and 2.

2. Local government administration bodies, state institutions, bodies local government and entrepreneurs and other organizational units may be obliged to perform mobilization tasks for a fee  
Armed.

3. The obligations and tasks referred to in para. 1 and 2 shall be financed from the state budget.

**Art. 222.** 1. The Council of Ministers, by regulation, shall determine the organs competent to impose the obligations and tasks referred to in art. 221 section 1 and 2.

2. In matters referred to in para. 1, the provisions of the Code shall apply administrative proceedings.

3. Performance of an obligation or task shall be based on a contract concluded with the contractor by the competent authority.

**Art. 223.** 1. (repealed)

2. The Council of Ministers shall determine, by regulation, the principles and procedure for imposition and perform the duties and tasks referred to in art. 221 section 1 and 2, rules payments for their implementation and rules for carrying out by the competent authorities control of their implementation.

16/03/2020

## Chapter 5

### Records of benefits

**Art. 223a.** 1. Military commanding officers lead with authorization Minister of National Defense military records of natural and legal persons and organizational units without legal personality subject to the obligation to provide defense and movables and real estate property being or likely to be the subject of benefits in kind, which the recipient is or may be the Armed Forces.

2. The military records referred to in para. 1 as regards natural persons, legal persons and organizational units without legal personality intended for the performance of defense services performed for the benefit of military units as well as movable and immovable property subject of benefits in kind in military units lead also commanders of these units.

3. Military commanders make supplements available to unit commanders military data from the military records referred to in para. 1, including records of natural persons, legal persons and organizational units not having legal personality intended to perform services for the defense of services carried out for these units and movable items and real estate subject to benefits in kind in these units.

4. The military records referred to in para. 1, at central level runs the head of the Ministry's organizational unit in the IT system National Defense competent in matters of personnel resources management.

5. Public administration bodies and entrepreneurs are obliged to free access to necessary data for processing in the military records referred to in para. 1.

6. To military records kept at central level, as part of sharing data necessary to conduct it, is transferred to IT data carrier or by teletransmission data from a central one vehicle records and the data specified in art. 80b paragraph 1 point 1 letter b point 2 lit. a, b, die, point 3 lit. a, b, die, point 4 lit. a, b, die, point 10 - in the range

date of technical inspection and vehicle odometer reading at the moment technical examination with a unit of measure, item 13 - regarding the brand, category, type, model, variant, version, type and year of manufacture of the vehicle, point 14 - in terms of the date of the theft and date of finding the vehicle and point 18 - in the scope vehicle EC type-approval certificate number, type-approval certificate vehicle, individual vehicle approval or individual approval EC vehicle - the Act of 20 June 1997 - Road Traffic Law.

7. The Minister of National Defense shall determine, by regulation, the types movables and real estate subject to military records, scope and the method of keeping records, taking into account in particular data personal persons subject to the obligation of defense benefits, including owners, owners or users of movables and real estate covered by the records, the method of collecting, recording and storing data, as well as the mode and scope of sharing.

## CHAPTER VIII

### **Penal, transitional and final provisions**

#### Chapter 1

#### **Penal provisions**

**Art. 224.** Who, contrary to the obligations arising from acts or regulations issued on its basis:

- 1) does not appear for military qualification before the commune head or mayor (the president of the city), before the competent medical commission or before a military commander of additions at a specified time and place, no he puts himself in a military psychology lab or doesn't documents whose presentation has been ordered,
- 2) does not report to regulate the relation to the general obligation defense,
- 3) fails to report within the specified time and place at the call of the competent authorities in matters relating to the general obligation to defend, and refuses to undergo medical examinations,
- 3a) does not notify the military commander of additions appropriate for the purpose to the place of permanent residence (permanent residence) or temporary stay

- over three months of an employee about his employment and dismissal, and about qualifications and position held,
- 3b) does not notify the military commander of additions appropriate for the purpose to the place of permanent residence (permanent residence) or temporary stay over three months of student (pupil) admitting him to school, crossing out from the list of students (pupils), expulsion, leave of study leave and about his graduation (education),
- 4) fails to comply with the obligation to notify changes referred to in art. 53 section 1
- 5) changes location without obtaining permission from the unit commander military
- 6) leaves the territory of the State or stays abroad without permission military organs,
- subject to a fine or the penalty of restriction of liberty.

**Art. 225.** 1. Who, without just cause:

- 1) being a reserve soldier, he does not register within a specified time and place at military exercises lasting up to twenty-four hours,
- 2) being designated for training or exercises in civil defense does not report come to this service at a specific time and place,
- 3) having an organizational and mobilization assignment to the unit provided for militarization is not reported within the specified time and place to be held exercises in this unit,
- is punishable by detention for up to 30 days or a fine.

2. The same penalty shall apply to who:

- 1) persistently evades the execution of official orders in time undergoing training or exercises in civil defense or in time training in units intended for militarization;
- 2) while performing exercises in the unit intended for militarization arbitrarily leaves the designated place of residence.

**Art. 226.** Whoever persistently fails to perform his duties in the field universal self-defense of the population,  
subject to a fine.

**Art. 227.** 1. Who, contrary to the obligations arising from the Act or regulations issued on its basis:

- 1) evades the performance of the obligation to provide personal or material benefits,
- 2) does not notify the competent authority about the disposition of real estate or

a movable item intended for the purpose of benefits in kind,

is punishable by detention for up to 30 days or a fine.

2. The same penalty shall apply to anyone who intentionally hinders or prevents performance of a personal or kind benefit.

**Art. 228.** Who, in order to permanently evade his duty of military service or other service provided for in the Act, a specific act is permitted in art. 224,

is subject to the penalty of deprivation of liberty for up to 2 years.

**Articles 229-235.** (lost power)

**Art. 236.** Who is intended for training or defense exercises civil evasion of their execution, is subject to a fine, the penalty of restriction liberty or imprisonment for a year.

**Art. 237.** (lost power)

**Art. 238.** (lost power)

**Art. 239.** A Polish citizen who - in order to evade his duty to serve military or other service provided for in the Act - during mobilization or war temporarily abroad does not immediately report its address in the nearest Polish office consular (representative diplomatic) or does not meet those issued by this office (representative office) orders to perform the duty of service,

is subject to the penalty of deprivation of liberty for up to 3 years.

**Art. 240.** Who, during mobilization or war, is called to active military service does not report to this service within a specified time and place, is subject to the penalty of deprivation of liberty for not less than 2 years.

**Art. 241.** 1. Who during mobilization or war for permanent evasion from the duty of military service:

- 1) does not report for registration being obliged to do so or not puts up for military qualification on a specific date and place either does not present documents whose presentation has been ordered,
- 2) does not report to regulate the relation to the general obligation defense,
- 3) fails to report within the specified time and place at the call of the competent authorities in matters relating to the general obligation to defend,
- 4) fails to comply with the obligation to notify changes referred to in art. 53 section 1
- 5) changes location without obtaining permission from the unit commander military
- 6) leaves the territory of the State or stays abroad without permission military organs,
- 7) causes at home or allows someone else to cause at his place, bodily injury or health disorder,
- 8) misleads the competent authority,
- 9) being called to active military service, he does not report to this service on a specific date and place,

is subject to the penalty of deprivation of liberty for not less than 5 years.

2. The same punishment shall be imposed on anyone who causes during mobilization or war in another person, injury or health disorder or is misleading competent authority in order to obtain an exemption from her duty to do so military or postponing this service.

**Art. 242.** 1. Who, during mobilization or war, contrary to duties resulting from the Act or regulations issued on its basis:

- 1) evades the performance of the obligation to provide personal or material benefits,
  - 2) does not notify the competent authority about the disposition of real estate or a movable item intended for the purpose of benefits in kind,
- is subject to the penalty of deprivation of liberty for up to 3 years.

2. The same punishment shall apply to anyone who, during mobilization or war, impedes or prevents the performance of a personal or kind benefit.

**Art. 243.** 1. In matters related to acts specified in art. 224-242, if the act consists in failing to comply with the obligation to appear in service or

16/03/2020

notification to the competent authority, limitation of prosecution and sentencing runs from the moment of satisfying this obligation or from the moment when the perpetrator duty ceased to weigh.

2. Limitation of prosecution and adjudication in cases concerning specified acts in art. 228 and 239–241 do not run during the arbitrator's arbitrary stay for border.

**Art. 244.** 1. Persons engaged in defense service during mobilization or war civil or in militarized units or appointed to it bear criminal liability for offenses committed in connection with this service, according to provisions relating to soldiers on active military service.

2. Cases related to the offenses referred to in para. 1 belong to the jurisdiction of the courts military.

3. Under criminal law during mobilization or war:

- 1) failure to report for service in civil defense or in units militarized at a specific time and place is synonymous not reporting for military service;
- 2) the duty to serve in civil defense and in militarized units is equivalent to the duty of military service;
- 3) service in civil defense and in militarized units equivalent to active military service;
- 4) non-performance or refusal to follow a superior command issued in service matters to a person serving in civil defense or in a militarized unit, it is equivalent to failure to perform or refusal to execute an order.

**Art. 245.** Cases related to offenses specified in art. 239-241 belong to properties of military courts.

**Art. 246.** Obligations of military service and service provided for in the Act in civil defense and service in militarized units and services personal are not subject to persons performing military service by special power the obligation specified in the provisions on military service of professional soldiers.

16/03/2020

**Art. 247.** 1. During the period of martial law, it shall apply to the extent duty of military service, civil defense service and service in units militarized and defense services rules in force during the war, if the President entering martial law does not decide otherwise.

2. During the period of emergency, shall apply to the extent of duty to serve in militarized units and in the field of benefits on for defense, regulations in force during the war, if the introducing authority the state of emergency shall not decide otherwise.

**Art. 248.** (repealed)

**Art. 249.** 1. All existing regulations concerning shall expire items regulated in the Act.

2. In particular, they shall lose their force:

- 1) the Act of 30 January 1959 on universal military obligation  
(Journal of Laws of 1963, item 108);
- 2) the Act of February 26, 1951 on field anti-aircraft defense (Journal of Laws Pos. 109);
- 3) decree of 24 June 1953 on the supply of transport equipment for needs of the defense of the State (Journal of Laws of 1953, item 142 and of 1956, item 270);
- 4) Regulation of the President of the Republic of October 24, 1934.  
on personal benefits (Journal of Laws of 1939, item 354);
- 5) the Act of 30 March 1939 on communications in the service of the defense of the State  
(Journal of Laws, item 195, as amended);
- 6) the Act of 30 March 1939 on the universal obligation to provide benefits tangible (Journal of Laws item 200).

16/03/2020