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# ***JPRS Report***

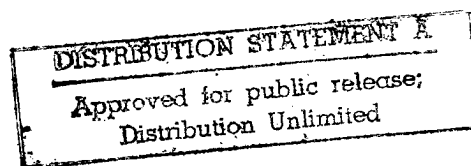
## ***Supplement***

# **East Europe**

## ***Recent Legislation***

### ***Law on Duty To Defend the Republic of Poland***

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**East Europe**  
**Recent Legislation**  
**Law on Duty To Defend the Republic of Poland**

*JPRS-EER-92-111-S*

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*20 August 1992*

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**Law on Duty To Defend the Republic of Poland**

92EP0462A Warsaw *DZIENNIK USTAW* in Polish  
No 4, 22 Jan 92 Item No 16 pp 25-64

[Proclamation of the Ministry of National Defense, dated 11 December 1991, governing publication of the uniform text of the law dated 21 November 1967 concerning the general duty of defending the Republic of Poland]

[Text]

(see note on p. 5)

1. Pursuant to Article 16, Point 3), of the Law of 25 October 1991 on Amending the Law on the General Duty of Defending the Polish People's Republic and Certain Other Laws (*DZIENNIK USTAW* [Dz.U.] No. 113, Item 491), the Supplement to the present Proclamation contains the uniform text of the law of 21 November 1967 on the General Duty of Defending the Polish People's Republic (Dz.U., No. 44, Item 220), with allowance for the amendments incorporated by the:

1) Laws of: 16 December 1972 on Compensation Benefits Granted in the Event of Accidents and Illnesses Related to Military Service (Dz.U., No. 53, Item 342); 23 June 1973 Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 27, Item 153); 27 September 1973 Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 38, Item 224); 22 November 1973, Amending the Law on People's Councils (Dz.U., No. 47, Item 276); 26 June 1974, Implementing Regulations of the Labor Law Code (Dz.U., No. 24, Item 142); 28 May 1975 on the Two-Level Administrative Division of the State and on Amending the law on People's Councils (Dz.U., No. 16, Item 91); and 28 June 1979 on Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 15, Item 97)—as included in the uniform text established by the Proclamation of 6 July 1979 of the Minister of National Defense (Dz.U., No. 18, Item 111).

2) Laws of: 20 July 1983 on the System of People's Councils and Territorial Self-Government (Dz.U., No. 41, Item 185); and 21 November 1983 on Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 61, Item 278)—as comprised within the uniform text established by the Proclamation of 3 February 1984 of the Minister of National Defense (Dz.U., No. 7, Item 31).

3) Law of 13 July 1988 Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 24, Item 171)—as comprised within the uniform text established by the Proclamation of 27 July 1988 of the Minister of National Defense (Dz.U., No. 30, Item 207).

4) Law of 7 April 1989 on Associations (Dz.U., No. 20, Item 104).

5) Law of 17 May 1989 on the Relationship Between the State and the Catholic Church in the Polish People's Republic (Dz.U., No. 29, Item 154).

6) Law of 29 May 1989 on the Transfer of Existing Powers of the Council of State to the President of the Polish People's Republic and Other Government Agencies (Dz.U., No. 34, Item 178).

7) Law of 6 April 1990 on the Police (Dz.U., No. 30, Item 179).

8) Law of 17 May 1990 on the Division of Duties and Powers Specified in Special Regulations Between Gmina Agencies and the Offices of the General Government Administration, and on Amending Certain Other Laws (Dz.U., No. 34, Item 198).

9) Law of 19 July 1990 on Amending the Law on the Guidelines for Establishing Workplace Wage Systems and on Amending Certain Other Laws (Dz.U., No. 55, Item 319).

10) Law of 12 October 1990 on the Border Guard (Dz.U., No. 78, item 462).

11) Law of 23 May 1991 on Trade Unions (Dz.U., No. 55, Item 234).

12) Law of 25 October 1991 on Amending the Law on the General Duty of Defending the Polish People's Republic and Certain Other Laws (Dz.U., No. 113, Item 491), and with allowance for the modifications ensuing from the regulations issued prior to the effective date of the present uniform text, upon applying continuous numbering of sections, chapters, articles, paragraphs, and points, and an alphabetical ordering of letters.

2. The uniform text of the Law presented in the Supplement to the present Proclamation does not extend to the following regulations:

1) Articles 203-205, 207-212 and 213, Paragraph 3, as well as Articles 214 and 215 of the Law of 21 November on the General Duty of Defending the Polish People's Republic (Dz.U., No. 44, Item 220), namely:

“Article 203.1. Rulings of total unfitness for military service (Category E) issued prior to the effective date of the Law mean permanent unfitness for military service and for service in self-defense formations.

203.2. Persons classified, prior to the effective date of the present Law, as unfit for military service in peacetime (Category D) may be assigned for service in self-defense formations without altering their classification.

Article 204. Basic military service in the territorial self-defense system, as governed by the existing regulations on general military duty, means the military training of inductees as specified in Article 79 of the present Law.

Article 205. Whenever the regulations in force refer to:

1) Exemption from general military duty, this should be interpreted as exemption from the duty of military service.

2) Regulations governing general military duty, this should be interpreted as the provisions of the present Law and its implementing regulations.

3) Military corps area commands and voivodship and local corps area commanders, these should be interpreted as voivodship and powiat military staffs and their chiefs."

"Article 207. In Article 17, Paragraph 1, of the Law of 20 July 1950 on Amending the Regulations Governing Penal Proceedings (Dz.U., No. 38, Item 348, 1950; No. 34, Item 142, 1954; No. 46, Item 309, 1955; No. 18, Item 76, 1958; and No. 14, Item 75, 1959), the provisions of Letter b) are reworded as follows:

b) Persons inducted into active military service, upon the expiration of the time limit within which they are obligated to report for that service, in cases of the offenses referred to in Articles 188 and 189 of the Law of 21 November 1967 on the General Duty of Defending the Polish People's Republic (Dz.U., No. 44, Item 220), and draftees also in cases of offenses committed while en route from domicile to the site of performance of military service."

Article 208. In the Decree of 14 August 1954 on Pensions for Disabled War Veterans and Military Personnel and Their Families (Dz.U., No. 23, Item 98, and No. 36, Item 164, 1958; No. 14, Item 75, 1959; No. 6, Item 39, 1961; and No. 14, Item 98, 1965) the following amendments are incorporated:

1) Articles 5 and 6 are revised as follows:

"Article 5. Personnel in active military service, hereinafter referred to as 'military personnel,' to whom the provisions of this Decree apply, are:

1) Privates and noncommissioned officers performing basic military service.

2) Privates and noncommissioned officers in regular or advanced training in camps or performing other duties as part of the military training of draftees.

3) Privates and noncommissioned officers undergoing military retraining in military units as part of the military training of students.

4) Candidates for career military officers in schools and military courses.

5) Privates, noncommissioned officers, warrant officers, and officers performing military exercises.

6) Noncommissioned officers, warrant officers, and officers performing periodic military service.

7) Privates and noncommissioned officers performing military service in the event a state of national emergency or mobilization is announced, as well as in time of war.

Article 6. Career officers and warrant officers, career and reenlisted noncommissioned officers, and officers and warrant officers summoned from the reserve for active military service in cases referred to in Article 5, Point 7), as well as their family members, are entitled to the benefits specified in the regulations governing the pensions of career and reenlisted military personnel and their families."

2) In Article 13 the following Paragraph 4 is incorporated:

"4. Military personnel who performed periodic military service and their family members are entitled to pensions calculated on the basis of personal choice between earnings attained before the summons to periodic military service or the salary received for performing that service, with the proviso that the basis for calculating the pension may not be lower than the amounts derived pursuant to Paragraph 3."

Article 209. In Article 18 of the Decree of 5 October 1955 on the Material Responsibility of Military Personnel for Damages Caused to a Military Unit (Dz.U., No. 40, Item 247), Paragraph 1 is amended as follows:

"1. The provisions of this Decree, with the exception of Article 15, also apply to:

1) Civilian employees of military units.

2) Military personnel not in active military service—in the event of damage, loss, or destruction—prior to the expiration of rated operating life—of military uniforms, gear, and equipment issued to them for purposes relating to the performance of the general defense duty."

Article 210. In the Decree of 6 June 1958 on Military Pay (Dz.U., No. 36, Item 165), the following amendments are incorporated:

1) Paragraph 1 of Article 6 is amended as follows:

"1. The right to military pay is acquired once a soldier reports to perform service at a specified place."

2) The heading of Chapter 2 is amended as follows: "Pay and Other Pecuniary Benefits Due Career Military Personnel and Those in Periodic Military Service."

3) Article 21 is amended as follows:

"Article 21. Personnel performing periodic military service receive pay and other benefits in accordance with guidelines determined by the Council of Ministers."

4) Paragraph 1 of Article 25 is amended as follows:

"1. Military personnel undergoing field retraining or performing other service as part of the military training

of inductees, military retraining within military units as part of the military training of students, or on military exercises, receive basic pay in accordance with their military rank in the cases, according to the guidelines, and in the amounts defined by the Minister of National Defense in consultation with the Chairman of the Sejm's Committee for Labor and Wages."

Article 211. Articles 113 and 114 of the Penal Code of the Polish Army are hereby declared null and void.

Article 212. In the Law of 14 July 1961 on Vital Statistics and Control of Mobility of the Population (Dz.U., No. 33, Item 164, 1961, and No. 15, Item 77, 1962) Article 13 is hereby declared null and void.

Article 213. "3. Concerning military personnel whose military service is regulated by the present Law, the following are hereby declared null and void:

1) The provisions of the Law of 13 December 1957 on the Military Service of Officers in the Armed Forces (Dz.U., No. 2, Item 5, 1958, and No. 5, Item 78, and No. 50, Item 277, 1963).

2) The provisions of the Law of 6 June 1958 on the Military Service of Privates and Noncommissioned Officers in the Armed Forces (Dz.U., No. No. 36, Item 164, 1958; No. 14, Item 75, 1959; No. 6, Item 39, 1961; and No. 22, Item 114, and No. 50, Item 277, 1963).

3) The provisions of the Law of 29 March 1963 on the Military Service of Warrant Officers in the Armed Forces (Dz.U., No. 15, Item 78)."

Article 214. Until the implementing regulations under the present Law are issued, the existing regulations remain binding with allowance for the revisions ensuing from the present Law.

Article 215. The present Law takes effect on the day of its publication.

2) Article 23 of the Law of 16 December 1972 on Compensation Payable in the Event of Accidents and Illnesses Related to Military Service (Dz.U., No. 53, Item 342), as follows:

"Article 23. The present Law takes effect on 1 January 1973."

3) Article 2 of the Law of 23 June 1973 Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 27, Item 153), as follows:

"Article 2. The present Law takes effect on 1 July 1973."

4) Article 2 of the Law of 27 September 1973 on Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 38, Item 224), as follows:

"Article 2. The present Law takes effect on the day of its publication."

5) Article 7 of the Law of 22 November 1973 on Amending the Law on People's Councils (Dz.U., No. 47, Item 276), as follows:

"Article 7. The present Law takes effect on 9 December 1973."

6) Article XXV of the Law of 26 June—Introductory Provisions of the Labor Law Code (Dz.U., No. 24, Item 142), as follows:

"Article XXV. The present Law takes effect on 1 January 1975."

7) Article 53 of the Law of 28 May 1975 on the Two-Level Administrative Division of the State and on Amending the Law on People's Councils (Dz.U., No. 16, Item 91), as follows:

"Article 53. The present Law takes effect on 1 June 1975, with the exception of Article 34, Paragraph 7, Article 35, Paragraph 5, and Articles 36 and 50, which take effect on the day of its publication."

8) Articles 2-12 and 14 of the Law of 28 June 1979 Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 15, Item 97), as follows:

"Article 2. Arms of services and military units subordinated to the Minister of the Interior on the effective date of the present Law are considered subordinated to the Minister of the Interior pursuant to Article 91, Paragraph 2, of the Law of 21 November 1967 on the General Duty of Defending the Polish People's Republic, in the wording given in Article 1, Point 6), of the present Law.

Article 3.1. When ruled upon prior to the effective date of the present Law, fitness for service in self-defense formations is liable for reclassification into appropriate categories of fitness for military service pursuant to the regulations issued on the basis of Article 18, Paragraph 2, of the Law of 21 November 1967 on the General Duty of Defending the Polish People's Republic.

3.2. Persons who prior to the effective date of the present law were classified "Fit for service in self-defense formations" and, under Article 1 were classified as fit for military service, may be conscripted for alternative military service or for basic service or draftee training in civil defense until the end of the year in which they complete 24 years of age.

Article 4. University students who on the effective date of the present law are not participating in student drills and military programs of study may be, within 12 months from the completion of last year of studies or upon graduation, conscripted for military training if they are fit for military service and have not completed 28 years of age.

Article 5. The defense training of school leavers commenced under the existing regulations is conducted as the military training defined in Articles 44a-44i of the

Law of 21 November 1967 on the General Duty of Defending the Polish People's Republic, as worded in Article 1, Point 27, of the present Law.

Article 6. Whenever the binding regulations refer to the imposition of the state of direct danger to national security, proclamation of mobilization, and time of war, this should be interpreted as the proclamation of mobilization and time of war.

Article 7. In the Law of 19 April 1969—Penal Code (Dz.U., No. 13, Item 94, 1969; No. 27, Item 157, 1974), in Articles 39 and 296, Paragraph 1, the term "szeregowiec" (an army private) is replaced with the term "szeregowy" and in Article 303, Paragraph 6, the phrase "periodic and reenlisted" is replaced with "and periodic."

Article 8. In the Law of 30 June 1970 on the Military Service of Career Military Personnel (Dz.U., No. 16, Item 134, 1970; No. 53, Items 341 and 342, 1972; No. 24, Item 142; and No. 47, Item 282, 1974), Article 72 is reworded as follows:

Article 72. Candidates for the career military and their family members are entitled to the special benefits and discounts specified in the Law of 21 November 1967 on the General Duty of Defending the Polish People's Republic for persons performing basic military service and their family members, as well as in the implementing regulations issued under that law, with the exception of the rights to monthly allowances specified in Article 111a of that law. The housing expenses and maintenance fees specified in Article 113a, Paragraph 1, Point 1), of that law are paid by military agencies.

Article 9. In Article 4 of the Law of 16 December 1972 on Pension Benefits for the Career Military and Their Families (Dz.U., No. 53, Item 341, 1972, and No. 5, Item 38, 1973):

a) In Paragraph 1 the phrase 'and the equivalent of benefits in kind' is added at the end.

b) In Paragraph 2 the phrase 'and the equivalent of benefits in kind' is added after the word 'service-connected.'

c) In Paragraph 3, Point 1) the phrase "and the equivalent of benefits in kind" is added before "or" and in Point 2) at the end.

d) In Paragraph 4 the phrase "and varieties of benefits in kind and their equivalent" is added after "constant."

Article 10. In the Law of 17 December 1974 on Military Salaries (Dz.U., No. 47, Item 282), the following amendments are incorporated:

1) In Article 26, Paragraph 1, after the expression "Article 15," the connective 'and' is replaced with a comma and the expression "and Article 21" is added at the end.

2) In Article 30, Paragraph 1, the expression "who completed longterm basic military service" is replaced with "who completed basic military service, longterm or upon reenlistment."

Article 11. Until the implementing regulations envisaged in the articles of the Law of 21 November 1967 on the General Duty of Defending the Polish People's Republic being amended by the present Law are issued, the existing regulations remain binding with allowance for the amendments ensuing from the present Law.

Article 12. The Law of 18 July 1950 on the Provision of Means of Transportation to the Military and the Public Security Service in Peacetime (Dz.U., No. 36, Item 322), is hereby rescinded.

Article 14 [as published]. The present Law takes effect on 1 September 1979.

9) Article 187 of the Law of 20 July 1983 on the System of People's Councils and Territorial Self-Government (Dz.U., No. 41, Item 185), as follows:

Article 187. The present Law takes effect on its publication and is binding as of 1 July 1984.

10) Articles 2 and 4 of the Law of 21 November 1983 on Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 61, Item 278), as follows:

Article 2.1. Proceedings in cases of offenses committed by persons performing basic service in civil defense who have, on the effective date of the present law, ceased to be under the jurisdiction of the common courts, are continued until their valid completion before these courts.

2.2. The provisions of Paragraph 1 apply correspondingly to preparatory proceedings.

Article 4. The present Law takes effect on the day of its publication.

11) Articles 2-4 and 6 of the law of 13 July 1988 on Amending the Law on the General Duty of Defending the Polish People's Republic (Dz.U., No. 24, Item 171), as follows:

Article 2.1. On the effective date of the present Law persons performing alternative civilian service become, by virtue of law, Junaks performing service in civil defense without being lodged in barracks, at the workplaces at which they have so far been performing alternative civilian service. The period of alternative civilian service performed so far is credited to the period of basic service in civil defense.

2.2. The persons referred to in Paragraph 1 bear criminal responsibility according to the existing regulations for offenses committed while performing alternative civilian service prior to the effective date of the present law.

Article 3. Personnel performing basic military service in naval units on the effective date of the present Law perform that service for a period of 36 months, unless, pursuant to Article 91, Paragraph 5, of the Law referred to in Article 1, the Minister of National Defense curtails the duration of that service.

Article 4. Whenever the implementing regulations under the Law on the General Duty to Defend the Polish People's Republic refer to alternative service by draftees, this is interpreted as referring to alternative service.

Article 6. The present Law takes effect on 1 September 1988."

12) Article 57 of the Law of 7 April 1989—Law on Associations (Dz.U., No. 20, Item 104), as follows:

"Article 57. The present Law takes effect on the day of its publication."

13) Article 77 of the law of 17 May 1989 on the Relationship Between the State and the Catholic Church in the Polish People's Republic (Dz.U., No. 29, item 154), as follows:

"Article 77. The present Law takes effect on the day of its publication."

14) Article 21 of the Law of 29 May 1989 on the Transfer of the Existing Powers of the Council of State to the President of the Polish People's Republic and Other State Institutions (Dz.U., No. 34, Item 1 178), as follows:

"Article 21. The present law takes effect on the day the President takes office, with the proviso that Article 15, Point 4), takes effect on 1 January 1990."

15) Article 158 of the law of 6 April 1990 on the Police (Dz.U., No. 30, Item 179), as follows:

"Article 158. The present Law takes effect on the day of its publication."

16) Article 47 of the law of 17 May 1990 on the Division of Duties and Powers Defined in Separate Regulations Between Gmina Offices and the Offices of the General Government Administration, and on Amending Certain Other Laws (Dz.U., No. 34, Item 198), as follows:

"Article 47. The present Law takes effect on 27 May 1990."

17) Article 7 of the Law of 19 July 1990 on Amending the Law on the Guidelines for Setting Up Plant Wage Systems and on Amending Certain Other Laws (Dz.U., No. 55, Item 319), as follows:

"Article 7. The present law takes effect on the day of its publication."

18) Article 157 of the Law of 12 October 1990 on the Border Guard (Dz.U., No. 78, Item 462), as follows:

"Article 157. The present Law takes effect on the day of its publication."

19) Article 49 of the Law of 23 May 1991 on Trade Unions (Dz.U., No. 55, Item 234), as follows:

"Article 49. The present Law takes effect 30 days after its publication."

20) Articles 11-13, 17, and 18 of the Law of 25 October 1991 on Amending the Law on the General Duty of Defending the Polish People's Republic and Certain Other Laws (Dz.U., No. 113, Item 491), as follows:

"Article 11.1. The office proper for appointments to military ranks recognizes, upon a documented application from the interested person, the military ranks conferred by the authorities of the Republic of Poland during the period until 22 December 1990 and issues appropriate documents confirming the possession of the rank.

11.2. The specific guidelines and procedure and the offices proper in the matters referred to in Paragraph 1 are defined in an executive order issued by the president of the Republic of Poland.

Article 12. Soldiers appointed to the military rank of general of the army prior to the effective date of the present Law retain their rank.

Article 13.1. The duties of the local government offices envisaged in the law referred to in Article 1 are performed as duties recommended by the general government administration.

13.2. The Council of Ministers defines the detailed guidelines and procedure for financing the duties referred to in Paragraph 1."

"Article 17. Until the implementing regulations envisaged in the laws amended by the present Law are issued, but not longer than for six months from the effective date of the present Law, the existing regulations remain binding.

Article 18. The present Law takes effect on the day of its publication."

Minister of National Defense: P. Kolodziejczyk

**Supplement to the Proclamation  
of 11 December 1991 of the Minister of  
National Defense  
(Item 16)**

**Law of 21 November 1967  
on the General Duty of Defending the  
Polish People's Republic**

**Section I. General Provisions**

Article 1. The defense of the Fatherland is the cause and duty of all citizens of the Republic of Poland.

Article 2. Strengthening the defensibility of the Republic of Poland, preparing the population and the national wealth for the event of war, and accomplishing other tasks as part of the universal duty of defense is an

obligation of all agencies, offices, and institutions of the government as well as of local-government bodies, enterprises and other organizational units, social organizations, and every individual citizen to the extent defined in laws.

Article 3.1. The sovereignty and independence of the Polish Nation and its safety and tranquility are guarded by the Armed Forces of the Republic of Poland.

3.2. The branches of the Armed Forces of the Republic of Poland consist of: the Land Army, the Air Force and Air Defense Troops, and the Navy.

3.3. The branches of the Armed Forces consist of military units, combined groups, and various arms of services.

Article 4.1. The universal duty of defense applies to all Polish citizens who are fit to perform that duty by reason of age and health. A Polish citizen who is at the same time the citizen of another country is not liable for the universal duty of defense if he resides permanently outside the boundaries of the Republic of Poland.

4.2. As part of the universal duty of defense Polish citizens are obligated to perform military service, serve in civil defense, undergo defense training, participate in popular self-defense, serve in militarized units, render alternative service, and provide services for defense—according to the guidelines and within the scope defined by the present Law.

4.3. The voluntary performance of tasks as part of the universal duty of defense is the right of every Polish citizen.

Article 5. The President of the Republic of Poland as the commanderinchief of the Armed Forces of the Republic of Poland exercises in particular the following powers:

1) On the recommendation of the Minister of National Defense he determines the main directions of development of the Armed Forces of the Republic of Poland and their preparation for national defense.

2) On the recommendation of the Minister of National Defense he appoints and recalls the Chief of the General Staff of the Polish Army and the commanders of the military districts and branches of the Armed Forces.

Article 6.1. The National Defense Committee, proper for matters of national defense and national security, is established.

6.2 The duties of the Committee include in particular:

1) Determining the main assumptions of the defense of the Republic of Poland.

2) Examining the principal aspects of national defense and national security and outlining the directions of action in these domains as linked to the whole of the country's socio-economic development and the accomplishment of other national purposes.

3) Providing recommendations on the proclamation of a state of emergency, martial law, and mobilization, as well as issuing a declaration of war.

4) Administering matters of national security and national defense while a state of emergency or martial law or a state of war is in force, in accordance with guidelines specified in separate regulations.

5) Determining the organizational premises of the Armed Forces, civil defense, and militarized units.

6) Determining tasks relating to the universal duty of defense, including those related to enhancing the country's defense preparedness, to be accomplished by ministers of state, voivodes, and village heads or mayors, enterprises and other organizational units, and social organizations, and coordinating their implementation.

7) Supervising and monitoring the performance of tasks relating to the universal duty of defense by the administrators, agencies, entities, organizational units, and organizations mentioned in Point 6).

8) Implementing other duties relating to national defense and national security.

Article 7. The tasks and duties referred to in Article 6, Paragraph 2, Points 1), 2), and 5)-8) are performed by the National Defense Committee in conformity with the decisions of the Council of Ministers, taken as part of overall guidance of national defense and the organization of the Armed Forces of the Republic of Poland.

Article 8.1. The National Defense Committee is a collegial body.

8.2. The National Defense Committee consists of: the chairman, deputy chairmen, members, and the secretary.

8.3. The National Defense Committee, within the scope of its activities, adopts resolutions and issues directives and recommendations.

Article 9. The President, as the Chairman of the National Defense Committee:

1) Directs the work of the Committee.

2) Issues orders on matters belonging within the Committee's scope of activities.

Article 10.1. The Vice Chairman for Armed Forces and Strategic-Defense Planning under the National Defense Committee is the Minister of National Defense. The other vice chairmen are appointed by the President.

10.2. The president, upon consulting the Council of Ministers, defines:

1) The guidelines and operating procedure of the National Defense Committee.



2) The guidelines and procedure for appointing and recalling the members and secretary of the National Defense Committee and its Presidium, as well as the duties and powers of the members of the Committee.

Article 11.1. The National Defense Committee performs its duties with the assistance of the National Security Bureau.

11.2. The employees of the National Security Bureau are governed by the corresponding provisions of the Law on the Employees of Government Offices. The powers of the appropriate offices as stipulated in those provisions belong correspondingly to the President of the Republic of Poland.

11.3. The National Security Bureau is directed by the Secretary of the National Defense Committee.

11.4. The activities of the National Security Bureau are funded from the budget of the Presidential Chancellery.

11.5. The President of the Republic of Poland determines the organizational structure and scope of activities of the National Security Bureau.

Article 12. The Minister of National Defense, in his capacity as vice chairman of Armed Forces and Strategic-Defense Planning under the National Defense Committee:

1) Drafts the assumptions of the national defense doctrine.

2) Implements the general assumptions, decisions, and directives of the Council of State and the National Defense Committee concerning national defense and coordinates the implementation of the tasks ensuing therefrom.

3) Exercises overall guidance on matters of the performance of the general duty of defense according to the guidelines and within the extent defined by law.

4) Exercises, in conformity with his scope of powers, general supervision of the implementation of defense tasks by agencies of state administration, state institutions, enterprises and other organizational units, and social organizations.

Article 13.1. The Minister of National Defense:

1) Commands the Armed Forces of the Republic of Poland and directs their development, training, and preparation for defending the Republic of Poland.

2) Oversees the administration of the military and personnel affairs of the Armed Forces as well as matters relating to meeting their needs, and in particular material-technical and financial needs.

3) Oversees the implementation of the duty of military service, the education of military personnel, and the satisfaction of their material and social needs.

4) Oversees the administration of personnel reserves for purposes of the general duty of defense, to the extent defined by law.

13.2. The National Defense Committee may subordinate specified armed services or military units to the Minister of the Interior.

Article 14.1. The Minister of National Defense commands the Armed Forces through:

1) The Chief of the General Staff of the Polish Army.

2) Commanders of military districts and armed services of the Armed Forces.

14.2. The Minister of National Defense specifies the local executive organs and their competences on matters belonging within his scope of activities.

14.3. The local executive organs of the Minister of the Interior in operational-defense matters and with regard to military administration are:

1) Commanders of military districts.

2) Chiefs of voivodship military staffs.

3) Corps area commanders.

14.4. The Council of Ministers issues executive orders establishing, changing, and abolishing military districts and determines their sites and territorial scope of activities.

14.5. The Minister of National Defense issues executive orders establishing, changing, and abolishing local organs of military administrations as organs of special government administration, and he also determines their sites and territorial scope of activities.

Article 15.1. Military information services perform duties relating to the identification and counteraction of dangers to national defense and violations of defense-related state secrets, and they prepare for government agencies reports and analyses essential to national defense.

15.2. The responsibilities and rights relating to the performance of service-connected duties by the personnel of the Office for State Protection apply correspondingly to the personnel of the military information services with regard to their tasks.

15.3. Concerning the tasks accomplished by the military information services, the Minister of National Defense is vested with the corresponding powers of the Minister of the Interior specified in the Law on the Office for State Protection and the implementing regulations.

Article 16.1. The Military Gendarmerie is established for the purpose of implementing, within the Armed Forces of the Republic of Poland and with regard to military personnel, duties relating in particular to:

1) Assuring adherence to military discipline.

2) Protecting life, health, and property against lawless attempts to violate them.

3) Protecting public safety and order and protecting state and official secrets.

4) Preventing the perpetration of crimes and transgressions and other criminal offenses, and detecting crimes and transgressions and prosecuting their perpetrators.

5) Assuring adherence to regulations governing public and administrative order.

16.2. The provisions of Paragraph 1 apply correspondingly to other military order agencies. The Minister of National Defense issues executive orders governing the kinds, organizational structure, and specific scope of activities of military order agencies.

16.3. Within the scope of their activities, military order agencies perform operational-identification, investigative, and administrative-order activities, inclusive of intervention, control, protection, escort, and assistance. These agencies also implement tasks recommended to them by courts of law and military prosecutors and other state agencies to the extent to which this obligation ensues from separate regulations.

16.4. The performance of operational-identification activities by military order agencies follows the guidelines specified in the Law on the Police, and the performance of investigative activities, the guidelines of the Code of Criminal Proceedings. The Minister of National Defense issues executive orders defining the guidelines for the performance of other activities specified in Paragraph 3 to the extent to which these are not governed by separate regulations.

16.5. The responsibilities and rights relating to the performance of service-connected activities by the personnel of the military order agencies are determined by a separate law.

Article 17.1. The central organ of state administration on matters concerning civil defense is the Chief of National Civil Defense.

17.2. The chief of National Civil Defense is appointed by the Chairman of the Council of Ministers on the recommendation of the Minister of National Defense.

17.3. The chief of National Civil Defense is under the jurisdiction of the Minister of National Defense.

17.4. The scope of activities of the chief of National Civil Defense includes:

1) Drafting the premises and guidelines for the operation of civil defense.

2) Determining the general rules for implementing the purposes of civil defense.

3) Coordinating specific projects relating to civil defense and overseeing their implementation by the

central agencies of state administration, local offices of state administration, and local government bodies.

4) Supervising the performance of basic service in civil defense.

17.5. The chief of National Civil Defense issues executive orders, directives, instructions, and manuals of rules on matters within his scope of activities.

17.6. The local organs of civil defense are voivodes, village chiefs, and mayors as the heads of civil defense of voivodships and gminas. The village heads or mayors execute the assignments of the gmina chief of civil defense as recommended assignments of the general government administration.

17.7. The scope of activities of the voivodship and gmina chiefs of civil defense includes directing and coordinating the preparations for and implementation of civil defense projects by the state institutions, economic entities and other organizational units, and social organizations active in the voivodships and gminas.

17.8. The Council of Ministers issues executive orders defining the specific scope of activities of the chief of National Civil Defense and the voivodship and gmina chiefs of civil defense, as well as the guidelines and procedure for their direction and coordination of the preparations for and implementation of civil defense projects.

Article 18.1. The tasks performed as part of the general duty of defense by the agencies, entities, organizational units, and organizations mentioned in Paragraph 2 are specified by laws and by the implementing regulations issued on their basis by the appropriate agencies.

18.2. The National Defense Committee determines the general guidelines for the performance of tasks as part of the general duty of defense by ministers of state, voivodes, and village heads or mayors as well as by enterprises and other organizational units and social organizations.

18.3. The ministers of state organize the implementation of tasks as part of the general duty of defense by their subordinate ministries, subordinated and supervised organizational units, and the enterprises with regard to which they are the parent agencies.

18.4. The voivodes organize the implementation of tasks as part of the general duty of defense by voivodship offices, rayon offices, subordinated and supervised organizational units, and the enterprises with regard to which they are the parent agencies, and also by local government bodies, social organizations, and enterprises which are not organizational units subordinated to or supervised by ministers of state.

Article 19. The administrative organs and directors of units mentioned in Article 18 take into consideration, when executing defense-related assignments, postulates relating to the needs of the Armed Forces as transmitted

by the Minister of National Defense or by the military agencies authorized by him, as well as postulates concerning the needs of civil defense, transmitted by the chief of National Civil Defense or by local civil defense offices.

Article 20.1. Defense matters within voivodships are directed by voivodship defense committees.

20.2. In directing defense matters within the area of their voivodships, voivodship defense committees consider the needs of defense as relating to the overall socio-economic development of the voivodship and other government tasks.

20.3. Voivodship defense committees operate within the framework of the powers vested in them, consonant with the decisions of the National Defense Committee.

20.4. The Council of Ministers or the National Defense Committee may determine that the execution of specific defense-related tasks by local agencies of general government administration, local governments, enterprises and other organizational units, and social organizations located in a voivodship is accomplished in accordance with the guidelines and procedure defined by the voivodship defense committees and, as regards civil defense by civil defense chiefs, under the direct guidance and supervision of these organs.

20.5. The chairpersons of voivodship defense committees are the voivodes.

20.6. The National Defense Committee determines the composition, scope, and operating rules and procedures of the voivodship defense committees, as well as the guidelines and procedure for appointing the executive organs of these committees and defining the scope of their activities.

20.7. Sessions of the voivodship defense committee are also attended by non-members in accordance with guidelines specified by the National Defense Committee.

Article 21. The National Defense Committee may also appoint representatives for specified areas of this country or for specified domains of government administration and national economy, upon defining the scope of their activities.

Article 22. The provisions of the present Law concerning:

- 1) The minister, also apply correspondingly to the chairman of a commission or committee exercising the duties of a central government agency, the director of a central office or a state institution outside the jurisdiction of a central government agency, or the (board) chairman of a bank or of the governing board of a social organization.

- 2) economic entities (enterprises), also apply correspondingly to the physical persons, legal entities, and

organizational units lacking legal entity status, who or which engage in economic activities.

- 3) workplaces, also apply to physical persons, legal entities, and organizational units lacking legal entity status, who or which operate on the basis of hired personnel.

## Section II. Administration of Personnel Reserves

### Chapter 1. Agency Competences

Article 23. The administration of personnel reserves for purposes of the general duty of defense comprises:

- 1) Registration and conscription of citizens.
- 2) Determination of fitness for military service.
- 3) Assignment to:
  - a) Military service.
  - b) Service in civil defense.
  - c) Service in militarized units.
- 4) Complementation of Armed Forces.
- 5) Maintenance of military records.
- 6) Performance of other related activities.

Article 24.1. The administration of personnel reserves is, with the exception of the activities defined in Article 23, Points 1) and 2), within the purview of the Minister of National Defense.

24.2. The local offices of military administration proper for the matters referred to in Paragraph 1 are the chiefs of voivodship military headquarters and the military corps area commanders.

Article 25.1. Local offices of the general government administration and local-government bodies handle the activities relating to the execution of the general duty of defense and cooperation with military agencies to the extent defined in Article 24, Paragraph 1.

25.2. Matters relating to the performance of the general duty of defense by Polish citizens sojourning abroad and cooperation in this respect, to the extent defined in Article 224, Paragraph 1, with military agencies are handled by the concerned Polish consular offices.

25.3. State institutions, enterprises and other organizational units, and social organizations, are obligated to cooperate with military agencies, appropriate local offices of general government administration, and local-government bodies concerning the administration of personnel reserves and the execution of the related activities defined in the present Law and in the implementing regulations issued on its basis.

Article 26.1. Local and voivodship medical commissions rule on the fitness of draftees for active military service, with the proviso of Article 29, Paragraph 1.

26.2. Local and voivodship medical commissions are appointed by voivodes in consultation with the chiefs of voivodship military staffs and chairpersons of district medical councils.

26.3. The Council of Ministers issues executive orders defining the composition, procedure for appointment, operating procedure, and terms of office of local and voivodship medical commissions, the guidelines for the conduct of medical examinations, and the guidelines for the cooperation between the commissions and the local offices of the general government administration and local-government bodies.

26.4. The Minister of National Defense in cooperation with the Minister of Health and Social Welfare issues executive orders defining, upon consulting the Supreme Medical Council, the categories of physical and mental fitness for active military service and the rules for classifying into discrete categories.

Article 27.1. Males who in a given calendar year 19 years of age (draftees) are obligated to present themselves before a medical commission at the specified time and place.

27.2. The draftees receive from the village head or mayor a summons to present themselves before a medical commission, jointly with a summons to report to the draft board.

27.3. In the event a draftee fails to report to a medical commission without a justified reason, the village head or mayor imposes a fine with the object of coercing him to report, or orders the Police to escort him, to the medical commission pursuant to the provisions governing executive proceedings in administration.

Article 28.1. The ruling of the local medical commission is handed in writing and with a rationale to the draftee and to the military corps area commander.

28.2. The ruling of the local medical commission may be appealed by the draftee and by the military corps area commander to the voivodship medical commission within 14 days from the date of delivery of the ruling. Said ruling may also be altered ex officio by the voivodship medical commission if it was issued in violation of law.

28.3. Members of the local medical commission are entitled to protest to the voivodship medical commission against rulings of the local medical commission within 14 days from the date a ruling is issued.

28.4. The final ruling on fitness for active military service may be at any time altered by a local medical commission ex officio or on the request of the draftee or the military corps area commander, if the state of health of the draftee has changed markedly.

28.5. Final rulings of medical commissions are binding on military corps area commanders and draft boards.

Article 29.1. Military medical commissions are competent to rule on fitness for active military service of:

1) Draftees, during periods when a local medical commission is not in session.

2) Personnel in active military service.

3) Reserve personnel.

29.2. The persons referred to in Paragraph 1, Points 1) and 3), are directed ex officio or upon their requests to a military medical commission by the military corps area commander, and the persons referred to in Paragraph 1, Point 2), by the commander of the military unit.

Article 30.1. Members of local and voivodship medical commissions are entitled to remuneration according to the amounts and guidelines specified in executive orders issued by the Council of Ministers.

30.2. The Council of Ministers issues executive orders defining the guidelines and rates of remuneration for the specialist examinations conducted for the needs of local and voivodship medical commissions.

30.3. The expenditures referred to in Paragraphs 1 and 2 are defrayed from the voivodship budget.

## Chapter 2. Registration and Induction

Article 31.1. Males who complete 18 years of age in a given calendar year (draft-age males) are obligated to report for registration at the specified time and place.

31.2. The Council of Ministers may issue an executive order obligating males who complete 17 years of age in a given calendar year to report for registration.

31.3. Draft-age males who fail to obey the duty of reporting for registration at a specified time and place are obligated to do so immediately after the obstacle ceases to apply.

31.4. The registration is handled by village heads or mayors.

31.5. The village head or mayor summons the draft-age male for registration.

31.6. In the event that a draft-age male fails to report for registration in the absence of a justified reason, the village head or mayor levies a fine to compel attendance or orders the compulsory escorting of the person in question, to the gmina office, in consonance with the regulations governing executive proceedings in administration.

31.7. The Minister of the Interior in cooperation with the Minister of National Defense and the Minister-Chief of the Office of the Council of Ministers issues executive orders defining the procedure for the summoning and registration of draft-age males and the guidelines for the maintenance of records on draft-age males.

Article 32.1. Males who complete 19 years of age in a given calendar year (draftees) are obligated to report for induction at the specified time and place.

32.2. The Council of Ministers may issue an executive order requiring males who complete 18 years of age in a given calendar year to report for induction.

32.3. Volunteers who complete 17 years of age may also report for induction.

32.4. Draftees who are remiss in the duty of reporting for induction at specified time and place are obligated to do so immediately after the obstacle ceases to matter.

32.5. The village head or mayor summons the draftee to report to the draft board.

32.6. In the event that a draftee fails to report to a draft board in the absence of a justified reason, the village head or mayor imposes, upon the recommendation of the chairman of the draft board, a fine with the object of compelling the draftee to report, or orders the Police to escort the draftee to report, to the draft board, under the regulations governing executive proceedings in administration.

32.7. The obligation of reporting for induction continues until the end of the calendar year in which the draftee completes 24 years of age.

Article 33.1. Draftees report to the local draft board proper for the area of their permanent residence. Draftees who temporarily sojourn for more than two months in another area report to the draft board proper for that area.

33.2. Draftees who have, in the period between the notification and the commencement of induction moved to a new permanent address or are temporarily staying for more than two months at another address, report to the village head or mayor proper for their new permanent or temporary (longer than two months) address. The village head or mayor specifies the time and place of their reporting for induction.

33.4. The provisions of Paragraphs 1-3 also apply to volunteers.

Article 34. Males who for any reason have not reported for induction by the end of the calendar year in which they complete 24 years of age, are obligated to present themselves before the military corps area commander proper for the district of their permanent residence or of their temporary residence for more than two months, with the object of settling their status as regards the general duty of defense, a duty that applies until the completion of 60 years of age.

Article 35.1. Conscription is ordered by the Ministers of the Interior and National Defense.

35.2. Conscription is directed by the voivodes in cooperation with the chiefs of voivodship military staffs,

directors of rayon offices of the general government administration, and village heads or mayors.

Article 36.1. Voivodes, in consultation with the chiefs of voivodship military staffs, appoint voivodship and local draft boards.

36.2. The Council of Ministers issues executive orders defining the composition, procedure, and terms of office of voivodship and local draft boards.

36.3. For taking part in draft board work, draft board members and auxiliary personnel are entitled to remuneration in the amounts and according to the guidelines specified in the executive orders of the Council of Ministers.

Article 37.1. The conduct of conscription activities is overseen by the Minister of the Interior.

37.2. Continuing supervision of the preparations for and conduct of conscription is exercised by the voivodes.

37.3. The conduct of conscription and maintenance of the related records are monitored by the Minister of National Defense and the agencies under his jurisdiction. Recommendations of military agencies on matters relating to said monitoring are subject to consideration by the voivodship draft board or the agency which established it.

Article 38.1. The scope of activities of the local draft board includes:

- 1) Ruling on granting deferments of basic military service in cases referred to in Article 39, Paragraph 1, Points 1) and 2), and Paragraph 2, Point 2).

- 2) Ruling on assigning draftees to alternative civilian service.

38.2. The scope of activities of the voivodship draft board includes:

- 1) Supervision of the activities of local draft boards.

- 2) Consideration of appeals and protests against rulings of local draft boards.

- 3) Ruling on recommendations of managers of workplaces and voivodes for waiving assignment to alternative service.

38.3. In the matters referred to in Paragraph 1, the local draft board issues its ruling upon request by the draftee, and if the deferment is granted owing to temporary unfitness for active military service, also upon the request of the medical commission.

Article 39.1. Deferment of basic military service is granted in consideration of:

- 1) The draftee's need to care directly for a family member who is below 16 years of age or who is classified in Category 1 of Disabled.

2) Management of a farm by the draftee, if the draftee has the legal title to the farm or, as a legal ascendant, receives a retirement pension or annuity granted to the disabled owing to the management of that farm and at the same time said management hinges on the personal labor of the draftee.

3) Attendance of a higher educational institution, with the proviso of Article 95, Paragraph 1.

4) Attendance, with fulltime status, of a secondary or postsecondary school.

39.2. Deferments of basic military service also are granted to draftees who:

1) Engage in their own electoral campaigns—for the duration of the campaign, or who have been elected to the Sejm, the Senate, or local government bodies, for the duration of their term of office.

2) Are ruled by the medical commission, owing to the state of their health, to be temporarily unfit for active military service—for the period of time specified by the commission.

39.3. Deferment of basic military service may be granted to persons attending evening or correspondence-course secondary or postsecondary schools, and also if the draftee is classified as the sole family provider under Article 127.

39.4. The provisions of Paragraph 1, Point 2), also apply when the pertinent proceedings are under way before the proper agency and the draftee proves offers proof of meeting the requirements for deferment.

39.5. The farm referred to in Paragraph 1, Point 2), is construed as the farm defined in the regulations of the Civil Code, with the proviso that the area of its arable land may be not less than 1 hectare.

39.6. Deferment of basic military service in the cases referred to in Paragraph 1, Point 4), and Paragraph 3, is not granted if this would result in the nonperformance of active military service by the draftee.

39.7. The Council of Ministers issues executive orders defining the specific terms and guidelines for granting deferments of basic military service.

Article 40.1. Deferment of basic military service is granted for a period of not less than six months and not more than 12 months, with the proviso of Article 39, Paragraph 2.

40.2. A draftee who is granted deferment of basic military service is obligated to report to the local draft board or military corps area commander immediately after the expiration of the deferment period, or, if the draft board is not officiating, to report to the village head or mayor, who shall specify for him the time and place of reporting to the draft board.

Article 41.1. The ruling of the local draft board is presented to the draftee and the military corps area commander in writing, together with a rationale.

41.2. The draftee and the military corps area commander may appeal the ruling of the local draft board to the voivodship draft board. The submission of the appeal, with the proviso of Article 190, Paragraph 2, does not halt the induction of the draftee into basic military service.

41.3. The ruling of the local draft board may be altered by the voivodship draft board also ex officio, if it was issued in violation of law.

41.4. Members of the local draft board are entitled to submit to the voivodship draft board protests against the rulings of the local draft board.

41.5. Appeals against rulings of local draft boards are submitted within 14 days from the date these rulings are hand-delivered and protests, within 14 days from the date these rulings are issued.

Article 42.1. In the cases referred to in Article 39, Paragraph 1, Points 3) and 4), Paragraph 2, Points 1), and Paragraph 3, rulings on deferment of basic military service are issued by military corps area commanders.

42.2. The rulings referred to in Paragraph 1 are handed to the draftee in writing, together with a rationale.

42.3. The ruling of the military corps area commander may be appealed by the draftee to the chief of the voivodship military staff within 14 days from the date that ruling is handed. The submission of the appeal does not halt the induction of the draftee into basic military service.

42.4. The ruling of the military corps area commander may be altered by the chief of the voivodship military staff also ex officio if it was issued in violation of law.

Article 43. The Ministers of the Interior and National defense issue, in consultation with the Minister of Health and Social Welfare, executive orders defining the procedure for summoning draftees, the documents which the draftees must present at induction, the preparation and conduct of induction, the related activities of the offices of the general government administration and the village heads and mayors, the operating procedure of draft boards, the rights and duties of the chairmen and members of draft boards, and the guidelines for cooperation between draft boards and local offices of the general government administration, local government bodies, and the medical commissions referred to in Article 26, Paragraph 1.

Article 44.1. Draftees classified as fit for active military service are not inducted into that service if they are:

1) Attending a higher educational institution, until such time when they become graduates of such institutions as construed by Article 91.

2) Performing preparatory service or serving in the Police, the Office for State Protection, or the Border Guard, or if they are attending the schools of the Ministry of the Interior, unless separate laws specify otherwise.

3) Polish citizens permanently residing abroad.

44.2. The Council of Ministers may issue executive orders defining military or paramilitary formations other than those specified in Paragraph 1, Point 2), whose personnel are not liable for induction into active military service.

44.3. In the cases referred to in Paragraph 1 the military corps area commander issues a ruling on the request of the draftee. The decision of the military corps area commander is handed to the draftee in writing, together with a rationale.

44.4. The draftee has the right to appeal the decision of the military corps area commander to the chief of the voivodship military staff within 14 days from the date the decision is handed to him. That decision may be altered by the chief of the voivodship military staff also ex officio if it was issued in violation of law.

Article 45.1. Draftees classified as fit for military service are assigned to duty by the military corps area commander with allowance for the needs of the military, the ruling of the draft board and the medical commission, the occupational or professional qualifications of the draftee, and, insofar as possible, the wishes of the draftee. The guidelines for assigning draftees to duty are defined by the Minister of National Defense.

45.2. Insofar as possible draftees should be summoned to perform active military service in a unit located in the vicinity of their permanent domicile, or of their temporary domicile for more than two months.

Article 46.1. Draftees who are not summoned for basic military service by 31 December of the calendar year in which they complete 24 years of age are transferred to the reserves by the military corps area commander.

46.2. The provisions of Paragraph 1 do not apply to the draftees who:

1) Could not be summoned for basic military service during the period referred to in Paragraph 1 owing to deferment of that service, with the exception of the case specified in Article 39, Paragraph 2, or owing to submission of request for assignment to alternative service.

2) For reasons unrelated to military agencies, could not be summoned for basic military service during the period referred to in Paragraph 1 owing to:

- a) Incarceration in a penitentiary.
- b) Deprivation of public rights by a court ruling.
- c) Temporary sojourn abroad.

d) Failure to fulfill the military obligation of registering.

e) Failure to report for induction by the end of the calendar year in which they complete 24 years of age.

46.3. The draftees referred to in Paragraph 2 who are not summoned for basic military service are transferred to the reserves on 31 December of the calendar year in which they complete 28 years of age.

46.4. The Minister of National Defense may order transferring some draftees to the reserves prior to their completing the age specified in Paragraphs 1 and 3.

Article 47.1. Draftees who have become clergymen or members of the monastic orders are transferred to the reserves.

47.2. The provisions of Paragraph 1 and other provisions of the law concerning clergymen or members of the monastic orders do not apply to:

1) Clergymen elected to specified terms of office.

2) Clergymen or members of the monastic orders of churches and denominational associations whose legal status is unsettled.

Article 48.1. Women with qualifications classifiable as fit for active military service may be liable for the duty of reporting for conscription as of 1 January of the calendar year in which they complete 18 years of age—until 31 December of the calendar year in which they complete 24 years of age. These women may be previously liable to report for registration.

48.2. The obligations referred to in Paragraph 1 are imposed in executive orders issued by the Council of Ministers, which also define the qualifications for classifying women as fit for active military service.

48.3. The provisions of Articles 26-45 apply correspondingly to the registration and induction of women.

48.4. The Council of Ministers issues executive orders defining the guidelines and procedure for assigning women to active military service, granting them deferment, and transferring them to the reserves, as well as the agencies appropriate in these matters.

### Chapter 3. Record Keeping

Article 49.1. Military corps area commanders keep records of persons liable for the duty of military service.

49.2. The Minister of National Defense defines the scope and procedure for keeping these records.

Article 50.1. Workplace managers are obligated to notify the military corps area commanders proper for the permanent temporary (longer than two months) address of the employee, about the employment, discharge, and qualifications of the employee and the position held.

50.2. Rectors (directors) of higher educational, postsecondary, and secondary institutions are obligated to notify the military corps area commanders proper for the permanent or temporary (longer than two months) address of the student, about the admission, discharge, expulsion, and completion of studies by the student.

50.3. The notification referred to in Paragraphs 1 and 2 applies only to specified individuals liable for the duty of active military service.

50.4. Workplaces, schools, and other organizational units are obligated to issue certifications on matters relating to the general duty of defense upon demand by the concerned individuals and the appropriate military agencies.

50.5. The Council of Ministers issues executive orders defining the scope of obligations and the operating procedure in the cases referred to in Paragraphs 1-4.

Article 51.1. Military corps area commanders or agencies handling the registration of draft-age persons are notified by:

1) Courts of law and offices of public prosecutors—about the temporary detention of persons liable for the duty of military service, and also by courts of law, about the lawful sentencing of such individuals.

2) Penitentiaries and correctional institutions and investigative detention offices—about the placement in a penitentiary or investigative detention of persons liable for the duty of active military service, or about the placement of such persons in a corrective institution, or about the discharge of such persons from said institutions or from detention.

3) Community courts—to a specified extent, about the lawful penalizing of draft-age persons and draftees.

51.2. The Ministers of Justice, National Defense, and the Interior issue executive orders defining the scope of the notifications referred to in Paragraph 1 and the procedure and timetable for providing them.

Article 52.1. Persons liable for the general duty of defense are obligated to present themselves personally in response to the summons of the appropriate agencies on matters concerning said duty at the time and place specified in the summons and to undergo a medical examination.

52.2. Employees summoned to report personally before the appropriate agency on matters concerning the general duty of defense, who did not receive from their workplaces paid work release for the time spent in thus reporting are entitled, on demand, to lump-sum compensation for lost earnings, at the daily rate of 1/30th of the minimum wage payable for the monthly number of work hours defined by the Minister of Labor and Social Policy pursuant to the Labor Law Code. The compensation is paid by the summoning agency in accordance with the certification issued by the workplace.

52.3. Persons summoned to report personally by the appropriate agency on matters concerning the general duty of defense are entitled, on demand, to be reimbursed for the expenses of traveling to the site of reporting and back to their permanent or temporary (longer than two months) address. The compensation is paid by the summoning agency on the basis of a documented declaration by the summoned person.

52.4. If the summons is issued owing to the failure of the summoned person to fulfill, entirely or partially, the obligations specified in the present Law, the provisions of Paragraphs 2 and 3 do not apply.

Article 53.1. Persons liable for the duty of active military service are bound to fulfill the obligation to report, consisting in reporting to village heads or mayors or the appropriate military agencies changes in their address (residence), name, surname, education, and occupation or profession.

53.2. Persons liable for the duty of active military service who:

1) Do not report for induction as of 1 January of the calendar year in which they complete 19 years of age, or who:

2) Were summoned for active military service, basic service, the training of draftees in civil defense or alternative service, as of the day on which they were handed the summons (assignment card) for that service, are obligated to obtain permission for travel abroad from the Minister of National Defense or a military agency authorized by him.

53.3. Village heads or mayors:

1) Register persons liable for the duty of active military service after these cancel their registration at their previous permanent or temporary (longer than two months) address.

2) Notify the military corps area commanders and the village heads or mayors proper for the previous permanent or temporary (longer than two months) address about the changes reported when performing the military duty of registration by persons liable for the duty of active military service.

53.4. Military personnel released ahead of schedule from basic military service by the procedure specified in Article 90 are obligated to obtain permission from the military unit commander for changing their address; this obligation applies until transfer to the reserves.

53.5. The Council of Ministers issues executive orders defining the guidelines, scope, and procedure for exercising the obligations referred to in Paragraphs 1-3 and the offices proper in these matters.



Article 54.1. Persons whose names are in the records kept by military corps area commanders are issued military identity documents for the needs of the general duty of defense.

54.2. The Minister of National Defense specifies the kinds and formats of military identity documents, the offices proper for issuing them, and the guidelines for making entries in these documents.

54.3. Military identity documents may not be carried, transported, or sent abroad.

54.4. The Minister of National Defense issues, in consultation with the Minister of the Interior, executive orders defining the procedures for the distribution of military identity documents as well as for their replacement in the event of loss, destruction, or nonacceptance, and the office at which a person departing abroad is obligated to deposit for storage the person's military identity document.

### Section III. Military Service

#### Chapter 1. General Provisions

Article 55.1. The duty of military service consists in:

- 1) Performance of basic military service by inductees.
- 2) Performance of military exercises and training by students and graduates of higher educational institutions.
- 3) Performance of military exercises and periodic military service by reserve personnel.
- 4) Performance of active military service in the event mobilization is declared and in wartime by inductees and reserve personnel.

55.2. As part of the duty of military service draftees may be assigned to render alternative service or training in civil defense instead of basic military service.

Article 56.1. Service by draftees in armed formations that are not part of the Armed Forces is tantamount to their performance of the duty of basic military service.

56.2. The Council of Ministers issues executive orders defining the armed formations which are not part of the Armed Forces and in which serving is tantamount to performing the duty of basic military service.

56.3. Draftees serving in armed formations which are not part of the Armed Forces, as well as their family members, are, irrespective of the benefits provided for these persons by virtue of serving in these formations, also entitled to the benefits specified in the present Law and its implementing regulations for personnel in basic military service and their families, to the extent defined in executive orders of the Council of Ministers.

56.4. Assignment for service in armed formations that are not part of the Armed Forces of the Republic of Poland may occur solely with the consent of the draftee.

56.5. The Minister of National Defense issues, in consultation with the ministers to whom the armed formations referred to in Paragraph 2 are subordinated, executive orders specifying the guidelines for the selection and assignment of draftees to said armed formations, as well as the course of their service therein to the extent not regulated in separate laws.

Article 57. The Council of Ministers determines each year the number of draftees conscripted in the calendar year for basic military service, for military training, for basic service and training in civil defense, and for service in the armed formations that are not part of the Armed Forces, and also the number of reserve personnel scheduled to take part in military exercises and perform periodic military service, and lastly the number of persons scheduled to attend civil defense exercises.

Article 58.1. The duty of military service within the extent defined in the present Law applies to the following Polish citizens:

- 1) Males, beginning with 1 January of the calendar year in which they complete 18 years of age until the end of the calendar year in which they complete 50 years of age—or 60 years if they have the rank of a warrant officer or an officer.
- 2) Females with qualifications suitable for this service, beginning with 1 January of the calendar year in which they complete 18 years of age and ending with the end of the calendar year in which they complete 40 years of age—or 50 years if they have the rank of a warrant officer or an officer.

58.2. The duty of military service does not apply to those persons referred to in Paragraph 1 who were classified as permanently unfit for that service owing to their health.

58.3. The duty of military service does not apply to females who:

- 1) Care for children of up to eight years of age.
- 2) Care for children from eight to 16 years old or for cohabiting persons classified in Category 1 of the disabled or the bedridden, if such care cannot be entrusted to other persons.

Article 59. Soldiers in active military service are persons who:

- 1) Perform:
  - a) Basic military service.
  - b) Extended basic military service.
  - c) Military retraining.
  - d) Military exercises.
  - e) Periodic military service.

2) Perform military service in times of mobilization and war.

Article 60.1. Conscription into active military service takes place with by means of draft summons, mobilization cards, announcements, or other procedures defined by the Minister of National Defense. The draft card is issued as an administrative decision.

60.2. Conscription into active military service is a duty of the military corps area commander.

60.3. The day of conscription into active military service is the day on which the draftee is to report for that service as specified in the draft summons.

60.4. The organization of the delivery, and the delivery itself, of summons for immediate reporting for military exercises as well as for active military service in the event of mobilization or in time of war is a duty of:

1) Village heads or mayors in gminas.

2) Directors of rayon offices of the general government administration in rayons.

60.5. In the cases referred to in Paragraph 4 the summons may also be delivered by postal-and-telegraph offices or the Police.

60.6. Putting up posters announcing conscription into active military service in the event of mobilization or war is a duty of village heads or mayors.

60.7. When so warranted, the summons may be delivered at any time of the day.

60.8. Summons for military exercises for which immediate attendance is required may be issued only with the object of verifying the mobilizational readiness of the Armed Forces of the Republic of Poland.

60.9. The Minister of National Defense determines the format of the draft and mobilization summons and posters, as well as their addressees.

Article 61.1. Persons summoned for active military service are obligated to report for that service at the specified time and place. With the moment they report there, they become soldiers in active military service.

61.2. Upon the unexcused failure of a draftee to report for active military service, the director of the office of the general government administration proper for the permanent or temporary—more than two months—address of the draftee orders, on the recommendation of the military corps area commander, the Police to escort the draftee to a specified military unit under the regulations governing executive proceedings in administration.

Article 62. The Ministers of the Interior and National Defense and Communications define, in consultation with the Minister-Director of the Office of the Council of Ministers, the competences and operating procedures of offices as regards the delivery of draft and mobilization

summons, putting up of posters, and other ways of summoning for active military service.

Article 63. The performance of active military service and the responsibilities and rights of the soldiers are defined by the present Law and by the executive orders and regulations issued on its basis, as well as by manuals of rules and orders issued by the Minister of National Defense.

Article 64.1. Military personnel are duty-bound to keep secret any information learned directly or in connection with their performance of active military service if such information is a state or official secret.

64.2. The duty of keeping secret applies both during active military service and following release from it.

64.3. A soldier in active military service may be exempted from the duty of keeping a secret by a superior holding the rank of at least commander of a military district, and a soldier released from active military service—by the Minister of National Defense or a military agency he so authorizes, unless separate regulations specify otherwise.

64.4. Personnel in active military service are duty-bound to obtain, by a procedure specified in an executive order of the Minister of National Defense, the permission or the Minister of National Defense or a military agency he so authorizes to disseminate the results of their scientific, literary, artistic, or publicistic activities when these happen to reveal state or official secrets.

65.1. While performing active military service, soldiers have their membership in political parties suspended.

65.2. While performing active military service, soldiers may not participate in the activities of civic movements and other citizens' groupings of a political nature, nor may they engage in any political activities on the territory of a military unit (institution), inclusive of the dissemination of publications on political problems.

65.3. While performing active military service and wearing military uniforms and insignia, soldiers may not attend rallies or meetings of a political nature.

65.4. The provisions of Paragraphs 2 and 3 do not apply in the event that a soldier in active military service is a candidate for the Sejm, the Senate, or a local-government body.

65.5. Personnel in active military service may not establish or join trade unions, nor may they participate in the activities of the trade unions to which they had belonged at the moment of their induction into that service.

65.6. Personnel in active military service may join nonmilitary associations or organizations and participate in the activities of the associations or organizations to which they had belonged at the moment of their

induction into that service, only upon permission from their superior having the rank of at least regimental commander.

65.7. The activities of political parties and associations and other organizations on the territory of military units (institutions) are governed by separate laws, with the proviso that community associations and other organizations associating personnel in active military service may not be established on said territory.

Article 66. Personnel in active military service are duty-bound to obtain permission from the Minister of National Defense or a military agency he so authorizes for traveling and sojourning abroad, under a procedure defined in an executive order issued by the Minister of National Defense.

Article 67.1. Soldiers in active military service are duty-bound to wear military uniforms and insignia while performing service-related duties.

67.2. Soldiers not performing active military service may be issued military uniforms and gear for purposes relating to the performance of the universal duty of defense. Such personnel are duty-bound to report when summoned for service, upon wearing the issued uniforms and gear.

67.3. In cases other than those specified in Paragraphs 1 and 2 military personnel may wear military uniforms and insignia only when so permitted under the guidelines and by the procedure defined by the Minister of National Defense.

67.4. The Minister of National Defense specifies:

- 1) Forms, guidelines, and procedure for wearing military uniforms and insignia, as well as guidelines and procedure for bearing arms.

- 2) Cases in which military personnel are exempt from the duty of wearing military uniforms and insignia.

- 3) Guidelines and procedure for the wearing of non-military decorations, medals, and insignia by military personnel.

- 4) Guidelines for issuing military uniforms and gear accessories in the cases referred to in Paragraph 2.

Article 68.1. Personnel in active military service receive:

- 1) Free meals or their financial equivalent.

- 2) Military uniforms and gear in kind or their financial equivalent, in cases and under the guidelines and norms defined by the Minister of National Defense.

68.2. The rights of military personnel to lodging, pay, compensation benefits, old age pension, and disability benefits, are defined by separate laws and the implementing regulations issued on their basis.

Article 69. Personnel in active military service are entitled to:

- 1) The right to free public health care, under the guidelines and procedure and to the extent defined in executive orders of the Ministers of National Defense and Health and Social Welfare.

- 2) The right to discounts in using state-owned means of transportation, to the extent and on the terms defined by executive orders of the Minister of Transportation and Navigation in consultation with the Minister of National Defense.

Article 70.1. Personnel in active military service may, with the proviso of Paragraphs 2 and 3, be granted furloughs to the extent and under the guidelines defined in executive orders of the Minister of National Defense.

70.2. Personnel in basic, extended and periodic military service are entitled to recreational furloughs to the extent and under the guidelines defined by the Minister of National Defense.

70.3. Personnel in basic, extended, and periodic military service are granted circumstantial leaves for the duration of their own electoral campaigns.

Article 71.1. Discharge from active military service occurs following the expiration of the period of service specified by law or in the draft summons, or prior to said expiration—in cases specified in the present Law or in the implementing regulations issued on its basis.

71.2. The discharge is ordered by military unit commanders or other military agencies.

71.3. A serviceman is considered discharged from active military service at the moment of his departure from the site of performance of the service following his discharge therefrom pursuant to Paragraph 2.

Article 72.1. The travel expenses of persons summoned for active military service and persons discharged from that service (in the latter case, for travel to permanent or temporary (if more than two months old) address, are borne by the military agencies.

72.2. In the event mobilization is announced and in time of war, travel on basis of mobilization summons and draft summons is free.

Article 73. The Minister of National Defense issues executive orders defining the detailed guidelines and procedure for conscription into and discharge from active military service.

## Chapter 2. Military Rank

Article 74.1. Depending on their military rank, military personnel are privates, noncommissioned officers, warrant officers, ensigns, or officers.

74.2. The following military ranks apply:

Ground Forces and Air Force	Navy
<b>Privates</b>	
Private	Ordinary Seaman
Private First Class	Seaman First Class
<b>Junior Noncommissioned Officers</b>	
Corporal	Leading Seaman
Senior Corporal	Senior Mate
<b>Senior Noncommissioned Officers</b>	
Platoon NCO	Petty Officer
Sergeant	Boatswain
Senior Sergeant	Senior Boatswain
Staff Sergeant	Staff Boatswain
Senior Staff Sergeant	Senior Staff Boatswain
<b>Junior Warrant Officers</b>	
Junior Warrant Officer	Junior Naval Warrant Officer
Warrant Officer	Naval Warrant Officer
<b>Senior Warrant Officers</b>	
Senior Warrant Officer	Senior Naval Warrant Officer
Staff Warrant Officer	Naval Staff Warrant Officer
Senior Staff Warrant Officer	Senior Naval Staff Warrant Officer
<b>Junior Officers</b>	
Lieutenant	Ensign
Senior Lieutenant	Lieutenant Junior Grade
Captain	Lieutenant
<b>Senior Officers</b>	
Major	Lieutenant Commander
Lieutenant Colonel	Commander
Colonel	Captain
<b>Generals and Admirals</b>	
General of Brigade	Rear Admiral, Upper Half
General of Division	Rear Admiral, Lower Half
General of Arms	Vice-Admiral

74.3. The highest military rank is the rank of Marshal of Poland.

74.4. The Minister of National Defense may also designate other military ranks in discrete arms of service or services, equivalent to the ranks specified in Paragraph 2, and issue executive orders introducing new military ranks.

Article 75.1. Military ranks are for life.

75.2. A military rank is the soldier's honorific.

75.3. The Minister of National Defense may also introduce other military ranks and define the guidelines for the use of military ranks and titles.

Article 76.1. The rank of Private is conferred without any special ceremony on persons who are:

1) Inducted for the first time into active military service, on the day they report for that service.

2) Assigned to student military exercises, on the day they are registered for military studies.

3) Transferred to the reserves without doing military service, on the day of transfer to the reserves.

76.2. A higher military rank is conferred by appointment. The guidelines, requirements, and procedure for appointments to military ranks are defined in the executive orders of the Minister of National Defense.

76.3. Military ranks are conferred upon privates, non-commissioned officers, and warrant officers by the Minister of National Defense or the military agencies he so authorizes.

76.4. Appointments to the rank of the junior officer (second lieutenant) and to the rank of generals and admirals are made by the President on the recommendation of the Minister of National Defense.

76.5. Appointments to all other officer ranks are made by the Minister of National Defense.

76.6. The President of the Republic of Poland bestows the rank of Marshal of Poland on an officer having the rank of a general (or an admiral) for exceptional contributions to the Armed Forces of the Republic of Poland.

76.7. In the event mobilization is announced and in time of war the Minister of National Defense or the military agencies he so authorizes make the appointments to all military ranks up to the rank of colonel (or naval commander) inclusively.

Article 77.1. For accomplishing a deed demonstrating special courage, or for exceptional services, a soldier may be promoted to a higher military rank irrespective of the normal requirements for that promotion.

77.2. The provisions of Paragraph 1 also apply to soldiers who died or lost fitness for military service in circumstances demonstrating their exceptional courage or exceptional services.

Article 78.1. A soldier forfeits his military rank in the event of:

- 1) Loss of Polish citizenship.
- 2) Sentencing by a legal court verdict to the additional penalty of deprivation of public rights or degradation.
- 3) Disciplinary deprivation of rank.
- 4) Demotion from an officer rank higher than the rank of colonel (naval commander) by the decision of the organ proper for appointment to that rank.

78.2. A soldier is demoted in the event of:

- 1) Sentencing by a legal court verdict to demotion in military rank.
- 2) Disciplinary demotion.

78.3. In the cases referred to in Paragraph 1, Points 2)-4) the soldier retains the rank of private.

78.4. Demotion in military rank signifies forfeiture of current rank and return to the next lower rank within the officer corps, warrant officer corps, or noncommissioned officer corps.

Article 79.1. A soldier who is not in active military service may be deprived of the rank of officer, warrant officer, or noncommissioned officer, in the event of perpetration of a deed demonstrating loss of the required moral values.

79.2. The soldier referred to in Paragraph 1 may also be demoted in the event of a glaring violation of the rules of

social coexistence or conduct unbecoming to the dignity of military rank, if so warranted by the nature and circumstances of the deed.

79.3. The deprivation or demotion of military rank is ruled upon by the agency proper for appointment to that rank; deprivation of the rank of second lieutenant is ruled upon by the Minister of National Defense. The provisions of Article 78, Paragraph 4, apply correspondingly.

79.4. The Minister of National Defense issues executive orders defining the procedure for the deprivation and demotion of military ranks in the cases referred to in Paragraphs 1 and 2.

Article 80.1. A soldier regains his military rank in the event of waiving:

- 1) The verdict sentencing to the additional penalty of deprivation of public rights or degradation.
- 2) The ruling of the court of honor in favor of deprivation or demotion of military rank.
- 3) Disciplinary deprivation of or demotion in military rank.
- 4) The decision to deprive the soldier of his military rank or demote him, issued under the procedure specified in Articles 78 and 79.

80.2. In the event that he regains Polish citizenship, the person deprived of his military rank regains the rank of Private, unless the proper agency deems it fit to restore the person's forfeited higher military rank.

Article 81.1. For special accomplishments in work or for special contributions to the Republic of Poland, a soldier's military rank may be restored.

81.2. Reinstatement of military rank that had been forfeited owing to sentencing to the additional penalty of deprivation of civil rights may not occur prior to the expiration of the time period for which that penalty applies.

81.3. Reinstatement of military rank is ruled upon by the agency proper for appointments to that rank. Reinstatement to the rank of Second Lieutenant is decided upon by the Minister of National Defense.

### Chapter 3. Basic Military Service

Article 82.1. The duration of basic military service is 18 months.

82.2. The service referred to in Paragraph 1 is performed over a single uninterrupted period of time.

82.3. Basic military service may also be performed periodically over three years. The division of service into periods is decided upon by the Minister of National Defense.

82.4. The Minister of National Defense may, depending on the needs of the Armed Forces, curtail the duration of basic military service.

82.5. When so required by national defense or national security, the Council of Ministers may issue an executive order prolonging the duration of basic military service by a period of time lasting altogether not more than one month.

Article 83.1. Draftees summoned for basic military service under Article 45 as well as volunteers are inducted into that service.

83.2. Males deemed fit for military service who completed 17 years of age and volunteer for that service also are inducted into the basic military service as referred to in Article 81, Paragraph 1.

Article 84.1. The volunteers referred to in Article 83, Paragraph 2, are directed to the local medical commission to determine their fitness for military service.

84.2. If a ruling of unfitness for military service is issued, this does not exempt the volunteer from the duty of reporting for conscription at specified time and place.

Article 85. Military personnel who, while performing basic military service, are transferred to a military unit in which the period of that service is shorter or longer than the period for which they were conscripted, are obligated to perform that service during the period established for the personnel of that unit.

Article 86.1. Military personnel performing basic military service may reenlist for it on voluntary basis for a period of from one to four years.

86.2. Military personnel remaining in basic military service pursuant to Paragraph 1 are obligated to serve for the entire period for which they reenlist.

86.3. The Minister of National Defense defines the special rights to lodging, furloughs, and other benefits to which are entitled military personnel whose requests for reenlistment in basic military service are approved.

Article 87.1. A soldier who has completed basic military service is transferred to the reserves.

87.2. A soldier may be discharged before completing basic military service in the event that:

- 1) Service is performed periodically.
- 2) The soldier is ruled permanently or temporarily unfit for military service owing to the state of his health.
- 3) Need to personally care for a family member who has not yet completed 16 years of age or is classified in Category 1 of the disabled.
- 4) Admission for full-time studies to a secondary, postsecondary, or higher school.

5) He has to operate a farm, if he has legal title to the farm or, as a legal ascendant, collects a pension or a disability annuity by virtue of operating that farm and, at the same time, the operation of the farm hinges on his personal labor; the provisions of Article 39, Paragraph 5, apply correspondingly.

6) He is elected to the Sejm, the Senate, or a local-government body.

7) The penalty of deprivation of freedom, including a substitutive penalty, is imposed on him.

87.3. A soldier may be released from basic military service before completing it, in the event of being admitted for evening or correspondence studies to a secondary, postsecondary, or higher school, and also in the event of being classified as the sole family provider under Article 127.

87.4. The decision to release a soldier from basic military service in the cases referred to in Paragraphs 2 and 3 is taken by the proper military agency ex officio or upon the soldier's request. The decision is handed to the soldier in writing together with a rationale.

87.5. The decision of the proper military organ may be appealed by a soldier to a higher-level military agency within 14 days from the date the decision is issued. That decision may be also altered ex officio by the higher-level military agency, if it was issued in violation of law.

87.6. After the reasons for the release from basic military service referred to in Paragraphs 2 and 3 no longer apply, the soldier is called up to complete the remaining period of his service, unless circumstances arise justifying deferment for another reason or transfer to the reserves.

87.7. A soldier who performs basic military service may also be released from it before the expiration of the period of time for which he has reported for that service, in special cases defined by the Minister of National Defense.

Article 88.1. The proper local village head or mayor rules on the validity of a soldier's need to personally care for a family member or personally operate a farm.

88.2. The ruling of the village head or mayor is handed to the soldier and to the proper military organ in writing, together with a rationale.

88.3. The ruling of the village head or mayor may be appealed by the soldier or the proper military organ to the voivode within 14 days from the date the ruling is delivered. That ruling may be also altered ex officio by the voivode if it was issued in violation of law.

88.4. The final decisions on the matters referred to in Paragraph 1 are binding on commanders of military units.

Article 89.1. The Council of Ministers issues executive orders defining the specific requirements and guidelines

for the release of military personnel from basic military service prior to its completion, as well as the specific guidelines, procedure, and competences of military organs in these matters.

89.2. The Minister of National Defense issues executive orders defining the specific guidelines for callups to complete the remaining period of basic military service and for transfers to the reserves.

Article 90.1. Military personnel may be released ahead of schedule from basic military service but left at the disposal of the commanders of their military units in the cases and on the terms defined in executive orders of the Minister of National Defense.

90.2. Transfer to the reserves of military personnel discharged from basic military service ahead of schedule takes place upon the expiration of the legal period of duration of that service, as reckoned starting from the first day of its performance.

90.3. Prior to transfer to the reserves, military personnel discharged ahead of schedule from basic military service may be called up at any time to complete said service.

#### **Chapter 4. Military Service of Students and Graduates of Higher Educational Institutions**

Article 91. Whenever the present Law refers to "graduates of higher educational institutions" this means draftees who have completed the last year of studies needed to meet the requirements for a Master's degree or higher professional studies, and if, directly after completing higher professional studies, they have begun to take complementary Master's degree studies, also the draftees who have completed the last year of studies prescribed by the pertinent curriculum, even though they have not completed these studies themselves, whether on full-time, evening, or correspondence-course basis.

Article 92.1. Graduates of higher schools are obligated to attend military retraining, with the proviso of Articles 95 and 96.

92.2. Mandatory military retraining also applies to graduates of higher schools who have completed their studies abroad.

92.3. Graduates of higher schools who are soldiers in the reserves may attend military retraining on their own request.

92.4. The Council of Ministers may issue an executive order imposing the duty of military retraining also on female higher school graduates having the qualifications suiting them for active military service. The provisions of Article 48, Paragraph 2, apply correspondingly.

Article 93.1. Military retraining is attended in military units for a period of up to six months.

93.2. Draftees are called up to attend military retraining not later than within 18 months from the day on which

they become graduates of higher schools, and if the callup cannot be accomplished within that time limit owing to circumstances beyond the control of military organs, or owing to the filing of a request for assignment to alternative civilian service, within the next 18 months.

92.3. In matters concerning deferment of military retraining Articles 38-43 apply correspondingly to graduates of higher schools, with the proviso of Paragraph 4.

92.4. The military corps area commander may approve a higher school graduate's request for deferment of military retraining also when, directly after completing the requirements for a Master's degree, the graduate commences full-time doctoral studies. The provisions of Articles 42 and Paragraph 2 apply correspondingly.

92.5. The Minister of national Defense issues executive orders defining the procedure for assignment of graduates of higher schools to military retraining, for callup for that retraining, the kinds and duration of that retraining, and the procedure for attending the retraining and discharge therefrom.

92.6. The expenses of the military retraining of graduates of higher schools are funded from the budget of the Ministry of National Defense.

Article 94.1. Military personnel who complete military retraining and students who complete the military exercises referred to in Article 95, Paragraph 1, are transferred to the reserves.

94.2. The release of military personnel ahead of schedule from military retraining is correspondingly governed by Articles 87-89.

Article 95.1. Students at maritime higher schools are obligated to attend military exercises while enrolled at these schools. Attendance at these exercises is tantamount to attendance at the military retraining referred to in Article 93, Paragraph 1.

95.2. Military exercises are a mandatory subject of instruction in the division of military studies within the curriculum of maritime higher schools.

95.3. The Minister of National Defense defines, in consultation with the Ministry of Transportation and Navigation:

- 1) By issuing an executive order, the procedure for assigning students at maritime higher schools to military exercises and the duration and nature of these exercises.

- 2) The organization of military studies.

- 3) Programs for military exercises.

95.4. The expenses of establishing and operating military studies are funded from the budget of the Ministry of National Defense. The Council of Ministers defines the specific guidelines and procedure for defraying these expenses.

Article 96.1. Male and female students at medical schools are obligated to attend courses on disaster medicine. These courses are a mandatory part of the curriculum at those schools.

96.2. The Minister of Health and Social Welfare, in cooperation with the Minister of National Defense, defines the duration, nature, and programs of instruction in disaster medicine.

Article 97.1. The Council of Ministers may issue executive orders exempting the graduates of certain higher schools from the duty of attending military retraining.

97.2. Students who have not been graduated from higher schools are liable for the duty of active military service on general principles.

Article 98.1. The draftees referred to in Article 92, Paragraph 1, and Article 95, Paragraph 1, when assigned to alternative civilian service, perform that service subsequent to the day on which they become graduates of higher schools.

98.2. Draftees who are not assigned to alternative civilian service are liable for callup with the object of completing the military retraining referred to in Article 93, Paragraph 1.

#### Chapter 5. Military Service of Reserve Personnel

Article 99. Persons in the military reserves are persons transferred to the reserves under the provisions of the present Law.

Article 100.1. The duty of military service for reserve personnel consists in attending military exercises.

100.2. Exemptions from callups for military exercises apply to reserve personnel who:

- 1) Conduct their own electoral campaign, during its duration.
- 2) Are elected to the Sejm, the Senate, or a local-government body, for the duration of their term of office.
- 3) Perform alternative civilian service.

100.3. Irrespective of military exercises, noncommissioned officers, warrant officers, and officers in the reserves may be called up for periodic military service in cases warranted by the needs of national defense or the needs of the Armed Forces. The provisions of Paragraph 2 apply correspondingly.

Article 101.1. The military corps area commander notifies the workplace of a soldier in the reserves about the intention of calling up said soldier for military exercises not later than three months prior to callup day.

101.2. The provisions of Paragraph 1 apply correspondingly to military personnel in the reserves who operate

farms in the circumstances referred to in Article 39, Paragraph 1, Point 2), or who operate a business that has been duly registered. The provisions of Article 39, Paragraphs 4 and 5, apply correspondingly.

101.3. The provisions of Paragraph 1 do not apply to the military exercises ordered on emergency basis, as well as to exercises lasting up to 24 hours.

101.4. The workplace may file, within 14 days from the day it receives the notice, with the chief of the voivodship military staff, a substantiated request for exemption from the callup referred to in Paragraph 1 if said callup results in immobilizing the operations of the workplace or in causing serious harm thereto.

101.5. The provisions of Paragraph 4 apply correspondingly to the reserve personnel referred to in Paragraph 2.

101.6. The chief of the voivodship military staff issues a ruling not later than 30 days prior to the day of callup for military exercises. The ruling is final.

Article 102.1. If the callup for military exercises results in the consequences referred to in Article 101, Paragraph 4, the workplace may request compensation from the State Treasury.

102.2. The compensation referred to in Paragraph 1 is not payable unless the workplace first files the request referred to in Article 101, Paragraph 4.

102.3. If military organs sustain a loss owing to the filing of the request referred to in Article 101, Paragraph 4, by the workplace, when said request contains inaccurate or exorbitant data, the workplace is obligated to pay compensation.

102.4. The vindication of the claims referred to in Paragraphs 1 and 3 takes place by means of civil law procedure.

102.5. The provisions of Paragraphs 1-4 apply correspondingly to the reserve personnel referred to in Article 101, Paragraph 2.

Article 103.1. The combined duration of military exercises throughout the period served in the military reserves may not exceed:

- 1) Nine months for the privates and noncommissioned officers who have completed their basic military service.
- 2) Twelve months for the privates and noncommissioned officers who have not completed basic military service.
- 3) Eighteen months for warrant officers and officers.

103.2. The military exercises attended while holding the rank of a private or a noncommissioned officer are credited to the combined duration of military exercises fixed for warrant officers and officers.



Article 104.1. The combined duration of military exercises may not exceed altogether 90 days in the course of a year.

104.2. callups for military exercises may be issued at most once a year, and for exercises lasting up to 24 hours, not more than thrice a year.

104.3. In cases in which the needs of national defense or national security so require, the Council of Ministers may issue an executive order extending the duration of military exercises by a period of altogether not more than 30 days in the course of a year.

Article 105. The provisions of Articles 103 and 104 do not apply to the military exercises relating to participation in combatting elemental disasters and environmental dangers and eliminating their consequences.

Article 106. The Minister of National Defense issues executive orders defining the method and form of performance of military exercises and their quantity and duration for discrete categories of reserve military personnel in accordance with their age, rank, and kind of military training.

Article 107. Clergymen, with the exception of those elected to specified terms of office, and members of the monastic orders may be called up for military exercises solely with the object of training in the performance of the duties of the military chaplain, upon the consent of the appropriate ecclesiastical superior.

Article 108.1. Noncommissioned officers, warrant officers, and officers in the reserve are called up for periodic military service.

108.2. The combined duration of periodic military service may not exceed 12 months of the time during which a soldier remains on reserve status.

108.3. If a soldier is liable for discharge from periodic military service owing to the expiration of the period of that service, or owing to being classified as unfit for military service, is incapable of civilian work owing to an illness confirmed by a medical ruling, on his request the duration of periodic military service is extended for the period of his illness, provided that this period does not exceed six months.

108.4. The specific rights and obligations of soldiers performing periodic military service are defined in an executive order of the Council of Ministers.

#### **Chapter 6. Military Service in the Event of Mobilization and in Time of War**

Article 109.1. In the event of mobilization and in time of war draftees classified as fit for military service and military personnel in the reserves are, regardless of their current assignment, liable to being called up at any time for active military service.

109.2. Persons who volunteer in response to recruitment drives also may be called up for active military service.

109.3. The Minister of National Defense defines the rules for carrying out recruitment drives for volunteers.

Article 110. Personnel in active military service at the moment of mobilization and outbreak of war as well as personnel called up for that service pursuant to Article 109 remain in active military service until their discharge.

Article 111.1. Persons called up for active military service may be assigned to perform that service in civil defense or in militarized units.

111.2. The Minister of National Defense determines the guidelines and procedure for assigning personnel to service in civil defense and militarized units, and the rules for performing that service.

Article 112.1. Clergymen, with the exception of those elected to specified terms of office, may be called up for active military service solely with the object of exercising the duties of military chaplains.

112.2. Seminary and divinity school students as well as members of the monastic orders may be called up for active military service solely to serve as medics or in civil defense.

Article 113.1. The conduct of conscription is ordered by the Minister of National Defense.

113.2. The Minister of National Defense may order extending the duty of reporting for conscription to:

1) Males who in a given calendar year complete 18 years of age.

2) Females with qualifications making them suitable for military service, who in a given calendar year complete 18 years of age but have not completed 40 years of age, and who are not soldiers in the reserves.

3) Persons classified as temporarily unfit for military service.

113.3. The persons referred to in Paragraph 2 are draftees as interpreted by Article 109, Paragraph 1.

Article 114.1. Voivodship military staffs handle the conscription.

114.2. Chiefs of voivodship military staffs appoint local and voivodship draft boards, with their membership defined by the Minister of National Defense.

114.3. The rulings of local draft boards are final.

114.4. A ruling of a rayon draft board may be altered or waived by a voivodship draft board only if it was issued in violation of legal regulations or is patently erroneous.

Article 115. Deferment of active military service is granted only in consideration of state of health, for a period to be determined by the local draft board but not longer than six months. Following the expiration of that

period the draftee granted deferment is obligated to report again to the proper draft board.

Article 116.1. persons who, in view of their qualifications or occupational or professional position are essential to safeguarding national defense or national security, are not called up for active military service.

Article 116.2. The Council of Ministers issues executive orders defining the categories of the persons referred to in Paragraph 1 and the guidelines and procedure for their claiming exemption from the duty of active military service.

Article 117.1. Discharge from active military service takes place:

1) In the event a soldier is deemed permanently unfit for military service by a military medical commission.

2) In the event of demobilization of persons born in specified years or groups of personnel specified by the Minister of National Defense.

117.2. Discharge from active military service may take place:

1) In the event a soldier is deemed temporarily unfit for military service by a military medical commission.

2) In the event that claims for exemption are filed by persons essential to national defense and national security.

117.3. Persons discharged from active military service are obligated to report personally within seven days from the day of discharge from service to the military corps area commander proper for the permanent address of the discharged person so that appropriate entries may be made in the military records.

#### **Chapter 7. Special Rights of Military Personnel and Their Families**

Article 118.1. During the period between the day on which an employee is handed a callup order for active military service and the day on which he begins that service, his employment may not be terminated by his employer.

118.2. If the period on which a layoff notice is effective commences after the day on which the employee is handed a callup order for active military service, the layoff notice is void. In this case termination of employment may take place only on the employee's own demand.

118.3. The provisions of Paragraphs 1 and 2 also apply to employment contracts concluded for a trial period. In the event that the trial period expires after the employee receives a callup order for active military service, the employment contract is considered as concluded for an indefinite period.

118.4. The provisions of Paragraphs 1-3 do not apply to the employees called up for active military service to be performed in the form of one-day exercises.

118.5. An employment contract concluded for a specific period of time or for the time needed to complete a specified assignment is, however, subject to termination upon the expiration of the time period specified in the contract.

118.6. The provisions of Paragraphs 1-5 do not apply if the workplace can terminate an employment contract without prior notice owing to the employee's fault, or in the event the workplace is put under receivership or declared bankrupt. In such cases termination of employment follows the general rules.

Article 119.1. On the request of the employee who was handed a callup order for active military service, the workplace is obligated to grant him time off without pay:

1) For two days, if the employee receives a summons for basic or periodic military service.

2) For one day, if the employee receives a summons for attending military exercises lasting more than 30 days.

119.2. The provisions of Paragraph 1 do not apply if the summons received specifies immediate reporting for the callup.

119.3. On the request of the employee who attended military exercises for more than 30 days, the workplace is obligated to grant him one day off without pay after the completion of these exercises.

119.4. In the cases specified in Paragraphs 1 and 3 the workplace may—at its own expense—pay the employee for his work-release time.

Article 120.1. An employee who within 30 days from the day of discharge from active military service resumes work at the workplace at which he had been employed on the day of callup for that service, has the period of his military service credited to his work seniority, along with all the attendant rights and benefits, at that workplace.

120.2. An employee who within 30 days from day of discharge from active military service begins work at a workplace different from the place at which he had been employed when called up for that service, has the period of his military service credited to the period of employment required to acquire or preserve his work-related rights and benefits, with the exception of the benefits to which the employees at his new workplace are alone entitled.

120.3. An employee who begins work after the expiration of 30 days from the day of discharge from military service has the period of his military service credited to the period of employment required solely for such benefits as length of vacation, burial benefits, and pension and annuity benefits.

120.4. The time limits specified in Paragraphs 1 and 2 are considered as adhered to if the employee is unable to begin work owing to circumstances beyond his control.

120.5. The provisions of Paragraphs 1-4 apply unless special regulations specify otherwise.

120.6. The provisions of Paragraphs 1-3 do not violate the unemployment rights specified in separate regulations.

Article 121.1. Military personnel in the reserves who cannot, within 30 days from day of discharge from active military service, begin work owing to the announcement of the receivership or bankruptcy of the workplace at which they had been employed on the day of callup for that service, or owing to termination of their employment for reasons relating to the workplace, and also who look for work owing to other reasons, are entitled to priority in job placement.

121.2. The Minister of Labor and Social Policy issues, in consultation with the Minister of National Defense, executive orders specifying the guidelines for organizing job placement for the military personnel in the reserves referred to in Paragraph 1.

Article 122.1. The workplace at which the employee was working on the day of callup for active military service is obligated to rehire him in the same or equivalent job, of the same kind and at the equivalent pay, if the employee reports there within 30 days from day of discharge from service. Failure to adhere to this time limit means termination of employment, unless it was due to reasons beyond the employee's control.

122.2. If, while performing active military service, the employee gains higher job skills than he had previously possessed, his workplace is obligated, upon his request, to employ him, insofar as possible, in a position befitting the skills acquired while in the military.

Article 123. An employee who resumes work after being released ahead of schedule from basic military service and remaining at the disposal of the commander of the military unit is obligated, if summoned to complete that service, to report for work on the day after discharge from service.

Article 124.1. The workplace grants an unpaid leave to an employee called up for military exercises, for the duration of these exercises, unless the exercises last up to 24 hours and are held in off-duty hours or on days off from work.

124.2. During the unpaid leave referred to in Paragraph 1 the employee retains all his employment benefits, with the exception of the right to be paid.

Article 125. An employee who is called up for basic or periodic military service receives from his workplace a two-week severance pay calculated according to the

guidelines for calculating vacation-leave pay. No severance pay is due upon a second callup for the same service.

Article 126. While an employee does basic military service, his workplace may terminate the employment of his wife solely if through the wife's fault or in the event of bankruptcy or liquidation of the workplace.

Article 127.1. Draftees who are handed a summons for basic military service and the soldiers performing that service may be—with the exception of reenlisted personnel—granted on their own request, or on the request of an authorized family member, the status of sole family provider by the local village head or mayor.

127.2. The family members to whom the draftee (soldier) is the sole provider are: spouses, children, parents, and other persons—if the draftee (soldier) has the obligation of paying alimony to those other persons, and if their income, regardless of source, is lower than the minimum monthly wage defined by the Minister of Labor and Social Welfare under the Labor Law Code, and if they meet the requirements specified in the executive order of the Council of Ministers.

127.3. The decision of the village head or mayor is delivered to the applicant together with a rationale.

127.4. The decision of the village head or mayor may be appealed by the applicant to the voivode within 14 days from the day the decision is delivered. The decision may be waived by the voivode also ex officio if it was issued in violation of law.

Article 128.1. In cases in which a soldier is acknowledged as the sole family provider, his family members are entitled to family allowances.

128.2. The family allowance is granted starting from the day the request referred to in Article 127, Paragraph 1, is filed, but not earlier than from the day of reporting for basic military service until the day of discharge from that service.

128.3. The family allowance for an authorized family member amounts to 100 percent of the minimum monthly wage defined by the Minister of Labor and Social Welfare pursuant to the Labor Law Code, with the proviso of Paragraphs 4-6.

128.4. If more than one family member are eligible for the family allowance, and if these members live in a joint household, the first family member receives 100 percent of the amount defined in Paragraph 3 and every subsequent family member receives 75 percent.

128.5. If a family member who is eligible for the family allowance derives the income referred to in Article 127, Paragraph 2, the allowance due that member is reduced by the amount of that income. Nonmilitary family allowances, nursing-care allowances, and orphan benefits are not considered to be income.

128.6. If a family member eligible for a family allowance has to pay alimony in conformity with a legal judicial ruling or contract, the allowance paid is in the amount of that alimony but may not be higher than the ceiling for the family allowance.

128.7. Persons who deliberately provide untrue information with the object of receiving family allowances or having said allowances increased, or who have not given notice concerning circumstances warranting a change in the amount of the family allowance or the termination thereof, are obligated to repay the entire or partial amount of the allowance received.

128.8. Family allowances are granted and paid by village heads or mayors. The provisions of Article 127, Paragraphs 3 and 4, apply correspondingly.

128.9. The Council of Ministers issues executive orders defining the guidelines and procedure for granting and paying family allowances, and it may define cases in which these allowances may be increased, and the amounts whereby they may be increased.

Article 129.1. Family members of personnel in basic military service are eligible for free public health care. This right also applies for a specified period of time to the personnel discharged from that service and their family members as well as to other personnel discharged from active military service.

129.2. The Ministers of National Defense and of Health and Social Welfare issue executive orders defining the guidelines for utilizing the benefits referred to in Paragraph 1, the persons eligible for these benefits, the scope and procedure for granting them, and the cases in which they apply, and for what period of time.

Article 130.1. Family members of a soldier in active military service who lived in the same household with him on the day of his callup for that service may not be evicted from their legally occupied housing, with the proviso of Paragraph 2.

130.2. The provisions of Paragraph 1 do not apply in the event that the soldier is not granted the status of sole family provider and the delay in paying the rent for the housing exceeds at least two complete rent periods.

130.3. It is likewise not permitted to occupy the dwellings of soldiers in active military service who have no families.

Article 131.1. Soldiers with the status of sole family providers as well as soldiers without families, while in active military service other than reenlisted basic military service and periodic military service, are:

1) Eligible for refunds of:

a) Payments of rent for housing occupied on the basis of administrative decisions.

b) Payments of rent for cooperative-built tenant housing.

c) Payments of maintenance fees for cooperative-built privately owned housing.

d) Payment of rent for housing occupied on the basis of a civil-contract, with the payment to be made in the form of a lump sum whose amount is determined by executive orders of the Council of Ministers.

2) And their payments of the following loans are suspended:

a) Loans from plant housing funds.

b) Credit or loans granted by banks or authorized institutions, unless the parties to the agreement specify otherwise.

131.2. The loan and credit referred to in Paragraph 1, Point 2), is not charged any interest during the period of its suspension.

131.3. The benefits referred to in Paragraphs 1 and 2 also apply to the spouses of soldiers in basic military service if, owing to them, these soldiers are not granted the status of sole family providers.

131.4. The benefits specified in:

1) Paragraph 1, Point 1), are granted on condition that the housing in question is not let to outsiders, whether gratis or in return for the payment of a rent.

2) Paragraph 1, Point 2), and Paragraph 2, are granted on condition that the loan or credit is borrowed prior to the date of the callup for active military service.

131.5. The provisions of Paragraphs 1, 2, and 4 do not apply to soldiers without families who attend military exercises lasting fewer than 30 days.

131.6. The rentals and fees referred to in Paragraph 1, Point 1), are paid by village heads or mayors.

Article 132.1. The allowances, rentals, and fees referred to in Article 128, Paragraph 8, and Article 131, Paragraph 6, are offset from the budget of the Ministry of National Defense.

132.2. The Council of Ministers issues executive orders defining:

1) The guidelines and procedure for the payment of the rentals and fees referred to in Article 131, Paragraph 1, Point 1).

2) The procedure for reimbursing local governments for the expenses on the purposes referred to in Paragraph 1.

3) The guidelines and procedure for suspending the payment of the loans and credits referred to in Article 131, Paragraph 1, Point 2).

Article 133. Family members of soldiers in periodic military service are entitled to:

1) The right to free public health care, under the guidelines and procedure and to the extent defined in the executive orders of the Ministers of National Defense and Health and Social Welfare.

2) The right to discounts when using state-owned means of transportation, to the extent and on the terms defined in the executive order of the Minister of Transportation and Navigation in consultation with the Minister of National Defense.

Article 134. The provisions of Articles 118-132 apply correspondingly to the graduates of higher educational institutions who attend military retraining, and to their family members.

Article 135.1. The provisions of Articles 118, 119, Paragraphs 1, 2, and 4, Articles 120, 122, 124-126, and 129-132, apply to the personnel in active military service in the event of mobilization and in time of war, unless appropriate regulations specify otherwise.

135.2. Family members supported by the soldier in the military service referred to in Paragraph 1 retain the rights to all the benefits from the workplace which was employing the soldier on the day of his callup for service, insofar as these benefits similarly apply to the family members of other employees of that workplace.

135.3. The Council of Ministers issues executive orders defining:

1) The categories of personnel in the military service referred to in Paragraph 1 whose dependent family members are eligible for wartime allowances.

2) The amounts, guidelines, and procedure for granting wartime allowances.

Article 136. The Council of Ministers may issue an executive order granting to soldiers and their families other special rights or benefits, upon defining the guidelines and requirements for eligibility.

#### Section IV. Civil Defense

##### Chapter 1. General Provisions

Article 137. The purpose of civil defense is to protect the population, workplaces, utilities, and cultural monuments as well as to rescue and assist those injured in time of war and to cooperate in combatting natural disasters and environmental perils and eliminating their consequences.

Article 138.1. The principal organizational units intended to accomplish the purposes of civil defense are civil defense formations.

138.2. Civil defense formations consist of civil defense units intended to accomplish general or special missions as well as of other units of these formations.

138.3. Civil defense formations are established by ministers, voivodes, directors of local offices of the general government administrations, village heads or mayors, and workplace managers.

Article 139.1. The duties of citizens as regards civil defense consist in:

1) Participating in:

a) Civil-defense service.

b) Defense training of school youth.

c) Self-defense training of the population.

2) Executing other duties envisaged in the law.

139.2. Service in civil defense is performed in civil defense formations.

139.3. Service in civil defense may also be performed in organizational units which do not belong to civil defense formations, as defined by the National Defense Committee.

139.4. Persons liable for the duty of service in civil defense may be obligated, within the framework of that service, to perform assignments required for the sake of civil defense and to participate in combatting natural disasters and environmental perils and eliminating their consequences.

139.5. The Council of Ministers may define the positions in offices of the general government administration and other state offices, state institutions, offices of local governments, enterprises, and organizational units, that are considered as tantamount to doing service in civil defense.

Article 140. The Council of Ministers defines:

1) The missions of civil defense and the related rights and responsibilities of the offices of the state administration and other state bodies and institutions, as well as of local-government bodies, enterprises and other organizational units, and social organizations.

2) The rules for cooperation of civil defense in combatting natural disasters and environmental perils and eliminating their consequences.

3) The general rules for the establishment and purposes of civil defense formations, their organizational structure, jurisdiction, and provision of the needed equipment and facilities.

##### Chapter 2. Service in Civil Defense

Article 141. The duty of service in civil defense consists in:

1) Peacetime participation in:

a) Basic service or draftee training.

b) Exercises.

## 2) Active service in wartime.

Article 142.1. The following are liable for the duty of service in civil defense:

1) Draftees classified as fit for military service and assigned to:

a) Basic service in civil defense units, if they do not avail themselves of deferment of basic military service.

b) The training of draftees in these units.

## 2) As assigned to this service:

a) Reserve personnel not assigned to military service or to service in militarized units.

b) Males not liable for the duty of military service until the end of the calendar year in which they complete 60 years of age.

3) Females beginning on 1 January of the year in which they complete 18 years of age until the end of the calendar year in which they complete 50 years of age.

142.2. The duty of attending draftee training in civil defense units may also apply to draftee persons classified as fit for military service who volunteer for that training.

142.3. The duty of service in civil defense does not apply to:

1) Persons classified as disabled.

2) Women in pregnancy and for six months following pregnancy.

3) Persons caring for children up to eight years old.

4) Persons caring for children from eight to 16 years old or for cohabiting persons classified in Category I of the disabled, or for bedridden persons, if that care cannot be entrusted to somebody else.

Article 143.1. Draftees are assigned and called up for basic service in civil defense by the military corps area commander.

143.2. Persons referred to in Article 142, Paragraph 1, Point 2), are assigned for service in civil defense by the commander of the civil defense formation or the director of the organizational unit referred to in Article 139, Paragraph 3. Appointments to the post of formation commander are made by the workplace director or the village head or mayor upon consulting, as the circumstances warrant, a public health care physician.

143.3. Callup for basic service in civil defense takes place by means of the callup order for that service.

143.4. The assignment for service in civil defense of the persons referred to in Paragraph 2 takes place by allocating an organizational-mobilizational assignment for service in a specified:

1) Civil defense formation, or

2) Organizational unit referred to in Article 139, Paragraph 3.

143.5. The Minister of National Defense specifies the categories of reserve personnel whose assignment for service in civil defense requires the consent of the military corps area commander.

Article 144.1. Draftees conscripted for basic service in civil defense should report for that service at the time and place specified in the callup order.

144.2. The day of callup for basic service in civil defense is the day of reporting for that service specified in the callup order.

144.3. Persons referred to in Article 142, Paragraph 1, Point 2), are obligated to report for service at the time and place specified in the notice of assignment for service in a civil defense formation or in the summons of the unit commander or director of the organizational unit referred to in Article 139, Paragraph 3; the provisions of Article 61, Paragraph 2, apply correspondingly.

Article 145.1. Basic service in civil defense is performed by draftees throughout a single uninterrupted period of 18 months.

145.2. Basic service in civil defense may also be performed periodically over three years for a combined time of 18 months. The division of the service into the periods is determined by the Chief of National Civil Defense.

145.3. On the day of their reporting for basic service in civil defense, draftees receive, without a special ceremony, the rank of "junak" (a brave boy, a labor-brigade member). The rank of senior junak is bestowed by appointment.

145.4. Junaks may or may not be housed in barracks while performing basic service in civil defense units, and they undergo practical training in preparation for civil defense. The nature of the service to be performed is determined by the agency which forms the civil defense unit as part of the civil defense formation.

145.5. The release of junaks from basic service in civil defense prior to the completion of that service is governed by the provisions of Article 87, Paragraphs 2-6, and the guidelines and procedure specified in Article 88.

Article 146.1. Draftee training in civil defense consists in participation, within civil defense units, for three years, in:

1) Training exercises organized in leisure hours.

2) Advanced training at a training camp for a period of up to 30 days.

146.2. The overall duration of draftee training in civil defense units may not exceed 60 days in a year, of which 20 legal non-working days.

146.3. Participation in combatting natural disasters and environmental perils and eliminating their consequences is not credited to draftee training time. Training exercises in combatting natural disasters and environmental perils and eliminating their consequences may be held during working hours at the workplace.

146.4. The training of civil defense draftees may also be extended to women classified as fit for military service. Callups of women for this training may take place until the end of the calendar year in which they complete 24 years of age.

Article 147.1. The Chief of National Civil Defense may shorten the duration of basic service or of draftee training in civil defense.

147.2. Draftees who complete basic service or draftee training in civil defense are transferred to the reserves by the military corps area commander.

Article 148.1. Exercises are held in civil defense formations, or in the organizational units referred to in Article 139, Paragraph 3, during leisure hours for up to 15 days a year, of which not more than five legal nonworking days.

148.2. Persons assigned to perform the duties of instructors and directors may be, irrespective of the exercises referred to in Paragraph 1, called up once every three years to attend exercises continuing for up to 15 days.

148.3. The overall duration of exercises in civil defense for the entire period during which the duty of service in civil defense applies may not exceed the periods of time specified in Article 103.

148.4. The time spent on participating in combatting natural disasters and environmental perils and eliminating their consequences is not credited to the duration of exercises in civil defense. During the period of combatting natural disasters and environmental perils and eliminating their consequences, the exercises may be held while at work.

148.5. When so required by considerations of national security, the Council of Ministers may issue an executive order prolonging the duration of the exercises referred to in Paragraph 1 by a period of altogether not more than 15 days, and it may order holding these exercises during hours of work.

Article 149.1. In the event of mobilization and in time of war persons called up and assigned for service in civil defense are obligated to perform active service for the duration and to the extent ensuing from the performance of their duties.

149.2. The Council of Ministers may identify the civil defense formations in which, in the event of mobilization and in time of war, active service is performed without a time limit.

149.3. Persons in active service in civil defense may be housed in barracks upon the order of the organ establishing the civil defense formation.

Article 150. Persons serving in civil defense are obligated to follow the recommendations of their superiors on matters relating to the performance of service and exercise of civil defense duties.

Article 151. The junaks in basic service in civil defense are correspondingly governed by the provisions of Article 65.

Article 152.1. Persons serving in civil defense may be granted the following distinctions for model service and accomplishments in performing civil defense duties:

- 1) Commendation.
- 2) Letter of commendation.
- 3) Short-term furlough.
- 4) Award, in kind or monetary.
- 5) Certificate of appreciation.
- 6) Conferral of the honorific and insignia of "Model Junak."
- 7) Inscription of name and contribution in the chronicle of the civil defense unit.
- 8) Inscription of name and contribution in "The Honor Book of Civil Defense."

152.2. The distinctions referred to in Paragraph 1, Points 3), 4), and 6), are granted solely to junaks performing basic service in civil defense.

152.3. The cancellation of previously ordered disciplinary punishment also constitutes a distinction.

152.4. The Chief of National Civil Defense may also introduce other kinds of distinctions.

Article 153. Persons rendering service in civil defense may be, irrespective of the distinctions referred to above, decorated with orders or insignia and the badge "For Services to Civil Defense," in the cases and on the principles defined in separate regulations.

Article 154.1. Persons rendering service in civil defense may be meted out the following disciplinary penalties for violating the duties ensuing from that service:

- 1) Admonition.
- 2) Reprimand.
- 3) Reprimand with warning.
- 4) Assignment of extra duties.
- 5) Confinement to quarters for a specified period of time.

6) Deprivation of the honorific and insignia of Model Junak or of the rank of senior junak.

7) Reduction or deprivation of furlough.

154.2. The penalties referred to in Paragraph 1, Points 3)-7), are meted out solely to Junaks performing basic service in civil defense.

154.3. Disciplinary penalties may not be imposed after the expiration of six months from the day the offense was committed.

Article 155.1. The disciplinary penalty imposed may be waived in the event that:

1) New circumstances, indicating absence of grounds for punishment, come to light.

2) The penalty was imposed in violation of law or implementing regulations.

155.2. The persons authorized to waive disciplinary penalties are the superior who imposed them and his superiors.

155.3. The Chief of National Civil Defense may waive any disciplinary penalty imposed on a person serving in civil defense.

Article 156. The period during which a junak willfully deserts his unit or the assigned place of sojourn, or during which he willfully remains absent, is not credited to the duration of basic service in civil defense. However, that period may after all be credited to said basic service if subsequently the Junak distinguishes himself by model service and the disciplinary penalty imposed for that offense was voided by way of distinction.

Article 157. Persons serving in civil defense are correspondingly governed by the provisions of Article 64.

Article 158.1. Persons rendering service in civil defense are obligated to wear any insignia and uniforms assigned to them while rendering that service.

158.2. The Council of Ministers determines the pattern and color of the uniform of persons serving in civil defense.

Article 159.1. Persons serving in civil defense may be granted, under guidelines defined by the Council of Ministers, lodging, and free meals or their monetary equivalent as well as reimbursements of traveling expenses.

159.2. While performing basic service, Junaks are:

1) Given uniforms or a monetary equivalent as well as equipment in the amount and under the guidelines applying to privates in basic military service.

2) Granted furloughs to the extent and under the guidelines applying to soldiers in basic military service.

3) Junaks may also receive other monetary payments as defined in executive orders of the Council of Ministers.

Article 160.1. Employees undergoing advanced training in a training camp or exercises in civil defense are correspondingly eligible for the remuneration paid to reserve personnel performing military exercise.

160.2. Persons in active service at the time of mobilization or war receive remuneration defined in executive orders of the Council of Ministers; the family members with respect to whom they are sole providers are correspondingly governed by the provisions of Article 135, Paragraph 2.

Article 161.1. Persons serving in civil defense who become ill or have their health impaired for service-related reasons or while directly en route to or from the place of performance of that service, are entitled to free medical care at public health care institutions.

161.2. The Ministers of National Defense and of Health and Social Welfare issue executive orders defining the rules for utilizing the benefits specified in Paragraph 1 and their scope and the procedure for granting them.

Article 162.1. A person serving in civil defense whose health was impaired owing to a service-related accident, or, in the event of that person's death, his family member(s) is (are) eligible, with the proviso of Paragraphs 4-6, for benefits under the guidelines and by the procedure specified for employees in the provisions on benefits due in cases of work accidents and occupational diseases. The proceedings to determine the circumstances and causes of the accident is handled, and the compensation paid, by the workplace, an office of state administration, or other body exercising jurisdiction over the civil defense formation or the organizational unit referred to in Article 139, Paragraph 3.

162.2. The provisions of Paragraph 1 apply correspondingly to accidents sustained while en route to or from the place of performance of the service, with the proviso that the right to benefits is determined and the benefits are paid by the Social Security Administration.

162.3. The decision of the workplace or the body referred to in Paragraphs 1 and 2 concerning compensation can be appealed under the guidelines and by the procedure specified for employees in the regulations governing benefits in cases of work accidents and occupational diseases.

162.4. A Junak who performs basic service in a civil defense unit and whose health was impaired while in that service, or, in the event of the Junak's death, his family member(s) is (are) entitled to compensation, annuity, and survivor benefits under the guidelines specified in separate regulations for soldiers in basic military service.

162.5. The Council of Ministers issues executive orders defining:



1) The competences of the workplaces and other bodies and the procedure for determining:

a) The circumstances and causes of the accident befalling the junak.

b) The relationship between the junak's illness and the particular qualities or conditions of basic service in civil defense.

2) The competences of the workplace and other bodies in determining the damage to the junak's health and granting and disbursing the compensation and survivor benefits referred to in Paragraph 4.

162.6. The decision of the concerned workplace or other body on the compensation benefits referred to in Paragraph 4 may be appealed by the claimant to the district labor and insurance court within the period of time specified in the regulations governing proceedings before labor and insurance courts.

162.7. The period of basic service in civil defense is tantamount to a period of employment as interpreted by the regulations governing the retirement pensions of employees and their families.

Article 163. The material responsibility of junaks for damages caused while performing the duties relating to basic service in civil defense is governed correspondingly by the guidelines applying to soldiers in active military service, with the proviso that in the event of refusal to offer voluntary compensation for the damages, the matter is transferred to a common court.

Article 164.1. The rights of the draftees performing basic service in civil defense and their family members are correspondingly governed by the provisions of Article 69, Point 2), Articles 118, 119, Paragraph 1, Point 1), and Paragraph 4, Articles 120-122, 124-126, 128-132, and 136.

164.2. The Council of Ministers may issue executive orders granting to persons serving in civil defense and their family members additional powers other than those specified in Articles 159-162, upon defining the rules and requirements for eligibility.

Article 165. The Chief of National Civil Defense defines:

1) The specific organizational structure and operating procedure of service in civil defense, specific guidelines and procedure for callup and assignment to that service as well as for discharge therefrom, the format of the callup summons for basic service in civil defense and the card of assignment to a civil defense formation, guidelines and procedure for awarding distinctions and imposing disciplinary penalties and the related rights of superiors, and the guidelines for executing and voiding penalties.

2) Sample insignia of the Model Junak.

3) In cooperation with the concerned ministers:

a) Sample insignia and the procedure for wearing these insignia and the uniform and accessories.

b) Norms for uniforms and accessories to be worn by persons performing service in civil defense.

4) In consultation with the Minister of Finance, the amount of the monetary equivalent of the uniforms and accessories of junaks and the guidelines for its payment.

### Chapter 3. Defense Training of School Youth

Article 166.1. Youth attending academic and vocational schools are liable for the duty of attending defense training.

166.2. Defense training is a compulsory part of the school's curriculum of instruction.

166.3. The Minister of National Defense in consultation with the chief of National Civil Defense specifies the types of schools whose students are liable for the duty referred to in Paragraph 1.

### Chapter 4. General Civil Self-Defense

Article 168.1. Persons possessing Polish citizenship who are in good health are liable for the duty of training the population in general self-defense.

168.2. Training the population in general self-defense is intended to prepare it for self-defense against weapons of mass annihilation and other enemy actions.

168.3. Training the population in general self-defense is held in the form of basic lessons or practical exercises.

168.4. Practical exercises may also consist in participation in combatting natural disasters and environmental perils and eliminating their consequences.

Article 169.1. The following are not liable for the duty of training in general self-defense:

1) Persons who complete 60 years of age.

2) Persons classified in Categories I and II of the disabled and other persons whose health renders them unfit for participation in organized activities.

3) Women in pregnancy and for the first six months after pregnancy.

4) Persons caring for children up to eight years old.

5) Persons caring for children from eight to 16 years old or for jointly cohabiting persons belonging in Category I of the disabled, or for bedridden persons, if that care cannot be entrusted to somebody else.

6) Persons receiving instruction or attending schools of all kinds.

7) Persons performing basic service or draftee training in civil defense, and persons in alternative civilian service.

8) Soldiers in active military service and the personnel of the Office for State Protection, the Border Guard, the Penitentiary Guards, and the State Fire Protection Brigades.

169.2. The following may be exempted from the duty of attending training in general self-defense:

1) Soldiers in the reserves who receive summons for mobilization in units of the Armed Forces.

2) Persons with orders of assignment to militarized units.

3) Persons with orders of assignment for service in civil defense.

169.3. Exemption from the duty of training in the form of practical exercises consisting in participation in the combatting of natural disaster and environmental perils and the elimination of their consequences does not apply to the persons referred to in Paragraph 1, Points 6) and 7).

Article 170.1. Persons performing the duty of training the population in general self-defense who fall ill or have their health impaired during or in connection with the performance of that duty or while directly en route to or from the place of performance of that duty, are entitled to free medical care at institutions of public health service.

170.2. The Ministers of National Defense and of Health and Social Welfare issue executive orders defining the guidelines for utilizing the benefits referred to in Paragraph 1 and the scope and procedure for granting them.

170.3. Persons whose health is impaired owing to an accident caused during or in connection with the performance of the duty of training the population in general self-defense or while directly en route to or from the site of performance of that duty, as well as family members of the persons deceased owing to such accidents, are eligible for benefits under the guidelines and by the procedure prescribed for employees in the regulations governing benefits for work accidents and occupational diseases, with the proviso that the eligibility for the benefits is determined and they are paid by the Social Security Administration.

Article 171.1. The Council of Ministers issues executive orders defining the organizational structure, principles, and modes of training the population in general self-defense, the guidelines and procedure for exemptions from this duty, and the competences of agencies in these matters.

171.2. Practical exercises in general self-defense are ordered by the Council of Ministers through executive orders in which, each time, it specifies the categories of

persons obligated to attend these exercises, the area in which they will be held, and their scope.

Article 172.1. Persons with Polish citizenship may be obligated to provide themselves with protective gear and other articles and objects needed in the event of a threat.

172.2. The obligation referred to in Paragraph 1 may be introduced by an executive order of the Council of Ministers which at the same time specifies the guidelines and terms for the provision of these supplies.

Article 173.1. As part of preparations for self-defense, persons with Polish citizenship may be obligated to:

1) Prepare the protection of a building or a dwelling and personal and individual property.

2) Secure personal sources of potable water and food-stuffs against pollution or contamination.

3) Maintain and preserve own and assigned equipment and means of protection.

4) Maintain and preserve facilities for protecting buildings.

5) Take other steps with the object of protecting own life, health, and property, and providing assistance to casualties.

173.2. The duties referred to in Paragraph 1 are imposed by village heads or mayors pursuant to a decision of the Council of Ministers.

173.3. The Council of Ministers issues executive orders defining the guidelines and procedure in the cases referred to in Paragraph 2.

#### Section V. Service in Militarized Units

Article 174.1. In the event of mobilization and in time of war the Council of Ministers may order the militarization of the organizational units performing duties of special importance to national defense or national security, as well as of the organizational units especially established for performing such duties.

174.2. The Council of Ministers defines the existing and especially established organizational units slated for militarization as well as the organizational units serving as the core for the formation of especially established militarized units, and also the quotas of persons scheduled to be called up for service in militarized units.

174.3. The organizational units referred to in Paragraphs 1 and 2 may be state economic units and enterprises in which the Treasury owns at least 50 percent of shares.

Article 175.1. Persons scheduled to be called up for service in militarized units may be provided with organizational-mobilizational assignments to these units in peacetime. Such assignments also are provided after specified organizational units become militarized.

175.2. In peacetime the organizational-mobilizational assignments may be given to males who have not completed 60 years of age and females who have not completed 50 years of age. Following the militarization of specified organizational units, assignments to these units also are given to persons who have not reached the age specified in corresponding regulations governing the retirement pension.

175.3. Concerning persons who are not employed in the existing units slated for militarization or in organizational units serving as the core for the formation of especially established militarized units, organizational-mobilizational assignment to these units may be made solely with the consent of these persons.

175.4. The Council of Ministers may issue executive orders defining the categories of the persons employed in militarized units who are not given organizational-mobilizational assignments to these units.

175.5. Organizational-mobilizational assignments are given by:

1) Heads of the existing units slated for militarization as well as of the organizational units serving as the core for the formation of especially established units slated for militarization, and also by the heads of the militarized units—to persons employed in these units, in the form of a collective list of names, with the proviso that persons who are soldiers in the reserves are assigned in consultation with the pertinent local military corps area commanders.

2) Local military corps area commanders—to other persons, in the form of assignment orders, on the recommendation of the head of the unit slated for militarization.

6) The Council of Ministers issues an executive order defining the guidelines and procedure for the distribution of organizational-mobilizational assignments.

Article 176.1. Persons given organizational-mobilizational assignments are obligated to attend exercises in the units slated for militarization during their leisure hours for up to 15 days annually, of which for not more than 5 legal non-working days, with the proviso of Paragraph 2. The provisions of Article 148, paragraphs 3-5, apply correspondingly.

176.2. The Council of Ministers issues executive orders specifying the units slated for militarization to which persons with organizational-mobilizational assignments may be called up with the object of attending exercises to the extent envisaged in Article 104.

176.3. The Council of Ministers specifies annually the number of persons to be called up to attend exercises in militarized units during a calendar year.

176.4. The conduct of exercises in units slated for militarization is ordered by the chairman of the Council of Ministers.

176.5. callup for exercises in units slated for militarization takes place:

1) For persons employed in existing units slated for militarization and units serving as the core for the formation of especially established units slated for militarization—in the form of collective lists of names prepared by the heads of these units.

2) For other persons—in the form of callups issued by the local military corps area commanders on the recommendation of the head of the unit slated for militarization.

176.6. The Council of Ministers issues executive orders defining the guidelines and procedure for callups to attend exercises in units slated for militarization.

Article 177.1. Persons attending exercises in units slated for militarization are governed by the generally binding provisions of the labor law as well as by any special regulations binding within these units, to the extent and on the principles defined in executive orders of the Council of Ministers.

177.2. Persons attending exercises in units slated for militarization who are not employed in these units are entitled to the rights of reserve military personnel who attend military exercises.

177.3. The Council of Ministers issues executive orders defining the guidelines for the remuneration of persons attending exercises in units slated for militarization.

Article 178.1. The Council of Ministers defines:

1) The duties relating to the preparation of specified organizational units for their militarization, and the agencies obligated to handle these duties.

2) The guidelines for equipping units slated for militarization and militarized units with means of transportation, machinery and equipment, and military gear.

3) The guidelines for monitoring the status of preparedness of specified organizational units for being militarized and the agencies appropriate in these matters.

Article 179.1. On the day of the militarization of specified organizational units, these units become militarized units, and the persons with organizational-mobilizational assignments to these units are persons performing service in a militarized unit.

179.2. Following the militarization of specified organizational units, persons other than those referred to in Paragraph 1 may also be called up for service in these units by being given the appropriate organizational-mobilizational assignments, if they have suitable qualifications for that service.

Article 180.1. The head of the militarized unit releases from service in that unit:

1) Persons who reach the age specified in appropriate regulations governing retirement pensions.

2) Persons who are no longer fit to exercise their occupation or profession.

180.2. The head of the militarized unit may release from service in that unit persons other than those specified in Paragraph 1 if these persons perform duties not directly related to the unit's scope of activities.

180.3. Persons discharged from service in a militarized unit and persons who have not been called up for such service remain employees of the militarized unit.

Article 181.1. Persons serving in a militarized unit may not terminate their employment contract with that unit.

181.2. Termination of the employment contract with a person serving in a militarized unit may occur only upon the prior discharge of that person from service.

182.1. The existing employment relationship of persons serving in militarized units is suspended on the day of their callup for that service and replaced by a militarized service relationship, by virtue of law, as regulated by the provisions of the present Section.

182.2. Persons serving in militarized units are governed by the generally binding provisions of the labor law and by any special regulations binding within these units, along with the amendments and revisions ensuing from the provisions of the present Section.

182.3. The Council of Ministers issues executive orders defining:

1) The scope and guidelines for the applicability of the generally binding provisions of the labor law and the special regulations binding within militarized units.

2) May define the specific guidelines for the performance of service in militarized units and the rights and responsibilities of persons serving in these units.

3) May grant to persons serving in militarized units, and to their family members, special rights or exemptions, upon defining the guidelines and requirements for eligibility.

182.4. The service relationship of militarization referred to in Paragraph 1 and its legal consequences expire by virtue of law on the day of discharge from service in a militarized unit.

182.5. The period of service in a militarized unit is credited to work seniority insofar as any employment-related rights are concerned.

Article 183.1. Persons serving in a militarized unit are obligated to execute the instructions of their superiors concerning service matters.

183.2. Persons serving in a militarized unit may be assigned by the unit head to positions other than those they held on the day of callup for that service.

183.3. Assignment to a lower work position may occur only:

1) In the event of violation of service discipline in the militarized unit.

2) Owing to the organizational needs of the militarized unit.

3) On the request of the person concerned.

183.4. Persons serving in a militarized unit may be transferred to another unit by means of a new organizational-mobilizational assignment.

183.5. If the transfer referred to in Paragraph 4 is to occur to a militarized unit located in another locality, the provisions of Paragraph 4 do not apply to:

1) Pregnant women and during the first six months after pregnancy.

2) Persons classified in some one category of the disabled.

3) Persons caring for children up to 16 years old or for jointly residing other persons who are classified in Category 1 of the Disabled or who are bedridden, if such care cannot be entrusted to another person.

Article 184.1. The remuneration of persons serving in a militarized unit may not be lower than that received on the day of callup for that service.

184.2. In the cases referred to in Article 177, Paragraphs 2 and 3, the remuneration of a person shifted to another work position or transferred to another militarized unit may not be lower than previously received.

184.3. The Council of Ministers issues executive orders defining the guidelines for the remuneration of persons serving in militarized units.

Article 185.1. Service in militarized units is performed to the extent and in conformity with the schedule and hours of work specified in the generally binding provisions of the labor law.

185.2. The minister (voivode) exercising jurisdiction over a militarized unit may specify a different schedule and hours of service, than those referred to in Paragraph 1, on reserving the right to off-duty leisure.

185.3. The length of service determined by the proper agencies under Paragraph 2 may not violate the generally binding provisions of the labor law concerning the protection of the work of women and the employment of minors, as well as concerning the working hours of employees in particularly burdensome or noxious occupations and employees classified in one or another category of the disabled.

Article 186.1. Persons attending exercises in units slated for militarization and serving in militarized units are obligated to wear uniforms and insignia during the exercises and while in service, if uniforms and insignia are prescribed for the organizational unit in which exercises are attended or service is performed.

186.2. Persons attending exercises in units slated for militarization and serving in militarized units are obligated to wear, during exercises or while in service, the arms and other special equipment specified in the regulations governing these units.

Article 187.1. The head of the unit slated for militarization is the head of the organizational unit which is expected to be militarized, or the head of the organizational unit serving as the core for the formation of an especially established militarized unit.

187.2. The head of the militarized unit is the head of the organizational unit which becomes militarized.

187.3. Units slated for militarization are under the orders of the proper ministers (voivodes) on matters concerning preparations for militarizing them, in consonance with the generally binding regulations.

187.4. Militarized units are under the orders of the ministers appropriate for their scope of activities, of the local voivodes, in consonance with the generally binding regulations.

187.5. Militarized units perform duties assigned to them by higher superiors.

Article 188.1. The Council of Ministers may assign militarized units to the jurisdiction of ministers or voivodes other than those referred to in Article 187, Paragraphs 3 and 4, or to civil defense agencies.

188.2. The Council of Ministers may assign militarized units to the Armed Forces of the Republic of Poland.

188.3. In the cases referred to in Paragraph 2, the militarized unit is under the orders of the military body defined by the Minister of National Defense.

188.4. The Council of Ministers defined the guidelines and procedure in the cases referred to in Paragraphs 1-3.

#### **Section VI. Alternative Service**

Article 189.1. Draftees assigned to basic military service, basic service in civil defense, or military training, who do not avail themselves of deferment, may, in view of their religious convictions or moral principles professed, request the local draft board in writing to assign them to alternative service.

189.2. Alternative service consists in the peacetime performance of work to promote environmental service, health care, social care, water management, fire safety, housing construction, communications, and other communal service.

189.3. As part of alternative service, draftees may work on behalf of state organizational units and enterprises in which the Treasury owns at least 50 percent of shares.

189.4. Draftees may, on their own request, work on behalf of organizational units of the church and other denominational associations with a regulated legal status, or of local governments or foundations.

189.5. The Minister of Labor and Social Policy defines, in consultation with the concerned ministers and voivodes, or upon the request of the organizations referred to in Paragraph 4, the workplaces and work positions in which draftees may perform alternative service.

189.6. The duration of alternative service is 24 months, and for graduates of higher educational institutions, six months.

Article 190.1. A draftee may submit the request referred to in Article 189, Paragraph 1, directly on the day of reporting to the local draft board or not later than on the day he is handed the callup summons for basic military service, basic service in civil defense, or military training—through the mediation of the military corps area commander. The request must be accompanied by a rationale.

190.2. Until the draft board issues its final ruling on the request referred to in Paragraph 1, the draftee is not liable to be called up for service.

Article 191.1. Draftees whose requests are acted upon affirmatively are assigned to alternative service by their local voivodes in the voivodships in which they reside permanently or temporarily for more than two months. The provisions of Article 46, Paragraph 3, and, with respect to draftees who are graduates of higher educational institutions, the provisions of Article 93, Paragraph 2, apply correspondingly.

191.2. Draftees are assigned to alternative service insofar as possible at a workplace close to their permanent or temporary (for more than two months) address.

191.3. The assignment is accomplished by means of a card of assignment to alternative service.

191.4. The voivode concludes with the workplaces indicated by the Minister of Labor and Social Policy agreements for the performance of work by the draftees assigned to alternative service at these workplaces.

191.5. The format of the agreement and of the card of assignment to alternative service is determined by the Minister of Labor and Social Policy.

191.6. The day of assignment to alternative service is the day specified in the card of assignment for reporting for that service.

191.7. The draftees referred to in Paragraph 1 are obligated to report for alternative service at the time and place specified in the assignment card.

191.8. The work place at which alternative service is to be performed is obligated to accept the draftee and provide him with the conditions for the performance of the specified kind of work.

Article 192.1. Supervision of the performance of alternative service is exercised by the Minister of Labor and Social Policy.

192.2. The Minister of Labor and Social Policy may, in cooperation with the Minister of National Defense, shorten the duration of alternative service.

192.3. The Minister of Labor and Social Policy may in especially justified cases suspend the performance of alternative service for draftees.

Article 193.1. Draftees who perform alternative service are entitled to the following benefits from the workplace at which they serve:

1) As the draftee prefers, free all-day meals or their monetary equivalent, under the guidelines defined in an executive order of the Council of Ministers.

2) Free lodging, under the guidelines defined in an executive order of the Council of Ministers.

3) Financial remuneration in an amount corresponding to basic pay of a private performing basic military service.

4) Free clothing and footwear, work clothing and footwear, and other protective gear in accordance with the norms binding at a given workplace.

5) Financial equivalent of clothing, under the guidelines defined in an executive order of the Council of Ministers.

6) The right to benefit from the workplace's social services and facilities on the same basis as the regular employees.

193.2. The amounts of the financial equivalents of meals and clothing and of the pay referred to in Paragraph 1, Points 1), 3), and 5), are determined in an executive order of the Minister of Labor and Social Policy in consultation with the Minister of Finance.

193.3. Draftees performing alternative service are correspondingly governed by the provisions of Article 69.

193.4. Draftees performing alternative service may also receive other benefits as defined in executive orders of the Council of Ministers.

193.5. Draftees performing alternative service are entitled to an annual vacation.

193.6. The financial equivalent of meals does not apply to period of unexcused absence from the workplace.

Article 194.1. Draftees in alternative service are under an employment contract with the workplace in which they perform that service.

194.2. Draftees in alternative service are governed by the corresponding provisions of the Labor Law Code on the obligations of the workplace, the obligations of the employee, awards and distinctions, penalties for infractions of order and labor discipline, the material responsibility of the employee, hours of work, and safety and hygiene of labor, with the proviso that the employee's remuneration is considered to be the amount referred to in Article 193, Paragraph 1, Point 3).

194.3. Draftees in alternative service may not serve in executive positions and may not be assigned to independent work positions.

194.4. For the duration of their alternative service, the membership of draftees in trade unions to which they had belonged on their callup day is suspended. Draftees in alternative service may join and participate in the activities of only the trade unions operating at the workplace at which they perform their service. Draftees may not exercise trade-union duties.

194.5. Draftees in alternative service may participate only in strikes organized by the trade unions to which they belong, or when the strike is joined by all the employees of the workplace at which they perform service.

Article 195. The workplace manager may reward a draftee who demonstrates superb discipline and performs well on the job by granting him a monthly bonus.

Article 196.1. A draftee who completes his alternative service is transferred to the reserves.

196.2. Release from alternative service prior to its completion is governed by the corresponding provisions of Article 87, Paragraphs 2-5, and Articles 88 and 89.

196.3. A draftee who does not complete his alternative service at a workplace is assigned to complete it elsewhere upon establishing the reasons for his discharge from the first workplace, if he is fit for military service and if circumstances warranting deferment of basic military service do not apply, or he is transferred to the reserves.

196.4. Any period of unjustified absenteeism from the workplace is not credited to the duration of alternative service. The director of the workplace may however credit to that duration unjustified absences totaling three days in a year if the draftee subsequently demonstrates highly disciplined behavior and a good work performance.

Article 197.1. A draftee whose health is impaired owing to an occupational disease or an accident relating to his performance of alternative service—and in the event of his demise, his family—is entitled to benefits under the guidelines and procedure specified for employees in the

regulations governing benefits for work accidents and occupational diseases, the proceedings to establish the circumstances and causes of the accident are conducted and the compensation is paid by the workplace at which the draftee performed alternative service.

197.2. The provisions of Paragraph 1 apply correspondingly to accidents en route to or from the place at which alternative service is performed, with the proviso that eligibility for benefits is determined, and benefits are paid, by the Social Security Administration.

197.3. In the event of the disability or death of the draftee due to causes other than the accident or disease referred to in Paragraphs 1 and 2, the applicable benefits are those specified in the regulations governing employee retirement pensions and survivor benefits, under the guidelines and procedure established for employees, with the proviso of the provisions of Paragraphs 4 and 5.

197.4. In the event of disability or death of the draftee for reasons defined in Paragraph 3, the requirement of minimum duration of employment applies when determining eligibility for disability or family pension and burial benefits.

197.5. The basis for determining the benefits referred to in Paragraphs 1-3 is the average wage paid to the employees performing the same or similar work, in the last month of performance of alternative service by the draftee. In the event that, prior to his callup for alternative service, the draftee had been employed, the extent of the benefits is based on, if that is more favorable, the wage he had been receiving prior to his callup, as reckoned under the guidelines in Paragraph 3.

197.6. The obligations of the workplace as defined in Paragraph 3 apply to the workplace at which the draftee performed alternative service.

197.7. In the event of the death of a draftee while performing alternative service, his family members are entitled to:

1) Lump-sum survivor benefit, under the provisions of the Labor Law Code.

2) A burial allowance under the guidelines defined in the provisions referred to in Paragraph 3; the allowance is granted and paid by the Social Security Administration.

Article 198.1. The period of alternative service is tantamount to the period of employment as interpreted by the regulations governing employee retirement pensions and survivor benefits.

198.2. The benefits of persons performing alternative service and their family members are governed by the corresponding provisions of Articles 118-122, 125-132, and 136.

Article 199. The Council of Ministers issues executive orders defining the procedure for assigning draftees to

alternative service and concluding agreements with workplaces, the specific guidelines for granting monthly bonuses, the guidelines for granting furloughs and their duration, the specific guidelines and procedure for suspension of or release from alternative service and for assignment to complete the remaining period of service, the competences of agencies on matters relating to alternative service, and the guidelines for funding the benefits referred to in Article 193.

## Section VII. Services in Behalf of National Defense

### Chapter 1. Personal Services in Peacetime

Article 200.1. Persons with Polish citizenship who complete 16 but have not completed 60 years of age may be obligated to render personal services consisting in the implementation of various kinds of temporary jobs with the object of preparing national defense.

200.2. The obligation of personal services may also include the obligation of using personally owned simple tools and, in the case of the persons, hereinafter referred to as "couriers," who render services consisting in the hand-delivery of callup summons for active military service or for rendering services in behalf of national defense, this also includes the obligation of using for this purpose personally owned means of transportation.

200.3. The obligation of rendering personal services may be imposed in connection with military exercises, exercises in civil defense, and practical exercises in mass self-defense, and also with the object of providing and servicing material objects and appurtenances, with the proviso of Paragraph 4.

200.4. As regards couriers, the obligation of rendering personal services may be imposed solely with the object of verifying the mobilizational readiness of the Armed Forces.

Article 201.1. The time over which personal services are to be rendered may not exceed 12 hours at any one time, and with respect to couriers and persons providing and servicing material objects and appurtenances, 48 hours.

201.2. The imposition of the duty of rendering personal services may occur at most thrice in a year.

201.3. The following are credited to the time over which personal services are to be rendered:

1) Time of commuting between the site at which personal service is rendered and the permanent or temporary (more than two months) address of the person rendering the service, but not longer than altogether two hours.

2) Time set aside for rest, but not more than eight hours, if the service is rendered for longer than 12 hours.

Article 202.1. The duty of rendering a personal service is imposed by the village head or mayor on the recommendation of the military corps area commander or the appropriate civil defense agency.

202.2. The decision to impose the duty of rendering a personal service is handed to the individual concerned, with a copy going to the agency recommending that decision, in writing and with a rationale, 14 days prior to the date of reporting to render the service.

202.3. The decision referred to in Paragraph 1 may be appealed to the voivode by both the individual concerned and the recommending agency, within seven days from the date the decision is delivered. That decision may be altered by the voivode also ex officio if it was issued in violation of law.

202.4. The decision referred to in Paragraph 1 is endowed with the rigor of immediate executability within the period specified therein.

202.5. The individual on whom is imposed the duty of executing a personal service is obligated to report for executing that service at the time and place specified in the decision.

202.6. The provisions of Articles 60 and 61 apply correspondingly.

202.7. The provisions of Paragraphs 1-5 do not apply to couriers.

Article 203.1. The decision to appoint a person to the position of courier is made by the village head or mayor on the recommendation of the military corps area commander.

203.2. The decision referred to in Paragraph 1 is handed in writing, with a rationale, to the individual appointed and to the military corps area commander.

203.3. The decision referred to in Paragraph 1 may be appealed to the voivode by the individual appointed and by the military corps area commander within 14 days from the date the decision is delivered. That decision may be altered by the voivode also ex officio if it was issued in violation of law.

203.4. Once the final decision to appoint a courier is made, the courier may be summoned, on the recommendation of the military corps area commander, by the village head or mayor to render the personal service consisting in hand delivery of the documents referred to in Article 200, Paragraph 2.

203.5. The summons referred to in Paragraph 4 may obligate the courier to render the service mentioned in Paragraph 4 on a most urgent, immediate basis.

203.6. There can be no appeal against the summons referred to in Paragraph 4.

203.7. The courier referred to in Paragraph 4 is obligated to report for rendering the personal service at the time and place specified in the summons.

203.8. The provisions of Articles 60 and 61 apply correspondingly.

Article 204.1. For performing a personal service lump-sum hourly remuneration is due in the amount of 1/178th of the national minimum monthly wage defined by the Minister of Labor and Social Policy pursuant to the Labor Law Code for every hour of the time referred to in Article 201, Paragraphs 1 and 3, with the proviso of Paragraphs 2 and 3.

204.2. If the personal service is rendered by an employee during the work day and his workplace does not pay him for the time spent on rendering the personal service, said employee is eligible for the financial equivalent of lost working time, instead of the amount referred to in Paragraph 1, in the amount equal to forfeited pay from his workplace. Said equivalent is paid upon presentation of a certificate from the workplace.

204.3. If the personal service is rendered by an employee while on vacation, said employee is eligible for compensation for the time spent on rendering the service, equal to the average daily number of normal work hours. Said compensation, in lieu of the amount defined in Paragraph 1, is calculated according to the guidelines for determining vacation pay and paid upon presentation of a certificate from the workplace.

204.4. The compensations specified in Paragraphs 1-3 are paid by the organizational unit for which the personal service is rendered.

204.5. Persons rendering personal services are entitled to free meals according to guidelines defined in executive orders of the Council of Ministers.

204.6. The expenses of traveling between the site at which the personal service is rendered and the permanent or temporary (if longer than two months) address of the person rendering the service are paid by the organizational unit for which the service is rendered.

Article 205.1. The workplace is obligated to release (excuse the work absenteeism of) the employee from work for the time needed to render the personal service and defined in the decision referred to in Article 202, Paragraph 1.

205.2. The duration of the work release (excused absence) of an employee for the purpose of his rendering a personal service is credited to the period of time required for the acquisition or preservation of employee benefits.

Article 206.1. Persons rendering personal service who fall ill or whose health is impaired while or in connection with rendering that service or while directly en route to or from the site of said rendering, are entitled to free use of the services of the institutions of public health service.



206.2. The Ministers of National Defense and of Health and Social Care issue executive orders defining the guidelines for using the benefits referred to in Paragraph 1 and the scope and procedure of granting them.

206.3. Persons whose health is impaired owing to an accident that occurs while or in connection with rendering personal services or while directly en route to or from the site of said rendering, as well as family members of persons killed by such accidents, are eligible for benefits under the guidelines and procedure defined for employees in the regulations governing benefits payable for work accidents and occupational diseases, with the proviso that eligibility for these benefits is determined and the benefits are paid by the Social Security Administration.

Article 207. The Council of Ministers issues executive orders defining the procedure for planning and imposing the obligation of personal services and for the performance of these services, the responsibilities and powers of the agencies concerned, the categories of persons exempt from this obligation, and the procedure for paying compensation for the performance of personal services.

## **Chapter 2.**

### **Material Services in Peacetime**

Article 208.1. State offices and institutions as well as enterprises and other organizational units may be obligated to render material services consisting in releasing for use their real estate and movable property with the object of preparing national defense.

208.2. Material benefits may be rendered in behalf of the Armed Forces, civil-defense formations, and the state organizational units executing assignments relating to national defense.

208.3. The provisions of Paragraph 1 do not apply to temporary billeting of the Armed Forces.

208.4. The Council of Ministers issues executive orders defining the real estate and movable property exempt from rendering material services.

208.5. The Council of Ministers annually defines the kind and totals of real estate and movable property that can be collected as part of material services during a calendar year.

Article 209.1. The duration of providing material services may not exceed the following amount of time at any one time:

1) Forty-eight hours, when the purpose is to verify the mobilizational readiness of the Armed Forces.

2) Seven days, when in connection with military exercises.

3) Twenty-four hours, when in connection with civil-defense exercises or practical exercises in universal self-defense.

209.2. The imposition of the duty of providing a material service may be made at most three times in a year, with the proviso that only once in a year it may last for the duration referred to in Paragraph 1, Point 2).

209.3. The time needed to deliver the object of material services to the indicated site and to return it to its usual place (storage) is credited to the time of rendering the material services referred to in Paragraph 1, though for not more than two hours.

209.4. The restriction referred to in Paragraph 1 does not apply to the use of real estate provided for the time needed to register draft-age persons and induct draftees.

Article 210.1. The decision to assign real estate or movable property for the provision of material services is issued by the village head or mayor on the recommendation of the military corps area commander or the appropriate civil defense agency.

210.2. The decision referred to in Paragraph 1 is handed to the owner of the real estate or movable property and to the recommending agency in writing, together with a rationale.

210.3. The decision referred to in Paragraph 1 may be appealed to the voivode by the owner of the real estate or movable property and by the recommending agency, within 14 days from the day the decision is delivered. Said decision may be altered by the voivode also ex officio if it was issued in violation of law.

Article 211.1. The owner of the real estate or movable property concerning which a final decision on its utilization for the purpose of rendering material services has been issued may, upon the recommendation of the corps area commander or the appropriate civil defense agency, be summoned by the village head or mayor to render these services.

211.2. The summons referred to in Paragraph 1 is delivered 14 days prior to the date on which the service is to be rendered, with the exception of cases in which rendering the service is intended to verify the mobilizational readiness of the Armed Forces.

211.3. There can be no appeal against the summons referred to in Paragraph 1.

211.4. The summons referred to in Paragraph 1 has the rigor of immediate executability within the deadline it specifies.

211.5. The owner referred to in Paragraph 1 is obligated to provide for use the object of the material service at the time and place specified in the summons.

211.6. The provisions of Articles 60 and 61 apply correspondingly.

Article 212.1. Owners of real estate and movable property concerning which final decisions are issued on their

utilization for the purpose of material services are obligated to notify the village head or mayor about their disposal of that real estate or property.

212.2. Local offices of the government administration as well as offices of local governments are obligated, on demand by military commanders of complements or appropriate local civil defense agencies, to inform them, on the basis of the records kept, about the status of the real estate and movable property that can be used to render material services.

Article 213.1. The owner of the object of the material service, when summoned to render the service, is obligated to provide said object for use in a condition suitable for use, together with the appropriate documents.

213.2. The user of the object of the material service is obligated to use it in a manner appropriate to its properties and purpose. The user is responsible for the normal expenses and other liabilities entailed in maintaining the object of material service in good condition, and his expenditures or outlays on the object of material service are not subject to reimbursement.

213.3. The user of the object of material service is responsible for its loss or damage, as well as for damages due to using it in a manner conflicting with its properties and purpose.

213.4. The user is obligated to return the object of material service to its owner in an unimpaired condition. The user bears no responsibility for the wear on the object of material service due to its proper use.

213.5. The user of the object of material service is responsible for the losses due to failure to return it as scheduled and for subsequent repair of damage caused during its utilization by the user.

213.6. There is a one-year statute of limitations, following the return of the object of material service, for claims by the owner against the user as regards the provisions of Paragraphs 3-5.

Article 214.1. For providing the object of material service its owner is entitled to lump-sum reimbursement in the amount corresponding to wear on or damage to the object plus its depreciation rate.

214.2. The lump-sum reimbursement for using the object of material service is paid by the organizational unit on whose behalf the service was rendered.

Article 215. The Council of Ministers issues executive orders defining:

1) Detailed guidelines and procedure for planning and imposing the obligation of material services and rendering these services.

2) Procedure for demanding and providing the information referred to in Article 212.

3) Procedure for filing and pursuing the claims referred to in Article 213, with judicial proceedings being admissible.

4) Lump-sum reimbursement for the use of discrete kinds of objects of material services.

### Chapter 3. Personal Services in the Event of Mobilization and in Time of War

Article 216.1. In the event of mobilization and in time of war, persons liable for the duty of personal services (Article 200, Paragraph 1) may be at any time summoned to render within the framework of that duty, various kinds of services on behalf of the Armed Forces, the civil defense, or the state organizational units accomplishing tasks relating to the defense needs of the State.

216.2. The length of performance of personal services may not exceed seven days at any one time.

Article 217.1. In the event of mobilization and in time of war, state offices and institutions, enterprises and other organizational units, social organizations, and individuals may be obligated to render material services consisting in making their real estate and movable property available for use to the Armed Forces, civil defense formations, or state organizational units accomplishing tasks for the defense needs of the State.

217.2. The objects of material services are returnable to their owners after the need for their use ceases.

Article 218. Cultural property under special protection as interpreted by the Hague Convention of 14 May 1954 on the Protection of Cultural Property in the Event of Armed Conflict (Dz.U., No. 46, Item 212, 1957) may not be the object of material services. Cultural property entitled to general protection under said Convention may be the object of material services solely with the consent of the appropriate curatorial service.

Article 219.1. The obligation of personal and material services is imposed by the village head or mayor.

219.2. The Council of Ministers issues executive orders defining the categories of persons exempt from the obligation of personal services, the real estate and movable property which may not be objects of material services, the guidelines and procedure for imposing the duty of personal and material services and rendering these services, the rights and responsibilities of the users of the objects of material services, the rights of the persons rendering personal services, and the guidelines and procedure for reimbursement for the use of objects of material services and for the determination and payment of compensation for damage to these objects.

Article 220. Persons obligated to render personal services and their family members are entitled to the benefits specified in Article 206.

#### Chapter 4. Special Services

Article 221.1. Local offices of the government administration, state institutions, local governments, and enterprises and other organizational units may be obligated, in return for financial reimbursement, to:

1) Adapt their real estate and movable property to the needs of national defense, without changing their properties and purpose.

2) Adapt buildings and structures under construction (or under renovation or expansion) and the produced movable property to the needs of national defense, without changing their properties and purpose.

3) Accumulate, store, and maintain objects needed to perform the activities referred to in Points 1) and 2).

221.2. Local offices of government administration, state institutions, local governments, and enterprises and other organizational units may be obligated to accomplish, in return for financial reimbursement, mobilizational assignments on behalf of the Armed Forces.

221.3. The obligations and assignments referred to in Paragraphs 1 and 2 are financed from the state budget.

Article 222.1. the Council of Ministers issues executive orders naming the agencies appropriate for imposing the obligations and assignments referred to in Article 221, Paragraphs 1 and 2.

222.2. The matters referred to in Paragraph 1 are governed by the provisions of the Code of Administrative Proceedings.

222.3. The execution of the obligation or assignment is accomplished on the basis of an agreement concluded with the executor by the appropriate agency.

Article 223.1. The obligations and assignments referred to in Article 221, Paragraphs 2 and 2, are defined by the Council of Ministers.

223.2. The Council of Ministers issues executive orders defining the guidelines and procedure for executing the duties and assignments referred to in Article 221, Paragraphs 1 and 2, the guidelines for payment for their execution, and the guidelines for monitoring said execution by the appropriate agencies.

#### Section VIII.

#### Penal, Interim, and Final Regulations

##### Chapter 1. Penal Regulations

Article 224. Whoever, contrary to the obligations ensuing from the present Law or the implementing regulations issued pursuant thereto:

1) Does not report for registration nor reports before the medical commission or the draft board at the specified time and place, or fails to present the documents whose presentation was ordered,

2) Does not report to settle his status as regards the general duty of defense,

3) Does not report at the specified time and place when summoned by the appropriate agency on matters concerning the general duty of defense,

4) Does not fulfill within the specified period of time the obligation of reporting for military registration,

5) Changes his address without first obtaining permission from the commander of the military unit,

6) Departs the territory of the State or sojourns abroad without permission from military agencies, is liable for the penalty of imprisonment for up to three months or a fine.

Article 225.1. Whoever without a justified cause

1) As a reserve soldier does not report at the specified time and place for military exercises lasting up to 24 hours,

2) When assigned to train inductees or for civil defense exercises, does not report at the specified time and place for that service,

3) Despite having an organizational-mobilizational assignment to a unit slated for militarization, does not report at the specified time and place for exercises in that unit, is liable for the penalty of imprisonment for up to three months or a fine.

225.2. The same penalty is imposed on whoever:

1) Persistently evades executing service instructions while attending the training of inductees or exercises in civil defense, or while attending exercises in units slated for militarization.

2) While attending exercises in a unit slated for militarization, arbitrarily leaves the assigned post.

Article 226. Whoever persistently evades executing obligations relating to the general self-defense of the population, is liable for the penalty of a fine.

Article 227.1. Whoever, contrary to the obligations ensuing from the present Law or from the implementing regulations issued on the basis thereof:

1) Evades implementing the obligation of rendering a personal or material service,

2) Does not notify the appropriate agency about the disposal of the real estate or movable property specified for the purpose of rendering material services, is liable for the penalty of imprisonment for up to three months or a fine.

227.2. Also liable for the same penalty is whoever deliberately complicates or makes impossible the rendering of a personal or material service.

Article 228. Whoever, with the object of permanently evading the obligation of military service or of another service specified in the present law, perpetrates an offense defined in Article 224,

is liable for the penalty of imprisonment for up to three years.

Article 229.1. Whoever,

1) With the object of gaining exemption from the duty of military service or deferment of that service inflicts on oneself personally or with the aid of another person bodily injury or damage to health,

2) With the object of facilitating another person's exemption from the duty of military service or deferment of that service, causes bodily injury to that other person or damages his health,

3) Misleads the appropriate agency with the object of procuring for oneself or for another person exemption from the duty of military service or deferment of that service, is liable for the penalty of imprisonment for up to three years.

229.2. Also liable for the same penalty is any person who perpetrates on himself or on another person one of the offenses defined in Paragraph 1 when called up for basic service in civil defense or assigned to alternative civilian service.

229.3. Whoever misleads the appropriate agency with the object of procuring for himself or for another person exemption from the duty of training inductees, attending exercises in civil defense, or serving in militarized units, is liable for the penalty of imprisonment for up to three years.

Article 230.1. Whoever, on being called up for active military service, does not report at the specified time and place for that service, is liable for the penalty of imprisonment for up to one year or a fine.

230.2. If the offender fails to report for that service for longer than 14 calendar days, he is liable for the penalty of imprisonment for up to three years.

230.3. If the offender fails to report for that service with the object of permanently evading it, he is liable for the penalty of imprisonment for up to five years.

230.4. If the perpetrator of the offense defined in Paragraph 1 reports for service not later than within two calendar days, the court may waive imposing a penalty.

230.5. If the perpetrator of the offense defined in Paragraph 1 reports for service not later than within two calendar days, penal proceedings may be relinquished in favor of a disciplinary penalty envisaged in regulations governing military discipline.

Article 231. The provisions of Article 230 do not apply in the event of the failure of a reserve soldier to report for military exercises lasting up to 24 hours.

Article 232.1. Whoever, on being called up for basic service in civil defense or assigned to alternative civilian service, does not report for these services at the specified time and place, is liable for the penalty of imprisonment for up to one year or a fine.

232.2. If the offender does not report for these services within 14 calendar days, he is liable for the penalty of imprisonment for up to three years.

232.3. If the offender does not report for these services with the object of permanently evading them, he is liable for the penalty of imprisonment for up to five years.

232.4. If the perpetrator of the offense defined in Paragraph 1 reports for service not later than within two calendar days, the court may waive imposing a penalty.

Article 233. Whoever, while rendering basic service in civil defense or alternative service, persistently fails to fulfill service instructions is liable for the penalty of imprisonment for up to three years.

Article 234.1. Whoever, while rendering basic service in civil defense or alternative service, arbitrarily abandons an assigned post and assigned service duties for more than 14 calendar days or absents himself for that period is liable for the penalty of imprisonment for up to three years.

234.2. Whoever, while rendering basic service in civil defense or alternative service, arbitrarily abandons an assigned post and assigned service duties for more than two calendar years or arbitrarily absents himself for that period, is liable for the penalty of imprisonment for up to one year.

Article 235. Whoever, while rendering basic service in civil defense or alternative service, abandons an assigned post and assigned service duties with the object of permanently evading that service or absents himself for the same purpose, is liable for the penalty of imprisonment for up to five years.

Article 236. Whoever, on being assigned to training inductees or attending civil defense exercises, evades these obligations, is liable for the penalty of imprisonment for up to one year or a fine.

Article 237.1. A Polish citizen who accepts, without the consent of the appropriate agency, service in a foreign army or a foreign military organization, is liable for the penalty of imprisonment for up to five years.

237.2. Whoever commits the offense defined in Paragraph 1 in time of mobilization or war, is liable for the penalty of imprisonment for at least five years or the death penalty.

237.3. The crime referred to in Paragraphs 1 and 2 does not apply to a Polish citizen who is at the same time the citizen of another country, if he resides in that other country and renders (performs) military service there.

237.4. The Council of Ministers issues executive orders defining the guidelines and procedure, and the appropriate agencies, for granting consent to the acceptance by Polish citizens of service in a foreign army or a foreign military organization.

Article 238.1. Whoever, contrary to the prohibitions of international law, enlists in a mercenary military service, is liable for the penalty of imprisonment for up to five years.

238.2. Whoever, contrary to the provisions of the present Law or the prohibitions of international law, engages in recruiting Polish citizens or foreigners residing in the territory of the Republic of Poland for military service in a foreign army, a foreign military organization, or a military mercenary service that is prohibited by international law, or whoever disburses payments for such mercenary service, is liable for the penalty of imprisonment of up to 10 years.

238.3. Whoever commits the offense referred to in Paragraph 1 or 2 in time of mobilization or war, is liable for the penalty of imprisonment for at least five years or the death penalty.

Article 239. A Polish citizen who, with the object of evading the duty of military service or other service named in the present Law, while sojourning abroad in time of mobilization or war, does not immediately report his address to the nearest Polish consular office (diplomatic mission) or fails to execute the orders issued by that office (mission) concerning the fulfillment of the duty of service, is liable for the penalty of imprisonment for up to three years.

Article 240. Whoever fails to report for active military service at the specified time and place, when called up for that service in time of mobilization or war, is liable for the penalty of imprisonment for at least two years.

Article 241.1. Whoever, in time of mobilization or war, with the object of permanently evading the duty of military service:

1) Commits an offense defined in Article 224 or in Article 229, Paragraph 1, Point 1) or 3),

2) On being called up for active military service, fails to report for that service at the specified time and place, is liable for the penalty of imprisonment for at least five years or the death penalty.

241.2. Also liable for the same penalty is whoever, in time of mobilization or war, inflicts on another person a bodily injury or damage to health or misleads the appropriate agency with the object of procuring for that person exemption from the duty of military service or deferment of that service.

Article 242. Whoever in time of mobilization or war commits an offense defined in Article 227, is liable for the penalty of imprisonment for up to three years.

Article 243.1. In cases of the offenses defined in Articles 224-242, if the offense consists in failing to fulfill the duty of reporting for service or reporting to an appropriate agency, the statute of limitations on prosecution and sentencing applies at the moment that duty is fulfilled or at the moment at which that duty ceases to apply to the offender.

243.2. The statute of limitations on prosecution and sentencing in cases of the offenses defined in Articles 228 and 237-241 does not apply in the event of the offender's arbitrary sojourn abroad.

Article 244.1. In time of mobilization or war, persons serving in civil defense or in militarized units or called up therefor bear criminal responsibility for offenses committed in connection with that service pursuant to the regulations governing personnel in active military service.

244.2. Cases of the crimes referred to in Paragraph 1 belong within the competences of military courts.

244.3. As interpreted by penal regulations in time of mobilization or war:

1) Failure to report for service in civil defense or in militarized units at the specified time and place is tantamount to failure to report for military service.

2) The duty of service in civil defense and in militarized units is tantamount to the duty of military service.

3) Service in civil defense and in militarized units is tantamount to active military service.

4) Failure or refusal to execute the instruction of a superior, issued in service matters to a person serving in civil defense or in a militarized unit, is tantamount to failure or refusal to obey an order.

Article 245. Cases of the crimes defined in Articles 230 and 237-241 belong within the competences of military courts.

## **Chapter 2. Interim and Final Regulations**

Article 246. Persons rendering military service by virtue of the special obligation defined in the regulations governing the military service of career soldiers are not liable for the obligations, defined in the present Law, of military service, service in civil defense, service in militarized units, and personal services.

Article 247.1. If a state of war (martial law) is imposed, wartime regulations apply to the duty of military service, service in civil defense, service in militarized units, and services on behalf of defense, unless the President, when proclaiming the state of war, rules otherwise.

247.2. If a state of emergency is imposed, wartime regulations apply to the duty of service in militarized units and services on behalf of defense, unless the agency proclaiming the state of emergency decides otherwise.

Article 248.1. With regard to personnel serving in the military units under the jurisdiction of the Minister of the Interior, the powers of the Minister of National Defense specified in the present law are correspondingly vested in the Minister of the Interior.

248.2. The Ministers of National Defense and the Interior shall specify which of the powers referred to in Paragraph 1 will be executed by mutual consent.

Article 249.1. All the previous regulations concerning the matters regulated by the present law are null and void.

249.2. In particular, the following are declared null and void:

1) Law of 30 January 1959 on the General Military Duty (Dz.U., No. 20, Item 108, 1963).

2) Law of 26 February 1951 on Local Anti-Aircraft Defense (Dz.U., No. 14, Item 109).

3) Decree of 24 June 1953 on the Provision of Means of Transportation for the Defense Needs of the State (Dz.U., No.34, Item 142; and No. 58, Item 270, 1956).

4) Executive Order of 24 October 1934 of the president of the Republic on Personal Services (Dz.U., No. 55, Item 354, 1939).

5) Law of 30 March 1939 on Communications in Service of the Defense of the State (Dz.U., No.29, Item 195, with later amendments).

6) Law of 30 March 1939 on the General Duty of Material Services (Dz.U., No. 30, Item 200).

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