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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**POLAND**

**LAW ON THE STATE COMMISSION TO INVESTIGATE RUSSIAN  
INFLUENCE ON THE INTERNAL SECURITY OF THE REPUBLIC OF  
POLAND IN THE PERIOD OF 2007-2022  
AND THE DRAFT LAW AMENDING THAT LAW\*  
(Consolidated version)**

*\*Unofficial translation*

**Law**  
of 14 April 2023  
**on the State Commission for the Examination of Russian Influence on the internal  
security of the Republic of Poland in the period of 2007-2022**

Chapter 1

**General provisions**

Article 1. This Law defines:

- 1) The tasks and competences of the State Commission for investigating Russian influence on the internal security of the Republic of Poland in the period 2007-2022, hereinafter referred to as “the Commission”;
- 2) a special procedure for the examination of the Russian influence on the internal security of the Republic of Poland in the period 2007-2022;
- 3) ~~remedies to be applied against persons who, in the period 2007-2022, were public officials or members of the senior management of a company who, under Russian influence, acted against the interests of the Republic of Poland (repealed);~~
- 4) the method of the Commission’s carrying out information and prevention activities as regards the Russian influence in the period 2007-2022.

Article 2. In so far as this Law refers to:

- 1) a member of the senior management – it shall be understood as referring to a member of the board of directors, a member of the supervisory board, an employee, a receiver or a liquidator of a company who, in connection with the position held, has taken decisions having a significant impact on the property matters of the company, including its financial and operational policy;
- 2) a public official – it shall be understood to refer as referring to a public official within the meaning of Article 115 § 13 of the Criminal Code of 6 June 1997 (Journal Of Laws [...]);
- 3) classified information – it shall be understood as referring to classified information referred to in Article 1(1) of the Law of 5 August 2010 on the protection of classified information (Journal Of Laws [...]);
- 4) a security clearance – it shall be understood as referring to the security clearance referred to in Article 29(1) of the Law of 5 August 2010 on the protection of classified information;
- 5) a company – it shall be understood as referring to a State-owned undertaking, a company with a public service mission within the meaning of Article 2(8) of the Law of 16 December 2016 on the rules governing the management of State assets (Journal of Laws [...]), or a company in which the rights attached to shares or shares held by the State Treasury between 2007 and 2022:
  - a) were exercised by a Minister heading a government department or by a government plenipotentiary, or
  - b) were exercised by a State legal person or a state organisational entity with legal personality which was subordinate to or supervised by a minister heading a government department, or
  - c) were exercised by another company in which the rights attached to shares or shares belonging to the State Treasury were exercised by a minister heading a government department, a state legal person or a state organisational entity with legal personality which was subordinate to or supervised by the minister heading the government administration department;
- 6) public funds – it shall be understood as referring to funds referred to in Article 5(1) of the Law of 27 August 2009 on the Public Finance Act (Journal Of Laws...);
- 7) ~~remedial measures — it shall be understood as referring to the measures referred to in Article 36(1) point 1 and 38(1) applied to persons — who, in the period 2007-2022, were public officials or members of senior management who under Russian influence acted against the interests of the Republic of Poland — with a view of preventing the repetition of an action under Russian influence to the detriment of the interests of the~~

Republic of Poland(repealed);

- 8) Russian influence – it shall be understood as referring to any action of:
- a) persons who are representatives of the public authorities of the Russian Federation, in particular persons holding politically exposed offices within the meaning of Article 2(2) point 11 of the Anti-Money Laundering and Terrorist Financing Act of 1 March 2018 (Journal Of Laws ...),
  - b) persons known to be close associates of persons who are representatives of the public authorities of the Russian Federation within the meaning of Article 2(2) point 12 the Anti-Money Laundering and Terrorist Financing Act of 1 March 2018;
  - c) persons who are personally, organisationally or financially connected with the persons referred to under letters *a* or *b*;
  - d) other persons or other entities acting on behalf of the persons referred to in points (a) to (c)
    - carried out by methods both legally authorised and unlawful, designed to influence the activities of companies or public authorities of the Republic of Poland.

Chapter 2

**The Commission**

Article 3. 1. The Commission is a public administration body safeguarding the public interest as regards investigating Russian influences on the internal security of the Republic of Poland in the period 2007-2022.

2. The Chancellery of the Prime Minister shall provide the Commission with substantive, legal, organisational and technical services and offices.

3. Expenditure relating to the activities of the Commission shall be borne by the State budget from the part held by the Head of the Chancellery of the Prime Minister.

Article 4. 1. The Commission shall conduct investigations aimed at clarifying the activities of persons who were public officials or members of the senior management in the period 2007-2022 who, under Russian influence, while harming the interests of the Republic of Poland:

- 1) carried out official duties, including taking material-technical acts, in particular created and duplicated information carriers or made their content available to third parties;
- 2) on behalf of a public authority, prepared or adopted administrative decisions or other acts of application of the law, or influenced the content of such decisions or acts;
- 3) made declarations of intent on behalf of a public authority or company, in particular entered into agreements with third parties, or, in the context of the office held, took part in the adoption of a decision to make a declaration of intent, including in negotiations;
- 4) took decisions on the recruitment of employees or on the choice of contractor within the framework of a public authority or a company;
- 5) had at their disposal public funds or company funds;
- 6) were involved in the law-making process as representatives of a public authority or of a company;
- 7) participated in the negotiation and conclusion of an international agreement;
- 8) were involved in the preparation or in the presentation of the position of the Republic of Poland in an international forum, in particular in the context of the work of an international organisation of which the Republic of Poland is a member;
- 9) influenced or attempted to influence the activities referred to in points 1 to 8.

2. The Commission shall also investigate cases of Russian influence on the activities of persons other than those mentioned in paragraph. 1 in so far as they have had a significant impact on internal security or have undermined the interests of the Republic of Poland as regards:

- 1) the impact on the mass-media;
- 2) spreading fake news;
- 3) the activities of associations or foundations;
- 4) the activities of trade unions, employers' unions or organisations;
- 5) the functioning of critical infrastructure;
- 6) the functioning of political parties;

- 7) the organisation of the health system, in particular the fight against communicable diseases;
- 8) the protection of the national border of the Republic of Poland.

Article 5. ~~4. If Russian influence on activities of persons referred to in Article 4 has been established, the Commission shall indicate this in the report referred to in Article 41(1). If Russian influence on the activities of the persons referred to in Article 4(1) has been established, the Commission may take remedial measures.~~

~~2. Remedial measures shall be taken where necessary to prevent repetition of action under Russian influence undertaken between 2007 and 2022 to the detriment of the interests of the Republic of Poland by a person who was a public official or member of senior management in 2007-2022.~~

~~3. Remedy referred to in Article 37(1) point 2 may be decided only if there is likelihood that a person, who was a public official or member of senior management in the period 2007-2022 and acted under Russian influence to the detriment of the interests of the Republic of Poland, will again carry out the activities referred to in Article 4(1), causing significant damage within the meaning of the Criminal Code of 6 June 1997.~~

~~4. Where Russian influence on the activities of the persons referred to in Article 4 is identified, the Commission shall indicate this in the report referred to in Article 41(1).~~

Article 6. 1. The Commission shall take steps to ensure that public authorities and organisations and entities react promptly to combat Russian influence and to bring to justice the persons referred to in Article 4.

2. To the extent referred to in paragraph 1, the Commission:

- 1) shall inform the competent authorities of the suspicion of the commitment of a criminal offence with a view of initiating criminal or disciplinary proceedings;
- 2) shall monitor the actions taken by the competent authorities on the basis of notifications to the Commission.

Article 7. 1. The Commission shall carry out information and prevention activities.

2. To the extent referred to in paragraph 1, the Commission:

1) shall prepare and submit activity reports containing the results of the Commission's research ~~and the results of the remedial measures taken by the Commission;~~

2) shall present to the public authorities conclusions and recommendations on preventing and combating Russian influence and take action to bring to justice the persons referred to in Article 4;

3) shall call for consideration by the Council of Ministers of the draft government documents prepared by the Commission concerning the scope of the Commission's activities with a view to improving the activities of public authorities in preventing and combating Russian influence;

4) shall give its opinion on draft normative acts relating to the scope of the Commission's activities.

Article 8. 1. The Commission shall process all information necessary for the performance of its statutory tasks, including personal data referred to in Article 9(1) and Article 10 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ Office EU L 119, 4.5.2016, p. 1, as amended).

2. For the purpose of carrying out its tasks under the Law, the Commission may process data concerning a person obtained pursuant to Article 16, Article 18 or Article 19, without the knowledge and consent of the data subject.

3. The documentation collected in the course of the Commission's proceedings shall not constitute public information nor shall it be subject to access in accordance with the procedure laid down in the Law of 6 September 2001 on the access to public information (Journal Of Laws ...).

### Chapter 3

#### **Composition and procedure for the appointment of the Commission**

Article 9. 1. The Commission shall be composed of 9 members at the rank of State Secretary appointed and dismissed by the Sejm of the Republic of Poland.

2. The Commission may be composed of a person who:

- 1) has Polish nationality and enjoys full public rights;
- 2) has full capacity to perform legal acts;
- 3) has not been convicted, with a final effect, of an intentional offence or an intentional fiscal offence;
- 4) complies with the requirements laid down in the Law of 5 August 2010 on the protection of classified information as regards access to 'strictly classified' information;
- 5) has a university degree or the necessary knowledge of the functioning of public authorities;
- 6) has a good reputation;
- 7) has agreed to stand as a candidate.

2a. Membership in the Commission shall be incompatible with the mandate of a Member of the Sejm or of a Senator.

3. Any parliamentary or MP club shall have the right to propose no more than 9 members of the Commission to the Marshal of the Sejm within the time limit set by the Marshal of the Sejm.

4. If, at the time of lodging the proposition, the candidate does not meet the requirements referred to in paragraph 2 point 4, the Internal Security Agency or the Military Counterintelligence Service shall carry out an extended screening investigation no later than one month from the date of receipt of the report. The opening of an extended screening investigation shall not prevent the selection of that candidate for membership in the Commission. If, before the end of the extended screening investigation, the candidate has been rejected, the investigation shall be discontinued.

5. Where the extended screening investigation referred to in paragraph 2 point 4 has been concluded with the effect of refusing to issue a security clearance, the Internal Security Agency or the Military Counterintelligence Service shall immediately inform thereof the Marshal of the Sejm. The Sejm shall dismiss the member of the Commission concerned by the refusal to issue a security clearance at the next session of the Sejm after the Marshal of the Sejm has been informed of the refusal.

6. To the extended screening investigation referred to in paragraph 4, the provisions of the Law of 5 August 2010 on the protection of classified information shall apply mutatis mutandis, with the exception of Articles 34 to 37 and Articles 39 to 41 of that Law.

7. The lodging of a complaint before an administrative court shall not preclude the removal of a Member of the Commission in accordance with paragraph 5.

8. The Members of the Commission shall, in the exercise of their duties as Secretaries of State, carry out tasks exclusively related to the exercise of functions in the Commission.

9. Members of the Commission shall be independent in the performance of their duties in the Commission and shall not be subject to authority of the President of the Council of Ministers.

Article 10. 1. Membership of the Commission shall cease to exist in the case of:

- 1) death;
- 2) resignation;
- 3) conviction, by a final judgment, for an intentional offence or an intentional fiscal offence;
- 4) dismissal.

2. In the event of termination of membership of the Commission, a supplementary election shall be made by the Sejm.

3. The supplementary election referred to in paragraph 2, shall be governed mutatis mutandis by Article 9.

Article 11. 1. The members of the Commission shall elect from among themselves the President of the Commission. The Commission shall adopt a resolution to that end by a majority vote, in open ballot, in the presence of at least five members of the Commission. The

~~President of the Council of Ministers shall elect the President of the Commission from among the members of the Commission.~~

2. The President of the Commission shall direct the work of the Commission, represent it externally and carry out the other activities provided for in the Law and the Rules of Procedure of the Commission.

3. The Commission may, on a proposal from the President of the Commission, appoint up to two Deputy Chairpersons of the Commission from among its members.

4. The President of the Commission may authorise a Member of the Commission to carry out certain acts of the President of the Commission.

5. The President of the Commission or his or her deputy may authorise a lawyer or legal adviser to represent the Commission before ordinary courts, administrative courts, military courts, the Supreme Court, the Constitutional Court, the State Tribunal and foreign judicial authorities.

Article 12. 1. The President of the Commission shall be entitled to a flat-rate monthly allowance equal to three times the minimum wage fixed on the basis of the Law of 10 October 2022 on the Minimum Wage for Work (Journal Of Laws...).

2. Articles 3b, 5 and 5b of the Law of 31 July 1981 on the remuneration of managers in state positions (Journal Of Laws...) shall not apply to members of the Commission.

3. Members of the Commission shall be treated employees as regards social security and health insurance.

4. Social security and health insurance contributions for members of the Commission are paid by the Chancellery of the Prime Minister.

5. The President of the Commission may authorise an employee of the Chancellery of the Prime Minister responsible for the Commission's service to deal with certain matters on his behalf, in particular to issue certificates and to certify copies of documents for the purposes of proceedings.

6. Members of the Commission who have a place of residence other than the meeting venue of the Commission shall be entitled to subsistence allowances and reimbursement of travel and accommodation expenses incurred in attending such meetings, in accordance with the rules laid down in the provisions issued on the basis of Article 77<sup>5</sup>(2) of the Labour Code of 26 June 1974 (Journal Of Laws ...).

~~7. The Commission shall lay down its rules of procedure by means of a resolution. The provisions of Article 15(1) to (3) shall apply mutatis mutandis. The President of the Council of Ministers shall lay down, by way of a regulation, the rules of procedure of the Commission.~~

Article 13. The Members of the Commission may not be held liable for their activities falling within the scope of their duties in the Commission.

## Chapter 4

### The procedure before the Commission

Article 14. 1. The Commission shall issue administrative decisions, orders and resolutions.

2. The President of the Commission may issue regulations.

Article 15. 1. The Commission shall adopt administrative decisions, orders and resolutions by a majority vote, in open ballot, in the presence of at least 5 members of the Commission, including the President of the Commission.

3. In the event of a tie, the President of the Commission shall have the casting vote.

4. Administrative decisions, orders and resolutions shall be signed by the President of the Commission.

5. Administrative decisions, orders and resolutions of the Commission shall be final.

Article 16. 1. Head of the Internal Security Agency, Head of Intelligence Agency, Head of Military Counterintelligence Service, Head of Military Intelligence Service, Head of the Central Anti-Corruption Bureau, Prosecutor General, Prosecutors, President of the Supreme Audit Office, First President of the Supreme Court, President of the Supreme Administrative

Court, presidents of ordinary courts, military courts and administrative courts, bodies of the government administration and of the local government, their organisational units, professional bodies and other bodies and institutions, at the request of the President of the Commission, shall, within the time limits and to the extent specified in the request, provide the President of the Commission and the members of the Commission designated by him with access to all files, including archived material containing classified information and business secrets, related to investigations and judicial proceedings, information from operational activities and other documents necessary for the performance of the Commission's tasks, and shall provide any other assistance in the performance of those tasks.

2. At the request of the President of the Commission, companies shall, within the time-limit and to the extent specified in the request, provide the President of the Commission and the members of the Commission designated by him with the access to all materials and documents, including material and documents containing classified information and business secrets, necessary for the performance of the Commission's tasks.

3. In the case files of an investigation and judicial proceedings, at the request of the President of the Commission, the competent public prosecutor or the president of the competent court shall forward the necessary documents from the case files, or copies thereof, and shall send the files or copies thereof in whole or in part, unless it is contrary to the interests of the proceedings. In the case of an ongoing case or a case not concluded by a final ruling, the prosecutor or the president of the court may provide copies of the documents or files instead of the documents or files.

4. If the transfer is refused on the grounds of the interest of the proceedings, the public prosecutor shall send the documents from the investigation files or copies thereof as requested immediately after the investigation has been discontinued or after an indictment has been sent to the court, a request for a convicting sentence has been made, a request for a conditional discontinuation of the proceedings has been submitted or a request for the discontinuation of the investigation and imposition of a precautionary measure has been made; the president of the court shall forward the files requested immediately after the proceedings have been ended with a final ruling.

5. In the case of documents other than those referred to in paragraph 3 the request of the President of the Commission shall indicate how and when to consult the material or document or the scope of the assistance required and the time limit for their provision.

6. Members of the Commission shall have access to the premises containing the documents and material referred to in paragraph 1 and shall have an insight into the activities of government bodies and local government bodies as well as their subordinate organisational units.

Article 17. 1. The President of the Commission may lodge a request with the public prosecutor to search premises or other places or to seize property in order to secure evidence in the case.

2. The Public Prosecutor's Office may issue an order to search premises or other places or seize property in order to secure evidence in the case, if this is necessary to safeguard the proper conduct of proceedings. Provisions of Article 217, Articles 219-234 and Article 236(1) of the Code of Criminal Procedure of 6 June 1997 (Journal Of Laws ...) shall apply mutatis mutandis.

3. The public prosecutor shall hand over the seized items to the Commission. The Public Prosecutor's Office shall issue a return order after consulting the Commission.

Article 18. 1. In connection with the checks and proceedings carried out referred to in Article 20(1), the President of the Commission may request the Commander-in-Chief of the Police to obtain the data referred to in Article 20c(1) of the Police Act of 6 April 1990 (Journal Of Laws ...), if necessary to verify Russian influences on the activities of the persons referred to in Article 4.

2. The Commander-in-Chief of the Police shall obtain the data referred to in Article 20c(1) of the Police Act of 6 April 1990 and transmits the data to the President of the Commission as soon as they are available.

3. Article 20ca of the Police Act of 6 April 1990 shall apply mutatis mutandis to data

made available to the Commission.

Article 19. 1. In connection with the checks and proceedings carried out, referred to in Article 20(1), the President of the Commission may request the Head of the Internal Security Agency to obtain the data referred to in Article 28(1) of the Law of 24 May 2002 on the Internal Security Agency and the Intelligence Agency (Journal Of Laws...), if it is necessary for verifying Russian influences on the activities of the persons referred to in Article 4.

2. The Head of the Internal Security Agency shall obtain the data referred to in paragraph 1, in accordance with Article 28(1) of the Law of 24 May 2002 on the Internal Security Agency and the Intelligence Agency and shall transmit the data to the President of the Commission as soon as they are available.

3. Provision of Article 28a(1) of the Law of 24 May 2002 on the Internal Security Agency and the Intelligence Agency shall apply mutatis mutandis to the data made available to the Commission.

Article 20. 1. The Commission shall carry out checks and conduct proceedings.

2. The Commission shall carry out, of its own motion, checks to determine whether the actions referred to in Article 4 are likely to have occurred. The Commission may entrust the performance of checks either to a designated member of the Commission or designated members of the Commission, or to an authorised staff member of the Chancellery of the Prime Minister responsible for providing the service to the Commission, under the supervision of the designated member or members of the Commission.

3. As a result of the checks carried out, the Commission shall issue a decision to initiate proceedings in the event of a prima facie case of Russian influence as referred to in Article 4(1).

4. The decision to initiate proceedings shall contain at least a description of the alleged Russian influence, an indication of the legal basis and the details of the parties to the proceedings known to the Commission on the date of the initiation of the proceedings.

Article 21. 1. The Commission shall initiate proceedings of its own motion.

2. The Commission shall notify the parties to the proceedings, which are the persons referred to in Article 4(1), of the initiation thereof. If the proceedings involve an examination of Russian influences, the authority or company concerned shall be notified of the initiation of proceedings, unless it is a party to the proceedings.

Article 22. 1. In the course of the proceedings, the Commission ~~may~~shall hold a hearing.

2. The hearing before the Commission shall be public.

3. The Commission may exclude the publicity of the hearing, in whole or in part, on grounds of State security, threat to peace, morality and public order, and where, in the course of the hearing, details of family life or information which constitutes secrets to be protected under separate provisions or information constituting data referred to in Article 14(1) of the Act of 14 December 2018 on the protection of personal data processed in connection with the prevention and combating of crime (Journal Of Laws ...) are to be discussed.

4. The Commission shall decide whether to exclude the publicity of the hearing by an order.

5. The following may be present at a hearing held in camera: the parties to the proceedings, witnesses, legal representatives and representatives of the parties to the proceedings, the public prosecutor and the staff of the Office of the Prime Minister appointed by the President of the Commission.

6. Orders on the limitation of the public hearing and administrative decisions closing proceedings in the case shall be published in the Public Information Bulletin, on the website of the Prime Minister's Office.

Article 23. 1. The President of the Commission shall authorise the representatives of the media to take images and make sound recordings of hearings and to carry out an audio-visual transmission via the Internet.

2. The Commission may lay down the conditions for the participation of representatives of the media at the hearing.

3. Where, for technical and organisational reasons, the presence of representatives of the media hinders the conduct of the hearing, the Commission shall limit the number of media



representatives in the room in which the hearing takes place and shall indicate- on a first-come, first-served basis or by lot - persons authorised to make, by means devices, video and sound recording of the hearing and to ensure its audio-visual transmission via the Internet.

4. The President of the Commission shall order the vacating of the hearing room by representatives of the media who disturb the hearing.

5. In the event that the presence of representatives of the media may have a restraining effect on the witness's testimony, the President of the Commission may order the representatives of the media to leave the courtroom during the hearing of the witness.

Article 24. Evidence in proceedings may include in particular: documents, witness statements, expert opinions, materials, documents and information collected as a result of checks.

Article 25. A party to proceedings who, despite having been duly summoned, did not appear at the hearing of the Commission without a valid reason or without the permission of the hearing director before the hearing ended, may be fined up to PLN 20000 and, in the event of repeated failure to comply with the summons, a fine of up to PLN 50000.

Article 26. 1. A person summoned by the Commission as a witness or expert shall, irrespective of his or her place of residence, appear at the summons and give evidence.

2. Prior to the examination of the witness, the witness shall be informed of criminal liability under Article 233(1) of the Criminal Code of 6 June 1997.

3. A witness or expert who, despite having been duly summoned, failed to appear at the hearing of the Commission without a valid reason, left the hearing before the hearing ended or refused to give evidence or to issue an opinion, may be fined up to PLN 20000 or, in the event of repeated failure to comply with the summons, a fine of up to PLN 50000.

Article 27. 1. The Commission may, at the request of the sanctioned person referred to in Article 25 or Article 26(3) submitted within 7 days of receipt of the penalty notice, declare the absence, the refusal to give evidence or the issuing of an opinion to be excusable and exempt him from the fine. Article 88(1) and (2) of the Code of Administrative Procedure of 14 June 1960 (Journal Of Laws 2022 ...) shall not apply.

2. Pecuniary claims arising from the fine shall be recovered on the basis of an enforceable instrument issued by the Commission. These debts constitute revenue for the State budget.

Article 28. 1. In the cases referred to in Article 25 or Article 26(3), in the event of a repeated failure to comply with the summon, the Commission may request the competent regional prosecutor to order the arrest and forced bringing of the person summoned. The Commission's request shall contain a statement of reasons.

3. A detainee may complain against a prosecutor's order to a district court competent for the place of detention. In the complaint, the detainee may request an examination of the merits, legality and regularity of their detention.

Article 29. The securing and enforcement of claims referred to in Articles 25 and 26(3) shall be governed by provisions of the Law of 17 June 1966 on the Enforcement Proceedings in Administration (Journal Of Laws...).

Article 29a. The following shall not be heard as witnesses:

- 1) a lawyer or a legal councillor acting on the basis of Article 245 § 1 of the Law of 6 June 1997 - Code of Criminal Procedure, as regards facts of which they have become aware by providing legal advice or by conducting a case;
- 2) a member of clergy as regards the facts of which they have become aware in the context of confession;
- 3) a mediator as regards the facts which they learnt from the accused or injured party in the course of mediation proceedings in criminal or criminal-fiscal proceedings conducted against the person referred to in Article 4(1), save information on the offences referred to in Article 240 § 1 of the Law of 6 June 1997 - Criminal Code.

Article 30. 1. Persons obliged to ensure confidentiality information classified as 'secret'

or 'strictly secret' may be heard as regards the circumstances to which that obligation extends only after they have been discharged from the obligation of secrecy by the competent authority.

2. The Commission may request the competent authority to exempt the person summoned by the Commission from the obligation of secrecy.

3. The exemption may be refused only if giving evidence would cause serious damage to the State.

4. The authority referred to in paragraph 1 shall take a decision on the exemption from secrecy without delay and at the latest within 10 working days of the date of notification of the request of the Commission. The absence of a decision shall be considered an exemption from the obligation of secrecy.

Article 31. 1. Persons obliged to maintain the legally protected secrecy concerning information other than information considered as 'classified' or 'strictly classified' may refuse to testify on the circumstances to which that obligation extends, unless the Commission exempts them from the obligation of secrecy, having regard to Article 32.

2. ~~(repealed) The Commission may not exempt from the obligation of secrecy referred to in paragraph 1, a member of clergy as regards the facts of which they were made aware following a confession.~~

Article 32. 1. Persons obliged to maintain notarial, legal, medical or journalistic secrecy may be questioned on facts covered by this secrecy only if this is necessary to protect important interests of the Republic of Poland or to protect internal security, and it would be excessively difficult to establish the circumstances on the basis of other evidence.

2. For the purpose of obtaining authorisation to interview persons with regard to the facts referred to in paragraph 1, the Commission shall submit a written application to the Regional Court in Warsaw.

3. The court shall examine the application referred to in paragraph 2 within 7 days of receipt of that request.

4. The Commission and the requested person may lodge a complaint against a court decision authorising their hearing, in accordance with the rules laid down in the Code of Criminal Procedure of 6 June 1997.

5. The lodging of a complaint shall suspend the enforcement of the court order.

Article 33. Unless otherwise ordered by the President of the Commission, meetings of the Commission scheduled outside the hearing shall ~~not~~ be public. The provision of Article 22(3) shall apply mutatis mutandis.

Article 34. 1. If, in the course of the proceedings, the Commission finds that there is evidence that the conduct of a person referred to in Article 4 has been committed in violation of the law or constituted a criminal offence, or that it impeded their detection, it shall send a notification to the competent authority.

2. In its notification, the Commission may request that an inspection be carried out and that proceedings be initiated to ascertain disciplinary, professional, material or other type of liability provided for in provisions concerning employment relationship.

3. The authority referred to in paragraph 1 shall notify the Commission, within 30 days of receipt of the notification, of the measures undertaken, the position taken or the manner in which the inspection or proceedings have been terminated.

Article 35. At the close of the hearing, the President of the Commission shall prescribe a time limit within which the parties to the proceedings may express their views on the evidence and material gathered and requests made.

Article 36. As a result of the proceedings, the Commission shall issue an administrative decision whereby:

- 1) it shall state that the action of the person referred to in Article 4(1), was an action under Russian influence affecting the interests of the Republic of Poland, and, if it considers it necessary, it shall order the application of at least one remedial measure referred to in Article 37(1); or

- 2) it shall declare that an administrative decision has been issued under Russian influence affecting the interests of the Republic of Poland and it shall order the application of one of the remedial measures referred to in Article 38(1);
- 3) ~~(repealed) it shall state that the action of the person referred to in Article 4(1) was not an action under Russian influence to the detriment of the interests of the Republic of Poland.~~

~~2. The administrative decision referred to in paragraph 1 point 1 issued in respect of the person referred to in Article 4(1) shall cause that person not to provide a warranty of the proper performance of activities in the public interest.~~

~~Article 37. (repealed) 1. When adopting an administrative decision referred to in Article 36 point 1, the Commission can apply to the person referred to in Article 4(1) at least one of the following remedial measures, in accordance with Article 5(2) and (3):~~

~~revocation of the security clearance or imposition of a prohibition of obtaining a security clearance for a period of up to 10 years as of the date of the administrative decision;~~

~~a prohibition of holding public functions relating to the use of public funds for a period of up to 10 years;~~

~~revocation of the arms authorisation referred to in Article 9(1) of the Law of 21 May 1999 on the Arms and Ammunition (Journal Of Laws...), or the imposition of a prohibition on holding an arms licence for a period of up to 10 years as of the date of the administrative decision.~~

~~2. Where a remedial measure is taken as referred to in paragraph 1 point 1, the Commission shall immediately forward the administrative decision on the application of that measure to the Head of the Internal Security Agency and the Head of the Military Counter-Intelligence Service.~~

~~3. To the remedial measure referred to in paragraph 1 point 2 shall be subject to provisions of Article 32(2) and (3), in Article 154(1) of the Law of 17 December 2004 on liability for breach of the discipline of public finances (Journal Of Laws ...).~~

~~4. Where a remedial measure is taken as referred to in paragraph 1 point 2, the Commission shall immediately forward the administrative decision imposing this measure to the General Commission ruling on the infringement of the Public Finance Discipline referred to in Article 42(2) of the Law of 17 December 2004 on the liability for breach of the discipline of public finances.~~

~~5. Where a remedial measure is taken as referred to in paragraph 1 point 3, the Commission shall immediately send the administrative decision imposing this measure to the Commander-in-Chief of the Police.~~

~~6. Issuing an administrative decision as referred to in Article 36(1) to the person referred to in Article 4(1) means that the person against whom an administrative decision has been issued does not provide a warranty of the proper performance of activities in the public interest.~~

~~Article 38. 1. If the proceedings have shown that the situation referred to in Article 4(1) point 2 occurs, the Commission shall adopt an administrative decision whereby it shall state that the administrative decision has been issued under Russian influence affecting the interests of the Republic of Poland decision referred to in Article 36(2) and it shall:~~

- 1) annul an administrative decision adopted under Russian influence to the detriment of the interests of the Republic of Poland in its entirety and remits the case to the authority which issued the decision for re-examination, or
- 2) annul in part the administrative decision adopted under Russian influence to the detriment of the interests of the Republic of Poland and discontinues the proceedings as to the remainder, or
- 3) annul, in whole or in part, an administrative decision adopted under Russian influence to the detriment of the interests of the Republic of Poland if the conditions laid down in Article 156(1) of the Code of Administrative Procedure of 14 June 1960 are met, or
- 4) ascertain that the administrative decision, which was adopted under Russian influence to the detriment of the interests of the Republic of Poland, was issued in breach of the law and produced irreversible legal effects as referred to in Article 40(4) and sets out the

reasons for which it cannot be repealed or annulled.

2. When issuing the administrative decision referred to in paragraph 1 points 1 or 2, the Commission shall indicate the circumstances to be taken into account in the re-examination of the case. The authority to which the case has been referred for re-examination shall be bound by the legal views and indications of the Commission as to how to proceed.

Article 39. 1. The transcript drawn up on the basis of the sound recording of the hearing, the sitting, the hearing of a witness or a party to the proceedings, after they have been signed by the President of the Commission, shall constitute the minutes of that hearing, of that sitting or of that hearing of a witness.

2. The President of the Commission shall inform the summoned person and the persons taking part in the proceedings of the recording of the hearing, of the sitting or of the hearing of a witness or of the parties to the proceedings. The President of the Commission shall inform those present that the recording of sound or of sound and images does not require consent of the summoned person and the persons taking part in the carrying out of an activity.

3. The sound recording of a hearing, of a sitting, of the hearing of a witness or of a party to proceedings shall be annexed to the minutes.

4. The person summoned to the hearing shall have the right to acquaint himself with the transcript drawn up on the basis of the sound recording and to make an objection if they find a discrepancy between the sound recording and the transcript.

5. The minutes shall be signed by the President of the Commission. The signatures of the person summoned for the trial and of the persons involved in the act are not required.

Article 39a. 1. A person in respect of whom an administrative decision referred to in Article 36(1) point 1 has been issued shall be availed of appeal to the court of appeal. The appeal shall be lodged with the court of appeal having jurisdiction over that person's place of residence or with the Court of Appeal in Warsaw, via the Commission, within one month of the date of notification to that person of the administrative decision referred to in Article 36(1) point 1.

2. The lodging of an appeal shall result in the decision referred to in Article 36(1) point 1 not producing the effects referred to in Article 36(2), pending the ruling on the appeal by the court of appeal.

3. The Commission shall forward the appeal to the court of appeal, together with the files of the case and the Commission's response to the appeal, without delay and no later than one month after receipt of the appeal.

4. The person lodging the appeal as well as the Committee shall be parties to proceedings concerning the appeal procedure.

5. The appeal proceedings referred to in paragraph 1-3 shall be governed by the provisions of the Code of Civil Procedure of 17 November 1964 (Journal of Laws...) concerning appeals.

Article 39b. 1. A cassation appeal to the Supreme Court shall be available against a final judgment or an order resulting in the rejection of the appeal or in the discontinuation of proceedings before the court of appeal.

2. The cassation appeal referred to in paragraph 1 shall be governed by the provisions of the Code of Civil Procedure of 17 November 1964 concerning cassation appeals.

Article 40. 1. In matters not governed by this Law, the provisions of the Code of Administrative Procedure of 14 June 1960, with the exception of Articles 8(2), 13, 25, 31, 96a to 96n, 108, 114 to 122h, 127 to 144 and 156(2) of that Law, shall apply mutatis mutandis.

2. The provisions of the Law referred to in paragraph 1 shall not apply to the checks referred to in Article 20(1).

3. For the matters referred to in Articles 23 and 41(5) the provisions of the Personal Data Protection Act of 10 May 2018 (Journal Of Laws) shall not apply.

4. An administrative decision of the Commission shall not be annulled if 10 years have elapsed since the date of notification or publication of that decision or if the administrative decision has produced irreversible legal effects.

5. Neither the enforcement costs nor the bailiff fee referred to in Articles 64 to 66 of the Enforcement Proceedings in Administration Act of 17 June 1966 shall be charged to the

Commission as a creditor.

## Chapter 5

### Information and prevention activities of the Commission

- Article 41. 1. The Commission shall prepare a report on its activities containing:
- 1) a description of the identified cases of the actions referred to in Article 4;
  - 2) information on the administrative decisions taken ~~and the remedies applied therein~~;
  - 3) conclusions and recommendations for public authorities and organisations and entities to prevent and combat Russian influence.
2. The report shall be prepared on an annual basis.
3. At the request of the President of the Commission, the Commission shall make the partial report available in the Public Information Bulletin on the website of the Chancellery of the Prime Minister.
4. Once adopted by the Commission, the report shall be presented by the President of the Commission to the Sejm.
5. The report on the Commission's activities is public and is made available in the Public Information Bulletin on the website of the Chancellery of the Prime Minister.

Article 42. The Commission may submit draft government documents to the deliberations of the Council of Ministers, in accordance with the rules and procedures laid down in the Rules of Procedure of the Council of Ministers.

## Chapter 6

### Amending provisions

Article 43. In the Arms and Ammunition Act of 21 May 1999 (Journal Of Laws ....) is amended as follows:  
/omissis/.

Article 44. In the Law of 27 July 2001 on the Ordinary Courts Organisation (Journal Of Laws) in Article 77:

- 1) in paragraph 1, the following point 2c is inserted after point 2b:  
"2c) at the Chancellery of the Prime Minister to serve the State Commission for the Examination of Russian influences on the internal security of the Republic of Poland in the period 2007-2022 – at the request of the Prime Minister,";
- 2) Paragraph 2b is replaced by the following:  
'2b. A judge may not combine adjudication functions with the performance of administrative activities in the Ministry of Justice or any other organisational unit subordinate to the Minister for Justice, the Office of the President of the Republic of Poland, the Chancellery of the Prime Minister or the office serving the minister competent for foreign affairs.';
- 3) in paragraph 4, the words '2 to 2b' are replaced by '2 to 2c'.

Article 45. In the Act of 17 December 2004 on liability for breach of the discipline of public finances (Journal Of Laws 2021, item 289) is amended as follows:

- 1) Article 188 is replaced by the following:  
"Article 188. A final ruling establishing liability for a breach of the public finance discipline shall be inserted in the register kept by the General Ruling Commission. ~~A final ruling on liability for a breach of public finance discipline and a final administrative decision to take a remedy as referred to in Article 37. 1 point 2 of the Act of 14 April 2023 on the State Commission for the Examination of Russian influences on the internal security of the Republic of Poland in the period 2007-2022 (Official Journal...), hereinafter referred to as 'Commission decision', shall be entered in a register kept by the Main Ruling Commission.~~"
- 2) in Article 189:
  - a) paragraph 2 shall be replaced by the following:  
'2. The following shall also be registered:
    - 1) the date of the ruling and the name of the commission which issued ~~the ruling or the date of the Commission decision~~;

- 2) the determination of the penalty imposed or the waiver of the penalty ~~or the determination of the remedial measure provided for in Article 37(1) point 2 of the Law of 14 April 2023 on the State Commission for the Examination of Russian influences on the internal security of the Republic of Poland in the period 2007-2022, hereinafter referred to as 'remedial measure';~~
  - 3) the date of commencement of the enforcement of the penalty ~~or the date from which the remedial measure takes effect;~~
  - 4) the date on which the penalty was expunged ~~or the date on which the remedy ends.~~;
- b) after paragraph ~~Paragraph 3,~~ the following paragraph 3a is added:  
"3a The Chairman of the State Commission for the Examination of Russian influences on the internal security of the Republic of Poland in the period 2007-2022 shall immediately inform the Chairman of the General Ruling Commission after obtaining the information that constitutes the basis for carrying out a change or expunging an entry in the registry.;"
- 3) in Article 190(2), the words 'or Commission decisions' shall be inserted after the word 'rulings.'

Article 46. In the Law of 5 August 2010 on the protection of classified information (Journal Of Laws ...) in Article 30 after paragraph 2 the following paragraph 2a is added which shall read as follows:

~~'2a. The authority conducting the screening procedure shall refuse to issue a security clearance if the person being screened is subject to a remedial measure as referred to in Article 37(1) point 1 of the Law of 14 April 2023 on the State Commission for the Examination of Russian influences on the internal security of the Republic of Poland in the period 2007-2022 (Official Journal ...).'~~

## Chapter 7

### Adaptation provisions and final provision

Article 47. ~~The Commission shall publish the first report referred to in Article 41(1) by 17 September 2023(repealed).~~

Article 48. The Commission shall be set up.

Article 49. 1. Parliamentary clubs or MPs clubs shall submit candidates for membership of the Committee to the Marshal of the Sejm within 14 days following the entry into force of this Law.

2. The vote on the candidates for membership of the Commission shall take place at the first sitting of the Sejm after the expiry of the period referred to in paragraph 1.

Article 49a. In the case where candidates for membership of the Committee have not been submitted pursuant to Article 49(1), parliamentary clubs or MPs clubs shall submit candidates of membership of the Committee to the Marshal of the Sejm within the time limit set out in the ordinance of the Marshal of the Sejm. The provision of Article 49(2) shall apply mutatis mutandis.

Article 50. 1. The President of the Council of MinisterMembers of the Commission shall elect from among themselves the President of the Commission within 14 days following the appointment of the member for the last vacant post in the Commission, in accordance with Article ~~49~~49a.

2. If the members of the Commission fail to elect the President of the Commission from among themselves within the time limit laid down in paragraph 1, the President of the Commission shall be elected by the Prime Minister within 14 days of the expiry of the period referred to in paragraph 1.

Article 51. The ~~Prime Minister~~Commission shall lay down the rules of procedure referred to in Article 12(7), within 14 days of the date of election of the President of the Commission.

Article 52. This Law shall enter into force on the day following its publication.