Information on national legislation, regulations and procedures on transfer of arms, military equipment and dual-use goods and technology in the Republic of Poland
(Pursuant to Resolution 62/26 adopted by the General Assembly on 5 December 2007)

Polish national legislation

Principal legislation:

- Law of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security (Journal of Laws of 2004, No. 229, Item 2315);

- Economic Activity Law of 2 June 2004 (J.of L. No. 173, Item 1807 as amended);


Executive regulations:

- Ordinance of the Minister of Economy of 29 October 2007 on the lists of military goods (J.of L. No. 208, Item 1505);

- Ordinance of the Council of Ministers of 23 November 2004 concerning the imposition of prohibition and restrictions on sales of goods of strategic importance for state security (J.of L. No 255, item 2557 as amended);

- Ordinance of the Minister of Economy and Labour of 1 October 2004 on format for delivery verification certificate and the method for registration of issued certificates (J.of L. no 243, item 2431);

- Ordinance of the Prime Minister of 15 September 2004 on the format of the declaration of intended import of dual-use items (J.of L. no 208, item 2119);

- Ordinance by the Minister of Economy and Labour of 22 September 2004 on the format of the authorisation to carry out control of trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security (J.of L. no 213, item 2173);

- Ordinance of the Minister of Economy and Labour of 28 September 2004 on the format of individual or global licences for trade in items of strategic importance and the format of import certificates (J.of L. no 220, item 2234);

- Ordinance of the Minister of Economy and Labour of 1 October 2004 on the records of trade in items of strategic importance (J.of L. no 231, item 2319);

- Ordinance of the Minister of Economy and Labour of 22 September 2004 on the procedure of keeping the register of issued individual or global licenses and natural or legal persons using general licenses (J.of L. no 214, item 2174);
• Ordinance of the Minister of Economy and Labour of 13 September 2004 on the scope of information to be submitted to the trade control authority by natural or legal persons trading in goods of strategic importance based on general licenses (J.of L. no 209, item 2133);

• Ordinance of the Minister of Finance of 15 April 2004 - List of customs offices authorised to clear goods of strategic importance (J.of L. no. 82, item 749 as amended);

• Ordinance of the Minister of Finance of 19 April 2002 on the specimen of the application form and the specimen of the permit for transit of the non-domestic dual use goods (J.of L. No. 43, Item 404).

National procedures

General principles
Transfer of arms, military equipment and dual-use goods and technology in the Republic of Poland are covered by the Law of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security. According to the above mentioned Law, foreign trade in this field is forbidden by law unless relevant conditions and restrictions set forth in national law and in agreements and other international commitments are satisfied. As a consequence a license issued by the trade control authority - Minister of Economy - is required for all activities, including brokering and transit.

Generally, the Law allows for issuing individual, general or global authorisations for trading in arms, but practically only individual licenses are granted. Individual rights resulting from licenses are non-transferable. The validity period of individual authorisation may not be longer than 1 year. The trade control authority may withdraw or change an individual authorisation.

Licensing and record-keeping:
- Only a company that presents a valid certificate confirming implementation of the internal system of control and management of trade related to items of strategic importance (Internal Compliance Program - ICP) is entitled to apply to the Minister of Economy for authorisation for foreign trade in arms, military equipment and dual use goods.
- Application for a license should specify:
  • Name of the natural or legal person, its registered office and address,
  • Type and scope of the business activity carried out by the natural or legal person,
  • Exporter's or importer's name, his registered office and address,
  • Name of the producer and end-user, their registered offices and addresses,
  • Types of items of strategic importance, brokering services or technical assistance to be traded with foreign partners, their description, value and quantity,
  • Intended use of items of strategic importance by the end user,
  • Country of final destination,
- Statement of the natural or legal person with a commitment to take any action necessary to deliver items declared in the license to the end user, and to inform a foreign importer that any change of declared end-use of these items or any change of their end user requires a prior approval of the Polish trade control authority.

- Application should be accompanied by the following documents:
  - Statement confirming that:
    - the end user does not intend to use munitions to violate or suppress human rights and fundamental freedoms,
    - the delivery of the munitions does not pose a threat to peace or does not otherwise become detrimental to stability of the region,
    - the destination country does not support, facilitate or encourage terrorism or international crime,
    - weapons may not be used for other purposes than satisfaction of reasonable defence and security needs of the recipient country;
  - A copy of the concession to carry out trade in explosives, weapons and ammunition, as well as products and technologies to be used for the military or police purposes, as defined in the Law of June 22, 2001 on economic activity in the sphere of manufacturing of and trade in explosives, arms, ammunition and technology of military or police use (Journal of Laws No. 67, Item 679 as amended) laying down the conditions of business activity related to production and trade in explosives, weapons and ammunition, as well as products and technologies to be used for the military or police purposes;
  - Draft trade agreement;
  - A copy of a valid certificate of Internal Compliance Program;
  - Import certificate or end user statement (in the case of export).

- License is issued by the trade control authority – Minister of Economy - based on an opinion of advisory authorities (Minister of Foreign Affairs, Minister of National Defence, Minister of Interior and Administration, Head of the Internal Security Agency, Head of the Foreign Intelligence Agency, Minister of Public Finance and President of the National Atomic Energy Agency), and having determined that all legal requirements have been satisfied. To formulate their opinions advisory authorities have the right to require the applicant to provide any information as may deem necessary to verify data presented in the license application.

- All licenses are registered in the Tracker electronic licensing system. There is no time limit for keeping such records.

Enforcement
The law provides for penal provisions of up to 10 years of imprisonment and financial penalties of up to 200 000 PLN for breaking requirements of Law of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security.