The text of the Act submitted to the Senate under art. 52 of the Rules and Regulations of the Sejm.

ACT
of 26 January 2018

amending the Act on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation, the Act on war graves and cemeteries, the Act on museums and the Act on the responsibility of collective entities for acts prohibited under penalty

Art. 1 In the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws of 2016, item 1575 and of 2018, item 5), the following amendments are made:

1) in art. 1
   a) in item 1, letter a becomes:
      “a) the following offences committed against persons holding the Polish nationality or Polish citizens holding other nationalities in the period of time between 8 November 1917 and 31 July 1990:
      - Nazi crimes,
      - communist crimes,
      - crimes of Ukrainian nationalists and members of Ukrainian formations collaborating with the German Third Reich,
      - other offences constituting crimes against peace, crimes against humanity or war crimes,”;
   b) after item 2, the following item 2a is inserted:
      “2a) protection of the reputation of the Republic of Poland and the Polish Nation;”;

2) after art. 2, the following art. 2a is inserted:
   “Art. 2a. Crimes of Ukrainian nationalists and members of Ukrainian formations collaborating with the German Third Reich, within the meaning of this Act, are acts committed by Ukrainian nationalists between the years 1925-1950 consisting in the use of violence, terror or other violations of human rights against individuals or groups of population. A crime of Ukrainian nationalists and members of Ukrainian formations collaborating with the German Third Reich is also the participation in the extermination of the Jewish population or genocide of the citizens of the 2nd Republic of Poland on the territory of Volhynia and Eastern Lesser Poland.”;

3) art. 45a becomes:
   “Art. 45a. A public prosecutor of the branch office committee initiates investigations pertaining to offences set out in art. 54-55a.”;

4) art. 53n is repealed;
5) after Chapter 6b, the following Chapter 6c is inserted:

“Chapter 6c

Protection of the reputation of the Republic of Poland and the Polish Nation

Art. 53o. The provisions of the Act of 23 April 1964 - Civil Code (Journal of Laws of 2017, item 459, 933 and 1132) on the protection of personal interests shall apply accordingly to the protection of the reputation of the Republic of Poland and the Polish Nation. Action for the protection of the reputation of the Republic of Poland or the Polish Nation may be brought by a non-governmental organisation acting within the scope of its statutory goals. Any damages or compensation awarded shall be due to the State Treasury.

Art. 53p. Action for the protection of the reputation of the Republic of Poland or the Polish Nation may also be brought by the Institute of National Remembrance. In such cases, the Institute of National Remembrance shall have the capacity to be a party to court proceedings.

Art. 53q. The provisions of art. 53o and art. 53p shall apply irrespective of the governing law.”;

6) after art. 55, the following art.55a and art. 55b are inserted:

“Art. 55a. 1. Whoever publicly and contrary to the facts attributes to the Polish Nation or to the Polish State responsibility or co-responsibility for the Nazi crimes committed by the German Third Reich, as specified in Article 6 of the Charter of the International Military Tribunal - Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis, executed in London on 8 August 1945 (Journal of Laws of 1947, item 367), or for any other offences constituting crimes against peace, humanity or war crimes, or otherwise grossly diminishes the responsibility of the actual perpetrators of these crimes, shall be liable to a fine or deprivation of liberty for up to 3 years. The judgment shall be communicated to the public.

2. If the perpetrator of the act specified in section 1 above acts unintentionally, they shall be liable to a fine or restriction of liberty.

3. An offence is not committed if the perpetrator of a prohibited act set out in sections 1 and 2 above acted within the framework of artistic or scientific activity.

Art. 55b. Irrespective of the law applicable at the place of commission of the prohibited act, this Act shall be applicable to a Polish citizen as well as a foreigner in the event of commission of the offences set out in art. 55 and art. 55a.”.

Art. 2 In the Act of 28 March 1933 on war graves and cemeteries (Journal of Laws of 2017, item 681), in art. 6 after section 4b, the following sections 4c-4o are inserted:

“4c. The entities mentioned in sections 4 and 4b may apply for a special-purpose subsidy from the state budget for the partial financing of tasks connected with the care for war graves and cemeteries.

4d. A subsidy for the partial financing of tasks connected with the care for war graves and cemeteries may cover the necessary expenses for:

1) activities connected with searching for war graves and cemeteries, their construction, renovation, relocation and maintenance;
2) necessary additional activities facilitating the fulfilment of objectives mentioned in item 1 above;
3) conducting scientific research, exhumations and archaeological research connected with war graves and cemeteries.

4e. A subsidy may be granted in the amount of to up to 50% of the expenses necessary for the fulfilment of tasks set out in section 4d.

4f. If a war grave or cemetery has exceptional historical significance, in particular confirmed by extending to it one of the forms of protection set out in art. 7 of the Act of 23 July 2003 on the historical assets protection and care (Journal of Laws of 2017, item 2187 and of 2018, item 10), a subsidy may be granted in the amount of up to 100% of the expenses necessary for the fulfilment of tasks set out in section 4d.

4g. If due to the preservation condition of a war grave or cemetery it is necessary to commence the tasks referred to in section 4d above without delay, a subsidy may be granted in the amount of to up to 100% of the expenses necessary for the fulfilment of such tasks.

4h. The minister competent for matters of culture and protection of the national heritage, after obtaining an opinion of a territorially competent voivode, may grant a subsidy to entities mentioned in sections 4 and 4b, upon their application. The voivode shall provide his opinion within 30 days of receiving a letter from the minister competent for matters of culture and protection of the national heritage requesting such opinion.

4i. An application for a subsidy shall include in particular:
1) the first name, last name, residence and address of the applicant or the name, seat and address of an organisational unit being an applicant;
2) indication of the authority to which the applicant applies for the subsidy;
3) specification of the nature of task and specification of the war grave or cemetery to which the application pertains, along with address details if they can be established;
4) indication of the amount of the subsidy applied for;
5) schedule of fulfilment of the task;
6) the applicant's statement on possessing material resources and personnel ensuring the appropriate fulfilment of the task;
7) estimation of the total costs of the fulfilment of the task.

4j. A subsidy is granted on the basis of an agreement concluded between the minister competent for matters of culture and protection of the national heritage and entities mentioned in sections 4 and 4b.

4k. An agreement for granting a subsidy for the partial financing of tasks to be performed in the year of filing the application or in the year following the year of filing the application shall include:
1) specification of the scope of the planned task and the deadline for its fulfilment;
2) indication of the war grave or cemetery to which the agreement pertains;
3) specification of the amount of subsidy granted and the date and terms of its payment;
4) specification of oversight for the agreement's performance;
5) specification of the manner of the subsidy’s settlement;
6) specification of the terms and manner of returning an unspent subsidy or a subsidy spent inconsistently with its purpose.

4l. An agreement for granting a subsidy for the partial financing of tasks performed in the 3 years preceding the year of filing the application shall include:
1) specification of the scope of the performed tasks and the time of their fulfilment;
2) indication of the war grave or cemetery to which the agreement pertains;
3) specification of the amount of subsidy granted and the date of its payment;
4) specification of oversight for the agreement’s performance;
5) specification of the manner of the subsidy’s settlement.

4m. The subsidy may be granted for the partial financing of necessary expenses for tasks connected with the care for war graves and cemeteries, which are to be performed in the year of filing the application or in the year following the year of filing the application.

4n. An application for a subsidy shall be considered within 3 months from the day of receipt. When considering an application for granting a subsidy, the provisions of the Act of 14 June 1960 – Administrative Proceedings Code (Journal of Laws of 2017, item 1257 and of 2018, item 149) shall not apply.

4o. The vindication by the minister competent for matters of culture and protection of the national heritage of dues, with any interest in the amount determined as for tax arrears, arising from unspent subsidies or subsidies spent inconsistently with their purpose, shall be carried out in the manner indicated by provisions relating to enforcement proceedings in administration.”.

Art. 3. In the Act of 21 November 1996 on museums (Journal of Laws of 2017, item 972 and 1086), after art. 6a, the following art. 6b is inserted:

“Art. 6b. 1. A natural person, legal person or organisational unit without legal personality with outstanding achievements for the ideal of national remembrance shall be awarded the “Custodian of Places of National Remembrance” medal, hereinafter referred to as “the medal”.
2. The medal shall be awarded by the minister competent for matters of culture and protection of the national heritage on his own initiative or at the request of the President of the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation, a social organisation or other organisational unit engaged in the commemoration and care for places of national remembrance.
3. A request for awarding the medal shall include, in particular, the following details of the entity it pertains to:
   1) first name, last name, father’s name, date and place of birth, education and residence of a natural person or
   2) name, seat, address of a legal person or organisational unit without legal personality.
4. An entity awarded the medal shall also receive the badge of the medal and a certificate confirming its award.
5. A duplicate of the certificate confirming the award of the medal shall be issued free of charge in the event the original is damaged or lost.

6. The minister competent for matters of culture and protection of the national heritage shall determine, by way of ordinance:
   1) the form of the request for awarding the medal,
   2) the procedure applicable in cases for the award of the medal, the circumstances of issuing the badge of the medal and the certificate confirming the award of the medal,
   3) the manner of wearing and storing the badge of the medal,
   4) the mode and manner of issuing a duplicate certificate confirming the award of the medal,
   5) the design of the badge of the medal and the form of the certificate confirming the award of the medal

- taking due account of the necessity to ensure the expediency of proceedings in cases for the award of the medal as well as the appropriate and ceremonial honouring of persons and organisational units awarded the medal.”.

**Art. 4.** In the Act of 28 October 2002 on the responsibility of collective entities for acts prohibited under penalty (Journal of Laws of 2016, item 1541 and of 2017, items 724 and 933), in art. 16 (1), after item 9a, the following item 9b is inserted:


**Art. 5.** This Act shall enter into force after 14 days from its promulgation, with the exception of art. 1 item 4 and art. 3 which shall enter into force after 3 months from its promulgation.

Speaker of the Sejm
/-/Marek Kuchciński

I, the undersigned Michal Haras, sworn translator of the Polish language do hereby certify that the above is a true and accurate translation of a Polish document presented to me.

Warsaw, 3.02.2018

Roll of deeds no. 2/18