

Questionnaire on the organisation and operation of Official Gazettes in the EU

(19) Answers by the Governmental Centre for Legislation, Poland

I. Organisational data

PL		<u>1. Identification and contact person(s)</u>
1.1	Organisation:	Rzadowe Centrum Legislacji - Redakcja Dziennika Ustaw Rzeczypospolitej Polskiej oraz Dziennika Urzedowego Rzeczypospolitej Polskiej "Monitor Polski" Centrum Obslugi Kancelarii Prezesa Rady Ministrów - Zaklad Wydawnictw i Poligrafii
		Governmental Centre for Legislation - Editorial office of the

		Journal of Laws of the Republic of Poland and the "Monitor Polski" Service Centre of the Chancellery of the President of the Council of Ministers - Bureau of Prints and Polygraphics
		Governmental Centre for Legislation (GCL), and especially its organizational unit - the Editorial office of the Journal of Laws of the Republic of Poland and Official Journal of the Republic of Poland "Monitor Polski" (EOJofL&MP) are responsible for the essential content of the Journal of Laws of the Republic of Poland (J. of L.) and of the Official Journal of the Republic of Poland "Monitor Polski" (M.P.), while the Service Centre of the Chancellery of the President of the Council of Ministers (SC CPCM), and especially its organizational unit - Bureau of Prints and Polygraphics (BP&P) - are responsible for the technical issues of publishing of the J. of L. and the M. P.
1.3	Address :	1. GCL: 00-583 Warszawa, Aleje Ujazdowskie 1/3 2. SC CPCM: 02-903 Warszawa, ul. Powsinska 69/71
1.5	Internet :	1. GCL: www.rcl.gov.pl 2. SC CPCM: www.cokprm.gov.pl
PL		<u>2. Data on the organisation and its overall tasks</u>
2.1	Form and nature:	- governmental agency
		1. RCL - State organizational unit, headed by the President of the GCL, reporting directly to the President of the Council of Ministers 2. SC CPCM - supporting services headed by the head of the SC CPCM, reporting to the Head of Chancellery of the President of the Council of Ministers
2.2	Legal basis for publishing:	- a specific law
		1. RCL: art. 14a - 14i ustawy z dnia 8 sierpnia 1996 r. o Radzie Ministrów (Dz. U. z 2003 r. Nr. 24, poz. 199, z późn. zm.) 2. CO KPRM: art. 20 ustawy z dnia 26 listopada 1998 r. finansach publicznych (Dz. U. z 2003 r. Nr. 15, poz. 148, z późn. zm.)
		1. GCL: art. 14a - 14i of the act of 8 August 1996 on the Council of Ministers (J. of L of 2003 no. 24, pos. 199, as amended) 2. SC CPCM: art. 20 of the act of 26 November 1998 on public finance (J. of L of 2003 no. 15, pos. 148, as amended)
2.3	Year of the found.:	2002
		GCL: 2002; before 01/01/2002 operated as department within the organizational structure of the Chancellery of the President of the Council of Ministers (earlier known as "The Office of the

		<p>Council of Ministers"), respectively as "Legal Department, Legislation Department of the Government and Legislation Centre of the Government"</p> <p>2. SC CPCM: 2002; before 31/10/2002: in the years 1968 - 1997 operated as Supporting Services of the Office of the Council of Ministers, and then as Supporting Services of the Chancellery of the President of the Council of Ministers</p>	
2.4	Legal basis for co-operation:	- law	
		Ustawa z dnia 20 lipca 2000 r. o ogłaszaniu aktów normatywnych i niektórych innych aktów prawnych (Dz. U. Nr 62, poz. 718, z późn. zm.)	
		Act of July 20th, 2000 on publication of normative acts and certain other legal acts (J. of L. no. 62, pos. 718, as amended)	
2.5	Main tasks of the organisation		
2.5.1	Publ. of laws/regulations:	<ul style="list-style-type: none"> - laws and regulations - treaties and internal agreements - consolidated law - paper publ. - parliamentary documents - court decisions - legal notices - call for tender - legal notices - company data - public recruitment competitions - inform. about EU legislation 	<p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>not mandatory</p>
2.5.2	Operation of databases	no	
2.5.3	Others (e.g. forms ...)	no	
		<p>The different types of normative acts and other legal acts are published in the official journals of suitable degree (see also question 3.1.2)</p> <p>Information about EU legislation: The acts published in official journals contain links informing on which EU acts of law are implemented into the Polish legal system; the M.P. no. 20 pos. 359 Of 2004 contains the notification of the President of the Council of Ministers on the use of European Union law, in which a special edition of the Official Journal of the European Communities is announced to be published in Polish. It also explains the rule of precedence of Community law and provides a complete catalogue of types of Community legal regulations together with the place of their publication (Official Journal of the European Communities and its series).</p>	
2.6	What language(s)	Polish	

	is/are used	
		Treaties, conventions and international agreements also in foreign languages - the choice of languages, except Polish, is made by the President of the Republic of Poland in a decision to proclaim any given treaty (convention, international agreement).
2.7	Activities of public or private companies	
2.7.1	Subcontracts in isolated cases for	- printing
2.7.2	Contracts for instit. or regular work	- printing
2.8	Other off. gazettes	Yes - official journals of ministers heading the units of governmental administration, official journals of central agencies and voivodship official journals.
		SC CPCM, basing on long-term agreements, prints the official journals of ministers of Health, Finances, Justice, State Treasury as well as Environment, of the General Inspector of Protection of Environment, and also the printing of public Procurement Bulletin.
2.9	Annual budget (global) of the organisation	PLN 160,000.000
		GCL: budget for 2004 over PLN 13,000.000 SC CPCM: budget for 2004 (incomes) over PLN 147,000.000 Incomes of SC CPCM BP&P planned for 2004 are over PLN 100,000.000
2.10	Do you have in-house	- printing facilities
		SC CPCM: modern machinery, incl. digital printing machine, currently CtP system is implemented.
2.11	How much of the following work is subcontracted	
	pre-press	0
	printing	10
	dissemination	30
		Print: see question 2.7.2 Dissemination: the body issuing J. of L., M.P. and M.P.-B is the President of the Council of Ministers.

		SC CPCM sells the journals to large distribution companies with a discount, and the companies resell the official journals to final users on their own account. The price of a given official journal is defined by the President of the Council of Ministers, as the issuer (special offices at SC CPCM make the calculation) and it is the price for which the distributor sells the journal. The discount made by SC CPCM is the distributor's profit.
2.12	How is the head of the organ. appointed	1. GCL: the President of the GCL is appointed by the President of the Council of Ministers 2. SC CPCM: the head of SC CPCM is appointed by the Head of the Chancellery of the President of the Council of Ministers, the labour relation established on the basis of a work contract
2.13	Number of staff of the organ.	1.120
		GCL: approx. 120 employees, including at EOJofL&MP 16 + 2 SC CPCM: approx. 1.000 employees, including 196 at BP&P
2.14	Which services are offered by the organ.	- information on documents - bookshop - other
		1. GCL: EOJofL&MP provides information by telephone on place and time of publication of legal acts 2. SC CPCM: has a network of retail points of official journals, publishes financial statements of economic entities (Official Journal of the Republic of Poland "Monitor Polski B"), official journals of some ministers (see question 2.8), Public Procurement Bulletin and bi-monthly magazine of the Legislation Council acting under the President of the Council of Ministers "Przegląd Legislacyjny". On one-time commissions, they print brochures, sporadically foilings of prints are made. SC CPCM provides administrative, economic and logistic services to the Chancellery of the President of the Council of Ministers. It also provides accommodation and recreational services, as it administrates 9 holiday centres in Poland and one abroad. SC CPCM also runs an authorised car service station and car rental services.

II. Details concerning the publication of legislation and of calls for tender

(public procurement)

A. Publication of legislation

PL		<u>3. Publication procedures</u>
3.1	Official Gazette:	
3.1.1	Full title of the official gazette:	Dziennik Ustaw Rzeczypospolitej Polskiej (Dz.U.), Dziennik Urzędowy Rzeczypospolitej Polskiej “Monitor Polski” (MP) Dziennik Urzędowy Rzeczypospolitej Polskiej „Monitor Polski B” (MP-B)
		Journal of Laws of the Republic of Poland (J. of L.) Official Journal of the Republic of Poland “Monitor Polski” (M.P.) Official Journal of the Republic of Poland “Monitor Polski B” (M.P. B)
3.1.2	Contents:	<p>The following are published in the Journal of Laws of the Republic of Poland:</p> <ol style="list-style-type: none"> 1) the Constitution, 2) statutes, 3) regulations having the force of statute, issued by the President of the Republic of Poland, 4) regulations issued by the President of the Republic of Poland, the Council of Ministers, the Prime Minister, ministers heading departments of the government administration, presidents of committees specified by statutes, who are members of the Council of Ministers, and the National Broadcasting Council, 5) consolidated texts of the acts referred to in points 1-4, 6) rulings of the Constitutional Tribunal concerning normative acts published in the Journal of Laws, 6) resolutions of the Council of Ministers repealing a ministerial regulation. <p>In addition, act concerning the following issues are published in the Journal of Laws:</p> <ol style="list-style-type: none"> 1) state of war and peacemaking, 2) referendum to approve an amendment to the Constitution or a national referendum, 3) induction of the term of office of the Sejm, 4) elections for the Sejm and the Senate, 5) election of the President of the Republic of Poland, 6) general or partial mobilisation and the deployment of the Armed Forces to defend the Republic of Poland, 7) martial law, 8) state of emergency, 9) state of natural disaster, 10) declaration of validity of the election of the President of the Republic of Poland, elections for the Sejm and the Senate, and the validity of a referendum held to approve an amendment to

the Constitution or a national referendum.
Other enactments are also published in the Journal of Laws where provided for by special statutes.

The following are published in the Official Journal of the Republic of Poland "Monitor Polski":

- 1) orders (decisions) of the President of the Republic of Poland, issued pursuant to statutes,
- 2) resolutions of the Council of Ministers and orders of the Prime Minister, issued pursuant to statutes,
- 3) consolidated texts of the acts mentioned in points 1 and 2,
- 4) rulings of the Constitutional Tribunal, concerning normative acts published in Monitor Polski or unpublished normative acts.

In addition, other acts are published in Monitor Polski
(For details, see the RTF format of the questionnaire which will be reproduced in the final version of the answers.).

The following are published in the Official Journal of the Republic of Poland "Monitor Polski B":

- 1) financial statements as provided for by accounting provisions,
- 2) advertisements and announcements from entrepreneurs, unless special provisions require their publication in the Court and Economic Journal (Monitor Sadowy i Gospodarczy),
- 3) other enactments, as well as information, communiqués, advertisements and announcements from authorities, institutions and persons, where provided for by special statutes.

The publication of the announcements and advertisements mentioned in points 1 and 2 is free of charge.
The Prime Minister sets the fees, by regulation, based on tangible and personnel costs of publication of Monitor Polski B.

There are also departmental journals, issued by ministers in charge of relevant branches of the government administration and by heads of central authorities. The following are published in those journals:

- 1) normative acts adopted by the body that issues the official journal and by central authorities supervised by the body,
- 2) resolutions of the Council of Ministers repealing orders of the minister issuing the official journal,
- 3) rulings of the Constitutional Tribunal concerning the normative acts mentioned in points 1 and 2.

The official journals can be used to publish information, communiqués, announcements and advertisements of the bodies mentioned in point 1.

3.1.3 **Address (URL):** no

3.2	Organisation of the exchange:	- executive authority / on paper - legislative authority / on paper
3.3	Is electronic transmission part an integrated and seamless workflow:	no
3.4	Techniques based on XML or SGML:	no
3.5	Binding deadlines for publishing legislation:	yes
		Yes, the act on publication of normative acts and certain other legal acts recommends they be published immediately. Moreover, in many normative acts the deadline of enforcement is defined as a concrete date, or the contents of the act make it necessary to be published before a defined date.
PL		<u>4. Details of the publication procedures for legislation</u>
4.1	The legal basis for publication of legislation:	Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. (Dz. U. Nr 78, poz. 483) Ustawa z dnia 20 lipca 2000 r. o ogłaszaniu aktów normatywnych i niektórych innych aktów prawnych (Dz. U. Nr 62, poz. 718, z późn. zm.)
		Constitution of the Republic of Poland on 2nd, april 1997 (J. of L. no. 78, pos. 483) Act of July 20th, 2000 on publication of normative acts and certain other legal acts, (J. of L. no. 62, pos. 718, as amended).
4.2	Year of establishment of the official gazette:	1918
		Year: Journal of Laws RP - 1918; Off. Jour. RP „Monitor Polski” - 1918; Off. Jour. RP „Monitor Polski B” - A-3-sized in 1948-1954, the present size and content – since 1995

		In 1918 the official promulgating journal was the Dziennik Praw Królestwa Polskiego (Journal of Laws of the Kingdom of Poland) and the same year its name was changed to „Dziennik Praw Panstwa Polskiego” (Journal of Laws of the State of Poland), and in 1919 to „Dziennik Ustaw Rzeczypospolitej Polskiej” (Journal of Laws of the Republic of Poland)
4.3	How is publication of legislation financed:	- a combination - paper
		GCL activities, as a budgetary unit, is entirely financed from the State's budget, publication of Official Journals: J. of L., M.P. and M.P.-B is financed from incomes from sales of those journals and from fees for publication of financial statements in MP-B which are income of the budget of the Chancellery of the President of the Council of Ministers, particularly SC CPCM.
4.4	On what medium(a) is legislation legally binding:	- paper
4.5	Problems, if legislation is (in future) legally binding in electr. form:	- questionable in terms of democracy - threat to legal certainty - technical difficulties (images, tables, etc.) - costs
		- access to computers and computer skills are in Poland not sufficient to comply with the condition of free and complete access of the citizens to legal regulations through circulation of law uniquely by electronic media; - fear that during the data transmission or during reproduction of the electronic medium the computer might automatically generate faults in legal provisions, which might cause differences between the texts issued by a given body and received by the recipient.
4.6	On what media and from when onwards is legislation offered to end-users:	- on paper from
4.7	Availability of the online edition of legislation:	

4.7.1	In which format and from when onwards is legislation offered to end-users:		
		no	
4.7.2	Can the online edition be downloaded?:	no	
4.8	On what financial terms is legislation offered to end-users:	- at a profit	- paper
		An exception is a free-of-charge distribution of 19 copies of all editorial titles to public libraries (16 main libraries) as per regulatory obligation defined by the act of 7th November 1996 on library copies. Please note that the legislator's (State) care to ensure wide-spread access of the citizens to provisions of law has found expression in the act on publication of normative acts and certain other legal acts, which imposes on central authorities and territorial authorities the obligation to make collections of official journals and leave a free-of-charge access to them at the place to all interested persons.	
4.9	Electr. formats, legislation is offered to the private sector for further processing and commercial use:		
		Not offered nor let to be accessed for these aims	
4.10	Is legislation available to all private sector companies under the same conditions:	no	
		see 4.9	
4.11	What price is charged to the private sector for the electr. version		

	of leg. for further processing and comm. use:	
4.12	Copyright status of legislation in your country:	- no copyright protection claimed for the information itself (content)
4.13	Copyright status of the official gazette lay-out/format in your country:	- other
		<p>Act of July 20th, 2000 on publication of normative acts and certain other legal acts, article 24 constitutes that:</p> <p>“Art. 24. 1. Names: Dziennik Ustaw, Monitor Polski and Monitor Polski B and the graphic design of the first pages of those journals may be used only by the body publishing those journals. The names and the graphic design of the first pages of those journals may not be used by other entities to commercial aims in publications, prints or other forms of legal acts circulation.</p> <p>2. The provision of alinea 1 applies, respectively, to official journals as described in art. 22 [note: official journals of the ministers responsible for concret unit of the administration], and voivodship official journals.</p> <p>3. The President of the Council of Ministers defines, in form of ordinance*), the graphic design of the first and last pages of Dziennik Ustaw, Monitor Polski, Monitor Polski B, official journals as described in art. 22, and voivodship official journals.”</p> <p>*) The ordinance of the President of the Council of Ministers of 27 December 2000 on definition of the graphic design of the first and last pages of official journals. (J. of L. no. 120, pos. 1289)</p> <p>It constitutes a ban on using the design of first page of official journals with commercial aim. Thus, a private entrepreneur intending, for example, to place on his/her webpage scans of the Journal of Laws, may do so provided that he/she removes the characteristics of this journal reserved for exclusive use by the President of the Council of Ministers. The same goes for, for example, circulation against payment of photocopies of the official journals. However, there are no restraints to copy the contents published in official journals and to their wide distribution in the form of books, or electronic databases.</p>
4.14	The owner of the content of legislation, if	- the competent State body

	published by a private company:	
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B. Calls for tender (public procurement)

PL		<u>5. Details of the publication procedures for calls for tender</u>
5.0	Competent organisation(s):	GCL does not edit „Biuletyn Zamówien Publicznych” (Public Procurement Bulletin). SC CPCM, on the basis of agreement made with the Public Procurement Office, only prints and distributes this title. The formal editor of the „Biuletyn Zamówien Publicznych” is the Public Procurement Office - Warszawa, Al. Szucha 2/4, Warszawa, www.uzp.gov.pl
5.1	Organisation of the exchange of information on what medium(a) is legislation legally binding:	
5.2	Binding deadlines for publishing this information:	no
5.3	The legal basis for publication of public tenders:	
5.4	How is publication of calls for tender financed:	
5.5	On what medium(a) is the information on public tenders deemed authentic:	
5.6	On what media is the information on publ. tenders offered to end-users:	

5.7	On what financial terms is the information on public tenders offered to end-users:	
5.8	Electr. formats of the public tenders, which are offered to the private sector for further processing and commercial use:	
5.9	What price is charged to the private sector for the electr. version of the public tenders for further processing and comm. use:	
5.10	Copyright status of this information in your country:	
5.11	Copyright status of the official gazette layout/format for this information in your country:	
5.12	The owner of the content of calls for tender, if published by a private company:	

III. Future developments and strategies

PL		<u>6. Anticipated changes and other plans or discussed issues</u>
6.1	Changes in your country in short (1-2 years) or medium term (3-5 years):	<p>GCL:</p> <ul style="list-style-type: none"> - Possible changes in the financing rules of the official journals: Journal of Laws of Republic of Poland and Official Journal of the Republic of Poland “Monitor Polski” would necessitate the introduction of changes into provisions on the acts level. - The expansion of the media catalogue on which normative acts and other legal acts will be published, as authentic texts, with electronic publication (Internet, CD-Roms) depends on the Diet deciding on the act on informatization of certain entities performing public tasks; currently the draft act is being processed by the specific parliamentary commission, after the second reading. More information – see quest. 3.2 <p>SC CPCM:</p> <ul style="list-style-type: none"> - introduction of new contractors depends on the results of given tenders - a change of legal status is not planned, there is no discussion on this topic - a further modernization of the plate-making workshop and machinery of the printing house is planned
6.2	Other plans or discussed issues:	