

Law of 29 November 2000 concerning international trade in goods, technologies and services of strategic significance for state security and maintenance of international peace and security, and amending selected laws

Section 1

General Provisions

Article 1

The law lays down principles of the international trade in goods, technologies and services of strategic significance for state security and maintenance of international peace and security. It also defines principles of control and record keeping of the aforementioned trade and terms of legal responsibility for unlawful trade in these goods, technologies and services.

Article 2

Foreign trade mentioned in Art. 3(8) is prohibited by law, unless the requirements and restrictions laid down in this Law, other laws, and other international agreements and covenants, have met.

Article 3

Terms referred to in the Law shall be construed as follows:

- 1) Dual use goods: goods and technology that can be used for both civilian and military purpose, listed in the catalogue referred to in Article 6(2)(1).
- 2) Munitions: armament, ammunition, explosives, products and parts thereof, and technologies, listed in the catalogue referred to in Article 6(2)(2).
- 3) Strategic goods: dual use goods and/or munitions.
- 4) Polish customs territory: the territory of the Republic of Poland.
- 5) Exports: actions taken in order to place strategically significant goods out of the Polish customs territory, including re-exporting and transmission thereof, in particular by telephone, fax and other electronic media.
- 6) Import: actions taken in order to place strategically significant goods in the Polish customs territory including transmission thereof, in particular by telephone, fax and other electronic media.
- 7) Transit: a procedure laid down in Article 97(1)(1) and (2) of the Law of 9 January 1997 "The Customs Code" (Journal of Laws of 1997 No. 23 item 117, No. 64 item 407, No. 121 item 77, no. 157 item 1026 and No. 160 item 1084, of 1998 No. 106 item 668 and no. 160 item 1063, of 1999 No. 40 item 402 and No. 72 item 802, and of 2000 No. 22 item 269).
- 8) Trade: a) any type of transportation of strategically significant goods across the border of the Republic of Poland, in particular as a result of export, import, and transit contract and/or a deed of gift, leasing, loan, cession, or contribution in kind to a company,

b) agency services, commercial consultancy services, contract negotiation assistance services, and participation in any way in actions referred to in subparagraph (a), including actions taken outside the territory of the Republic of Poland.

9) shall be construed in the meaning of the Law of 19 November 1999
Enterprise: "The Business Law" (Journal of Laws of 1999, No. 101 item 1178.

10) Trade control authority: an authority of the Minister responsible for economic affairs.

11) Advisory bodies: bodies of the Minister responsible for international affairs, Minister of Defence, Minister responsible for internal affairs, Chief of the Office of State Protection, Chairman of the Central Customs Administration, Chairman of the State Nuclear Agency, and Chairman of the Customs Chief Inspectorate.

Article 4

Import into the Polish customs territory, export from the Polish customs territory, and transit through the Polish customs territory of arms and ammunition by individuals for a purpose other than commercial and industrial shall be governed by separate regulations.

Article 5

To matters regulated by this Law, provisions of the Code of Administration Procedure shall apply, unless otherwise provided for in the Law.

Section 2

Licences for trade in strategic goods

Article 6

1. Trade in strategically significant goods may be effected exclusively on the basis of and within the scope laid down in an export, import, or transit licence, and a licence for agency, commercial consultancy, and/or contract assistance services, and a licence for any participation in actions referred to in Article 3(8)(a), further referred to as a "licence", without prejudice to Article 19(1).

2. The Minister responsible for economic affairs, in consultation with the Minister responsible for international affairs and the Minister of Defence, having taken advice by the Chief of the Office of State Protection, shall prescribe, by way of decree the following:

1. Catalogue of dual-use goods, for which a licence is required,
2. Catalogue of munitions, for which a licence is required,

- taking into account relevant international catalogues.

3. The Council of Ministers shall, by way of decree, prescribe a list of countries, to which export or transit through the Polish customs territory of strategic goods shall be prohibited or restricted, taking into account:

1. important interest of the foreign policy of the Republic of Poland,
2. issues related to defence and security of the Republic of Poland,
3. important economic interest of the Republic of Poland,
4. obligations of the Republic of Poland arising out of international agreements, including agreements concerning non-proliferation and control of strategic goods.

4. The Enterprise shall apply for a licence for export or agency services, in connection with the export of goods not listed in the catalogues referred to in paragraph 2, when it is aware or has been notified that the goods to be exported will or may be used, wholly or partially, for the purpose or under the circumstances mentioned in Article 10(1).

Article 7

1. Following licences shall be granted for trade in dual-use goods:

1. individual licences: covering a specific dual-use good or a service pertaining to such, and a country (countries), with which the particular enterprise may enter into trade;
2. general licences: covering a type or a category of dual-use goods, in which trade may be conducted with one or multiple countries specified therein;
3. global licences: covering a type or a category of dual-use goods, in which trade may be conducted without specifying a country with which trade may be conducted.

2. For trade or services in connection with munitions, solely individual licences shall be granted.

Article 8

1. The Minister responsible for economic affairs shall grant global and general licences by way of decree.

2. Enterprises which can prove existence of an internal sales control and management system referred to in Article 10 paragraph 2 without prejudice to Article 50 paragraph 2 for at least 3 years are entitled to licences referred to in paragraph 1. The enterprise in question shall submit to the controlling authority a declaration of commencement of international trade in strategic goods.

Article 9

1. Individual licences shall be available if applied for by the Enterprise.

2. The authority responsible for the issuance of individual licences, without prejudice to article 19 paragraph 1, shall be the trade control authority.

3. The application for individual licence shall include:

1. identification of the Enterprise, its registered office and address;
2. identification number on the Enterprise in the Register of Enterprises referred to in separate regulations;
3. specification of nature and scope of business of the said Enterprise;
4. identification of exporter and importer, his registered office and addresses;
5. identification of manufacturer and end-user, their registered offices and addresses;
6. specification of the strategically significant goods or services in question, their description, quantity and value;

7. information on the method of use of the strategically significant goods by end-user;
8. specification of destination country;
9. declaration that the Enterprise will undertake any necessary steps to ensure that goods referred to in the application reach the end-user and that the Enterprise will notify the foreign importer that the change of use or of the end-user requires a prior consent by the Polish trade control authority;
10. other information provided for in the regulation issued in accordance with provisions of paragraph 6.

4. To the application for an individual licence for trade in strategically significant goods the Enterprise shall enclose in particular:

1. declaration that the transaction does not involve circumstances referred to in article 10(1);
2. copy of a licence to engage in business, the nature of which is trade in explosives, arms and ammunition and military and police products and technologies as set forth in separate provisions;
3. draft of the trade contract;
4. copy of the certificate referred to in article 11 paragraph 4;
5. in case of exports, import certificate and or end-user statement;
6. other documents, which, in the opinion of the Enterprise, might be relevant for the processing of the matter.

5. A sworn translation into Polish must be enclosed with a document executed in a foreign language.

6. The Minister responsible for economy shall by way of decree specify the following:

1. other information, to be provided in the application for an individual licence;
2. specimens of application forms for individual licence for export, import or transit of strategic goods, agency, business consultancy, contract assistance services, as well as for participation in actions referred to in paragraph 4 that shall be enclosed with the application mentioned in paragraph 3,
3. specimens of individual licences for trade

taking into account the types of goods and forms of trade.

Article 10

1. Prior to applying for an individual licence, the Enterprise is held responsible for ascertainment whether:

1. the end-user intends to use the said munitions to violate or suppress human rights and fundamental freedoms;
2. the delivery of the munitions poses a threat to peace or becomes detrimental in other ways to stability in the region;
3. the destination country supports, facilitates or encourages terrorism or international crime;
4. the munitions may be used for another purpose than the satisfaction of reasonable defence and security needs of the recipient country.

2. In order to fulfil the obligation mentioned in paragraph 1, the Enterprise shall establish and implement an internal control and management system for trade in strategic goods, hereinafter referred to as the "internal control system".

3. In the event where the Enterprise, exercising due care, is unable to ascertain the absence of circumstances referred to in paragraph 1, it may apply to the trade control authority for a binding explanation of the said matter. The trade control authority shall give the said binding explanation within 3 months as of application date. In justified circumstances, this deadline may be postponed to 6 months.

Article 11

1. Within the framework of the internal control system, there shall be laid down, among others, the responsibilities of the Enterprise's departments, key responsibilities in the area of trade control and management for each position, principles of cooperation of the Enterprise with government administration in regard thereto, as well as guidelines for recruitment, data archiving, training, internal control and order execution.

2. The internal control system shall be subject to a certification procedure according to the ISO 9000 standard and to principles laid down in paragraph 1.

3. Certification procedures referred to in paragraph 2 shall be carried out by accredited units under the national accreditation scheme, which needs to be established pursuant to the Law of 28 April 2000 concerning the system for compliance evaluation and accreditation and amending other Laws (Journal of Laws No. 43, item 489).

4. The certificate of compliance with the requirements referred to in paragraph 1 shall be issued by the units listed in paragraph 3.

5. The certificate referred to in paragraph 4 shall be valid for 3 years.

6. During the validity period of the said certificate, the authorised inspection authorities shall carry out at least 5 inspections of the controlling and management system for internal trade to verify its compliance with the requirements set forth in paragraph 1 and 2.

7. The Minister responsible for economic affairs shall, by way of decree, define a list of certification units competent to carry out certifications and inspections of the trade controlling and management system amongst the accredited units of the national accreditation scheme.

Article 12

1. Upon consultation with advisory bodies, the trade control authority may grant an individual licence when it recognises that the relevant legal requirements are complied with.

2. The individual licence shall be issued by way of executive decision.

3. The advisory bodies elaborating their opinion referred to in paragraph 1, may request information from the Enterprise which will allow the data specified in the application for individual licence to be validated.

4. Prior to making a decision on granting an individual licence, the trade control authority:

1. shall summon the Enterprise to complete until a specified deadline the application or missing documentation certifying that the legal requirements for trading in strategic goods have been complied with;
2. may conduct a random check of the information provided in the application by the Enterprise.

5. Provisions of Article 29 paragraph 4 and Article 30 paragraph 1 and 2 of this Law shall apply to the random check validation referred in paragraph 4(2).

6. The Enterprise shall notify the trade control authority of any changes of the data provided in the application within 14 days following the occurrence of such changes.

Article 13

In the event when the Enterprise is informed or has justified grounds to suspect that the strategically significant goods in question were or might, wholly or partially, be used for the purpose or under circumstances referred to in Article 10 paragraph 1, it should undertake all possible actions to establish the actual use of the goods and notify the trade control authority.

Article 14

1. The individual licence and the ensuing rights are inalienable.

2. The individual licence for trade in strategically significant goods is a customs relevant document.

3. The original individual licence certificate shall be enclosed with the customs declaration with the customs destination form.

4. Issuance of an individual export or transit licence or an export or transit agency licence may be conditional upon meeting additional requirements and terms laid down by the trade control authority, in particular upon the declaration by the foreign end-user of the purpose of the strategically significant goods in question or upon submittal of an international import certificate.

5. The individual licence specifies its validity period, which shall be no longer than one year.

6. For the issuance of an individual licence, a fee shall be charged which is a revenue of the national budget.

7. The Minister responsible for economic affairs shall, in consultation with the Minister responsible for finance define by way of decree the amount of fees for the issuance of an individual licence. Such fees shall be set at a level, which corresponds with actual expenses incurred by the trade control authority for the issuance of an individual licence.

Article 15

1. The trade control authority shall refuse by way of an administrative decision to issue a trade licence, if:

1. the specific trade interferes with the obligations of the Republic of Poland arising from international agreements and covenants;
2. so required due to an important interest of the foreign policy of the Republic of Poland;
3. so required due to national defence or security interests of the Republic of Poland;
4. so required due to an important economic interest of the Republic of Poland;
5. the business integrity of the Enterprise does not guarantee legality of the business operations in question.

2. The trade control authority shall refuse by way of administrative decision to issue a licence for trade in strategically significant goods if such goods may wholly or partially be used illegally or in contradiction to the interest of the Republic of Poland, for the purpose of implementation, production, operation, maintenance, storage, detection, identification, or proliferation of weapons of mass destruction, in particular

of chemical, biological or nuclear munitions, and for implementation, production, maintenance, or storage of delivery equipment for such weapons.

Article 16

The trade control authority may by way of an administrative decision refuse issuance of an individual licence for trade, if:

1. there is a risk of change in the end-use or destination of the strategic goods;
2. in the course of its past business, the Enterprise has violated regulations concerning trade in strategic goods.

Article 17

1. The trade control authority, having consulted advisory bodies, may at any time, by way of administrative decision, revoke or change an individual licence, if:

1. so required due to an important interest of the foreign policy of the Republic of Poland;
2. so required due to the defence or national security interests of the Republic of Poland;
3. so required due to an important economic interest of the Republic of Poland;
4. so required in order to fulfil obligations of the Republic of Poland arising out of international agreements and covenants;
5. there is a risk of change in the end-use or end destination of the strategic goods;
6. the Enterprise has been carrying out the transaction contrary to the conditions set out in the licence;
7. the Enterprise has lost wilfully its credibility to guarantee the legality of trade.

2. The revocation or alteration of an individual licence due to reasons for which the Enterprise is responsible, shall not entitle the latter to compensation claims.

Article 18

The Enterprise from whom an individual licence was revoked due to reasons referred to in Article 17(1)(6), may reapply for such a licence not earlier than 3 years as of the date when the revocation decision became effective.

Article 19

1. Transit of non-domestic dual-use goods which is supposed to finish outside of the Polish customs territory, shall require a permit from the Director of the competent Border Customs Office.
2. The permit mentioned in paragraph 1, shall be issued upon request filed by the carrier.
3. The Minister responsible for public finance, in consultation with the Minister responsible for economic affairs, shall by way of decree define, the specimen of the application form referred to in paragraph 2 and the specimen of the permit for transit of dual-use goods.
4. The specimens of the application form and of the permit referred to in paragraph 3 shall include in particular: export licence number, country of origin, carrier name, number of bill of lading, name and address of exporter, name and address of consignee, name and full description of goods and/or technologies, reference number, quantity and value, name of border crossing point via which the goods are supposed to enter the Polish customs territory, and a declaration by the carrier that the goods which are subject to international control shall be transported across the Polish

customs territory on the basis of an export licence from the exporting country for the specified consignee and in the same condition as they were upon entering the Polish customs territory.

Article 20

1. Export, import, or transit of strategically significant goods shall be processed only in appointed customs offices.
2. The Minister responsible for public finance in consultation with the Minister responsible for economic affairs shall by way of decree specify customs offices referred to in paragraph 1, in order to assure adequate control of export, import or transit of strategic goods.

Article 21

1. A register of granted individual licences and enterprises, which have met the requirements referred to in Article 8(2), hereinafter referred to as 'register', shall be established.
2. The register shall be kept by the trade control authority.
3. Individual licences shall be entered into the register immediately upon their issuance. Enterprises shall be entered into the register immediately upon submission of the declaration referred to in Article 8(2).
4. the Minister responsible for economic affairs shall by way of decree define the method of record keeping, in particular taking into account types of issued licences and quantity and value of strategically significant goods subject to licensing.

Section 3

Import certificate and end-user statement

Article 22

1. If so required by the authorities of the exporting country, the trade control authority may upon request of the Enterprise issue an import certificate or duly confirm the end-user statement.
2. To the import certificate application, provisions of Article 9(3) to (5) shall apply.
3. The import certificate and the end-user statement are documents, which shall be produced on request by the respective foreign authorities. Both documents confirm the business integrity of the importer and that the transaction concerning the strategically significant goods in question is subject to control by the competent bodies of the Republic of Poland.
4. For issuance of an import certificate and for confirmation of the end-user statement, a fee shall be charged which is a revenue of the national budget.
5. The Minister responsible for economic affairs acting in consultation with the Minister responsible for finance shall by way of decree define the amount of the fee for the issuance of an import certificate. Such a fee shall be set at a level which corresponds to actual costs incurred by the trade control authority for the issuance of the import certificate and the confirmation of the end-user statement.
6. The trade control authority may refuse the import certificate or confirmation of the end-user statement, if verification of the facts referred to in paragraph 3 is not possible due to failure by the Enterprise to guarantee legality of trade in strategically significant goods and/or to apply an internal control system.
7. The Minister responsible for economic affairs shall by way of decree define the specimen of the import certificate.

8. The specimen of the import certificate referred to in paragraph 7 shall in particular contain: name of the importer, name of the exporter, their registered offices and addresses, name and description of the strategic goods, reference number, quantity and value, description of end-use of the strategic goods, and declaration that the importer:

1. assumed responsibility for placement of the strategically significant goods mentioned in the certificate on the Polish customs territory and for notification of the trade control authority of any changes in the terms and conditions of the contract;
2. provided a statement declaring his awareness that the re-export or change of end-user or declared end-use of the goods require prior consent by the trade control authority;
3. in consultation with the end-user, is held responsible for cooperating with any actions taken by the trade control authority, with possible involvement of representatives of authorities of the exporting country, to verify that the use of the goods at location of end-use remains in compliance with the terms of the licence over the entire period of presence of the goods on the Polish customs territory.

Article 23

1. For the purpose of export of strategic goods, the trade control authority shall request the Enterprise to submit an import certificate and/or end-use declaration confirmed by the competent authorities of the country of the importer.
2. The end-user declaration shall be issued by the foreign end-user. Its contents shall be in compliance with the requirements specified by the trade control authority.
3. The declaration referred to in paragraph 2 shall be authenticated by the foreign importer and competent authorities of the destination country.
4. The declaration referred to in paragraph 2 shall contain in particular:

1. Declaration of the destination country;
2. Name and address of the foreign end-user;
3. Specification of the strategic goods, their description, quantity and value;
4. Description of the end-use of the strategic goods;
5. Reference to transient consignees and buyers;
6. Prohibition clause concerning transfer of strategically significant goods to any other consignees without prior consent of the trade control authority.

Article 24

1. Within 30 days as of the release of the strategic goods, the Enterprise which received an import certificate shall apply to the Director of the customs office which is competent with regard to the seat of the end-user of the goods, for a certificate that the aforementioned goods were duly and actually placed on Polish customs territory, hereinafter referred to as the "delivery verification certificate".
2. Issuance of a delivery verification certificate is governed by the provisions of Chapter 7 of the Code of Administrative Procedure.
3. The Enterprise shall cover the costs incurred by the Customs Authorities in the course of proceedings for the issuance of the said delivery verification certificate.
4. The Minister responsible for economic affairs shall in consultation with the Chairman of the Central Customs Administration define by way of decree a specimen

of the delivery verification certificate and set out the method of recording issued certificates.

5. The specimen of the delivery verification certificate shall include in particular: name of importer, name of exporter, their registered offices and addresses, name and description of the goods or technologies, reference number, quantity and value, description of end-use of the goods or technologies, SAD number, number of consignment document, bill of lading, or any other document confirming import of the said goods or technologies and that the importer supplied a reliable proof of delivery and duly placed the goods and technologies mentioned in the certificate on the Polish customs territory.

6. In case of export of strategic goods, the trade control authority may request from the Enterprise submission of a verification certificate by the competent authorities of the importing country.

Section 4

Records concerning trade in strategically significant goods and information relating thereto

Article 25

1. The Enterprise engaging in trade in strategically significant goods shall keep transaction records.

2. The Minister responsible for economic affairs shall by way of decree, prescribe methods of keeping the records referred to in paragraph 1 taking into account the requirements which an internal control system shall comply with.

Article 26

1. The Enterprise engaging in trade on the basis of a general and/or global licence shall be held responsible for providing the trade control authority with transaction results at least every 6 months.

2. The Minister responsible for economic affairs shall by way of decree define the scope of information referred to in paragraph 1, including in particular quantity and value of the goods, specification of the trading partner country, name of importer and exporter, their registered offices and addresses.

Article 27

If applied for by the advisory bodies, the trade control authority shall forward to those advisory bodies information on transactions concerning trade in strategic goods.

Section 5

Trade control

Article 28

1. The trade is subject to control.

2. The control shall concentrate in particular on:

1. ascertainment of compliance of the trade with the licence, including validation of transactions after completion;
2. functioning of the internal compliance system;
3. correctness of the records referred to in article 25.

3. Control inspections may be performed by the trade control authority in cooperation with the bodies referred to in article 29(2).

4. The trade control authority may apply to other competent governmental control authority to carry out the inspection.

Article 29

1. In order to perform an inspection referred to in Article 28(1), the trade control authority may appoint an inspection team, hereinafter referred to as the "team".

2. Acting on a proposal by the Minister responsible for economic affairs, Minister responsible for foreign affairs, Minister of Defence, Minister responsible for public finance, Minister responsible for internal affairs, Chief of the Office of State Protection, Chairman of the State Nuclear Agency, Chairman of Central Customs Authority and Chief Customs Inspector shall second police and military personnel and officials from their subordinated or otherwise controlled organisations to the team. The Minister responsible for economy may also appoint registered experts and specialists as members of the team.

3. The trade control authority shall appoint the team leader responsible for coordination of inspection activities and elaboration of an inspection protocol.

4. Inspection activities shall be carried out on the basis of an inspection authorisation form by way of decree. The specimen shall include in particular reference to person, type and number of his/her ID document, validity date of the authorisation form, and information that upon request by the bearer of the inspection authorisation performing the said inspection, directors, members of the management boards, and staff of the inspected enterprises are held responsible for provision of information and documents.

Article 30

1. Team members may in particular:

1. Enter premises, buildings, rooms or parts thereof where the enterprise is engaged in business, at usual business hours.
2. Demand verbal or written explanations, documents, and other information media, and request access to data which is in connection with the subject of inspection.

2. Inspection shall be performed in presence of the inspected person, deputy of the inspected person or an employee thereof, and, in case of absence of the aforementioned persons, in presence of a witness.

3. The team leader shall submit the inspection protocol to the trade control authority.

Article 31

1. Should irregularities in the trade be found, the trade control authority shall summon the Enterprise to restore the trade status to on compliant with this Law within one month of the receipt of the summons.

2. After the expiry of the correction period referred to in paragraph 1, the trade control authority shall revoke the individual licence by way of administrative decision. In case of general and global licences, the trade control authority may issue an

administrative decision prohibiting the Enterprise from making further use of the licence.

3. In the event referred to in paragraph 2, the Enterprise may obtain another individual licence or make use of a general or global licence not earlier than 3 years as of the date when the revocation decision of the individual licence and the ban on making use of a general and/or a global licence became effective.

Article 32

All matters not regulated in this Section shall be governed by the provisions of the Law of 28 September 1991 concerning Fiscal Inspection (Journal of Laws No. 54 item 572, No. 83 item 931 and of 2000 No. 70 item 816) in its part regarding inspection procedures.

Section 6

Penal provisions, fines

Article 33

1. Every person who engages in trade without a licence or violates the conditions set out in the licence shall be subject to imprisonment from 1 to 10 years.

2. If the perpetrator who engages in trade in violation of conditions set out in the licence, does so unintentionally and provided that he restore the status referred to in Article 31 paragraph 1, he is subject to a fine, restriction of liberty, or imprisonment for up to 2 years.

3. Every person who commits the act referred to in paragraph 1 or 2 shall be subject to the penalty referred to in paragraph 1.

4. In case of conviction for the offence referred to in paragraph 1 to 3, the jury may adjudge forfeiture of strategically significant goods or other objects that were used or intended for use at or resulted directly or indirectly from the offence, including in particular payment tenders and securities, even if they are not property of the perpetrator.

Article 34

Every person failing to fulfil the obligations and/or comply with conditions set out in Article 27 paragraph 1, is subject to a fine.

Article 35

Every person obstructing the inspection referred to in Article 28 paragraph 1, is subject to a fine.

Article 36

Decisions on matters referred to in Article 34 and Article 35 shall be made according to the provisions of the Code of Delinquency Procedure.

Article 37

An Enterprise engaging in trade without a valid licence, which is not a private person, shall be fined by the trade control authority in the amount of PLN 200,000 by way of administrative decision.

Article 38

An Enterprise engaging in trade in violation of conditions set out in the licence, which is not a private person, shall be fined by the trade control authority in the amount of PLN 100,000 by way of administrative decision.

Article 39

An Enterprise failing to fulfill obligations and/or comply with conditions set out in Article 24 paragraph 1 or in Article 26 paragraph 1, shall be fined by the trade control authority in the amount of PLN 200,000 by way of administrative decision.

Article 40

1. The Enterprise shall be exempted from the abovementioned fine after 5 years as of the date when the liability set out in Article 37 to 39 were established.
2. The abovementioned fine shall not be collected after 5 years as of the date when the decision became effective.

Article 41

1. The payment term of the abovementioned fine shall be 30 days as of the date when the decision became effective.
2. Overdue fines and due interest are subject to compulsory collection procedure pursuant to provisions concerning collection proceedings in administration.

Article 42

In the event when the payment of the inflicted fine within the period specified in Article 41 paragraph 1 considerably restricts or makes impossible any further business by the Enterprise the trade control authority, acting upon request by the Enterprise, may issue an administrative decision of reprieve for the payment or divide the payment into installments, for a period not longer than one year.

Section 7

Amendments to existing regulations

Article 43

Article 14 paragraph 6a of the Law of 9 January 1997 "Customs Code" (Journal of Laws No. 157 item 1026, No. 160 item 1084, of 1998 No. 106 item 668, No. 160 item 1063, of 1999 No. 40 item 402, No. 72 item 802, and of 2000 No. 22 item 269) shall be replaced by the following:

"Para 6a. To the licences referred to in paragraph 6, provisions of Article 17, 18 and 20 of the Law of 11 December 1997 concerning administration of foreign trade in goods and services shall apply (Journal of Laws No. 157 item 1026, of 1999 No. 55 item 587, No. 101 item 1178)."

Article 44

The Law of 11 December 1997 concerning administration of foreign trade in goods and services and special trade (Journal of Laws No. 157 item 1026, of 1999 No. 55 item 587, No. 101 item 1178) shall be amended as follows:

1. in the title, the words 'and special trade' shall be deleted;
2. in Article 1 paragraph 1 the words 'and special trade' shall be deleted;
3. Article 3 paragraph 3 shall be deleted;
4. Sections 4 to 6 shall be deleted;
5. Article 55 shall be deleted.

Article 45

Article 3 (5) of the Law of 10 September 1999 concerning specific compensation agreements in relation with delivery agreements for state defence and security (Journal of Laws No. 80 item 903) shall be replaced by the following:

"5) of munitions and/or military equipment, to be construed as munitions within the meaning of the Law of concerning foreign trade in goods,

technologies, and services of strategic significance for state security and maintenance of international peace and security and amending selected laws (Journal of Laws)."

Article 46

Article 4 subparagraph 6 of the Law of 7 October 1999 concerning support for restructuring of the industrial defence resources and technological modernisation of the Armed Forces of the Republic of Poland (Journal of Laws No. 83 item 932) shall be amended as follows:

"6) of munitions and/or military equipment, to be construed as munitions within the meaning of the Law of concerning foreign trade in goods, technologies, and services of strategic significance for the state security and maintenance of international peace and security and amending selected laws (Journal of Laws)."

Section 8

Transitional and final provisions

Article 47

Proceedings initiated under provisions of laws referred to in Articles 44 and 51, which have not been completed as of the date of entry into force by way of final decision, shall be discontinued.

Article 48

1. Licences for import, export, and/or transit of goods and technologies listed in the catalogues of goods and technologies subject to special control, which were issued pursuant to the provisions of Article 3(1) of the Law of 2 December 1993 concerning principles of special control of foreign trade in goods and technologies related to international agreements and obligations (Journal of Laws No. 129 item 598, of 1996 No. 106 item 496, of 1997 No. 88 item 554, and No. 157 item 1026, and of 1999 No. 70 item 775 and No. 83 item 931) shall become individual licences within the meaning of Article 7(1)(1) as of date of entry into force of this Law and shall remain in force over the period for which they were issued, however no longer than 31 December 2001.

2. Licences issued pursuant to the provisions to Art. 38(1) of the Law of 11 December 1997 concerning administration of foreign trade in goods and services and concerning special trade (Journal of Laws No. 157 item 1026, of 1999 No. 55 item 587, No. 101 item 1178) within the scope of special trade, shall become individual licences within the meaning of Article 7(1)(1) as of date of entry into force of this law and shall remain in force over the period for which they were issued, however no longer than until 31 December 2001.

Article 49

Executive provisions relating to catalogues of goods and technologies subject to special foreign trade control rules, which came into force before this Law on the basis of existing provisions shall remain in force until new executive provisions pursuant to this Law are enacted, however no longer than 6 months following the entry into force of this Law.

Article 50

1. Pending entry into force of the provisions of Art. 9(4)(1) and (4) and Art. 10(1), individual licences may be issued to Enterprises, which were entered into the Register of Enterprises engaged in special foreign trade before the date of entry into force of

this Law pursuant to the provisions of Art. 33 fo the Law of 11 December 1997 concerning administration of foreign trade in goods and services and concerning special trade, and to Enterprises which submit the certificate referred to in Art. 11(4).

2. Pending entry into force of the provisions of Art. 8(2), solely individual licences shall be issued for dual-use goods.

Article 51

The Law of 2 December 1993 concerning special control of foreign trade in goods and technologies in relation with international agreements and covenants (Journal of Laws No. 129 item 598, of 1996 No. 106 item 496, of 1997 No. 88 item 554 and No. 157 item 1026, and of 1999 No. 70 item 775 and No. 83 item 931) shall be repealed.

Article 52

The Law shall enter into force as of 1 January 2001, with the exception of:

1. Art. 8(2), which shall enter into force 3 years following its publication,
2. Art. 9(4)(1) and (4) and Art. 10(1) which shall enter into force as of 1 January 2002.