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of ... 2024
about artificial intelligence^{1(ai)} 2.

Chapter 1

General provisions

Article 1 of the Act provides:

- 1) The organization and supervision of the market for artificial intelligence systems and general purpose AI models within the scope of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonized rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L of 12.07.2024), hereinafter referred to as ‘Regulation 2024/1689’;
- 2) infringement proceedings against regulation 2024/1689;
- 3) the conditions and modalities of accreditation and notification of conformity assessment bodies;
- 4) how to report serious incidents occurring in connection with the use of artificial intelligence systems;
- 5) the rules for imposing administrative fines for infringements of article 5 of regulation 2024/1689;
- 6) types of activities supporting the development of artificial intelligence systems.

¹⁾ This Law applies Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonized rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Official Journal of the European Union L. of 12.07.2024).

²⁾ This Act amends the following acts: The Act of 17 November 1964 - Code of Civil Procedure, the Act of 21 August 1997 on limiting the conduct of business by persons performing public functions and the Act of 16 December 2016 on the principles of property management.

Article 2. 1. The Act applies to entities and persons referred to in Article 2(1) of Regulation 2024/1689.

2. Unless otherwise provided for in Regulation 2024/1689, the provisions of the law on artificial intelligence systems shall also apply to general-purpose artificial intelligence models.

Article 3. The terms used in the Act mean:

- 1) Artificial intelligence system - AI system within the meaning of Article 3(1) of Regulation 2024/1689;
- 2) risk - risk within the meaning of article 3(2) of regulation 2024/1689;
- 3) supplier - supplier within the meaning of article 3(3) of regulation 2024/1689;
- 4) operator - operator within the meaning of article 3(8) of regulation 2024/1689;
- 5) placing on the market - placing on the market within the meaning of article 3(9) of regulation 2024/1689;
- 6) Withdrawal of the AI system from use - withdrawal of the AI system from use within the meaning of Article 3(16) of Regulation 2024/1689;
- 7) Withdrawal of the AI system from the market - withdrawal of the AI system from the market within the meaning of Article 3(17) of Regulation 2024/1689;
- 8) notifying authority - notifying authority within the meaning of article 3(19) of regulation 2024/1689;
- 9) conformity assessment - conformity assessment within the meaning of article 3(20) of regulation 2024/1689;
- 10) a conformity assessment body means a conformity assessment body within the meaning of point (21) of article 3 of regulation 2024/1689;
- 11) notified body - a notified body within the meaning of article 3(22) of regulation 2024/1689;
- 12) market surveillance authority - a market surveillance authority within the meaning of article 3(26) of regulation 2024/1689;
- 13) national competent authority - the national competent authority within the meaning of article 3(48) of regulation 2024/1689;
- 14) serious incident - a serious incident within the meaning of article 3(49) of regulation 2024/1689;
- 15) Regulatory sandbox - regulatory sandbox for AI within the meaning of Article 3(55) of Regulation 2024/1689;

- 16) Competences in the field of artificial intelligence - competences in the field of AI within the meaning of Article 3(56) of Regulation 2024/1689;
- 17) systemic risk – systemic risk within the meaning of article 3(65) of regulation 2024/1689.

Article 4 of the Act does not apply to:

- 1) Matters related to national defense as defined in Article 19(1) of the Act of 4 September 1997 on Government Administration Departments (Journal of Laws of 2024, item 1370);
- 2) Matters relating to the internal security of the state and its constitutional order, referred to in Article 5(1)(1) of the Act of 24 May 2002 on the Internal Security Agency and the Intelligence Agency (Journal of Laws of 2024, item 812 and 1222);
- 3) Basic scientific research referred to in Article 4(2)(2) of the Act of 20 July 2018 - Law on Higher Education (Journal of Laws of 2023, item 742, as amended³⁾, as well as for scientific purposes in connection with the experiment, referred to in Article 27 of the Act of 6 June 1997 - Criminal Code (Journal of Laws of 2024, items 17 and 1228).

Chapter 2

Organization of supervision of artificial intelligence

Article 5. 1. The office of the Commission for the Development and Security of Artificial Intelligence, hereinafter referred to as ‘the Commission Office’, shall be a State legal person.

2. The task of the Commission Office shall be to provide services to the Committee on the Development and Security of Artificial Intelligence, hereinafter referred to as ‘the Commission’, the President of the Commission and the Social Council on Artificial Intelligence.

2. The seat of the Commission Office is Warsaw.

3. The President of the Council of Ministers shall supervise the activities of the Commission Office.

4. The bodies of the Commission Office shall be:

- 1) The Commission, which has competence in matters of market surveillance;
- 2) The President of the Commission, who directs the activities of the Commission Bureau and represents the Commission Bureau externally.

³⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws of 2023, items 1088, 1234, 1672, 1872 and 2005, and from 2024, items 124, 227 and 1089.

5. The President of the Commission and the Vice-President of the Commission shall be staff of the Commission Bureau.

6. The Commission shall have the right to use the seal with the national emblem.

Article 6. 1. The Commission shall be the market surveillance authority for artificial intelligence systems.

2. The Commission shall act as the single point of contact referred to in Article 70(2) of Regulation 2024/1689.

3. The Commission shall cooperate with:

- 1) The Polish Financial Supervision Authority - in the field of matters referred to in Article 74(6) of Regulation 2024/1689;
- 2) President of the Office of Competition and Consumer Protection and other entities referred to in Article 58 of the Act of 13 April 2016 on conformity assessment and market surveillance systems (Journal of Laws of 2022, item 1854 and of 2024, item 1089) - in the field of matters, referred to in article 74(3) of regulation (ec) no 2024/1689;
- 3) The President of the Office for Personal Data Protection - in the scope of matters referred to in Article 57 and Article 74(8) of Regulation 2024/1689;
- 4) The bodies set out in the list referred to in Article 77(2) of Regulation (EC) No 2024/1689 as regards matters relating to obligations under European Union law on the protection of fundamental rights;
- 5) the minister competent for computerization - in matters related to notification referred to in chapter 6 of the act;
- 6) The Government Plenipotentiary for Cybersecurity and CSIRT GOV, CSIRT MON and CSIRT NASK referred to in Article 2(1) to (3) of the Act of 5 July 2018 on the National Cybersecurity System (Journal of Laws of 2024, item 1077) - in matters related to cybersecurity.

4. The Commission shall cooperate, within the scope and in accordance with the provisions of Regulation 2024/1689, with the AI Office, the European Artificial Intelligence Council and with the competent authorities of the Member States of the European Union.

Article 7. 1. The Commission shall be composed of the President of the Commission, two Vice-Presidents of the Commission and nine members of the Commission.

2. The members of the Commission shall be representatives of:

- 1) the minister responsible for information technology;

- 2) a minister appointed to coordinate the activities of the special services, or, if he has not been appointed, the Chancellery of the Prime Minister;
- 3) The President of the Office for Personal Data Protection;
- 4) President of the Office of Competition and Consumer Protection;
- 5) The Financial Supervision Commission;
- 6) The Ombudsman;
- 7) The Ombudsman for Children;
- 8) The National Broadcasting Council;
- 9) President of the Office of Electronic Communications.

3. Representatives of:

- 1) The Chancellery of the President of the Republic of Poland;
- 2) The Chancellery of the Sejm of the Republic of Poland;
- 3) The Chancellery of the Senate of the Republic of Poland;
- 4) the office serving the Minister of National Defence;
- 5) an office serving the minister competent for culture and protection of national heritage;
- 6) an office serving the minister competent for economy;
- 7) Polish Centre for Accreditation;
- 8) The Polish Committee for Standardization;
- 9) Council for Social Dialogue – employees’ websites;
- 10) Council for Social Dialogue – employers’ websites;
- 11) The Office of the Patient Ombudsman;
- 12) Office of the Financial Ombudsman;
- 13) The Office of the Ombudsman for Small and Medium-sized Enterprises;
- 14) State labor inspection;
- 15) The Patent Office of the Republic of Poland;
- 16) Commission offices.

4. The President of the Commission may invite to attend a meeting of the Commission, in accordance with paragraphs 6 and 7, an authorized representative of an entity other than those referred to in paragraph 3, in so far as the meeting concerns matters within the competence of that entity.

5. The President of the Commission may invite experts to attend a meeting of the Commission, in accordance with paragraphs 6 and 7.

6. Representatives of the entities referred to in paragraph 3 shall attend meetings of the Commission only with an advisory voice, in so far as the meeting concerns matters within the competence of that entity.

7. No remuneration or reimbursement of travel and accommodation costs shall be granted for participation in the work of the Commission.

Article 8. 1. The President of the Commission shall direct and represent the Commission externally.

2. The Commission shall carry out its tasks in meetings.

3. The President of the Commission shall convene the Commission and conduct its meetings.

4. The President of the Commission shall, in the absence of the meeting, be replaced by the Deputy President of the Commission designated by him.

5. The Commission shall, within the scope of its competence, adopt resolutions, including administrative decisions and decisions, as specified in separate provisions.

(6) the Commission shall adopt its resolutions by a simple majority, by an open vote, in the presence of at least six members of the Commission, including the President of the Commission or the Vice-President of the Commission. In the event of an equal number of votes, the vote of the President of the Commission shall be taken and, in the absence of the President, the vote of the Vice-President of the Commission authorized to direct the work of the Commission.

7. Participation in a meeting of the Commission may take place remotely using means of electronic communication providing real-time communication.

8. The measures referred to in paragraph 7 shall allow persons in the Commission who are present at a place other than the place of the meeting to speak during the proceedings and persons in the Commission with the right to vote.

9. The Committee may also adopt resolutions in circulation.

Article 9. 1. The members of the Commission shall assist the President of the Commission in carrying out his statutory tasks, in particular in matters falling within the competence of the body of which they are representatives.

2. At the request of the President of the Commission, the members of the Commission shall present activities for the development, implementation, application, control or supervision of artificial intelligence systems in the entity to which they represent.

Article 10.1. The President of the Commission shall appoint the Secretary of the Commission from among the staff of the Commission Office.

2. The tasks of the Secretary of the Commission shall be:

- 1) To notify the members of the Commission of the dates of its meetings;
- 2) Drawing up the minutes of the meetings of the Commission;
- 3) Keeping records of the work of the Commission.

3. The detailed organization and working procedure of the Commission shall be determined by the Rules of Procedure of the Commission, which shall be given by the Prime Minister by way of an order.

Article 11. 1. The tasks of the Commission shall be:

- 1) monitoring compliance with the provisions of regulation 2024/1689 and the act;
- 2) Taking action to ensure the proper functioning of the internal market of the European Union, as referred to in Article 26(2) of the Treaty on the Functioning of the European Union, within the scope set out in Articles 1 and 2 of Regulation 2024/1689;
- 3) undertaking activities aimed at supporting and monitoring the development, innovation and competitiveness in the field of research and application of artificial intelligence systems;
- 4) taking actions aimed at counteracting threats to the security of artificial intelligence systems, including receiving reports of serious incidents occurring in connection with the use of artificial intelligence systems referred to in article 61 of the act;
- 5) participation in drafting and reviewing legal acts in the field of artificial intelligence;
- 6) issuing decisions and decisions on infringements of the rules on artificial intelligence systems;
- 7) to carry out the tasks and powers of the market surveillance authority as set out in regulation 2024/1689;
- 8) development and publication of publications, implementation of educational programs popularizing knowledge about artificial intelligence and conducting information activities;
- 9) Implementation of the international obligations of the Republic of Poland in the field of cooperation and exchange of information in matters of supervision over artificial intelligence systems within the scope of the competence of the market surveillance authority;

- 10) collecting and disseminating case-law in matters related to supervision of artificial intelligence;
- 11) taking action to establish regulatory sandboxes;
- 12) keeping a register of complaints referred to in article 50 of the act;
- 13) make general and individual interpretations.

2. The Commission may authorize the President of the Commission, the Deputy President of the Commission and the staff of the Commission Office to take action within the competence of the Commission, including the adoption of administrative decisions and decisions.

3. The authorization referred to in paragraph 1 may not concern decisions on the merits of the case in the matters referred to in Article 70 of the Act.

Article 12. 1. The Commission shall deliver an opinion on the concepts of solutions and draft government documents, including legislation on artificial intelligence, submitted to it for its opinion.

2. In order to promote competitiveness and the development of research and applications of artificial intelligence systems, the Commission shall:

- 1) submit proposals for legislative action to the minister competent for computerization;
- 2) carries out the activities referred to in article 11(1)(8) and (11) of the act;
- 3) Make available in the Public Information Bulletin on the Commission Office's website the information referred to in Article 66(3) of the Act;
- 4) Publish, by 31 March each year, an annual information containing examples of good practices in the implementation and application of artificial intelligence systems in enterprises within the meaning of the Act of 6 March 2018 - Business Law (Journal of Laws of 2024, items 236 and 1222) and public administration units, referred to in the Act of 4 September 1997 on departments of government administration (Journal of Laws of 2024, item 1370).

Article 13. 1. The Commission may draw up explanations, opinions and interpretations which are relevant for the application of the rules to matters within the scope of the Commission's activities. Explanations, opinions and interpretations are published in the Public Information Bulletin on the Commission Office's website.

2. The Commission shall publish in the Public Information Bulletin on the Commission Office's website the content of decisions made under the provisions of the Act. The publication shall indicate whether the decision is valid.

Article 14. 1. The President of the Commission shall, at the request of the person concerned, issue, in his individual case, an interpretation of the provisions of Regulation 2024/1689 and of the Law.

2. A request for an interpretation referred to in paragraph 1 may relate to the facts or future events, in particular as regards:

- 1) qualification of a machine system as an artificial intelligence system;
- (2) determine the risk of artificial intelligence.

3. The applicant for the interpretation referred to in paragraph 1 shall be obliged to provide a comprehensive statement of the facts or of the future event and to state his or her own position on the legal assessment of that fact or of the future event.

4. The application for interpretation is subject to a fee of PLN 150, which must be paid within 3 days from the date of submission of the application. The provisions of Article 14f § 2-3 of the Tax Ordinance Act of 29 August 1997 (Journal of Laws of 2023, items 2383 and 2760 and of 2024, item 879) shall apply.

5. The interpretation referred to in paragraph 1 shall include a comprehensive description of the facts or future event presented in the application and an assessment of the applicant's position and the legal justification for that assessment. Legal justification may be waived if the applicant's position is correct to the full extent.

6. The applicant shall be entitled to object to the interpretation referred to in paragraph 1 to the Commission within 14 days of its service. When objecting, the applicant shall specify the scope of the interpretation referred to in paragraph 1 which is the object of the objection.

7. The Commission shall examine the objection referred to in paragraph 6 within 3 months of the date on which the applicant objects.

Article 15. The Commission may, of its own motion or upon request, make general interpretations as regards the provisions of Regulation 2024/1689 and the Act.

Article 16. The interpretations referred to in Article 14 and Article 15 of the Act, after deletion of the data identifying the applicant, are published in the Public Information Bulletin on the website of the Commission Office.

Article 17. 1. The Commission shall, by 30 April each year, forward to the Prime Minister and the Minister responsible for computerization an annual report on its activities containing at least information on:

- 1) The implementation of the Commission's tasks and their effects, broken down by area of its activities;
- 2) the aggregated results of the checks carried out, including in particular information on the overall level of competence in ai in controlled entities;
- 3) The tasks carried out by the President of the Commission and the Vice-President of the Commission in office in the year preceding the submission of the report;
- 4) The implementation of the annual financial plan available to the Commission in the calendar year preceding the submission of the report.

2. The report referred to in paragraph 1 shall be published by the Commission in the public information bulletin on the Commission's website.

Article 18. 1. The President of the Commission shall be appointed by the President of the Council of Ministers for a term of five years from among persons selected by means of an open and competitive selection.

2. The President of the Commission may be a person who:

- 1) has polish citizenship;
- 2) enjoy full public rights;
- 3) have at least a university degree and a professional degree, a master's degree in engineering or an equivalent degree;
- 4) has significant knowledge and expertise in artificial intelligence or law and professional experience gained in the course of scientific work, work in entities operating in the fields of digitalisation, cybersecurity or information technology;
- 5) has at least three years of managerial experience;
- 6) has not been punished for a deliberate crime or a deliberate fiscal offense;
- 7) it has a good reputation and gives a guarantee of proper performance of entrusted tasks.

(3) the same person shall not be President of the Commission for more than two terms.

4. The President of the Commission shall remain in office until a successor is appointed.

Article 19. 1. The President of the Council of Ministers shall dismiss the President of the Commission before the end of his term of office only in the case of:

- 1) a final conviction for a deliberate crime or fiscal offense;
- 2) order the prohibition of holding managerial positions or performing functions related to special responsibility in the organs of the state;
- 3) deprivation of public rights;

- 4) resignation from office;
- 5) loss of polish citizenship;
- 6) loss of ability to perform assigned duties as a result of a long-term illness lasting more than three months.

2. The term of office of the President of the Commission shall expire in the event of his death or dismissal.

3. In the event of the expiry of the term of office of the President of the Commission, until the appointment of a new President of the Commission, his duties shall be performed by the Deputy President of the Commission, designated by the Prime Minister.

4. The provisions of paragraph 3 shall apply *mutatis mutandis* where the President of the Commission cannot temporarily perform his duties and none of the Deputy President of the Commission has been authorized by him. In such a case, the Deputy President of the Commission appointed by the Prime Minister shall remain in office until the President of the Commission takes over.

Article 20. 1. Information on the appointment of the President of the Commission shall be published by placing a notice in a publicly accessible place at the headquarters of the Commission Office and in the Public Information Bulletin on the website of the Commission Office and on the website of the Chancellery of the Prime Minister.

2. The notice referred to in paragraph 1 shall include at least:

- 1) The name and address of the Commission office;
- 2) definition of the position;
- 3) position requirements resulting from legal regulations;
- 4) the scope of tasks performed on the position;
- 5) an indication of the documents required;
- 6) the date and place of submission of documents;
- 7) information on recruitment methods and techniques.

3. The period referred to in paragraph 2 point 6 may not be less than 10 days from the date of publication of the announcement in the Public Information Bulletin on the personal website of the Chancellery of the Prime Minister.

4. The selection committee appointed by the Head of the Chancellery of the Prime Minister under the authority of the Prime Minister shall conduct the recruitment for the position of the President of the Commission, consisting of at least 3 persons whose knowledge and experience guarantee the selection of the best candidates. The selection process assesses the

candidate's professional experience, knowledge necessary to perform tasks in the position for which the recruitment is being conducted and managerial competence.

5. The assessment of the management knowledge and competence referred to in paragraph 3 may be carried out on behalf of the selection committee by a person who is not a member of the committee who has the knowledge, experience and qualifications to ensure that this assessment is carried out in a manner that ensures the selection of the best candidates.

6. The member of the selection committee and the person referred to in paragraph 5 shall be required to keep confidential the information obtained in the course of the recruitment process concerning applicants for the position for which the selection is being conducted.

7. During the selection process, the selection committee shall select no more than 3 candidates, whom it shall present to the Prime Minister through the Head of the Chancellery of the Prime Minister.

8. the selection panel shall draw up a report on the selection carried out, including:

- 1) The name and address of the Commission office;
- 2) identification of the position for which recruitment has been conducted and the number of candidates;
- 3) the names and addresses of no more than 3 top candidates ranked by their level of compliance with the requirements set out in the vacancy notice;
- 4) information on the selection methods and techniques used;
- 5) the reasons for the choice made or the reasons for not selecting the candidate;
- 6) composition of the selection committee.

9. The result of the call shall be published immediately by placing information at the headquarters of the Commission Office and in the Public Information Bulletin on the website of the Commission Office and on the website of the Prime Minister's Office.

10. Information on the selection result shall include:

- 1) The name and address of the Commission office;
- 2) identify the position for which recruitment was conducted;
- 3) Names, surnames of selected candidates and their place of residence within the meaning of the provisions of the Civil Code Act of 23 April 1964 (Journal of Laws of 2024, items 1061 and 1234) or information about the failure to select a candidate.

11. The publication in the Public Information Bulletin on the personal website of the Chancellery of the Prime Minister of Poland of the announcement about the recruitment and the result of this call is free of charge.

Article 21. 1. The Deputy President of the Commission shall be appointed by the Prime Minister, on a proposal from the President of the Commission, from among the persons designated by him. The President of the Council of Ministers shall, on a proposal from the President of the Commission, dismiss the Deputy President of the Commission.

2. The Deputy Chairman of the Commission may be a person who meets the requirements set out in Article 18(2) of the Act.

Article 22. 1. The Chairman of the Commission, the Deputy Chairman of the Commission and the Director of the Commission Office are obliged to submit a declaration of their assets referred to in Article 10 of the Act of 21 August 1997 on limiting the conduct of business by persons performing public functions (Journal of Laws of 2023, item 1090).

2. The declaration referred to in paragraph 1 shall be submitted to the Prime Minister in an electronic form bearing a qualified electronic signature.

3. In matters not covered by the provisions of the Act, the provisions of the Act of 21 August 1997 on limiting the conduct of business by persons performing public functions shall apply *mutatis mutandis* to declarations of property referred to in paragraph 1.

Article 23. 1. The Chairman of the Commission and the Deputy Chairman of the Commission may not hold any other position, except for the position referred to in Article 7(1) of the Law on Higher Education and Science of 20 July 2018, or perform other gainful or non-gainful activities contrary to the duties of the President of the Commission.

2. The President of the Commission and the Vice-President of the Commission shall not belong to a political party, a trade union, engage in public activities incompatible with the dignity of his or her functions and activities which could result in a conflict of interest.

Article 24 the President of the Commission, the Vice-President of the Commission, the Members of the Commission, the Director of the Commission Office, the staff of the Commission Office and persons employed in the Commission Office under a specific task contract, mandate contract or other similar contracts shall not be shareholders or shareholders of entities subject to Commission supervision. They may also not be members of the bodies of these entities, nor engage in employment in them on the basis of an employment contract, mandate contract, specific work contract, agency contract or other contract of a similar nature, nor perform other activities, which would be contrary to their duties or could give rise to suspicion of bias or conflict of interest.

Article 25. 1. The President of the Commission, the Vice-President of the Commission, the Members of the Commission, the Director of the Commission Office, the staff of the Commission Office and persons employed in the Commission Office under a specific work contract, a contract of mandate or other contracts of a similar nature shall be obliged not to disclose legally protected secrets to unauthorized persons. This obligation also continues after the termination of the function, termination of the employment relationship or termination of the contract for specific work, mandate contract or other contracts of a similar nature.

2. The President of the Commission, the Vice-President of the Commission and the members of the Commission may exchange information, including legally protected confidentiality, to the extent necessary for the proper performance of the tasks of the market surveillance authority referred to in Regulation 2024/1689.

3. Members of the Commission may make available information obtained in connection with their participation in the work of the Commission, including legally protected secrets, to authorized employees of the entity referred to in Article 64(3) of the Act, as well as to officers, soldiers and employees of the Internal Security Agency, the Police, the Public Prosecutor's Office, the Intelligence Agency, the Military Counterintelligence Service, the Military Intelligence Service and the Central Anti-Corruption Bureau, within the scope of their official duties and to the extent necessary for the preparation of opinions or positions directly related to the work of the Commission.

4. Eligible staff of the institutions referred to in paragraph 3 shall be required not to disclose the information made available by the members of the Commission. This obligation also continues after termination of employment.

Article 26. 1. For the purposes of carrying out the tasks referred to in Article 11(1), the Commission shall process personal data, including also the data referred to in Article 9(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals 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) (Journal of device. EU L 119, 04.05.2016, p. 1), hereinafter referred to as 'Regulation 2016/679', to the extent and for the purpose necessary to carry out those tasks.

2. The Commission, when processing personal data referred to in Article 9(1) of Regulation 2016/679, shall carry out a risk analysis, apply anti-malware measures and access control mechanisms and develop procedures for secure information exchange.

3. The Commission shall process personal data obtained in connection with the supervision of artificial intelligence systems:

- 1) Concerning users of information systems and users of telecommunications terminal equipment within the meaning of the Act of 12 July 2024 - Electronic Communications Law (Journal of Laws of 2024 item 1221);
- 2) Concerning telecommunications terminal equipment referred to in Article 2(71) of the Act of 12 July 2024 - Electronic Communications Law;
- 3) collected by operators of essential services within the meaning of the act of 5 July 2018 on the national cybersecurity system and digital service providers in connection with the provision of services;
- 4) collected by key and important entities within the meaning of the act of 5 July 2018 on the national cybersecurity system;
- 5) collected by public entities in connection with the implementation of public tasks.

4. The data referred to in paragraph 3 shall be erased or made anonymous by the Commission as soon as it is determined that they are not necessary for the performance of the Commission's tasks.

5. The data referred to in paragraph 3 necessary for the performance of the tasks of the Commission referred to in Article 11(1) shall be deleted or made anonymous by the Commission within 5 years of the completion of the proceedings referred to in Chapters 3, 4 and 7 of the Act or the handling of the incident, referred to in chapter 5 of the act.

6. In order to carry out the tasks set out in Regulation 2024/1989 and the Act, the Commission and the employees of the entities referred to in Article 7(2) may transfer to each other the data referred to in paragraph 3, to the extent necessary to carry out these tasks and cooperate with the competent authority for the protection of personal data.

7. The processing by the Commission and entities referred to in Article 7(2) of the Act of data referred to in paragraph 3 does not require the fulfillment of obligations arising from Article 15, Article 16, Article 18(1)(a) and (d) and Article 19, second sentence, of Regulation 2016/679, if this would prevent the Commission from carrying out its tasks.

8. The Commission shall publish in the Public Information Bulletin on the Commission Office's website:

- 1) the contact details of the controller and, where applicable, the contact details of the data protection officer;
- 2) the purposes of the processing and the legal basis for the processing;

- 3) the categories of personal data processed;
- 4) information on the recipients of personal data;
- 5) information on the period for which personal data will be stored;
- 6) information on the limitations of the obligations and rights of data subjects;
- 7) information on the right to lodge a complaint with the competent authority for the protection of personal data;
- 8) source of personal data.

9. The Commission shall be the controller of the data referred to in paragraphs 1 to 3.

Article 27. 1. The Commission, the Commission's Office staff and persons carrying out control activities in accordance with the provisions of the Act process information constituting legally protected secrets, including business secrets, when it is necessary for the performance of the tasks referred to in Regulation 2024/1689 and the Act.

2. The Commission shall communicate the information referred to in paragraph 1 to law enforcement authorities in relation to an event which is the constituent elements of a criminal offense.

Article 28. 1. The Commission shall be assisted by the Social Council on Artificial Intelligence, hereinafter referred to as 'the Council', which shall be the Commission's consultative and advisory body.

2. The Council shall consist of nine to fifteen members elected by the Commission by a simple majority for a two-year term.

3. Candidates for membership of the Council may be nominated by:

- 1) Co-chairman of the Local Government and Local Government Joint Commission,
- 2) The Ombudsman,
- 3) The Ombudsman for Children;
- 4) chambers of commerce representing entrepreneurs conducting business activity in the field of artificial intelligence, electronic economy, communication, media, production of it equipment, software or the provision of it services;
- 5) trade unions;
- 6) Entities referred to in Article 7(1)(1), (2) and (4-6) of the Act of 20 July 2018 - Law on Higher Education and Science;
- 7) Foundations and associations entered in the National Court Register, whose statutory purpose is to promote the development of artificial intelligence.

4. A member of the Council may be a person who:

- 1) he has knowledge and experience in the field of artificial intelligence, in particular in the field of computer science, cybersecurity, personal data protection, new technology law or human rights.
- 2) has not been convicted by a final judgment for a willful offense or a willful fiscal offense;
- 3) enjoy full public rights;
- 4) she has given her written consent to stand as a candidate.

5. The Commission shall appoint the composition of the Council from among the candidates proposed by the bodies referred to in paragraph 3.

6. Before the end of the term of office, membership of the Council shall expire on the following grounds:

- 1) Resignation made in writing to the President of the Council;
- 2) The death of a member of the Council;
- 3) Inability to serve as a member of the Council due to a prolonged illness lasting more than three months;
- 4) a conviction by a final judgment for a deliberate crime or a deliberate fiscal offense;
- 5) deprivation of public rights;
- 6) withdrawal of the notification by the entity referred to in paragraph 3.

7. In the cases referred to in paragraph 6, the Commission shall appoint a new member of the Council for the remainder of the term of office from among the other candidates proposed, after confirmation of the validity of the application.

Article 29. 1. The Commission shall appoint and dismiss the President of the Council and the Deputy President of the Council from among its members. The Council shall each appoint two candidates for the President of the Council and the Deputy President of the Council.

2. The President of the Council shall direct its work and represent it externally. In his absence, the President of the Council shall be replaced by the Deputy President of the Council.

3. Other persons may be invited to attend a meeting of the Council, by the Commission and the President of the Council, where this is justified by the tasks of the Council. Paragraphs 4 and 6 shall apply *mutatis mutandis*.

(4) a member of the Council shall be obliged to keep confidential the information to which he has obtained access in connection with the performance of his duties as a member of the Council. The Commission may exempt from the obligation of secrecy to the extent specified by it.

5. A member of the Council may not:

- 1) Carry out public activities incompatible with those of the Council;
- 2) carry out activities that could result in a conflict of interest.

6. No remuneration or reimbursement of travel and accommodation costs shall be payable to its members for the participation in the work of the Council.

7. The detailed rules of procedure of the Council shall be laid down by rules of procedure to be adopted by the Commission on a proposal from the Council by a simple majority.

8. The Council shall submit to the Commission a report on the activities for each calendar year by 31 March of the following year.

9. The Council shall be serviced by the Commission's Bureau.

Article 30. 1. It shall be for the Council to express opinions and positions to the extent communicated by the Commission. The opinions and positions of the Council shall not be binding on the Commission.

2. The Council shall deliver its opinion or position within a time limit set by the Commission.

3. To the extent other than those referred to in paragraph 1, concerning matters referred to in Article 1(1) of the Act, the Council, by a resolution adopted by a majority of votes of the full composition, may express an opinion or position on its own initiative.

5. The positions and opinions of the Council shall be published in the Public Information Bulletin on the Commission's website.

Article 31 the President of the Council of Ministers shall, by way of order, establish a statute for the Commission Bureau, in which he shall determine its organization, with a view to ensuring proper service to the Commission and the Council.

Article 32.1. The President of the Commission shall direct the activities of the Commission Office with the assistance of the Director of the Commission Office.

2. The President of the Commission shall lay down the rules of procedure of the Commission Bureau specifying the manner in which it operates.

3. The Director of the Commission Office shall be appointed and dismissed by the President of the Commission.

4. The appointment referred to in paragraph 3 constitutes the establishment of an employment relationship on the basis of an appointment within the meaning of the provisions

of the Act of 26 June 1974 - Labour Code (Journal of Laws of 2023, item 1465 , and of 2024, items 878 and 1222).

5. The Director of the Commission Office shall act in matters of labor law in relation to the staff of the Commission Office.

Article 33. 1. The Law of 26 June 1974 - Labour Code shall apply to the staff of the Commission Bureau.

2. The order and time of work in the Commission Office and the duties of the employer and the staff member shall be determined by the rules of procedure laid down by the President of the Commission.

(3) the President of the Council of Ministers shall determine, by means of a regulation, the manner in which the amount of the funds allocated to remuneration and prizes for the President of the Commission and the Deputy President of the Commission shall be determined and the amount of those salaries and prizes determined, taking into account the organization of the Commission Bureau and the Commission; the need to ensure proper implementation of the tasks of the Commission Bureau and the Commission as regards supervision and the level of pay in supervised institutions.

Article 34. 1. The Commission's office shall conduct its own financial management within the limits of its resources.

2. The revenue of the Commission Office shall be:

- 1) subsidies from the state budget;
- 2) Other measures within the meaning of Article 5(1)(2), (2a) and (3) of the Public Finance Act (Dz 2023, item 1270, as amended⁴⁾;
- 3) fees for issuing an individual interpretation;
- 4) income from publishing and educational activities;
- 5) donations and subscriptions;
- 6) other income.

3. The Commission office may not take out loans or credits.

Article 35. 1. The draft annual financial plan of the Commission Office, after adoption by the Commission and approval by the Prime Minister, shall be forwarded to the minister

⁴⁾ Amendments to the consolidated text of the said Act were announced in Journal of Laws of 2023, items 1273, 1407, 1421, 1641, 1693, 1872 and 2024 items 858 and 1089.

responsible for public finances and to the minister for computerization in the manner specified in the regulations concerning work on the draft budget law.

The 2nd annual financial year of the Commission Office shall be the calendar year.

(3) the amendment of the financial plan of the Commission Office shall be adopted by the Commission and shall require the approval of the Prime Minister. The revised annual financial plan shall be forwarded to the minister responsible for public finances and the minister for computerization.

Article 36. 1. The annual accounts of the Commission Office shall be audited by an audit firm.

2. The President of the Council of Ministers shall select an audit firm.

3. The annual accounts of the Commission's Bureau shall be forwarded together with the audit report to the Prime Minister for approval.

4. The approved financial statements of the Commission Office shall be forwarded to the minister competent for public finances within the time limits specified in the regulations issued pursuant to Article 41(4) of the Act of 27 August 2009 on public finances and for information to the minister competent for computerization.

Article 37. 1. The Commission office shall set up the following own funds:

- 1) the basic fund;
- 2) reserve fund.

2. The basic fund of the Commission Office shall reflect the equivalent of the property of the Commission Office.

3. The reserve fund shall be increased by net profit and reduced by net loss.

Article 38. 1. The minister competent, with regard to matters within his competence, may entrust the Commission with the implementation of the tasks referred to in Article 11(3), (8) and (10) of the Act.

2. The delegation of tasks referred to in paragraph 1 shall be concluded in the form of an agreement between the minister responsible and the Commission.

3. When entrusting the tasks referred to in paragraph 1, the minister competent shall provide the means for their implementation.

Article 39. 1. To staff of the Commission Office carrying out control tasks requiring a professional identity card, the Commission Office shall issue business cards in electronic form.

In a justified case, a business card may also be issued to an employee of the Commission Office who does not perform the activities referred to in the first sentence.

3. The service card shall contain:

- 1) service card number;
- 2) name(s) and surname;
- 3) The official position of a staff member of the Commission Office;
- 4) the date of validity of the service card.

4. The service card shall be subject to:

- 1) exchange – in the event of a change in the data contained therein or the expiry of its validity period;
- 2) Cancellation – in the event of termination or termination of the employment relationship of an employee of the Commission Office or cessation of activities by an employee of the Commission Office requiring a professional identity card.

5. In the event of loss of exclusive control over the service card, a new service card shall be issued to the staff member of the Commission Office.

(6) the President of the Council of Ministers shall, by means of a regulation, determine the model of the staff member of the Commission Office and the procedure for issuing and revoking the identity card, with a view to ensuring proper identification of the staff member of the Commission Office and ensuring proper protection of the official identity card.

Article 40. 1. The President of the Commission, in the scope of the tasks referred to in Chapter 2 of the Act, shall determine, by way of an order, the requirements referred to in Article 70 of Regulation 2024/1689, and shall evaluate and update them annually.

2. Where the state of resources referred to in paragraph 1 is found not to be adequate, the President of the Commission shall take action to ensure that the Commission complies with the requirements referred to in paragraph 1.

3. The President of the Commission shall transmit the report referred to in Article 70(6) of Regulation (EC) No 2024/1689 to the European Commission in electronic form, in accordance with Article 70(6) of that Regulation.

Chapter 3

Monitoring compliance with artificial intelligence regulations

Article 41. 1. The Commission may carry out an audit of the activities of entities obliged to comply with the provisions of Regulation 2024/1689 and the Act.

2. The purpose of the audit is to determine the compliance of the activities of the entities referred to in paragraph 1 with the provisions of Regulation 2024/1689 and the Act.

3. The audit may be carried out on the basis of information obtained by the Commission or in the context of monitoring compliance with the provisions of Regulation 2024/1689.

Article 42. For the control referred to in Article 41(1) of the Act, to the extent not regulated by the Act, the provisions of Chapter 5 of the Act of 6 March 2018 - Business Law (Journal of Laws of 2024, item 236) shall apply.

Article 43. 1. The President of the Commission may authorize checks to be carried out on:

- 1) Staff of the Commission Office,
- 2) a person with specialist knowledge, if such information is necessary for carrying out the checks.

2. The inspection or individual inspection activities are carried out remotely without the simultaneous physical presence of the parties, using one or more means of distance communication; including by means of electronic communication within the meaning of Article 2(5) of the Act of 18 July 2002 on the provision of electronic services (Journal of Laws of 2020, item 344). In justified cases, including in the event of the impossibility of applying such measures, the control or individual inspection activities are carried out using registered or courier shipments, delivered via a postal operator within the meaning of the Act of 23 November 2012 - Postal Law (Journal of Laws of 2023, item 1640 and of 2024, item 467).

3. Where special circumstances so warrant, the authorized person referred to in paragraph 1, hereinafter referred to as ‘the verifier’, may decide to carry out part or all of the inspection activities at the premises of the controlled entity or at the place of establishment of the controlled entity.

4. In the course of the inspection, the inspectors shall have the right to:

- 1) free access to means of communication and, where the circumstances referred to in paragraph 3 exist, to a separate office space;
- 2) access to land and to construction works, as well as to premises and premises located in buildings, on the days and hours of operation of the entity or the business of the controlled entity, provided that the circumstances referred to in paragraph 3 have arisen;
- 3) request access to the files, books, all kinds of letters, documents and their extracts, correspondence sent by e-mail, it data carriers within the meaning of the provisions on

computerization of the activities of entities performing public tasks, other devices containing it data or information systems, including access to information systems owned by another entity containing controlled entity data related to the subject of the control, to the extent that the controlled entity has access to them;

- 4) taking notes from the materials and correspondence referred to in point 3;
- 5) require the controlled entity to produce copies or printouts of the materials, correspondence referred to in point 3 and information collected on the media, equipment or systems referred to in that provision, and to require the controlled entity to certify the conformity with the original of the documents obtained from it;
- 6) securing documents and other materials, in compliance with the provisions on the protection of classified information and other legally protected information;
- 7) request oral or written explanations relating to the subject matter of the inspection; from the controlled entity or from a person authorized by it;
- 8) Inspection of devices, data carriers and information, ICT or other systems or software that meet the criteria set out in Article 7(2a) of the Act of 10 May 2018 on the protection of personal data (Journal of Laws of 2019, item 1781);
- 9) the sealing of premises, premises or objects to the extent necessary for the inspection;
- 10) processing of personal data to the extent necessary to achieve the purpose of the control.

5. The inspector shall carry out the activities on presentation of the inspection authorization and of the identity document indicated in that authorization or of the professional identity card.

6. The authorization to carry out the inspection shall include:

- 1) an indication of the legal basis for control;
- 2) the designation of the control authority;
- 3) the date and place of issue;
- 4) the name(s), the name and position of the inspector and the number of his/her official identity card and, in the case of authorization to participate in the audit, of the persons referred to in paragraph 1(2), the names of those persons and the number and series of the identity document;
- 5) the date of validity of the authorization;
- 6) the designation of the controlled entity;
- 7) determining the scope of the inspection in question;

- 8) an indication of the date of commencement and the expected date of completion of the checks;
- 9) the name and signature of the authorizing officer, indicating the position held;
- 10) instruction on the rights and obligations of the controlled entity.

7. The inspector shall notify the controlled entity of the planned check, indicating the expected duration of the check.

8. The head of the controlled entity, an authorized person or another employee of the controlled entity, who may be considered as a person referred to in Article 97 of the Act of 23 April 1964 – Civil Code, as well as the controlled natural person, is obliged to provide the controller with all necessary information and to provide him with:

- 1) the conditions for the smooth conduct of the checks;
- 2) providing the requested information;
- 3) allow access to the ground and to construction works, as well as to rooms and premises located in buildings;
- 4) making available and issuing the materials referred to in point 3 of paragraph 4 or other objects which may constitute evidence in the case;
- 5) to allow access to computer data carriers, devices or information systems referred to in point 3 of paragraph 4 as regards the information collected on those media, devices or systems, including e-mail correspondence.

9. The inspectors shall establish the facts on the basis of the evidence collected during the inspection, in particular documents, objects, visual inspection and oral or written explanations and statements and other information carriers.

10. The evidence referred to in paragraph 9 may be secured by:

- 1) leaving them in a separate or separate, closed and sealed room with the controlled entity;
- 2) To be stored in the premises of the Commission Office, with a receipt given to the controlled entity.

11. The Commission may, in the course of its audit, order the seizure of files, books, letters, documents, correspondence or computer media, devices referred to in paragraph 4(3) and other objects which may constitute evidence of the case, for the time necessary for the inspection, but not longer than 7 days.

12. The person holding the items referred to in paragraph 9 shall be called upon by the controller to surrender them voluntarily, and in the event of refusal, the collection may be carried out in accordance with the provisions on enforcement proceedings in the administration.

13. The decision on seizure of objects shall be subject to a complaint by persons whose rights have been infringed. The lodging of a complaint does not suspend the execution of the order.

14. To secure on-site inspections, in order to perform activities in the course of inspections, files, books, other all kinds of letters, documents, correspondence, it media, devices, as referred to in point 3 of paragraph 4 and other objects which may constitute evidence in the case, as well as the premises of the controlled entity in which those documents or objects are located, including the stamp referred to in point 9 of paragraph 4, paragraph 11-13 shall not apply.

15. The objects subject to seizure referred to in paragraph 11 shall, after examination and record of seizure, be taken or given to a trustworthy person, indicating the obligation to present them at the request of the authority conducting the proceedings.

16. The class protocol shall include:

- 1) the identification of the case with which the attachment is related;
- 2) an indication of the exact time of the start and end of the activity;
- 3) a detailed list of the items seized and, where appropriate, a description of them and an indication of the relevant provision for the attachment.

17. The attachment protocol shall be signed by the person responsible for the attachment and the representative of the controlled entity.

(18) the person carrying out the seizure is obliged to immediately give the persons concerned a receipt stating what objects and by whom they were seized, and to immediately notify the entrepreneur whose objects were seized of the seizure.

19. Seized items shall be returned as soon as they are found to be unnecessary for the proceedings, or after the competition and consumer protection court has waived the decision on seizure of items, but no later than the expiry of the period referred to in paragraph 11.

20. The controlled entity may object to the taking and execution of controls in violation of the regulations.

21. If the control concerns a natural person who does not conduct a business activity, the provisions of Article 59 of the Act of 6 March 2018 – Business Law shall apply accordingly.

Article 44 (1) the Commission may request the Police or the State Control and Law Enforcement Authority, as well as the units subordinate to and supervised by the Minister responsible for computerization, to assist in carrying out the inspection, if this is necessary for carrying out the inspection.

2. The police or the state control and law enforcement authority shall provide assistance in carrying out the inspection. Assistance provided by:

- 1) The police shall consist in ensuring order at the place of inspection and the personal safety of persons present at that place, as well as establishing the identity of persons;
- 2) the state control and law protection authority consists in establishing a violation by the controlled entity of the provisions of regulation 2024/1689 or of the act;
- 3) the units subordinate and supervised by the minister competent for computerization consist in supporting the controlling entity in determining the facts regarding the security of the artificial intelligence system and its compliance with the provisions of regulation 2024/1689.

3. The Commission applies in writing for assistance to the Provincial Police Commander competent for the place of inspection, the state control body and law protection referred to in paragraph 1, or subordinate and supervised by the minister competent for computerization at least 7 days before the planned date of initiation of the inspection. In cases of urgency, the Commission shall make a request at least 3 days before the planned date of commencement of the checks.

4. The costs incurred by the Police or the state control and law enforcement body referred to in paragraph 1, and the units subordinated and supervised by the minister competent for computerization, for the assistance granted in carrying out the control shall be borne by the Commission. These costs shall be determined at a flat rate of 1.5% of the average monthly wage and salary in the enterprise sector excluding payments of prizes from profit in the fourth quarter of the previous year, as announced by the President of the Central Statistical Office, for each aid granted.

Article 45. 1. Where, in the course of the audit, the controlled entity or the person authorized by it declares that the letters or documents disclosed during the audit, including those contained on computer storage media, in the equipment or in the information systems referred to in point (3) of Article 43(4), are:

- 1) Contain written communication between a controlled entity and an independent lawyer, legal counsel, a lawyer from the European Union within the meaning of Article 2(2) of the Act of 5 July 2002 on the provision of legal assistance by foreign lawyers in the Republic of Poland (Journal of Laws of 2020, item 823) or a person, referred to in article 2a of that act, created for the purpose of exercising the right of the controlled entity to

obtain legal protection in relation to the subject matter of the proceedings conducted by the competent authority during which the audit is carried out, or

- 2) have been drawn up solely for the purpose of exercising the right of the controlled entity to obtain legal protection from the persons referred to in point 1 in relation to the subject matter of the proceedings conducted by the competent authority during which the inspection is carried out
- the inspector shall leave those letters or documents at the place of inspection.

2. Where a declaration as referred to in paragraph 1 is made, the verifier may consult the letter or document briefly, in such a way as to determine the author, addressee, title and subject of the letter or document and the date of its preparation. The controller shall be entitled to request from the controller or the person authorized by him additional oral explanations on the declaration made and to prepare a version of the letter or document not containing the protected information in accordance with paragraph 1, if possible.

3. Where the statement of the controlled entity or the person authorized by it referred to in paragraph 1 raises doubts, the verifier shall, without delay and no later than the end of the audit, forward the letter or document concerned to the competition and consumer protection court in such a way as to provide reasonable protection against disclosure of its contents.

4. The controller shall bear the burden of proof that the letters or documents referred to in paragraph 1 meet the conditions laid down in that provision.

5. The competition and consumer protection court, having read the letters or documents referred to in paragraph 3, shall, within one month of their transmission, issue a decision on their return to the audited entity in whole or in part, if they contain the written communication referred to in paragraph 1, and fulfill the conditions set out in that provision or issue a decision to return them in whole or in part to the competent authority for the purposes of the proceedings. A court decision may be appealed to the court of second instance. The provision shall be enforceable upon its becoming final.

Article 46. 1. A draft post-control statement shall be drawn up from the checks carried out. The draft post-control statement shall be forwarded to the controlled entity.

2. The design of the post-control speech shall include at least:

- 1) indication of the scope of the control;
- 2) designation of the controlled entity,
- 3) the date of commencement and completion of the checks;
- 4) the names of the controlling persons;

- 5) a description of the conduct of the checks;
- 6) the findings of the checks carried out;
- 7) information on whether infringements or non-infringements have been identified;
- 8) a description of the facts established during the checks and other information relevant to the checks carried out, including the extent, causes and effects of the irregularities found;
- 9) information on the controlled instruction on the right to raise objections to the draft post-control statement and on the right to refuse to sign the post-control statement.
- 10) description of the annexes.

3. The controlled entity shall have the right to raise objections to the competent authority within 14 days from the date of delivery of the draft post-control statement.

4. In the event of objections referred to in paragraph 3, the verifier shall examine them and, if necessary, undertake additional checks and, if the objections are justified, amend or supplement the relevant part of the post-control statement in the form of an Annex to the post-control statement.

5. In the event of failure to comply with the reservations in whole or in part, the inspector shall inform the controlled entity thereof and give reasons thereof.

6. The post-control statement shall be signed by the controller and the person representing the controlled entity. The evidence collected during the audit is attached to the post-audit statement.

7. The control body shall make a reference to the refusal to sign the post-control statement.

8. There is no right of appeal against the post-control intervention.

9. The follow-up statement shall be made in electronic form. The post-control speech shall be accompanied by a qualified electronic signature, personal signature or a trusted profile. The control intervention shall be delivered to the controller.

Article 47. 1. The Commission may, on the basis of the information collected during the inspections, make recommendations to the audited entity.

2. There is no appeal against the post-control recommendations.

3. The audited entity shall inform the Commission within a specified period of time of implementation of the recommendations.

Article 48. If the Commission finds, on the basis of the information collected during the audit, that there may have been a violation of Regulation 2024/1689 or of the Act, it is obliged to immediately initiate the proceedings referred to in Chapter 4 of the Act.

Chapter 4

Proceedings before the supervisory authority

Article 49. 1. The Commission shall conduct infringement proceedings against Regulation 2024/1689, hereinafter referred to as ‘the proceedings’.

2. The Commission shall initiate the procedure:

- 1) ex officio;
- 2) at the request of the entity referred to in article 7(2) and (3) of the act, or
- 3) on the basis of the complaint referred to in article 50 of the act.

Article 50. 1. A natural person, a legal person or an establishment without legal personality may lodge a complaint with the Commission referred to in Article 85 of Regulation 2024/1689, concerning an infringement of the provisions of that Regulation.

2. The complaint referred to in paragraph 1 shall include:

- 1) the name, address, e-mail address or telephone number of the artificial intelligence system provider;
- 2) a description of the relevant facts and the reasons why the complainant considers that the provider of the ai system has infringed the provisions of regulation 2024/1689;
- 3) other information deemed relevant by the complainant, including, where appropriate, information collected on its own initiative.

3. The complaint referred to in paragraph 1 shall be submitted to the Commission in electronic form and, if it is not possible to submit it electronically using other available means of communication.

4. When examining a complaint referred to in paragraph 1, the Commission may cooperate with the bodies referred to in Article 6(3) of the Act, insofar as the matter concerns their jurisdiction.

Article 51. 1. Any person against whom proceedings have been initiated shall be a party to the proceedings.

2. The Commission shall decide to initiate the procedure and shall inform the parties to the procedure accordingly.

3. The proceedings may not last longer than 12 months from the date of the decision to initiate proceedings.

Article 52. 1. If in the course of the proceedings there is a need to supplement evidence, the Commission may conduct evidence proceedings to which the provisions on inspection referred to in Chapter 3 of the Act apply *mutatis mutandis*.

2. The period of taking evidence shall not be included in the time limits referred to in Article 35 of the Act of 14 June 1960 - Code of Administrative Procedure (Journal of Laws of 2024, item 572).

3. The Commission may require a party to submit a translation into Polish of the documentation submitted by the party drawn up in a foreign language. Translation of documentation the website is obliged to perform at its own expense.

Article 53. 1. In the event of a reasonable suspicion that the activities of a party are in breach of the provisions of Regulation 2024/1689, the President of the Commission may issue a warning to the party during the proceedings.

2. In the warning, the President of the Commission may indicate recommendations for the restoration of the lawful state.

3. Within 7 days of receipt of the warning, the Party shall provide the Commission with information on the implementation of the recommendations referred to in paragraph 2.

Article 54. 1. Where the Commission finds that an entity referred to in Article 2(1)(a) to (f) of Regulation 2024/1689 is in breach of the obligations arising from that Regulation 2024/1689, the Commission shall issue a decision ordering the cessation of the infringements.

2. The decision referred to in paragraph 1 may include measures requiring the removal of the effects of the breach of obligations under Regulation 2024/1689.

Article 55. 1. Where the Commission has sufficient reasons to consider that an AI system presents a risk as referred to in Article 79 of Regulation 2024/1689, it shall initiate the procedure of its own motion.

2. Where the Commission finds that an AI system poses a risk to fundamental rights, it shall inform the authorities or bodies identified in the list referred to in Article 77(2) of Regulation 2024/1689.

3. Where the Commission finds that an AI system is not in conformity with the provisions of Regulation 2024/1689, it shall issue a decision requiring the operator of that system to take any corrective action to bring that system into compliance with Regulation 2024/1689 or, if that is not possible, withdrawal of that system from the market or use within 14 days from the date of notification of the decision.

4. Where the Commission finds that an AI system poses a risk to the health, safety or protection of the fundamental rights of citizens, the Commission shall issue a decision requiring the operator of that system to withdraw the system referred to in paragraph 3 from the market or use. A Commission decision may be made immediately enforceable.

5. The measures referred to in paragraphs 1 to 4 shall be proportionate to the gravity and nature of the infringement and necessary to remedy its consequences.

6. The Commission shall inform the relevant notified body and the European Commission of its decision to order corrective action or to withdraw the system from the market or use referred to in paragraph 3.

Article 56. To the extent not regulated in this Act, the provisions of the Act of 14 June 1960 – Code of Administrative Procedure shall apply to proceedings before the Commission.

Article 57. 1. The Commission's decision is subject to appeal to the Regional Court in Warsaw – the Competition and Consumer Protection Court.

2. The procedure for appeals referred to in paragraph 1 shall be governed by the provisions of the Act of 17 November 1964 - Code of Civil Procedure (Journal of Laws of 2023, item 1550, as amended⁵⁾ regarding proceedings in cases of violation of the provisions of Regulation 2024/1689.

3. The Commission may submit to the court a view relevant to the case in cases relating to artificial intelligence where there is a public interest in so doing.

Article 58. The lodging of an appeal by a party to the court suspends the execution of the decision on the administrative penalty referred to in Chapter 7 of the Act.

Article 59. 1. Where, as a result of the proceedings, information indicating the possibility of committing a crime is revealed, the President of the Commission shall submit a notification of the suspicion of committing a crime to the competent authorities.

2. The notification of a suspicion of a criminal offense shall be accompanied by the file of the proceedings.

Article 60. 1. The file shall be kept for a period of 10 years, unless separate provisions provide for a different retention period for certain information.

⁵⁾ Amendments to the consolidated text of the said Act were announced in Journal of Laws of 2023, items 1606, 1615, 1667, 1860 and 2760 and from 2024 items 858, 859, 863, 1222 and 1237.

(2) the termination of proceedings shall not prevent it from being repeated for the same act in the event of new circumstances unknown to the President of the Commission prior to the order to close proceedings, unless there has been a limitation period for the criminal offense.

Chapter 5

Reporting of serious incidents

Article 61. 1. The provider of the artificial intelligence system shall be required to report to the Commission a serious incident occurring in connection with the use of artificial intelligence systems.

2. The report of a serious incident shall include:

- 1) details of the reporting entity, including the business name, the number in the relevant register, the registered office and the address;
- 2) the name, telephone number and e-mail address of the reporting person;
- 3) the name, telephone number and e-mail address of the person authorized to provide explanations on the information to be reported;
- 4) a description of the impact of the major incident on information systems or the provision of services, including:
 - (a) information systems or services of the notifier affected by the serious incident,
 - (b) the number of users of the information system or service affected by the serious incident,
 - (c) the moment of occurrence and detection of the serious incident and its duration,
 - (d) the geographical coverage of the area affected by the serious incident,
 - (e) the impact of a serious incident on information systems or the provision of services by other providers,
 - (f) the cause of the serious incident and the manner in which it occurred and the effects of its impact on information systems or services provided;
- 5) Information enabling the Commission to determine whether the incident concerns two or more Member States of the European Union;
- 6) information on preventive actions taken;
- 7) information on corrective action taken;
- 8) other relevant information.

3. The AI system provider shall provide the information known to it at the time of the notification, which it shall supplement in the course of handling a serious incident.

4. The supplier of the artificial intelligence system shall, to the extent necessary, communicate in the notification referred to in paragraph 2(4) information constituting legally protected secrets, including business secrets, where this is necessary for the performance of the tasks of the Commission and other competent authorities.

5. The Commission may request the supplier of the AI system to supplement the notification with information, including information constituting legally protected secrets, to the extent necessary for the performance of the tasks referred to in Law and Regulation 2024/1689.

6. In a notification, the artificial intelligence system provider shall mean information constituting legally protected secrets, including business secrets.

Article 62 the notification and the information referred to in Article 61 of the Act are transmitted to the Commission in electronic form, or in the event of the impossibility of electronic transmission by other available means of communication.

Article 63. The President of the Commission shall transmit the notification and the information referred to in Article 61 of the Act:

- 1) the digital services coordinator,
- 2) the minister responsible for information technology,
- 3) the competent authority for the protection of personal data,
- 4) THE RELEVANT CSIRT MON, CSIRT NASK OR CSIRT GOV

- excluding information constituting legally protected secrets, including those constituting a trade secret.

Chapter 6

Notified bodies and notification procedure

Article 64. 1. The minister competent for computerization shall notify the conformity assessment body at its request and in accordance with the principles set out in Article 29 and Article 30 of Regulation 2024/1689 and in the Act of 13 April 2016 on conformity assessment and market surveillance systems (Journal of Laws of 2022, item 1854 and of 2024, item 1089).

2. The authority competent to grant authorization within the meaning of Article 27(1) of the Act of 13 April 2016 on conformity assessment and market surveillance systems is the minister competent for computerization.

3. Polish Centre for Accreditation:

- 1) in cooperation with the minister responsible for computerization, draw up a detailed program for accreditation of conformity assessment bodies and update this program every 24 months, taking into account the conclusions of its ongoing implementation;
- 2) provide the minister competent for computerization with information on the applications of conformity assessment bodies for accreditation for the purposes of notification in the area of regulation 2024/1689, accreditations granted in this area, changes in the scope of accreditation and suspended or withdrawn accreditations within 14 days of the date of the decision.

4. The provisions of Chapters 4 and 5 of the Act of 13 April 2016 on conformity assessment and market surveillance systems shall apply *mutatis mutandis* to accreditation, authorization and notification of bodies participating in the conformity assessment process of the systems referred to in Regulation 2024/1689.

Article 65. 1. The conformity assessment body shall submit an application for notification of the conformity assessment body referred to in Article 64(1) of the Act to the minister competent for computerization by means of electronic communication.

2. The application referred to in paragraph 1 shall include at least:

- 1) the applicant's name, registered office and address;
- 2) determination of the scope of the application, the date of issue and the period of validity of the granted accreditation as well as its number together with the designation of the accreditation certificate.

3. The application referred to in paragraph 1 shall be accompanied by at least:

- 1) documents confirming the competence of the body, including a certificate confirming accreditation under regulation 2024/1689 based on the assessment referred to in article 43 of regulation 2024/1689;
- 2) documents proving compliance with the requirements referred to in article 31 of regulation 2024/1689;
- 3) a declaration of compliance with the requirements referred to in article 31 of regulation 2024/1689.

Article 66. 1. The minister competent for computerization performs the tasks referred to in Article 95 of Regulation 2024/1689, by issuing recommendations of best practices for the use of artificial intelligence systems.

2. The President of the Commission shall assist the Minister responsible for computerization in the implementation of the activities referred to in Article 95 of Regulation 2024/1689.

3. The minister competent for computerization, on the basis of information provided by the minister competent for science and higher education, shall, by 31 March each year, provide the Council of Ministers and the Commission with information on the required computational resources for the further development of artificial intelligence systems and the projected energy consumption in this respect.

Article 67. 1. The minister competent for computerization processes information constituting legally protected secrets, including business secrets, when it is necessary for the performance of tasks referred to in Regulation 2024/1689 and the Act.

2. The minister competent for computerization shall provide the information referred to in paragraph 1 to law enforcement authorities in connection with an event that is full of the elements of a crime.

Article 68. In respect of other matters referred to in Chapter 6 of the Act, in matters not regulated by this Act, the provisions of the Act of 13 April 2016 on conformity assessment and market surveillance systems shall apply.

Article 69. 1. The Minister responsible for computerization shall, for the tasks referred to in Chapter 6, determine, by way of an order, the requirements referred to in Article 70 of Regulation 2024/1689, and shall evaluate and update them annually.

2. If it is found that the state of resources referred to in paragraph 1 is not adequate, the minister competent for computerization shall take measures to meet the requirements referred to in paragraph 1.

3. The minister competent for computerization shall transmit the report referred to in Article 70(6) of Regulation 2024/1689 to the European Commission in electronic form, in accordance with the rules set out in Article 70(6) of that Regulation.

Chapter 7

Administrative fines and criminal penalties

Article 70 1689. 1. The Commission shall, by decision, impose an administrative fine on the subject of and under the conditions laid down in Article 99 of Regulation 2024/1689.

2. In the grounds for its decision, the Commission shall state the grounds set out in Article 99(7) of Regulation 2024/1689, on which it has based itself in imposing an administrative fine and setting its amount.

3. The equivalent in euro of the amounts referred to in Article 99 of Regulation 2024/1689, shall be calculated in PLN according to the average euro exchange rate published by the National Bank of Poland in the exchange rate table as at 28 January of each year, and in the case of if in a given year the National Bank of Poland does not announce the average euro exchange rate on 28 January – according to the average euro exchange rate announced in the National Bank of Poland exchange rate table next to that date.

4. The Commission may waive the imposition of an administrative penalty if the entity has complied with the recommendations contained in the warning referred to in Article 53 of the Act and the infringement has not caused harm to the public interest.

Article 71. 1. In connection with the ongoing proceedings, the entity referred to in Article 70(1) of the Act is obliged to provide the Commission, within 14 days of receipt of the request, with the data necessary to determine the basis for the administrative penalty.

2. In the event that the data is not provided by the entity referred to in Article 70(1) of the Act, or when the data provided by that entity makes it impossible to determine the basis for the administrative penalty, the Commission shall determine the basis for the administrative penalty in an estimated manner taking into account the size of the entity, the specific nature of its business or publicly available financial data concerning the entity.

Article 72. The appropriations from the administrative fine shall constitute revenue of the State budget.

Article 73. 1. The administrative fine shall be paid within 14 days of the expiry of the time limit for lodging an appeal or from the date of the final decision of the court.

2. The Commission may, at the request of the penalized entity, postpone the date of payment of the administrative fine or distribute it in installments, on the grounds of the applicant's important interest.

3. The request referred to in paragraph 2 shall be accompanied by a statement of reasons.

4. In the case of postponement of the date of payment of the administrative penalty payment or its distribution in installments, the Commission shall charge interest on the unpaid amount on an annual basis, using a reduced rate of interest for late payment, published pursuant

to Article 56D of the Act of 29 August 1997 - Tax Ordinance, from the day following the date of submission of the application.

5. Where the administrative penalty payment is spread over installments, the interest referred to in paragraph 4 shall be charged separately for each installment.

6. In the event of failure to meet the deferred date of payment of the administrative penalty or the date of payment of its installments, interest shall be calculated for the period from the date of expiry of the deferred period of payment of the penalty or the date of payment of individual installments.

7. The Commission may waive the deferral of the period for payment of the administrative fine or its installment if new or previously unknown circumstances relevant to the decision have become apparent or if the installment has not been paid within the time limit.

8. The decision on the postponement of the date of payment of the administrative penalty or its distribution in installments shall be made by way of a decision.

9. The Commission may, at the request of a penalized economic operator, grant relief for the enforcement of the administrative penalty referred to in paragraph 2 which:

- 1) it does not constitute public aid;
- 2) Constitutes de minimis aid or de minimis aid in agriculture or fisheries – to the extent and in accordance with the principles set out in the directly applicable provisions of European Union law on de minimis aid;
- 3) Constitutes State aid compatible with the internal market of the European Union, the admissibility of which has been determined by the competent authorities of the European Union.

Article 74. The Commission may make the decision immediately enforceable where an important interest so requires.

Article 75. 1. The decision to impose an administrative **pecuniary penalty** may be appealed to the Regional Court in Warsaw – the competition and consumer protection court.

2. The procedure for appeals referred to in paragraph 1 shall be governed by the provisions of the Act of 17 November 1964 - Code of Civil Procedure (in the scope of proceedings in cases of violation of the provisions of Regulation 2024/1689).

Article 76. Within the scope specified by the provisions of this chapter, the provisions of Article 189D, Article 189f and Article 189k of the Act of 14 June 1960 - Code of Administrative Procedure shall not apply.

Article 77. To the extent not regulated in this Act and in the Act of 14 June 1960 – Code of Administrative Procedure the provisions of Chapter III of the Act of 29 August 1997 – Tax Ordinance shall apply *mutatis mutandis* to fines imposed by the Commission on the basis of infringements of Article 5 of Regulation 2024/1689. the powers of the tax authorities laid down in those rules are vested in the Commission.

Article 78. 1. Anyone who thwarts or hinders the control referred to in Chapter 3 of the Act, is subject to a fine of up to PLN 500 000, a penalty of restriction of liberty or imprisonment of up to two years.

(2) the same penalty shall be imposed if, in connection with the ongoing proceedings for the imposition of an administrative penalty, he does not provide the data necessary to determine the basis for the administrative penalty or provides the data which makes it impossible to establish the basis for the administrative penalty.

Article 79. Anyone who impedes or impedes the conduct of an act in the proceedings referred to in Chapter 4 of the Act shall be subject to a fine of up to PLN 500 000, a penalty of restriction of liberty or imprisonment of up to two years.

Chapter 8

Changes in existing legislation

Article 80. The Act of 17 November 1964 - Code of Civil Procedure (Journal of Laws of 2023, item 1550, as amended⁶⁾) is amended as follows:

1) in article 17, in point 45, the dot is replaced by a semicolon and the following point 46 is added:

‘(46) for claims resulting from infringements of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonized rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 2013/2013, (EU) No 168/167, (EU) 2019/2144/858, (EU) 2018/1139 and (EU) 2018 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Official Journal of the European Union L. of 12.07.2024), hereinafter referred to as ‘Regulation 2024/1689’.’;

2) In Title VII, the following Chapter IVFA is inserted after Chapter IVF:

⁶⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws of 2023, items 1606, 1615, 1667, 1860 and 2760 and from 2024 items 858, 859, 863, 1222 and 1237.

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Article 47988a Regional Court in Warsaw - the Competition and Consumer Protection Court has jurisdiction in appeals against decisions of the Committee on Development and Security of Artificial Intelligence referred to in the Act of ... about artificial intelligence systems.

Article 47988b an appeal against the decision of the Committee on the Development and Security of Artificial Intelligence shall be brought through it to the competition and consumer protection court within one month of the date of notification of the decision.

§ 2. The court for competition and consumer protection rejects an appeal lodged after the expiry of the time limit for lodging it, inadmissible for other reasons, and also if the deficiencies of the appeal have not been remedied within the prescribed period.

Article 47988c(1) the Committee on the Development and Security of Artificial Intelligence shall immediately refer the appeal and the file to the court.

§ 2. If the Artificial Intelligence Development and Security Committee takes full account of the appeal, it may, without forwarding the file to the court, issue a new decision, in which it repeals or amends its decision, of which it shall immediately notify the party by sending it a new decision against which the appeal is sought.

Article 47988D an appeal against the decision of the Committee on the Development and Security of Artificial Intelligence shall satisfy the requirements prescribed for the pleadings and include an indication of the contested decision and the value of the subject-matter of the dispute, a statement of objections, a concise statement of reasons thereof, an indication of the evidence and a request for the decision to be revoked or amended in whole or in part.

Article 47988e § 1. In cases of violation of the provisions of Regulation 2024/1689 there are also the Committee on Development and Security of Artificial Intelligence and interested.

§ 2. The person concerned is the one whose rights or obligations depend on the outcome of the trial. If the person concerned has not been called upon to participate in the case, the competition and consumer court shall call him at the request of a party or of its own motion.”

Article 81. In the Act of 21 August 1997 on limiting the conduct of business by persons performing public functions (Journal of Laws of 2023, item 1090) in Article 2, the following point 3D is inserted after point 3c:

‘(3d) The Chairman and Deputy Chairman of the Committee on Development and Security of Artificial Intelligence and the Director of the Office of the Committee on Development and Security of Artificial Intelligence;’.

Article 82 in the Act of 16 December 2016 on the principles of management of state property (Journal of Laws of 2024, items 125 and 834) in Article 3, paragraph 1, point 33, the dot is replaced by a semicolon and the following point 34 is added:

‘(34) Office of the Committee on Development and Security of Artificial Intelligence.’

Chapter 9

Transitional, adaptation and final provisions

Article 83. 1. A Committee on the Development and Security of Artificial Intelligence shall be established.

2. The Prime Minister shall, within 7 from the date of entry into force of the Act, announce a competition for the President of the Commission.

Article 84.1. The Office of the Committee on Development and Security of Artificial Intelligence is established.

2. The minister competent for computerization shall appoint, by way of an order, on the day of entry into force of this Act, the Representative for the Organization of the Commission Bureau, hereinafter referred to as the “Representative”, specifying the detailed scope of his tasks and the means necessary for their implementation.

(3) a representative shall carry out tasks relating to the establishment and organization of the Commission Office and may issue orders for this purpose.

4. Until the date of appointment of the Director of the Commission Office, the Representative shall perform the tasks referred to in paragraph 3 with the help of a separate organizational unit of the office serving the minister competent for computerization indicated in the ordinance referred to in paragraph 2.

5. The tasks of the Representative shall be to organize the Commission's Bureau, to recruit staff and to take the other steps necessary for the Commission's Bureau, the President of the Commission and the Commission to commence their activities.

5. Upon appointment of the Director of the Commission Office no later than within 12 months of the date of entry into force of the Act, the Representative shall cease his activity.

(6) during the term of office, the representative shall perform the duties of the Director of the Commission Office in accordance with the rules laid down by law.

7. Supervision over the activities of the Plenipotentiary is exercised by the minister competent for it matters.

Article 85. The first recruitment of the Commission Office's staff shall take place within 3 months from the date of entry into force of this Act.

Article 86. Within 60 days from the date of entry into force of this Article, the proxy shall draw up and submit for approval to the Prime Minister the draft financial plan of the Commission Office for the period from the date of entry into force of the Act to 31 December 2025. The approved financial plan shall be forwarded to the minister responsible for matters public finance and for the attention of the minister for information technology.

Article 87. 1. The maximum limit of expenditure from the state budget resulting from the entry into force of this Act is:

- 1) in 2025 - pln 8.0 million;
- 2) in 2026 - pln 21.0 million;
- 3) in 2027 - pln 31.1 million;
- 4) in 2028 - pln 31.1 million;
- 5) in 2029 – pln 31.1 million;
- 6) in 2030 - pln 31.1 million;
- 7) in 2031 - pln 31.1 million;
- 8) in 2032 - pln 31.1 million;
- 9) in 2033 - pln 31.1 million;
- 10) in 2034 – pln 31.1 million;
- 11) in 2035, \$31.1 million

2. In the event of exceeding or threatening to exceed the maximum expenditure limit set out in paragraph 1 for a financial year, a corrective mechanism shall be applied to limit the costs in kind incurred by the Commission Office in carrying out its statutory tasks.

3. The authority competent to implement the corrective mechanism referred to in paragraph 2 shall be the President of the Commission.

4. The authority competent to monitor the use of the spending limit referred to in paragraph 2 shall be the Prime Minister.

5. The minister competent for computerization shall receive information from the results of monitoring the use of the expenditure limit, the threat of exceeding the expenditure limit adopted for the financial year and the implementation of the corrective mechanism.

Article 88 the law shall enter into force 14 days after publication, with the exception of Articles 83 and 84, which shall enter into force on the day following publication.

FOR LEGAL COMPLIANCE,
LEGISLATIVE AND EDITORIAL
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At the Ministry of Digital Affairs