

619
ACT
of 30th April, 2010
on the Polish Academy of Sciences

Section 1
General Provisions

Article 1 1. The Polish Academy of Sciences, hereinafter referred to the "Academy", is a state scientific institution.

2. The Academy operates through:

- 1) bodies and a corporation of the Academy members;
- 2) research institutes and auxiliary research units established by the Academy, hereinafter referred to as "research units of the Academy";
- 3) other units established by the Academy.

Article 2 1. The Academy serves the development, promotion, integration and dissemination of research and enhances the development of education and contributes to the national heritage.

2. Tasks of the Academy comprise in particular the following:

- 1) execution of research and development works;
- 2) supporting the development of persons about to commence their career in research, as specified in Article 2 item 3 of the Act on the National Science Centre of 30th April 2010 (Dz. U. No. 96, item 617);
- 3) education in PhD programmes, post-graduate studies and other forms of studies;
- 4) formulation of ethical rules in science;
- 5) presentation of opinions and programmes related to scientific issues and the application of results of research and development works in practice;
- 6) drawing up opinions, assessments, expert appraisements and forecasts related to issues of importance for planning and implementation of the state policy at the request of the President of the Republic of Poland, the Speaker of the Sejm, ministers or central government administration bodies or on its own initiative;
- 7) issuance of opinions related to draft laws concerning science, its applications and education;
- 8) cooperation with higher education institutions, research institutes and learned societies, especially with respect to the implementation of research and development works;
- 9) cooperation with the social and economic milieu with respect to research and development works for needs of their deployment;
- 10) development of scientific cooperation by establishment of scientific consortia and the execution of research projects jointly with foreign partners.

11) participation in international scientific organisations and research programmes, as well as cooperation with foreign scientific institutions;

12) conclusion of agreements on scientific cooperation with international scientific organisations and foreign scientific institutions.

3. Tasks specified in clause 2 items 1-3 and 8-10 are performed by the research units of the Academy, and tasks specified in clause 2 items 4-7, 11 and 12 are carried out by the bodies and by corporation of the Academy members.

Article 3 1. The Academy has a legal personality.

2. The Academy has its registered seat in the capital city of Warsaw,

3. The Academy is using a round seal with the emblem of the Republic of Poland in the midst and the inscription "The Polish Academy of Sciences" in the rim.

Article 4 1 The scope and method of operation of the Academy and the corporation of the Academy members is defined by the Statutes of the Academy.

2. The Statutes and their changes are adopted by the General Assembly of the Academy. Those resolutions are subject to approval by the Prime Minister.

Article 5 1. The Prime Minister exercises supervision over the Academy, including also the research units and other entities of the Academy with respect to the conformity of the operation of their bodies to regulations contained in the Act, the Statutes of the Academy or statutes of research units, excluding the financial economy. The President of the Academy submits to the Prime Minister annual reports on activity of the Academy and a financial statement including an opinion from examination of the financial statement to the minister relevant for scientific issues.

2. The Prime Minister can repeal a resolution taken by bodies of the Academy, which does not concern the execution of research and development works, if it is found to be inconsistent with regulations contained in the Act or the Statutes of the Academy. An application concerning repeal of a resolution taken by bodies of the Academy, related to the financial economy, is submitted to the Prime Minister by the minister relevant for science. Repeal of a resolution takes place through an administrative decision within a period of 3 months since the date of learning of the resolution being taken.



Article 6. The terms used in the Act shall have the following wording:

- 1) research - also fine arts and artistic creation;
- 2) degrees and academic titles - also degrees and academic titles in fine arts.

Section 2
Members of the Academy

Article 7 1 Members of the Academy are nominated by the General Assembly of the Academy from among scholars distinguished by special scientific accomplishments and recognised authority in the scientific milieu; furthermore, they must have an impeccable opinion.

2. Candidates for members of the Academy can be accepted only if they have obtained recommendations in writing of:

- 1) three members of the Academy or
- 2) scientific council of the scientific institute or research institute which is empowered to conferring the degree of assistant professor, or
- 3) the faculty council of the university empowered to conferring the degree of assistant professor, or
- 4) five persons with special scientific achievements and recognised authority, among who at least one person is employed abroad as professor or on a post of an equal level, and the remaining ones hold the scientific title of a professor conferred in the Polish Republic.

3. Procedures for putting forward candidatures along with the required recommendations and the method and procedures for electing members of the Academy have been accepted by the General Assembly of the Academy.

Article 8 1. The Academy is composed of national members: ordinary and corresponding members, as well as foreign members.

2. A person of a Polish nationality may become a national member

3. A person without a Polish nationality may become a foreign member

4. Foreign members may not hold functions by appointment.

5. A national member, who has renounced the Polish nationality, may obtain the status of a foreign member of the Academy through a resolution of the General Assembly of the Academy in a way specified in the rules presented in Article 7 section 3.

6. A foreign member, who has obtained the Polish nationality, may obtain the status of a national member of the Academy through a resolution of the General Assembly of the Academy in a way specified in the rules presented in Article 7 section 3.

Article 9 1. Membership in the Academy is held for

2. A member of the Academy shall lose the

member status if such member is convicted by a legally binding sentence for an intentional offence or a fiscal offence.

3. A member of the Academy can be deprived of the member status in the event of a violation of ethics in research. A resolution on this issue is taken by the General Assembly of the Academy by the majority of two-thirds of votes.

4. A member of the Academy may give up the membership.

5. Rules related to the loss of membership, deprivation of the member status or resignation from membership in the Academy are specified in the by-laws specified in Article 7 clause 3.

Article 10. The number of national members of the Academy is set at no more than three hundred and fifty.

Article 11. 1. A national member of the Academy participates in the execution of basic tasks of the Academy, and in particular:

- 1) participates in works of the General Assembly of the Academy, of the relevant faculty, division, scientific and problem committee;
- 2) helps propagate scientific outcome.

2. A national member of the Academy can participate in the works of the scientific council of the research institute in the Academy.

3. A national member of the Academy submits an annual report on his or her activity to the vice-president of the Academy, who supervises the work of the faculty relevant with view to the scientific speciality of the Academy member.

4. A national member of the Academy older than 70 obtains the senior member status. An Academy member with the senior member status may participate in works of the Academy without the passive election rights under functions executed based on the employment relationship, and may not participate in works of council of division provosts as specified in Article 28 section 3.

5. An Academy member, who obtains the senior member status while fulfilling functions under appointment in the Academy continues to fulfil his or her function until the end of the term of office.

Article 12 1. A national member of the Academy receives monthly remuneration, which is a benefit independent of income obtained from other sources. This remuneration is not taken into consideration in the calculation of the due pension amount or disability pension, and will not lead to suspension or reduction of the retirement pension or pension.

2. Should a national member of the Academy be found not to execute its duties specified in Article 11 clause 1 and 3 without due justification, at the request of the vice-president of the Academy who supervises the work of the division relevant for the given scientific specialisation the President of the Academy may suspend the payment of remuneration. An appeal may be made against a decision on suspension of



remuneration to the Presidium of the Academy.

3. The minister responsible for issues related to science shall determine the value of remuneration specified in clause 1 by way of a decree, allowing for the scope of obligations executed by members of the Academy.

Section 3 Bodies of the Academy

Article 13. Bodies of the Academy comprise the following:

- 1) General Assembly of the Academy;
- 2) Presidium of the Academy;
- 3) President of the Academy;
- 4) Chancellor of the Academy.

Article 14 1. The supreme body of the Academy is the General Assembly of the Academy.

2. National members of the Academy participate in the General Assembly of the Academy with a casting vote.

3. Resolutions of the General Assembly of the Academy are adopted by the common majority of votes at the presence of at least half the national members, unless the Statutes of the Academy provide otherwise.

Article 15 1. The General Assembly of the Academy determines the directions of activity of the Academy and exercises supervision over its activity, and also adopts resolutions in this respect which are binding for other bodies of the Academy.

2. The General Assembly shall, in particular:

- 1) elect members of the Academy;
- 2) elect the Academy President from among national members of the Academy;
- 3) elect vice presidents of the Academy from among national members representing different scientific specialisations; the candidates for those posts are proposed by the President of the Academy;
- 4) accept annual financial statements with an opinion from an audit of the financial statement, and the report on statutory activities of the Academy submitted by the President of the Academy;
- 5) accept results of audits with instructions concerning the implementation of recommendations submitted by the President of the Academy;
- 6) may appoint temporarily or permanently committees for needs of drawing up draft resolutions of the General Assembly of the Academy in issues specified in the resolution on the appointment of the given committee;
- 7) elect the audit committee;
- 8) delimit strategic development directions of the Academy;

9) elect the committee on scientific ethics;

10) ratify the code of ethics for researchers presented by the committee on scientific ethics.

3. The General Assembly of the Academy adopts rules for election of the President and vice-presidents of the Academy, and defines the rules and guidelines for

putting forward of candidatures, execution of the elections and additional elections during the term of office.

4. The General Assembly of the Academy can take a standpoint on issues crucial for the Nation and the State.

Article 16 1. The General Assembly of the Academy is headed by the President of the Academy.

2. The President of the Academy convenes sessions of the General Assembly of the Academy at least twice a year.

3. The President of the Academy convenes a session of the General Assembly of the Academy at the request of at least one-fifth of the national members of the Academy, which may not take place later than within a period of 30 days since receiving the application.

Article 17 1. The Presidium of the Academy is composed of:

- 1) President of the Academy;
- 2) vice presidents of the Academy;
- 3) one representative of each of the faculties elected by the General Assembly of the Academy;
- 4) presidents of territorial branches of the Academy;
- 5) representatives of directors of research units of the Academy;
- 6) chairs of the councils of provosts;
- 7) Chancellor of the Academy.

2. The President of the Academy is the chairperson of its Presidium.

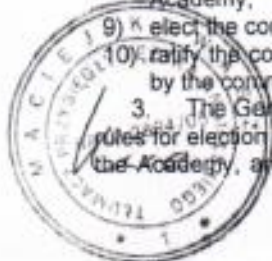
3. Representatives of government administration bodies may be invited to sessions of the Presidium of the Academy with an advisory vote, as well as representatives of parliamentary commission relevant for the scope of activity of the Academy, provided that their scope of activity is connected with operation of the Academy.

Article 18 1. The term of office of the Presidium of the Academy comprises a period of 4 years and starts at the beginning of the calendar year.

2. Should any changes be made to the personnel of the Presidium of the Academy during the given term of office, the period of fulfilment of functions by the elected persons ends with the expiry of the term of office of the given Presidium.

3. The Presidium of the Academy adopts resolutions by a common majority of votes at the presence of at least half the members of the Presidium.

Article 19 1. In the period between sessions of the General Assembly of the Academy the Presidium of the Academy performs tasks specified in Article 15 clause 1 and supervises the execution of tasks by research units and other units of the Academy in a way which has to be consistent with regulations of the Act, the Statutes of the Academy and resolutions adopted by the General Assembly of the Academy. In this respect the Presidium of the Academy issues relevant recommendations.



2. The Presidium of the Academy;
 - 1) defines development programmes of the Academy and appraises the degree of their implementation;
 - 2) adopts proposal concerning the draft state budget within the scope foreseen for the Academy in the state budget part at the disposal of the minister of science and higher education;
 - 3) approves financial plans of the Academy and examines reports on their implementation;
 - 4) examines opinions, appraisals, expert appraisements and forecasts as specified in Article 2 clause 2 item 6 submitted on behalf of the Academy;
 - 5) adopts the agenda for a session of the General Assembly of the Academy;
 - 6) issues opinion on bills related to science and education;
 - 7) adopts resolutions on issues reserved in the Act and Statutes of the Academy to competencies of the Presidium of the Academy.

Article 20 The Presidium of the Academy may appoint advisory commissions and teams for a finite period. Advisory commissions and teams shall operate no longer than until the end of the term of office of the Presidium of the Academy.

Article 21 1. The President and vice-presidents of the Academy are elected for a period of 4 years and may fulfil their functions no longer than for two terms of office. Based on the selection, the Prime Minister appoints the President and the vice-presidents of the Academy.

2. If no President of the Academy is appointed as the term of office progresses, the hitherto President and the vice-presidents of the Academy continue to fulfil their functions until the time of new elections, but no longer than for 6 months.

3. Should any changes be made to the position of the Chancellor of the Academy during the given term of office, the period of fulfilment of functions by the elected person ends with the expiry of the said term of office.

4. The President of the Academy determines the scope of tasks for the vice-presidents of the Academy, under which they replace the President of the Academy, and chooses a vice-president who is going to act as the President during his absence, which may not be longer than 6 months.

5. Should the President of the Academy be absent as a consequence of permanent disability preventing him from executing the entrusted function, the vice-president of the Academy nominated in accordance with provisions contained in clause 4 announces supplementing elections and convenes the General Assembly of the Academy.

6. During the term of office the President and vice-presidents of the Academy may not act as directors or deputy directors in research units of the Academy, or fulfil the function of rector, pro-rector, dean of division and pre-dean of division in universities.

Article 22 1. The President of the Academy manages the operation of the Academy and submits on

its behalf statements of will in issues not reserved for the Chancellor of the Academy.

2. Statements of will in issues that give rise to financial consequences are submitted by the President of the Academy jointly with the Chancellor of the Academy.

3. The President of the Academy assures ongoing supervision over research units of the Academy and other units of the Academy, and coordinates the operation of divisions of the Academy, as specified in Article 27 item 1.

4. The President of the Academy has the right to issue administrative decisions within a scope defined in the Act. An application may be submitted for re-examination of the case from decisions issued by the President of the Academy according to regulations of the Code of Administrative Proceedings.

5. Should such a need arise, the President of the Academy may appoint advisory commissions and teams, defining their composition and the period of their operation, which may not be longer than until the end of the term of office of the President of the Academy.

Article 23 1. The Chancellor of the Academy is appointed by the Chairman of the Council of Ministers at the request of the President of the Academy.

2. Principles for election of a candidate for the Chancellor of the Academy are defined by the by-laws approved by the Presidium of the Academy.

3. The Chancellor of the Academy shall fulfil his full-time function for a period of 4 years.

4. The term of office of the Chancellor of the Academy is the same as that of the President of the Academy.

5. Should any changes be made to the position of the Chancellor of the Academy during the given term of office, the period of fulfilment of functions by the elected person ends with the expiry of the said term of office.

6. The Chancellor of the Academy may not:

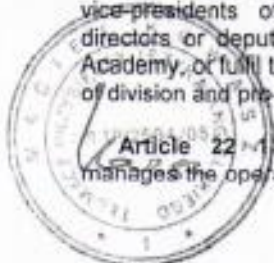
- 1) concurrently fulfil another function in the Academy arising from elections;
- 2) take up additional employment without prior approval of the President of the Academy.

7. The Chancellor of the Academy is responsible for the finance economy of the Academy within the scope specified in the Act, the Statutes of the Academy and by the President of the Academy.

8. The Chancellor of the Academy shall be held liable for his or her activity before the President of the Academy.

Article 24 1. The Chancellor of the Academy submits on behalf of the Academy statements of will with respect to real estate management and in relation to the Academy budget, and shall be responsible for management of the assets and for financial results of the Academy operation. The Chancellor of the Academy is responsible for the management of real estate belonging to the Academy according to rules specified in Article 72 clause 1.

2. The Chancellor of the Academy administers



components of fixed assets of the Academy, the market value of which does not exceed the equivalent in zloty of Euro 20,000. The disposal by the Chancellor of the Academy of components of fixed assets of the Academy the market value of which exceeds the equivalent in zloty of Euro 20,000 requires obtaining the approval of the President of the Academy.

3. The disposal of components of fixed assets of the Academy, the market value of which exceeds the equivalent in zloty of Euro 20,000, is subject to regulations of Article 5a-5c of the Act on rules for execution of rights due to the Treasury of 8th August 1996 (Dz. U. No. 106, item 493, as later amended 11¹).

4. Legal activities, the performance of which led to violation of regulations contained in clauses 2 and 3, shall be invalid.

Article 25 1. The President of the Academy commissions the execution of an external audit on the operation of the Main Office of the Academy once every 4 years.

2. At the motion of the President of the Academy the Prime Minister may recall the Chancellor of the Academy from the post if:

- 1) an external audit or state auditing bodies find that he or she violates the law, or
- 2) the President of the Academy finds that the Chancellor of the Academy fails to execute his or her duties as required.

3. In justified cases the President of the Academy may commission the execution of an audit in a research unit of the Academy or in another unit of the Academy.

4. After completion of the audit the President of the Academy submits to the minister of science and higher education results of the audit along with the standpoint of the Presidium of the Academy without undue delay.

5. The President of the Academy selects an entity authorised to execute audits in the Academy or in the research unit according to regulations on public procurement.

Article 26 The administrative services of the Academy are performed by the Main Office of the Academy, which is subordinated to the President of the Academy.

2. The Chancellor of the Academy manages the on-going activity of the Main Office of the Academy.

3. Specific tasks of the Chancellor of the Academy and the Main Office of the Academy are defined by regulations adopted by the Presidium of the Academy at the motion of the President of the Academy.

4. Regulations on employees of state authorities shall be applicable to the personnel of the Main Office of the Academy.

Section 4 Corporation of the Academy members

Article 27 The corporation of the Academy members comprises the following:

- 1) divisions, a maximum of five;
- 2) territorial branches;
- 3) scientific committees;
- 4) task force committees;
- 5) the Young Academy;
- 6) the Commission on Research Integrity;
- 7) the audit committee.

Article 28 1. The number and names of divisions of the Academy are specified by its Statutes.

2. Each member of the Academy, appropriately to the represented specialty, is ascribed to one of the divisions.

3. The members of the Academy in each division join the councils of division provosts for the scientific institutes or centres, which have been specified in Article 57, the scientific activity of which conforms to the scope of activity of the given division. At the request of the Presidium of the Academy, the President of the Academy appoints to each of the councils of division provosts distinguished scholars representing the foreign scientific milieu, and two distinguished Polish scientists who are not members of the Academy.

4. Tasks of the councils of division provosts comprise the following:

- 1) execution of periodical evaluations of scientific institutes for needs of the Academy and its bodies, including the appointment of national and international auditors and the examination of their reports;
- 2) applying to the Academy President with requests for the establishment, merger, division, reorganisation, transformation or closing down of a scientific institute;
- 3) organisation of competitions for the position of a director of a scientific institute, including the appointment of a competition committee;
- 4) evaluating the scientific committees.

5. The councils of division provosts selects a chair and its deputy from among its members. The term of office of the chairs of councils of division provosts and his or her deputy comprises a period of 4 years. On the basis of the appointment the Academy President takes up the employment relationship with the chair and deputy chair of the board of provosts.

6. Principles of functioning of the councils of division provosts and the procedures for the election of its chair and the deputy are defined by rules adopted by the council of division provosts.

Article 29 Supervision over the activity of the division is carried out by the vice-president of the Academy, indicated by the Academy President, in accordance with the represented scientific specialisation.

Article 30 1 The division participates in the execution of tasks of the Academy in scientific



Modifications of the harmonised text of the cited act were published in Dz. U. of 1997 No. 196, item 775; of 1997 No. 106, item 673, No. 115, item 741 and No. 141, item 943; of 1998 No. 158, item 1014; of 2000 No. 48, item 500; of 2001 No. 4, item 29; of 2002 No. 25, item 258 and No. 240, item 2055; of 2004 No. 99, item 1001, No. 723, item 1291 and No. 273, item 2703; of 2005 No. 162, item 1417 and No. 105, item 750; of 2008 No. 107, item 721 and of 2009 No. 157, item 1241 and No. 206, item 1590.

disciplines covered by the scope of its activity.

2. The division coordinates the activity of scientific institutes covered by the scope of its activity, and in particular it issues opinions on conclusions drawn from the periodical evaluation of scientific institutes of the Academy, which was specified in Article 28 clause 4 item 1, and cooperates with the Main Office of the Academy with respect to assuring properties for needs of the existing and new research units and other units of the Academy.

3. The division coordinates and supervises the activity of scientific committees comprised by the scope of its activity.

4. Adoption of resolutions by the division shall be subject to regulations contained in Article 14 clause 3.

Article 31. 1. A territorial branch may be established to allow the execution of tasks of the Academy in the given region of Poland.

2. Members of the territorial branch may comprise national members having a place of residence or employment in the given region of Poland, as well as other national members who declare their intention of participating in work of the territorial branch.

3. The establishment and the closing down of a territorial branch require a resolution to be adopted by the General Assembly of the Academy, approved by the minister of science and higher education.

4. Bodies of the territorial branch comprise the president of the territorial branch and the presidium of the territorial branch.

5. The presidium of the territorial branch comprise: the president of the territorial branch, the deputies and other persons appointed by the members, who have been specified in clause 2.

6. The assembly of members of a territorial branch elects the presidium and the president of the territorial branch for a 4-year term of office. Principles for election of the presidium and the president of the territorial branch are determined by the regulations adopted by the assembly of the members of the territorial branch. On the basis of the election the Academy President takes up an employment relationship with the president of the territorial branch.

7. The president of the territorial branch may fulfil this function no longer than for two subsequent terms of office.

8. The organisation and the detailed scope of operation of the territorial branch and tasks of its bodies, which have been specified in clause 4, are defined by the Statutes of the territorial branch adopted by the Presidium of the Academy.

9. The scope of operation of the territorial branch comprises in particular the following:

- 1) integration of the scientific life and cooperation with all scientific institutions in the given region of Poland;
- 2) cooperation with bodies of the territorial self-government and bodies of government administration in the given region, in particular by drawing up expert appraisements for those bodies;
- 3) obtaining European funds and other financial

resources from foreign sources for purposes of the execution of research and development works, in particular concerning regional issues;

- 4) launching and implementation of international scientific cooperation with regions of the European Union member states and with other countries neighbouring with the Republic of Poland;
- 5) dissemination and promotion of results of research and development works;
- 6) cooperation with the Main Office of the Academy with respect to real estate management.

10. The Main Office of the Academy assures administrative services for needs of the territorial branch.

Article 32. The minister of science and higher education defines by way of a decree the remuneration level of presidents of territorial branches, as well as the chairs and vice-chairs of the councils of division provosts, allowing for the qualifications of particular persons, the fulfilled functions and the scope of duties implemented by those persons.

Article 33. The scientific committee is a self-governing representation of a discipline or related scientific disciplines operating with view to the integration of scholars from the entire Poland.

Article 34. The General Assembly of the Academy establishes scientific committees, and determines divisions they are to cooperate with.

Article 35. 1. The scientific committee comprises national members of the Academy in accordance with their scientific specialisation or persons elected by the relevant scientific milieu.

2. Bodies of the scientific committee comprise the chairman of the scientific committee and the presidium of the scientific committee.
3. The presidium of the scientific committee comprises: the chairman of the scientific committee, the deputies and other persons elected by members of the scientific committee.
4. The chairman of the scientific committee is appointed by the Presidium of the Academy.
5. The scientific committee can appoint to it specialists from various fields of economic and social life and practical application of science.
6. The term of office of the scientific committee and its bodies is 4 years and starts as of the first meeting during which new members participate.
7. The chairman of the scientific committee may fulfil this function no longer than for two subsequent terms of office.
8. The chairman of the scientific committee who is not a member of the Academy participates in meetings of the relevant division without having the casting vote.
9. The rules for election of members of the scientific committee and its bodies are defined by the rules adopted by the Presidium of the Academy.



Article 36. 1. Tasks of the scientific committee comprise in particular the following:

- 1) assessment of significant problems of the represented discipline or related scientific disciplines and organisation for that purpose of debates, discussions and scientific conferences;
- 2) dissemination of results of debates, discussions and scientific conferences specified in item 1;
- 3) performing the assessment of the state and needs of the represented discipline or of the related scientific disciplines and of scientific institutions, on their own initiative or at the request of one of the Academy bodies;
- 4) drawing up opinions, appraisals, expert opinions and scientific forecasts concerning the represented discipline or related scientific disciplines;
- 5) cooperation with scientific bodies and institutes of the Academy in the support of the development of persons starting their scientific career;
- 6) cooperation in the implementation and dissemination of results of research and development works;
- 7) caring for the representative contribution of Polish science in the development of global science, also by the development of international cooperation;
- 8) development of multidisciplinary scientific studies jointly with other scientific committees, on their own initiative or at the request of one of the Academy bodies;
- 9) evaluation of scientific publications.

2. The activity of the scientific committee is subject to evaluation once during the term of office. The vice-president of the Academy who supervises the activity of the division with which the scientific committee is cooperating, requests the performance of an evaluation by the councils of division provosts after the lapse of 2 years since the beginning of the term of office.

Article 37. 1. The task force committee may be established by the Presidium of the Academy at the motion of the President of the Academy.

2. A resolution of the Presidium of the Academy on the establishment of the task force committee defines its tasks and the organisational structure.

3. The chairman and members of the task force committee are appointed by the Presidium of the Academy.

4. The task force committee may operate at the Presidium of the Academy or at the division.

Article 38. 1. The Young Academy is established to promote research and development works carried out by outstanding young representatives of Polish science.

2. The specific rules for the election of members and bodies of the Young Academy, the scope of its operation and the organisational structure are defined by the Statutes of the Academy.

3. The Young Academy comprises no more than 10% of the statutory number of national members of the Academy.

Article 39. 1 The Commission on Research Integrity expresses opinions on issues concerning the violation of ethical rules in science by an employee of a university, research unit of the Academy or the research institute, which was specified in the Act on research institutes of 30th April 2010 (Dz. U. No. 96 Item 618), in particular in procedures carried out by the disciplinary committees.

2. The Commission on Research Integrity may on its own initiative direct issues concerning violation of ethical rules in science by employees, which have been specified in clause 1, to the relevant disciplinary committees with a recommendation for instigation of an explanatory procedure. The information on results of such procedure is submitted upon its completion, without unnecessary delay, by the disciplinary committee to the Commission on Research Integrity for information.

3. The Commission on Research Integrity develops a the code of ethics for researchers and carries out operations aimed at propagation of reliability standards of research.

4. The term of office of the Commission on Research Integrity is 4 years and is the same as the term of office of bodies in the Academy.

Article 40. 1. The Commission on Research Integrity comprises no more than nine persons who represent the science and higher education milieu in the Republic of Poland.

2. The Commission on Research Integrity appoints its chairman during the first session.

3. The Commission on Research Integrity adjudicates in teams comprising three members.

4. The members of the adjudicating team and the team chairman are appointed by the chairman of the Commission on Research Integrity.

5. The Main Office of the Academy assures administrative services to the Commission on Research Integrity.

6. The minister of science and higher education shall determine by way of a decree the rules for appointment of members to the Commission on Research Integrity and the procedures for its work as well as the procedures for the application of binding opinions issued by the commission and the financing methods, allowing for the assurance of its effective operation.

Article 41. 1. The audit committee controls the financial and economic activity of the Academy.

2. The composition of the audit committee and the detailed scope of its activity are defined by the Statutes of the Academy.

Section 5

Research units and other units of the Academy

Article 42 The basic research unit of the Academy is the scientific institute, hereinafter referred to as the "institute".



Article 43 An institute is established if:

- 1) a need exists of on-going execution of research, which owing to its scope, scale or nature may not be carried out in other research units as specified in Article 2 Item 9 of the Act on rules for financing science of 30th April 2010 (Dz. U. No. 96 item 615) and if the performance of that research requires a considerable concentration of researchers and an appropriate research equipment;
- 2) conditions required to obtain the rights to conferring the degree of doctor have been fulfilled;
- 3) the appropriate premises, equipping and financial means have been assured.

Article 44. The resolution on the establishment of an institute is adopted by the Presidium of the Academy, at the motion of the President of the Academy, submitted once an opinion was obtained of the division relevant for the scientific speciality of the institute. The establishment of an institute requires consent of the minister of science and higher education, which is applied for by the President of the Academy.

Article 45. 1. The Academy shall assure resources to a new institute, which are necessary to execute activity defined in the Statutes of the institute. This does not require obtaining consent of the Treasury Minister, which was mentioned in Article 5a-5c of the Act on principles related to the execution of rights to which the State Treasury is entitled dated 8th August 1996.

2. The assignment, as specified in clause 1, which consist in the transfer of ownership rights to property or perpetual usufruct of a land lot, takes place by virtue of an administrative decision taken by the President of the Academy. The decision of the President of the Academy shall be a basis for making appropriate entries to the land and mortgage register.

3. The President of the Academy shall notify the Treasury Minister on the transfer of ownership rights or the perpetual usufruct of a property, as specified in clause 2, within a period of a month since the day on which the decision issued by the President of the Academy has become effective.

Article 46. 1. The institute takes actions in legal relationships for itself and acts at its own account.

2. The director or the person authorised by the director submits statements of will on behalf of the institute.

3. The institute shall not be held liable for obligations of the Academy, and the Academy shall not be held liable for obligations of the institute.

Article 47. 1. The name of the institute contains the term "of the Polish Academy of Sciences".

2. The institute uses a round seal with the emblem of the Polish Republic in the midst and the name of the institute in the rim.

Article 48. 1. The institute acquires a legal status as of the entry into the register of institutes of the Polish

Academy of Sciences, hereinafter referred to as the "register".

2. An entry into the register gives rise to the same legal consequences as an entry into the National Court Register.

Article 49. 1. The register is carried by the Academy.

2. Applications for an entry in the register are submitted by:

- 1) the vice-president of the Academy who supervises the activity of the division relevant for the scientific specialisation of the institute - for an entry of the institute;
- 2) director of the institute - for deletion of the incorporated, merged or divided institute or for a change of the entry;
- 3) receiver of the institute - for deletion of the institute.

3. An entry into the register or refusal of making an entry takes place by way of an administrative decision of the President of the Academy.

4. The register is public. It is not admissible to imply not being familiar with data contained in the register, unless the person can prove that he or she could not have learnt of it despite maintaining due diligence.

5. The minister of science and higher education shall determine by way of a decree:

- 1) the rules and form for carrying the register;
 - 2) data which have to be contained in an entry into the register;
 - 3) names of columns in the register;
 - 4) rules for making entries and changes in the register;
 - 5) conditions for deletion of an institute from the register;
 - 6) the rules and method for issuance of copies and excerpts from the register
- maintaining the rule of transparency and accessibility to data contained in the register.

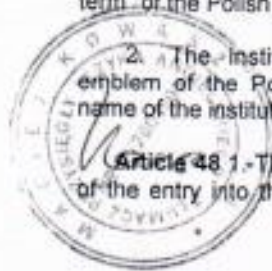
Article 50. 1. The tasks of the institute shall comprise the execution of research, especially research of significance for national development, as well as the dissemination of results of such research.

2. The institute may execute research within the specified research field and handle the deployment of the results of such research in the economy.

3. The institute may organise departments for visiting guests to allow the execution of their research or development works by employees of the school and other research units specified in Article 2 item 9 of the Act on rules for financing science of 30th April 2010.

4. The institute may:

- 1) deliver full-time PhD courses of study jointly with other institutes of the Academy, higher education establishments, as well as other research units specified in Article 2 item 2 of the Act on rules for financing science of 30th April 2010, according to rules specified in rules on higher education;
- 2) deliver full-time PhD courses of study according to



rules specified in the Act on scientific degrees and on the scientific title, as well as the degrees and title with respect to the fine arts of 14th March 2003 (Dz. U. NO. 65, item 595 and from 2005 No.164, item 1365);

- 3) deliver post-graduate courses of study and other activity related to education on rules defined in applicable relevant regulations on higher education;
- 4) other forms of education connected with the activity of the institute.

5. Once every 4 years the Institute shall be subject to evaluation, which is performed by the Committee for the Evaluation of Research Units according to rules specified in the Act on rules for financing science of 30th April 2010. The result of the evaluation is a basis for confirming the conformity of operation of the institute with directions specified in Article 15 clause 2 item 8, and the correctness of task execution by the institute.

Article 51. 1. The Statutes of the institute are adopted by the scientific council of the institute. The Statutes are approved by the President of the Academy following the issuance of an opinion by the division relevant for the scientific specialisation of the institute. Changes to the Statutes are executed in the same way. The Statutes for the new institute are granted by the President of the Academy following the issuance of an opinion by the division relevant for the scientific specialisation of the institute.

2. The Statutes of the institute define in particular its tasks and organisational structure.

Article 52. Bodies of the institute comprise the director and the scientific council.

Article 53. 1. The institute is managed by the director.

2. The director participates in meetings of the division relevant for the scientific specialisation of the institute and has a casting vote, with the exception of issues related to proposing or supporting candidates for members of the Academy.

3. The President of the Academy appoints a person selected through a competition as director of the institute. A candidate for a director is elected from among persons holding at least the doctor degree. Also a citizen of another country or a Polish citizen, who obtained abroad a degree considered to be equivalent to the degree conferred in the Republic of Poland may become a candidate for director of the institute.

4. A candidate for an institute director is proposed by a commission appointed by the councils of division provosts of the division relevant to the scientific specialisation of the institute.

5. If the person appointed as a director is not an employee of the institute, the President of the Academy can undertake with it, for the period of holding the directorial function, an employment relationship on the position of a researcher in accordance with Article 89 clauses 1-3, 5-6 and 8.

6. The director of an institute shall fulfil his

functions for 4 years full-time. The same person may fulfil the role of the director of an institute for no longer than two consecutive four-year periods.

7. At the motion of the scientific council, the President of the Academy may grant consent to participation in the competition for the subsequent four years to a person who had acted as director for two consequent periods.

8. At the motion of the vice-president of the Academy supervising the activity of the division relevant for the scientific specialisation of the institute, the President of the Academy may recall a director of the institute prior to the lapse of the period specified in clause 6 if such person violates the law or fails to execute his duties, which is confirmed by the scientific board of the councils of division provosts acting under the division relevant for the scientific specialty of the institute during the assessment of the institute's activity being performed. Recalling from the function of a director in the institute does not violate the on-going employment relationship, subject to clause 5.

9. The Statutes of the institute define the number of deputy directors, the method of their appointing and recalling and the scope of their duties.

10. The minister of science shall determine, by way of a regulation, the detailed procedure for organising a competition specified in clause 3, the composition and tasks of the competition committee, the procedure for announcing a competition, procedures for the conduct of the competition committee and procedures for selecting candidates by that committee to the directorial position, maintaining the principle of openness and transparency of that procedure.

Article 54. 1. The director of the Institute manages the current activity of the institute, and is responsible for real estate management in accordance with rules specified in Article 72 clause 1, and is also responsible for the financial result of the institute's activity.

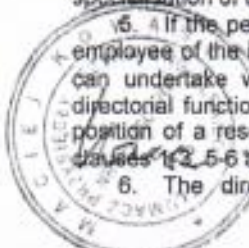
2. The Director shall manage the components of fixed assets of the institute. Legal actions with respect to disposal of components of fixed assets of the Academy, the market value of which exceeds the equivalent in zloty of Euro 50,000 is subject to regulations of Article 5a-5c of the Act on rules for execution of rights due to the Treasury of 8th August 1996.

3. Before applying for consent of the minister of treasury according to rules specified in clause 2, the director of an institute is bound to obtain consent of the President and the Presidium of the Academy.

4. Consent of the President of the Academy is required for a legal action the subject of which is property owned by the institute, classified pursuant to the regulations on accounting to fixed assets having a market value higher than the equivalent in zloty of euro 20,000, which consists in:

- 1) disposal, lease, rent, transfer of property;
- 2) contributing this property to the company or foundation;
- 3) making a donation;
- 4) free of charge turning over into use to other entities by way of concluding a civil legal agreement.

5. For the perpetual usufruct of state treasury land lots to which the institute is entitled regulations of Article 77 clauses 1 and 2 shall be applicable.



Article 55. 1 The scientific council of the institute shall exercise current supervision over the activity of the institute, especially caring for the high level of its scientific activity and the development of persons who are starting their scientific career, as specified in Article 2 clause 2 of the Act on the National Scientific Centre of 30th April 2010.

2. The scientific council of the institute shall in particular:

- 1) define the profile of the institute, allowing for the development directions of science worldwide;
- 2) accept research and cooperation programmes with foreign scientific institutions and publishing activity;
- 3) approve reports on the activity of the institute;
- 4) appraise the scientific activity of researchers of the institute;
- 5) execute doctoral, and PhD programme proceedings and submits applications for conferral of a scientific title according to obtained rights;
- 6) take resolutions in other issues reserved for competencies of the scientific council in the Act, the Statutes of the Academy or the Statutes of the institute.

Article 56. 1 The scientific committee is made up of the following persons, who have the casting vote:

- 1) persons holding an academic title of the degree of assistant professor, employed in the institute full time, or representative elected by them;
- 2) members of the Academy who were selected to participate in work of the scientific committee of the institute by the division relevant with respect to the scientific specialisation of the institute;
- 3) persons holding an academic title, degree of an assistant professor or PhD degree, specialists from various disciplines of economic and social life and practical application of science, not hired by the institute or employed in it part-time, selected persons specified in items 1 and 2;
- 4) selected representatives of other researchers hired in the institute full-time;
- 5) selected representative of the doctoral students, if the institutes holds PhD studies;
- 6) the director of the institute and the deputy for scientific issues;
- 7) persons indicated by the chairman of the centre, relevant to the scientific specialty, no more than four persons not employed by the institute distinguished by their knowledge and considerable achievements in the discipline covered by the scope of activity of the institute, holding at least a doctoral degree.

2. The Statutes of an institute define the number of members to the scientific council, which may not exceed fifty persons, including no less than 30% of persons not employed by the institute, the participation of persons as specified in clause 1 items 1, 3 and 4 in the scientific council and the procedures for their election.

3. The scientific council elects a chairman and his deputies, as well as the secretary. Those functions may not be fulfilled by the director of the institute or his

deputies.

4. The term of office of the scientific council comprises a period of 4 years and starts at the beginning of the calendar year.

Article 57. 1. The institutes cooperate under centres of the Academy, hereinafter referred to as "centres".

2. The centres may also comprise higher education establishments, research institutes as specified in the Act of 30th April 2010 on research institutes, entrepreneurs executing research and development works, as well as foreign scientific establishments.

3. The centres are established by the Presidium of the Academy, at the motion of the President of the Academy, indicating the faculty, with which the given centre is to cooperate.

4. The centres operate on the basis of agreements concluded between entities comprised by the centres.

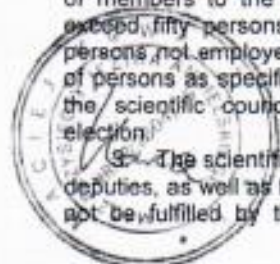
5. The agreement on the establishment of a centre shall contain in particular provisions concerning the following:

- 1) detailed tasks of the centre;
- 2) organisational structure of the centre;
- 3) representation methods of the centre;
- 4) financing methods for the tasks of the centre and its bodies;
- 5) procedures for decision making by bodies of the centre;
- 6) responsibility of entities comprised by the centre for financial obligations of the centre.

6. Tasks of the centres comprise the following:

- 1) supporting and coordination of research carried out by institutes;
- 2) initiating and coordinating the participation of institutes, higher education establishments and other research units in international research programmes;
- 3) initiating the organisation of environmental study equipment centres and supervision of such centres;
- 4) cooperation in the organisation of environmental PhD courses of study;
- 5) organisation of periodical researchers exchange between institutes and higher education establishments;
- 6) developing programmes of post-doctoral stage in institutes of the centres;
- 7) obtaining and handling international research projects, common national research projects and projects financed from European funds.

7. The centre is managed by the chairman, selected from among directors of research units operating under the given centre, once an opinion has



been obtained from the councils of provosts of a division relevant for the given scientific specialisation.

8. Applications contained in Article 53 clause 6 shall be applicable for the period in which a person holds the post of a chairman of the centre.

9. The directors of units comprised by the centre form a presidium of the centre. The activity of the presidium is directed by the chairman of the centre. Meetings of the presidium of the centre are held no less frequently than every 3 months.

10. The chairman of the centre submits annually a report on the implementation of tasks of the centre to the President of the Academy by 31st January.

Article 58. 1. The Academy may establish an international institute on the basis of an agreement concluded with foreign establishments or scientific organisations. The establishment of an international institute, the tasks of which concern national security, requires consent of the minister of foreign affairs, the Minister of National Defence and the minister of interior.

2. The Statutes of an international institute form an integral part of the agreement specified in clause 1.

3. The international institute, established according to provisions contained in clause 1, shall be an institute of the Academy.

Article 59. 1. On the basis of an agreement concluded with government or self-government administration bodies the Academy can establish a joint institute with public higher education establishments or other research units specified in Article 1 item 9 of the Act on rules for financing science of 30th April 2010. The joint institute may be established on the basis of direct agreements concluded with the above mentioned higher education establishments or other research units. Rules contained in Articles 43 and 61 to 65 shall be applicable respectively.

2. The agreement specified in clause 1 defines the legal form of a joint institute.

Article 60. 1. The establishment of an institute or branch institute abroad takes place at the motion of the Presidium of the Academy, by virtue of an agreement concluded between the minister of science and higher education and the relevant state administration body of a country, on the territory of which the institute or branch institute is to be established.

2. Regulations contained in Article 43 and 45 shall be applicable for a branch institute specified in clause 1.

Article 61. At the motion of the President of the Academy or the director of the institute, submitted once an opinion has been obtained of the division relevant for the scientific specialisation of the institute, agreed with the minister of science, the Presidium of the Academy adopts a resolution on the merger, division, reorganisation or closing down of an institute.

Article 62. 1. The merger of institutes can consist of the following:

- 1) establishment of one institute from two or more institutes, which through the merger lose their legal personality;
- 2) incorporation to an institute of another institute or a few institutes, which through the merger shall lose their legal personality.

2. The Presidium of the Academy adopts a resolution on the merger of institutes on the basis of a draft agreement between the institutes; the said resolution shall contain the following:

- 1) determination of the institutes being merged by the definition of their:
 - a) names and registered seats;
 - b) REGON state statistical identification numbers;
 - c) TIN tax identification numbers;
- 2) definition of the institution established through the merger;
- 3) determination of the date of the merger and the dates for devising financial statement of the merged institutes.

3. If the merger of institutes takes place during the financial year, the resolution on the merger shall also define principles for merging the financial plans of the institute, the division of awards, bonuses and other allowances.

4. The takeover of property of the institutes being merged takes place on the basis of their financial statements drawn up as on the date preceding the day of the merger.

5. The take-over of property and of obligations and receivables of the institutes being merged is carried out by the institute established by way of the merger or the institute to which another institute or institutes are merged, in the form of a hand-over certificate.

6. The institute established through a merger or the institute, to which another institute or other institutes were joined, takes over all the rights and obligations of the institutes being merged.

Article 63. 1. The division of an institute can consist of the following:

- 1) the establishment of two or more institutes from an institute;
- 2) spin-off from an institute of specified units for their incorporation to another institute;
- 3) spin-off from an institute of specified units and the establishment of another institute or other institutes.

2. Institutes established through a division take over the employees and assets of the institute being divided.

3. Institutes established through a division assume joint responsibility for obligations of the institute being divided.

4. The resolution of the Presidium of the Academy on a division of an institute shall contain the following:

- 1) determination of the institute being divided;
 - a) name and registered seat;
 - b) REGON state statistical identification number;
 - c) TIN tax identification number;
- 2) definition of the date of the division;
- 3) names of institutes which would be established



through the division or to which units of an institute subject to division would be incorporated;

- 4) names of units, which would be spun-off from the institute to allow their incorporation to another institute or to an institute established as a result of the division;
 - 5) findings concerning the principles for asset division and settlements arising from commitments, take-over of rights and obligations.
5. Provisions contained in Article 62 clauses 3 to 6 shall be applicable to the division of the institute.

Article 64. The reorganisation of an institute can consist of the following:

- 1) change of the subject or scope of operation of the institute;
- 2) change of the hitherto name of the institute;
- 3) making changes to the organisational structure of the institute;
 - a) closing down the organisationally delimited part of an institute;
 - b) hand-over to the Academy or sale of organisationally and economically distinguished part of the institute.

Article 65. 1. The winding up of an institute can consist of the following:

- 1) takeover by another institute or other institutes, with approval of the director of the acquiring institute;
- 2) complete termination of any activity of the institute.

2. The resolution of the Presidium of the Academy on a winding up of an institute shall contain the following:

- 1) identification of the institute being wound up;
- 2) identification of the date of commencement and completion of the winding up procedure;
- 3) identification of the method and procedure for asset disposal;
- 4) determination or procedures for settlement of commitments.

3. As regards the closure of an institute, as specified in clause 1 item 2, once the receivables have been satisfied its assets shall belong to the Academy. The purpose of the assets shall be defined by the Presidium of the Academy, subject to clauses 4 and 5.

4. Testing apparatus, book collections, national culture goods, which have been purchased from public resources or which originate from donations, shall be excluded from the winding up procedure or insolvency proceedings, and shall be turned over to another institute or to another research unit specified in the resolution of the Presidium of the Academy. The above mentioned resolution defines the principles and conditions for such hand-over.

The right to a patent to an invention, protection right for utility patterns, rights under registration of industrial designs, the owner of which is an institute subject to winding up or an institute, which may be declared insolvent, become the property of the Academy. At the motion of the President of the Academy, the Presidium of the Academy adopts a

resolution on their designation. If the rights are turned over to another institute or to another establishment, the resolution adopted by the Presidium of the Academy specifies the conditions and principles for the take-over and the rules for using this right for commercial purposes.

Article 66. 1 At the motion of the President of the Academy or at the joint application of the interested entities subject to incorporation or transformation submitted following obtaining an opinion issued by a division relevant for the scientific specialty of the institute, the institute may be:

- 1) merged with a public higher education establishment on the basis of an agreement with relevant bodies of such establishment, by virtue of a decree of the minister of science and higher education;
- 2) merged with a research institute in understanding of the Act on research institutes of 30th April 2010 following consultations with bodies of the research institute, by virtue of a regulation of the Council of Ministers;
- 3) transformed into a research institute in understanding of the Act on research institutes of 30th April 2010, by virtue of a regulation of the Council of Ministers.

2. The motion specified in clause 1 defines procedures for determination of the state of assets done in the presence of a commission, valuation of the assets and hand-over of the assets allowing for rules of correct management of those assets, as well as rules for settlement of commitments and rights of the employees.

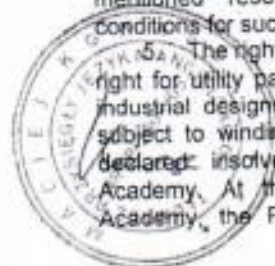
3. As regards an institute incorporated to a public higher education establishment, transformed into a research institute or incorporated into a research institute in understanding of the act on research institutes of 30th April 2010, regulations concerning mergers of institutes shall be applicable.

Article 67. 1. An institute may be declared bankrupt at the motion of the President of the Academy if it has ceased repaying its debts and the value of its assets proves to be insufficient to satisfy all the commitments, and its winding up in a way defined by Article 65 is unjustified for scientific or economic reasons.

2. Regulations of the bankruptcy law shall be applicable for the proceedings specified in clause 1.

Article 68. 1. The auxiliary research units in the Academy comprise in particular archives, libraries, museums, botanical garden and foreign scientific stations.

2. The auxiliary research units in the Academy shall be established, merged, divided, reorganised and wound up by the Presidium of the Academy at the motion of the President of the Academy, in consultation with the minister of science and higher education, subject to clause 3. Regulations contained in Article 44, 45 and Article 65 shall be applicable for the establishment and winding up of the auxiliary research



units in the Academy.

3. A foreign scientific station shall be established, merged, divided, reorganised, wound up or transformed into an institute by the Presidium of the Academy at the motion of the President of the Academy, in consultation with the minister of science and the minister of foreign affairs.

4. The President of the Academy shall confer Statutes to the auxiliary research unit subject to clause 5, which defined its tasks and organisation, and may indicate the division of the Academy that supervises its activity. Regulations contained in Article 43 clause 3 shall be applicable for such unit.

5. The Statutes of a foreign scientific station that determine the task profile of the station are conferred by the President of the Academy in consultation with the minister of science and the minister of foreign affairs.

6. The President of the Academy shall define rules for nomination of directors in auxiliary research units by way of adopting relevant rules.

Article 69. The minister of science and higher education shall define in a regulation the detailed scope of the establishment, merging, dividing, reorganisation and winding up of an institute, the detailed rules for the establishment and winding up of an auxiliary research unit, principles for ascertainment of property and its contribution in the presence of a commission, as well as ways of regulating liabilities and rights of persons hired by research units, taking into consideration enhancement of the quality of executed research or development works and of the scientific potential of research units, as well as rational disposal of financial resources and property of such research units.

Article 70. 1. The President of the Academy may establish and wind up other units of the Academy, especially houses of creative work, conference and meeting facilities or retiree homes.

2. The President of the Academy confers to units specified in clause 1 statutes which define the rules of their activity, the organisational structure and supervises the activity. Regulations contained in Article 43 clause 3 shall be applicable for such units.

Section 6 Property of the Academy

Article 71. 1. Property of the Academy comprises property rights, especially ownership titles, the right of perpetual usufruct of lands as well as the ownership of buildings and equipment permanently associated with such land lot.

2. The property of the Academy is designated for needs of implementation of tasks specified in Article 2 and for the equipping of research units and other units of the Academy.

3. Furthermore, the property of the Academy shall also be meant as a reserve for purposes connected with the equipping of new research units and other units of the Academy, as well as for the needs of assuring the appropriate scientific and research base for the already existent units.

4. The equipping of research units and other units of the Academy with property specified in clause 1 shall be preceded by drawing up, at the motion of the President of the Academy, of an analysis, which is to specify the indispensability of the property for needs of implementing the statutory activities in the event of establishment, merging, division and reorganisation of those units.

Article 72. 1. The management of the real estate Academy, including also the property of research units and other units of the Academy, shall take place on the basis of rules of expediency, prudence and thriftiness, and in accordance with requirements of rational economy.

2. The property that constitutes the property of the Academy forms the property resources.

3. The management of real estate resources consists in record keeping, as well as on assigning the given property for needs of implementation of statutory activities of research units and other units of the Academy, and on making all the necessary decisions and documenting all activities aimed at maintaining the property in an unimpaired condition, in accordance with their designation, as well as justified investing in those properties.

4. The record keeping as specified in Article 3 comprises:

- 1) marking the properties on the basis of data from the land and mortgage register, including:
 - a) name of the land lot and the number and name of the cadastral unit;
 - b) the number and area of the land lot (lots),
 - c) the number of land lots forming the given property,
 - d) the unit of the Academy that has the property at its disposal,
 - e) the legal ownership title;
- 2) information on the land and mortgage register carried for the property or on a set of documents, including:
 - a) number of the land and mortgage register or the set of documents;
 - b) the district court that carries the land and mortgage register;
 - c) the owner or the perpetual lessee,
 - d) legal basis for the acquisition of the ownership title or right to perpetual usufruct;
 - e) other information required to determine the legal status, including information about the lodged claims to the property.

5. The management of property resources is aimed at assuring the indispensable basis for the execution of statutory activities by the existing and new research units and other units of the Academy, securing financial resources for the implementation of tasks defined by a legally binding court sentence, maintaining and improving the state of the property, as well as assuring the income of funds to the non-budgetary account.

Article 73. 1. The market value of the property of the Academy and institutes is calculated on the basis of the average rate published by the National Bank of



Poland according to the state on the date on which the legal act is performed or on the date of application to the President of the Academy by the chancellor of the Academy or the director of the institute for consent.

2. As regards disposal of the ownership title or the perpetual usufruct to the property, the market value of the property shall be calculated jointly regardless of the number of buyers of fractional parts of those rights and the number of sold shares.

Article 74. The disposal of residential premises owned by the Academy, including the disposal of the right of perpetual usufruct to lands being in perpetual usufruct of the Academy, comprised by resources of the Agricultural Property Agency in favour of tenants of the premises pursuant to special provisions is exempt from charge arising from the transfer of the right to perpetual usufruct as specified in Article 17b clause 5 of the Act on management of agricultural property of the Treasury of 19th October 1991 (Dz. U. of 2007 No. 231, item 1700, as later amended³⁾).

Article 75 1. The disposal or encumbrance of properties of the Academy and institutes, the value of which exceeds Euro 50,000, requires obtaining consent of the Presidium of the Academy.

2. Legal activities, the performance of which leads to violation of regulations contained in clause 1, shall be invalid.

Article 76. The Academy shall sell or place into service components of fixed assets to other entities on the basis of civil legal agreements according to rules specified in regulations issues on the basis of Article 42 of the Act on property management of 21st August 1997 (Dz. U. of 2004 No. 261 item 2603, as later amended³⁾), if the components of those assets are redundant for the implementation of tasks by the Academy and for the setting up the reserve specified in Article 71 section 3.

Article 77. 1 The Academy is exempt from annual charges for perpetual usufruct of lands which are State Property if the lands are used for needs of implementation of tasks specified in Article 2.

2. The provision contained in clause 1 is not applicable to perpetual usufruct of lands comprised by the Agricultural Property Stock of the State Treasury. For perpetual usufruct of such lands the Academy shall bear charges specified in regulations on the usage of agricultural properties of the Treasury.

3. The Academy shall be exempt from charges for the disposal of the ownership title or the right of perpetual usufruct to agricultural real estate to institutes of the Academy.

Section 7 Finance of the Academy

Article 78. 1. The activity of the Academy is financed from funds coming from the state budget and other sources.

2. Funds coming from the state budget, which have been specified in clause 1, are classified in the section "Science" and outlined in a delimited part of the state budget - "the Polish Academy of Sciences", the disposer of which is the minister of science and higher education.

3. The President of the Academy executes tasks and competencies related to disposal of the Academy budget. As regards the scope specified in clause 2, the President of the Academy is subordinated to the minister of science and higher education.

Article 79. 1 The Academy receives income from:

- 1) specified-user subsidy for covering the cost of on-going activity of the Academy, including
 - a) operation of bodies and the corporation of the Academy members, including travelling allowances and reimbursement of travelling costs and accommodation on conditions as specified in the regulations issued on the basis of Article 775 § 2 of the Labour Code, owing to the personnel acting and participating in the work of the bodies and the corporation of the Academy members,
 - b) international scientific cooperation performed under contracts and agreements signed by the Academy, including contributions paid to international organisations,
 - c) operation of the Main Office of the Academy, auxiliary research units and other units operating in the Academy structure,
 - d) operation of international institutes in the part covering the on-going use of buildings which are seats of the institutes, as well as the costs of maintenance, administration and technical service, unless specified otherwise in the international agreements or agreements with international scientific institutions and organisations,
 - e) promotion of science, mentioned in Article 2 clause 8 of the Act on funding science dated 30th April 2010;
- 2) designated subsidy as regards the education mentioned in Article 2 clause 2 item 3,
- 3) designated subsidy for funding investments made by the Main Office of the Academy, auxiliary research units and other units operating in the Academy structure,
- 4) designated subsidy for own contribution in programmes implemented by the Academy, with participation of funds from the budget of the European Union and non-returnable funds from foreign resources, including the aid provided by the member states of the European Free Trade Association (EFTA),
- 5) funds obtained by the Academy in compliance with separate regulations from structural funds or

³⁾ Modifications of the harmonised text of the cited act were published in Dz. U. of 2008 No. 227, item 1505, of 2009 No. 19, item 100, No. 42, item 340, No. 98, item 817 and No. 157, item 1245 and of 2010 No. 48, item 287.

⁴⁾ Modifications of the harmonised text of the cited act were published in Dz. U. of 2004 No. 281, item 2782, of 2005 No. 130, item 1087, No. 159, item 1420 and No. 175, item 1459, of 2006 No. 64, item 456, No. 104, item 708 and No. 220, item 1800 and of 2007 No. 173, item 1218, of 2008 No. 59, item 369 and No. 220, item 1412, of 2009 No. 19, item 100, No. 42, item 335 and 340, No. 98, item 817, No. 161, item 1279 and 1281 and No. 206, item 1590 and of 2010 No. 26, item 146 and No. 47, item 278.

from non-returnable aids provided by the member states of the European Free Trade Association (EFTA), Framework Programmes of the European Union and other foreign sources,

- 6) income from business activity,
- 7) income from the sale and use of property and proprietary rights of the Academy,
- 8) donations, inheritances and legacies,
- 9) funds from other sources.

2. The subsidy mentioned in clause 1 item 1 may include:

- 1) scientific awards stipulated in the Academy Statutes;
- 2) costs of audits performed at the Academy and ordered by the President of the Academy to be performed at a research unit or another unit of the Academy.

3. The Academy may also receive income from designated subsidies awarded for funding and additional funding for the transformation or restructuring of auxiliary research units and other units operating under the Academy structure.

4. The restructuring of auxiliary research units as well as other units operating under the Academy structure may include changes in the structure of organisation or employment resulting from a change in the activity profile.

5. The income mentioned in clause 1 items 1-4 and in clause 3 shall be transferred by the Minister of Science and Higher Education from the funds stipulated under the state budget item "the Polish Academy of Sciences", unless the activity is funded from the assets stipulated under the state budget item "Science".

6. The cost of the Academy operation shall be covered from the income mentioned in clauses 1 and 3.

Article 80. If an institute performs tasks mentioned in Article 2 clause 2 item 3 and Article 79 clause 1 item 1 letter d, the Academy may use the income mentioned in Article 79 clause 1 items 1 and 2 to provide such units with subsidies designated for additional funding of such tasks.

Article 81. The Academy shall designate the income mentioned in Article 79 clause 1 items 6-9 for implementing statutory activities, including in particular scientific development, providing additional funds for investments which support the scientific activity, promoting development of young scientists, mentioned in Article 2 clause 19 of the Act on funding science dated 30th April 2010, by awarding scientific scholarships by the President of the Academy, as well as for covering the costs of maintenance of the Academy property, including repairs, reconstructions, expansions and other projects, and funding public law liabilities and civil law liabilities. Unless the funds are spent in a given year, they shall pass onto the next year.

Article 82. 1. The Academy shall establish:

- 1) a statute fund;
 - 2) funds stipulated in separate acts.
2. The statute fund of the Academy reflects the net equivalent of tangible assets, intangible assets and

other assets owned by the Academy. The statute fund shall be increased by the net profit of the Academy.

3. The statute fund shall be reduced by the net loss of the Academy to be covered

Article 83. 1. The Academy and its institutes may, provided that consent is obtained from the Minister of Science and Higher Education, establish companies, take up or purchase and own shares and stocks of commercial companies for the purposes of putting to business use the results of scientific research and development work, as well as performing technology transfer and dissemination of science.

2. The Academy shall receive income from dividends or disposal of shares or stocks in commercial companies.

Article 84. 1. The Academy runs an independent financial economy. The basis for disposal of funds specified in Article 79 clause 1 and 3 is the financial plan, hereinafter referred to as 'the plan'.

2. The annual plan comprises the following:

- 1) revenues from the activity,
- 2) donations from the state budget or budgets of territorial self-government units;
- 3) costs, including:
 - a) salaries and contributions calculated on their basis;
 - b) percentage payments arising from incurred obligations;
 - c) the purchase of goods and services;
- 4) resources for property related outlays;
- 5) resources allocated to other entities;
- 6) the state of amounts due and liabilities at the beginning and the end of the year;
- 7) the state of funds at the beginning and the end of the year.

3. Until the approval of the plan based on amounts covered by the budgetary act, the draft plan shall remain the basis for financial economy.

4. The plan is adopted by the Presidium of the Academy at the request of the President of the Academy and is subject to approval within a period of 21 days by the minister of science and higher education.

5. Budgetary reports from plan execution shall be drawn up by the President of the Academy by 31st March of the year that follows the budgetary year and submitted for approval to the minister of science and education.

6. The Institutes run their independent financial economy, and cover the operating costs from the allocated public resources according to principles determined by provisions of the Act on rules of financing science of 30th April 2010 and the act on public finance of 27th August 2009 (Dz. U. No. 157, item 1240 and from 2010 No. 28, item 146), as well as from other means obtained by the institutes.

7. The Institutes can participate in economic results achieved through application and dissemination of the effects of their activity.

8. The basis for the financial economy of the institute is the financial plan, which is drawn up by the



director in accordance with the opinion issued by the scientific board.

Article 85. 1. The institute establishes the following funds:

- 1) statute fund;
- 2) reserve fund;
- 3) employee benefit fund.

2. The institute may establish the following funds:

- 1) own research fund;
- 2) scholarship fund;
- 3) implementation fund;
- 4) award fund.

3. The funds specified in clauses 1 and 2 are established on the basis of the following rules:

- 1) the statute fund constitutes the equivalent of assets as on the day on which the activity is commenced;
- 2) the reserve fund is established from no less than 8% of net profit for the preceding financial year;
- 3) the employee benefit fund is set up on rules that arise from separate regulations;
- 4) the implementation fund is established of funds turned over to the institute on the basis of an agreement concluded by entrepreneurs implementing the results of research or development works of that institute with respect to the achievement of measurable economic effects of the implementation;
- 5) the own research fund and the scholarship fund are set up from net profit for the preceding financial year and donations;
- 6) the award fund is set up by the institute against operating costs in the current financial year to the value of 8.5% write-off of the remuneration sum received by staff of that unit in the preceding financial year, allowing for the components of salaries adopted for needs of calculating the financial equivalent for annual leave, as well as remuneration for annual leave; the value of the write-off is defined by the director of the institute; the write-off shall not be made if it would lead to a negative financial result or if it would increase the negative result in the current financial year.

4. The funds specified in clauses 1 and 2 are reduced on increased on the basis of the following rules:

- 1) the statute fund of the institute shall be increased by the write-off of net profit and donation;
- 2) the reserve fund is used to cover losses of the institute; should the net profit be higher than the reserve fund, the remaining part of the loss shall be covered from the statute fund;
- 3) if the reserve fund reaches the value of one-fifth of the statute fund, the institute cannot make a write-off from profit;
- 4) the write-off for the award fund shall be made on an advance basis in the current financial year, with the payment of awards taking place in the following year, after approval of the financial statement of the institute; rules for

payments from resources under this fund are specified by the employee benefit fund or rules for paying remuneration;

5) resources of the implementation fund are designated for the payment of awards for achievement of implementation effects; rules for payments to be made from the resources under this fund are specified by the employee benefit fund or rules adopted by the institute.

5. The net profit of the institute is allocated to increase:

- 1) reserve fund;
- 2) own research fund;
- 3) statute fund;
- 4) award fund;
- 5) scholarship fund;
- 6) employee benefit fund.

6. Resources from the institute's funds which have not been used up in the given calendar year pass onto the consequent year.

Article 86. The minister of science and education has defined by way of a regulation the detailed rules for financing and financing economy of the Academy and the financial economy of its institutes, principles for drawing up the financial plan, reporting and settlement of costs by the Academy and its institutes, maintaining the rule of correct administration by the Academy of the assets of its institutes.

Section 8

Employees of research units and other units of the Academy

Article 87. The research units of the Academy can hire:

- 1) researchers;
- 2) technical researchers;
- 3) librarians, documentation specialists and scientific information workers;
- 4) engineering and technical staff;
- 5) organisational, economic and administrative staff;
- 6) labourers and service personnel.



Article 88. 1 Academics can be hired to the following positions:

- 1) full professor;
- 2) associated professor;
- 3) visiting professor;
- 4) research associate;
- 5) research assistant.

2. Technical researchers can be hired to the following positions:

- 1) main specialist for issues of environmental research instruments;
- 2) specialists.

Article 89. 1. A person with an academic title may be employed as a full professor.

2. A person with a scientific degree of assistant professor or an academic title may be employed as an associate professor.

3. The following person may be employed as a visiting professor:

- 1) a person who is on unpaid leave at another research unit, mentioned in Article 2 clause 9 of the Act on funding science dated 30th April 2010, and who holds a scientific degree of an assistant professor or an academic title, or
- 2) a person who constantly resides abroad and has a minimum PhD degree.

4. Employment on the position of a visiting professor must not be longer than 3 years.

5. A person holding at least a PhD degree may be employed as a research associate.

6. A person with a master's degree or equivalent may be employed as a research assistant.

7. A person holding a PhD degree may be employed as a specialist or chief specialist for operation of environment study equipment mentioned in art. 88 clause 2.

8. When hiring a foreigner or a Polish citizen who was conferred a scientific degree or academic title abroad for the position mentioned in art. 88 clause 1 item 1- 4, the requirements set forth in clauses 1 - 3 and 5 may be dispensed with.

9. When hiring a foreigner or a Polish citizen who received a scientific degree or academic title abroad for the position mentioned in Article 88 clause 1 item 5 and clause 2, the requirements set forth in clauses 6 and 7 may be dispensed with.

- 3) library research assistant;
- 4) research associate librarian;
- 5) assistant science documentation and information specialists;
- 6) science documentation and information research associates;
- 7) certified documentarian;
- 8) senior certified documentarian.

Article 91. 1 The employment relationship on the post of a full professor or associate professor is effected on the basis of an appointment or of an employment contract. Hiring by appointment applies only to a person holding the academic degree of a professor. It is only admissible to employ on the basis of an employment contract a person who:

- 1) has a proven right to a retirement or disability pension;
- 2) is employed in a research unit of the Academy part-time;
- 3) is employed on the basis of appointment in another research unit, as specified in Article 2 item 9 of the Act on rules for financing science of 30th April 2010.

2. The employment relationship with other researchers than those specified in item 1 may be effected by concluding an employment contract for an infinite or finite period, which is required to allow the execution of the given research task.

3. The appointment to the position of full professor and associated professor can be effected by the President of the Academy at the motion of the director of the relevant research unit, once an opinion of the scientific council has been obtained.

4. The employment contract is concluded by the director of the relevant research unit.

5. The employment of a researcher is preceded by advertising of a vacancy on the home webpage of the Public Information Bulletin of the minister of science and higher education. The method and rules for organising competitions for the appointment of persons to particular scientific positions are approved by the scientific council of the institute or the director of the auxiliary research unit.

Article 90. Librarians and science documentation and information specialists may be employed on the following posts:

- 1) certified curator;
- 2) senior certified curator;



Article 92. 1. The employment period on the position of research associate not holding the scientific degree of assistant professor may not be longer than 8 years, and of a research assistant not holding the scientific degree of a doctor - 6 years.

2. The course of periods specified in item 1 is suspended for the period of maternity leave, parental leave and health improvement leave.

Article 93. It is admissible to employ a person without the Polish citizenship in research units on a position specified in article 88 without the necessity of obtaining permit of the head of regional authorities, as specified in Article 87 of the Act on promotion of employment and labour market institutions of 20th April 2004 (Dz. U. of 2008 No. 69, item 415, as later amended 41⁴).

Article 94. 1 The basic obligations of researchers comprise the performance of statutory activities of research units, and in particular the execution of research and development works, the announcement and propagation of their results and participation in the implementation of tasks undertaken by the institute related to education.

2. Academics can perform research undertaken on their own initiative in the research unit that employs them provided that consent of the director is obtained. In such an event the usage of the research workshop of the research unit by such an employee may not collide with the programme of research, internal order and material possibilities of the given research unit.

3. If a researcher takes up additional employment under an employment contract or starts the performance business activity without first obtaining consent of the director of a research unit, this shall be deemed to be a basis for ending of employment by its termination in the research unit which is the basic place of employment.

4. Persons acting as director of the research unit may undertake additional employment under an employment contract or perform business activity provided that consent of the President of the Academy is obtained. Employment of a director under an employment contract or carrying out business activity without consent of the President of the Academy leads to recalling the director of a research unit from the occupied position.

5. The termination of the employment relationship, as specified in clause 3, is made by the director, and the President of the Academy can recall from the function, as specified in Article 4.

6. Regulations contained in clauses 3 and 4 shall not be applicable to researchers who undertake

employment under an employment contract:

- 1) in authorities specified in Article 1 clause 1 and clause 2 items 1, 2 and 4a of the Act on employees of state bodies dated 16th September 1982 (Dz. U. of 2001 No. 86, item 953, as later amended⁵);
- 2) in bodies of scientific and trade associations;
- 3) in judicial authority bodies;
- 4) in culture institutions;
- 5) in the Main Office of the Academy, the corporation of the Academy members and bodies of the Academy.

7. The director of the institute presents for information data concerning employees specified in clauses 3-6 to the relevant councils of provosts of the division relevant for the scientific specialisation of the institution. This information is allowed for during the evaluation of the institute, as specified in Article 28 clause 4 item 1.

Article 95. In research units and other units of the Academy no reporting line may exist between spouses or between persons being up to second cousins or in first level kinship by marriage and persons under adoption, custody or guardianship relationships.

Article 96. 1. The academics are subject to periodical assessments performed by the scientific council, which are to comprise the results of their work, with the assistants and senior lecturers no less frequently than once every 2 years, and professors no less frequently than once every 4 years. The detailed scope and frequency of evaluations is defined by the scientific council of the institute in the rules approved by the vice-president of the Academy who supervises the work of the given division.

2. Researchers of the Academy will have the right to make an appeal against the assessment of their professional activity, in particular against the assessment of their work. The appeal is submitted to the vice president of the Academy who supervises the work of the relevant division. Rules for appeals are set up by the President of the Academy.

Article 97. The academics and the technical researchers are entitled to annual leave of 36 days during a calendar year.

Article 98. 1 The Academy employees have the right to obtain a seniority bonus:

- 1) researchers - amounting to 3% of the monthly basic salary after 3 years of employment, increasing by 1% in each subsequent year, up

Modifications of the harmonised text of the cited act were published in Dz. U. of 2008 No. 70, item 495, No. 134, item 850, No. 171, item 1056, No. 216, item 1367 and No. 237, item 1654 of 2009 No. 6, item 33, No. 69, item 595, No. 91, item 620, item 600, No. 115, item 964, No. 125, item 1035, No. 127, item 1052, No. 161, item 1278 and No. 219, item 1706 and of 2010 No. 28, item 148 and No. 83, item 531.

⁵ Modifications of the harmonised text of the cited act were published in Dz. U. of 2001 No. 98, item 1071, No. 123, item 1353 and No. 128, item 1403, of 2002 No. 1, item 18, No. 153, item 1271 and No. 240, item 2052, of 2003 No. 228, item 2256, of 2005 No. 10, item 71 and No. 169, item 1417, of 2006 No. 45, item 319, No. 170, item 1218, No. 218, item 1592 and No. 220, item 1600, of 2007 No. 89, item 589 and of 2008 No. 107, item 978 and No. 227, item 1505.



to 20% of the monthly basic salary after 20 years of work;

- 2) the remaining employees - amounting to 5% of the monthly basic salary after 5 years of employment, increasing by 1% in each subsequent year, up to 20% of the monthly basic salary after 20 years of work.

2. Employees of the Academy shall have the right to long service awards as follows:

- 1) after 20 years of work - 75% of monthly remuneration;
- 2) after 25 years of work - 100 % of monthly remuneration;
- 3) after 30 years of work - 150 % of monthly remuneration;
- 4) after 35 years of work - 200 % of monthly remuneration;
- 5) after 40 years of work - 300 % of monthly remuneration;
- 6) after 45 years of work - 400 % of monthly remuneration.

Article 99. An Academy employee about to retire on a pension or a disability pension shall be entitled to a one-off gratuity sum equal to three-month remuneration calculated according to rules binding for the determination of the financial equivalent for annual leave.

Article 100. After a period of 3 years employment full-time in the institute, the researcher shall have the right to paid leave for needs of health enhancement, the length of which may not exceed one year according to rules and procedures specified in the Act of 27th July 2005 - the Higher education law (Dz. U. No. 164, item 1365, as later amended⁶).

Article 101. 1. The employment relationship with the appointed researcher may be terminated by mutual agreement of the parties at any time.

2. The termination of an employment relationship with the appointed researcher, maintaining a three-month termination period, may take place in the event of:

- 1) temporary work incapacity due to illness if the period of such incapacity exceeds the period of due disability allowance, and once an authorised physician ascertains an improvement of the health condition and the possibility of resuming works, if this period is longer than 2 years;
- 2) instigation of proceedings related to winding down of the institute;
- 3) receipt by the appointed researcher of two negative assessments within a period no

- 4) shorter than one year, as specified in Article 96; undertaking additional employment or execution of business activity without first obtaining consent of the director, as specified in Article 94 clause 3.

3. The termination of an employment relationship with the appointed researcher without a notice period may take place in the event of:

- 1) permanent incapacity to working on the occupied position, confirmed by a certificate issued by a certifying physician in understanding of the Act on pensions and disability pensions from the Social Insurance Fund of 17th December 1998 (Dz. U. of 2009 No. 153, item 1227 and of 2010 No. 40, item 224), if it is impossible to have that person employed on another post, appropriate to his/her state of health and professional competencies, or if the employee refuses to accept another position;
- 2) if within the designated time the employee fails to submit a certificate confirming the ability to work on the occupied position, issued by the physician entrusted with periodical or control examinations;
- 3) if the employee:
 - a) commits an act specified in Article 115 of the Act on copyrights and derivative rights of 4th February 1994 (Dz. U. of 2006 No. 90, item 631, as later amended⁷) ascertained by the legally binding judgement of the court;
 - b) confirmed by a legally binding judgement of the disciplinary commission on the basis of a decision of the Commission on Research Integrity;
 - appropriation of authorship or misleading as to the authorship of the entire work or a part of someone's work or artistic performance;
 - the propagation, without providing the name or pseudonym of the author, of someone else's work in the original version or in the form of an arrangement;
 - the propagation, without providing the name or pseudonym of the author, of someone else's artistic performance or public distortion of such a work, artistic performance, phonogram, videogram or transmission;
 - other type of violation to the copyrights or derivative rights of other persons;
 - falsification of research of results of research;
 - other type of scientific fraud;
- 4) sentencing by a legally binding verdict for an intentional offence.

4. It is also admissible to terminate an employment relationship with an appointed

⁶ Modifications of the harmonised text of the cited act were published in Dz. U. of 2009 No. 46, item 328, No. 104, item 708 and 711, No. 144, item 1043 and No. 224, item 1668 and of 2007 No. 60, item 542, No. 120, item 818, No. 175, item 1238 and 1240 and No. 180, item 1280, of 2006 No. 70, item 416, of 2009 No. 88, item 584, No. 157, item 1241, No. 161, item 1276 and No. 202, item 1553 and of 2010 No. 57, item 359 and No. 75, item 471.

⁷ Modifications of the harmonised text of the cited act were published in Dz. U. of 2008 No. 94, item 658 and No. 121, item 843, No. 2007, No. 99, item 662 and No. 181, item 11293 and of 2009 No. 157, item 1241.

researcher for other important reasons, providing that consent is obtained of the scientific council of the institute.

Article 102 1. The employment relationship of an appointed researcher expires under the binding law in the event of:

- 1) establishment that the appointment has taken place on the basis of falsified or invalid documents;
- 2) legally binding decision of the court on the loss of civil rights;
- 3) legally binding decision on imposing a punitive measure that prohibits the person involved from occupying the given position if such a decision concerns the execution of obligations of a researcher;
- 4) the lapse of a three-month absence from works due to temporary custody;
- 5) imprisonment or non-custodial sentence;
- 6) the lapse of the appointment period;
- 7) death of a researcher.

2. The employment relationship of an appointed researcher employed on the post of a full professor or associate professor shall expire at the end of the year when such an academic turns 70 years of age.

3. The expiration of an employment relationship is decided upon by the director.

4. The employment relationship of an appointed researcher acting as director shall be transformed at the end of the year in which he turns 70 for a period necessary to end the work on the occupied post - into an employment relationship based on an employment contract.

Article 103. The body relevant for termination of an employment relationship with a nominated researcher shall be the President of the Academy.

Article 104. Rules for remuneration of persons employed in institutes are defined in Corporate Collective Labour Agreements or in corporate remuneration guidelines.

Article 105. The minister of science and higher education shall define by way of a regulation, in consultation with the minister of labour, conditions for remuneration of persons working in auxiliary research units and other units of the Academy, as well as rules for granting other allowances connected with the performed work, allowing for the qualifications of particular persons, their functions and the scope of their duties.

Article 106. In issues which have not been regulated by regulations of the Act applicable for employees of institutes, auxiliary research units and other units of the Academy, regulations of the Labour Code shall be applicable.

Section 9

Disciplinary liability of researchers and technical researchers employed in research units of the Academy

Article 107. The academics and the technical researchers employed in research units of the Academy shall bear disciplinary liability for gross violation of obligations or impairment of dignity of a researcher.

Article 108. 1 Disciplinary penalties comprise the following:

- 1) admonition,
- 2) reprimand,
- 3) reprimand with deprivation of rights to holding managerial positions in the institute for a period of up to 5 years.

2. A copy of the decision on imposing a disciplinary penalty with justification is placed in the personal file of the researcher or the technical researchers.

Article 109 1. Admonition for disciplinary offences of a lesser importance shall be imposed by the director having first learned the standpoint of the researcher or the technical researcher.

2. The researcher or the technical researcher punished by the director by admonition may appeal to the disciplinary commission. The appeal may be submitted within 14 days since the date of receipt of notice of imposing a penalty.

3. As regards circumstance specified in clause 2, the commission cannot impose a more severe punishment.

Article 110. 1. In disciplinary issues of the academics and the technical researchers judgements are passed by:

- 1) in the first instance - by the disciplinary commission in the research unit, comprising three members;
- 2) in the second instance - the disciplinary commission for researchers and the technical researchers of research units by the President of the Academy, comprising three members.

2. At least one of the members of the adjudicating panel of the commission specified in clause 1 item 2 shall hold the professional title of MSc in law.

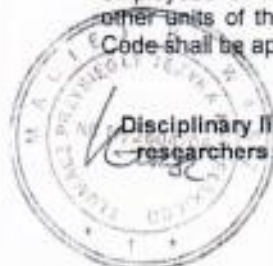
3. The adjudicating panel shall be chaired by a researcher employed on a post which may not be higher than that of the accused.

Article 111. 1. The disciplinary committee, specified in Article 110 section 1 item 1, is subject to election. The election method of a member of the committee is specified by the Statutes of the research unit of the Academy.

2. The disciplinary committee, specified in Article 110 section 1 item 2, is subject to election by the President of the Academy.

3. The disciplinary committees, specified in Article 110 section 1 item 1 are independent with respect to their adjudication.

4. The disciplinary committees, specified in Article 110 section 1, solve independently all



substantive and legal issues and are not bound by decisions taken by other bodies acting on the basis of the law, with the exception of a legally binding sentence issued by the court and an opinion issued by the Commission on Research Integrity in science, as specified in Article 39.

5. In issues of disciplinary transgressions, which concurrently violate ethical rules in science, especially those specified in Article 112 clause 3 items 1-4, the disciplinary commission may apply to the Commission on Research Integrity for issuance of an opinion as specified in Article 39. The opinion issued by the Commission on Research Integrity binds the disciplinary committee in the determination of the form of violation.

6. The decisions and judgements of the adjudicating panel are usually taken by the majority of votes.

7. The term of office of the disciplinary committee, specified in Article 110 section 1 item 1, is for a period of 4 years.

8. The term of office of the disciplinary committee, specified in Article 110 section 1 item 2, is for a period of 4 years and is identical to the term of office of particular bodies of the Academy.

9. The disciplinary committee, specified in Article 110 section 1 item 2, is served by organisational entities of the Main Office of the Academy.

Article 112. 1. The disciplinary proceedings are instigated by the disciplinary commission at the request of the disciplinary proceedings representative.

2. The disciplinary proceedings may not be instigated after the lapse of 6 months from the date when the director or the President of the Academy has found out about the commitment of an act justifying the imposing of a penalty, and after the lapse of 5 years since the commitment of that act. If the said act is an offence, this period may not be shorter than the limitation period for the persecution of this offence, subject to clause 3.

3. The disciplinary representative instigates the preliminary proceedings ex officio if the researcher or the technical researcher is charged with commitment of an act consisting of:

- 1) appropriation of authorship or misleading as to the authorship of the entire or a part of someone's work;
- 2) the propagation, without providing the name or pseudonym of the author, of someone else's work in the original version or in the form of an arrangement;
- 3) different types of violation of copyrights or derivative rights of other persons;
- 4) falsification of research or results of research and development works of another type of research fraud;
- 5) acceptance of financial benefits or their promise in connection with the fulfilled function or occupied position in the research unit;
- 6) referring to income in the research unit, state or self-government institution or endeavouring to convince another person or convincing such a person of the existence of such income and

undertaking to intermediate in handling certain issues in exchange for financial benefit or personal benefit or its promise;

- 7) granting or promising the granting of financial or personal benefits in exchange for intermediation in handling certain issues in a research unit, consisting in exerting influence on a decision, action or non-performance of a person who fulfils a function or occupies a position in a research unit in connection with fulfilment of such a function or occupying such a position.

4. If in the period specified in clause 2 disciplinary proceedings are instigated, the statute of limitations to prosecute an offence that justifies the imposing of a penalty passes after the lapse of 2 years since commencement of the proceedings.

5. No limitation period shall be applicable in relation to instigation of disciplinary proceedings in relation to a researcher or a technical researcher accused of commitment of an offence specified in clause 3 items 1-5.

6. The disciplinary penalties specified in Article 108 clause 1 can be erased from the register of penalties, and the copy of the judgement on the penalty attached to the personal file of the researcher or the technical researcher shall be removed after a period of 3 years, and as regards a penalty specified in Article 108 clause 1 item 3 after the lapse of 5 years since the employee's receipt of the legally binding judgment on the penalty if in that time such person is not punished in a disciplinary or legally binding decision for an intentional offence.

Article 113. 1. The disciplinary proceedings representative in the institute is appointed by the research committee of the institute from among the researchers of that institute, and in the auxiliary research unit - by the director from among the researchers of that unit.

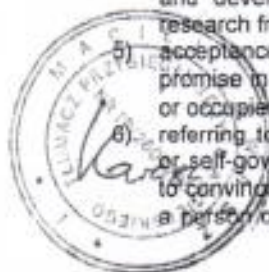
2. The disciplinary proceedings representative and the deputies of that representative in the committee specified in Article 110 clause 1 item 2 are appointed by the President of the Academy from among academics holding at least the degree of an assistant professor.

3. Should the body that appointed the disciplinary proceedings representative find that an act was committed that justifies disciplinary liability, the body immediately orders the disciplinary proceedings representative to instigate preliminary investigation.

4. The term of office of the disciplinary proceedings representative appointed by the scientific council of the director or by the director of the auxiliary research unit is 4 years.

5. The term of office of the disciplinary proceedings representative appointed by the President of the Academy is 4 years and is the same as the term of office of bodies in the Academy.

6. The body, which has appointed the disciplinary proceedings representative and the deputies, may have them recalled before the end of the term of office if a resignation is submitted or for another good reason.



Article 114. 1 The accused has the right to choose a defender for himself.

2. If the accused avoids participating in the proceedings, the proceedings may be held without his or her presence.

3. An appeal may be made by the parties against the judgement of the disciplinary commission in the first instance to the commission specified in Article 110 clause 1 item 2 within a period of 14 days since receipt of the judgement including the justification.

4. The parties shall have the right to an appeal to the Court of Appeals in Warsaw - the Labour and Social Security Court against the legally binding decision of the disciplinary commission as specified in Article 110 clause 1 item 2. Regulations of the Code of Civil Proceedings related to appeals shall be applicable for appeals. No cassation shall be applicable against a judgement of the Court of Appeals.

5. The disciplinary commission shall pass on information on the legally binding decisions related to violations, which have been specified in Article 112 clause 3 item 1-4 to the body that allocated financial resources for needs of science.

6. The disciplinary proceedings ending in a legally binding judgement may be renewed if:

- 1) in connection with the proceedings the law has been violated in a gross way, and justified suspicion exists that this could have seriously affected the contents of the judgement;
- 2) after the issuance of the judgement new facts or new evidence come to light, which has not been known at the time of its issuance, which suggest that the accused is in fact innocent, or that he had been sentenced for commitment of another offence or if the commission has groundlessly discontinued the proceedings;
- 3) the regulations have been violated during the proceedings, as a consequence of which the usage of the right to defence of the accused employee was either rendered impossible or hindered to a considerable extent, or if the composition of the commission failed to meet conditions specified in Article 110 or if a person subject to exclusion was a member of that commission.

7. The resumption of proceedings cannot take place for reasons specified in clause 6 item 1 if it was subject of examination by the court of appeal according to principles specified in clause 4.

8. The resumption of disciplinary proceedings to the disfavour of the accused is not admissible after his or her death or after the lapse of 3 years since the commitment of the offence which was the basis of the judgement, and if such act was a criminal offence - after the lapse of the limitation period for the prosecution of this offence, and if the penalty has been executed and erased from the register.

9. The application for resumption of the disciplinary proceedings may be submitted within a period of 30 days since finding out about a cause that justifies such resumption: by the accused, the defendant, the disciplinary spokesman, and after the death of the accused, or if justified doubts arise as to his or her soundness of mind - also the spouse, the

closest relatives, a brother or a sister.

Article 115. 1. The director can suspend the researcher or the technical researcher in suspension of duties, if penal or disciplinary proceedings have been started against such an employee, as well as during preliminary proceedings, if due to the importance and credibility of the presented charges the suspension from execution of duties seems to be justified.

2. The researcher or technical researcher is suspended in the fulfilment of duties under legal regulations in force as of the day of his or her temporary arrest.

3. Suspension in the execution of tasks may not be longer than 6 months, unless penal proceedings are still under way against the given researcher or technical researcher.

Article 116. The basic salary of the researcher or technical researcher in the period in which he is suspended in the fulfilment of duties may be reduced, and that of a temporarily arrested employee may be reduced by no more than half, depending on the family status of the researcher or technical researcher, starting on the first day of the calendar month following the month in which the suspension has taken place. In the period in which the duties are suspended, no bonuses to the salary shall be applicable or remuneration for overtime.

2. If the disciplinary or penal proceedings end by discontinuation due to lack of evidence of guilt or by issuance of an acquitting decision or sentence, the researcher or technical researcher shall have the right to the remaining part of full remuneration.

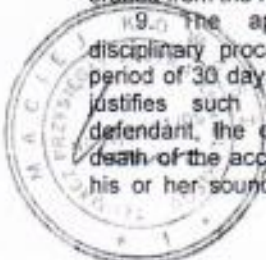
Article 117. The minister of science and higher education shall define by way of a regulation the detailed scope of the preliminary proceedings and the disciplinary procedures, the course of preliminary proceedings and the disciplinary procedure, the ways and rules for summoning and hearing the accused, witnesses and experts as well as examination of other evidence, as well as rules for the execution of disciplinary penalties and their erasing from the register of penalties, maintaining clarity of such proceedings and assuring impartiality of persons assigned with the performance of such proceedings.

Article 118. As regards the disciplinary proceedings against researchers and technical researchers, in issues not regulated by provisions of the regulations of the Code of Penal Proceedings shall be applicable, excluding Article 82.

Section 10 Final provision

Article 119. The Act comes into force at the time and according to rules specified in the Act of 30th April 2010 - Introductory regulations for acts that reform the education system (Dz. U. No. 96, item 620).

The Sejm Speaker acting as President of the Republic of Poland: B. Komorowski



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I hereby certify the above to be a true and complete translation of the document presented to me on 18th February, 2013.

English Language Sworn Translator

Maciej Kowasz, M.A.

Licence No: TP 2604/05

Date: 18th February, 2013



