

## Comparison between former and present legal provisions concerning Prosecuting Authority status

<b>Act of 20 June 1985 on Prosecuting Authority - Journal of Laws of 2011, item 1599 (annulled)</b>	<b>Act of 28 January 2016 - Law on Prosecuting Authority - Journal of Laws of 2016, item 177 (in force)</b>
<p>Article 8. 1. In the execution of activities stipulated in the laws, a public prosecutor acts independently, subject to the provisions of paragraph 2 and of Articles 8a and 8b.</p> <p>2. A public prosecutor is obliged to implement orders, guidelines and instructions of their superior public prosecutor. <u>The orders, guidelines and instructions may not be related to the contents of procedural actions.</u></p>	<p>Art. 7. § 1. The public prosecutor shall be independent in the performance of the activities specified in the laws, subject to § 2-6 and Art. 8 and Art. 9.</p> <p>§ 2. The public prosecutor shall be obliged to comply with the orders, guidelines and instructions of his superior public prosecutor.</p> <p>§ 3. <u>Instructions concerning the contents of a procedural activity</u> shall be issued in writing by the superior public prosecutor, and, at the request of the public prosecutor, including the justification. In the event of an obstacle in delivery of the instruction in a written form, it shall be permitted to give the instruction orally, provided that the superior public prosecutor shall be obliged to immediately confirm such oral instruction in writing. The instruction shall be incorporated in the reference files.</p> <p>§ 4. If the public prosecutor does not agree with the instruction concerning the contents of a procedural activity, he may demand a change of the instruction or being excluded from the performance of a given activity or participation in the matter. The final decision on the exclusion shall be taken by the direct</p>

	<p>superior public prosecutor of the public prosecutor who issues the instruction.</p> <p>§ 5. The demand referred to in § 4 shall be submitted by the public prosecutor in writing, together with the justification, to the superior public prosecutor who issues the instruction.</p>
<p>Article 8a. 1. <u>The directly superior public prosecutor</u> is authorised to change or set aside a decision of a subordinate public prosecutor. Any change to or setting aside of such a decision requires a written form and is enclosed to the case files.</p> <p>2. Any amendment to or setting aside of a decision served on the parties, their attorneys or defence counsels, or other authorised entities, may take place only in line with the procedure and principles defined in the Act.</p>	<p>Art. 8. § 1. <u>The superior public prosecutor</u> shall be authorized to amend or revoke a decision of the subordinate public prosecutor. An amendment to or revocation of the decision shall require a written form and shall be incorporated in the files of the matter.</p> <p>§ 2. An amendment to or revocation of the decision delivered to the parties, their attorneys or defence counsels and other authorized entities may occur solely subject to the procedure and rules specified in the law.</p>
<p>Article 10e. 1. No later than by the end of the first quarter of the next year, <u>the General Public Prosecutor shall present to the Prime Minister an annual report</u> on the operations of the prosecuting authority.</p> <p>2. The Minister of Justice presents their position as to the General Public Prosecutor's report in writing.</p> <p>3. At any time, the Prime Minister may, independently of the annual report, demand that the General Public Prosecutor present information concerning a specific subject connected with preservation of the rule of law and crime prosecution. The demand may not concern information about the course of</p>	<p>Art. 60 § 2. <u>Ministers supervising bodies authorized to carry out preparatory proceedings shall submit to the Prosecutor General an annual information</u> on the activities of these bodies in the field of preparatory proceedings. Information of the minister the Prosecutor General submits with his own opinion to the Prime Minister.</p>

<p>proceedings in any specific case. The provision of paragraph 2 shall apply accordingly.</p> <p>4. The Prime Minister may demand that the General Public Prosecutor supplement the presented information within three months.</p> <p>5. The Prime Minister accepts or rejects the report referred to in paragraph 1, having regard to the implementation of tasks by the General Public Prosecutor in the field of preservation of the rule of law and ensuring crime prosecution.</p> <p>6. Should the report of the General Public Prosecutor be rejected, the Prime Minister may apply to the Sejm for dismissal of the General Public Prosecutor before the lapse of the latter's term of office. The Sejm shall dismiss the General Public Prosecutor by a resolution enacted by a majority of two thirds of the votes, with at least half of the statutory number of Sejm deputies present.</p> <p>7. Before submitting the application referred to in paragraph 6, the Prime Minister consults Krajowa Rada Prokuratury [the National Council of the Prosecuting Authority of Poland], which shall issue an opinion within two months. The opinion shall be enclosed to the motion. A failure to issue an opinion within that time frame shall mean a resignation from expressing it.</p>	
<p><b>No relevant regulations</b></p>	<p>Art. 12. § 1. (1) The General Public Prosecutor, National Public Prosecutor or other public prosecutors authorized by them <u>may provide information to public authorities, and in particularly justified cases also to other persons, concerning the operation of</u></p>

	<p><u>the prosecuting authority, including information concerning specific matters</u>, is such information may be relevant for the security of the state or its proper functioning.</p> <p>§ 2. The General Public Prosecutor and heads of organizational units of the prosecuting authority may provide the media with information on pending preliminary proceedings or concerning the operation of the prosecuting authority, either in person or through another authorized public prosecutor, with the exclusion of classified information, bearing in mind an important public interest.</p> <p>§ 3. In the cases indicated in § 1 and 2, <u>it shall not be required to obtain the consent of the person conducting the preliminary proceedings</u>.</p> <p>§ 4. Liability for any claims arising in connection with the activities referred to in § 1 and 2 shall be borne by the State Treasury. The liability of the State Treasury shall also cover a duty of placing a statement with the relevant content and in the appropriate form, as well as a duty to make a certain contribution to an indicated social initiative.</p> <p>§ 5. /... /</p>
<p>Article 14a. 1. To a position of public prosecutor at the General Public Prosecutor's Office any person may be appointed who, while fulfilling all the conditions necessary to assume a position of public prosecutor in a common public prosecutor's office, has at least ten years of experience in a position of public prosecutor or judge, including a period of at least six years of work as a public prosecutor at Prokuratura Krajowa [the National Prosecutor's Office], an appellate or a regional public prosecutor's office, Naczelna Prokuratura Wojskowa [the</p>	<p>Art. 76. § 1. (6) The position of a public prosecutor at the National Public Prosecutor's Office may be taken by a person who, meeting the conditions for taking the public prosecutor's position, has at least 8 years of experience in the public prosecutor's or judge's position, including at least 5 years of experience of work in the position of a public prosecutor of the appeal public prosecutor's office, regional public prosecutor's office, circuit public prosecutor's office or a public prosecutor of the Institute of National Remembrance, a judge of the appeal</p>

<p>Supreme Military Prosecutor's Office], as a public prosecutor of a regional military prosecutor's office or a public prosecutor of Instytut Pamięci Narodowej - Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu [the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation], a judge of an appellate or a regional court or a regional military court, or has worked - for a period of at least twelve years before the appointment - as a solicitor, legal counsel, notary or has held the position of president, deputy president, senior counsel or counsel at Prokuratoria Generalna Skarbu Państwa [the State Treasury Solicitors' Office].</p> <p>2. To a position of public prosecutor at an appellate public prosecutor's office any person may be appointed who, while fulfilling all the conditions necessary to assume a position of public prosecutor in a common public prosecutor's office, has at least six years of experience in a position of public prosecutor or judge, including a period of at least three years of work as a public prosecutor of a regional public prosecutor's office, public prosecutor of a regional military prosecutor's office, or a public prosecutor of the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation, a judge of a regional court or a military regional court, or has worked - for a period of at least eight years before the appointment - as a solicitor, legal counsel, notary or has held the position of president, deputy president, senior counsel or counsel at the State Treasury Solicitors' Office.</p> <p>3. To a position of public prosecutor at a regional public prosecutor's office any person may be appointed who, while fulfilling all the conditions necessary to assume a position of</p>	<p>court or a circuit court or a military circuit court, or, for a period of at least 12 years before his appointment, performed the profession of an attorney-at-law, a legal counsel, a notary or held the position of the President, Vice President or a counsel at Prokuratoria Generalna Skarbu Państwa [the State Treasury Solicitors' Office].</p> <p>§ 2. (7) The position of a public prosecutor at the regional public prosecutor's office may be taken by a person who, meeting the conditions for taking the public prosecutor's position, has at least 6 years of experience in the public prosecutor's or judge's position, including at least 3 years of experience of work in the position of a public prosecutor of the circuit public prosecutor's office or a public prosecutor of the Institute of National Remembrance, a judge of a circuit court or a military circuit court, or, for a period of at least 10 years before his appointment, performed the profession of an attorney-at-law, a legal counsel, a notary or held the position of the President, Vice President or a counsel at the State Treasury Solicitors' Office.</p> <p>§ 3. (8) The position of a public prosecutor at the circuit public prosecutor's office may be taken by a person who, meeting the conditions for taking the public prosecutor's position, has at least 3 years of experience of work in the position of a public prosecutor of a district public prosecutor's office or a public prosecutor of the Institute of National Remembrance, a judge of a district court or a garrison court, or, for a period of at least 6 years before his appointment, performed the profession of an attorney-at-law, a legal counsel, a notary or held the position of the President, Vice President or a counsel at the General Counsel to the Republic of Poland.</p>
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<p>public prosecutor in a common public prosecutor's office, has at least four years of experience in a position of public prosecutor at a regional public prosecutor's office, public prosecutor of a garrison prosecutor's office, or a public prosecutor of the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation, a judge of a common or military court, or has worked - for a period of at least six years before the appointment - as a solicitor, legal counsel, notary or has held the position of president, deputy president, senior counsel or counsel at the State Treasury Solicitors' Office.</p> <p>4. (...)</p>	<p>§ 4. (...)</p> <p>§ 5. <u>In special, justified cases, in order to ensure proper execution of the statutory tasks of the prosecuting authority, the General Public Prosecutor, at the request of the National Public Prosecutor, may appoint a public prosecutor to perform duties at the National Public Prosecutor's Office, at a regional public prosecutor's office or at a circuit public prosecutor's office, without having to meet the requirements referred to in § 1-3.</u></p>
<p>Article 14b. 1. Should a position of public prosecutor be created or vacated, the General Public Prosecutor immediately gives notice about the vacancy in Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski" [the Official Gazette of the Republic of Poland "Monitor Polski"], unless the position is to be manned by way of professional transfer of a public prosecutor from an equivalent public prosecutor's office.</p> <p>2. Any person who fulfils the conditions to assume the vacant position of public prosecutor may apply for the position within a month as of the notice referred to in paragraph 1.</p> <p>3 -11. (...)</p>	<p>Art. 80. In the event of establishment or vacating a public prosecutor's position at a district public prosecutor's office, the General Public Prosecutor shall take a decision on selecting a candidate for the first public prosecutor's position in a competition procedure conducted under Arts. 81-90, <u>and in special justified cases shall appoint for that position a candidate indicated in the motion of the National Public Prosecutor, as referred to in Art. 74 § 1, without holding the competition.</u></p>
<p>Article 23. 1. Krajowa Rada Prokuratury [the National Council of the Prosecuting Authority of Poland] is composed of twenty five members. It includes: the Minister of Justice, the General Public Prosecutor, a representative of the President of the Republic of Poland, four Sejm deputies, two senators, a public prosecutor elected by the meeting of public prosecutors of</p>	<p>Art. 55 The mandate of a member of the National Council of the Prosecuting Authority of Poland expires on the date of entry into force of this Act.</p>

<p>Naczelna Prokuratura Wojskowa [the Supreme Military Prosecutor's Office], a public prosecutor elected by the meeting of public prosecutors of Instytut Pamięci Narodowej - Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu [the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation], three public prosecutors elected by the meeting of public prosecutors of the General Public Prosecutor's Office, and eleven public prosecutors elected by meetings of public prosecutors in appellate public prosecutor's offices.</p> <p>2. <u>The term of office of Krajowa Rada Prokuratury [the National Council of the Prosecuting Authority of Poland] shall be 4 years.</u></p>	<p>Art. 58 § 1. The composition of the first National Council of Public Prosecutors at the General Public Prosecutor shall be determined by the Minister of Justice, within 30 days of the date of coming into force of this Law.</p>
<p>Article 24. In particular, Krajowa Rada Prokuratury [the National Council of the Prosecuting Authority of Poland]:</p> <ol style="list-style-type: none"> <li>1) safeguards impartiality of public prosecutors;</li> <li>2) provides opinions with regard to draft legislation concerning the prosecuting authority;</li> <li>3) hears information of the General Public Prosecutor about the operations of the prosecuting authority and provides opinions in this scope;</li> <li>4) appoints a candidate for the position of the General Public Prosecutor;</li> </ol>	<p>Art. 43. § 1. The National Council of Public Prosecutors shall guard the independence of public prosecutors.</p> <p>§ 2. The National Council of Public Prosecutors <u>shall express its opinion</u> regarding matters undertaken on its own initiative or presented by the General Public Prosecutor, and in particular regarding matters concerning:</p> <ol style="list-style-type: none"> <li>1) draft normative acts concerning the prosecuting authority and draft guidelines of the General Public Prosecutor;</li> <li>2) the status and development of the prosecution staff and direction of training of public prosecutors and junior public prosecutors;</li> <li>3) periodic evaluation of performance of tasks by the prosecuting authority;</li> </ol>

<p>5) requests the President of the Republic of Poland for dismissal from the position of the General Public Prosecutor in the case indicated in Article 10d.2 (2);</p> <p>6) provides an opinion as regards the request of the Prime Minister for dismissal of the General Public Prosecutor before the lapse of the term of office in cases indicated in Articles 10d.2 (2), 10e.6, and 10f.1;</p> <p>7) applies to the disciplinary court for holding the General Public Prosecutor disciplinarily liable and appoints an attorney to act before the disciplinary court;</p> <p>8) examines annual reports on the activity of the Disciplinary Attorney to the General Public Prosecutor;</p> <p>9) examines and evaluates candidates for positions of public prosecutors and presents to the General Public Prosecutor applications for the appointment of public prosecutors of common organisational units of the prosecuting authority, public prosecutors of military organisational units of the prosecuting authority, and public prosecutors of Instytut Pamięci Narodowej - Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu [the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation];</p> <p>10) takes a position as regards the consent to dismissal from a position of appellate public prosecutor, regional public prosecutor, and district public prosecutor as well as deputies of the foregoing due to reasons defined in Article 13c.1 (4);</p> <p>11) provides opinions as regards the consent to a public prosecutor performing their function after reaching 67 years of</p>	<p>4) directions of actions aimed at the development of professional qualifications of public prosecutors and the level of their work;</p> <p>5) candidates for the Director of the National School of Judiciary and Public Prosecution.</p>
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age or an age accordingly provided for in Article 69 § 1a of the Act mentioned in Article 62a.1;

12) provides opinions as regards applications of retired public prosecutors for reinstatement as public prosecutors;

13) provides opinions as regards principles of assessment of the work of junior public prosecutors;

14) expresses a position in matters related to public prosecutor's offices and public prosecutors, placed on the agenda of Krajowa Rada Prokuratury by the President of the Republic of Poland as well as other public authorities and collegial bodies of the prosecuting authority;

15) enacts a code of professional ethics for public prosecutors and safeguards its observance;

16) provides opinions as to draft guidelines and orders of the General Public Prosecutor;

17) expresses opinions as regards the status and development of prosecuting staff and training directions for public prosecutors, junior public prosecutors, and public prosecutors' trainees;

18) expresses opinions as regards interim assessments of implementation of the prosecuting authority's tasks;

19) expresses opinions as regards directions of actions adopted to improve the professional skills of public prosecutors and quality of their work;

<p>20) provides opinions on the candidate for the position of the Head of Krajowa Szkoła Sądownictwa i Prokuratury [the National School of Judiciary and Public Prosecution];</p> <p>21) appoints three members of the Programme Board of Krajowa Szkoła Sądownictwa i Prokuratury;</p> <p>22) defines the total number of members of disciplinary courts and the number of members of disciplinary courts elected by the meeting of public prosecutors of the General Public Prosecutor's Office, and the meeting of public prosecutors in appellate public prosecutor's offices;</p> <p>23) provides opinions as regards training curricula as part of prosecutor's traineeship, the scope and procedure of prosecutor's traineeship competitions, and public prosecutor's examination.</p>	
<p>Article 44. 1. A public prosecutor is obliged to act in accordance with the public prosecutor's oath.</p> <p>2. A public prosecutor, whether on duty or not, shall safeguard the dignity of the office and avoid anything capable of discrediting the dignity of public prosecutor or compromise the trust in their impartiality.</p> <p>3. When in office, the public prosecutor may not belong to any political party or participate in any political activities.</p> <p>4. A public prosecutor running for the Sejm or the Senate, or for a position of councillor, shall be granted unpaid leave for the period of the political campaign.</p>	<p>Art. 97. § 1. During the term of his office, the public prosecutor may not belong to a political party or take part in any political activity.</p> <p>§ 2. A public prosecutor applying for the office of the President of the Republic of Poland, a mandate of a member of parliament, a senator, deputy or head of commune (mayor, city president) shall be awarded a leave, without a right to remuneration for its duration, for the period of the election campaign. This shall not apply to a retired public prosecutor.</p> <p>§ 3. <u>A public prosecutor may perform functions in organizations associating public prosecutors or employees of the public prosecutor's office</u>, unless this is to the detriment of the dignity</p>

	<p>of the public prosecutor's office, as well as in other organizations conducting a social activity, operating under other laws.</p>
<p>Article 47. 1. Demands, presentations and complaints in cases related to the office of a public prosecutor may be filed by the public prosecutor only in accordance with the line of authority. In such cases, the public prosecutor may not address outsider institutions or persons, or make these cases public.</p> <p>2. In cases related to claims under employment relationship, a public prosecutor may use judicial proceedings.</p> <p>3. A public prosecutor shall immediately inform their superior about any pending court proceedings in which the public prosecutor acts as a party or participant.</p>	<p>Art. 101. § 1. In matters concerning claims connected with the official relationship, the public prosecutor shall have a right to lodge a case to the court having jurisdiction for labour matters.</p> <p>§ 2. Any requests and complaints connected with his office should be first submitted by the public prosecutor through the official channels.</p> <p>§ 3. The public prosecutor should immediately notify his superior of any pending court proceedings to which he is a party or a participant.</p>
<p>Article 50. 1. The General Public Prosecutor may delegate a public prosecutor of a common organisational unit of the prosecuting authority, ( ... ) in line with the qualifications of the public prosecutor.</p> <p>( ...) Delegation for a period longer than six months in a year may take place <u>only upon the public prosecutor's consent</u>.</p> <p>3. A public prosecutor's delegation pursuant to paragraph 1 - for an indefinite period or pursuant to paragraph 2a - for a period longer than a year may be revoked or resigned from upon a three-month notice. A public prosecutor's delegation pursuant to paragraph 2a - for a period not longer than a year - may be resigned from upon a one-month notice.</p>	<p>Art. 106. § 1. The General Public Prosecutor may delegate a public prosecutor of a common organizational unit of the prosecuting authority to the Ministry of Justice or another organizational unit subordinate to the Minister of Justice, according to the qualifications of the public prosecutor. Delegation for a period longer than 6 months in a year may take place only at the consent of the public prosecutor.</p> <p>§ 2. The General Public Prosecutor or the National Public Prosecutor may delegate a public prosecutor of the common organizational unit of the prosecuting authority to another organizational unit of the prosecuting authority. Delegation for a period longer than 6 months in a year may take place only at the consent of the public prosecutor.</p>

	<p>§ 3. In justified cases, due to personnel needs of common organizational units of the prosecuting authority, the General Public Prosecutor or the National Public <u>Prosecutor may delegate a public prosecutor, without his consent, for a period of 12 months in a year</u>, to a public prosecutor's office whose seat is located in the town of residence of the delegated public prosecutor or to a public prosecutor's office in a town in which the public prosecutor's office being the place of employment of the delegated public prosecutor is located.</p>
<p>Article 62e. 1. The effectiveness in execution of tasks and the professional competences of a public prosecutor are subject to interim evaluation (public prosecutor's interim evaluation).</p>	<p><b>No relevant regulations</b></p>
<p><b>No relevant regulations</b></p>	<p>Art. 133 § 1. (...)</p> <p>§ 2. The types of awards and distinctions, as well as the procedure of their granting shall be determined by the General Public Prosecutor. An award may also be constituted by promotion granted earlier than stipulated by the provisions on remuneration or appointment to a higher position of by special provisions. For that purpose, the General Public Prosecutor or the National Public Prosecutor shall establish award funds.</p>
<p>Article 55. Any investigation against a public prosecutor shall be instituted and conducted only by a public prosecutor.</p>	<p>Art. 136. Preliminary proceedings against the public prosecutor shall be instituted and conducted only by a public prosecutor.</p>
<p>Article 66. 1. A public prosecutor shall be held disciplinary liable for disciplinary breaches, including an obvious and</p>	<p>Art. 137. § 1. The public prosecutor shall bear disciplinary liability for breaches of his office, including the obvious and</p>

<p>flagrant breach of law regulations as well as for detriment to the dignity of the office of public prosecutor.</p> <p>1a. A public prosecutor shall also be held disciplinary liable for their conduct before taking the office if such conduct caused detriment to the dignity of the public office then held or the public prosecutor turned out to be unworthy of the office of public prosecutor.</p> <p>2. For an abuse of freedom of speech committed when performing professional duties which constitutes an insult persecuted by private indictment, with regard to a party, their representative, solicitor, guardian, witness, expert witness, or interpreter, a public prosecutor is subject only to disciplinary liability.</p>	<p>gross breach of the provisions of law and the dignity of his office (disciplinary breaches).</p> <p>§ 2. An act or omission of the public prosecutor undertaken solely in the social interest shall not constitute a disciplinary breach.</p>
<p>Article 67. 1. Disciplinary penalties include:</p> <ol style="list-style-type: none"> <li>1) warning;</li> <li>2) reprimand;</li> <li>3) removal from the post held;</li> <li>4) transfer to a different place of employment;</li> <li>5) expulsion from prosecuting service.</li> </ol> <p>2. The imposition of a penalty defined in paragraphs 1 (2) to (4) results in the deprivation of a possibility of being promoted in a</p>	<p>Art. 142. § 1. Disciplinary penalties shall be:</p> <ol style="list-style-type: none"> <li>1) an admonition;</li> <li>2) a reprimand;</li> <li>3) dismissal from the function served;</li> <li>4) transfer to another position;</li> <li>5) dismissal from the public prosecutor's service.</li> </ol>

<p>period of three years and of participating in a college of a regional public prosecutor's office, a college of an appellate public prosecutor's office, a meeting of public prosecutors, in Krajowa Rada Prokuratury [the National Council of the Prosecuting Authority of Poland], and the disciplinary court within that period.</p>	
<p>Article 99. 1. The General Public Prosecutor may entrust a junior public prosecutor of a common organisational unit of the prosecuting authority, and the Supreme Military Prosecutor - a junior public prosecutor of a military organisational unit of the prosecuting authority, for a specified period not exceeding three years, with duties of a public prosecutor, however with no right to:</p> <ol style="list-style-type: none"> <li>1) participate in proceedings before an appellate and a regional court;</li> <li>2) draw up means of appeal and petitions to Sąd Najwyższy [the Supreme Court of the Republic of Poland] and perform activities before that Court.</li> </ol> <p>1a. Decisions on the suspension of proceedings, decisions closing an investigation, indictments and means of appeal drawn up by a junior public prosecutor are subject to approval of the directly superior public prosecutor. The approval consists in endorsement of a draft decision.</p> <p>2. A junior public prosecutor with no entitlements to carry out duties of a public prosecutor may act as a public prosecution</p>	<p>Art. 173. § 1. The General Public Prosecutor may entrust the prosecution assessor, for a specified period of time, not exceeding 3 years, the performance of public prosecutor's activities, without a right to:</p> <ol style="list-style-type: none"> <li>1) participate in proceedings before an appeal court and in proceedings before a circuit court, with the exception of proceedings in the first instance in the matters in which he has conducted preliminary proceedings;</li> <li>2) appear before the Supreme Court, drawing-up appeals and petitions to the Supreme Court.</li> </ol> <p>§ 2. Decisions on suspensions of proceedings, decisions ending preliminary proceedings, bills of indictment, appeals and complaints drawn-up by a prosecution assessor shall be subject to approval of a direct superior public prosecutor. The approval shall consist of the acceptance of a draft of a decision.</p>

<p>counsel in cases where the investigation has been completed in the simplified form.</p>	
<p><b>Act of 20 June 1985 on Prosecuting Authority - Journal of Laws of 2011, item 1599 (annulled)</b></p>	<p><b>Act of 28 January 2016 on Implementing provisions – Law on Prosecuting Authority Journal of Laws of 2016, item 178 (in force)</b></p>
<p>Article 11. 1. Public prosecutors of common organisational units of the prosecuting authority and public prosecutors of military organisational units of the prosecuting authority <u>are appointed</u> by the General Public Prosecutor upon request of Krajowa Rada Prokuratury [the National Council of the Prosecuting Authority of Poland].</p>	<p>Art. 35. § 1. The General Public Prosecutor, at the request of the National Public Prosecutor, <u>shall appoint</u> public prosecutors of the National Public Prosecutor’s Office from among public prosecutors of the General Public Prosecutor’s Office, prosecutors of the Supreme Military Prosecutor’s Office, public prosecutors of appeal public prosecutor’s offices, public prosecutors of circuit public prosecutor’s offices, public prosecutors of circuit military prosecutor’s offices and public prosecutors of garrison prosecutor’s offices within 30 days of the date of coming into force of this Law.</p> <p>Art. 36. § 1. The General Public Prosecutor <u>shall transfer</u> public prosecutors of the General Public Prosecutor’s Office and public prosecutors of the Supreme Military Prosecutor’s Office, who have not been appointed by him to the National Public Prosecutor’s Office, to another office in common organizational units of prosecuting authority with the retention of the title of “a public prosecutor of former General Public Prosecutor’s Office” or “a public prosecutor of the former Supreme Military Prosecutor’s Office” and a right to remuneration acquired in the position held by them so far, taking into account, in this respect, their current place of residence or place of employment.</p>

Art. 38. § 1. The General Public Prosecutor, at the request of the National Public Prosecutor, shall appoint public prosecutors of regional public prosecutor's offices from among public prosecutors of former appeal public prosecutor's offices and circuit public prosecutor's offices within 60 days of the date of coming into force of this Law.

Art. 39. § 1. The General Public Prosecutor shall transfer public prosecutors of the appeal public prosecutor's offices, who have not been appointed by him to the regional public prosecutor's offices, to another office in common organizational units of prosecuting authority with the retention of the title of "a public prosecutor of former Appeal Public Prosecutor's Office" and a right to remuneration acquired in the position held by them so far, taking into account, in this respect, their current place of residence or place of employment. The provision of Art. 36 § 2 shall apply accordingly.

Art. 40. § 1. The General Public Prosecutor, at the request of the National Public Prosecutor, shall appoint public prosecutors of circuit public prosecutor's offices in which departments for military affairs have been established from among public prosecutors of circuit military prosecutor's offices and military garrison prosecutor's offices within 60 days of the date of coming into force of this Law.

Art. 41. § 1. The General Public Prosecutor shall transfer public prosecutors of the circuit military prosecutor's offices, who have not been appointed by him to the circuit public prosecutor's offices, to another office in common organizational units of prosecuting authority with the retention of the title of "a public prosecutor of former Circuit Military Prosecutor's Office" and a right to remuneration acquired in the position held by them so

	<p>far, taking into account, in this respect, their current place of residence or place of employment. The provision of Art. 36 § 2 shall apply accordingly.</p>
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<p>Art. 13.7. An appellate public prosecutor and a deputy appellate public prosecutor are appointed for <u>a six-year term of office</u> and may not be appointed once again for the immediately following term of office to perform the same functions.</p> <p>Art. 13a.7. A regional public prosecutor and a deputy regional public prosecutor are appointed for <u>a six-year term of office</u> and may not be appointed once again for the immediately following term of office to perform the same functions.</p> <p>Art. 13b.7. <u>The term of office</u> of a district public prosecutor and of a deputy district public prosecutor <u>lasts four years</u>.</p>	<p>Art. 51. § 1. As of the date of entry into force of this law, <u>the term of office of prosecutors appointed to perform functions in the common organizational units of the public prosecutor's office shall expire</u> on the basis of the existing regulations.</p>
<p><b>Regulation of the Minister of Justice of 11 September 2014. Rules of internal procedures of the common organizational units of the prosecuting authority (Journal of Laws of 2014, item 1218)</b></p>	<p><b>Regulation of the Minister of Justice of 7 April 2016. Rules of internal procedures of the common organizational units of the prosecuting authority (Journal of Laws of 2016, item 508)</b></p>
<p>§ 24 ust. 2. In particularly justified situations, a manager of a unit may hand over a case for further conduct to another public prosecutor. Such handing over requires a statement of reasons in which circumstances making it necessary to hand over the case shall be stipulated.</p>	<p>§ 45. A case allocated to a public prosecutor may be transferred to another public prosecutor within the same or different unit only on the basis of a written decision of the superior public prosecutor which is attached to the on-hand files of the case.</p>