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Warsaw, on 11 August 2017

Item 1530

ACT

of 7 July 2017

on the Polish National Agency for Academic Exchange ¹⁾

Chapter 1

General Provisions

Article 1. 1. The Polish National Agency for Academic Exchange, hereinafter referred to as the 'Agency', shall be a state-owned legal person.

2. The Agency's registered office shall be the capital city of Warsaw.

3. The Agency may use an image of an eagle established for the emblem of the Republic of Poland and an official seal.

Article 2. 1. The Agency shall carry out tasks in internationalisation of tertiary education and science.

2. The Agency's tasks shall include the following:

- 1) initiating and carrying out activities supporting an international academic exchange as well as the process of internationalisation of Polish tertiary education institutions and scientific units;
- 2) disseminating information about the Polish system of tertiary education and science;
- 3) spreading the Polish language outside the Republic of Poland.

3. The Agency shall also carry out tasks related to:

- 1) approaching matters of individuals entering and continuing education as well as participating in research and development projects under international agreements and/or the minister competent for tertiary education's decisions referred to respectively in Article 43(3) points 1 and 3 of the Act of 27 July 2005 - Law on Higher Education (Dz. U. of 2016, item 1842, as amended²⁾);
- 2) approaching matters of individuals directed by the minister competent for tertiary education to enrol on studies, doctoral studies and/or scientific internships under the provisions issued under Article 42 of the Act of 27 July 2005 - Law on Higher Education;

- 3) approaching matters of recognisability of tertiary education and academic degrees;
- 4) ensuring administrative and financial handling of the State Commission for the Certification of Proficiency of Polish as a Foreign Language, acting under the Act of 7 October 1999 on the Polish Language (Dz. U. of 2011, item 224 and 455, of 2015, item 1132 as well as of 2017, item 60);

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- 1) This Act amends the following Acts: the Act of 26 July 1991 on Personal Income Tax, the Act of 14 March 2003 on Academic Degrees and an Academic Title as well as on Degrees and a Title in Art, the Act of 27 July 2005 - Law on Higher Education, the Act of 18 October 2006 on Disclosure of the Information about Documents of State Security Bodies from 1944–1990 as well as of the Contents of These Documents as well as the Act of 30 April 2010 on the Principles of Financing Science.
 - 2) Amendments to the uniform text of the said Act are announced in Dz. U. of 2016, item 1933, 2169, and 2260 as well as of 2017, item 60, 777, 858, 859, 1321, and 1428.

5) authenticating the documents referred to in Article 191b(3) of the Act of 27 July 2005 - Law on Higher Education as well as Article 29c(1) of the Act of 14 March 2003 on Academic Degrees and an Academic Title as well as on Degrees and a Title in Art (Dz. U. of 2016, item 882 and 1311 as well as of 2017, item 859).

4. The Agency may participate in carrying out the operational programmes referred to in the Act of 11 July 2014 on the Principles of Carrying Out Cohesion Policy Programmes Financed in the Financial Perspective 2014–2020 (Dz. U. of 2017, item 1460 and 1475).

5. Ministers managing government administration branches may commission the Agency to carry out tasks related to internationalisation of tertiary education and/or science, being within their competence, providing resources for carrying them out.

6. When carrying out the tasks referred to in sec. 2 and 3, the Agency may cooperate with Polish and foreign entities, in particular as a partner to joint venture agreements.

Chapter 2

Agency's Bodies and Organization

Article 3. The Agency's bodies shall be:

- 1) The Agency Director, hereinafter referred to as the 'Director';
- 2) The Agency Board, hereinafter referred to as the 'Board'.

Article 4. 1. The Director shall manage the Agency and represent it outside.

2. The Director's tasks shall include the following:

- 1) developing and carrying out the programmes referred to in Article 17(2) as well as evaluating them;
- 2) conceiving a draft annual action plan as well as a draft annual financing plan of the Agency;
- 3) compiling an annual report on the Agency's operations in the previous year as well as the Agency's annual financial statements;
- 4) managing the Agency's finances and carrying out finance-related operations;
- 5) managing the Agency's assets.

3. The Director shall have the right to on their own make acts in the law on behalf of the Agency.

4. The Director shall pass information about inspections carried out in the Agency on to the minister competent for tertiary education.

Article 5. 1. The Director shall act through their deputies, the heads of organizational units as well as through the chief accountant.

2. In the Agency, husband and wife or individuals to the second degree inclusive by consanguinity or within the first degree by affinity must not be subordinated to one another in any official capacity.

Article 6. 1. The Director shall be appointed and recalled by the Prime Minister at the request of the minister competent for tertiary education.

2. The Director's term of office shall be five (5) years.

3. The position of Director may be held by an individual who:

- 1) has a diploma of completion of a second-cycle programme, long-cycle programme or a different, equivalent diploma;
- 2) is a Polish citizen;
- 3) enjoys full public rights;
- 4) has not been sentenced with a final and binding judgement for an intentional crime or for an intentional tax crime;
- 5) has at least 6-year professional experience, including has held a managerial post for at least three (3) years;
- 6) has experience of international cooperation concerning tertiary education and/or science;
- 7) has command of a foreign language to the extent that allows them to communicate with ease;
- 8) between 22 July 1944 and 31 July 1990, did not work at and did not serve in the state security bodies within the meaning of Article 2 of the Act of 18 October 2006 on Disclosure of the Information about Documents of the State Security Bodies from 1944–1990 as well as the Contents of These Documents (Dz. U. of 2016, items 1721, 1948, 2260, and 2261), and did not cooperate with these bodies.

4. Prior to the appointment to the position of Director, the appointed individual shall make a statement that they meet the requirements referred to in sec. 3, and in the case of individuals born before 1 August 1972 - also the statement referred to in Article 7(1) of the Act of 18 October 2006 on Disclosure of the Information about Documents of State Security Bodies from 1944–1990 as well as the Contents of These Documents or the information referred to in Article 7(3a) of this Act.

5. The appointment to the position of Director shall be tantamount to the establishment of an employment relationship under the appointment within the meaning of provisions of the Act of 26 June 1974 - Labour Code (Dz. U. of 2016, items 1666, 2138, and 2255 as well as of 2017, items 60 and 962).

6. Upon the expiry of the term of office, the Director shall carry out their duties until the date their successor is appointed.

Article 7. 1. The Director shall be recalled before the expiry of the term of office in the following cases:

- 1) a letter of resignation is handed in;
- 2) the capability to carry out the entrusted duties is lost as a result of a prolonged disease, lasting longer than six (6) months;
- 3) the Director no longer meets any of the requirements laid down in Article 6(3) points 2–4;
- 4) acting not in conformity with the law and/or the principles of diligence and economy;
- 5) the Agency's annual financial statements are not approved and/or they are not put forward within the period set out in Article 29(4);
- 6) making an untrue statement referred to in Article 7(1) of the Act of 18 October 2006 on Disclosure of the Information about Documents of State Security Bodies from 1944–1990 as well as the Contents of These Documents or the information referred to in Article 7(3a) of this Act, confirmed with a court's final and binding decision.

2. The Director's term of office shall expire in case of their death or recall.

3. Should the Director's term of office expire, their duties until such time as the new Director is appointed are carried out by the deputy Director appointed by the minister competent for tertiary education.

Article 8. Deputy Directors shall be appointed and recalled by the Director. The deputy Director may be any individual who meets the requirements laid down in Article 6(3) points 1–4 and 6–8. The provisions of Article 6 sec. 4 and 5 shall apply accordingly.

Article 9. 1. The Board's tasks shall include the following:

- 1) formulating proposals for directions of the Agency's operation and development, including in a multiannual perspective, and putting them forward to the Director;
- 2) expressing opinions about draft annual action plans of the Agency, draft amendments to these plans as well as about a draft annual financing plan;
- 3) expressing opinions about an annual report on the Agency's operations as well as the Agency's annual financial statements;
- 4) periodically assessing progress in implementing the Agency's action plans.

2. The Board shall proceed at meetings.

3. The Board's work shall be overseen by the chairman.

4. The Board shall pass resolutions for the purposes of carrying out the tasks set out in the Act.

5. The Director shall immediately, at the Board's request, make documents related to the Agency's operations available to the Board.

Article 10. 1. The Board shall be composed of the representative of:

- 1) the Prime Minister;
- 2) the minister competent for tertiary education;
- 3) the minister competent for science;
- 4) the minister competent for foreign affairs;
- 5) the minister competent for public finance;
- 6) the minister competent for economy;
- 7) the Conference of Rectors of Academic Schools in Poland;

8) the National Representation of Doctoral Candidates;

- 9) the Students' Parliament of the Republic of Poland;
- 10) the Main Council for Science and Tertiary Education (Rada Główna Nauki i Szkolnictwa Wyższego).

2. The Board's member may be an individual who meets the requirements referred to in Article 6(3) points 3, 4, 6, and 8.

3. Prior to the appointment the Board's member, the appointed individual shall make a statement that they meet the requirements referred to in Article 6(3) points 3, 4, 6, and 8. The provision of Article 6(4) shall apply accordingly.

Article 11. 1. The Board's term of office shall be four (4) years.

2. The Board's member referred to in Article 10(1):

- 1) point 1 – shall be appointed and recalled by the Prime Minister;
- 2) point 2 – shall be appointed and recalled by the minister competent for tertiary education.

3. The Board's members appointed by the entities referred to in Article 10(1) points 3–10 shall be appointed and recalled by the minister competent for tertiary education at these entities' request.

4. In the case of the Board's member's recall or death, accordingly the Prime Minister or the minister competent for tertiary education shall, at the request of the entity that appointed a given member of the Board, appoint another individual in place of that member. The Board's member appointed following this procedure shall carry out the function until the end of the Board's term of office.

5. From among the Board's members, the minister competent for tertiary education shall appoint the Board's chairman and their deputy.

Article 12. 1. To remuneration for participation in the Board's work, only the Board's members who are not the employees of an office that serves the minister shall be entitled.

2. The remuneration referred to in sec. 1 shall be for participating in the Board's meetings, provided that it must not exceed the following amount per month:

- 1) 60% of an average monthly remuneration in the sector of entrepreneurs without bonuses paid from profit in the fourth (4th) quarter of the previous year, announced by the President of the Central Statistical Office of Poland – in the case of the Board's chairman;
- 2) 30% of an average monthly remuneration referred to in point 1 – in the case of the Board's other members.

3. The Board's members shall be entitled to have the of travel costs reimbursed on the principles laid down in the provisions issued under Article 77⁵(2) of the Act of 26 June 1974 - Labour Code.

4. The minister competent for tertiary education will, by way of a regulation, determine the amount of remuneration of the Board's members, taking account of the functions carried out by them in the Board, the scope of tasks carried out, in particular related to arranging and holding the Board's meeting, and also of the importance of these tasks for the Agency's effective operation.

Article 13. 1. The minister competent for tertiary education shall decide on the amount of the Director's remuneration.

2. The Director shall establish the Rules of Remuneration of Individuals Employed at the Agency and submit the Rules for approval to the minister competent for tertiary education.

Article 14. 1. The Agency shall have a communication and information system within the meaning of Article 3(3) of the Act of 17 February 2005 on Computerisation of Operations of Entities Carrying Out Public Tasks (Dz. U. of 2017, item 570) where data necessary to issue a decision on awarding financial resources under the programmes referred to in Article 17(2) are processed.

2. The Agency's communication and information system shall ensure that the proceedings on matters referred to in sec. 1, including making applications for participation in a programme, carrying out a formal and content-related assessment of these applications as well as serving letters and decisions, will proceed electronically.

3. Making applications for participation in a programme on an electronic form via the Agency's communication and information system shall be done by means of an account in the system created for an applicant by the Agency.

4. The Director shall be an administrator of the data processed in the Agency's communication and information system.

5. The Director may commission a research institute, overseen by the minister competent for science, whose object is related to providing information system services, to administer the Agency's communication and information system, providing financial resources for the purpose.

Article 15. 1. The Agency shall proceed according to the annual action plan.

2. The Director shall submit a draft annual action plan for the next year for approval with the Board's opinion attached to the minister for tertiary education by 1 December.

3. Until the date the annual action plan is approved, the Agency shall proceed under this draft plan.

4. Should it be necessary to amend the annual action plan, the Director shall submit the amended action plan for approval with the Board's opinion attached to the minister for tertiary education.

Article 16. The minister competent for tertiary education shall, by way of a regulation, give the Agency the statute where the minister competent for tertiary education shall determine the following:

- 1) the detailed scope of tasks and a mode of operation of the Agency's bodies,
- 2) the Agency's internal organization

- while bearing in mind the Agency's scope of tasks and the need to ensure that the tasks be carried out efficiently and effectively.

Chapter 3

Method of Carrying Out the Agency's Tasks and Overseeing the Agency's Operations

Article 17. 1. The Agency shall carry out the tasks referred to in Article 2, particularly by:

- 1) establishing the programmes referred to in sec. 2, and the contests referred to in sec. 3, including deciding on the dates as well as the terms and conditions of having them;
- 2) assessing and selecting applications for participation in the programmes referred to in sec. 2;
- 3) making and financing contracts with foreign entities to whom financial resources were awarded.

2. The Director shall establish programmes that serve to carry out the Agency's tasks the purpose of which is to create conditions for initiating and developing international academic and/or scientific career of students, academic and scientific environments, to increase a level of internationalisation of institutions operating in the field tertiary education and science as well as to spread the Polish language abroad, hereinafter referred to as the 'programmes'.

3. The Director shall announce contests where awards for activity and achievements of great significance in internationalisation of tertiary education and science are given.

Article 18. 1. Under a programme, the Agency may award financial resources to:

- 1) students and doctoral candidates;
- 2) participants of foundation courses for entering education in Polish;
- 3) the employees of tertiary education institutions and/or the employees of scientific units;
- 4) individuals having at least the academic degree of doktor [doctor – przyp. tłum.] or of doktor sztuki [doctor of art – przyp. tłum.], or having an equivalent degree gained abroad;
- 5) individuals delegated abroad in order to teach the Polish language as a foreign language;
- 6) tertiary education institutions and scientific units;
- 7) non-governmental organizations undertaking activities for internationalisation of tertiary education and/or science;
- 8) the public finance sector units undertaking activities for internationalisation of tertiary education and/or science.

2. Financial resources may be awarded in the form of:

- 1) a scholarship, financing or co-financing to the costs of education fees, financial help as well as an allowance for the costs of travel, living, and accommodation – to the individuals referred to in sec. 1 points 1–5;
- 2) financing or co-financing the costs of activities covered by a programme thematic area as well as the personnel costs – to the entities referred to in sec. 1 points 6–8.

Article 19. 1. The Director shall announce calls for applications for participation in a programme as well as contests.

2. Announcements about a call for applications for participation in a programme and about a contest shall be placed on the Agency's entity-specified website in the Public Information Bulletin section.

Article 20. An announcement about a call for applications for participation in a programme shall contain the following:

- 1) the programme purpose;
- 2) the thematic area of activities carried out under the programme and the dates for carrying out the programme;
- 3) the programme rules;
- 4) deciding on a date for making applications as well as their form;
- 5) a specimen of the contract referred to in Article 26(1);
- 6) the amount of financial resources allocated for carrying out the programme.

- 1) the contest object;
- 2) the contest rules;
- 3) the composition of the judging panel;
- 4) the date of announcement of the contest result.

Article 22. 1. Applications for participation in a programme shall be assessed in formal and content-related terms. Carrying out only the formal assessment of the applications may be provided for in the programme rules.

2. The content-related assessment may be carried out by external experts.

Article 23. Under the content-related assessment referred to in Article 22, the following shall be taken into account in the case of the following individuals and entities:

- 1) in the case of individuals referred to in Article 18(1) points 1 and 2:
 - a) the to date course of teaching and/or education, including academic achievements, and/or
 - b) the opinion by an entity where the individual was taught and/or educated, and/or
 - c) knowledge and/or skills in respect corresponding to education plans, and/or
 - d) to date social activity, and/or
 - e) scientific and/or professional plans, and/or
 - f) command of the language in which education will be provided, and/or
 - g) the reason for receiving education at a given tertiary education institution and/or in a given scientific unit, and/or
 - h) legitimacy of the costs related to carrying out the planned activities;
- 2) in the case of individuals referred to in Article 18(1) points 3 and 4:
 - a) a scientific and/or academic career to date, including academic achievements, and/or
 - b) the opinion by a tertiary education institution and/or scientific unit, and/or
 - c) the reputation and scientific level of a tertiary education institution and/or scientific unit with which that individual intends to establish cooperation, and/or
 - d) the scope and method of carrying out planned scientific and/or educational activities, and/or
 - e) the reason for establishing cooperation with the indicated tertiary education institution and/or scientific unit, and/or
 - f) legitimacy of the costs related to carrying out the planned activities;
- 3) in the case of individuals referred to in Article 18(1)(5):
 - a) having education required by the receiving party as well as qualifications entitling to teach the Polish language as a foreign language and/or
 - b) knowing the culture of a state to which that individual is to be delegated as well as that state's official language and/or a different language that enables to communicate in that state;
- 4) in the case of entities referred to in Article 18(1) points 6–8:
 - a) organizational potential and experience of carrying out projects, including experience of international cooperation, and/or
 - b) compliance of the activities with the objectives of a state's scientific, scientific and technical, innovative, and social policies, and/or
 - c) compliance of the activities with an entity's objectives and strategy, and/or
 - d) the practical importance of activities for strengthening the entity's potential, including for international scientific and/or academic cooperation, and/or

- e) the scope and method of carrying out the planned activities, and/or
- f) legitimacy of the costs related to carrying out the planned activities.

Article 24. 1. Only complete applications shall be referred to be considered. Should an incomplete application be made, the applicant is called on to supplement it within fourteen (14) days of the date of being called on to do it with information that a failure to supplement the application will result in leaving the application unconsidered.

2. Also the following applications shall be left unconsidered:

- 1) made after the date set out in an announcement about a call for applications for participation in a programme;
- 2) not meeting the formal requirements laid down in an announcement about a call for applications for participation in a programme.

Article 25. 1. The Director shall issue a decision on awarding or rejecting to award financial resources under carrying out the programme.

2. Should there be formal violations when awarding financial resources, the applicant may make an application with the Director for the matter to be re-considered.

3. A list of entities to whom financial resources were awarded, with first and last names and/or their names, shall be placed on the Agency's entity-specified website in the Public Information Bulletin section.

Article 26. 1. Financial resources under carrying out the programme shall be transferred under a contract made by the Director with an individual and/or entity to whom the financial resources were awarded.

2. The contract referred to in sec. 1 shall in particular determine the following:

- 1) the terms and conditions of performing and financing it;
- 2) the terms and conditions as well as a method of clearing financial resources awarded.

Article 27. 1. The Agency shall carry out a systematic evaluation of the programmes being carried out as well as of the Agency's other tasks, including an assessment of their impact on the development of science and economy.

2. The Director shall put forward an evaluation plan for the next year to the minister competent for tertiary education by 1 December. Information about the evaluation results shall constitute a part of a report on the Agency's operations.

Article 28. 1. The minister competent for tertiary education shall oversee the Agency's operations in terms of lawfulness, diligence, usefulness and economy.

2. Under overseeing, the minister competent for tertiary education shall:

- 1) approve the annual financial plan and the annual financial statements of the Agency as well as give their consent to changing the Agency's annual financing plan;
- 2) inspect the Agency following the procedure and following the principles laid down in the Act of 15 July 2011 on Inspection in Government Administration (Dz. U., items 1092);
- 3) accept a report on the Agency's operations put forward by the Director as well as assess the Agency's operations under that report;
- 4) may demand access to the Agency's all documents.

Chapter 4

Agency's Finances and Finance-Related Operations

Article 29. 1. The Agency shall on their own manage their own finances and carry out finance-related operations under the annual financing plan referred to in the Act of August 27 2009 on Public Finance (Dz. U. of 2016, item 1870, as amended³⁾).

2. A draft annual financing plan of the Agency, after the Board expressed their opinion about it and the minister competent for tertiary education approved it, shall be passed on to the minister competent for public finance following the procedure set out in the provisions concerning working on a draft budget law.

3. Until the date the annual financing plan is approved, the Agency shall proceed under this draft plan.

³⁾ Amendments to the uniform text of the said Act are announced in Dz. U. of 2016, items 1948, 1984, and 2260 as well as of 2017, items 60, 191, 659, 933, 935, 1089, 1475, and 1529.

4. The Director shall put forward the following documents concerning the previous business year to the minister competent for tertiary education by 31 May:

- 1) the Agency's annual financial statements with the audit report attached;
- 2) an annual report on the Agency's operations;
- 3) the Board's opinions about the Agency's annual financial statements and an annual report on the Agency's operations.

5. The Agency's business year shall be a calendar year.

- 1) entity-specified from the national budget allocated for co-financing the Agency's current operations;
- 2) designated allocated for carrying out the Agency's tasks, including for co-financing programmes and projects financed using the European funds;
- 3) designated for financing and/or co-financing the investing costs concerning handling carrying out the Agency's tasks.

2. The Agency's revenue may be the following:

- 1) financial resources transferred for carrying out the tasks referred to in Article 2(5);
- 2) financial resources from the budget of the European Union;
- 3) financial resources from national and international projects and/or programmes;
- 4) revenue on other accounts.

Article 31. 1. The Agency may carry out economic activity in:

- 1) providing advisory and expert services;
- 2) organizing conferences, conventions, symposiums and other undertakings that are training and/or information in nature;
- 3) publishing activity.

2. The economic activity referred to in sec. 1:

- 1) shall be separated in financial and accounting terms from the activity referred to in Article 2;
- 2) must not be financed from the funds from the national budget.

3. The Agency's economic activity revenue shall only serve to carry out the tasks referred to in Article 2.

- 1) master fund;
- 2) reserve fund.

2. The Agency's master fund shall reflect the net equivalent of fixed assets, intangible assets as well as of other assets being the Agency's equipment as of the date of starting the activity by it.

3. The reserve fund shall increase by a net profit and reduce by a net loss.

Article 33. 1. The Agency's annual financial statements shall be audited by an audit firm.

2. An audit firm shall be selected by the minister competent for tertiary education.

Chapter 5

Amendments to the Legally Binding Provisions

Article 34. In Article 21(1) in the Act of 26 July 1991 on Personal Income Tax (Dz. U. of 2016, item 2032, as amended⁴⁾):

- 1) point 39a shall be inserted after point 39 which reads as follows:
'39a) scholarships awarded under the Director of the Polish National Agency for Academic Exchange's decision issued under the provisions of the Act of 7 July 2017 on the Polish National Agency for Academic Exchange (Dz. U., item 1530);';
- 2) point 40d shall be repealed.

⁴⁾ Amendments to the uniform text of the said Act are announced in Dz. U. of 2016, item 2048 as well as of 2017, items 60, 528, 648, 859, 1089, 1428, and 1448.

Article 35. In the Act of 14 March 2003 on Academic Degrees and an Academic Title as well as on Degrees and a Title in Art (Dz. U. of 2016, items 882 and 1311 as well as of 2017, item 859), the following amendments shall be introduced:

- 1) sec. 2 in Article 24 shall be repealed;
- 2) in Article 29c:
 - a) in sec. 1:
 - the introduction to enumeration shall be given the following wording:
‘Doctoral and postdoctoral diplomas as well as their duplicates and copies, intended for legal transactions with foreign countries, shall be authenticated at the request of the interested party.’;
 - point 1 shall be given the following wording:
‘1) the Director of the Polish National Agency for Academic Exchange – in the case of degrees of doktor [doctor – przyp. tłum.] and doktor habilitowany [a person with a post-doctoral degree – przyp. tłum.] conferred by the authorised organizational units of tertiary education institutions.’;
 - b) sec. 2 shall be given the following wording:
‘2. Authentication shall consist in certifying the authenticity of signature and function of an individual signing the document referred to in sec. 1 and/or identity of the official seal of an organizational unit affixed to that document.’;
 - c) sec. 2a shall be inserted after sec. 2 which reads as follows:
‘2a. The vice-chancellors of tertiary education institutions, the directors of research institutes, and the directors of scientific institutes of the Polish Academy of Sciences shall enter lists of individuals authorised to sign the documents referred to in sec. 1 in the System of Information on Higher Education, hereinafter referred to as the ‘POL-on System’, with their first and last names as well as functions carried out by them in the organizational units employing these individuals, with digital copies of their specimen signatures, and also specimens of official seals of the individual issuing these documents and specimens of these documents, as well as keep them updated.’;
- 3) point 9 in Article 31 shall be given the following wording:
‘9) a method of authentication of documents intended for legal transactions with foreign countries as well as the amount of fee for their authentication not exceeding the costs of carrying out this activity.’;
- 4) in Article 31c, the previous contents shall be marked as sec. 1 and sec. 2 shall be inserted which reads as follows:
‘2. Access to the data contained in the POL-on System referred to in Article 29c(2a), competent ministers overseeing a research institute as well as the President of the Polish Academy of Sciences shall have.’.

Article 36. In the Act of 27 July 2005 - Law on Higher Education (Dz. U. of 2016, item 1842, as amended⁵⁾), the following amendments shall be introduced:

- 1) in Article 34a:
 - a) sec. 1 shall be given the following wording:
‘1. The minister competent for tertiary education shall keep the System of Information on Higher Education under the ‘POL-on System’ Integrated System of Information on Science and Higher Education, hereinafter referred to as the ‘POL-on System’, which includes:
 - 1) the data referred to in Article 35 sec. 1 and 2 as well as sec. 3 points 2 and 3, as well as Article 100(3);
 - 2) the repository referred to in Article 167b(1);
 - 3) the lists referred to in Article 129a, Article 170c, and Article 201a;
 - 4) the lists and specimens referred to in Article 191b(3a);
 - 5) the lists and specimens referred to in Article 29c(2a) of the Act of 14 March 2003 on Academic Degrees and an Academic Title as well as on Degrees and a Title in Art;
 - 6) the lists referred to in Article 31a(1) and Article 31b(1) of the Act of 14 March 2003 on Academic Degrees and an Academic Title as well as on Degrees and a Title in Art;
 - 7) the base referred to in Article 31d(1) of the Act of 14 March 2003 on Academic Degrees and an Academic Title as well as on Degrees and a Title in Art.’;

⁵⁾ Amendments to the uniform text of the said Act are announced in Dz. U. of 2016, items 1933, 2169, and 2260 and of 2017, items 60, 777, 858, 859, 1321, and 1428.

b) sec. 3 shall be given the following wording:

‘3. Data to the POL-on System shall be entered, updated, archived, and removed by the entities referred to in Article 129a(3), Article 167b(4) the first sentence, Article 170c(2a), Article 191b(3a), and Article 201a(3) as well as in Article 29c(2a), Article 31a(3), Article 31b(3), and Article 31d(3) of the Act of 14 March 2003 on Academic Degrees and an Academic Title as well as on Degrees and a Title in Art, and also by the Centre of Postgraduate Medical Education as well as tertiary education institutions run by churches and religious associations receiving subsidies and other funds from the national budget.’

c) sec. 6 shall be given the following wording:

‘6. Access to the data contained in the POL-on System referred to in sec. 1, the following shall have:

- 1) the President of the Central Statistical Office of Poland to the extent that arises out of the provisions on official statistics;
- 2) the Director of the Polish National Agency for Academic Exchange.’

d) sec. 7 shall be inserted which reads as follows:

‘7. Access to the data contained in the POL-on System referred to in Article 43(6a), the Chief of the Border Guard shall have.’;

2) Article 42a shall be repealed;

3) in Article 43:

a) sec. 2b shall be inserted after sec. 2a which reads as follows:

‘2b. The foreign nationals referred to in sec. 3 points 1 and 3 having a residence permit with an annotation ‘access to the labour market’ and/or a Schengen visa, and/or a long-stay visa issued for the purposes of performing work on the territory of the Republic of Poland may enter and continue tertiary education, postgraduate studies as well as education in other forms, and also participate in research and development projects without payment. These individuals shall not be entitled to receive a maintenance grant, special grant for the disabled or aids.’

b) the introduction to enumeration in sec. 6a shall be given the following wording:

‘The vice-chancellor of a tertiary education institution shall immediately enter the following data in the POL-on System.’;

c) sec. 6b shall be repealed,

d) sec. 8 and 9 shall be given the following wording:

‘8. Scholarships to the scholarship holders referred to in sec. 4(1) shall be awarded by the Director of the Polish National Agency for Academic Exchange or accordingly by the minister indicated in Article 33(2).

9. The minister competent for tertiary education as well as accordingly the ministers appointed in Article 33(2) shall place information about the maximum amount of scholarships referred to in sec. 8 in the Public Information Bulletin section on the entity-specified website of an office that serves them.’;

4) Article 43a shall be inserted after Article 43 which reads as follows:

‘Article 43a. From the national budget from a part the authorising officer of which the minister competent for tertiary education is, the Polish National Agency for Academic Exchange shall receive the following:

- 1) an entity-specified subsidy allocated for covering the current costs of managing the tasks being carried out referred to in Article 2 sec. 2 and 3 of the Act of 7 July 2017 on the Polish National Agency for Academic Exchange (Dz. U., item 1530);
- 2) designated subsidies allocated for carrying out the tasks referred to in Article 2(2) of the Act of 7 July 2017 on the Polish National Agency for Academic Exchange;
- 3) designated subsidies for financing and/or co-financing the investing costs concerning handling carrying out the tasks referred to in point 1.’;

5) in Article 44:

a) in sec. 1, point 3 shall be repealed, b)

sec. 2 shall be given the following wording:

‘2. The minister competent for tertiary education will with the minister competent for foreign affairs’ approval, by way of a regulation, lay down the requirements to be met by the foreign nationals referred to in Article 43(7), while bearing in mind the need to provide as broad access to education as possible and the need to ensure carrying out research in the country of residence as well as carrying out the principle of equal treatment.’;

- 6) in Article 170c(2)(4):
- a) (c) shall be given the following wording:
- ‘c) information about being admitted to study at a tertiary education institution under:
- international agreements,
 - contracts made by tertiary education institutions with foreign entities,
 - the competent minister’s decision,
 - the vice-chancellor of a tertiary education institution’s decision,’
- b) (d) and (e) shall be inserted which read as follows:
- ‘d) information about the financial terms and conditions of education:
- as the Polish party scholarship holders,
 - on a payment-making basis,
 - without payment and without scholarship benefits,
 - as the sending party scholarship holders, without paying tuition fees,
 - as a tertiary education institution scholarship holders,
- e) information about having Karta Polaka [Pole’s Card] and/or about meeting the requirements laid down in Article 5(1) of the Act of 9 November 2000 on Repatriation;’;
- 7) sec. 6 in Article 191a shall be given the following wording:
- ‘6. The Director of the Polish National Agency for Academic Exchange shall, at the request of the interested party, give written information about a diploma gained abroad, in particular about a level of education and the status of a tertiary education institution. The information shall be given under the documents presented by an applicant.’;
- 8) in Article 191b:
- a) sec. 2 shall be given the following wording:
- ‘2. Authentication shall consist in certifying the authenticity of signature and function of an individual signing the document referred to in sec. 3 and/or identity of the official seal of a tertiary education institution affixed to that document.’;
- b) in sec. 3:
- the introduction to enumeration shall be given the following wording:
‘The Director of the Polish National Agency for Academic Exchange shall authenticate the following issued by a tertiary education institution:’;
 - point 1 shall be given the following wording:
‘1) diplomas of completion of tertiary education along with supplements;’;
 - point 1a shall be inserted after point 1 which reads as follows:
‘1a) copies of the documents referred to in point 1, including copies in a foreign language;’;
- c) sec. 3a shall be inserted after sec. 3 which reads as follows:
- ‘3a. The vice-chancellors of tertiary education institutions shall enter lists of individuals authorised to sign the documents referred to in sec. 3 in the POL-on System with their first and last names as well as functions carried out by them in the organizational units employing these individuals, with digital copies of their specimen signatures, and also specimens of official seals of the individual issuing these documents and specimens of these documents, as well as keep them updated.’;
- 9) in Article 201a(2)(4):
- a) (c) shall be given the following wording:
- ‘c) information about being admitted to study at a tertiary education institution under:
- international agreements,
 - contracts made by tertiary education institutions with foreign entities,
 - the competent minister’s decision,
 - the vice-chancellor of a tertiary education institution’s decision,’

b) (d) and (e) shall be inserted which read as follows:

‘d) information about the financial terms and conditions of education:

- as the Polish party scholarship holders,
- on a payment-making basis,
- without payment and without scholarship benefits,
- as the sending party scholarship holders, without paying tuition fees,
- as a tertiary education institution scholarship holders,

e) information about having Karta Polaka [Pole’s Card] and/or about meeting the requirements laid down in Article 5(1) of the Act of 9 November 2000 on Repatriation;’.

Article 37. In the Act of 18 October 2006 on Disclosure of the Information about Documents of State Security Bodies from 1944–1990 as well as the Contents of These Documents (Dz. U. of 2016, items 1721, 1948, 2260, and 2261), the following amendments shall be introduced:

1) points 18a and 18b shall be inserted in Article 4 after point 18 which read as follows:

‘18a) the Director of the Polish National Agency for Academic Exchange and their deputies;

18b) members of the Board of the Polish National Agency for Academic Exchange;’;

2) in Article 8:

a) point 17 shall be given the following wording:

‘17) points 18 or 18a – the minister competent for tertiary education;’,

b) point 17a shall be inserted after point 17 which reads as follows: ‘17a)

point 18b – the competent appointing authority;’.

Article 38. In the Act of 30 April 2010 on the Terms and Conditions of Financing Science (Dz. U. of 2016, items 2045, 1933, and 2260 as well as of 2017, items 859 and 1475), the following amendments shall be introduced:

1) point 10c shall be inserted in Article 5 after point 10b which reads as follows:

‘10c) programmes being established by the Director of the Polish National Agency for Academic Exchange, including those geared towards students as well as towards academic and scientific environments;’;

2) Article 8a shall be inserted after Article 8 which reads as follows:

‘Article 8a. The minister shall transfer financial resources to the Polish National Agency for Academic Exchange in the form of:

- 1) a designated subsidy for carrying out the Polish National Agency for Academic Exchange’s tasks set out in Article 5(10c), at the request of the Director of this Agency;
- 2) an entity-specified subsidy for covering the current costs of managing the tasks set out in Article 5(10c) being carried out by the National Agency of Academic Exchange;
- 3) a designated subsidy for financing and/or co-financing the investing costs concerning handling carrying out the tasks set out in Article 5(10c).’.

Chapter 6

Adapting, Transitional and Final Provisions

Article 39. The Polish National Agency of Academic Exchange shall be established.

Article 40. 1. The Bureau for Academic Recognition and International Exchange state-owned budgetary unit shall be dissolved.

2. All activities related to the dissolution of the Bureau for Academic Recognition and International Exchange, in particular inventorying assets and non-property assets, closing bank accounts and account books as well as drawing up reports, shall be carried out by the Director of the Polish National Agency for Academic Exchange within three (3) months of the date the Act comes into effect.

3. The Bureau for Academic Recognition and International Exchange’s closing balance shall become the Polish National Agency for Academic Exchange’s opening balance.

Article 41. As of the date the Act comes into effect:

- 1) the Bureau for Academic Recognition and International Exchange's assets and non-property assets shall become the Polish National Agency for Academic Exchange's assets and non-property assets;
- 2) the Bureau for Academic Recognition and International Exchange's receivables and liabilities shall become the Polish National Agency for Academic Exchange's receivables and liabilities;
- 3) the Bureau for Academic Recognition and International Exchange's employees shall become the Polish National Agency for Academic Exchange's employees. Employment relationships with these employees expire after three (3) months of the date the Act comes into effect, if no new working and pay conditions are proposed to them by the end of this period or in case the new working and pay conditions are not accepted.

Article 42. The employees who are employed in an office that serves the minister competent for tertiary education, when carrying out the tasks, which by this Act are assigned to the Polish National Agency for Academic Exchange, may with their consent be moved, by way of employers' agreement, to the Polish National Agency for Academic Exchange.

Article 43. For the purposes of carrying out the provisions of the Act, the Prime Minister may, by way of a regulation, move planned budget expenditure for 2018, including remunerations, between the national budget parts, divisions, and chapters, the authorising officer of which the minister competent for tertiary education and the minister competent for science are, while keeping to the intended use of public funds that arises out of the Budget Act.

Article 44. The minister competent for tertiary education shall decide on the Polish National Agency for Academic Exchange's financial plan for 2017 as well as for 2018.

Article 45. The Prime Minister shall, at the request of the minister competent for tertiary education, appoint the Director of the Polish National Agency for Academic Exchange as of the date this Act comes into effect.

Article 46. The entities referred to in Article 10(1) points 3–10 will indicate to the minister competent for tertiary education individuals that will be members of the Board of the Polish National Agency of Academic Exchange within a month of the date the Act comes into effect.

Article 47. The Director of the Polish National Agency for Academic Exchange will, within a month of the date the Board of the Polish National Agency for Academic Exchange is appointed, put forward the Polish National Agency for Academic Exchange's action plan for 2018 to the minister competent for tertiary education.

Article 48. The vice-chancellors of tertiary education institutions, the directors of research institutes, and the directors of scientific institutes of the Polish Academy of Sciences will enter, to the extent to which it concerns the units managed by them, the specimens and lists referred to in:

- 1) Article 29c(2a) of the Act amended in Article 35,
- 2) Article 191b(3a) of the Act amended in Article 36

in the System of Information on Higher Education by 31 January 2018.

Article 49. The ministers referred to in Article 33(2) of the Act amended in Article 36 will by 31 January 2018 pass the lists of individuals authorised to sign documents referred to in Article 29c(1) of the Act amended in Article 35 as well as in Article 191b(3) of the Act amended in Article 36, and also these individuals' specimen signatures, specimens of official seals as well as specimens of diplomas and certificates, passed on to offices that serve these ministers before 1 January 2018, on to the Polish National Agency for Academic Exchange.

Article 50. To proceedings concerning issuing the opinion and/or certificate referred to in Article 191a(6) of the Act amended in Article 36 in the previous wording instituted and pending before the date the Article 36(7) comes into effect, the previous provisions shall apply.

Article 51. Scholarships which before the date this Act comes into effect were awarded under Article 43(8) of the Act amended in Article 36 shall be paid by the Polish National Agency for Academic Exchange.

Article 52. The Act shall come into effect as of 1 October 2017, except for:

- 1) Article 35 point 2(c) as well as point 4, Article 36 point 1(a)(b)(d), point 3(b)(c), point 8(c) as well as Article 48 that shall come into effect as of 1 January 2018;
- 2) Article 2(3)(5), Article 35 point 2(a) as well as point 3 and Article 36 point 7 and point 8(b) that shall come into effect as of 1 February 2018.