

LAW ON ASSEMBLIES

of 24 July 2015 changed by the Law Amending Law od Assemblies of 13 December 2016.

The document below is a single text that incorporates amendments adopted on 13 December, 2016. Amendments and additions are marked in red.

Chapter 1

General Provisions

Article 1. This law specifies the terms and conditions for organising, holding and dissolving assemblies.

Article 2. This law shall not apply to assemblies:

- 1) Organised by public authorities;
- 2) Held by churches or other religious organisations.

Article 3.1. An assembly is a concentration of people in an open space accessible for unnamed individuals in a specific location in order to hold a common session or in order to make a statement on a public policy issue.

2. A spontaneous assembly is an assembly held in connection with a sudden unpredictable public policy event and one which would be irrelevant or insignificant for the public debate if held on a different day.

Article 4.1. The right to organise assemblies shall not be granted to persons who do not have full legal capacity.

2. No person who is carrying weapons, explosives, fireworks or other hazardous material or tools may take part in any assembly.

Article 5. The municipal council may specify the locations where assemblies may be organised without any notification referred to in Article 7 Paragraph 1 or Article 22 Paragraph 1.

Article 6. Responsibilities regarding assemblies shall be delegated to a municipality where an assembly is organised.

Chapter 2

Organising, Holding and Dissolving Assemblies

Article 7. 1. The organiser of an assembly shall notify a municipal unit about the intention to organise an assembly in a manner that ensures that the notification

reaches the body no earlier than 30 days and no later than 6 days before the planned date of an assembly.

2. This law amends: the Code of Petty Offences of 20 May 1971, the Law on Political Parties of 27 June 1997, the Law on the Protection of Former Nazi Death Camp Sites of 7 May 1999, the Law on Local Referenda of 15 September 2000 and the Law on Crisis Management of 26 April 2007.

2. If an assembly is organised on the territory of more than one municipality the procedure will apply in each municipality separately.

3. Having received a notification of an intention to organise an assembly, the municipal unit shall immediately publish an announcement on the Public Information Bulletin website including the date and location of such an assembly.

Article 8.1. The municipal unit shall immediately inform the competent county chief of Police, and a district chief of Police in the capital city of Warsaw, about an organised assembly by passing the notification of the intention to organise an assembly.

2. If an assembly is to be organised in the vicinity of diplomatic posts, consular offices, special missions and international organisations that enjoy diplomatic immunities and privileges the municipal unit shall immediately inform the minister of foreign affairs about the date, location and about the estimated number of participants of the assembly.

3. If an assembly is to be organised in the vicinity of facilities protected by the Office for Government Protection the municipal unit shall immediately inform Head of the Office for Government Protection about the date, location and about the estimated number of participants of the assembly.

4. If an assembly is to be organised in the vicinity of facilities protected by the Marshall Guard the municipal unit shall immediately inform the Commander in Chief of the Marshall Guard about the date, location and about the estimated number of participants of the assembly.

5. If an assembly is to be organised in the vicinity of a military base, as defined in Article 6 Paragraph 2 Item 1 of the Law on the Military Service of Career Soldiers of 11 September 2003 (Journal of Laws of 2014 Section 1414, as later amended), the municipal unit shall immediately inform a competent commander in chief of the local Military Police about the date, location and about the estimated number of participants of such an assembly.

6. The municipal unit shall immediately inform entities referred to in Paragraph 1–5 about a change in the date or location of the organised assembly or a decision to ban the assembly.

Article 9.1. The organiser of an assembly shall notify the municipal unit about the intention to organise an assembly in writing, by fax, orally for the record or via means of electronic communication as defined in Article 2 Item 5 of the law of 18 July 2002 on electronic services (Journal of Laws of 2013, Section 1422), hereinafter called "means of electronic communication".

2. The notification of the intention to organise an assembly will be registered along with the record of the date, hour and minute of filing such a notification which will be decisive in assessing the order in which such a notification is filed.

3. In case a notification of the intention to organise an assembly is filed orally for the record the order of filing will be determined based on the date, hour and minute at which writing such record began and the record will be time-stamped.

4. In case a notification of the intention to organise an assembly is filed via means of electronic communication the order of filing will be determined based on the date, hour and minute of such notification being captured by the municipality IT system.

5. The municipal unit will publish the electronic mail address and fax number to which all notifications to organise assemblies will be sent, on the Public Information Bulletin website.

Article 10.1. The organiser shall provide the following information in the notification about intention to organise an assembly:

1) The name of the organiser of an assembly, his/her PESEL number or type and number of his/her ID; in case the organiser does not have a PESEL number, he/she shall provide a correspondence address, an e-mail address and a telephone number to ensure he/she can be contacted, and in case the organiser of an assembly is a legal entity or an organisation, it will provide its name and registered address and the name of the person filing the notification on behalf the organiser of an assembly, his/her PESEL number or type and number of his/her ID; in case he/she does not have a PESEL number, he/she shall provide a correspondence address, an e-mail address and a telephone number to ensure he/she can be contacted;

2) The name of the head of the assembly, his/her PESEL number or type and number of his/her ID; in case the head of the assembly does not have a PESEL number, he/she shall provide a correspondence address, an e-mail address and a telephone number to ensure he/she can be contacted;

3) The objective of the assembly including the indication of the public policies issues to be addressed by the assembly;

4) The date, time and location of the start of the assembly, expected duration, expected number of participants and the indication of the route and the final destination of the assembly, if appropriate;

5) Information about any measures to ensure a peaceful nature of the assembly, if arranged for by the organiser of the assembly.

2. Other documents to be filed along with a notification of the intention to organise an assembly will include:

1) a written consent to assume the responsibilities of the head of the assembly if such a position is nominated;

2) a picture of the organiser of an assembly or the head of an assembly if such a position is nominated.

3. In case a notification of the intention to organise an assembly is filed via means of electronic communication an electronic rather than a paper copy of written consent to assume the responsibilities of the head of the assembly may be filed.

Article 11. In case a notification of the intention to organise an assembly is filed that fails to meet the requirements specified in Article 10, the municipal unit shall immediately inform the organiser of the assembly about any formal deficiencies of such a notification. A notification that meets the requirements specified in Article 10 must be filed within the deadline referred to in Article 7 Paragraph 1.

Article 12.

1. If a notification is filed of an intention to organise two or more assemblies that are to be organised at least partly at the same time and location, in particular if the distance between the two assemblies is less than 100 meters, and they may not be organised so as to ensure that they pose no human health or life risk or a risk to assets of significant value the priority to choose the time and location of an assembly will be decided based on the order in which such notifications have been filed. In case a notification of the intention to organise an assembly is filed that fails to meet the requirements specified in Article 10, the order of filing will be determined based on the date, hour and minute of such notification being refiled, provided that such refiled notification meets the requirements. Assemblies referred to in Article 26a shall have priority to choose the time and location.”

2. In cases referred to in Paragraph 1, the municipal unit shall immediately request, by telephone or via means of electronic communication, that the location or time of the assembly be changed by the organisers of the assembly which is not granted priority to choose the time and location referred to in Paragraph 1.

Article 13.1. In cases referred to in Article 12 Paragraph 1, the municipal unit may conduct administrative proceedings if this facilitates the arrangements for the change in the time and location of the assembly.

2. The municipal unit shall immediately, but no later than 120 hours before the planned date of the assembly, request, by telephone or via means of electronic communication, that the organisers of the assemblies participate in such administrative proceedings. Failure by the organiser of an assembly to appear in the

Julia Kluczyńska 15/12/2016 15:27

Comment [1]: Version before the Amendment of December 13, 2016:

If a notification is filed of an intention to organise two or more assemblies that are to be organised at least partly at the same time and location and they may not be organised so as to ensure that they pose no human health or life risk or a risk to assets of significant value the priority to choose the time and location of an assembly will be decided based on the order in which such notifications have been filed. In case a notification of the intention to organise an assembly is filed that fails to meet the requirements specified in Article 10, the order of filing will be determined based on the date, hour and minute of such notification being refiled, provided that such refiled notification meets the requirements.

proceedings shall not halt the proceedings.

3. The municipal unit may suggest changing the time and location of the assembly to organisers of assemblies who are part to administrative proceedings.

4. If in the course of administrative proceedings the organisers of assemblies fail to agree on the time and location of their assemblies so as to ensure that they pose no human health or life risk or a risk to assets of significant value, the organisers of such assemblies shall choose the time and location of the assemblies according to the order in which they filed their notifications of assembly, provided they meet the requirements specified in Article 10.

5. No provisions of Article 91 Paragraph 2 and Article 92 of the Code of Administrative Proceedings of 14 June 1960 (Journal of Laws of 2013 Section 267, as later amended) shall not apply to administrative proceedings, referred to in Paragraph 1.

Article 14. The municipal unit shall issue a decision to ban the assembly no later than 96 hours before the planned date of the assembly if:

- . 1) Its objective violates the freedom of peaceful assembly, if held it would violate Article 4 or rules of organising assemblies or the objective of the assembly, or if held it would be in breach of the criminal law;
- . 2) It may pose a human health or life risk or a risk to assets of significant value, including situations when such risk is not eliminated in cases referred to in Article 12 or Article 13.

3) An assembly is to be held at a time and location in which recurrent assemblies, referred to in Article 26a. take location;

Article 15.1. Having issued a decision to ban an assembly, the municipal unit shall immediately publish this decision on the Public Information Bulletin website and communicate it to the organiser of the assembly using means of electronic communication; it will notify the organiser of the assembly of the publication of the decision. At the same time, the municipal unit shall pass the decision to ban the assembly along with the case file to a competent district court.

2. Any decision to ban an assembly will be deemed served upon its publication in the Public Information Bulletin on the municipal unit website.

3. Any decision to ban an assembly must be published in the Public Information Bulletin, subject to the provisions of the Personal Data Protection Law of 29 August 1997 (Journal of Laws of 2014 Section 1182 and 1662 and of 2015 Section 1309) for 3 months after the day of its adoption.

Article 16. 1. Appeals against a decision to ban an assembly may be filed directly at a

Julia Kluczyńska 15/12/2016 15:26

Comment [2]:

Added by the Amendment of December 13, 2016

district court with geographic jurisdiction over the municipal unit within 24 hours of its publication in the Public Information Bulletin. No appeal can limit the enforceability of a decision to ban an assembly.

2. The district court shall immediately notify the municipal unit about filing an appeal against the decision to ban the assembly by posting such information on the court's website in the Public Information Bulletin and shall inform the organiser of an assembly and the municipal unit about the date of a hearing using means of electronic communication.

3. The district court shall immediately, but no later than within 24 hours of filing the appeal, hold an ex parte hearing on the appeal against the decision to ban an assembly.

4. The filer of the appeal against the decision to ban the assembly and the municipal unit at hand shall be the parties to the case. No failure to appear before the court shall not stop the case.

5. The district court shall immediately serve the final verdict in the case and the reasoning of the court to the parties to the case.

6. Any verdict that in support of the appeal shall be enforceable with immediate effect.

7. Verdicts of the district court may be appealed within 24 hours of its passing to a court of appeal, which must hear the case within 24 hours. No cassation complaint may be filed against verdicts of appellate courts and such verdicts shall be enforceable with immediate effect.

Article 17. 1. Any municipal unit may appoint its representative to participate in an assembly. Appointing such a representative shall be mandatory in case there is a risk of any violation of public order during an assembly.

2. The municipal unit shall inform the organiser of an assembly about appointing its representative to participate in the assembly.

Article 18. 1. Any assembly will be controlled by the head of the assembly.

2. The head of the assembly shall be:

1) The organiser of an assembly who is a natural person unless another natural person agrees in writing to assume the responsibilities of the head of the assembly;

2) Any person acting on behalf the organiser of an assembly provided such person agrees in writing to assume the responsibilities of the head of the assembly, in case the organiser of an assembly is a legal entity or an organisation.

Article 19.1. The organiser of an assembly and the head of the assembly shall ensure that the assembly is held in compliance with the laws and regulations and they shall make sure the assembly progresses without participants of the assembly causing any damage. The organiser and the head of an assembly will take statutory measures to ensure the above.

2. During any assembly, the head of the assembly shall maintain communication with a representative of the municipal unit referred to in Article 17 Paragraph 1 or Police officers in case they arrive at the location of the assembly.

3. The municipal unit shall provide a badge to the head of the assembly. The badge will display the following information:

- 1) Function: head of the assembly;
- 2) Photograph of the head of the assembly;
- 3) Name of head of the assembly;
- 4) Signature of competent representative of a municipal unit;
- 5) Seal of the municipal unit.

4. During any assembly, the head of the assembly shall wear or hold a distinctive item at all times, including the badge referred to in Paragraph 3.

5. The head of the assembly shall demand that any person whose behaviour is in violation of the laws and regulations or who prevents or attempts to prevent the assembly from progressing should leave the assembly. In case any such demand expressed by the head of the assembly is complied with the head of the assembly shall require the assistance of Police or municipal guards.

6. The head of the assembly shall dissolve an assembly if the participants of such an assembly fail to follow his/her instructions or if the assembly is in violation of provisions of this law or the criminal law.

7. Upon its dissolution, participants of the assembly shall immediately leave the location.

Article 20.1. Any assembly may be dissolved by a representative of a municipal unit if it poses a human health or life risk or a risk to assets of significant value or violates provisions of this law or the criminal law, and the head of the assembly, notified by a representative of a municipal unit about the need to dissolve the

assembly, fails to do so.

2. A Police officer may request that the representative of a municipal unit dissolves an assembly in case circumstances arise such as are referred to in Paragraph 1.

3. The dissolution of an assembly under Paragraph 1 is executed by virtue of an oral decision enforceable with immediate effect, preceded by two warning announcements about possible dissolution to the participants of an assembly, subsequently communicated to the head of an assembly or announced publicly to the participants of an assembly in case the head of the assembly cannot be reached. The decision shall be served to the organiser of an assembly in writing within 72 hours of its adoption.

4. The organiser of an assembly shall have the right to appeal against the decision to dissolve the assembly to a district court with geographic jurisdiction over the municipal unit within 7 days of the date the assembly was dissolved. The provisions of Article 16 Paragraph 2–5 shall apply respectively, however the district court shall hear the appeal no later than 30 days of receiving the appeal motion.

5. A complaint to a court of appeal may be filed against any verdict of the district court within 5 days of serving such verdict. No cassation complaint may be filed against verdicts of appellate courts.

Chapter 3

Simplified proceedings in assembly cases

Article 21. In case the organiser of an assembly believes that the intended assembly will not cause any disruption to traffic nor will it specifically necessitate any changes to traffic organisation, the organiser may apply the provisions of this chapter.

Article 22. 1. The organiser of an assembly referred to in Article 21, shall notify the competent local crisis management centre, if any, or a regional crisis management centre if no local centre exists, about the intention to organise an assembly no earlier than 30 days and no later than 2 days before the planned date of the assembly and provide the following information:

- 1) The name of the organiser of an assembly, his/her PESEL number or type and number of his/her ID; in case the organiser does not have a PESEL number, he/she shall provide a correspondence address, an e-mail address and a telephone number to ensure he/she can be contacted;
- 2) The date, time and the starting location of the assembly, expected duration, expected number of participants and the indication of the route and the final destination of the assembly, if appropriate;
- 3) Any threats that are believed possible during the assembly.

2. The competent crisis management centre shall apply the provisions of Article 8, as appropriate.

3. The notification referred to in Paragraph 1 will be made by telephone or by e-mail.

4. The municipal unit shall publish a telephone number and an e-mail address to which notifications referred to in Paragraph 1 are to be sent, on the Public Information Bulletin website. The Governor shall publish a telephone number and an e-mail address to which notifications referred to in Paragraph 1 are to be sent across the voivodeship, on the Public Information Bulletin website.

5. The municipal unit and the Governor shall immediately publish the date and location of any assembly so notified which is to take place in the municipality, in the Public Information Bulletin.

Article 23. During any assembly, the organiser of the assembly shall visibly wear or hold a distinctive item at all times that will indicate his/her role as the organiser of the assembly.

Article 24. The organiser of an assembly shall dissolve the assembly referred to in Article 21 if participants of the assembly fail to follow his/her instructions or if the assembly violates the provisions of this law or the criminal law.

Article 25. 1. An assembly referred to in Article 21 may be dissolved by a representative of a municipal unit if the assembly poses a human health or life risk or a risk to assets of significant value, is a significant traffic safety and order threat on public roads or if it violates the provisions of this law or the criminal law, and the organiser of the assembly, notified by a representative of a municipal unit about the need to dissolve the assembly, fails to do so.

2. A Police officer may request that the representative of a municipal unit dissolves an assembly in case circumstances arise such as are referred to in Paragraph 1.

3. The dissolution of an assembly under Paragraph 1 is executed by virtue of an oral decision enforceable with immediate effect, preceded by two warning announcements about possible dissolution to the participants of an assembly, subsequently communicated to the head of an assembly or announced publicly to the participants of an assembly in case the head of the assembly cannot be reached. The decision shall be served to the organiser of an assembly in writing within 72 hours of its adoption.

4. The organiser of an assembly shall have the right to appeal against the decision to dissolve the assembly to a district court with geographic jurisdiction over the municipal unit within 7 days of the date the assembly was dissolved. The provisions of Article 16 Paragraph 2–5 shall apply respectively, however the district court shall hear the appeal no later than within 30 days of receiving the appeal motion..

5. Verdicts of the district court may be appealed within 5 days of its service to a court of appeal. No cassation complaint may be filed against verdicts of appellate courts

Article 26. Provisions of Article 12 and Article 13, Article 17 and Article 19 Paragraph 1, 5 and 7 shall apply respectively to assemblies referred to in Article 21.

CHAPTER 3A

Proceedings in cases that involve recurrently organised assemblies

Article 26a. 1. If assemblies are organised by the same organiser in the same location or on the same route at least 4 times a year in line with an established schedule or at least once a year on state or national holidays and such events have been held over the past three years, even if not in the form of assemblies, and have aimed at commemorating momentous events and ones which are meaningful for the history of the Republic of Poland, the organiser may apply to the Governor for a permission to organise such assemblies on a recurrent basis.

2. The organiser shall provide the grounds for the recurrent nature of such assemblies and indicate the number and dates of such assemblies in the application referred to in Paragraph 1.

3. The organiser shall file an application, referred to in Paragraph 1, to the Governor no later than 7 days before the planned date of the first in a series of assemblies.

Article 26b. 1. The Governor shall issue a decision regarding a permission to organise recurrent assemblies no later than 5 days before the planned date of the first in a series of assemblies, bearing in mind that such assemblies have been organised by the applicant and the reasons for such assembly to be held recurrently.

2. While passing a decision regarding a permission to organise recurrent assemblies the Governor will publish the dates and location of recurrently organised assemblies and shall communicate the decision to the municipal unit in the municipality where the recurrent assembly is to take place, on the Public Information Bulletin website

3. If the Governor has issued a permission to a recurrent assembly to be held at a time and location coinciding with other assemblies the municipal unit referred to in Paragraph 2 shall issue a decision, referred to in Article 14 Item 3 within 24 hours of obtaining this information.

4. In case the municipal unit fails to perform under the obligation referred to in Paragraph 3 the Governor shall immediately issue a supplementary order (*zarządzenie zastępcze*) banning the assembly.

Article 26c. 1. The Governor shall issue a decision revoking the permission to a recurrent assembly:

- 1) upon the request of the organiser;
- 2) if the recurrent assembly has not been held at least two times on scheduled dates referred to in Article 26a Paragraph 1.

2. The provision of Paragraph 1 Item 2 shall not apply if an assembly could be held for reason beyond the organiser's control.

Article 26d. Based on one decision to permit a recurrent assembly such assemblies may take place after not more than 3 years of the date of the first in a series of assemblies.

Article 26e. The provisions of Article 8, Article 10–12 and Article 14–20, respectively, shall apply to recurrent assemblies."

Julia Kluczyńska 15/12/2016 15:27

Comment [3]: Version before the Amendment of December 13, 2016: Provisions of Article 17 and Article 19 Paragraph 1, 5 and 7 shall apply respectively to assemblies referred to in Article 21.

Julia Kluczyńska 15/12/2016 15:26

Comment [4]: Added by the Amendment of December 13, 2016

Chapter 4
Spontaneous Assemblies

Article 27. Participants of a spontaneous assembly must not disturb any assembly organised in accordance with the provisions of chapter 2 or 3 or 3a;

Article 28. 1. Any spontaneous assembly may be dissolved by an officer in charge of Police if it:

poses a human health or life risk or a risk to assets of significant value;

poses a significant risk to public safety and order;

is a significant threat to traffic safety and order in public roads;

violates the provisions of this law or the criminal law;

disturbs an assembly organised under the provisions of Chapter 2, 3 or 3a.

2. The dissolution of a spontaneous assembly under Paragraph 1 shall be executed by virtue of an oral decision enforceable with immediate effect preceded by two warning announcements to participants of the spontaneous assembly about the possible dissolution and then announced publicly to the participants of the assembly.

Article 29 of the Code of Petty Offences of 20 May 1971 (Journal of Laws of 2015 Section 1094), Article 52 is replaced by the following:

"Article 52. Paragraph 1. Anyone who takes part in an assembly while carrying weapons, explosives, fireworks or other hazardous material or tools is subject to

– arrest for up to 14 days, imprisonment or fine

Paragraph 2. Anyone who:

a) disrupts or attempts to disrupt the organisation or process of an unbanned assembly,

b) organises an assembly without filing a mandatory notification or is in charge of such an assembly or a banned assembly as its head,

c) is in charge of an assembly as its head after such an assembly has been dissolved,

d) unlawfully occupies or refuses to leave a location site lawfully used by another person or organisation as an organiser or head of an assembly,

is subject to imprisonment or fine.

Julia Kluczyńska 15/12/2016 15:27

Comment [5]: Version before the Amendment of December 13, 2016: Participants of a spontaneous assembly must not disturb any assembly organised in accordance with the provisions of chapter 2 or 3.

