

The Act on Narodowy Bank Polski of 29 August 1997

Journal of Laws of 2022, item 2025

(consolidated version)

Chapter 1

General Provisions

Article 1

Narodowy Bank Polski, hereinafter referred to as "NBP", shall be the central bank of the Republic of Poland.

Article 2

1. NBP shall have legal personality and the right to use a seal bearing the national emblem.
2. NBP shall not be subject to entry into the register of state enterprises.
3. The activity of NBP shall be conducted on the territory of the Republic of Poland.
4. The seat of NBP shall be Warsaw.
5. The NBP bodies may, in particularly justified cases resulting from objective external circumstances, act and perform their functions by means of direct remote communication (Journal of Laws of 2020, item. 568).

Article 3

1. The basic objective of the activity of NBP shall be to maintain price stability, while supporting the economic policy of the Government, insofar as this does not constrain the pursuit of the basic objective of NBP.
2. The tasks of NBP shall also include:
 - 1) organising payments,
 - 2) managing the foreign exchange reserves,
 - 3) conducting foreign exchange activities within the bounds stipulated by statutes,
 - 4) providing banking services to the state budget,
 - 5) regulating the liquidity of the banks and providing them with refinancing facilities,

- 6) establishing the necessary conditions for the development of the banking system,
- 6a) acting towards stability of the financial system in terms of the financial institution, as defined by Art. 4 subpara. 4 of the Act on Prudential Supervision over the Financial System and Crisis Management in the Financial System of 5 August 2015 ((Journal of Laws of 2022, item 963 and 1488),
- 6b) acting towards eliminating or reducing the systemic risk, as defined by Art. 4 subpara. 15 of the Act on Prudential Supervision over the Financial System and Crisis Management in the Financial System of 5 August 2015,
- 7) compiling the monetary and banking statistics, the balance of payments and international investment position,
- 8) performing other tasks as specified by statutes.

Article 4

NBP shall have the exclusive right to issue the currency of the Republic of Poland.

Article 5

1. NBP may:
 - 1) be a member of international financial and banking institutions,
 - 2) cover the expenses related to the membership in the institutions referred to in subpara. 1 from its own funds.
- 1a. NBP shall cover from its own funds the expenses related to the membership of the Republic of Poland in the International Monetary Fund.
- 1b. NBP shall be entitled to receive any amounts due to the Republic of Poland from the International Monetary Fund arising from resources financed by NBP from its own funds, including claims for repayment, interest payments and other proceeds.
2. NBP shall not hold shares in other legal persons, except those providing services to financial institutions or the State Treasury, or relevant for NBP in terms of acting to sustain stability of Poland's financial system referred to in Art. 3, para. 2, subpara. 6a.

Chapter 2

Organisational Structure of NBP

Article 6

The decision-making bodies of NBP shall be:

- 1) Governor of NBP,
- 2) Monetary Policy Council,
- 3) NBP Management Board.

Article 7

1. NBP shall perform its tasks through its Head Office and other offices.
2. The NBP Management Board shall, by resolution:
 - 1) establish, reorganise and wind up organisational units at the NBP Head Office and other offices,
 - 2) specify the scope of activity and internal organisational structure of the NBP Head Office and other NBP offices.

Article 8

The activities of NBP offices shall be subject to internal audit, performed by a unit of the NBP Head Office, reporting to the Governor of NBP.

A.

Governor of NBP

Article 9

1. The Governor of NBP shall be appointed and dismissed by the Sejm, at the request of the President of the Republic of Poland.
2. The term of office of the Governor of NBP shall be six years. The same person shall not serve as Governor of NBP for more than two consecutive terms.
3. The Governor of NBP shall assume his/her duties after taking the following oath before the Sejm:

"Assuming the duties of the Governor of Narodowy Bank Polski I do solemnly swear that I will strictly observe the provisions of the Constitution and other laws and that in all my actions I will pursue the economic development of our Homeland and the well-being of its citizens". This oath may be taken with the addition of the words, "So help me God".

4. The term of office of the Governor of NBP shall expire:
 - 1) following a period of six years,
 - 2) in the event of his/her death,
 - 3) in the event of his/her resignation,
 - 4) 4) in the event of his/her dismissal.

5. The Governor of NBP may be dismissed if:
 - 1) he/she has been unable to fulfil his/her duties due to prolonged illness,
 - 2) he/she has been convicted of committing a criminal offence under a legally binding court sentence,
 - 2a) he/she has submitted a vetting statement deemed false by court in a binding ruling,
 - 3) the Tribunal of State has prohibited him/her from occupying managerial positions or holding posts of particular responsibility in state bodies.

Article 9a.

- 1) Following the expiry of the term of office of the Governor of NBP for the reason specified in Art. 9 para 4 subpara. 1 the Governor of NBP shall remain in office until a newly appointed Governor of NBP assumes his/her duties.
- 2) Following the expiry of the term of office of the Governor of NBP for the reasons specified in Art. 9 para 4 subparas. 2-4 the Deputy Governor of NBP – the First Deputy Governor of NBP shall be the acting NBP Governor until a newly appointed Governor of NBP assumes his/her duties.

Article 10

1. The Deputy Governor of NBP – the First Deputy Governor of NBP, in absence of the Governor of NBP, shall act as his/her substitute.
2. [repealed].

3. The Deputy Governors of NBP shall manage individual areas of NBP activity, as assigned by the Governor of NBP.

Article 11

1. The Governor of NBP shall be the superior of all NBP staff. The rights and duties of NBP staff shall be as laid down in the Labour Code and in the staff regulations set out in separate legislation.
2. The Governor of NBP shall chair the Monetary Policy Council, the NBP Management Board, and shall represent NBP externally.
- 2a. The Governor of NBP shall establish the mode of operation and performance of functions by the NBP bodies by means of direct remote communication, including the convening and conducting of meetings of the Monetary Policy Council and the NBP Management Board, in the situations referred to in Art. 2 para. 5 (Journal of Laws of 2020, item 568).
3. The Governor of NBP shall represent the interests of the Republic of Poland within international banking institutions, and, unless the Council of Ministers decides otherwise, within international financial institutions.
4. While issuing regulations subject to publication and administrative decisions, the Governor of NBP shall be entitled to use a seal bearing the national emblem.
5. The Governor of NBP shall:
 - 1) determine, with the approval of the minister competent for internal affairs, the principles for the safekeeping of monetary values at banks and at undertakings producing banknotes and coins, and transportation of these values by banks and such undertakings;
 - 2) perform tasks resulting from the provisions on the universal duty to defend the Republic of Poland.

B.

Monetary Policy Council

Article 12

1. The Monetary Policy Council, hereinafter referred to as "the Council", shall set the annual monetary policy guidelines and submit them for the information of the Sejm alongside the submission of the Draft Budget Act by the Council of Ministers. Within 5 months following the end of the budget year, the Monetary Policy Council shall submit a report on monetary policy implementation to the Sejm.

2. While acting in accordance with monetary policy guidelines, the Council shall, in particular:
 - 1) set the NBP interest rates,
 - 2) set the minimum reserve requirement ratio for banks and credit unions and set the remuneration rate on the reserve holdings,
 - 3) set ceilings on the liabilities arising from NBP borrowings from foreign banking and financial institutions,
 - 4) approve the NBP financial plan and the report on the activity of NBP,
 - 5) accept the annual financial statements of NBP,
 - 6) set the principles for open market operations.
3. The Council shall assess the activity of the NBP Management Board with regard to its performance of monetary policy guidelines.
4. [repealed].

Article 13

1. The Council shall be composed of:
 - 1) the Chairperson of the Council who shall be the Governor of NBP,
 - 2) nine members appointed in equal numbers by the President of the Republic of Poland, the Sejm and the Senate, from among specialists in the field of finance.
2. The term of office of a Council member shall be six years. The post of the Council member may not be held for more than one term.
3. The appointment of new Council members should take place no later than on the day the term of office of the previous members expires.
4. Prior to assuming their duties on the Council, a Council member shall take the following oath before the appointing body:

" Assuming the duties of a member of the Monetary Policy Council I do solemnly swear that I will act with full impartiality, pursuant to the knowledge and experience I possess with respect to monetary policy, and in accordance with the objectives of the NBP activity."

The oath may be taken with the addition of the words, "So help me God".
5. The bodies authorised to appoint a member of the Council shall dismiss him/her solely in the event of:

- 1) his/her resignation from the post,
 - 2) illness which permanently prevents him/her from performing his/her responsibilities,
 - 3) a conviction of a criminal offence under a legally binding court sentence,
 - 3a) his or her submitting an untrue vetting statement, as pronounced by a binding court ruling
 - 4) the circumstances referred to in Art. 14, para. 2.
6. In the event of the death of a Council member, the appointing body shall declare the expiry of his/her mandate.
 7. Where a seat on the Council is vacated for the reasons specified in paras. 5 and 6, the body authorised to appoint a member of the Council shall do so no later than within three months of the dismissal of the Council member concerned or declaration of expiry of the Council member's mandate.
 8. [repealed].

Article 14

1. During his/her term of office, a Council member shall not hold any other positions nor engage in profit-gaining or public activity other than academic work, teaching or writing, although the Council may adopt a resolution (without the participation of the person concerned) expressing its consent for a member to engage in activities of international organisations.
2. A Council member being a member of a political party or trade union is required to suspend the activity in that party or union for his/her term of office as Council member, on pain of dismissal from the Council.
3. The Members of the Council shall be entitled to remuneration equivalent to that of the NBP Deputy Governors. Such remuneration shall also be due for a period of three months following the expiry of the term of office, except where the reason for the dismissal of the member is a conviction of a criminal offence under a legally binding judgment of a court.

Article 15

The Deputy Governors of NBP shall participate in the meetings of the Council without the right to vote.

Article 16

1. Meetings of the Council shall be convened by the Chairperson at least once a month. A meeting of the Council may also be convened at a written request of at least three members of the Council.
 - 1a. In the absence of the Chairperson one of the Council members shall preside at meetings.
2. The mode of the Council's operation and the procedure for electing the member to preside at the meeting in the absence of the Council Chairperson shall be laid down in by-laws adopted by the Council by a majority vote.
3. The Council shall rule in the form of resolutions adopted by a majority vote, when at least five members are present, including the Chairperson of the Council. In the event of a tied vote, the Chairperson of the Council shall have a casting vote.
4. The positions taken by Council members during votes shall be announced in the Court and Commercial Gazette (*Monitor Sądowy i Gospodarczy*) after a period of six weeks, but not later than three months from the date of adopting the resolution.

C.

NBP Management Board

Article 17

1. The activity of NBP shall be directed by its Management Board.
2. The NBP Management Board shall be composed of: the Governor of NBP – as a Chairperson, and six to eight Board members, including two Deputy Governors of NBP.
 - 2a. The members of the NBP Management Board shall be appointed and dismissed by the President of the Republic of Poland, at the request of the Governor of NBP.
 - 2b. The members of the NBP Management Board shall be appointed for the period of six years. The provisions of Art. 9 para. 2, Art. 13 para. 3 and paras. 5-7 shall apply accordingly.
3. The NBP Management Board shall:
 - 1) implement the resolutions of the Council,
 - 2) adopt resolutions on matters not reserved by the present Act for the exclusive competence of other bodies of NBP.
4. The scope of activities of the NBP Management Board shall include, in particular:
 - 1) [repealed],

- 2) performing tasks concerning the exchange rate policy,
- 3) performing periodic assessments of the circulation of currency, payments and foreign exchange operations,
- 4) supervising open market operations,
- 5) assessing the operation of the banking system,
- 5a) analysing stability of Poland's financial system,
- 6) adopting the NBP plan of activity and financial plan,
- 7) determining the commissions and banking fees to be charged by NBP and specifying their rates
- 8) specifying the principles for the management of NBP funds,
- 9) determining the organisational structure and division of responsibilities within NBP,
- 10) determining NBP personnel and staff compensation policies,
- 11) adopting the annual report on the activity of NBP,
- 12) drawing up the annual financial statements of NBP,
- 13) drawing up accounts of the national balance of payments,
- 14) preparing and examining draft resolutions and other materials to be submitted to the Council.

Article 18

Members of the NBP Management Board shall not hold any other positions nor engage in profit-gaining or public activity other than academic work, teaching or writing. The provision of Art. 14, para. 2 shall apply accordingly.

Article 19

Resolutions of the NBP Management Board shall be adopted by an absolute majority vote, and in the event of a tied vote, the Governor of NBP shall have a casting vote.

Article 20

The detailed procedure for the activity of the NBP Management Board shall be laid down in the by-laws adopted by the Management Board.

Chapter 3

NBP and State Authorities

Article 21

In performing its tasks, NBP shall collaborate with the competent State bodies with regard to developing and implementing the state economic policy, while striving to ensure the proper implementation of monetary policy guidelines, and in particular it shall:

- 1) submit the monetary policy guidelines as well as reports on the implementation of monetary policy and on the situation within the banking system to State bodies,
- 2) collaborate with the Minister of Finance in developing financial plans of the State,
- 3) present its opinion on draft legislation relating to economic policy,
- 4) present its opinion on draft laws concerning the activity of banks and draft legislation of significance to the banking system.

Article 22

1. The Governor of NBP may attend the sessions of the Sejm.
2. The Governor of NBP and other representatives of the NBP bodies referred to in Art. 6 are required to submit information and provide explanations on monetary policies and activity of NBP to the Sejm and the Senate, as well as to their commissions.

Article 22a

The Governor of NBP shall be a member of the Financial Stability Committee.

Article 23

1. Acting on behalf of the Council, the Governor of NBP shall:
 - 1) provide the Sejm and the Council of Ministers with the following:
 - a) quarterly reports on the balance of payments,
 - b) annual statement on the international investment position,
 - 2) provide the Council of Ministers and the Minister of Finance with draft monetary policy guidelines, opinions on the Draft Budget Act, balance of payments forecasts and the Council's decisions,

- 3) draw up periodic reports on transfers of (payments from) profit.
2. Supreme State authorities, bodies of central and local government, banks and other legal persons, organisational entities which are not legal persons and other entrepreneurs shall:
 - 1) provide NBP with data necessary to set the monetary policy and to make periodical assessments of the monetary standing of the State,
 - 2) the entities participating in foreign trade – shall provide NBP with data necessary to draw up the balance of payments and the international investment position,
 - 3) provide NBP, at its request, with data necessary to analyse the systemic risk.
- 2a. Entities participating in payments and interbank settlements shall provide, at the request of NBP, data necessary for assessing the functioning of payments and interbank settlements.
- 2b. Following consultations with the Governor of NBP, the Minister competent for financial institutions shall specify, by regulation, the procedure, scope and dates of performing the duty referred to in para. 2a taking into account the need to ensure access for NBP to information necessary to carry out its duties under this Act and separate provisions.
- 2c. Following consultations with the Governor of NBP and the Chairman of the Polish Financial Supervision Authority, the Minister competent for financial institutions shall specify, by regulation, the method, detailed scope and dates of submitting data by the entities referred to in para. 2 other than banks which are required for setting the monetary policy and making periodical assessment of the monetary standing of the State and analyses of the systemic risk while taking into account the position, share in the financial market and the significance for the analysis of the activities of these entities, and the need to ensure access for NBP to information necessary to carry out its duties under this Act and duties arising from the participation in the European System of Central Banks and the European Systemic Risk Board.
3. Banks shall additionally provide, at the request of NBP, data necessary to assess their financial standing and the risks to the banking system.
- 3a. The National Depository for Securities and the company to which the National Depository entrusted performance of activities related to its tasks referred to in Art. 48 para. 1 subparas. 1-6 or para. 2 of the Act on Trading in Financial Instruments of 29 July 2005 (Journal of Laws of 2022, item 1500 and 1488), clearing houses and settlement houses referred to in Art. 68a of that Act as well as the central counterparty (CCP) within the meaning of Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (Official Journal of the European Union L 201 of 27.07.2012, p. 1, as amended), shall provide, at the request of the Governor of NBP, data required to perform the tasks referred to in Art. 3 para. 2 subpara. 6a and 6b, related to participants within the meaning of Art. 45a, para. 2 of that Act, in order to perform an assessment of the financial standing of these participants, the stability of the financial system and the risk of the financial system.

4. The procedure and specific principles for the provision of data referred to in paras. 2 and 3 shall be laid down in a relevant resolution of the NBP Management Board.
- 4a. The obligation to provide NBP with data necessary to carry out its tasks under this Act as well as arising from participation in the European System of Central Banks also applies to data protected under separate laws, including information subject to banking secrecy.
5. Individual data referred to in paras. 2, 2a and 3 may solely be used for the purpose of preparing statistical statements, studies, assessments, balances and to draw up the international investment position, and shall not be disclosed to third parties without prejudice to paras 6 – 8 and 10.
6. Statistical statements, studies and assessments containing individual data referred to in paras. 2, 2a, 3 and 3a, which enable to link the data with a particular entity or to identify a particular entity – in particular, if data concerning less than three entities have been used for the compilation of the statement, study or assessment, or the data concerning one entity, used in the statement, study and assessment, represent more than three quarters of the whole information – shall not be disclosed to third parties.
7. Individual data referred to in paras. 2, 2a, 3 and 3a, and the statistical statements, studies and assessments specified in para. 6, shall be made accessible by NBP to:
 - 1) the European Central Bank – in the conduct of duties related to NBP participation in the European System of Central Banks,
 - 2) other foreign entities – in the performance of international obligations of the Republic of Poland
 - 3) entities other than those listed in subparas 1 and 2 – pursuant to separate provisions.
8. Individual data referred to in para. 3 may be made accessible to the Minister of Finance and the Polish Financial Supervision Authority to the extent necessary for the pursuit of the goals and tasks of the Financial Stability Committee.
- 8a. Individual data referred to in paras. 3 and 3a, and the statistical statements, studies and assessments specified in para. 6, shall be made accessible by NBP to the Committee for Financial Stability referred to in the Act on Prudential Supervision over the Financial System and Crisis Management in the Financial System to the extent necessary for the implementation of the Committee's tasks.
9. The provisions of paras. 8 and 8a shall apply accordingly to the data containing information subject to protection pursuant to other laws, including information subject to banking secrecy.
10. The exchange of collected unidentifiable individual data between NBP and the Central Statistical Office (GUS), and in particular cases individual data of identifiable entities of the national economy – and the results of aggregation of these data – related to participation in the European System of Central Banks (ESCB) and the European Statistical System (ESS)

shall be done free of charge, based on reciprocity, to the extent necessary to perform statutory duties, and subject to statutorily protected secrets.

11. Detailed scope and mode of exchanging data referred to in para. 10 shall be laid down in the agreement on information sharing concluded between the Governor of NBP and the President of GUS.

Article 23a

1. Data necessary to:
 - 1) compile the balance of payments and the international investment position,
 - 2) set the monetary policy and make periodical assessment of the State's monetary standing,
 - 3) assess banks' financial standing and banking sector risk,
 - 4) numbering banks and their organisational units – shall be submitted to NBP in electronic form.
2. Data in electronic form shall be submitted using appropriate certificates issued at NBP or other forms of authentication applied at NBP.
3. Submitting data in a way incompatible with the requirements referred to in paras. 1 and 2 shall be tantamount to failure to submit them.

Article 24

1. NBP shall implement the foreign exchange policy laid down by the Council of Ministers in consultation with the Council.
2. The principles for setting the exchange rate of the zloty against foreign currencies shall be laid down by the Council of Ministers in consultation with the Council.
3. NBP shall announce current exchange rates for foreign currencies and for other types of foreign exchange values.

Chapter 4 **Banking Supervision**

Article 25

[repealed].

Article 26

[repealed].

Article 27

[repealed].

Article 28

[repealed].

Article 29

[repealed].

Article 30

[repealed].

Chapter 4a

NBP and the Committee for Financial Stability

Article 30a

NBP shall provide the Committee for Financial Stability:

- 1) data and information, including those subject to protection pursuant to other laws, necessary to assess the systemic risk;
- 2) analyses, studies and opinions on the assessment of the systemic risk, financial stability and macroeconomic imbalances, including NBP regular reports on the stability of the financial system and reports on macroeconomic imbalances;
- 3) information on activities of the competent entities, as defined by Art. 4 subpara. 22 of the Act on Prudential Supervision over the Financial System and Crisis Management in the Financial System of 5 August 2015 related to the implementation of recommendations of the Committee for Financial Stability;
- 4) information on consultations with the European Commission, the European Systemic Risk Board, the European Banking Authority and macroprudential supervision authorities from

other interested Member States, as defined by Art. 4 subpara. 9 of the Act on Prudential Supervision over the Financial System and Crisis Management in the Financial System of 5 August 2015 and opinions provided by these entities related to the activities of the Committee for Financial Stability.

Article 30b

NBP shall provide support to the Committee for Financial Stability in the fulfilment of responsibilities, as defined by Art. 5 of the Act on Prudential Supervision over the Financial System and Crisis Management in the Financial System of 5 August 2015, in particular, it:

- 1) organises sessions of the Committee for Financial Stability and runs its secretariat,
- 2) draws up draft resolutions of the Committee for Financial Stability.

Chapter 5

Issue of Currency

Article 31

The currency of the Republic of Poland shall be banknotes and coins denominated in złoty and grosz.

Article 32

Banknotes and coins issued by NBP shall constitute legal tender on the territory of the Republic of Poland.

Article 33

1. The design and denomination of banknotes, and the design, denomination, alloy, fineness and weight of coins, as well as the volume of issues of banknotes and coins, together with the dates on which they are to be brought into circulation, shall be specified by the Governor of NBP by regulation.
2. The Governor of NBP may withdraw particular banknotes and coins from circulation. As of the date set by the Governor of NBP, such banknotes and coins shall cease to be legal tender on the territory of the Republic of Poland, and shall be subject to replacement at banks designated by the Governor of NBP.

Article 34

1. The banknotes and coins which do not fulfil the conditions set by the Governor of NBP because of being worn or damaged, shall cease to be legal tender on the territory of the Republic of Poland and shall be subject to replacement.
2. The Governor of NBP shall specify, by regulation, the detailed principles and procedure for the replacement of banknotes and coins referred to in para. 1.

Article 35

1. Counterfeit banknotes and coins shall be subject to forfeiture without compensation.
2. The provision of para. 1 shall apply accordingly to counterfeit banknotes and coins denominated in foreign currencies.
3. The Minister of Justice, in cooperation with the minister competent for internal affairs, having consulted the NBP Governor, shall specify by regulation the principles and the procedure to be followed when retaining suspect counterfeit banknotes and coins and handling counterfeit banknotes and coins, with the aim to secure smooth and safe cash circulation, in particular the need to secure as evidence retained banknotes and coins, as well as to protect the justified interests of the persons whose banknotes and coins were retained, including the return of the retained banknotes and coins, or payment of the equivalent amount, upon confirmation of their authenticity.

Article 36

NBP may sell, in Poland and abroad, coins, banknotes and numismatic items for collection and other purposes, on terms and according to principles specified by the NBP Management Board by resolution.

Article 37

NBP shall organise the management of banknotes and coins of the Republic of Poland.

Chapter 6

Monetary Policy Instruments

Article 38

1. For the purpose of influencing the money supply and lending activity, NBP shall accumulate the required minimum reserves of banks, credit unions and the National Association of Cooperative Savings and Credit Unions.
2. Banks' required minimum reserves shall constitute a portion, expressed in *złoty*, of the *złoty* and foreign currency funds held in bank accounts; of the funds obtained from the issue of debt securities and of other repayable funds taken by banks, with the exception of:
 - 1) funds taken from another domestic bank, credit unions and the National Association of Cooperative Savings and Credit Unions;
 - 2) funds taken from a foreign bank pursuant to agreements concluded prior to the entry into force of the present Act;
 - 3) funds obtained from abroad for a period of at least two years;
 - 4) funds obtained pursuant to the contracts for maintaining individual retirement accounts and the contracts for maintaining individual retirement savings accounts within the meaning of the provisions on individual retirement accounts and on individual retirement savings accounts.
 - 5) funds obtained from the sale of mortgage secured securities with the redemption period of over five years and mortgage bonds with the redemption period of over five years.
3. Credit unions' required minimum reserves and the National Association of Cooperative Savings and Credit Unions' required minimum reserve shall constitute a portion, expressed in *złoty*, of the *złoty* and foreign currency funds held in the credit union accounts and the National Association of Cooperative Savings and Credit Unions' account; of the funds obtained from the issue of debt securities and of other repayable funds, with the exception of funds taken from another credit union, the National Association of Cooperative Savings and Credit Unions or a domestic bank.
4. Cooperative banks shall hold their required minimum reserves at the affiliating bank, to which they are affiliated. The affiliating bank shall hold the required minimum reserves of the affiliated cooperative banks in its own account at NBP, in the amount corresponding to the minimum reserve requirements of the affiliated banks and its own minimum reserve requirements.
5. Credit unions shall hold their required minimum reserves at the National Association of Cooperative Savings and Credit Unions. The National Association of Cooperative Savings and Credit Unions shall hold the required minimum reserves of credit unions in its own

account at Narodowy Bank Polski, in the amount corresponding to the minimum reserve requirements of credit unions and the minimum reserve requirement of the National Association of Cooperative Savings and Credit Unions.

Article 39

1. The minimum reserve requirement ratio may vary according to contractual deposit maturity, the type of currency concerned, as well as the kind of conducted financial operations constituting the source of proceeds.
2. The total of the required minimum reserves shall not exceed:
 - 1) 30% of the total funds referred to in Art. 38, paras. 2 and 3, in the case of demand deposits,
 - 2) 20% of the total funds referred to in Art. 38, paras. 2 and 3, in the case of term deposits.
3. The NBP Management Board may exempt a bank from satisfying the minimum reserve requirement during the implementation of a bank recovery plan.
- 3a. The NBP Management Board may exempt a credit union and the National Association of Cooperative Savings and Credit Unions from satisfying the minimum reserve requirement during the implementation of a programme of recovery proceedings.
- 3b. The NBP Management Board may exempt an entity under restructuring or a bridge institution referred to in the Act of 10 June 2016 on the Bank Guarantee Fund, Deposit Guarantee Scheme and Resolution (Journal of Laws of 2022, items 793, 872 and 1692) from satisfying the minimum reserve requirement during the resolution period.
4. Amounts due as interest on required minimum reserves shall be transferred to banks, credit unions and the National Association of Cooperative Savings and Credit Unions.

Article 39a

Banks, credit unions and the National Association of Cooperative Savings and Credit Unions shall deduct from the amount of required minimum reserves the amount equivalent to 500,000 euro, calculated according to the average exchange rate, as announced by NBP on the last day of the base month for the calculation of the minimum reserve requirement; in the event such rate is not announced on that day - according to the last rate announced before that day.

Article 40

1. The NBP Management Board shall set:
 - 1) the principles and procedure for calculating and holding the required minimum reserves,
 - 2) the types of funds which are not subject to the minimum reserve requirement,

- 3) the principles for calculating interest on the required minimum reserves and for transferring the amounts due as such interest.
2. The NBP Management Board may determine the amount of vault cash held, in złoty, at a bank, credit unions and the National Association of Cooperative Savings and Credit Unions that will be deemed to be the equivalent of the required minimum reserves held at NBP.

Article 41

1. In case of violation of the minimum reserve requirement specified in Art. 40, the bank, the credit union or the National Association of Cooperative Savings and Credit Unions shall pay interest to NBP on the difference between the balance it is required to hold on accounts and the balance actually held on accounts.
2. The interest referred to in para. 1 shall be calculated at a rate set by resolution of the NBP Management Board, which shall not be higher than twice the lombard rate.
3. The NBP Management Board may give its consent to the bank, the credit union or the National Association of Cooperative Savings and Credit Unions not to pay the interest referred to in para. 1 if the bank, the credit union or the National Association of Cooperative Savings and Credit Unions has had its operations suspended, is under liquidation or has been declared bankrupt.

Article 42

1. NBP may grant refinancing loans to banks, in złoty, in order to replenish their money holdings.
2. In granting refinancing loans, NBP shall consider the capability of the bank to repay the loan together with interest, on the contractual repayment dates, subject to the reservation indicated in para. 3.
3. NBP may also grant a refinancing loan to a bank for the purpose of implementing a bank recovery plan.
4. Refinancing facilities may be granted:
 - 1) up to a specified amount, as a line of credit,
 - 2) against pledge of securities, up to an amount corresponding to a specified proportion of the nominal value of such securities (lombard facilities),
 - 3) in other forms, as specified by the NBP Management Board.
5. The contract for a refinancing loan may be terminated by each of the parties with a seven-day notice.
6. If the financial situation of the bank using the refinancing facilities has worsened to the extent that a timely repayment of the loan is at risk, or if such a bank fails to observe the essential

provisions of the loan contract, NBP may terminate the contract for refinancing loan and demand an earlier repayment of the loan, partial or total, within a period shorter than stipulated in such a contract.

7. The provisions of the Banking Act of 29 August 1997 (Journal of Laws of 2021, item 2439, as amended) shall apply to the contract for refinancing loan, subject to modifications resulting from the present Act.

Article 43

1. NBP may grant short-term loans to the Bank Guarantee Fund (Bankowy Fundusz Gwarancyjny) in the cases stipulated in the Act on the Bank Guarantee Fund, Deposit Guarantee Scheme and Resolution of 10 June 2016 and the Act of 5 November 2009 on Credit Unions (Journal of Laws of 2022, items 924, 1358 and 1488).
2. In the event of a threat to the liquidity of credit unions, NBP may grant a short-term loan to the National Association of Cooperative Savings and Credit Unions for making a contribution to the stabilisation fund referred to in Art. 55 para.1 of the Act of 5 November 2009 on Credit Unions, where there is a risk that funds held in the stabilisation fund may be exhausted and provided that adequate collateral has been established.
3. The Polish Financial Supervision Authority shall, at the request of NBP, communicate its opinion on the situation of the credit union sector and the ability of the National Association of Cooperative Savings and Credit Unions to repay the loan referred to in para. 2 with interest.
4. Funds from the loan referred to in para. 2 may solely be used by the National Association of Cooperative Savings and Credit Unions for the purpose of granting loans to credit unions to replenish their cash resources.

Article 43a

1. In the event that the loans referred to in Articles 42 and 43 are secured by a transfer of mortgage claims or claims secured by registered pledges, the mortgages or registered pledges, respectively, shall pass on to NBP on the day of granting the loans. The provisions of Article 79 para. 1 sentence two of the Act of 6 July 1982 on Land and Mortgage Registers and on Mortgage (Journal of Laws of 2022, item 1728) and Article 17 para. 1 sentence two of the Act of 6 December 1996 on Registered Pledges and Register of Pledges (Journal of Laws of 2018, item 2017) shall not apply.
2. Until the disclosure of the transferee in the relevant register, the transfer of claims referred to in para. 1 shall be ineffective with respect to the mortgage debtor. Should the mortgage or registered pledge expire prior to the disclosure of the transferee in the relevant register,

the transferor shall perform all the necessary actions to enable the removal of the mortgage from the land and mortgage register or the registered pledge from the register of pledges.

3. Upon the notification of the court, arbitral tribunal or body conducting administrative proceedings of the transfer of claims referred to in para. 1 to secure collateral for the loans referred to in Articles 42 and 43, NBP shall by virtue of law replace the debtor in civil, administrative and court and administrative proceedings and proceedings before arbitral tribunals concerning the transferred claims, without permission of the opposite party or a third party having legal interest.
4. The provision of para. 3 shall also apply to the existing debtor with respect to replacing NBP in proceedings after the repayment of debts arising from the loans referred to in Articles 42 and 43, based on a certificate issued by NBP.

Article 44

1. NBP may accept bills of exchange from banks for discount and rediscount.
2. The NBP Management Board shall specify the types of bills of exchange eligible for discount and rediscount at NBP, and shall determine, by resolution, the principles and procedure for their discounting and rediscounting.

Article 45

[repealed].

Article 46

Should the implementation of monetary policy be jeopardised, the Council may resolve to:

- 1) restrict the volume of funds granted to borrowers by banks,
- 2) require the holding of non-interest-bearing deposits with NBP against foreign funds used by banks and domestic entrepreneurs.

Article 47

Loans and advances drawn by NBP from foreign banking and financial institutions may be earmarked for extending foreign currency loans to domestic banks.

Article 48

NBP may:

- 1) issue and sell securities,
- 2) purchase and sell debt securities under open market operations,
- 3) organise trading in the securities it issues and securities issued or guaranteed by the Treasury,
- 4) open term deposit accounts for banks.

Article 49

NBP may be entrusted with the servicing of central government loan drawn in through the issue of securities.

Article 50

NBP may accept securities, including those issued by itself, for safekeeping and custody, and as collateral.

Article 50a

In the event of securing the claims of NBP, the satisfaction of the claims of NBP acting as a pledgee shall be performed in a manner provided for in the Civil Code, or – if stipulated in the contract with the pledgor – by sale of the pledged assets by NBP on the pledgor's behalf or its appropriation by NBP.

Chapter 7

Operation of Bank Accounts

Article 51

1. NBP shall operate accounts for:
 - 1) banks,
 - 2) the State budget,
 - 3) the Bank Guarantee Fund,
 - 3a) the National Association of Cooperative Savings and Credit Unions,
 - 3b) the Polish Financial Supervision Authority,
 - 4) other legal persons, with the consent of the Governor of NBP.
2. The NBP Management Board shall specify, by resolution, the terms and conditions for opening and operating accounts for banks.

Chapter 8

Foreign Exchange Activity

Article 52

1. NBP shall perform its function of central foreign exchange banking institution by holding and managing the foreign exchange reserves, conducting banking operations and taking other measures to ensure the safety of foreign exchange operations and the payment liquidity of the country.
2. The Governor of NBP shall perform control tasks as determined by the provisions of the foreign exchange act.
3. NBP may act as the financial agent to the Government in concluding and carrying out loan contracts and servicing the country's foreign debt; NBP shall not be liable for the obligations of the State Treasury in this respect. The detailed procedure applicable shall be specified in each case in an agreement between NBP and the Minister of Finance.
4. NBP may hold foreign exchange and trade in foreign exchange, both on its own behalf and for its own account, and for the account of other parties, and may also conduct foreign exchange operations in Poland and abroad, including granting and drawing foreign loans and advances, and granting and accepting bank guarantees and suretyship in international operations.
5. [repealed].

Chapter 9

Specific Rights and Duties of NBP

Article 53

The monetary policy guidelines, the report on the implementation of the monetary policy guidelines and normative acts issued by the NBP bodies – with the exception of acts referred to in Art. 54, para. 1 – shall be published in the Official Gazette of the Republic of Poland “Monitor Polski” (*Dziennik Urzędowy Rzeczypospolitej Polskiej „Monitor Polski”*).

Article 54

1. The Governor of NBP shall publish the Official Journal of Narodowy Bank Polski (*Dziennik Urzędowy Narodowego Banku Polskiego*), where the following shall be published:
 - 1) acts of the NBP bodies concerning the functioning of banks,
 - 2) balance sheet and profit and loss account of NBP,

- 3) resolutions of the Committee for Financial Stability, as defined by Art. 12 para. 5 of the Act of 5 August 2015 on Prudential Supervision over the Financial System and Crisis Management in the Financial System.
2. The Governor of NBP may also order the publication of legal acts and announcements other than those referred to in para. 1.

Article 54a

1. The title and layout of the masthead of the Official Journal of Narodowy Bank Polski shall not be used by entities other than NBP, in particular for commercial purposes in publications, or other forms of dissemination of legal acts.
2. The provisions of Art. 2a, Art. 3, Art. 4, Art. 6, Art. 7, Art. 15-18, Art. 20, Art. 20b, Art. 23a, Art. 27 and Art. 28a of the Act of 20 July 2000 on the Publication of Normative Acts and Some Other Legal Acts (Journal of Laws of 2019, item 1461) shall apply accordingly to the publication of the Official Journal of Narodowy Bank Polski and the publication of legal acts therein.

Article 55

Staff of NBP and members of the Council and consultative and advisory bodies at the NBP Management Board shall be bound by an obligation not to disclose to unauthorised persons any information acquired when carrying out their duties, including information that constitutes banking secrecy pursuant to the Banking Act of 29 August 1997, information subject to protection according to the provisions on the protection of confidential information, as well as other information protected by statute. This obligation shall continue after terminating their employment or membership in the Council or the above-mentioned bodies.

Article 56

1. The following persons shall be authorised to make declarations with respect to proprietary rights and obligations of NBP:
 - 1) the Governor of NBP, or
 - 2) two of the following persons, acting jointly:
 - a) Deputy Governors of NBP or other members of the NBP Management Board, and
 - b) proxies appointed by the NBP Management Board, or by a person so empowered by the Board, within the bounds of the power of attorney granted.
2. The persons mentioned in para. 1 may appoint a proxy to act independently, within the bounds of the power of attorney granted, in performing specific actions or actions of a particular type.

Article 57

1. NBP shall be treated on a par with budgetary units and shall be subject to exemption from taxes as well as stamp duty.
2. The enforced collection of monetary debts from NBP may be performed where the creditor has served a judicial or administrative debt collection order on the NBP, and where the payment due under that order is not made within one month of the order having been served. The provisions of Art. 1060 of the Code of Civil Procedure shall apply accordingly to enforcement proceedings against NBP.

Article 58

NBP cannot be declared bankrupt.

Article 59

NBP may initiate and organise scientific research, as well as undertake publishing and promotional activity.

Article 59a

1. In the case of personal data processed for the purpose of performing the tasks defined in Art. 3 para. 2 subparas 6a and 7, the exercise of the rights referred to in Article 15 (1) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119 04.05.2016, p. 1, as amended) shall be ensured by the entities submitting data to NBP in the manner specified in Art. 23a paras. 1 and 2.
2. NBP shall inform of the limitations referred to in para. 1 by making such information available in a publicly accessible location at its seat and on NBP's website of the Public Information Bulletin or on the NBP website.
3. The period of storage of the personal data referred to in para. 1 shall be determined by the data controller in accordance with the purposes of their processing, taking into consideration separate regulations regarding storage terms. NBP shall perform a review of the personal data every five years.
4. The personal data referred to in para. 1 shall be protected to prevent their misuse or unlawful access or transfer of data, including at least:
 - 1) permission by the data controller for the personal data being processed exclusively by authorised persons;

- 2) written obligation of confidentiality by persons authorised to process the personal data;
 - 3) testing and improvement of the technical and organisational means used;
 - 4) ensuring secure communication in ICT networks, in particular by guaranteeing that cryptographic techniques are used in the process of acquisition and submission of personal data to external entities;
 - 5) ensuring protection against unauthorised access to the NBP IT systems;
 - 6) ensuring the integrity of data in the NBP IT systems;
 - 7) defining security principles for the processed personal data.
5. The President of the Office for the Protection of Personal Data is not entitled to access individual data referred to in Art. 23 paras 2, 2a, 3 and 3a, and to statistical statements, studies and assessments referred to in Art. 23 para. 6.
 6. If it is necessary due to security requirements related to the control of access to information or premises, NBP shall require biometric data in the form of fingerprints, voice, hand geometry, and vascular patterns in fingers or palms from persons providing services to NBP or persons carrying out cash transports and their employees. Biometric data may be stored exclusively for the duration of the provision of services or the conduct of cash transports by those persons for NBP.

Chapter 10

NBP Finances

Article 60

NBP's own funds shall consist of statutory fund and reserve fund.

Article 61

The statutory fund of NBP shall amount to 1.5 billion złoty.

Article 62

1. The reserve fund shall be created by NBP profit write-offs, executed within 14 days from the day the NBP annual financial statements have been approved, until the reserve capital reaches the amount equivalent to the amount of the statutory fund.
2. The write-offs referred to in para. 1 shall amount to 5% of annual profit.
3. The reserve fund may be allocated solely to cover the balance sheet losses of NBP.

Article 63

[repealed].

Article 64

NBP shall manage its finances on the basis of an annual financial plan.

Article 65

NBP shall create a provision against the foreign exchange risk of the złoty. The principles for creating and releasing such a provision shall be laid down by the Council.

Article 66

1. Funds to be assigned to staff remuneration shall be set annually in the NBP financial plan, taking into account the level of salaries in the banking sector.
2. The remuneration of the Governor and Deputy Governors of NBP shall be set based on the provisions on remuneration for persons appointed to executive posts in the state administration.
3. The principles for NBP staff remuneration shall be laid down by the NBP Management Board by resolution. The NBP Management Board shall set the remuneration for particular posts on the assumption that the maximum remuneration for these posts, except for Deputy Governors and Management Board Members of NBP, may not exceed 0.6 of the remuneration of the NBP Governor.
4. The resolution of the NBP Management Board laying down the principles for NBP staff remuneration is public information which is published by the NBP Governor on NBP's website of the Public Information Bulletin.
5. The remuneration of the Governor of NBP referred to in para. 3 shall mean the base remuneration and the special duty allowance, set in accordance with the regulations referred to in para. 2, as well as the remuneration components, bonuses and awards specified in the resolution referred to in para. 3.
6. Information on the remuneration of the Governor, Deputy Governors and Management Board Members of NBP and persons holding the posts of regional branch directors, directors of departments (or equivalent units) and their deputies as well as persons holding posts equivalent in terms of pay to the post of department director or its deputy is public and shall be published by the Governor of NBP on NBP's website of the Public Information Bulletin by 31 March of the year following the year to which the publication relates.

7. Information on the amounts of remuneration referred to in para. 6 shall be published separately for each month for each post at NBP, enumerating all the components of remuneration, bonuses and awards specified in the resolution referred to in para. 3.
8. The provisions of the Act of 6 September 2001 on Access to Public Information (Journal of Laws of 2022, item 902) shall apply accordingly.

Article 67

The NBP accounting principles should conform to the standards applied in the European System of Central Banks.

Article 68

1. The annual financial statements of NBP shall consist of:
 - 1) balance sheet,
 - 2) profit and loss account, 3) additional information.
2. The calendar year shall be the accounting (fiscal) year at NBP.
3. The NBP accounting principles, the terms of reference for the balance sheet and for profit and loss account, and the contents of the additional information shall be specified by the Council.

Article 69

1. The annual financial statements of NBP shall be audited by an external auditor selected by the Council.
2. NBP shall bear the costs of the audit referred to in para. 1.
3. The Governor of NBP shall submit the annual accounts of NBP to the Council of Ministers for approval until 30 April of the year following the fiscal year.
4. A portion of the annual profit of NBP (payment from the NBP profit) shall be remitted to the State budget within 14 days following the approval of the annual financial statements of NBP by the Council of Ministers.

Article 70

The Governor of NBP shall submit the annual report on the activity of NBP to the Sejm within five months following the end of the budget year.

Chapter 11
Interim and Final Provisions

Articles 71-73 [omitted]

Article 74

1. Until the issuance of the secondary legislation stipulated for in this Act, the previous secondary legislation shall remain in force, unless it is at variance with the provisions of the present Act.
2. [omitted]
3. [omitted]

Article 75

The Act on Narodowy Bank Polski of 31 January 1989 (Journal of Laws of 1992, item 360, as amended) is hereby repealed.

Article 76

This Act shall enter into force on 1 January 1998.