

ACT
of 25 November 2004
on the Profession of Sworn Translator*

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Chapter 1.
General Provisions

Article 1.1. This Act defines the conditions and procedure for obtaining and losing the right to practise the profession of sworn translator, as well as the rules for practising the said profession.

2. The provisions of this Act shall not apply to sign language interpreters and translators of communication systems other than natural languages.

Chapter 2.
**Obtaining and Losing the Right to Practise
the Profession of Sworn Translator**

Article 2.1. A sworn translator may be a natural person who:

- 1) is a Polish citizen or a citizen of a European Union Member State, a European Free Trade Agreement Member State - party to the Agreement on the European Economic Area, or, subject to reciprocity, is a citizen of another state;
- 2) knows the Polish language;
- 3) has full capacity for acts in law;
- 4) has not been punished for an intentional offence, fiscal offence or for an unintentional offence against the safety of economic dealings;
- 5) is a graduate of higher education Magister's studies in the field of philology or is a graduate of higher education Magister's studies in another field and post-graduate studies in the field of translation and/or interpretation, appropriate for the given language;
- 6) has passed an examination in the field of translation and interpretation from the Polish language into the relevant foreign language and from that foreign language into the Polish language; hereinafter said examination shall be referred to as the "examination for sworn translators".

2. The command of the Polish language shall be confirmed by passing the examination for sworn translators.

Article 3.1. The State Examination Commission, hereinafter referred to as the "Commission", shall be hereby established to conduct examinations for sworn translators.

2. Members of the Commission shall be appointed and recalled by the Minister of Justice in a decision.

3. The Commission shall be composed of 11 members, distinguished by a high level of knowledge in the field of foreign languages as well as translation and interpretation techniques, including:

- 1) four academic teachers employed by schools of higher education in the field of philology, identified by the minister in charge of higher education;
- 2) three sworn translators who are members of associations of translators, identified by these organizations;
- 3) three members identified by the Minister of Justice;
- 4) one member identified by the minister in charge of labour.

4. The Commission's term of office shall be 4 years.

5. Upon the Commission's motion, the Minister of Justice may appoint no more than two consultants who meet the requirements set for Commission members to participate in an examination in a specific language.

6. Members of the Commission and the consultants referred to in paragraph 5 shall be entitled to remuneration for participation in the Commission's work and to a refund of the costs of travel and accommodation according to the rules defined in the provisions on the amounts due to employees of units of the state or self-government budget sphere for domestic business trips.

7. Prior to the expiry of the Commission's term of office, a member of the Commission may be recalled for failure to perform the duties of a member, for incapacity to perform them or if he/she resigns from membership.

8. Clerical services for the Commission shall be procured by the Minister of Justice.

9. The Minister of Justice shall define, in a regulation, the procedure for the Commission's activities and the amount of remuneration for the Commission's members and consultants for participation in its work, so as to ensure the efficient operation of the Commission in consideration of the scope and load of their work on preparing and conducting the examination.

Article 4.1. The examination for sworn translators shall consist of two parts:

- 1) translation from the Polish language into the foreign language and from the foreign language into the Polish language;
- 2) interpretation from the Polish language into the foreign language and from the foreign language into the Polish language.

2. The examination for sworn translators shall be considered passed if positive marks have been awarded for both parts of the examination mentioned in paragraph 1.

3. In the event of unsatisfactory result of the examination, the candidate for sworn translator may take another examination not earlier than after the lapse of one year from the date of the previous examination.

4. The costs of the examination, including the examination fee, shall be borne by the candidate for sworn translator.

5. The examination fee shall constitute revenue to the state budget.

6. The Minister of Justice shall fix, by way of a regulation, the amount of the examination fee to be paid by the candidates for sworn translators, taking into account the factual costs of organizing and conducting the examination.

7. The Minister of Justice shall determine, by way of a regulation, the detailed manner for conducting the written and oral parts of the examination, taking into account the duty to check skills in the field of the translation of court and official documents, as well as of legal texts.

Article 5.1. A person who has passed the examination defined in Article 4, paragraph 1 shall obtain a licence to practise the profession of sworn translator.

2. Obtaining a licence to practise the profession of sworn translator shall be confirmed by a certificate issued by the Minister of Justice.

Article 6.1. A person who has obtained the right to practise the profession of sworn translator shall obtain the right to practise this profession after taking an oath and being entered on the list of list of sworn translators.

2. A person who has obtained the right to practise the profession of sworn translator shall be entered, upon the said person's application, onto the list of sworn translators kept by the Minister of Justice.

3. The Minister of Justice shall define, by way of a regulation, the standard form of the certificate referred to in Article 5, paragraph 2, and the manner of keeping the list of sworn translators, taking into account the possibility of keeping the said list in an electronic form.

Article 7.1. Sworn translators shall take with the Minister of Justice the following oath:

"Being aware of the significance of my words and my liability before the law, I do solemnly affirm that I will perform the tasks of sworn translator entrusted to me with due diligence and impartiality, keeping State secrets and other secrets protected by the law, as well as following, in my conduct, the rules of honesty and professional ethics."

2. After having taken the oath, the sworn translator shall affix his/her signature under the words thereof.

Article 8.1. The entry of a sworn translator on the list shall include:

- 1) forename and surname;
- 2) date and place of birth;
- 3) citizenship;
- 4) place of residence;
- 5) mailing address;
- 6) the date of having obtained the professional licence of sworn translator;
- 7) the reference number of the certificate of sworn translator;
- 8) the language or languages in which the sworn translator is licensed to practise the profession;
- 9) information on penalties imposed in respect of the sworn translator's professional accountability;
- 10) information about academic degrees, academic title, academic degrees in art and the academic title in art.

2. Sworn translators shall have the duty to report any change in the data included in the entry on the list within 30 days from the day when the circumstances arose justifying the reporting of a change. The documents being the grounds for changing the entry shall be enclosed or submitted with the notification.

Article 9.1. By 31 January each year, the Minister of Justice shall publish, in the form of an announcement, in the official journal issued thereby, the list of sworn translators, notifying the *voivodes* thereof.

2. *Voivodes* shall gratuitously make the lists of sworn translators publicly available in places designated for this purpose, on the premises and during the office hours of *voivodeship* offices.

3. The announcement and the lists referred to in paragraphs 1 and 2 shall not contain the data mentioned in Article 8, subparagraphs 2, 4 and 9.

Article 10. The Minister of Justice shall make the list of sworn translators available, save for the data referred to in Article 8, subparagraphs 2, 4 and 9, in the *Biuletyn Informacji Publicznej*, established pursuant to the provisions on access to public information.

Article 11.1. The Minister of Justice may suspend a sworn translator, by way of a decision, for a period of 5 years, in the performance of activities of sworn translator in the event of failure to perform such activities for a period of over 3 years, counting from the day of the last activity.

2. During the period of suspension, the Minister of Justice may, upon a justified application of the sworn translator, set aside the decision referred to in paragraph 1.

Article 12. The Minister of Justice shall strike, by way of a decision, a sworn translator from the list referred to in Article 6, paragraph 1, in the event of:

- 1) death;
- 2) failure to comply with the requirements referred to in Article 2, paragraph 1, subparagraphs 1, 3 and 4;
- 3) the sworn translator's application;
- 4) a legally binding decision imposing the penalty of deprivation of the right to practise the profession of sworn translator;
- 5) after the lapse of the period of suspension referred to in Article 11, paragraph 1.

Chapter 3.

Rules for Practising the Profession of Sworn Translator

Article 13. Sworn translators shall be licensed to:

- 1) prepare and certify translations from a foreign language into the Polish language, from the Polish language into the foreign language, as well as to verify and certify such translations prepared by other persons;
- 2) prepare certified copies of documents in a foreign language, verify and certify copies of documents prepared in the given language by other persons;
- 3) interpret.

Article 14. Sworn translators shall be obliged to:

- 1) perform the tasks with which they are entrusted with particular diligence and impartiality, in compliance with the rules resulting from the provisions of law;
- 2) maintain as confidential the facts and circumstances with which they became familiar in connection with translation and/or interpretation;
- 3) improve their professional qualifications.

Article 15. Sworn translators may not refuse to translate and/or interpret in proceedings conducted under statutory law, upon request of a court, public prosecutor, the Police and public administration authorities, unless there are particularly valid reasons justifying such refusal.

Article 16.1. The remuneration for the activities of sworn translator shall be fixed, subject to paragraphs 2 and 3, in the contract with the principal or the person ordering the specific translation and/or interpretation.

2. The Minister of Justice shall fix, by way of a regulation, the rates of remuneration for the activities of sworn translator performed upon request of the entities referred to in Article 15, taking into account the degree of complexity and the scope of the translation and/or interpretation.

3. The Minister of Justice may fix, by way of a regulation, the maximum rates, other than those mentioned in paragraph 2, for the activities of sworn translators, taking into account the degree of complexity and the scope of said activities.

Article 17.1. Sworn translators shall keep repertories in which they shall note the activities mentioned in Article 13.

2. The repertory shall include:

- 1) the date of the acceptance of an assignment and of the return of a given document with its translation;
- 2) designation of the principal or person ordering the specified translation;
- 3) a description of the translated document, specifying the name, date and reference number of the document, the language in which it was prepared, the person or institution that prepared it, as well as comments about its kind, form and condition;
- 4) identification of the kind of activity performed, the language of the translation, the number of pages of the translation and the number of prepared copies;
- 5) a description of the interpretation, including the date, place, scope and duration of the interpretation;
- 6) the amount of collected remuneration;
- 7) information about refusal to translate and/or interpret for the entities referred to in Article 15, including the date of refusal, designation of the entity that requested translation and/or interpretation and the reasons for refusal.

Article 18.1. Sworn translators shall use, to certify translations and copies of documents, a round seal containing his/her name in the seal's rim and in its midst - the language in which he/she is licensed and the number on the list of sworn translators referred to in Article 6, paragraph 2. The seal shall be ordered, at the expense of the sworn translator, by the Minister of Justice in the State Mint.

2. On certified translations and certified copies of documents issued by the sworn translator there should be the number under which the translation or copy is noted in the repertory. The translations and copies of documents shall state whether they were prepared from an original, translation or copy, and whether the translation or copy is certified and by whom.

Article 19. A sworn translator who has obtained the licence to practise the profession shall submit a specimen of his/her signature, along with his/her seal to the Minister of Justice, the minister in charge of foreign affairs and the voivode competent with respect to the place of residence of the sworn translator.

Article 20.1. *Voivodes* competent with respect to the place of residence of the sworn translator shall exercise control over the activity of sworn translators covering:

- 1) the correct and reliable manner of keeping repertories;
- 2) the collection of the remuneration specified in the provisions referred to in Article 16, paragraph 2 or 3.

2. As part of the control the *voivode* may request:

- 1) the sworn translator to show his/her repertory;
- 2) the translator to provide written or oral explanations concerning the performed actions, including the information contained in the repertory.

3. If the voivode finds that the activities of sworn translators have not been performed for over 3 years, he/she shall inform the Minister of Justice about it.

Chapter 4.

The Professional Accountability of Sworn Translators

Article 21.1. Sworn translators who do not discharge the tasks referred to in Articles 14 and 15 and the duties specified in Article 17, paragraph 1 and Article 18, paragraph 2, or who discharge the said tasks or duties improperly or in an unreliable manner shall be subject to professional accountability.

2. In respect of professional Accountability the following penalties may be imposed on a sworn translator:

- 1) admonition;
- 2) reprimand;
- 3) suspension of the right to practise the profession of sworn translator for a period from 3 months to one year;
- 4) deprivation of the right to practise the profession of sworn translator, with the possibility of applying for granting it again not earlier than 2 years after deprivation and having taken again the examination referred to in Article 2, paragraph 1, subparagraph 6.

3. Any imposed penalties shall be mentioned in the entry of the sworn translator on the list.

Article 22.1. The professional Accountability of sworn translator shall expire 3 years from the time when the acts referred to in Article 21, paragraph 1 were committed.

2. If, within the period envisaged in paragraph 1, proceedings in professional Accountability cases were initiated against the sworn translator, the act shall cease to be punishable 2 years after the end of the said period.

3. However, if the act shows also all the features of an offence or fiscal offence, the professional Accountability of sworn translator may not be barred by limitation earlier than the limitation envisaged in the provisions of the Act of 6 June 1997 - Penal Code (*Dziennik Ustaw* 1997, No. 88, item 553 as amended) or the Act of 10 September 1999 - Fiscal Penal Code (*Dziennik Ustaw* 1999, No. 83, item 930 as amended).

Article 23.1. A penalty imposed with respect to the professional Accountability of the sworn translator shall be stricken by operation of law if the following periods have lapsed from the date when the decision imposing the penalty became valid:

- 1) 2 years - in the event of penalties listed in Article 21, paragraph 2, subparagraphs 1 to 2;
- 2) 3 years - in the event of penalties listed in Article 21, paragraph 2, subparagraphs 3 to 4.

2. Upon being stricken, such penalty shall be considered non-existent; the entry of the penalty shall be removed from the list of sworn translators.

Article 24.1. Proceedings in professional accountability cases concerning sworn translators shall be initiated and conducted by the Professional Accountability Commission upon request of the Minister of Justice or *voivode*.

2. The entity which commissioned the translation and/or interpretation may make a motion to the Minister of Justice or *voivode* for initiation of such proceedings.

3. The proceedings shall be conducted with the participation of the person against whom they are pending. Unjustified absence of such a person shall not result in the proceedings being stayed.

4. The person referred to in paragraph 3 may appoint an attorney for defence from among sworn translators, advocates or legal counsels.

Article 25.1. Having conducted the proceedings, the Professional Accountability Commission shall acquit the sworn translator, impose a penalty thereon or discontinue the proceedings.

2. Decisions of the Professional Accountability Commission shall be made in the form of resolutions taken by an absolute majority of votes in the presence of at least half of its membership.

Article 26.1. The sworn translator and the entity that made the motion for the initiation of proceedings in a professional accountability case shall have the right to appeal against the decision of the Professional Accountability Commission to the appeal court competent with regard to the place of residence of the sworn translator.

2. The Minister of Justice may appeal against a decision discontinuing the proceedings even if he/she did not file a motion for the initiation of proceedings in a professional accountability case.

3. No cassation appeal may be made against a valid decision ending the judicial proceedings.

Article 27. A copy of the valid decision on the penalty mentioned in Article 21, paragraph 2, subparagraph 4 shall be immediately sent by the authority which issued it to the Minister of Justice in order for the sworn translator to be struck off the list.

Article 28. In matters not regulated in this Act, the provisions of the Act of 6 June 1997 - Code of Criminal Procedure (*Dziennik Ustaw* 1997, No. 89, item 555 as amended) concerning simplified proceedings shall apply to proceedings in professional accountability cases. The provisions on private plaintiff, civil claimant, social representative, preparatory proceedings and coercive measures shall not apply, save for the provisions on pecuniary penalty.

Article 29.1. The Minister of Justice shall appoint, by way of an order, the Professional Accountability Commission composed of 9 persons, of which 4 persons shall be identified by the Minister of Justice, 1 person shall be identified by the minister in charge of labour and 4 persons shall be identified by associations of translators.

2. Members of the Professional Accountability Commission shall be entitled to remuneration for participation in the Commission's work and to a refund of the costs of travel and accommodation according to the rules specified in the provisions on the amounts due to employees of units of the state or self-government budget sphere for domestic business trips.

3. The Minister of Justice shall determine, by way of a regulation, the organization of the Professional Accountability Commission and the amount of remuneration for its members so as to ensure the efficient operation of the Commission, in consideration of the scope and load of their work on the proceedings conducted in professional accountability cases.

Chapter 5. Amendments to Provisions in Force, Transitional and Final Provisions

Articles 30-32. [*Omitted. These Articles contain amendments to other legal instruments.*]

Article 33.1. Persons who obtained the licence of sworn translator under the provisions hitherto in force shall become sworn translators within the meaning of this Act provided that they are entered, upon their application, on the list of sworn translators referred to in Article 6, paragraph 2, within 6 months from the day of this Act's entry into force.

2. With the application referred to in paragraph 1 the sworn translator shall also enclose the certificate issued by the President of the court at which he/she was appointed and confirming the circumstances of his/her appointment as sworn translator.

3. The provision of paragraph 1 shall not apply to sworn sign language interpreters.

4. The persons referred to in paragraph 1 may perform the acts of sworn translator and use their existing seals of sworn translator until they are entered on the list of sworn translators and obtain the seal of sworn translator, not longer, however, than for 2 years from the day of this Act's entry into force.

Article 34. Within 3 months from the day of this Act's entry into force, the Minister of Justice shall appoint the Commission referred to in Article 3.

Article 35. This Act shall enter into force 30 days after the day of promulgation.

* For the purposes of translation of this Act, the title "sworn translator" shall mean both a translator and an interpreter.