Regulation of the Prime Minister of 19 February 2013 amending the regulation on the rules regarding the procedure for examining the appeals (Journal of Laws of 2013, item 232)

Pursuant to Article 198 (1) of the Act of 29 January 2004 – Public Procurement Law (Journal of Laws of 2010 No. 113, item 759, as amended), it is decreed as follows:

§ 1 The Regulation of the Prime Minister of 22 March 2010 on the rules regarding the procedure for examining the appeals (Journal of Law No. 48, item 280), is amended as follows:

1) After § 2, § 2a shall be added, which shall read:

“§2a. Procedure with the appeal, that includes in its documentation the classified information within the meaning of provisions on the protection of classified information, including lodging the appeal along with annexes, entry to the appeal procedure, correspondence in appeal case, making the appeal case documentation available to the parties and participants and their participation in the examination of the appeal, the appeal file storage, as well as processing of such information, is in accordance with the provisions on the protection of classified information”.

1) in § 8:
   a) the paragraph 2 receives the following wording:

   “2. The files of appeal case shall be made available to the parties and the participants of the appeal procedure at their request at the seat of the Chamber, on the date set with the Chamber.”;

   b) the paragraph 3 shall be added:

   “3. A secret information protected under separate legal provisions other than the classified information within the meaning of provisions on the protection of classified information shall not be made available and until the publication of daily case list, the information on the adjudication panel set for examination of the appeal shall not be made available.”;

2) in § 11:
   a) the former wording shall be indicated as paragraph 1,
   b) paragraph 2 shall be added, which shall read:

   “2. In case of appeal that includes in its documentation the classified information within the meaning of provisions on the protection of classified information, the Chairman of the Chamber shall designate by means of an order the adjudication panel from among members of the Chamber who possess the access to classified information within the meaning of provisions on the protection of classified information and shall indicate a date and place of a session in order to take the necessary formal legal and verifying actions.”;

3) in § 13 paragraph 5 shall be added, which shall read:

   “5. In case of lodging the appeal that includes in its documentation the classified information within the meaning of provisions on the protection of the classified information, the
adjudication panel shall inform the Chairman of the Chamber of the necessity of appeal examination under conditions that allow the processing of such information pursuant to rules laid down in the provisions on the protection of the classified information.”;

4) in § 14:
   a) the former wording shall be indicated as paragraph 1,
   b) paragraph 2 shall be added, which shall read:

   “2. In case of appeal that includes in its documentation classified information under provisions of the act on protection of classified information, the PPO President shall indicate a place for appeal examination. The provision of paragraph 1 shall apply respectively, with consideration of the provisions on the protection of classified information.”;

5) in § 15 after paragraph 1, paragraph 1a shall be added, which shall read:

   “1a. In case of appeal that includes in its documentation the classified information within the meaning of provisions on the protection of classified information, the date of the appeal examination is fixed by the adjudication panel in agreement with the Chairman of the Chamber, with consideration of the accessibility of the place for appeal examination.”;

6) § 23 receives the following wording:

   “§ 23. The adjudication panel in the course of appeal procedure shall decide whether it is admissible to make the content of the appeal case documentation, which may contain secret information protected by separate legal provisions other than the classified information within the meaning of provisions on the protection of classified information, available to the parties and participants of the appeal procedure.”;

7) in § 25 after paragraph 1, paragraph 1a shall be added, which shall read:

   “1a. In case of appeal that includes in its documentation classified information within the meaning of provisions on the protection of classified information, the adjudication panel shall appoint the expert, who possess the access to the classified information within the meaning of the provisions on the protection of the classified information.”;

§ 2. The Regulation shall enter into force on the day following the day of its publication.

PRIME MINISTER