



General Counsel
to the Republic of Poland

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ARBITRAL PROCEEDINGS
BEFORE THE ARBITRATION INSTITUTE OF THE STOCKHOLM CHAMBER
OF COMMERCE

FESTORINO INVEST LIMITED,
FOSONTAL LIMITED,
PETRA SALESNY,
PETER DERENDINGER and
PETR ROJICEK

Claimants

v.

THE REPUBLIC OF POLAND

Respondent

SCC ARBITRATION V 2018/098

RESPONDENT'S STATEMENT OF COSTS

23 OCTOBER 2020

1. In accordance with the Tribunal's request contained in an e-mail communication of 15 October 2020, Respondent hereby submits its Statement of Costs.
2. Respondent upholds its hitherto position as expressed in its written submissions ((i) para 727 of SoD; (ii) para 735(3) of Rejoinder and (iii) para 92(3) of Respondent's Post-Hearing Brief). Consequently, Respondent respectfully requests the Tribunal to order Claimants to pay Respondent the costs of these arbitration proceedings, fixed in accordance with Articles 49 and 50 of the 2017 SCC Arbitration Rules, *i.e.* including the Costs of the Arbitration incurred by Respondent, as well as the fees and expenses relating to Respondent's legal representation, in-house costs, fees and expenses of any expert appointed by Respondent or Tribunal, and all other reasonable costs, with interest from the date of the award to the date of payment. For avoidance of any doubt, Respondent respectfully requests that the Tribunal burden Claimants with (i) the entire Costs of the Arbitration (in accordance with Article 49 of the 2017 SCC Arbitration Rules) and (ii) with the entire costs incurred by the Parties in this arbitration (in accordance with Article 50 of the 2017 SCC Arbitration Rules).
3. Respondent made all the payments in PLN, even if the invoices were issued in different currencies (EUR, USD or GBP). Thus, the reimbursement should be made also in PLN.
4. Respondent's legal representation in the said proceedings was based on the services provided by the counsels of the Office of the General Counsel to the Republic of Poland ("**General Counsel**" or "**General Counsel to the Republic of Poland**"). The value of work in the investment arbitrations is assessed by the General Counsel on hourly-rate basis. The hourly rate applied by the General Counsel amounts to **PLN 300 (approx. 70 EUR)**.
5. Respondent submits that a part of the costs, as expressly indicated in the table below, are attributable to **the Republic of Poland represented by the Ministry of Climate and Environment** and the other part of the costs is attributable to **the Republic of Poland represented by the General Counsel to the Republic of Poland**. The above results from the separation of those state authorities under Polish law and for the state budgetary purposes.
6. Respondent also notes that the costs incurred by the Republic of Poland represented by the Ministry of Climate and Environment may increase, *inter alia*, due to the Tribunal's works on the preparation of the final award. Of course, also such additional costs should

be reimbursed by Claimants to **the Republic of Poland represented by the Ministry of Climate and Environment**.

7. For the above reasons, Respondent respectfully requests the Tribunal to expressly order, in accordance with the below table, that (i) the first relevant part of the costs be paid by Claimants in favour of **the Republic of Poland represented by the Ministry of Climate and Environment** and (ii) the other relevant part in favour of the Republic of Poland represented by **the General Counsel to the Republic of Poland**.

COSTS INCURRED BY THE MINISTRY OF CLIMATE AND ENVIRONMENT					
No.	Invoice issued on/Date of document	Invoice no./Document	Invoice issued by	Description	Amount
Translations					
1.	2019-09-25	FV/000098/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 155/2019	590,40 PLN
2.	2019-09-25	FV/000100/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 157/2019	12 423,00 PLN
3.	2019-09-27	FV/000145/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 158/2019	5 781,00 PLN
4.	2019-11-21	FV/000130/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 159/2019	7 472,25 PLN
5.	2019-09-27	FV/000146/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 160/2019	8 179,50 PLN
6.	2019-10-25	FV/000160/10/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 161/2019	7 841,25 PLN
7.	2019-09-25	FV/000099/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 162/2019	9 132,75 PLN
8.	2019-10-22	FV/000122/10/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 163/2019	393,60 PLN
9.	2019-09-27	FV/000147/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 168/2019	270,60 PLN
10.	2019-09-27	FV/000148/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 169/2019	3 173,40 PLN
11.	2019-09-27	FV/000149/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 170/2019	492,00 PLN
12.	2019-09-27	FV/000150/09/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 171/2019	1 279,20 PLN

13.	2019-11-13	FV/000031/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/02	2 533,80 PLN
14.	2019-11-13	FV/000030/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/03	270,60 PLN
15.	2019-11-13	FV/000037/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/04	4 335,75 PLN
16.	2019-11-13	FV/000040/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/05	1 525,20 PLN
17.	2019-11-14	FV/000039/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/06	2 115,60 PLN
18.	2019-11-14	FV/000038/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/07	1 476,00 PLN
19.	2019-11-13	FV/000032/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/08	2 164,80 PLN
20.	2019-11-13	FV/000035/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/09	1 599,00 PLN
21.	2019-11-13	FV/000033/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/10	344,40 PLN
22.	2019-11-13	FV/000034/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/11	221,40 PLN
23.	2019-11-14	FV/000041/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/12	664,20 PLN
24.	2019-11-22	FV/000158/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/13	2 017,20 PLN
25.	2019-11-14	FV/000042/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/15	2 337,00 PLN
26.	2019-11-14	FV/000043/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/16	319,80 PLN
27.	2019-11-14	FV/000044/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/17	861,00 PLN
28.	2019-11-22	FV/000159/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/18	2 607,60 PLN
29.	2019-11-14	FV/000045/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/19	1 131,60 PLN
30.	2019-11-22	FV/000160/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/20	3 468,60 PLN
31.	2019-11-14	FV/000046/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/21	811,80 PLN

32.	2019-11-14	FV/000047/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/22	295,20 PLN
33.	2019-12-20	FV/000172/12/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/24	1 722,00 PLN
34.	2019-11-22	FV/000163/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/28	7 195,50 PLN
35.	2019-11-15	FV/000055/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/29	590,40 PLN
36.	2019-11-15	FV/000054/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/30	1 156,20 PLN
37.	2019-11-15	FV/000059/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/31	98,40 PLN
38.	2019-11-15	FV/000056/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/32	196,80 PLN
39.	2019-11-22	FV/000164/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/33	246,00 PLN
40.	2019-11-15	FV/000058/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/34	147,60 PLN
41.	2019-11-15	FV/000057/11/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/36	639,60 PLN
42.	2019-12-31	FV/000239/12/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/41	91,02 PLN
43.	2019-12-31	FV/000240/12/2019	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2019/57/45	590,40 PLN
44.	2020-05-18	FV/000077/05/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/30	5 313,60 PLN
45.	2020-05-18	FV/000078/05/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/31	2 238,60 PLN
46.	2020-06-05	FV/000005/06/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/33	3 198,00 PLN
47.	2020-06-05	FV/000006/06/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/34	3 198,00 PLN
48.	2020-06-30	FV/000224/06/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/39	565,80 PLN
49.	2020-06-22	FV/000026/06/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/40	2 706,00 PLN
50.	2020-06-22	FV/000027/06/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/41	123,00 PLN

51.	2020-06-22	FV/000028/06/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/42	664,20 PLN
52.	2020-07-09	FV/000031/07/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/45	1 082,40 PLN
53.	2020-07-20	FV/000133/07/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/46	1 623,60 PLN
54.	2020-08-11	FV/000013/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/47	2 730,60 PLN
55.	2020-07-20	FV/000134/07/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/48	1 820,40 PLN
56.	2020-08-11	FV/000014/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/51	2 275,50 PLN
57.	2020-07-09	FV/000036/07/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/52	3 504,27 PLN
58.	2020-08-25	FV/000132/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/54	91,02 PLN
59.	2020-09-11	FV/000019/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/61	728,16 PLN
60.	2020-07-09	FV/000039/07/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/62	1 206,02 PLN
61.	2020-08-11	FV/000016/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/67	319,80 PLN
62.	2020-07-13	FV/000074/07/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/71	934,80 PLN
63.	2020-08-25	FV/000133/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/72	426,20 PLN
64.	2020-07-20	FV/000136/07/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/77	787,20 PLN
65.	2020-08-25	FV/000134/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/80	2 361,60 PLN
66.	2020-08-25	FV/000136/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/85	45,51 PLN
67.	2020-08-11	FV/000027/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/87	270,60 PLN
68.	2020-08-11	FV/000023/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/89	1 795,80 PLN
69.	2020-08-25	FV/000138/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/92	523,37 PLN

70.	2020-08-11	FV/000024/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/93	142,07 PLN
71.	2020-08-21	FV/000114/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/94	304,43 PLN
72.	2020-08-11	FV/000028/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/95	446,49 PLN
73.	2020-08-11	FV/000025/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/97	466,79 PLN
74.	2020-08-21	FV/000115/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/100	978,47 PLN
75.	2020-08-21	FV/000116/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/101	507,38 PLN
76.	2020-08-21	FV/000117/08/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/102	284,13 PLN
77.	2020-10-12	FV/000034/10/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/104	284,13 PLN
78.	2020-09-21	FV/000035/09/2020	Lingua Lab s.c. Weronika Szyszkiewicz, Małgorzata Dembińska	Translation no. 2020/57/108	984,00 PLN
				SUBTOTAL	145 735,36 PLN
Agreement concluded with the expert NERA UK Limited					
1.	2019-11-21	UK6159	NERA UK Limited	Invoice for completing Phase 1 of agreement no. 6/2019/DGK/E (190 000 GBP)	972 173,00 PLN
2	2019-12-13	UK6196	NERA UK Limited	Invoice for completing Phase 2 of agreement no. 6/2019/DGK/E (3 775 GBP)	19 149,82 PLN
3.	2020-08-21	UK6500P001	NERA UK Limited	Invoice for completing Phase 3 of agreement no. 6/2019/DGK/E (160 000 GBP)	799 360,00 PLN
4.	2020-10-14	UK6552P001	NERA UK Limited	Invoice for completing Phase 4 of agreement no. 6/2019/DGK/E (38 532,50 GBP)	195 718,13 PLN (The payment yet not due; estimated in accordance with the PLN-GBP exchange rate approved by the Polish National Bank on 20 October 2020; the final amount to be confirmed by Respondent)
5.		Invoice yet not issued	NERA UK Limited	Invoice for completing Phase 5 of agreement no. 6/2019/DGK/E (27 692,50 GBP)	140 658,52 PLN (The payment yet not due; estimated in accordance with

					the PLN-GBP exchange rate approved by the Polish National Bank on 20 October 2020; the final amount to be confirmed by Respondent)
				SUBTOTAL	2 127 059,46 PLN
Agreement concluded with the expert Gaffney, Cline & Associates					
1.	2019-10-23	EL19208200-GCAI004582	Gaffney, Cline & Associates	Invoice for completing Phase 1 of agreement no. 7/2019/DGK/E (171 000 USD)	669 584,70 PLN
2.	2019-12-09	EL19208200-GCAI004623	Gaffney, Cline & Associates	Invoice for completing Phase 2 of agreement no. 7/2019/DGK/E (10 000 USD)	38 803,00 PLN
3.	2020-09-02	EL19208200-GCAI004798	Gaffney, Cline & Associates	Invoice for completing Phase 3 of agreement no. 7/2019/DGK/E (125 000 USD)	482 887,50 PLN
4.	2020-10	Invoice	Gaffney, Cline & Associates	Invoice for completing Phase 4 of agreement no. 7/2019/DGK/E (17 500 USD)	68 542,25 PLN (The payment yet not due; estimated in accordance with the PLN-USD exchange rate approved by the Polish National Bank on 20 October 2020; the final amount to be confirmed by Respondent)
5.	2020-10	Invoice	Gaffney, Cline & Associates	Invoice for completing Phase 5 of agreement no. 7/2019/DGK/E (52 500 USD)	205 626,75 PLN (The payment yet not due; estimated in accordance with the PLN-USD exchange rate approved by the Polish National Bank on 20 October 2020; the final amount to be confirmed by Respondent)
				SUBTOTAL	1 465 444,20 PLN
Agreement concluded with the expert CMS Cameron McKenna Nabarro Olswag Pośniak i Bejm spółka komandytowa					
1.	2020-07-31	1967/157099/0720K	CMS Cameron McKenna Nabarro Olswag Pośniak i Bejm spółka komandytowa	Invoice for completing Phase 1 of agreement no. 2/2020/DGK/E (28 000 PLN)	28 000,00 PLN
				SUBTOTAL	28 000,00 PLN
Advances for the Costs of Arbitration					

1.	2018-10-26	A letter from the Arbitration Institute of the SCC	Ministry of Environment	Advance for arbitration proceedings (355 159 EUR)	1 548 422,21 PLN
				SUBTOTAL	1 548 422,21 PLN

MINISTRY OF CLIMATE AND ENVIRONMENT TOTAL	5 314 661,23 PLN
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COSTS INCURRED BY THE GENERAL COUNSEL TO THE REPUBLIC OF POLAND					
No.	Invoice issued on	Invoice no.	Invoice issued by	Description	Amount
Miscellaneous					
1.	2019.11.04	FV/HRF6N/00006/2019	P.W.POLIMAX P.Kasprzak, R.Suława, S.C.	Printing of Statement of Defence, incl. attachments	9 660,96 PLN
2.	2020.08.05	FV/14/8/2020	P.W.POLIMAX P.Kasprzak, R.Suława, S.C.	Printing of Statement of Rejoinder, incl. attachments	20 570,68 PLN
3.	2019.11.06	F30178P1019SFAKDM M	Poczta Polska S.A.	International mail deliveries	715, 86 PLN
4.	2020.07.31	WAWK0012020	DHL Express (Poland)	Courier services	2 145,00 PLN
5.	2020.09.22	2/09/2020	ASE SP. Z O.O.	Catering services/Hearing	792,00 PLN
				SUBTOTAL	33 884,50 PLN
COSTS OF LEGAL REPRESENTATION PROVIDED BY THE GENERAL COUNSEL TO THE REPUBLIC OF POLAND					
No.	Type of service	Number of hours		Cost	
1.	Works between receipt of the Request for arbitration and the issuance of the Procedural Order No. 1, including but not limited to appointment of arbitrators, submission on the seat of arbitration, submission on the procedural timetable, preparation for the Organisational Conference Call and participation therein, <i>etc.</i> , exclusive of Works on Answer to Request for arbitration	159 h		47 700 PLN	
2.	Works on Answer to Request for arbitration	61 h		18 300 PLN	
3.	Works related to the European Commission's intervention	19 h		5 700 PLN	
4.	Works on Statement of Defence	1709 h		512 700 PLN	

5.	Works on Production of documents	310 h	93 000 PLN
6.	Works on Statement of Rejoinder	1298 h	389 400 PLN
7.	Pre-hearing preparations	336 h	100 800 PLN
8.	Participation in the hearing, including preparation during the same	140 h	42 000 PLN
9.	Works related to the correction of the hearing transcript	62 h	18 600 PLN
10.	Works on Post-Hearing Brief and Statement of Costs	115 h	34 500 PLN
SUBTOTAL		4209 h	1 262 700 PLN

GENERAL COUNSEL TO THE REPUBLIC OF POLAND TOTAL	1 296 584,50 PLN
BOTH MINISTRY OF CLIMATE AND ENVIRONMENT AND GENERAL COUNSEL TO THE REPUBLIC OF POLAND TOTAL	6 611 245,73 PLN

Respectfully submitted on behalf of the Republic of Poland,

RADCA
Prokuraturii Generalnej
Rzeczypospolitej Polskiej
Ryszard Borkowski