

Черноус А. Унифицированная система быстрой приостановки (URSS): сравнительный анализ с Унифицированной политикой по разрешению споров о доменных именах (UDRP) Корпорации Интернета по распределению имен и адресов (ICANN). В данной статье проанализировано характер и особенности Унифицированной системы быстрой приостановки (англ. Uniform Rapid Suspension System – URSS) Корпорации Интернета по распределению имен и адресов (англ. Internet Corporation for Assigned Names and Numbers – ICANN) в качестве механизма защиты прав (англ. Rights protection mechanism – RPM) и альтернативы Унифицированной политике по разрешению споров о доменных именах (англ. Uniform Dispute Resolution Policy – UDRP) ICANN и судебного разбирательства по поводу нарушений прав торговой марки. Эффективность URSS оценивается путем определения его достоинств и недостатков. Теоретические представления о политике URS сочетаются с практическими примерами и сравнением с UDRP.

Ключевые слова: Унифицированная система быстрой приостановки, Корпорация Интернета по распределению имен и адресов, Унифицированная политика по разрешению споров о доменных именах.

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Polish Banking System after the World War II (Part I)

The banking model in Poland and regulations on this matter have been subject to profound changes after World War II and aimed at «ideologisation» of these areas. In fact, all the positive trends initiated before 1939 have been reversed to the negative side. Process of renaming and nationalizing of banks started, while keeping their total subordination to the state and party apparatus. Partly new institutions such as the Narodowy Bank Polski were created or pre-war institution as the Bank Gospodarstwa Krajowego was reactivated. Of fundamental importance is the regulation contained in Chapter 7th «Special rights of banks» of Decree of 15 January 1945 on the Narodowy Bank Polski. The Narodowy Bank Polski was exempt from all state and local taxes. All the evidence issued by the bank was free from stamp duties, banking books and other writings, included in the accounting and extracts thereof certified by the bank, had probative value of public documents. On the other hand, what is especially important documents stating the obligations of the bank statement, that based on this claim is enforceable and legally mature for execution, had the power to writs of execution. Executors' clause to these titles was given by the appropriate town court according to the provisions of the Code of Civil Procedure.

Key words: Polish banking system; Polish banks; banking law.

General remarks. The outbreak of the World War II significantly stopped development of the banking system initiated during the II Republic of Poland, which was guarded by modern banking law.

After the World War II major changes followed in the Polish banking system. First, less important direction of changes concerned granting most banks other names. Second, more important, aimed to nationalize banks - and gradually all banks were nationalized [1], with the exception of cooperative banks, that lost their independence and were subjected to state control [2]. Another important change after the World War II was the creation of new institutions such as Kasa Resortów, or the Narodowy Bank Polski which alluded to the tradition of pre-war Bank Polski as well as the reactivation of the Państwowy Bank Rolny that was operating before the War, or the Bank Gospodarstwa Krajowego.

Creating and reactivating the pre-war banking institutions. During the German occupation Polish banks located in areas connected to the German Reich were put into liquidation. In the General Government area functioning of Polish banks that were under German management became limited to financial operations with small industry and trade, as well as to the financing German companies. This has given Polish banks character of local credit institutions, which were subject to illegal seizure of the property by the occupiers [3, p. 14].

Shortly after the war the process of creating of the banking issuing body began. Initially, this function was performed by Kasa Resortów that was formed in 1944. The origins of its issuing activity were

very difficult. For example, the financial resources of the Kasa Resortów due to accommodation difficulties were stored in the premises of the Państwowy Bank Rolny branch in Lublin, where Kasa's manager personally brought the appropriate amount of money needed for payments for individual ministries on the daily basis. However, a month after its formation it was transformed under the Decree of 24 August 1944 on the issuing treasury notes [4] by the Polski Komitet Wyzwolenia Narodowego into Centralna Kasa Skarbowa [5] which has been granted the authority to issue treasury notes imprinted «Narodowy Bank Polski» up to 1 billion złotych [3, p. 14-15]. The scope of operation of the Centralna Kasa Skarbowa, which functioned until the creation of the Narodowy Bank Polski, has been determined by Ministry of National Economy and Finance, dated 5 September 1944 on the scope of operation of the Centralna Kasa Skarbowa [6].

First reactivated credit institution was the Państwowy Bank Rolny which started its activity on 25 July 1944 in Lublin. Its main task was to provide financial support from the Treasury deposits to farmers who were victims during the war [3, p.15].

Also in Lublin in August 1944 a first branch of Bank Gospodarstwa Krajowego started its functioning, despite the fact that its headquarters was in Łódź and then finally in 1946 it was moved to Warsaw. BGK specialized in giving loans in two main areas of the economy such as manufacturing and investments. On 11 April 1945, Minister of the Treasury issued an order to re-launch the activities of Poczta Kasa Oszczędności within the area of cheques trading and collecting deposits. Another achievement of PKO was the resumption of Polska Kasa Opieki Bank, which before the war in 1929 was the initiative of PKO. Also municipal savings banks, savings and credit cooperatives, Centralna Kasa Spółek Rolniczych, Bank Handlowy in Warsaw, and finally Bank Związku Spółek Zarobkowych were reactivated [3, p. 16].

Appointing of the Narodowy Bank Polski and the liquidation of the Bank Polski SA. The period attributable to post-war years was extremely interesting from the point of view of Polish central banking development [7, p. 32-36] because Bank Polski SA was still functioning abroad, while immediately after the war preparations for creating a new central bank began. The idea of setting it up was firstly announced at the meeting of the Polski Komitet Wyzwolenia Narodowego, which took place on 22 July 1944 in Moscow, and due to this fact is difficult, according to some authors, evaluate to what extent it was the initiative of Polish Communists, and to what extent government of the USSR [8, p. 79]. One thing is certain, namely that was the key evidence for the loss of Poland's sovereignty.

Before moving on to discuss specific issues related to liquidation of the Bank Polski SA and the appointment of the NBP, its functioning, goals and governing bodies in which it has been equipped, it is worth to point out a very important theoretical problem emerging in the above outlined background of mutual relations and political position of Bank Polski SA and Narodowy Bank Polski created in 1945. This problem can be summed up in the following question, whether, in case of the NBP we can talk about the continuation of pre-war Bank Polski SA, or were we dealing with the creation of a completely separate issuing institution.

In the law doctrine there often was and often is an attempt taken to answer this question. According to J. Gliniecka, J. Harasimowicz and R. Krasnodebski [9] the NBP was established as a completely new state institution, not a continuation of the Bank Polski SA. Slightly different view is presented by A. Mikos, who maintains that although there was a formal interruption of institutional continuity and the NBP was established as a completely new institution not a follower of Bank Polski SA, this however emphasizes material and personal continuity of both entities [10, p. 55-59]. While writing about the most important role of the NBP in the new banking system, Z. Dobosiewicz, says that it came from the transformation of Bank Polski and it has become the largest commercial bank [2].

The approach naming the Narodowy Bank Polski as a completely new institution should be considered as the most appropriate. In addition to the formal arguments, also the historical and political situation after the World War II is in favour of such an approach. The communist authorities were simply not interested in reliance on Bank Polski SA, which maintained close contacts with the Polish government in London, beyond the dubious takeover of its assets, or employment of its highly qualified staff [5].

The process of liquidation of the Bank Polski SA began on 16 October 1951 by the ordinance of Minister of Finance on bringing Bank Polski SA into liquidation [11].

Due to the fact that the sums still available in the Bank would not be sufficient to cover the costs of decommissioning in the normal course - the liquidator has not announced the opening of the liquidation proceedings in the Polish Monitor and did not call debtors and creditors to submit their claims and debts. Therefore, by the decision of the Minister of Finance of 7 January 1952 [12] issued pursuant to Art. 13 of the Decree of 25 October 1948 on the principles and procedure of bank liquidation of certain national companies

[13] - the Bank Polski SA was considered liquidated. Execution of Bank Polski liquidation process was entrusted to the Bank Gospodarstwa Krajowego [10, p. 53-54].

On 15 January 1945, by decree of the Council of Ministers on the Narodowy Bank Polski [14], the Narodowy Bank Polski was established. According to art. 1 of the Decree it has been equipped with the privilege of issuing of bank notes, and the purpose of its activity was to regulate the cash circulation and credit. The bodies of the bank were the Chairmen, the Board and the Management of the bank.

In accordance with Art. 7 the Chairmen of the Bank was appointed and dismissed by the President of the National Council at the request of the Minister of the Treasury, adopted by the Council of Ministers. The president chaired the board, supervised the implementation of its resolutions and held general management in the bank.

The board of the bank, according to Art. 5 of the Decree, was obliged to set general direction of the bank's activity, supervise and control activities and operations of its executive bodies, i.e. the board and the chairman. In particular, the duties of the board were: appointing members of the discount committees at the request of the management; approving the expenditure budget of the bank, presented by the management, submitting to the Minister of the Treasury conclusions about the amount of the discount rate, interest and commission rates of the bank; deciding on acquiring and disposing of real estate; submitting for approval annual reports to the Minister of the Treasury; performing revision of the respective activities of the bank, browsing banking books and evidence of the bank.

The board of the bank consisted of chairman and ten members appointed and dismissed by the resolution of the Council of Ministers at the request of the Minister of the Treasury, one half of members were the representatives of the ministries involved in the economy of the bank and the other half was selected from the representatives of economic and co-operative movement spheres.

The scope of the management's responsibility, pursuant to Art. 10, was the technical management of the bank and dealing with all matters that were not reserved for the board and chairman of the bank. Supervising role over the bank's activities belonged to the Minister of the Treasury, who in order to maintain communication between the Ministry and the bank could appoint from among government officials a commissioner in the bank.

Narodowy Bank Polski, pursuant to Art. 14 and n., of the decree that established it had the exclusive right to issue bank notes in Poland. The amount of emission was determined by the Council of Ministers at the request of the Minister of the Treasury. The bank notes issued by the bank had to be secured by the whole state assets and total revenue of the State Treasury. The total amount of bank notes in circulation and immediately paid commitments had to be covered completely by the following assets: gold in coins and bars; foreign currency paid up within maximum of 6 months; other assets of the bank.

Chapter 5th of the decree of the Narodowy Bank Polski, entitled «Banking operations» clarified the specific tasks of the bank. Therefore, the scope of its activities included: endorsement of promissory notes and coupons on securities; granting of loans and opening credits for a pledge of a fixed rate securities, promissory notes, foreign currency, commodities and promissory notes with commercial guarantee; buying and selling securities, municipal and mortgage within the limits set by the Minister of the Treasury; opening giro accounts and accepting deposits; buying and selling foreign currency, gold and silver, maintaining foreign accounts, and the use of credits needed to perform these activities. At the same time the bank had the right to cast a pledge on its securities or other values or rediscount domestic and foreign bills; sales of transfers and withdrawals on their own branches; taking promissory notes and other documents from the debt collector; accepting deposits for safekeeping and administration; settlement of all commissioning orders in the field of banking; granting loans secured and guaranteed by the State Treasury bonds.

The provisions of the Decree of the Narodowy Bank Polski, contained in Chapter 7th, which was called «Special powers of the bank» are of great importance, especially for the purposes of this study. Few of the special powers of a specific character have been formulated there, and it is likely that that on the basis of pre-existing banking law these powers have never occurred before.

Firstly, the Narodowy Bank Polski was exempt from all state and local taxes, as well as from all stamp duties. Secondly, all the evidence issued by the bank were free from stamp duties. Thirdly, the banking books and other writings, included in the accounting and extracts thereof certified by the bank, have the probative value of public documents. The documents stating the obligations with the bank's statement saying the claim based on them is enforceable and legally mature for execution, had the power to writs of execution. The enforcement orders to these titles were given by the appropriate town court according to the provisions of the Code of Civil Procedure. Fourth, the bank was not subject to entry in the commercial register and finally, fifth, lawsuits against the bank could be appealed only before the court having jurisdiction over the bank's registered office.

As it could be seen, the Narodowy Bank Polski playing a key role in post-war banking system has been equipped with powers giving it a privileged position in the whole sector and in conjunction with the fact that it could undertake a large-scale commercial activity [15] allows for calling it a «super-bank». With such a privileged position, in conjunction with other nationalised banks, the Bank was a viable tool in the hands of Communist Party ruling at that time.

Reform of 1948 and its correction of 1951. The legal framework for the reform of the banking system from that period were basically three decrees issued on 25 October 1948. These were: Decree on banking reform [16]; Decree on rules and liquidation procedure of certain banking enterprises [17]; Decree on rules and liquidation procedure of long-term credit institutions [18].

Moreover, of great importance was the Act of 22 March 1951 amending the legislation on banking reform [19], which provisions made greater progress towards convergence of Polish banking law to Soviet solutions rather than it has been in legal status formed in 1948. It was a correction decree on banking reform.

Echoing the view of J. Gliniecka, J. Harasimowicz and R Krasnodebski two ranges in the reform of the banking system can be noted. First, was placing into liquidation a majority of existing credit institutions. The second, creating new credit institutions with clearly defined tasks, which were completely in the central disposal of the state [36 p. 25].

In fact, it means putting credit institutions into two groups. First, in which they had no *raison d'être* in the newly created economic system and the other, which were subject only to the reorganization and change of scope of activities while varying the former names [5, p. 449].

All this was done to gain absolute control over the entire banking system created in the framework of the socialist order, based on Soviet solutions. At the core of the legislation lay this idea, which was treated as an end in itself.

Pursuant to art. 1 of the Decree of 25 October 1948 on the principles and liquidation procedure of certain bank companies, bank companies incurred prior to 1 September 1939 with the exception of those for which on the date of entry into force of the decree was already under bankruptcy proceedings were placed in the liquidation. This decree has disabled the possibility of winding up provisions contained in other laws and statutes of liquidated banking companies, thereby subordinating the liquidation procedure only to the provisions contained therein.

However, in the decree of 25 October 1948 on the principles and liquidation procedures of some long-term credit institutions, under Art. 1 and 2, the liquidation of long-term credit institutions was entrusted to Bank Gospodarstwa Krajowego, which was granted the liquidator position in relation to sixteen entities, such as: Towarzystwo Kredytowe Miejskie in Warsaw; Zachodnio – Polskie Towarzystwo Kredytu Miejskiego in Poznań; Towarzystwo Kredytowe Miasta Łodzi; Piotrkowskie Towarzystwo Kredytu Miejskiego in Piotrków; Lubelskie Towarzystwo Kredytu Miejskiego in Lublin; Towarzystwo Kredytu Miejskiego in Kielce; Radomskie Towarzystwo Kredytu Miejskiego in Radom; Częstochowskie Towarzystwo Kredytu Miejskiego in Częstochowa; Kaliskie Towarzystwo Kredytu Miejskiego in Kalisz; Towarzystwo Kredytu Miejskiego in Płock; Białostockie Towarzystwo Kredytu Miejskiego in Białystok; Towarzystwo Kredytu Miejskiego in Siedlce under liquidation; Towarzystwo Kredytu Ziemskiego in Warsaw; Poznańskie Ziemstwo Kredytowe in Poznań; Towarzystwo Kredytowe Przemysłu Polskiego in Warsaw; Towarzystwo Kredytowe Miasta Suwałki in Suwałki.

The purpose of the Decree of 25 October 1948 on banking reform was to transform the state-owned banks, liquidation of Bank Gospodarstwa Spółdzielczego, liquidation of municipal savings banks, conversion or liquidation of the credit cooperatives, the acquisition of assets of banks liquidated, as well as indicated in the decree banks and all other credit institutions [3, p. 25].

In accordance with Art. 28 of the Decree on banking reform existing at the time of its announcement bank state companies and other bank businesses, Bank Polski, Bank Gospodarstwa Spółdzielczego, municipal savings banks, Komunalny Związek Kredytowy in Poznań with the Komunalny Bank Kredytowy in Poznań, Wojewódzki Bank Pożyczkowy in Poznań, municipal loan – savings funds, precautionary funds and any other credit institutions were obliged to hand-over to banking institutions, designated by the Minister of Finance, all of their branches, including assets and liabilities; The delegation its real estate and movables to the State Treasury.

The decree on banking reform in Art. 5, after adjustment determined by the Act of 1951, brought to life: Bank Inwestycyjny, whose main task was - to finance investments, except those investments which funding was passed on to other banks, financial and technical control of realization of the project funded by the bank, financing and control of investment firms in terms of investments funded by BI; Bank Rolny, whose task was agriculture financing in terms of investments and capital loans as well as controlling of

agriculture economy, financial control of realization of the project funded by the bank, financing and control of investment firms in terms of investments funded by BR; Bank Komunalny, whose task was - financing and financial control of the economy operating in the field of municipal finance investment and capital works in the field of municipal management, financial control and technical performance of investments and major repairs financed by this bank, financing and control of investments financed by BK; Powszechna Kasa Oszczędności, as the central saving institution, whose mission is accumulating individual savings and performing activities related to cheques trading in the country.

As part of the 1948 reforms savings banks also went under the liquidation process, and their asset was passed to state ownership without any compensation. Komunalne Kasy Oszczędności in terms of organization, personnel, financing and audit were subordinated to Narodowy Bank Polski, putting into liquidation Związek Komunalnych Kas Oszczędności RP and passing its rights and responsibilities to NBP [3, p. 26].

In accordance with Art. 20 of the Decree on banking reform only two banks operating as joint stock companies could perform banking operations [20]. These were: Bank Handlowy SA in Warsaw in the field of foreign trade and the Polski Bank Kasa Opieki SA, which handled the Poles living abroad, making easier for them to transfer funds to the country.

Decree on banking reform authorized cooperative banks to the banking activities, Art. 2 of the decree entrusted supervision of these entities to Minister of Finance [21]. In chapter 3 of the Decree functioning of three types of credit cooperatives were allowed: municipal, co-operative employee bank and urban credit cooperatives, although in practice just municipal cooperative banks [3, p. 29] were formed. Municipal cooperative banks were considered as exclusive credit institutions serving the agricultural population of the village [3, p. 30].

Surely we can agree with the views assuming that before the changes in the banking system during the years 1948-1949 began to strengthen, an action was started to strive for even greater subordination of the banking apparatus to the structures of the communist state exacerbating the adverse phenomena. Such phenomena included the closure of two banks (Bank Rzemiosła i Handlu and Bank Komunalny) as well as change of the nature of Bank Rolny. As a result fields of the national economy such as trade, economy and agriculture have been deprived of specialized financial services, and the basic idea of the original banking reforms of 1948 was distorted [3, p. 32-33].

The reform of banking started in 1948 and was completed in 1951 and the lending activity has been concentrated in three banks: Narodowy Bank Polski, Bank Inwestycyjny and Bank Rolny. In the first half of the fifties, almost all loans went to socialized economy. The largest lending role was played by NBP, providing 91% of loans (1955) [5, p. 545].

Concluding remarks. The banking model in Poland and regulations on this matter have been subject to profound changes after World War II and aimed at «ideologisation» of these areas. In fact, all the positive trends initiated before 1939 have been reversed to the negative side. Process of renaming and nationalizing of banks started, while keeping their total subordination to the state and party apparatus. Partly new institutions such as the Narodowy Bank Polski were created or pre-war institution as the Bank Gospodarstwa Krajowego was reactivated.

Of fundamental importance is the regulation contained in Chapter 7th «Special rights of banks» of Decree of 15 January 1945 on the Narodowy Bank Polski, which has never occurred before to that extent. Since then, the Narodowy Bank Polski was exempt from all state and local taxes, as well as from all stamp duties. All the evidence issued by the bank was free from stamp duties, banking books and other writings, included in the accounting and extracts thereof certified by the bank, had probative value of public documents. On the other hand, what is especially important documents stating the obligations of the bank statement, that based on this claim is enforceable and legally mature for execution, had the power to writs of execution. Executors' clause to these titles was given by the appropriate town court according to the provisions of the Code of Civil Procedure.

Sources and Literature

1. Nationalised banks have become a tool of state policy, and above all - economic plans. Since then, banks aim was to perform the assumptions made by the ruling party and the state. In such a situation, competition among banks was considered, for obvious reasons, as undesirable. In order to achieve the objectives required by the State only few banks were needed. Therefore, the process of combining banks started and what goes with it their number was constantly lowered. For more on this: Jaworski W. Nationalization of banks in Poland / W. Jaworski // Finance. – 1957. – Vol. 9.

2. Dobosiewicz Z. Basics of banking / Z. Dobosiewicz. – Warsaw, 2001. – P. 17-18; C. Kosikowski C. Public banking law / C. Kosikowski. – P.31 and next.
3. Gliniecka J., Harasimowicz J., Krasnodębski R. Polish Banking Law (1918 - 1996) / J. Gliniecka, J. Harasimowicz, R. Krasnodębski. – Warsaw 1996. – P.14 and the literature mentioned there.
4. Journal of Laws. – 1944. – №.3. – Item 11.
5. According to A. Jezierski and C. Leszczyńska in the post-war historiography it was treated as the first «folk» issuing institution whose role focused on collecting tickets brought from Moscow. For more on this topic see: Jezierski A., Leszczyńska C. The first years of activity the Narodowy Bank Polski. The birth of communist financial system in PRL / A. Jezierski, C. Leszczyńska. – Warsaw, 1996. – P. 14-15.
6. Journal of Laws. – 1944. – №.7. – Item 39.
7. Węclawski J. The banking system in Poland / J.Węclawski. – Rzeszów, 2000. – P. 46-48; Miedziak S. Banking and fundaments of financial market / S. Miedziak. – Warsaw, 2003. – P. 32-36.
8. Landau Z. Financial policy of PKWN / Z. Landau. – Warsaw, 1965. – P. 79.
9. This author states that the statute of NBP was indeed modelled on the Bank Polski memorandum of association but significant differences can be shown in both legal acts. NBP was the only state-owned bank, rather than equity, private, such as Bank Polski. The board of the Bank was appointed by the government, and not by the shareholders, stock issue of the NBP was not limited by the stock of their gold and its amount must only be approved by the government. In the end, the NBP could make loans not only on the pledge of securities, but also the pledge of goods and debentures of bank surety. For more information see: Gliniecka J., Harasimowicz J., Krasnodębski R. Polish Banking Law (1918-1996) / J. Gliniecka, J. Harasimowicz, R. Krasnodębski. – Warsaw, 1996. – P. 20-21.
10. See extensively explained position: Mikos A. The political position of the central bank in Poland / A. Mikos. – Warsaw, 2006. – P. 55-59.
11. Polish Monitor. – 1951. – № A-92. – Item 1272.
12. Polish Monitor. – 1952. – № A-10. – Item 103.
13. Journal of Laws. – 1948. – № 52. – Item 410.
14. Journal of Laws. – 1945. – №.4. – Item 14.
15. Narodowy Bank Polski gradually incorporated other functioning banks and as a result became the largest Polish commercial bank. By the resolution of the Komitet Ekonomiczny Rady Ministrów dated 8 February 1946 NBP took over short-term lending of three main branches of the economy from BGK, ie. metallurgy, mining and textile. These and other decisions established NBP as the central bank and gave it the status of «bank of banks». For more information, see.: Gliniecka J., Harasimowicz J., Krasnodębski R. Polish Banking Law (1918-1996) / J. Gliniecka, J. Harasimowicz, R. Krasnodębski. – Warsaw, 1996. – P. 21; Dobosiewicz Z. Basics of banking / Z. Dobosiewicz. – Warsaw, 2001. – P. 17-18, C. Kosikowski C. Public banking law / C. Kosikowski. – P. 35.
16. Journal of Laws. – 1948. – № 52. – Item 412.
17. Journal of Laws. – 1948. – № 52. – Item 410.
18. Journal of Laws. – 1948. – № 52. – Item 411.
19. Journal of Laws. – 1951. – № 18. – Item 143; See also text of the Act of 29 May 1957 on the amendment of the Decree of 25 October 1948 year on banking reform, which slightly modified the original text of the Decree: Journal of Laws. – 1957. – № 31. – Item 136.
20. Polish Bank as a private bank, despite having status of a public limited company on 7 January, 1952, was liquidated, as was mentioned above in more detail. Whereas the intention of the appointment of Bank Handlu Zagranicznego was not realized.
21. Before the Act from 22 March 1951 on amending the legislation on the reform of the banking took effect supervision of cooperative banks was performed by the Minister of Treasury.

Сура Р. Польська банківська система після Другої світової війни (частина 1). Банківська модель і банківське право Польщі були предметом глибоких змін після Другої світової війни і спрямовані на «ідеологізацію» у цих областях. За спостереженням автора усі позитивні тенденції, започатковані до 1939 р., були скасовані і процес пішов у негативний бік. Розпочався процес перейменування і націоналізації банків, передбачалась повна підпорядкованість державі і партійному апарату. Було створено нові банківські установи, наприклад, Національний банк Польщі, діяли і довоєнні установи, зокрема, Банк господарства крайового. Принципове значення відіграло правове регулювання Розділу Сьомого «Особливі права банків» Указу Національного банку Польщі від 15 січня 1945 р., що створювало цілком нові умови функціонування банківської системи у Польщі. З тієї пори Національний банк Польщі був звільнений від усіх державних і місцевих податків, а також від усіх державних мит. Усі банківські правочини був звільнені від гербових зборів, банківські документи та витяги із них, завірені банком, мали доказове значення як офіційні документи. З іншого боку, що особливо важливо, банківські документи, що підтверджували зобов'язання, були достатньою підставою для їх примусового виконання, оскільки мали таке ж значення і юридичну силу, як виконавчі листи. Місцеві суди визнавали і застосовували у своїй практиці банківські

документи, що підтверджували зобов'язання, відповідно до положень Цивільного процесуального кодексу.

Ключові слова: банківська система; банки; банківське право; Польща.

Сура Р. Польская банковская система после Второй мировой войны (часть 1).

Банковская модель и банковское право Польши были предметом глубоких изменений после Второй мировой войны, направленных на «идеологизацию» в этих областях. По наблюдению автора все положительные тенденции, заложенные до 1939 г., были отменены и процесс пошел в отрицательную сторону. Начался процесс переименования и национализации банков, предусматривалась полная подчиненность государству и партийному аппарату. Были созданы новые банковские учреждения, например, Национальный банк Польши, действовали и довоенные учреждения, в частности, Банк хозяйства краевого. Принципиальное значение имело правовое регулирование Раздела Седьмого «Особые права банков» Указа Национального банка Польши от 15 января 1945 г., которое создавало совершенно новые условия функционирования банковской системы в Польше. С той поры Национальный банк Польши был освобожден от всех государственных и местных налогов, а также от всех государственных пошлин. Все банковские сделки были освобождены от гербовых сборов, банковские документы и извлечения из них, заверенные банком, имели доказательственное значение как официальные документы. С другой стороны, что особенно важно, банковские документы, подтверждающие обязательства, были достаточным основанием для их принудительного исполнения, поскольку имели такое же значение и юридическую силу, как исполнительные письма. Местные суды признавали и применяли в своей практике банковские документы, подтверждающие обязательства, в соответствии с положениями Гражданского процессуального кодекса.

Ключевые слова: банковская система; банки; банковское право; Польша.