

**QUESTIONNAIRE to be used for biennial reporting
on the application of the IUU Regulation**

Member State:	<i>Poland</i>
Organisation:	<i>Ministry of Maritime Economy and Inland Navigation</i>
Date:	<i>June 2016</i>
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May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	<i>Yes, if requested and with notification of our office</i>
Yes except for questions (list):	
No:	

Section 1: Legal framework

Since the last reporting exercise in 2014, has your country modified national law or any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)? *Yes*

If yes, please detail and provide copies.

Since the last reporting exercise Poland has adopted new law concerning sea fisheries and fish market organization:

1. New Act of 19 December 2014 on Sea Fisheries came into force on 4 March 2015. Chapter 8 of the Act: System to prevent, deter and eliminate illegal, unreported and unregulated fishing implements the provisions of the IUU Regulation concerning access to Polish ports by third country fishing vessels. The Act also specifies the authorities competent to carry out inspections of third country fishing vessels, to validate catch certificates in case of exportation of catches made by fishing vessels flying the flag of Poland and to check and verify catch certificates in case of importation via sea border (the authorities mentioned in the Act are the same as those notified to the Commission). Copy of the Act is attached to the report.

2. Implementing regulation of the Minister of Maritime Economy and Inland Navigation of 23 March 2016 on the ports where landings or transshipment operations of fishery products and port services referred to in Article 4(2) of the IUU Regulation are permitted came into force on 28 April 2016 (the ports are the same as those notified to the Commission). Copy of the regulation is attached to the report.

3. Act of 10 July 2015 amending the Act on Fish Market Organization came into force on 15 September 2015. The amending act implements the provisions of the IUU Regulation concerning marketing of fishery products from third countries and deterring and eliminating of marketing of fishery products stemming from IUU fishing. Copy of the Act is attached to the report.

Section 2: Administrative Organisation

2.1 How has your country organised its services to deal with the implementation of the IUU Regulation (verification of catch certificates, validation of catch certificates for own vessels, etc.)?

The roles and responsibilities of the authorities are as follows:

Fisheries administration:

- At the policy level: Ministry of Maritime Economy and Inland Navigation – Fisheries Department (designated as Single Liaison Office, receives catch certificates in case of importation via land border and documented evidence which is then sent to customs electronically, anomalies are noted and reported to other authorities, takes third country actions, validates catch certificates for exports)

- At operational level: Regional Sea Fisheries Inspectorates (RSFI) (in Gdynia and Szczecin) are responsible for the validation and verification of catch certificates. They also play a key role in liaison with customs officials with respect to providing guidance and advice to customs on importation of containerised fisheries products coming through Gdańsk and Gdynia ports. RSFIs perform operational monitoring and surveillance of landings and transhipments in designated ports and carry out vessel and quayside inspections.

Customs authorities

- Supervise control of amount and species entering/exiting Polish border
- Perform checks on documentation (matching information on catch certificates with information on other documentation including customs declarations) for fishery products
- Play an important role of document control and identity cross checks of fishery products

Veterinary and Public Health

- Document checks but only for identity cross checks
- Dates of production / date of catch
- Identity checks
- Physical checks

- a) internal co-operation (between local/regional Fisheries authorities and head-quarter);
as in previous report
- b) co-operation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Health, Customs, Coast Guard, Navy, etc.);
as in previous report
- c) how many persons are involved in the implementation of the catch certificate?

Ministry of Maritime Economy and Inland Navigation: 4
Regional Sea Fisheries Inspectorate in Gdynia: 5
Regional Sea Fisheries Inspectorate in Szczecin: 1

If different, please distinguish between direct landings of 3rd country fishing vessels and other imports (processed products)

as in previous report

- 2.2 Do the authorities of your country have the possibility to audit/verify a company for the purposes laid down in the IUU Regulation? If yes, which audits/verifications have they undertaken since the last reporting exercise in 2014? Please detail.

as in previous report

- 2.3 Does your country have freezones/freeports in which activities relevant to importation/exportation/processing of fishery products are authorised?

Yes

Section 3: Direct landings of third country fishing vessels (only applicable if designated ports)

Please list your country's designated ports.

as in previous report (Szczecin, Świnoujście, Gdynia, Gdańsk)

- 3.1 How many landings and transhipments of third country vessels have been recorded by your country between 1 January 2014 until 31 December 2015?

Port name*	No. of landings	Comments	No. of transhipments	Comments
<i>Gdańsk</i>	<i>18</i>	<i>Landings in a CFZ</i>	<i>0</i>	<i>n/c</i>
<i>Świnoujście (NEAFC, NAFO)</i>	<i>122**</i>	<i>all landings from reefer vessels arriving from 3rd country port</i>	<i>0</i>	<i>n/c</i>
<i>Szczecin (NEAFC, NAFO)</i>	<i>62***</i>	<i>all landings from reefer vessels arriving from 3rd country port</i>	<i>0</i>	<i>n/c</i>
Total	202	--	0	--

* If the port is designated also for an RFMO, please indicate which RFMO in brackets.

** including 7 calls with zero landing - vessels arriving for services only

*** including 6 calls with zero landing - vessels arriving for services only

- 3.2 Approximately, what percentage of the third country fishing vessel landings arrives in transit in your country?

Roughly estimating less than 10 % in Szczecin/Świnoujście area.

Less than 1% in Gdańsk/Gdynia area.

- 3.3 Has your country had any problems with third country fishing vessels when implementing Articles 6 (prior notice) and 7 (authorisation) of the IUU Regulation?

Generally no, but it happened (in Gdańsk/Gdynia area) that prior notice was late.

If yes, please detail:

- a) in which ports;
- b) the nature of problem;
- c) vessel details (name, flag, master, etc.).

- 3.4 Since January 2014, has your country refused access to its port services to a fishing vessel for activities of landing or transshipment of fishery products? Was this refusal based on the conditions of the IUU Regulation?

No

If yes, please detail:

- a) in which ports;
- b) the nature of problem;
- c) vessel details (name, flag, master, etc.).

- 3.5 Do third country fishing vessels accessing your country's ports use the templates for prior notifications and pre-landing/pre-transshipment provided by the Implementing Regulation 1010/2009 or those used in RFMOs? Please detail, when RFMO forms are used.

Free text messages and cargo manifests delivered via e-mail to dedicated address are accepted in Szczecin/Świnoujście area, provided that all range of information requested by Implementing Regulation 1010/2009 is included. Such solution is needed to comply with ports and customs policy of trade facilitation.

In Gdańsk/Gdynia area a template is used for pre-landing declaration, however prior notifications are received as e-mail messages with required documents attached to it.

Section 4: Port inspections in accordance with Section 2 of the IUU Regulation

- 4.1 Between 1 January 2014 and 31 December 2015, how many fishing vessels of third countries had access to the designated ports for landing or transshipment of fishery products?

56 in Szczecin/Świnoujście area. Some of them called repeatedly (see table 3.1).

15 in Gdańsk/Gdynia area (all of them being just carrier vessels).

4.2 How many fishing vessels were inspected between 1 January 2014 and 31 December 2015? *11*

Reason for inspection :	Flag State
Sighted at sea in activities that may be considered illegal, unreported and unregulated	<i>0</i>
Based on the EU IUU vessel list	<i>0</i>
Other (please detail) - <i>Based on vessel type and nationality</i>	<i>Norway [4], Russian Federation [2], Bahamas [1], Belize [1], Canada [1], St. Kitts & Nevis [1]</i>
Other (please detail) - <i>Chosen randomly</i>	<i>St. Kitts & Nevis [1]</i>

4.3 In accordance with Article 9.1, has your country carried out inspections in its designated ports of at least 5% of landing and transshipment operations by third country fishing vessels each year?

If yes, please detail.

Yes, 5,45 % (see the data in 4.2 above compared to the number of landings in Section 3)

If no, please explain.

4.4 Does your country use risk assessment criteria for the port inspections?

If yes, please detail.

Vessels are chosen for inspections on the basis of local risk management procedures that apply in our ports. For example the following risk factors are recognized:

- *use of the flag of convenience,*
- *trade pattern of the vessel in the past (if the vessel operated in high seas or did participate in transshipment operations at sea, especially outside of waters under coastal states jurisdiction),*
- *unclear or corrected information provided by the operator in view of pre-notification,*
- *frequency of calls and time elapsed from the previous inspection of given vessel/flag.*

4.5 Has your country detected any infringements between 1 January 2014 and 31 December 2015? *No*

If yes,

- *how many and of what nature? Please specify.*
- *did your country apply the procedure in case of infringements as foreseen in Article 11?*

Section 5: Catch certification scheme for importation for the purpose of the IUU Regulation¹

Please state your country's notified authorities under Articles 17.8 and 21.3.

Ministry of Maritime Economy and Inland Navigation – Fisheries Department (for importation via land border and for re-export)

Regional Sea Fisheries Inspectorate in Gdynia (for importation via sea border and for re-export)

Regional Sea Fisheries Inspectorate in Szczecin (for importation via sea border and for re-export)

5.1 How many catch certificates were presented to the authorities of your country from 1 January 2014 until 31 December 2015?

If possible, please provide details per flag State (FS).

Flag State \ Year	2014	2015
Argentina	109	155
Australia	2	0
Canada	163	194
Chile	418	430
China	216	111
Denmark	39	7
Ecuador	6	24
El Salvador	20	0
Estonia	2	0
Faroe Is.	34	58
France	5	6
Greenland	49	47
Iceland	156	119
India	14	22
Indonesia	14	39
Ireland	2	4
Italy	0	1
Ivory Coast	0	1
Japan	1	0
Maldives	2	85
Morocco	14	11
Namibia	1	7
N. Zealand	194	208
Nicaragua	0	4
Norway	723	730
Panama	1	1
Papua N. Guinea	2	4
Peru	165	192
Philippines	16	53
Portugal	0	1

¹ Article 2.11 of the IUU Regulation – "importation means the introduction of fishery products into the territory of the Union, including for transshipment purposes at ports in its territory"

Flag State \ Year	2014	2015
<i>Rep. of South Africa</i>	4	7
<i>Russian Federation</i>	1189	1083
<i>Seychelles</i>	4	8
<i>Solomon Is.</i>	5	0
<i>South Korea</i>	123	113
<i>Spain</i>	42	26
<i>Sri Lanka</i>	284	3
<i>Sweden</i>	3	1
<i>Taiwan</i>	119	105
<i>Thailand</i>	16	0
<i>Ukraine</i>	7	1
<i>United Kingdom</i>	103	113
<i>Uruguay</i>	2	1
<i>USA</i>	719	806
<i>Vietnam</i>	58	35
Total	5046	4816

5.2 From the number above, how many recognised RFMO catch certificates accompanied imports into your country? Please detail per type of RFMO certificate and year.

RFMO \ Year	2014	2015
ICCAT BFT	0	0
Dissostichus spp. (CCAMLR)	0	0
CCSBT CDS	0	0
Total	0	0

5.3 How many processing statements under Article 14.2 accompanied imports into your country?

If possible, please provide details per year and per processing country.

Processing State \ Year	2014	2015
<i>China</i>	1343	1280
<i>Ecuador</i>	1	5
<i>Mauritius</i>	14	0
<i>New Zealand</i>	6	14
<i>Norway</i>	121	134
<i>Peru</i>	1	10
<i>Philippines</i>	2	8
<i>Russian Federation</i>	57	21
<i>Seychelles</i>	0	10

Processing State \ Year	2014	2015
<i>Thailand</i>	<i>363</i>	<i>316</i>
<i>Ukraine</i>	<i>13</i>	<i>4</i>
<i>USA</i>	<i>3</i>	<i>6</i>
<i>Vietnam</i>	<i>9</i>	<i>61</i>
Total	1933	1869

5.4 Please explain if the information in processing statements referring to the corresponding catch certificates is retained and recorded.

Yes

5.5 How many requests to authorise APEO²s has your country received and how many APEOs have been authorised? *0*

5.6 Please explain briefly the administrative rules referring to the management and control of APEO.

According to the Act on Fish Market Organization minister responsible for fisheries (currently Minister of Maritime Economy and Inland Navigation) is competent to grant the status of approved economic operator. Details concerning granting the status will be specified in the Regulation of the Minister of Maritime Economy and Inland Navigation. Legislative process concerning the regulation is pending.

5.7 How many re-export certificates were validated by your country for imported products from 1 January 2014 until 31 December 2015? Please detail per year and, if possible, per destination country.

2014: 251, 2015: 264. All of them for re-export to Norway.

5.8 Does your country monitor if the catches for which your country has validated a re-export certificate actually leave the EU?

Yes, each time the validated re-export certificate is sent to the Polish Customs (in Świnoujście port) who are monitoring the movement of trucks transporting processed product to Norway.

5.9 Has your country established any IT tools to monitor the catch certificates and processing statements accompanying imports? Does it include a module for re-exportation of imported catches?

No

If yes, please detail.

5.10 Does your country implement the provisions regarding transit under Article 19.2 at the point of entry or the place of destination?

² Approved Economic Operators – IUU Regulation, Article 16 and Implementing Regulation (EC) 1010/2009, Chapter II

At the point of entry – according to the Act on Fish Market Organization.

Section 6: Catch certification scheme for exportation

Please state your notified authorities under Article 15.2.

Ministry of Maritime Economy and Inland Waterways – Fisheries Department

6.1 Has your country established a procedure for validation of catch certificates for exportation of catches from own vessels?

If yes, please explain briefly the established procedure and answer questions 6.2 to 6.5.

- Exporter fills in the form of certificate and sends it to the Fisheries Department in the Ministry of Maritime Economy and Inland Navigation*
- Before the catch certificate is validated, Fisheries Department consults the Fisheries Monitoring Centre which checks and confirms the catch data presented in the catch certificate*
- After receiving a positive opinion from FMC Fisheries Department validates the catch certificate*

6.2 How many catch certificates did your country validate from 1 January 2014 to 31 December 2015? If possible, please provide details per requesting country/country of destination in the following table.

Destination State	IUU Regulation (Art. 14.2 / Art. 15)	Year	
		2014	2015
<i>Iceland</i>	<i>Art. 15</i>	<i>0</i>	<i>1</i>
Total	--	0	1

6.3 Has your country established any IT tool to monitor the catch certificates validated for exports stemming from own vessels? *No*

If yes, please detail.

6.4 Does your country monitor that the catches for which your country has validated Catch Certificates actually leave the EU? *No*

If yes, please detail.

6.5 Has your country refused the validation of a catch certificate between 1 January 2014 and 31 December 2015? *No*

If yes, please detail.

Section 7: Verifications of catch certificates for importation

7.1 Has your country established a procedure for verification of catch certificates for importation?

If yes, please detail.

There is no uniform procedure. Each of three offices engaged in checking of the catch certificates is free to decide which certificate must be verified if it is not mandatory and by what means (use of SMS, use of 3rd country's IT system of validation, correspondence with the competent authority of flag state). For example in case of Gdańsk/Gdynia area the CCs are first checked against their accordance with the rules of the IUU regulation and against conformity with the templates. Then, their content is being checked and compared with other accompanying documents to verify if the data correlate. Should any uncertainty arise the additional information/explanations and/or additional documents are being asked from the importer/3C competent authority. In the verification request sent, there is a deadline for answering indicated, yet if no reaction is received within a week a reminder is sent followed by another 2-3 days before the deadline. The latter one reminds also that in case there is no answer to the verification request, the products related to the verified document shall not be allowed for importation into EU and seized by PL authorities. After receiving the new material, the data are being analysed and compared with the previous ones and either (should there be such necessity) the importers/3C competent authorities are being asked for additional explanations/information/documents or the final decision (allowing or denying the importation) is being made.

7.2 How many catch certificates have been verified from 1 January 2014 until 31 December 2015? 75

7.3 Does your country use a risk assessment approach for verification of catch certificates?

If yes, please detail.

Not quite.

In case of Świnoujście/Szczecin area 100% documentary check is done and all irregularities found and not clarified internally are subject to verification procedure.

In case of Gdańsk/Gdynia area all catch certificates are checked. Moreover, there is a list of "points of interest" with no quantitative values given for particular "threats".

First point is to check if there has been a CC from a particular country in our records. If not, then whether there are doubts or not, the document is subjected to a verification process.

Second point of interest is the Flag State / Processing State — their subjective "trustworthiness" and "import history".

The third point of interest is the exporting company and its "history".

And finally, the importing company (especially if located in another MS) and its "import history".

There may be some other points arousing in particular cases but the above are the "fixed" ones.

7.4 Does your country also physically verify the consignments?

If yes, please detail (reason, method of selection, number, etc.).

Randomly chosen containers are inspected against their actual content, actual weight of the product therein and conformity with the accompanying documents. Roughly one inspection a month is being carried out.

Physical controls are also carried out under annual plan of joint inspections made by Regional Sea Fisheries Inspectorates together with Inspection of Market Quality of Agriculture and Food Products. Physical controls of containerized goods are made at the Veterinary Border Inspection Post. Physical controls of goods transported by cargo reefer

vessels are made on board and at the quay in ports and in port warehouses of Szczecin and Świnoujście.

Section 8: Verification requests to flag States

8.1 How many requests for verifications have been sent to third country authorities?

What were the main reasons for these requests? Please specify by using the reasons provided in Articles 17.4 and 17.6 of the IUU Regulation.

3 by Szczecin RSFI: 1 case of validation seal not readable, 1 case of exporter's signature missing and 1 case of zero TAC species catch.

65 by Gdynia RSFI. The main reasons were:

- 1) art. 17.4 (a)*
- 2) art. 17.6*
- 3) art. 17.4 (b)*
- 4) art. 17.5*

8.2 How many requests for verification were not replied to by the third country authorities within the deadline provided in Article 17.6 of the IUU Regulation? Does your country in these situations send a reminder to the third country authorities?

2 requests were not answered within the deadline, and yes, the reminders were sent in those situations.

8.3 Was the quality of the answers provided overall sufficient to satisfy the request?

Yes, in most cases.

Section 9: Refusal of Importations

9.1 Has your country refused any imports from 1 January 2014 until 31 December 2015?

If yes, please provide details in the table below:

Reason for refusal of importation	2014		2015	
	Flag State	No.	Flag State	No.
Non-submission of a catch certificate for products to be imported.				
The products intended for importation are not the same as those mentioned in the catch certificate.	<i>USA</i>	<i>1</i>	<i>USA</i>	<i>1</i>
The catch certificate is not validated by the notified public authority of the flag State				
The catch certificate does not indicate all the required information.				
The importer is not in a position to prove that the fishery products comply with the				

Reason for refusal of importation	2014		2015	
	Flag State	No.	Flag State	No.
conditions of Article 14.1 or 2.				
A fishing vessel figuring on the catch certificate as vessel of origin of the catches is included in the Community IUU vessel list or in the IUU vessel lists referred to in Article 30.				
Further to the request for verification (Article 18.2)	US	4	MV	1
	RU	1	SC	1
			NO	1

9.2 If the answer to 9.1 is yes, what did your country do with the fishery products?

As regards the refusals made due to the fact that products intended for importation were not the same as those mentioned in the catch certificate – the products were sent back to the country of origin (China in both cases, where the original US catch was processed). The decision was enforced by the Customs.

As regards the refusals made further to the request for verification – most of the products were sent back to the exporting country according to will of the importer, since national law did not foresee other effective way of treating the products not allowed for importation into EU. However, the last rejected consignment has been seized by the customs authorities due to the change in national legislation – see Act on Fisheries Market Organization.

9.3 In case of refusal of importation, did the operators contest the decision of the authorities of your country?

If yes, please detail.

Only in case of the decision refusing importation due to the fact that products intended for importation were not the same as those mentioned in the catch certificate - but the appeal was withdrawn by them after laboratory checks.

Section 10: Trade flows

Did your country note a change of imports of fishery products since the last reporting exercise in 2014? Please provide information, deriving from your country's statistical data, concerning change of trade patterns in imports of fishery products into your country.

The data from Szczecin/Świnoujście area indicate the change of pattern in view of processing third countries: dominating role of China remains, but the number of statements from Thailand has been reduced drastically and the number of statements under art 14.1 and 14.2 from Norway increased.

Section 11: Mutual Assistance

11.1 How many mutual assistance messages of the Commission has your country replied to?

9

11.2 Has your country sent any mutual assistance message to the Commission/other Member States?

If yes, please detail.

Yes. We needed to know if any portion of fish from a certain catch certificate has been imported into any of the other Member States.

Section 12: Cooperation with third countries

Apart from verifications and refusals under Articles 17 and 18, has your country had information exchange with third countries on issues related to the implementation of the IUU Regulation, such as follow-up of cases concerning nationals, consignments, trade flows, operators, private fishing licencing, as well as the investigation of criminal activities and serious infringements (Article 42).

If yes, please detail.

No, however we had a visit of representatives from Thailand who wanted to present their progress in combating IUU fishing.

Section 13: Nationals

Please state your country's notified authorities under Article 39.4.

As in previous report

13.1 Since the last reporting exercise in 2014, has your country implemented or modified existing measures to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing?

We adopted regulations concerning penalties for serious infringements.

13.2 What measures has your country taken to encourage nationals to notify any information on interests in third country vessels (Article 40.1).

As in previous report

13.3 Has your country endeavoured to obtain information on arrangements between nationals and third countries allowing reflagging of their vessels? If yes, please list vessels.

As in previous report

13.4 If yes to any of the above, how many cases has your country dealt with and which administrative or penal follow-up was given? 0

13.5 Has your country made use of Article 40.3 and removed public aid under national aid regimes or under Union funds to operators involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list? If yes, please detail.

No – we did not identify any operator involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list.

Section 14: Infringements (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)

14.1 How many infringements did your country record from 1 January 2014 until 31 December 2015? Please detail. *0*

14.2 Has your country applied or adapted its levels of administrative sanctions in accordance with Article 44?

Yes, according to the new Act on Sea Fisheries in case of serious infringement we impose a sanction of five times the value of the fishery products obtained by committing the serious infringement. In case of a repeated serious infringement within a five-year period we impose a sanction of at least eight times and up to twenty times the value of the fishery products obtained by committing the serious infringement.

14.3 How many sighting reports were issued by your country from 1 January 2014 until 31 December 2015? *0*

Please detail.

14.4 Has your country received any sighting reports for its own vessels from other competent authorities? *No*

If yes, please detail.

Section 15: General

15.1 What have been the main difficulties that your country has encountered in implementing the catch certification scheme?

- ✓ *The number of processing statements does not correspond to the number of catch certificates enclosed to them, as in many cases the copy of the same catch certificate accompanies imports covered by different processing statements. It is not possible to check at the level of Member State the total amounts of fishery products originating from the catch certificate and imported in frame of Art 14.2 as the same copies of catch certificates may be presented in different Member States.*
- ✓ *Lack of concrete interpretations of laws existing on EU level.*
- ✓ *Uncertainty concerning the interpretations/practical application of some provisions of the Regulation even on the part of the Commission.*
- ✓ *The interpretations of some laws/issues were received by MS only (sometimes only in oral form) while they should be made official and binding for third countries (i.e. they should be aware of them).*
- ✓ *Lack of national guidelines which would unify the local situation and adapt it to the requirements of the IUU regulation.*

15.2 What improvements would your country suggest to the Regulation that would make implementation smoother?

- ✓ *A centrally operated EU data base of all catch certificates and processing statements would be needed.*
- ✓ *Re-writing the Regulation to make it more adjusted to the actual situation (especially to deal with the problems it is not dealing with nowadays and with which it should deal).*
- ✓ *As fast as possible unify the scheme, taking out all the exceptions and also agreed records, to finally receive one template of CC/PS with the same amount of data in it for every State, whether or not having its own traceability system.*

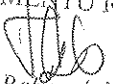
Section 16: Any other comments

Possibly earliest introduction of functioning (semi)electronic catch certification system (which is currently being worked on) would be appreciated. Simultaneously, it needs to be stressed that once it is implemented, no exceptions for any third or EU country should be granted as far as using of the system is concerned.

Commission should be consequent and request full conformity with the provisions of the Regulation not only from "small players" but also from "big players", such as US or Norway.

Thank you for your cooperation!

ZASTĘPCA DYREKTORA
DEPARTAMENTU RYBOŁÓWSTWA


Marta Rabczyńska-Kapcińska