

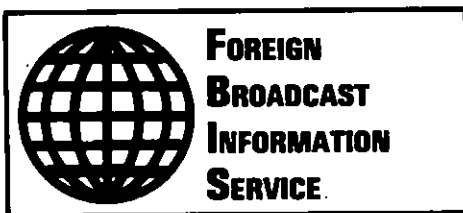
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# ***Daily Report***

## ***Supplement***

# **East Europe**

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## ***Polish Draft Constitution***

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Friday  
12 July 1996

**East Europe**  
**SUPPLEMENT**  
Polish Draft Constitution

*FBIS-EEU-96-135-S*

**CONTENTS**

*12 July 1996*

**POLISH DRAFT CONSTITUTION**

Polish Draft Constitution [RZECZPOSPOLITA 21 Jun] .....	1
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**Polish Draft Constitution**

96EP0082A Warsaw RZECZPOSPOLITA in Polish  
21 Jun 96 pp I-VIII

[Draft of the Constitution prepared by the Constitutional Committee: "Draft Constitution as of 19 June 1996"]

[FBIS Translated Text] The text presented below is not yet the final draft of the Constitution of the Republic of Poland. It is merely its version of 21 June 1996. It already contains all the provisions that, according to the intents so far of the Constitutional Committee, should be present in the future Polish supreme law of the land.

The text is subject to further revisions. Its final version will be voted on by the committee after summer vacations. In order for it to obtain the Committee's approval and be transmitted to the National Assembly for further consideration, a majority of at least two-thirds of the votes is required. We are publishing this draft even now, so that the readers may orient themselves about the direction being followed by the committee and develop their own judgment of its accomplishments.

\* \* \*

**Draft of the Constitution, 19 June 1996**

**Chapter I. Underlying Principles of the System of Governance**

**Article 1.** The Republic of Poland is a democratic, law-ruled country implementing the principles of social justice.

**Article 2.** The Republic of Poland is the common good of all citizens.

**Article 3.** The Republic of Poland is one and indivisible as a state.

**Article 4.** Supreme power in the Republic of Poland is held by the commonality of citizens forming the nation, who exercise it through their democratically elected representatives or directly.

**Article 5.1.** The Republic of Poland guarantees the freedom of formation and activity of political parties. Political parties associate citizens of the Republic of Poland on the principle of freedom of choice and equality, with the object of influencing the formation of the state's policies by democratic methods.

5.2. The financing of political parties is public.

**Article 6.** The Republic of Poland guarantees the freedom of formation and activity of trade unions, societies, civic movements, foundations, and other voluntary

legally acting associations whose purpose it is to promote the interests and express the opinion of citizens.

**Article 7.** The Republic of Poland guards the independence and inviolability of its territory, guarantees the liberties and rights of man, protects public security, guards national heritage, and ensures environmental protection on the principle of balanced development.

**Article 8.** All the agencies of public administration operate pursuant to and within the bounds of law.

**Article 9.1.** The Constitution is the supreme law of the Republic of Poland.

9.2. The provisions of the Constitution are applied directly, unless the Constitution specifies otherwise.

**Article 10.1.** The Republic of Poland adheres to the international law binding thereon.

10.2. The Republic of Poland may, by virtue of an international agreement, transfer to an international organization or agency the exercise of certain governmental powers.

**Article 11.** The political system of the Republic of Poland is based on the division into and balancing of legislative, executive, and judicial powers.

**Article 12.1.** The units of the basic administrative division of the territory of the Republic of Poland are gminas [townships], powiats [counties], and voivodships [provinces].

12.2. The inhabitants of these units create by virtue of law their own local governments.

**Article 13.** The local government participates in the exercise of public administration and performs most communal duties independently and on its own responsibility.

**Article 14.1.** The law may establish self-governing professional associations representing professions subject to public trust and overseeing their proper exercise within the limits of public interest and in order to protect it.

14.2. Pursuant to and within the bounds of law the possibility of forming other forms of self-governing associations is protected. But these may not violate the freedom of exercise of profession nor abridge the freedom to engage in economic activity.

**Article 15.1.** The Republic of Poland protects the right of ownership and the right of inheritance.

15.2. Expropriation is admissible only for public purposes and upon fair compensation.

**Article 16.1.** The Republic of Poland guarantees freedom of economic activity.

16.2. Limitations on the freedom of economic activity are admissible only by law and due to an important public interest.

**Article 17.** Labor is protected by the Republic of Poland. The state supervises the conditions in which it is performed.

**Article 18.** The Republic of Poland provides the condition for the dissemination of and equal access to the cultural treasures that are a source of national identity, national continuity, and national growth.

**Article 19.1.** Churches and denominational unions receive equal treatment.

19.2. The government of the Republic of Poland remains neutral on matters concerning religious belief, world outlook, and personal philosophies, while at the same time safeguarding the freedom of expressing them in public life.

19.3. The relations between the state and churches and denominational unions are based on the principle of mutual respect for the autonomy and independence of each within its own scope, as well as of cooperating for the good of man and for the common good.

19.4. The relations between the state and the Roman Catholic Church are defined by the international agreement concluded with the Apostolic See and by law.

19.5. The position of the state on other churches and denominational unions is established by the laws passed pursuant to an agreement concluded between the government and their authorized representatives.

**Article 20.1.** The armed forces of the Republic of Poland protect the sovereignty, independence, territorial integrity, security, and inviolability of the boundaries of the Republic of Poland.

20.2. The armed forces adhere to neutrality on political affairs and are subject to civilian and democratic control.

**Article 21.1.** The emblem of the Republic of Poland is the image of a crowned white eagle on red gules.

21.2. The colors of the Republic of Poland are the colors white and red.

21.3. The hymn of the Republic of Poland is "Dabrowski Mazurek."

21.4. Details concerning the emblem, colors, and hymn are established by law.

**Article 22.** The emblem, colors, and hymn of the Republic of Poland are subject to legal protection.

**Article 23.** The capital of the Republic of Poland is Warsaw.

## **Chapter II. Rights, Liberties, and Obligations of Man and Citizen**

### **General Principles**

**Article 24.** The innate and inalienable dignity of man is inviolable. Respecting and protecting it are the duties of the public authorities.

**Article 25.1.** Every person can do anything that is not prohibited by law. No person may be coerced to do what is not commanded by law.

25.2. Whoever avails himself of rights and liberties is obligated to respect the liberties and rights of others.

25.3. Abridgments of rights and liberties may be established only by law, when such abridgments are needed in the democratic state in the interest of national security or public order or for the purpose of protecting the environment, health, public morality, or the rights and liberties of others.

**Article 26.1.** Every person is equal before the law and has the right to equal treatment by the public authorities.

26.2. No person may be discriminated against in political, social, or economic life, regardless of gender, race, national or ethnic origin, state of health, physical or mental disability, social origin, birth, sexual orientation, language, creed or the lack thereof, property, or any other cause.

**Article 27.1.** Men and women in the Republic of Poland have equal rights in political, economic, social, and cultural life.

27.2. Women are guaranteed rights equal to those of men as regards education, employment, and advancement, as well as equal remuneration for labor of the same value, and equal rights to social security and to holding positions and public distinctions and decorations.

**Article 28.1.** Polish citizenship is acquired upon birth to parents who are Polish citizens. Other cases of acquisition of Polish citizenship are established by law.

28.2. No person may forfeit Polish citizenship, unless voluntarily renounced.

28.3. Polish citizens who sojourn abroad are entitled to protection by the state.

**Article 29.** The Republic of Poland guarantees Polish citizens who belong to national and ethnic minorities the right to preserve and develop their own language,

culture, customs, and traditions. It also guarantees their right to establish their own educational and cultural institutions as well as institutions serving to protect their religious identity and the right to participate in decisions on matters concerning the recognition and protection of their cultural identity.

**Article 30.1.** Every person who is subject to the jurisdiction of the Polish state is a beneficiary of the rights and liberties guaranteed in the Constitution.

30.2. Pursuant to international law, exceptions from this principle, pertaining to foreign nationals, are established by law.

### Personal Rights and Liberties

**Article 31.** Every person has the right to the protection of his life.

**Article 32.1.** No person may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. Corporal punishment is prohibited.

32.2. No person may be subjected, unless voluntarily expressing consent, to medical or scientific experiments.

32.3. Every person who is incarcerated or otherwise deprived of freedom should be treated in a humanitarian manner enabling him to adapt himself to life at liberty.

**Article 33.** War crimes and crimes against humanity are not subject to the statute of limitation.

**Article 34.** With regard to crimes perpetrated by or on the recommendation of public servants but not prosecuted for political reasons, the statute of limitation is suspended until these causes are identified.

**Article 35.1.** Every person is guaranteed personal liberty and personal security. Deprivation of liberty may take place only in accordance with the principles and procedures established by law.

35.2. Every person deprived of liberty in the absence of due process of law has the right of appeal to courts of law for an immediate determination of the legality of that deprivation. The family or a person named by the person deprived of liberty is immediately notified following said deprivation.

35.3. Every detainee should be immediately, and in understandable language, notified of the reasons for detention. He should be released if he is not handed within 48 hours a copy of the ruling of a court of law in favor of his temporary detention, specifying the charges.

35.4. Every person who is illegally deprived of liberty has the right to compensation.

**Article 36.1.** Only those perpetrating a deed prohibited under threat of penalty by the laws binding at the time are subject to criminal prosecution. This principle does not conflict with punishment for a deed which, at the time of its perpetration, constituted a crime according to international law.

36.2. Every person against whom penal proceedings are being instituted has the right to protection by a legal defender during every stage of the proceedings; he may choose his defender or avail himself of a court-appointed defender.

36.3. Every person is considered to be innocent until his guilt is established by a legal court verdict.

**Article 37.1.** Every person has the right to a fair and public examination of his case without unjustified delay, by an independent, impartial, and autonomous court of law.

37.2. A closed trial may be held in consideration of morality, public order, or the need to protect the security and private lives of the parties. The verdict is announced publicly.

37.3. Each party to the trial has the right to appeal the verdict to a court of the first instance.

**Article 38.** Forfeiture of property may occur solely in cases specified by law, pursuant to a legal court ruling.

**Article 39.1.** Every person has the right to the legal protection of his private and family life, and of his honor and good name, as well as the right to decide on his personal life.

39.2. Freedom and secrecy of communications are inviolable. They may be abridged for reasons and on terms established by law.

39.3. A person's home is inviolable. Searches of homes, premises, or vehicles may take place solely in the cases and by the procedure established by law.

**Article 40.1.** Every person has the right to the confidentiality of information concerning himself. The procurement and collection of information on citizens, other than that absolutely needed in a democratic law-ruled state, are prohibited. The principles and procedure for collecting said absolutely needed information are established by law.

40.2. Every person has the right of access to official documents and records concerning himself, as well as the right to rectify or demand the removal of the information that is superfluous or collected in a manner contrary to the law. Restrictions on these rights may be established by law.

**Article 41.1.** Every person is entitled to freedom of movement and freedom of choice of domicile or site of sojourn on the territory of the Republic of Poland.

41.2. Every person can freely depart the territory of the Republic of Poland.

41.3. The freedoms referred to in Paragraphs 1 and 2 may be subject to abridgments established by law.

41.4. A Polish citizen may not be expelled from this country or banned from returning thereto.

41.5. A person sojourning abroad whose Polish origin has been corroborated pursuant to law, may settle permanently in Poland.

**Article 42.1.** Every person has the right to freedom of conscience and religion.

42.2. Freedom of religion includes the freedom to profess or accept a religion according to personal choice and to express it individually or with others, publicly or privately, by means of religious practices, prayers, participation in rituals, or practicing and teaching. Freedom of religion also includes ownership of churches and places of worship depending on the needs of the believers and the right of individuals to avail themselves of religious assistance wherever they are. No person may be coerced to participate in religious practices.

42.3. The state acknowledges the right of parents to provide their children with moral and religious education and teachings according to their beliefs. Such education should allow for the wishes of the child, the degree of his maturity, and also for the freedom of his conscience and religion and his personal beliefs and faith. The religion of a legally existing church or denominational union may be the subject of instruction in school, provided that this does not violate the right of other persons and unbelievers to freedom of religion.

42.4. No person may be obligated by public authorities to disclose his personal or religious beliefs or creed.

42.5. The freedom to profess religion publicly may be solely subject to legal abridgments in the event that these are required for the protection of national security, public order, health, morality, or the rights and liberties of others, while respecting equality and justice.

**Article 43.1.** Every person is entitled to the freedom of expressing his views and obtaining and disseminating information.

43.2. The freedom of the press and other mass media is guaranteed. The exercise of this freedom may not be abridged by means of licensing or preventive censorship. The law may provide for the requirement of

applying for a permit to operate a radio or television station.

43.3. Every person is entitled to the freedom of artistic creativity and scientific research, and freedom of publicizing its results, teaching, and benefiting from cultural treasures.

**Article 44.1.** The extradition of Polish citizens is prohibited.

44.2. The extradition of a person suspected of committing a political crime without resorting to force is prohibited.

44.3. Extradition is ruled upon by a court of law.

**Article 45.1.** Foreign nationals and stateless persons may avail themselves of the right of asylum in the Republic of Poland on principles established by law.

45.2. A foreigner who seeks protection in the Republic of Poland against persecution owing to his race, creed, nationality, political belief, or belonging in a particular social group may be granted the status of a refugee pursuant to the international agreements binding upon the Republic of Poland.

#### Political Rights and Liberties

**Article 46.1.** Every person is entitled to the freedom of peaceful assembly and participation therein.

46.2. Restrictions on this freedom may be established by law.

**Article 47.1.** Every person is entitled to the freedom of association.

47.2. The procedure for registering an association in a court of law and supervising it is established by law.

47.3. Associations whose purpose or activities conflict with the Constitution or law are prohibited. A court of law rules on denying the registration of such an association or banning it.

**Article 48.1.** Freedom of association in trade unions and in employer organizations is guaranteed. Any abridgments thereof are applicable insofar as they are permitted by the norms of international law binding upon the Republic of Poland.

48.2. With the object of resolving collective bargaining disputes, trade unions and employers and their organizations have the right to negotiate and conclude collective labor agreements and other agreements.

48.3. Trade union freedoms may be subject only to such legal abridgments as are permitted by the norms of international law binding upon the Republic of Poland.

48.4. Trade unions have the right to strike or engage in other forms of protest within the bounds of law.

48.5. The law may, in consideration of the public good, abridge or prohibit strikes by specified categories of employees or in specified domains.

**Article 49.** A Polish citizen with full civil rights has the right of access to public service on the principle of equality.

**Article 50.1.** Citizens have the right to obtain information on the activities of government agencies and persons serving in government posts. This right also applies to obtaining information on the activities of economic and professional associations and persons and organizational units insofar as they perform tasks of public administration or manage municipal or Treasury assets.

50.2. The above-named right guarantees access to documents, the possibility of recording sounds or images, and admission to the meetings of the governmental bodies elected by public suffrage.

50.3. Restrictions on the right referred to in Paragraphs 1 and 2 may be imposed solely in consideration of the legally established protection of the rights and liberties of other persons, businesses and enterprises, public order, security, or important economic interests of the state.

50.4. The procedure for obtaining the information referred to in Paragraphs 1 and 2 is established by law.

**Article 51.1.** Polish citizens who attain the age of 18 have the right to elect the president of the Republic of Poland and their representatives to the Sejm, Senate, and local governments.

51.2. The right to vote does not apply to legally incapacitated persons as well as to persons legally deprived of their civil or voting rights, for the duration of said incapacitation or deprivation of these rights.

**Article 52.** Every person can submit petitions, proposals, and complaints on his own behalf or on the behalf of another person with the latter's content, to agencies of public administration or to public organizations and institutions, concerning the performance of their official duties relating to public administration. The procedure for considering these petitions, proposals, and complaints is established by law.

#### **Economic, Social, and Cultural Rights and Liberties**

**Article 53.1.** Every person has the right to choose his trade or profession and place of work. No person may be, with the exception of legally defined instances, banned from exercising his trade or profession.

53.2. The obligation of work may be legally imposed only in cases not prohibited by international law.

53.3. Regular employment of children below the age of 16 is prohibited.

53.4. The state specifies the minimum wage.

53.5. Public authorities pursue a policy intended to promote full, productive employment, and organize and sponsor vocational counseling and schooling.

**Article 54.1.** Every person has the right to safe and hygienic working conditions. The exercise of this right and the obligations of the employer are established by law.

54.2. Every employee is guaranteed the right to legal days off as well as to an annual paid leave. The law defines the maximum norms of work time.

**Article 55.1.** Every person has the right to education. Education until the age of 16 is compulsory.

55.2. Instruction in public schools is free of charge. Fees for studying at public institutions of higher education may be charged.

55.3. Parents have the right to choose schools other than public schools for their children.

55.4. Institutions and citizens have the right to establish elementary, secondary, and higher schools as well as boarding schools. The law defines the requirements for the establishment and operation of nonpublic schools and for the participation of public authorities in their financing, as well as the guidelines for the pedagogical supervision of schools.

55.5. Public authorities create the conditions for providing academic and vocational education suited to the students' abilities.

55.6. The autonomy of institutions of higher education is guaranteed, on legally defined principles.

**Article 56.1.** Citizens have the right to social protection in the event of work disability due to illness or disabling as well as upon attaining retirement age. The scope and forms of social protection are established by law.

56.2. Citizens who remain unemployed against their will and who lack other means of living have the right to social protection, whose scope and forms are established by law.

**Article 57.1.** Citizens have the right to the health care provided by the public health service, on legally defined principles.



57.2. Public authorities are obligated to provide health care for children, pregnant women, incapacitated persons, and the elderly.

57.3. Public authorities are obligated to combat epidemic diseases and prevent the negative consequences of environmental pollution to health.

57.4. Public authorities provide citizens with the conditions for practicing physical culture and sports.

**Article 58.1.** The family is under the protection of the law.

58.2. The right of parents to raise their children in accordance with their beliefs is guaranteed.

58.3. Restrictions on, suspension of, or deprivation of parental authority may be imposed only in legally defined instances, and only pursuant to a judicial ruling.

**Article 59.1.** The state guarantees the protection of rights of the child. Every person has the right to demand of public authorities that they protect a child against duress, cruelty, exploitation, and demoralization.

59.2. A child who is deprived of parental care has the right to care by and assistance from public authorities.

59.3. A child capable of formulating his own views is guaranteed the right to express them freely. While determining the rights of a child, public authorities and persons responsible for the child are obligated to listen to and, insofar as possible, take into consideration the child's personal views.

**Article 60.1.** The state provides the conditions for safeguarding the ecological security of the current and future generations.

60.2. Environmental protection is an obligation of public authorities.

60.3. Citizens have the right to information on the condition and protection of the environment.

60.4. Public authorities support the activities of citizens to promote and improve environmental health.

**Article 61.1.** Public authorities pursue a policy promoting the satisfaction of the housing needs of citizens, inclusive of support for their efforts to obtain their own housing.

61.2. The protection of tenant rights is established by law.

**Article 62.** Public authorities protect consumers, users, and lessees against practices endangering their health and safety, as well as against dishonest market practices. The scope of this protection is established by law.

## Means of Protecting Rights and Freedoms

**Article 63.1.** Every person has the right to compensation for the damage or damages caused by unlawful activities of the agencies of public administration.

63.2. The law may not bar anyone from resorting to judicial redress for violations of rights and freedoms.

**Article 64.1.** Every person whose constitutional rights are violated has the right, on principles established by law, to lodge a complaint with the Constitutional Tribunal so that it may determine consonance between the Constitution and a law or other normative law pursuant to which a court of law or an agency of public administration has issued a final ruling on the complainant's rights, liberties, or obligations established in the Constitution.

64.2. The provisions of Paragraph 1 do not apply to the right specified in Article 45.

**Article 65.** Every person has the right to apply, on the principles established by law, to the Citizens' Rights spokesman with a request for assistance to protect his rights or liberties violated by public authorities.

**Article 66.1.** The rights referred to in Article 51, Paragraphs 4 and 5; Article 54; Article 55, Paragraph 5; Articles 56-57; and Articles 60-62 may be claimed within the bounds established by law.

66.2. The Council of Ministers and the executive agencies of local governments present, along with a request for a vote of acceptance, a report on the execution of the duties involved in enforcing these rights.

## Obligations

**Article 67.** Loyalty and fidelity to the Fatherland are an obligation of Polish citizens.

**Article 68.** It is the obligation of citizens to bear the burdens and provide the public services, including the payment of taxes, established by law.

**Article 69.1.** It is the obligation of Polish citizens to defend their Fatherland.

69.2. Citizens whose religious principles or professed moral principles prevent them from performing military service may be obligated to perform substitute service on principles established by law.

69.3. The scope of the obligation of military service is established by law.

**Article 70.** Every person is obligated to care for the condition of the environment and held accountable for

its deterioration. The principles of such accountability are established by law.

### Chapter III. Sources of Law

**Article 71.** The laws of the Republic of Poland are created by the Constitution, ratified international agreements, and the laws and normative acts issued on their basis and with the object of implementing them.

**Article 72.1.** For a law or the related implementing regulations to take effect, they must first be made public by the legally prescribed procedure.

72.2. International agreements ratified pursuant to the law are made public by the legally prescribed procedure. The rules for making public other international agreements are established by law.

72.3. The principles and procedure for making public other normative acts are established by law.

**Article 73.1.** The ratification of international agreements by the Republic of Poland, as well as their renunciation, require prior legally defined consent if they concern:

- 1) Changes in the boundaries or integrity of the state.
- 2) Alliances, political or military alignments, or peace.
- 3) Civil rights, liberties, and obligations established in the Constitution.
- 4) Agreements pursuant to which the Republic of Poland becomes a member of international organizations.
- 5) Financial obligations of the state.
- 6) Legally regulated matters or matters for which the Constitution requires legal regulation.

73.2. The principles and procedure for the conclusion, ratification, and renunciation of international agreements are established by law.

**Article 74.1.** A law consenting to the ratification of an international agreement pursuant to which the Republic of Poland is to transfer the exercise of certain governmental powers to an international organization or an international agency must be passed in the Sejm by a majority of two-thirds of the votes in the presence of a quorum of at least one-half of the statutory number of deputies, and in the Senate by a majority of two-thirds of the votes in the presence of a quorum of at least one-half of the statutory number of senators.

74.2. The question of concurring to the transfer of certain governmental powers to an international organization or agency may be subjected to a popular referendum by the Sejm before voting on the law referred to in Paragraph 1.

**Article 75.1** Ratified international agreements constitute, following their public announcement in the Republic of Poland, part of the domestic legal order and are applied directly, unless their application is contingent on issuing legislation.

75.2. An international agreement ratified on the basis of the law consenting thereto supersedes domestic laws whose provisions conflict therewith. Other international agreements binding upon the Republic of Poland likewise have precedence in the event that they cannot be reconciled with the implementing regulations of the domestic laws.

75.3. When so ensuing from the founding charter of an international organization, the laws it issues are applied directly and have precedence in the event of conflict with the norms of domestic laws.

**Article 76.1.** The only generally binding normative acts issued by the agencies of executive power are the implementing regulations. Any other kind of normative acts issued by these agencies is of an in-house nature and applies only to the units organizationally subordinate to the issuing agency.

76.2. Implementing regulations are issued by the agencies specified in the Constitution only when so specifically authorized by law and with the object of implementing it. The authorization should specify the agency proper for issuing the implementing regulations and the scope of its competences as well as the implementation guidelines.

76.3. The agency authorized to issue implementing regulations orders may not delegate its powers, as referred to in Paragraph 1, to another agency or department.

76.4. The provisions of Paragraphs 1-3 apply correspondingly to the implementing regulations of the National Council of Radio and Television.

**Article 77.1.** Resolutions of the Council of Ministers and executive orders of the chairman of the Council of Ministers and of the ministers are the in-house normative acts of government agencies.

77.2. Executive orders are issued pursuant to the law; they may define the activities or organizational structure of the agency issuing the executive orders or of the units under the jurisdiction thereof.

77.3. Executive orders are binding solely on the employees of the government agencies issuing the orders and on the units under the jurisdiction thereof. They may not constitute a legal foundation for decisions concerning citizens and legal entities.

77.4. Resolutions and executive orders are subject to monitoring their consonance with the law.

**Article 78.** Local government agencies and local agencies of the general government administration issue, pursuant to and within the bounds of the powers vested in them by law, provisions of local laws applicable within their administrative borders. The principles and procedure for issuing provisions of local laws are established by law.

#### **Chapter IV. The Sejm and the Senate**

**Article 79.1.** Legislative power in the Republic of Poland is exercised by the Sejm and the Senate.

79.2. The Sejm exercises control over the activities of the Council of Ministers (the government).

**Article 80.1.** The Sejm consists of 460 deputies.

80.2. Elections to the Sejm are general, direct, equal, and proportional, with the votes cast by secret ballot.

**Article 81.1.** The Senate consists of 100 senators.

81.2. Elections to the Sejm are general and direct, with the votes cast by secret ballot.

**Article 82.1.** The Sejm and the Senate members are elected for a term of four years. The term of the newly elected Sejm and Senate commences on the day the Sejm assembles for its first sitting and continues until the day preceding the day of the first sitting of the Sejm of the next term.

82.2. Elections to the Sejm and the Senate are ordered by the president not later than 90 days prior to the elapse of the four years since the beginning of the previous term of the Sejm and the Senate, upon designating a nonwork day some time during the last 30 days prior to the elapse of the four years since the beginning of the previous term of the Sejm and the Senate.

82.3. The Sejm may cut short its own term of office by a resolution passed by a majority of at least two-thirds of the statutory number of deputies. Shortening the Sejm's term of office also means a concurrent shortening of the term of office of the Senate. The provisions of Paragraph 2 apply correspondingly.

82.4. The president may, upon consulting the speaker of the Sejm and the speaker of the Senate, in cases defined by the Constitution, order shortening the term of office of the Sejm. This is automatically followed by shortening the term of office of the Senate.

82.5. When ordering the shortening of term of office of the Sejm, the president at the same time orders new elections to the Sejm and the Senate, upon designating their date on a day occurring not later than 45 days

prior to the day of the official announcement of the president's order to shorten the term of office of the Sejm. The president convenes the first session of the newly elected Sejm not later than on the 15th day after the elections to the Sejm are held.

82.6. In the event the term of the Sejm is shortened and consequently new elections are ordered, the provisions of Paragraph 1 apply correspondingly.

82.7. The resolution of the Sejm or the order of the president to shorten the term of the Sejm may not take place in wartime or when a state of emergency is declared as well as within the first 90 days after the situation returns to normal. In this event the terms of the Sejm and the Senate are subject to a corresponding extension in time.

**Article 83.** The right to elect candidates to the Sejm and the Senate belongs to Polish citizens who attain 18 years of age on election day at the latest.

**Article 84.1.** Citizens with voting rights who attain 21 years of age not later than on election day may be elected to the Sejm.

84.2. Citizens with voting rights who attain 30 years of age not later than on election day may be elected to the Senate.

**Article 85.1.** Candidates for deputies and senators may be nominated by political parties and voters.

85.2. The principles and procedure for nominating candidates and conducting elections are established by law.

**Article 86.1.** No person may be simultaneously a deputy and a senator.

86.2. No person may be simultaneously a candidate for the post of a deputy and for the post of a senator.

**Article 87.1.** The mandate of a deputy may not be combined with holding the office of the chairman of the National Bank of Poland, the chairman of the Supreme Chamber of Audit, the Citizens' Rights spokesman, a voivode, a deputy voivode, a member of the Council on Monetary Policy, a member of the National Council of Radio and Television, or an ambassador.

87.2. Judges, public prosecutors, civil servants, military personnel on active duty, and personnel of the police and of the services protecting the state may not hold the mandate of a Sejm deputy.

87.3. The law may define other instances in which holding the mandate of a Sejm deputy is incompatible with other posts or prohibited.

**Article 88.** The validity of the elections of deputies that remain uncontested is confirmed by the Sejm. The validity of the election of a deputy that has been contested is decided upon by the Supreme Court.

**Article 89.1.** Deputies are representatives of the entire nation, and they are not bound by the instructions of voters.

**89.2.** Before beginning to execute their mandate the deputies swear the following oath before the Sejm: "I do solemnly swear to perform honestly and conscientiously my obligations to the nation, to guard national sovereignty and interests, to do everything for the welfare of the Fatherland and the good of the citizens, and to obey the Constitution and other laws of the Republic of Poland." The oath may be sworn with the additional words, "So help me God."

**89.3.** Refusal to swear the oath signifies renunciation of the mandate.

**Article 90.1.** A deputy may not be held accountable for his activities insofar as they belong in the scope of performance of his mandate, neither during nor after the expiration of that mandate; for such activities the deputy is accountable to the Sejm alone, and in the event of violation of the rights of third parties he may be held accountable before a court of law only with the concurrence of the Sejm.

**90.2.** During the period from the day the results of elections are announced until the day of expiration of his mandate, the deputy may not be prosecuted for a crime without the concurrence of the Sejm.

**90.3.** Criminal proceedings instituted prior to the day of election of the deputy are, upon the demand of the Sejm, subject to suspension until the expiration of the deputy's mandate. In this event the statute of limitations is also subject to suspension for the period in question.

**90.4.** A deputy may consent to being prosecuted for a crime. In this event the provisions of Paragraphs 2 and 3 do not apply.

**90.5.** A deputy may not be detained or arrested without the consent of the Sejm or, while the Sejm is not in session, without the consent of the Sejm Presidium, with one exception—when he is caught *flagrante delicto* while committing a crime, provided that his detention is indispensable to ensuring the proper course of the proceedings; upon his detention, the speaker of the Sejm is immediately notified. On the speaker's demand, the deputy must be immediately released.

**90.6.** Detailed principles for the criminal prosecution of deputies and the related procedures are established by law.

**Article 91.** Deputies are provided with the conditions necessary for the effective performance of their duties and for the protection of the rights ensuing from the exercise of their mandates.

**Article 92.1.** Deputies may not, within the limits established by law, engage in economic activity to derive unjustified advantages from the assets of the State Treasury or local governments, or from the acquisition of such assets.

**92.2.** For violating the prohibitions referred to in Paragraph 1 a deputy may be held accountable before the Tribunal of State by a Sejm resolution adopted on the recommendation of the speaker of the Sejm. The Tribunal of State rules on depriving the deputy of his mandate.

**Article 93.1.** The Sejm and the Senate deliberate at their sittings.

**93.2.** The first sitting of the newly elected Sejm and Senate is convened by the president on a day within the first 30 days after election day.

**Article 94.1.** The Sejm chooses from among its members the speaker, the deputy speakers, and the secretaries.

**94.2.** The Sejm appoints standing committees and may establish special committees.

**94.3.** The speaker of the Sejm chairs the deliberations of the Sejm, guards the rights of the Sejm, and represents it outside.

**94.4.** The speaker of the Sejm and the deputy speakers constitute the Sejm Presidium.

**94.5.** The Sejm Presidium monitors the course of work of the Sejm and its bodies.

**Article 95.1.** The Sejm may appoint an investigating committee to investigate a particular matter.

**95.2.** The operating procedure of investigating committees is established by law.

**Article 96.1.** The internal organization and order of work of the Sejm, as well as the procedure for the appointment and activities of its bodies and the manner in which government agencies perform their constitutional and legal duties before the Sejm, are defined by the house rules established by the Sejm.

**96.2.** The provisions of the Sejm's house rules may not violate the powers of other government agencies as established in the Constitution and the laws.

**Article 97.** Sessions of the Sejm are public. If so required by the good of the state, the Sejm may resolve,

by an absolute majority of votes and in the presence of at least one-half of the statutory number of deputies, to deliberate in a closed session.

**Article 98.** Articles 87-92, Article 94, and Articles 96-97 apply correspondingly to the Senate and senators.

**Article 99.1.** The chairman of the Council of Ministers and its members have the obligation of providing answers to the interpellations or questions of Sejm deputies within 21 days. In the event that the answer to an interpellation is not satisfactory to the interpellant, he may request of the speaker of the Sejm an additional explanation, and also to provide that explanation at the next sitting of the Sejm.

99.2. The chairman of the Council of Ministers and its members have the obligation of providing answers on current affairs at every sitting of the Sejm.

**Article 100.1.** The Sejm decides on behalf of the Republic of Poland on the declaration of war and the conclusion of peace.

100.2. The Sejm may adopt a resolution declaring war only in the event of an armed attack on the territory of the Republic of Poland or when an obligation of common defense against aggression ensues from international agreements. In the event that it is not possible for the Sejm to assemble, the president decides on the declaration of war.

**Article 101.1.** The principles for using the armed forces of the Republic of Poland outside the boundaries of the State are established by law. The principles for the sojourn or movement of foreign troops across the territory of the Polish Republic are established by ratified international agreements or by laws.

101.2. The stationing and utilization of the armed forces of the Republic of Poland outside the boundaries of the state, or the permanent sojourn of foreign troops on the territory of the Republic of Poland, or their movement across said territory, requires prior concurrence of the Sejm as expressed in a resolution.

101.3. In sudden situations in which the Sejm is unable to adopt a resolution, the president may order, on the recommendation of the Council of Ministers, using the armed forces of the Republic of Poland without the concurrence of the Sejm. Under the same circumstances and by the same procedure the president expresses consent to the sojourn of foreign troops on the territory of the Republic of Poland or to their movement across said territory.

**Article 102.1.** In the cases referred to in the Constitution the Sejm and the Senate, on deliberating jointly under the chairmanship of the speaker of the Sejm or, in his

absence, of the speaker of the Senate, create the National Assembly.

102.2. The deliberating procedures of the National Assembly are established in the house rules passed by the National Assembly.

**Article 103.1.** Legislative initiative belongs to the deputies, the Senate, the president, or the Council of Ministers. The procedure for exercising legislative initiative by the deputies is established in the house rules of the Sejm.

103.2. When presenting draft laws to the Sejm, deputies also present the financial consequences of their passage.

103.3. The Council of Ministers appends to a presented draft law the premises of the principal attendant implementing regulations.

103.4. Legislative initiative also belongs to a group of at least 100,000 citizens having the right to vote for the Sejm. The operating procedure in this case is established by law.

**Article 104.1.** The Sejm considers a draft law in the course of its three successive readings.

104.2. The right to incorporate amendments in draft laws during their consideration by the Sejm belongs to the presenter, the deputies, and the Council of Ministers.

104.3. The speaker of the Sejm may refuse to present for a vote an amendment that has not previously been submitted to a committee.

104.4. The presenter may withdraw the draft law during its legislative proceedings in the Sejm before its second reading is completed. In the event a draft law is withdrawn, the Sejm decides on the next course of action.

**Article 105.** The Sejm passes laws by a majority of votes, in the presence of at least one-half of the statutory number of deputies, unless the Constitution provides for a different majority. By the same procedure the Sejm shall adopt other resolutions unless the provisions of laws or of Sejm resolutions specify otherwise.

**Article 106.1.** A law passed by the Sejm is transmitted by the speaker of the Sejm to the Senate.

106.2. Within 30 days from the transmittal of the law the Senate may either accept it unamended or propose amendments thereto or reject it in its entirety. Prior to the elapse of that period of time the Senate may notify the Sejm that it shall not avail itself of these rights. If the Senate does not adopt a resolution concerning said law within 30 days from its transmittal, then the law

is considered as accepted and as having the language adopted by the Sejm.

106.3. A Senate resolution rejecting a law or proposing an amendment thereto is considered as accepted if the Sejm does not, in its turn, reject it by an absolute majority of votes in the presence of at least one-half of the total number of deputies.

**Article 107.1.** Once it is adopted by the procedure established in Article 106, the speaker of the Sejm presents the law to the president for signature.

107.2. The president signs the law within 21 days from the day of its presentation and orders its publication in *DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ* [Legislative Record of the Polish Republic].

107.3. Before signing a law the president may request the Constitutional Tribunal to verify its consonance with the Constitution. The president's request to the Constitutional Tribunal is tantamount to vetoing the bill and suspends the period of time envisaged for its signing. The president may not veto a law that the Constitutional Tribunal rules consonant with the Constitution.

107.4. The president vetoes a law that the Constitutional Tribunal rules inconsonant with the Constitution. If however that inconsonance applies only to discrete provisions of the law and the Tribunal does not rule that they are inseparable from the law as a whole, then the president, upon consulting the speaker of the Sejm, signs the law upon bypassing the provisions ruled to be inconsonant with the Constitution or returns the law to the Sejm for elimination of the attendant inconsistencies.

107.5. If the president does not turn to the Constitutional Tribunal by the procedure specified in Paragraph 3, then he may return the law in question, together with a rationale, to the Sejm for reconsideration. Should the Sejm once again pass said law, this time by an absolute majority of votes, in the presence of at least one-half of the statutory number of deputies, then the president signs the law within seven days and orders its publication in *DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ*. In the event that the Sejm again passes the law, the president is not empowered to turn to the Constitutional Tribunal by the procedure specified in Paragraph 3.

107.6. If the president does not sign a law in time, the publication of the law in *DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ* is ordered by the speaker of the Sejm.

107.7. In the event that the president consults the Constitutional Tribunal by the procedure specified in

Paragraph 1, the president may not avail himself of the right to return the law to the Sejm for reconsideration, which is vested in him pursuant to Paragraph 5.

**Article 108.1.** The Council of Ministers may request the Sejm to consider a draft law as urgent.

108.2. The house rules of the Sejm provide for a different legislative treatment of urgent draft laws.

108.3. In cases of urgent draft laws, the time limit for their consideration by the Senate is 14 days, and for their signing by the president, seven days.

## **Chapter V. The President of the Republic of Poland**

**Article 109.1.** The president is the supreme representative of the Republic of Poland and the guarantor of the continuity of governance.

109.2. The president watches over adherence to the Constitution and stands guard over national sovereignty and security and the inviolability and indivisibility of the territory of the state.

109.3. The president exercises his duties to the extent and on the principles established in the Constitution and laws.

**Article 110.1.** The president is elected by the nation in general, equal, and direct elections, by secret ballot.

110.2. The president is elected for a term of five years and may be reelected only once.

110.3. Any Polish citizen who has attained the age of 35 and is fully eligible to vote for Sejm deputies may be elected president. A candidate has to be nominated by at least 100,000 voters who are fully eligible to vote for Sejm deputies.

110.4. The candidate elected is the one who has received more than one-half of the valid ballots cast. If no candidate gains the required majority of votes, then run-off elections are held 14 days following the initial elections.

110.5. In the runoff elections a choice is made between the two candidates who had during the first elections won the most votes. If one of these two candidates withdraws his consent to candidacy or dies, then he is replaced in the runoff elections by the candidate who had received the next largest number of votes in the initial elections. In this event the date of the runoff elections is postponed by an additional 14 days.

110.6. In the runoff elections the president-elect is the candidate who receives the most votes.

110.7. The procedures for nominating candidates and conducting elections as well as the requirements for the validity of elections are established by law.

**Article 111.1.** The term of office of the president begins on the day he takes office.

111.2. Presidential elections are ordered by the speaker of the Sejm for a day that is not earlier than 100 days and not later than 75 days prior to the elapse of the term of office of the incumbent president, and in the event the office of the president is vacated, not later than 14 days after it is vacated, on designating the date of the elections on a nonwork day during a period of not more than 60 days after the day the elections are ordered.

**Article 112.1.** The validity of the election of the president is established by the Supreme Court.

112.2. The president takes office upon swearing before the National Assembly the following oath: "On assuming by the will of the nation the office of the president of the Republic of Poland, I swear that I shall remain faithful to the provisions of the Constitution, guard adamantly the dignity of the nation and the independence and security of the Polish state, and that to me the good of the Fatherland and the welfare of the citizens shall always remain the paramount behest." The oath may be sworn upon adding the following words, "So help me God."

**Article 113.1.** In the event that the president is temporarily unable to exercise his office, he notifies accordingly the speaker of the Sejm, upon whom thereupon the duties of the president temporarily devolve. If the president is unable to thus notify the speaker of the Sejm, the existence of an obstacle to the president's exercise of his duties is ruled upon by the Constitutional Tribunal, which entrusts to the speaker of the Sejm temporary exercise of the president's duties.

113.2. The speaker of the Sejm temporarily exercises, until the election of a new president, the duties of the president in the event of:

- 1) Demise of the president.
- 2) Resignation of the president from his office.
- 3) Acknowledgment by the National Assembly of permanent inability of the president to exercise his office irrespective of the state of his health, by a resolution adopted by a majority of at least two-thirds of the votes of the statutory number of members of the National Assembly.
- 4) Deposal of the president from office by a ruling of the Tribunal of State.

113.3. If the speaker of the Sejm cannot temporarily exercise the duties of the president, these duties shall be exercised by the speaker of the Senate.

113.4. The person temporarily exercising the duties of the president may not decide to shorten the term of the Sejm.

**Article 114.** The president may exercise no other office or public function except those associated with the office he exercises.

**Article 115.1.** The president, as the representative of the state in foreign relations:

1) Appoints and recalls authorized representatives of the Republic of Poland in other countries and in international organizations.

2) Accepts letters of accreditation and recall of the diplomatic representatives of other countries accredited to him.

3) Ratifies and renounces international agreements, whereof he notifies the Sejm and the Senate.

115.2. Before ratifying an international agreement the president may request the Constitutional Tribunal to verify its consonance with the Constitution.

115.3. The president exercises his powers as regards foreign policy in cooperation with the chairman of the Council of Ministers and the proper ministers.

**Article 116.** The chairman of the Council of Ministers notifies the Sejm about the international agreements presented to the president for ratification that do not require legal authorization.

**Article 117.1.** The president is the supreme commander of the armed forces of the Republic of Poland.

117.2. In peacetime the president commands the armed forces through the mediation of the minister of national defense.

117.3. The president appoints and recalls the chief of the General Staff on the recommendation of the chairman of the Council of Ministers.

117.4. In time of war the president appoints and recalls the commander in chief of the armed forces on the recommendation of the chairman of the Council of Ministers.

117.5. The president bestows legally prescribed military ranks in consultation with the minister of national defense.

117.6. Detailed powers of the president in his capacity as the supreme commander of the armed forces are established by law.

**Article 118.** The advisory body of the president on domestic and foreign security is the National Security Council.

**Article 119.** In the event of a direct foreign threat to the state, the president, on the recommendation of the chairman of the Council of Ministers, orders general or partial mobilization and use of the armed forces in defense of the Republic of Poland.

**Article 120.** The president grants Polish citizenship and expresses consent to the renunciation thereof.

**Article 121.** The president bestows orders and decorations.

**Article 122.** The president exercises the right of pardon. The right of pardon may not be applied to persons sentenced by the Tribunal of State.

**Article 123.** The president may present a message to the Sejm or the Senate. The message is not subject to a debate.

**Article 124.1.** To discuss matters of special importance the president may convene the Cabinet Council. The Cabinet Council is formed by the Council of Ministers under the chairmanship of the president.

124.2. The Cabinet Council may not exercise the constitutional powers of the Council of Ministers.

**Article 125.** The president bestows by means of an executive order a statute on the Chancellery of the president and appoints and recalls its chief.

**Article 126.** Exercising his powers, the president issues official acts. The official acts of the president are constituted by:

- 1) Executive orders issued with the object of implementing laws and pursuant to the powers granted in these laws.
- 2) Orders concerning the exercise of the president's constitutional and legal powers.
- 3) Decisions on discrete matters.

**Article 127.1.** The official acts of the president require, in order to be valid, the signature of chairman of the Council of Ministers, who by signing the act becomes answerable to the Sejm.

127.2. The provision of Paragraph 1 does not apply to:

- 1) Ordering elections to the Sejm and the Senate.
- 2) Convening the first sitting of the newly elected Sejm and Senate.
- 3) Shortening the term of the Sejm in the case referred to in Article 82, Paragraph 4.

4) Legislative initiative.

5) Ordering a referendum.

6) Signing or vetoing a law.

7) A request to the Constitutional Tribunal.

8) Appointing the chairman of the Council of Ministers.

9) Accepting the resignation of the Council of Ministers, entrusting an interim exercise of duties to said Council, and recalling a minister faced by a vote of no confidence by the Sejm.

10) Convening the Cabinet Council.

11) Bestowing orders and decorations.

12) Judicial appointments.

13) Exercising the right of pardon.

14) Bestowing a statute on the Chancellery of the president, appointing and recalling the chief of the Chancellery of the president.

15) Resignation from office.

**Article 128.1.** The president may be held answerable before the Tribunal of State for violating the Constitution or law or for committing a crime.

128.2. Impeachment of the president may take place by means of a resolution of the National Assembly passed by a majority of at least two-thirds of the statutory number of members of the National Assembly, on the motion of at least 140 members of the National Assembly.

128.3. On the day the resolution to impeach the president before the Tribunal of State is adopted, the exercise of duties by the president is subject to suspension.

#### **Chapter VI. The Council of Ministers and the Government Administration**

**Article 129.1.** The Council of Ministers (the government) pursues the domestic and foreign policies of the Republic of Poland.

129.2. Matters relating to government policies are within the purview of the Council of Ministers, provided that they are not already arrogated to the jurisdiction of other government agencies and local governments.

129.3. The Council of Ministers directs the governmental administration.

129.4. To the extent and on the principles established by the Constitution and laws, the Council of Ministers, in particular:



- 1) Ascertains the implementation of laws.
- 2) Coordinates and monitors the work of the agencies of governmental administration.
- 3) Protects the interests of the State Treasury.
- 4) Votes on the draft of the state budget.
- 5) Directs the execution of the state budget and votes on closing state accounts as well as on the report on the execution of the budget.
- 6) Safeguards domestic security and public order by a legally established procedure.
- 7) Safeguards the foreign security of the state.
- 8) Exercises overall leadership in the field of relations with other countries and international organizations.
- 9) Concludes international agreements requiring ratification and confirms and renounces other international agreements.
- 10) Exercises overall leadership in the domain of national defense and annually determines the number of citizens subject to drafting for active military service.
- 11) Determines its own organizational structure and operating procedures.

**Article 130.** With the object of implementing laws, and pursuant to the powers vested therein, the Council of Ministers issues implementing regulations.

**Article 131.1.** The Council of Ministers consists of the chairman of the Council of Ministers and the ministers.

131.2. Deputy chairmen of the Council of Ministers may be appointed members of the Council of Ministers.

131.3. The Council of Ministers acts as a collegial body.

**Article 132.1.** The chairman of the Council of Ministers:

- 1) Represents the Council of Ministers.
- 2) Directs the work of the Council of Ministers.
- 3) Establishes the principles for implementing the national policies pursued by the Council of Ministers and assures adherence thereto.
- 4) Coordinates and supervises the work of members of the Council of Ministers.
- 5) Exercises, within the bounds and in the ways defined by the Constitution, supervision over local governments.

132.2. With the object of implementing laws, and pursuant to the powers vested therein, the chairman of the Council of Ministers issues implementing regulations.

**Article 133.1.** A minister of state is appointed to direct a particular branch of the governmental administration or to exercise duties assigned to him by the chairman of the Council of Ministers. The scope of activities of a minister directing a particular branch of the governmental administration is established by law.

133.2. With the object of implementing laws and pursuant to the powers vested therein, the minister issues implementing regulations. The Council of Ministers may, on the recommendation of the chairman of the Council of Ministers, waive said regulations.

**Article 134.** Members of the Council of Ministers may not engage in activities whose nature conflicts with the exercise of their duties as members of the government.

**Article 135.** The chairman of the Council of Ministers, the vice chairmen of the Council of Ministers, and the ministers swear the following oath in the presence of the president: "On assuming the office of the chairman of the Council of Ministers (vice chairman of the Council of Ministers, minister), I solemnly swear that I shall remain faithful to the Constitution and the good of the Fatherland and the welfare of citizens shall always remain my paramount behest." The oath may also be sworn upon adding the words, "So help me God."

**Article 136.1.** The voivode is representative of the Council of Ministers in a voivodship.

136.2. The procedure for the appointment and recall of voivodes and the scope of their activities are established by law.

#### **Relations Among the Sejm, the President, and the Government**

**Article 137.1.** The president designates the chairman of the Council of Ministers who in his turn proposes members of the government. The president appoints the chairman of the Council of Ministers together with the Council of Ministers within 14 days from the first sitting of the Sejm or from acceptance of resignation of the Council of Ministers, and swears them into office.

137.2. The chairman of the Council of Ministers presents to the Sejm, not later than on the 14th day since his appointment by the president, the program of action of the Council of Ministers along with a request for a vote of confidence. The Sejm passes the vote of confidence by an absolute majority of votes, in the presence of at least one-half of the total number of deputies.

137.3. In the event that the Council of Ministers is not appointed by the procedure specified in Paragraph 1, or that it is not granted a vote of confidence by the

procedure specified in Paragraph 2, the Sejm chooses the chairman of the Council of Ministers and the members of the Council of Ministers whom he proposes within 14 days after the elapse of these deadlines, by an absolute majority of votes in the presence of at least one-half of the total number of deputies. The president appoints the thus chosen government and swears it into office.

**Article 138.1.** In the event of failure to appoint the Council of Ministers by the procedure specified in Article 137, Paragraph 3, the president appoints the chairman of the Council of Ministers and, on the latter's recommendation, the Council of Ministers, within 14 days. Not later than on the 14th day after the appointment of the Council of Ministers by the president, the Sejm passes a vote of confidence in the government by a majority of votes in the presence of at least one-half of the total number of deputies.

138.2. In the event that a Council of Ministers is not appointed by the procedure specified in Paragraph 1, the Sejm chooses within 14 days, by a majority of votes, the chairman of the Council of Ministers and the members of the Council of Ministers whom he proposes. The president appoints the thus chosen government and swears it into office.

**Article 139.** In the event of failure to appoint the Council of Ministers by the procedure specified in Article 138, the president shortens the term of office of the Sejm or, within 14 days, appoints the chairman of the Council of Ministers and the Council of Ministers for a period of not more than six months. Should the Sejm fail to pass a vote of confidence in that Government before the elapse of these six months, or should it pass a vote of no confidence, the president shortens the term of the Sejm and orders early elections.

**Article 140.1.** Members of the Council of Ministers are held answerable before the Tribunal of State for violating the Constitution and law, as well as for crimes perpetrated in connection with their posts.

140.2. The resolution to make a member of the Council of Ministers constitutionally answerable is taken by the Sejm on the motion of at least 115 deputies and by a majority of three-fifths of the statutory number of deputies.

**Article 141.** The Council of Ministers is jointly and severally responsible for its activities, and members of the Council of Ministers bear personal responsibility for matters belonging within the purview of their competences or entrusted to them by the chairman of the Council of Ministers.

**Article 142.1.** The Sejm passes a vote of no confidence in the Council of Ministers by a majority of the statutory

number of deputies on a motion by at least 46 deputies, with the motion containing the name of a new candidate for the chairman of the Council of Ministers. If the resolution is adopted by the Sejm, then the president accepts the resignation of the Council of Ministers and appoints the new chairman of the Council of Ministers chosen by the Sejm.

142.2. The motion for adopting the resolution referred to in Paragraph 1 may be subjected to a vote not earlier than after seven days from the day it is offered. A second motion may be offered three months after the day on which the original motion was voted upon. This time limit does not apply if the motion is offered by at least 115 deputies.

**Article 143.** The chairman of the Council of Ministers may request the Sejm to pass a vote of confidence in the Council of Ministers; this requires a majority of votes in the presence of at least one-half of the statutory number of deputies.

**Article 144.** The president, on the motion of the chairman of the Council of Ministers, alters the membership of the Council of Ministers.

**Article 145.1.** The Sejm may pass a vote of no confidence in a minister. The motion for that vote may be offered by at least 46 deputies. The provisions of Article 142, Paragraph 2, apply correspondingly.

145.2. The president recalls a minister in whom the Sejm passed a vote of no confidence by a majority of votes of the statutory number of deputies.

**Article 146.1.** The chairman of the Council of Ministers offers the resignation of the Council of Ministers in the event of:

- 1) First sitting of a newly elected Sejm.
- 2) The Sejm's failure to pass a vote of confidence in the Council of Ministers.
- 3) The passage of a vote of no confidence in the Council of Ministers by the procedure specified in Article 142.
- 4) The resignation of the chairman of the Council of Ministers or of the Council of Ministers.

146.2. The president, in accepting the resignation of the Council of Ministers, charges it with the continued exercise of its duties until such time as a new Council of Ministers is appointed

146.3. The president may, in the case referred to in Paragraph 1, Point 4, refuse to accept the resignation of the Council of Ministers.

**Chapter VII. Courts and Tribunals**

**Article 147.1.** The administration of justice in the Republic of Poland is exercised by common courts, administrative courts, and military courts.

147.2. Special courts or summary procedures may be instituted only in wartime.

**Article 148.** The courts pass sentences in the name of the Republic of Poland.

**Article 149.** Courts and Tribunals are a separate branch of power and are independent of the other branches.

**Article 150.1.** Common courts administer justice in all cases with the exception of cases legally reserved for the competences of other courts.

150.2. Judicial proceedings are of the two-instance kind.

150.3. The judicial system, jurisdiction, and procedures are established by law.

**Article 151.1.** Judicial rulings may not be modified or waived by agencies of the legislative or executive branch.

151.2. The provisions of Paragraph 1 do not apply to amnesty and the right of pardon.

151.3. Agencies of public administration are obligated to enforce judicial rulings.

**Article 152.1.** In exercising their office, judges are independent and subject only to the Constitution and the law.

152.2. Judges are provided with the working conditions and remuneration appropriate to the dignity of their office and the scope of their duties.

152.3. Judges may not belong to any political party or trade union, and they may not engage in any public activities that cannot be reconciled with the principles of autonomy of the judiciary and independence of judges.

**Article 153.** Judges are appointed by the president on the recommendation of the National Judiciary Council, for an indefinite period.

**Article 154.1.** Judges are not subject to removal from office.

154.2. The dismissal or suspension of a judge, or his transfer to another site or position against his will, may occur solely by virtue of a ruling handed down by a court of law, and only in the cases specified by law.

154.3. A judge may be retired owing to illness or incapacitation. The procedure in this case, including the procedure for appealing to a court of law, is established by law.

154.4. The law specifies the age limit at which judges are retired.

154.5. In the event of a change in the judicial system or in the boundaries of judicial districts, a judge may be transferred to another court or retired on full pay.

**Article 155.** A judge may not be prosecuted for a crime or deprived of liberty without prior consent of the court of law specified by law. A judge may not be detained or arrested unless caught in flagrante delicto while committing a crime, if his detention is necessary for assuring a correct course of proceedings. In this event it is necessary to notify the president of the competent local court, who may order the immediate release of the detainee.

**Article 156.** The law specifies the participation of citizens in administering justice.

**Article 157.1.** The Supreme Court exercises supervision as regards ruling on the activities of common and military courts.

157.2. The Supreme Court exercises other functions defined in the Constitution and laws.

157.3. The chief justice of the Supreme Court is elected to a six-year term by the Sejm by a majority of votes from among candidates nominated by the General Assembly of justices of the Supreme Court.

**Article 158.** Administrative courts exercise judicial control over the activities of public administration to the extent established by law. That control also includes ruling on consonance between laws and the resolutions of local governments and the normative acts of the local agencies of general governmental administration.

**Article 159.** The chief justice of the Superior Administrative Court is elected to a six-year term by the Sejm by a majority of votes from among candidates nominated by the General Assembly of justices of the Supreme Administrative Court.

**Article 160.1.** The National Judiciary Council guards the autonomy of courts and the independence of judges.

160.2. The National Judiciary Council may request the Constitutional Tribunal to verify the constitutionality of the normative acts concerning the autonomy of courts and the independence of judges.

**Article 161.1.** The National Judiciary Council consists of:

1) The chief justice of the Supreme Court, the minister of justice, the chief justice of the Superior Administrative Court, and a person indicated by the president.

2) Fifteen justices chosen from among justices of the Supreme Court, the Superior Administrative Court, and judges of the common and military courts.

3) Four members chosen by the Sejm from among its deputies and two members chosen by the Senate from among senators.

161.2. The National Judiciary Council chooses from among its members a chairman and two vice chairmen.

161.3. The term of office of the chosen members of the National Judiciary Council is four years.

161.4. The procedure for choosing the members, the organizational structure, scope of activities, and operating procedure of the National Judiciary Council are established by law.

### **The Constitutional Tribunal**

**Article 162.** The Constitutional Tribunal rules on matters pertaining to:

- 1) Consonance between laws and international agreements and the Constitution.
- 2) Consonance between laws and ratified international agreements whose ratification requires prior approval specified by law.
- 3) Consonance between legal regulations issued by the central government agencies and the Constitution, ratified international agreements, and laws.
- 4) Inconsonance between the Constitution and the goals or activities of political parties.
- 5) The constitutional complaint referred to in Article 64, Paragraph 1.

**Article 163.** The Constitutional Tribunal resolves disputes on competences between constitutional organs of the state.

**Article 164.** The Constitutional Tribunal provides, on the request of the president, the chairman of the Council of Ministers, the chief justice of the Supreme Court, the chief justice of the Superior Administrative Court, the prosecutor general, the chairman of the Supreme Chamber of Audit, the citizens' rights spokesman, and the State Electoral Commission, a universally binding interpretation of laws. The Constitutional Tribunal may decline to provide said interpretation.

**Article 165.1.** The rulings of the Constitutional Tribunal have general binding power and are final.

165.2. The rulings of the Constitutional Tribunal on matters referred to in Article 162 are subject to being immediately made public in the publication in which the normative act had been published, and when the ruling

concerns a normative act not thus published, it is subject to publication in *DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ* "MONITOR POLSKI."

165.3. Rulings of the Constitutional Tribunal take effect on the day of their publication. However, the Constitutional Tribunal may specify a different timetable for voiding the normative act concerned. That timetable may provide for a period of not more than 18 months when a legislative act is concerned, and not more than 12 months when other normative acts are concerned. In the case of rulings that involve financial outlays not envisaged in the Budget Law, the Constitutional Tribunal specifies the deadline for voiding a normative act only after consulting the Council of Ministers.

165.4. A ruling by the Constitutional Tribunal on inconsonance between the Constitution and an international agreement, a normative act pursuant to which a judicial ruling had been pronounced, a final administrative decision, or a decision on other matters, provides the foundation for resuming proceedings or waiving a lower-court ruling or a decision, on the principles and by the procedure envisaged in the regulations governing the proceedings concerned.

**Article 166.1.** A motion on the cases referred to in Article 162 may be presented to the Constitutional Tribunal by:

- 1) The president, the speaker of the Sejm, the speaker of the Senate, chairman of the Council of Ministers, 25 deputies, 15 senators, the first justice of the Supreme Court, the first justice of the Superior Administrative Court, the prosecutor general, the chairman of the Supreme Chamber of Audit, and the citizens' rights spokesman.
- 2) The National Judiciary Council, to the extent referred to in Article 160, Paragraph 2.
- 3) The constituent bodies of local governments.
- 4) National offices of trade unions, national officers of employer organizations, and professional organizations.
- 5) Churches and denominational unions.
- 6) Persons and entities referred to in Article 64 to the extent indicated in that Article.

166.2. The entities referred to in Points 3)-5) may petition the Constitutional Tribunal if the normative act questioned concerns matters within their scope of activities.

**Article 167.** A request on the matters referred to in Article 163 may be made to the Constitutional Tribunal by: the president, the speaker of the Sejm, the speaker

of the Senate, chairman of the Council of Ministers, the chief justice of the Supreme Court, the chief justice of the Superior Administrative Court, and the chairman of the Supreme Chamber of Audit.

**Article 168.** Any court may pose to the Constitutional Tribunal a juridical question about the consonance between a normative act and the Constitution, ratified international agreement, or a law, if the resolution of the case being examined by the court hinges on the answer to that juridical question.

**Article 169.1.** The Constitutional Tribunal consists of 15 justices chosen individually by the Sejm for a term of nine years from among persons distinguished by their knowledge of jurisprudence. Reelection to membership in the Tribunal is inadmissible.

169.2. The chief justice and deputy chief justice of the Constitutional Tribunal are chosen by the Sejm from among candidates nominated by the justices of the Tribunal.

**Article 170.1.** The justices of the Constitutional Tribunal are independent in exercising their office and subject to the Constitution alone.

170.2. The justices of the Constitutional Tribunal are provided with the working conditions and remuneration suitable to the dignity of their office and the scope of their duties.

170.3. The justices of the Constitutional Tribunal, during their term of office, cannot belong to any political party or trade union and cannot engage in any public activity that might be in contradiction to the principles of judicial impartiality or violate their own personal independence.

**Article 171.** A justice of the Constitutional Tribunal may not be prosecuted for a crime or deprived of liberty without prior consent of the Constitutional Tribunal. The justice may not be placed in detention, unless he is caught in flagrante delicto while committing a crime, if his detention is necessary to ensure the proper course of the proceedings. In this event it is necessary to immediately notify the chief justice of the Constitutional Tribunal, who may order immediate release of the detainee.

**Article 172.** The organizational structure of the Constitutional Tribunal and the rules for proceedings before said Tribunal are established by law.

### **The Tribunal of State**

**Article 173.1.** For violations of the Constitution or laws in connection with the position held and within the

scope of their duties of office the following are held accountable before the Tribunal of State:

- 1) The president.
- 2) The chairman of the Council of Ministers and members of the Council of Ministers.
- 3) The chairman of the Polish National Bank.
- 4) The chairman of the Supreme Chamber of Audit.
- 5) Members of the National Council of Radio and Television.
- 6) Persons entrusted by chairman of the Council of Ministers with heading a ministry or a central office.
- 7) Directors of central offices.
- 8) The commander in chief of the armed forces.

173.2. Constitutional responsibility before the Tribunal of State is also borne by deputies and senators to the extent specified in Article 92.

173.3. The nature of the penalties imposed by the Tribunal of State is established by law.

**Article 174.1.** The Tribunal of State consists of the chairman, two vice chairmen, and 16 members, chosen by the Sejm from among persons other than deputies or senators, for the duration of the term of the Sejm. The vice chairmen of the Tribunal and at least one-half of the members of the Tribunal should possess the qualifications required for holding the post of a judge.

174.2. The chief justice of the Supreme Court is the chairman of the Tribunal of State.

174.3. Members of the Tribunal of State are independent and subject only to the Constitution and the laws when exercising their duties as justices of the Tribunal of State.

174.4. The organizational procedure and the rules for proceedings before the Tribunal of State are established by law.

**Article 175.** A member of the Tribunal of State may not be prosecuted for a crime or deprived of liberty without prior consent of the Tribunal. The justice may not be placed in detention unless he is caught in flagrante delicto while committing a crime, if his detention is necessary to ensure the proper course of the proceedings. In this event it is necessary to immediately notify the chairman of the Tribunal of State, who may order immediate release of the detainee.

## Chapter VIII. Agencies of State Control and Law Enforcement

### The Supreme Chamber of Audit

**Article 176.1.** The Supreme Chamber of Audit is the supreme agency of state control.

176.2. The Supreme Chamber of Audit is subject to the Sejm.

176.3. The Supreme Chamber of Audit operates on the principle of collegiality.

**Article 177.1.** The Supreme Chamber of Audit monitors the legality, efficiency of management, purposiveness, and integrity of the activities of the agencies of governmental administration, the Polish National Bank, governmental legal entities, and other governmental organizational units.

177.2. The Supreme Chamber of Audit may monitor the legality of the activities of local-government agencies, municipal legal entities, and other municipal organizational units.

177.3. The Supreme Chamber of Audit may also monitor the legality and efficiency of management of the activities of other organizational units and companies to the extent to which they utilize state or municipal assets and settle their financial obligations to the state.

**Article 178.1.** The Supreme Chamber of Audit presents to the Sejm:

- 1) Analyses of execution of the state budget and of the premises of monetary policy.
- 2) Opinion on acceptance of the reports of the Council of Ministers.
- 3) Information on results of audits, recommendations, and comments as established by law.

178.2. The Supreme Chamber of Audit presents to the Sejm an annual report on its activities.

**Article 179.** The chairman of the Supreme Chamber of Audit is appointed by the Sejm with the concurrence of the Senate for a term of six years and may be reappointed only once.

**Article 180.** The chairman of the Supreme Chamber of Audit may be neither prosecuted for a crime nor deprived of liberty in the absence of prior concurrence of the Sejm. Said chairman may not be detained, unless he was caught in flagrante delicto while committing a crime, if his detention is indispensable to ensuring the proper course of the proceedings. In this event it is necessary to immediately notify the speaker of the Sejm, who may order immediate release of the detainee.

**Article 181.** The organizational structure and operating procedures of the Supreme Chamber of Audit are established by law.

### The Citizens' Rights Spokesman

**Article 182.** The citizens' rights spokesman protects the rights and liberties of man and citizen as established in the Constitution and other normative acts.

**Article 183.1.** The citizens' rights spokesman is appointed by the Sejm with the concurrence of the Senate for a term of five years.

183.2. The citizens' rights spokesman may not hold any other post nor engage in any professional activity other than being employed in the position of a professor at a higher educational institution.

183.3. The citizens' rights spokesman may not belong to any political party or trade union, and he may not engage in public activities that cannot be reconciled with the dignity of his office.

183.4. The scope of activities and operating procedure of the citizens' rights spokesman are established by law.

**Article 184.** The citizens' rights spokesman may be neither prosecuted for a crime nor deprived of liberty in the absence of prior concurrence of the Sejm. The citizens' rights spokesman may not be detained, unless he was caught in flagrante delicto while committing a crime, if his detention is indispensable to ensuring the proper course of the proceedings. In this event it is necessary to immediately notify the speaker of the Sejm, who may order immediate release of the detainee.

**Article 185.** The citizens' rights spokesman annually reports to the Sejm about his activities and about the status of adherence to the rights and liberties of man and citizen.

### The National Council of Radio and Television

**Article 186.1.** The National Council of Radio and Television guards freedom of speech, the right to information, and public interest in radio and television.

186.2. The National Council of Radio and Television issues, pursuant to the competences vested in it by law, and with the object of executing them, executive orders, and it also adopts resolutions concerning individual cases.

**Article 187.1.** The members of the National Council of Radio and Television are appointed by the Sejm, the Senate, and the president.

187.2. The chairman of the National Council of Radio and Television is appointed by the Sejm from a list of

two candidates from among the members of the Council, nominated by the Council.

**Article 188.** The guidelines for appointing members of the National Council of Radio and Television as well as for its organizational structure and operating procedures are established by law.

#### **Chapter IX. Local Governments**

**Article 189.1.** Local governments are legal entities. They have the right of ownership and other property rights.

189.2. The autonomy of local governments protected by the courts.

**Article 190.1.** The basic unit of local government is the gmina [township].

190.2. The gminas are divided into: rural gminas, municipal gminas, and cities isolated from the powiat [county].

**Article 191.1.** A local government performs public duties not reserved for other agencies by the Constitution or the laws.

191.2. A gmina performs all the duties of a local government that are not reserved for other units of local government.

**Article 192.1.** The public duties serving to meet the needs of the community in a given administrative unit are performed by units of local government as their own objectives.

192.2. When so warranted by the needs of the state, laws may recommend to local governments the performance of other public duties. The law defines the procedure for the transmission of said duties to such units and the manner in which they are to be performed.

192.3. Disputes about competences between local governments and the general governmental administration are resolved by administrative courts.

**Article 193.1.** Local governments are guaranteed participation in public revenues in accordance with the duties allocated to them.

193.2. The revenues of local governments are their own revenues plus general subsidies and targeted grants from the state budget.

193.3. The sources of the revenues of local governments are established by law.

193.4. Changes in the objectives and competences of local governments entail corresponding changes in their share of public revenues.

**Article 194.** Local governments have the right to determine the amount of taxes and local fees they collect, to the extent established by law.

**Article 195.1.** Local governments perform their duties through the mediation of their constituent and executive branches.

195.2. Elections to the constituent branches are popular, direct, and equal, and take place by secret ballot. The principles and procedure for the nomination of candidates and conduct of elections are established by law.

195.3. The principles and procedure for the elections and recall of local-government executives are established by law.

195.4. The internal organization of local governments is defined by their constituent bodies, within the bounds of the applicable laws.

**Article 196.** Members of the local community may decide on matters concerning the community by means of a referendum. The referendum may also concern the recall of a directly elected local-government representative. The principles and procedure for conducting the referendum are established by law.

**Article 197.1.** The legality of the activities of local governments is subject to monitoring.

197.2. The organs monitoring the activities of local governments are chairman of the Council of Ministers and the voivodes and, so far as budget matters are concerned, the regional accounting chambers.

197.3. The Sejm may, on the recommendation of chairman of the Council of Ministers, dissolve the constituent body of a local government in the event that it glaringly violates the Constitution or the law.

**Article 198.1.** Local governments have the right to associate themselves. The principles and procedure for their mutual association are established by law.

198.2. Local government have the right to join international associations of local and regional communities and to cooperate with the local and regional communities of other countries.

#### **Chapter X. Public Finance**

**Article 199.1.** Funding for public purposes is obtained and utilized by the legally prescribed procedure.

199.2. The acquisition, sale, and contracting of liens on real estate, stocks, and shares, as well as the issuance of securities, by the state Treasury, the Polish National Bank, or other governmental legal entities take place on

the principles and by the procedure established by law. The establishment of a monopoly takes place by law.

199.3. Government borrowing and the granting of financial guarantees by the government take place on the principles and by the procedure established by law.

199.4. If the ratio of public debt to the value of the gross national product exceeds three-fifths, then the Council of Ministers presents, along with the draft of the Budget Act, a program of action intended to reduce the public debt below that level.

**Article 200.1.** The levying of taxes and other personal and material fees and the determination of taxable subjects and objects, tax rates, and guidelines for granting rebates and moratoriums and the tax-exempt categories are established by law.

200.2. Taxes and public fees should not deprive citizens or other persons and entities of income or assets to an extent making it impossible to benefit from and augment said income and assets in accordance with the right of ownership.

**Article 201.** The organizational structure of the State Treasury and the procedure for managing its assets are established by law.

**Article 202.1.** The Sejm votes on the state budget in the form of the budget law.

202.2. The principles and procedure for drafting the state budget, its itemization, and other requirements that should be met by the draft of the budget law, and also the principles and procedure for executing the state budget, are established by law.

202.3. In exceptional cases the receipts and spending of the state within a period shorter than a year may be defined by a law on the interim budget. The provisions governing the draft of the budget law apply correspondingly to the draft of the interim budget law.

202.4. If the budget law or the interim budget law does not take effect on the first day of the budget year, then the Council of Ministers handles fiscal management on the basis of the proposed draft law.

**Article 203.1.** Higher than planned spending or a reduction in planned receipts by the Council of Ministers may not result in voting on a budget deficit greater than that envisaged in the draft budget law.

203.2. The budget law may not provide for offsetting the budget deficit by borrowing on credit from the central bank of the state.

**Article 204.** Legislative initiative on the budget law, on the interim budget law, on amendments to the budget law, on the law on public debt, and on the law on

granting financial guarantees by the state belongs solely to the Council of Ministers.

**Article 205.** The Council of Ministers presents to the Sejm the draft budget law not later than by 30 September. In special cases the presentation of the draft budget law may be delayed, but until not later than the end of the budget year.

**Article 206.** The Senate may propose amendments to the budget law within 20 days from the day of its transmission to the Senate.

**Article 207.1.** The president signs within seven days the budget law presented by the speaker of the Sejm and orders its publication in *DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ*. The provisions of Article 107, Paragraph 5, do not apply to the budget law and the interim budget law.

207.2. In the event that the president requests the Constitutional Tribunal to verify the consonance between the Constitution and the budget law or the interim budget law before signing it, the Tribunal rules thereon not later than within two months after receiving said request.

**Article 208.1.** If within four months from the day the draft budget law is presented to the Sejm, it is not passed by the Sejm and presented to the president for signature, then the president may order shortening the term of office of the Sejm.

208.2. The president orders shortening the term of office of the Sejm within 14 days from the day of elapse of the time limit referred to in Paragraph 1.

**Article 209.1.** The Council of Ministers presents to the Sejm a report on the execution of the state budget within five months from the end of the budget year.

209.2. The Sejm examines the report of the Council of Ministers on the preceding budget year and, upon consulting the Supreme Chamber of Audit, it adopts a resolution approving or disapproving the report of the Council of Ministers within 90 days from the day that report is presented to the Sejm.

209.3. Before the vote on approval of its report, the Council of Ministers provides the Sejm with information on the state of the public debt.

**Article 210.1.** The Polish National Bank is the central bank of the state and has the exclusive right to issue money and to establish and pursue a monetary policy. The Polish National Bank is responsible for strengthening the Polish currency.

210.2. The organs of the Polish National Bank are: the chairman of the Polish National Bank, the Council on



Monetary Policy, and the Board of Governors of the Polish National Bank.

210.3. The chairman of the Polish National Bank is appointed by the Sejm on the recommendation of the president for a term of six years.

210.4. The chairman of the Polish National Bank is a member of the Council on Monetary Policy and chairs it. The other members of the Council are appointed for a term of six years from among financial experts, in equal numbers by the president, the Sejm, and the Senate.

210.5. The Council on Monetary Policy annually determines the premises of monetary policy and notifies the Sejm thereof concurrently with the presentation of the draft budget law by the Council of Ministers. The Council on Monetary Policy presents to the Sejm a report on the implementation of the premises of monetary policy.

210.6. The organizational structure and operating procedures of the Polish National Bank and the detailed guidelines for the appointment and recall of its directors are established by law.

#### Chapter XI. States of Emergency

**Article 211.1.** In the event that ordinary constitutional means are insufficient to control the threats and perils referred to in the present chapter, a corresponding state of emergency, state of war, martial law, or state of natural disaster shall be declared.

211.2. A state of emergency may be established only by a lawful executive order, after it is publicly announced.

211.3. The law defines the guidelines for action by public authorities and the extent to which the rights and liberties of man and citizen may be abridged for the duration of a state of emergency.

211.4. The actions taken as a result of the declaration of a state of emergency must remain proportional to the magnitude of the threat and should be intended to restore as soon as possible the conditions for a normal functioning of the government.

211.5. While the state of emergency lasts there can be no amending of: the Constitution; the laws governing elections to the Sejm, the Senate, and local-government bodies; the law governing presidential elections; and the law on states of emergency.

211.6. While the state of emergency lasts, there can be no shortening of the term of the Sejm, and any concurrent elections to the Sejm, the Senate, and local-government bodies, as well as presidential elections, are subject to a commensurate extension.

**Article 212.** In the event of an external peril to the state, or an armed attack on the Republic of Poland, or when the duty of a common defense against aggression ensues from international agreements, the president may, on the recommendation of the Council of Ministers, declare a state of war in parts or on the entire territory of the state.

**Article 213.1.** In the event of a constitutional peril to the polity of the state, the security of citizens, or the public order, the president may, on the recommendation of the Council of Ministers, declare, for a specified period of time to be no longer than 90 days, martial law in parts or on the entire territory of the state.

213.2. Any prolongation of martial law may occur only once, for a period of not more than 60 days, with the concurrence of the Sejm.

**Article 214.** The declaration of a state of war or of martial law is presented by the president to the Sejm within 48 hours, to be immediately considered by the Sejm. The Sejm may waive the presidential declaration by a majority of votes.

**Article 215.1.** To avert the consequences of natural disasters or of technological breakdowns bearing the hallmarks of a natural disaster, and with the object of eliminating them, the Council of Ministers may declare for a specified period, not longer than 30 days, a state of natural disaster for parts or the entire territory of the state.

215.2. Any prolongation of the state of natural disaster may be declared with the concurrence of the Sejm.

**Article 216.1.** The law defining the scope of the abridgments of the rights and liberties of man and citizen during a state of war or martial law may not suspend or abridge the Constitutional guarantees of the dignity of man (Article 24), citizenship (Article 28, Paragraphs 1 and 3), protection of life (Article 31), humanitarian treatment (Article 32), criminal responsibility (Article 36), the right to due process of law (Article 37), personal and privacy rights (Article 39, Paragraph 1), freedom of conscience and religion (Article 42), the right of petition (Article 52), and the rights of the family and the child (Articles 58 and 59).

216.2. The suspension or abridgment of the rights and liberties of man and citizen solely by reason of race, gender, language, creed or its absence, social origin, birth, or property is inadmissible.

216.3. Laws defining the scope of the abridgments of the rights and liberties of man and citizen during a state of natural disaster may suspend or abridge the Constitutional guarantees of: personal freedom (Article

35), freedom of movement and sojourn on the territory of the Republic of Poland (Article 41, Paragraph 1), the right to strike (Article 48, Paragraph 4), freedom of employment (Article 53, Paragraph 2), the right to safe and hygienic working conditions (Article 54, Paragraph 1), the right to a vacation (Article 54, Paragraph 2), and the right of ownership (Article 15, Paragraph 1) and economic freedom (Article 16, Paragraph 1).

216.4. Laws may define the guidelines, scope, and procedure for the compensation of property losses due to the suspension or abridgment of the rights and liberties of man and citizen for the duration of a state of emergency.

**Article 217.** In the event that during a state of war the Sejm is unable to assemble, the president shall, to the extent and within the bounds defined in Article 211, Paragraphs 3 and 4, on the recommendation of the Council of Ministers, issue executive orders having the power of laws. These executive orders are subject to confirmation by the Sejm at its next session.

#### **Chapter XII. Amending the Constitution**

**Article 218.1.** A draft law on amending the Constitution may be proposed by at least one-fifth of the statutory number of deputies, by the Senate, or by the president.

218.2. The first reading of the draft law on amending the Constitution may be held not earlier than on the 30th day after the draft law is presented to the Sejm.

218.3. The draft law on amending the Constitution is passed by the Sejm by a majority of at least two-thirds of the votes in the presence of at least one-half of the total number of deputies, and by the Senate at least by an absolute majority of votes in the presence of at least one-half of the total number of senators.

218.4. A draft law on amending the provisions of Chapters I, II, or XII of the Constitution may be passed by the Sejm not earlier than on the 60th day after the first reading of that draft law.

218.5. In the event that a draft law on amending the Constitution concerns amending Chapters I, II, or XII, the Sejm, the Senate, or the president may demand holding a referendum thereon within 45 days from

the day said draft law is passed by the Sejm and the Senate. A corresponding motion is offered in the Sejm, which thereupon orders holding the referendum within 60 days afterward. An amendment to the Constitution is approved if it is supported by a majority of the voters in the referendum.

#### **Chapter XIII. Final Provisions**

**Article 219.** The following are hereby declared null and void:

1) Constitutional Law of 17 October 1992 on Relations Between the Legislative and Executive Powers of the Republic of Poland and on Local Government (DZ.U., No. 84, Item 426, 1992; and No. 38, Item 184 and No. 150, Item 729, 1995).

2) The heretofore still binding provisions of the Constitution of the Republic of Poland of 22 July 1952 (DZ.U., No. 7, Item 36, 1976; No. 22, Item 81, 1980; No. 11, Item 83, 1982; No. 39, Item 175, 1983; No. 14, Item 82, 1987; No. 19, Item 129, 1988; No. 19, Item 101, 1989, and No. 75, Item 444, 1989; No. 16, Item 94, 1990; No. 29, Item 171, 1990; and No. 67, Item 397, 1990; No. 41, Item 176, and No. 119, Item 514, 1991; No. 75, Item 367, and No. 84, Item 426, 1992; and No. 7, Item 33, 1993).

3) The Constitutional Law of 23 April 1993 on the Procedure for the Drafting and Passage of the Constitution of the Republic of Poland (DZ.U., No. 67, Item 336, 1992; No. 61, Item 251, 1994).

**Article 220.** The Constitution of the Republic of Poland takes effect six months from the day of its publication.

**Article 221.1.** Within three months from the day the Constitution of the Republic of Poland is voted by the National Assembly a constitutional law containing provisions introducing the Constitution of the Republic of Poland will be passed. That law takes effect together with the present Constitution.

221.2. The constitutional law referred to in Paragraph 1 is voted on applying the Article 106 provisions [as published] referred to in Article 219, Point 2).





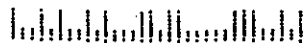


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