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[FBIS Translated Text] [Preamble] WHEREAS in our concern for the existence and future of our Fatherland, on having regained in 1989 the possibility of making sovereign and democratic decisions on its fate, we, Polish citizens, both those of us who believe in God as the source of truth, justice, good, and beauty, and those of us who do not share this belief and derive our values from other sources, being equal in our rights and duties regarding the common good of Poland, and feeling gratitude to our ancestors for their toil, for their struggle for independence, for the culture which they built, are obligated to transmit to future generations everything that is best in our accomplishments for more than a millennium, and WHEREAS we are aware of the need to cooperate with all countries for the good of the Human Family, and desire to safeguard civil rights forever and assure the integrity and efficiency of the activities of public institutions, NOW THEREFORE, We hereby establish the Constitution of the Republic as the supreme law of the land and one based on respect for freedom and justice, cooperation of the authorities, and the principle of helpfulness in strengthening the rights of citizens and their communities. THEREFORE ALSO We appeal to all who exercise these rights to do so with special care for preserving the dignity of man, his right to freedom, and for the obligation of solidarity with others. Chapter I. The Republic Article 1 The Republic of Poland is the common good of all citizens. Article 2 The Republic of Poland is a democratic, law-ruled country implementing the principles of social justice. Article 3 The Republic of Poland is one and indivisible as a State. Article 4 4.1. Supreme power in the Republic of Poland is held by the Nation. 4.2. The Nation exercises power through its democratically elected representatives or directly. Article 5 The Republic of Poland guards the independence and inviolability of its territory, guarantees civil liberties and the rights of man, protects public security, guards national heritage, and assures environmental protection on the principle of balanced development. Article 6 6.1. The Republic of Poland provides the conditions for the dissemination of and equal access to cultural treasures, which are a source of national identity and the survival and development of the Nation. 6.2. The Republic of Poland provides assistance to Poles living abroad in preserving their ties to national cultural heritage. Article 7 The agencies of public administration operate pursuant to and within the bounds of law. Article 8 8.1. The Constitution is the supreme law of the Republic of Poland. 8.2. The provisions of the Constitution are applied directly, unless the Constitution specifies otherwise. Article 9 9.1. The Republic of Poland adheres to the international law binding thereon. 9.2. 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 10 10.1. The political system of the Republic of Poland is based on the division into and balancing of legislative, executive, and judicial powers. 10.2. Legislative power is exercised by the Sejm and the Senate; executive power by the President of the Republic of Poland and the Council of Ministers; and judicial power by the courts and tribunals. Article 11 11.1. 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. 11.2. The financing of political parties is public. Article 12 The Republic of Poland guarantees the freedom of formation and activity of trade unions, civic movements, foundations, and other voluntary legally

operating associations whose purpose it is to promote the interests and express the opinions of citizens. Article 13 The existence of political parties and other organizations whose programs are sympathetic to the totalitarian methods and operating procedures of Nazism, Fascism, and Communism, is prohibited. Also prohibited is the existence of parties and organizations whose programs or activities presuppose or tolerate racial and national hatred and resorting to force with the object of gaining power or influencing state policy, or provide for secrecy of their structures or membership. Article 14 The Republic of Poland safeguards freedom of the press and other mass media. Article 15 15.1. The territorial administrative system of the Republic of Poland assures the decentralization of public power. 15.2. The basic administrative division of the state, such as to allow for the social and economic bonds enabling units of that division to discharge their public duties, is defined by law. Article 16 16.1. The population of a unit of administrative division of the country constitutes a self-governing community by virtue of law. 16.2. Local governments participate in the exercise of public power. They discharge on their own behalf and responsibility the substantial duties legally appertaining to them. Article 17 17.1. The law may define self-governing occupational and professional associations representing persons engaging in occupations and professions subject to public trust and attending to their proper exercise within the limits of public interest and in order to protect it. 17.2. 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 18 The family, marriage, and maternity are under the care and protection of the Republic of Poland. Article 19 19.1. The Republic of Poland protects the right of ownership and the right of inheritance. 19.2. Expropriation is admissible only for public purposes and upon equitable compensation. Article 20 20.1. The Republic of Poland guarantees the freedom of economic activity. 20.2. Limitations on the freedom of economic activity are admissible only by law and only if due to an important public interest. Article 21 The basis of the agricultural system is the family farm. This principle does not infringe on the provisions of Articles 19 and 20. Article 22 Labor is protected by the Republic of Poland. The state supervises the conditions in which it is performed. Article 23 23.1. Churches and denominational unions receive equal treatment. 23.2. 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. 23.3. 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. 23.4. The relations between the State and the Roman Catholic Church are defined by the international agreement concluded with the Apostolic See, and by law. 23.5. The relations between the State on other churches and denominational unions are defined by the laws passed pursuant to agreements concluded between the Council of Ministers and their authorized representatives. Article 24 24.1. 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. 24.2. The Armed Forces adhere to neutrality on political affairs and are subject to civilian and democratic control. Article 25 In the Republic of Poland the official language is Polish. This provision does not infringe upon the rights of the national minorities ensuing from ratified international agreements. Article 26 26.1. The emblem of the Republic of Poland is the image of a crowned white eagle on red gules. 26.2. The colors of the Republic of Poland are the colors white and red. 26.3. The hymn of the Republic of Poland is "Mazurek Dabrowskiego." 26.4. The emblem, colors, and hymn of the Republic of Poland are subject to legal protection. 26.5. Details concerning the emblem, colors, and hymn are defined by law. Article 27 The capital of the Republic of Poland is Warsaw. Chapter II. Rights, Liberties, and Obligations of Man and Citizen General Principles Article 28 The innate and inalienable dignity of man is the source of the rights and liberties of man and citizen. It is inviolable, and respecting and protecting it are an obligation of the public authorities. Article 29 29.1. The freedom of man is subject to legal protection. 29.2. Everyone is obligated to respect the rights and liberties of others. No one may be compelled to do what is not prohibited by law. 29.3. Restrictions on the exercise of constitutional rights and liberties may be established only by law, when such restrictions 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 30 30.1. Every person is equal before the law and has the right to equal treatment by the agencies of public administration. 30.2. No person may be discriminated against in political, social, or economic life for any reason whatsoever. Article 31 31.1. Women and men in the Republic of Poland have equal rights in political, economic, social, and cultural life. 31.2. Women and men are, in particular, guaranteed equal rights to education, employment, and advancement, as well as to the same remuneration for labor of the same value, to social security, and to holding positions and public distinctions and decorations. Article 32 32.1. Polish citizenship is acquired upon birth to parents who are Polish citizens. Other cases of acquisition of Polish citizenship are defined by law. 32.2. No person may forfeit Polish citizenship, unless voluntarily renounced. Article 33 33.1. 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, and to develop their own culture. 33.2. National and ethnic minorities have the 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 34 While sojourning abroad, Polish citizens are entitled to protection by the Republic of Poland. Article 35 35.1. Every person who is subject to the jurisdiction of the Polish State is entitled to the rights and liberties guaranteed in the Constitution. 35.2. Exceptions from this principle, as pertaining to foreign nationals, are defined by law. Personal Rights and Liberties Article 36 Every person has the right to the protection of his life. Article 37 No person may be subjected to scientific experiments, including medical ones, without his or her freely expressed consent. Article 38 No person may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. Corporal punishment is prohibited. Article 39 War crimes and crimes against humanity are not subject to the statute of limitation. Article 40 The statute of limitations with regard to crimes that are not prosecuted for political reasons, committed by or on the recommendation of public servants, is subject to suspension until such time as these reasons no longer apply. Article 41 40.1. Every person is guaranteed personal liberty and personal security. Deprivation or restriction of liberty may take place only in accordance with the principles and procedures defined by law. 40.2. 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. 40.3. 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. 40.4. Every person who is deprived of liberty should be treated in a humanitarian manner. 40.5. Every person who is illegally deprived of liberty has the right to compensation. Article 42 42.1. Only those perpetrating a deed prohibited under threat of penalty by the laws binding at the time of the perpetration 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. 42.2. 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, in particular, choose his defender or avail himself of a court-appointed defender. 42.3. Every person is considered to be innocent until his guilt is established by a valid court verdict. Article 43 43.1. 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. 43.2. 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. 43.3. Each party to the trial has the right to appeal the verdict of a court of the first instance. Article 44 Forfeiture of property may occur solely in cases specified by law, pursuant to a valid court ruling. Article 45 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. Article 46 46.1. Parents have the right to raise their children in accordance with their beliefs. This right should be exercised with allowance for the degree of maturity of the child and for the freedom of his or her conscience, religious belief, and convictions. 46.2. Curtailment, suspension, or deprivation of parental authority may be imposed only in legally defined instances, and only pursuant to a judicial ruling. Article 47 Freedom and secrecy of communications are inviolable. They may be abridged in the cases and on the terms defined by law. Article 48 A person's home is inviolable. Searches of homes, premises, or vehicles may take place solely in the cases and by the procedure defined by law. Article 49 49.1. No one may be obligated to disclose personal information except by virtue of law. 49.2. Public authorities may not procure, collect, and make public information on citizens, other than that absolutely needed in a democratic law-ruled state. 49.3. Every person has the right of access to official documents and records concerning himself. Restrictions on this right may be defined by law. 49.4. Every person has the right to demand the rectification or removal of the information that is inaccurate, incomplete, or collected in a manner contrary to the law. 49.5. The principles and procedure for collecting and disclosing information are defined by law. Article 50 50.1. 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. 50.2. Every person can freely depart the territory of the Republic of Poland. 50.3. The freedoms referred to in Paragraphs 1 and 2 may be subject to abridgments defined by law. 50.4. A Polish citizen may not be expelled from this country or banned from returning thereto. 50.5. A person sojourning abroad whose Polish origin has been verified pursuant to law, may settle permanently in Poland. Article 51 51.1. Every person has the right to freedom of conscience and religion. 51.2. 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 by practicing and teaching. Freedom of religion also extends to ownership of churches and other places of worship depending on the needs of the believers and the right of individuals to avail themselves of religious succor wherever they are. 51.3. Parents have the right to provide their children with moral and religious education and teachings according to their beliefs. The provisions of Article 46, Paragraph 1, apply correspondingly. 51.4. 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 freedom of

religion and conscience of others. 51.5. The freedom of publicly professing one's religion may be abridged solely by law, and only when this is necessary to national security, public order, or the health, morality, or freedom of others. 51.6. No person may be coerced to participate or not to participate in religious practices. 51.7. No person may be obligated by public authorities to disclose his personal or religious beliefs or creed. Article 52 52.1. Every person is entitled to the freedom of expressing his views and obtaining and disseminating information. 52.2. Preventive censorship of the mass media and licensing of the press is prohibited. The law may introduce the duty of applying for licenses to operate radio and television stations. Article 53 53.1. The extradition of Polish citizens is prohibited. 53.2. The extradition of a person suspected of committing a political crime without resorting to force is prohibited. 53.3. Extradition is ruled upon by a court of law. Article 54 54.1. Foreign nationals may avail themselves of the right of asylum in the Republic of Poland on principles defined by law. 54.2. A foreigner who seeks protection in the Republic of Poland against persecution may be granted the status of a refugee pursuant to the international agreements binding upon the Republic of Poland. Political Rights and Liberties Article 55 Every person is guaranteed the freedom to organize and participate in peaceful assemblies. Restrictions on this freedom may be defined by law. Article 56 56.1. Every person is entitled to the freedom of association. 56.2. Associations whose purpose or activities conflict with the Constitution or law are prohibited. Refusal to register an association or a ban against its activities is ruled upon by a court of law. 56.3. The law defines the kinds of associations subject to registration in a court of law, the procedure for that registration, and the forms of oversight of these associations. Article 57 57.1. Freedom of association in trade unions and in employer organizations is guaranteed. 57.2. Trade unions and employers and their organizations have the right to negotiate, in particular with the object of resolving collective bargaining disputes, and to conclude collective labor agreements and other agreements. 57.3. Trade unions have the right to organize employee strikes and other forms of protest within the bounds defined by law. In consideration of public welfare, the law may restrict the conduct of a strike or prohibit it with regard to specified categories of employees or in specified fields. 57.4. The scope of the freedom to associate in trade unions and employer organizations, and of other trade union freedoms, may be subject only to such legal abridgments as are permitted by the international agreements binding upon the Republic of Poland. Article 58 A Polish citizen with full civil rights has the right of access to public service on the principle of equality. Article 59 59.1. 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. 59.2. The right to obtain information comprises access to documents and admission to the meetings of the governmental bodies elected by universal suffrage, with the possibility of recording sounds or images. 59.3. 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. 59.4. The procedure for obtaining the information referred to in Paragraphs 1 and 2 is defined by law, and with respect to the Sejm and Senate, by their house rules. Article 60 60.1. Polish citizens who attain the age of 18 by election day have the right to participate in referendums and to elect the President of the Republic of Poland and their representatives to the Sejm, the Senate, and local governments. 60.2. The right to participate in referendums and 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 61 Every person can submit petitions, proposals, and complaints in public interest, on his own behalf, or on the behalf of another person with the latter's consent, 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 defined by law. Economic, Social, and Cultural Rights and Liberties Article 62 62.1. Every person has the right to ownership, other property rights, and the right of inheritance. 62.2. Ownership, other property rights, and the right of inheritance are subject to legal protection that is equal for all. 62.3. Ownership may be restricted only by law and only to the extent to which it does not infringe upon the essence of the right of ownership. Article 63 63.1. Every person has the right to choose and exercise his trade or profession and to choose his place of work. Exceptions are defined by law. 63.2. The obligation to work may be imposed only by law. 63.3. Regular employment of children below the age of 16 is prohibited. 63.4. The minimum remuneration of labor and the procedure for determining it are defined by law. 63.5. Public authorities pursue a policy intended to promote full, productive employment by implementing programs for reducing unemployment, inclusive of the organization and sponsorship of vocational counseling and schooling as well as of public works and temporary jobs. Article 64 64.1. Every person has the right to safe and hygienic working conditions. The exercise of this right and the obligations of the employer are defined by law. 64.2. 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 65 65.1. 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 defined by law. 65.2. Citizens who remain unemployed against their will and who lack other sources of support have the right to

social protection, whose scope and forms are defined by law.

Article 66 66.1. Citizens have the right of access to basic health care financed with public funds, regardless of their material situation. The terms on which that care is provided are defined by law. 66.2. Public authorities are obligated to provide health care for children, pregnant women, incapacitated persons, and the elderly. 66.3. Public authorities are obligated to combat epidemic diseases and prevent the adverse consequences of environmental pollution to health. 66.4. Public authorities provide citizens with the conditions for practicing physical culture and sports. Article 67 67.1. Every person has the right to education.

Education until the age of 16 is obligatory. The procedure for performing this obligation is prescribed by law. 67.2. Instruction in all public schools is free of charge. The law may allow the payment of partial tuition for attending public institutions of higher education. 67.3. Parents have the right to choose schools other than public schools for their children. Citizens and institutions have the right to establish elementary, supraelementary, and higher schools, as well as boarding schools. The requirements for the establishment and operation of nonpublic schools and for the participation of public authorities in their financing, as well as the principles of pedagogical oversight of schools, are defined by law. 67.4. Public authorities assure equal access to education for citizens. To this end they establish and support systems for individual and financial and organizational assistance to pupils and students, on terms defined by law. 67.5. The autonomy of institutions of higher education is safeguarded on principles defined by law. Article 68 68.1. In its social and economic policies the State takes into consideration the interests of the family.

Families in a difficult material situation, and especially large families, have the right to special assistance from public authorities. 68.2. Before and after the child's birth, the mother has the right to special assistance from public authorities, with its extent defined by law. Article 69 69.1. The Republic of Poland 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. 69.2. A child who is deprived of parental care has the right to care by and assistance from public authorities. 69.3. 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 70 Every person is guaranteed the freedom of artistic creativity and scientific research, the freedom to make public their results, the freedom of instruction, and also the freedom of benefiting from cultural treasures. Article 71 71.1. Public authorities pursue a policy of safeguarding the ecological security of the present and future generations. 71.2. Environmental protection is an obligation of public authorities. 71.3. Every person has the right to information on the condition and protection of the environment. 71.4. Public authorities support the activities of citizens to promote and improve environmental health. Article 72 72.1. Public authorities pursue a policy promoting the satisfaction of the housing needs of citizens. In particular, they counteract homelessness, sponsor the construction of low-income housing, and support the efforts of citizens to obtain their own housing. 72.2. The protection of tenant rights is defined by law. Article 73 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 defined by law. Means of Protecting Rights and Liberties Article 74 74.1 Every person has the right to compensation for the damage or damages caused by unlawful activities of the agencies of public administration. 74.2. The law may not bar anyone from resorting to judicial redress for violations of rights and liberties. Article 75 75.1. Every person whose constitutional rights or liberties are violated has the right, on principles defined by law, to lodge a complaint with the Constitutional Tribunal so that it may determine consonance between the

Constitution and the law or other normative act 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 defined in the Constitution. 75.2. The provisions of Paragraph 1 do not apply to the right specified in Article 54. Article 76 Every person has the right to apply, on the principles defined by law, to the Citizens' Rights Spokesman with a request for assistance to protect his rights or liberties violated by the agencies of public administration. Article 77 The rights referred to in Article 63, Paragraphs 4 and

5, Article 64, Article 68, Articles 71-73, and Article 213, Paragraph 3, may be claimed within the bounds defined by law. Obligations Article 78 Faithfulness and loyalty to the Fatherland and concern for public welfare are the obligation of Polish citizens. Article 79 Every person is obligated to bear the burdens and provide the public services, including the payment of taxes, defined by law. Article 80 80.1. It is the obligation of Polish citizens to defend their Fatherland. 80.2. The scope of the obligation of military service is defined by law. 80.3. Citizens whose religious principles or professed moral principles prevent them from performing military service may be obligated to perform alternative service on principles defined by law. Article 81 Every person is obligated to care for the condition of the environment and held accountable if personally causing its deterioration. The principles of such accountability are defined by law. Chapter III. Sources of Law Article 82 82.1. The sources of the commonly binding law of the

Republic of Poland are: the Constitution, laws, ratified international agreements, and executive orders. 82.2. Locally, the sources of the commonly binding law of the Republic of Poland are the local laws applying within the administrative boundaries of the bodies establishing them. Article 83 83.1. For national and local laws and executive orders to take effect, they must first be made public by the legally prescribed procedure. 83.2. The

principles and procedure for the publication of normative acts are defined by law. 83.3. International agreements ratified pursuant to the law are made public by the legally prescribed procedure. The rules for making public other international agreements are defined by law. Article 84 84.1. 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) Peace, alliances, political or military alignments. 3) Civil rights, liberties, or civil obligations defined in the Constitution. 4) Membership of the Republic of Poland in international organizations. 5) Substantial financial obligations of the State. 6) Legally regulated matters or matters for which the Constitution requires legal regulation. 84.2. The Chairman of the Council of Ministers notifies the Sejm of the intent to submit to the President of the

Republic for ratification international agreements whose ratification does not require legally defined consent. 84.3. The principles and procedure for the conclusion and renunciation of international agreements are defined by law.

Article 85 85.1. A law consenting to the ratification of an international agreement pursuant to which the Republic of Poland is to transfer the exercise of specified 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 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 at least one-half of the statutory number of senators. 85.2. Consent to the ratification of said agreement may be given through a national referendum pursuant to the provisions of Article 122. 85.3. Decisions on choosing the procedure for expressing consent to ratification are taken by the Sejm by an absolute majority of votes in the presence of at least one-half of the statutory number of deputies. Article 86 86.1. Ratified international agreements constitute, following their publication in DZIENNIK USTAW

RZECZYPOSPOLITEJ POLSKIEJ, part of the domestic legal order and are directly applicable, unless their application is contingent on issuing new legislation. 86.2. An international agreement ratified on the basis of a law consenting thereto supersedes domestic laws whose provisions conflict therewith, unless those laws can be reconciled with the agreement. 86.3. When so ensuing from the founding charter of an international organization that has been ratified by the

Republic of Poland, the laws it issues are applied directly and have precedence in the event of conflict with the norms of domestic laws. Article 87 87.1. Executive orders 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 executive orders and the scope of its competences as well as the textual guidelines. 87.2. The agency authorized to issue executive orders may not delegate its powers, as referred to in Paragraph 1, to another agency. Article 88 88.1. 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 and are binding only upon the organizational units subordinated to the agency issuing these acts. 88.2. Executive orders are issued only pursuant to the law. They may not be grounds for decisions concerning citizens, legal entities, and other entities. 88.3. Resolutions and executive orders are subject to monitoring their consonance with commonly binding laws. Article 89 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 defined by law. Chapter IV. The Sejm and the Senate Article 90 90.1.

Legislative power in the Republic of Poland is exercised by the Sejm and the Senate. 90.2. The Sejm exercises control over the activities of the Council of Ministers to the extent defined by the provisions of the Constitution and the laws. Elections and Terms of Office Article 91 91. 1. The Sejm consists of 460 deputies. 91.2. Elections to the Sejm are general, direct, equal, and proportional, with the votes cast by secret ballot. Article 92 92.1. The Senate consists of 100 senators. 92.2. Elections to the Senate are general and direct, with the votes cast by secret ballot. Article 93 93.1. The Sejm and the Senate are elected for a term of four years. The terms of the newly elected Sejm and Senate commence 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. 93.2. Elections to the Sejm and the Senate are ordered by the President of the Republic 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 the election day on a nonworkday 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. 93.3. 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 5 apply correspondingly. 93.4. The President of the Republic 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. 93.5. When ordering the shortening of term of office of the Sejm, the President of the Republic 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 following the official announcement of the President's order to shorten the term of office of the Sejm. The

President of the Republic convenes the first session of the newly elected Sejm not later than on the 15th day after the elections to the Sejm are held. 93.6. In the event the term of the Sejm is shortened and consequently new elections are ordered, the provisions of Paragraph 1 apply correspondingly. Article 94 94.1. To be eligible for election to the Sejm a candidate has to be a Polish citizen and attain 21 years of age by election day.. 94.2. To be eligible for election to the Senate a candidate has to be a Polish citizen and attain 30 years of age by election day. Article 95 95.1. Candidates for deputies and senators may be nominated by political parties and voters. 95.2. No one may be simultaneously a candidate for the Sejm and the Senate. 95.3. The principles and procedure for nominating candidates and conducting elections and the requirements for validity of elections are defined by law. Article 96 96.1. The validity of elections to the Sejm and the Senate is verified by the Supreme Court. 96.2. Voters have the right to contest before the Supreme Court the validity of elections according to principles defined by law. Article 97 No one may be simultaneously a deputy and a senator. Article 98 98.1. 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 Audits, the Citizens' Rights Spokesman, a voivode, a deputy voivode, a member of the Council on Monetary Policy, a member of the National Radio and Television Council, or an ambassador. 98.2. 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. 98.3. The law may define other instances in which holding the mandate of a Sejm deputy is incompatible with other posts or prohibited. Article 99 99.1. Deputies are representatives of the entire Nation. They are not bound by the instructions of voters. 99.2. 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." 99.3. The oath may be sworn with the additional words, "So help me God." 99.4. Refusal to swear the oath signifies renunciation of the mandate. Article 100 100.1. 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. 100.2. 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. 100.3. 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. 100.4. A deputy may consent to being prosecuted for a crime. In this event the provisions of Paragraphs 2 and 3 do not apply. 100.5. 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 in flagrante delicto while committing a crime, provided that his detention is indispensable to assuring 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. 100.6. Detailed principles for the criminal prosecution of deputies and the related procedures are defined by law. Article 101 The law defines for deputies the requirements for the effective performance of their duties and for the protection of the rights ensuing from the exercise of their mandates. Article 102 102.1. Deputies may not, within the limits established by law, engage in economic activity and derive unjustified advantages from the assets of the State Treasury or local governments, and neither may they acquire such assets. 102.2. 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 103 Articles 98-102 apply correspondingly to senators. Organization and Functioning Article 104 104.1. The Sejm and the Senate deliberate at their sittings. 104.2. The first sitting of the newly elected Sejm and Senate is convened by the President of the Republic on a day within the first 30 days after election day. Article 105 105.1. The Sejm chooses from among its members the Speaker, the deputy speakers, and the secretaries. 105.2. The Speaker of the Sejm chairs the deliberations of the Sejm, guards the rights of the Sejm, and represents the Sejm outside. 105.3. The course of work of the Sejm and its bodies is monitored by the Sejm Presidium. 105.4. The Sejm Presidium consists of the Speaker of the Sejm and vice speakers. Article 106 The Sejm appoints standing committees and may establish special committees. Article 107 107.1. The Sejm may appoint an investigating committee to investigate a particular matter. 107.2. The operating procedure of the investigating committee is defined by law. Article 108 108.1. 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 vis a vis the Sejm are defined by the house rules defined by the Sejm. 108.2. The provisions of the Sejm's house rules may not infringe upon the powers of other government organs as defined in the Constitution and the laws. Article 109 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 110 110.1. In cases defined by the Constitution the Sejm and the Senate, convening jointly under the chairmanship of the Speaker of the Sejm, or, in his absence, of the Speaker of the Senate, act as the National Assembly. 110.2. The National Assembly adopts its own house rules. Article 111 111.1. 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. 111.2. 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 112 112.1. The Sejm decides on behalf of the Republic of Poland on the declaration of war and the conclusion of peace. 112.2. 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 of the Republic decides on the declaration of war. Article 113 113.1. The principles for using the Armed Forces of the Republic of Poland outside the boundaries of the State are defined by law. The principles for the sojourn on or movement of foreign troops across the territory of the Polish Republic are defined by ratified international agreements or by laws. 113.2. The stationing and utilization of the Armed Forces of the Republic of Poland outside the boundaries of the State, or any prolonged 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. 113.3. In urgent situations in which the Sejm is unable to adopt a resolution, the President of the Republic 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 of the Republic expresses consent to the sojourn of foreign troops on the territory of the Republic of Poland or to their movement across said territory. Article 114 114.1. Legislative initiative belongs to the deputies, the Senate, the President, and the Council of Ministers. 114.2. Legislative initiative also belongs to groups of at least 100,000 citizens having the right to vote for the Sejm. The operating procedure in this case is defined by law. 114.3. When presenting draft laws to the Sejm, deputies also present the financial consequences of their passage. Article 115 115.1. The Sejm considers a draft law in the course of its three successive readings. 115.2. The right to propose amendments to draft laws during their consideration by the Sejm belongs to the presenter, the deputies, and the Council of Ministers. 115.3. The Speaker of the Sejm may refuse to present for a vote an amendment which has not previously been submitted to a committee. 115.4. The presenter may withdraw the draft law during its legislative proceedings in the Sejm before its second reading is completed. Article 116 The Sejm passes laws by an ordinary 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 resolutions unless the provisions of laws or of Sejm resolutions specify otherwise. Article 117 117.1. Once a law is passed by the Sejm, it is transmitted by the Speaker of the Sejm to the Senate. 117.2. 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. If the Senate does not adopt a resolution concerning said law within 30 days from its transmittal, the law is considered as accepted and as having the language adopted by the Sejm. 117.3. 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 statutory number of deputies. Article 118 118.1. Once a law is adopted by the procedure defined in Article 117, the Speaker of the Sejm presents the law to the President of the Republic for signing. 118.2. The President of the Republic 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]. 118.3. Before signing the law the President of the Republic 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 law and suspends the period of time envisaged for its signing. The President of the Republic may not veto a law which the Constitutional Tribunal rules consonant with the Constitution. 118.4. The President of the Republic vetoes a law which 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, the President, upon consulting the Speaker of the Sejm, signs the law upon omitting the provisions ruled to be inconsonant with the Constitution or returns the law to the Sejm for elimination of the attendant inconsistencies. 118.5. If the President of the Republic does not turn to the Constitutional Tribunal by the procedure specified in

Paragraph 3, 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 a majority of two-thirds of the votes, in the presence of at least one-half of the statutory number of deputies, the President of the Republic 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 of the Republic is not empowered to turn to the Constitutional Tribunal by the procedure specified in

Paragraph 3. Article 119 119.1. The Council of Ministers may request the Sejm to consider a draft law as urgent. 119.2. The house rules of the Sejm and the Senate define the differences in their legislative treatment of urgent draft laws. 119.3. 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. Article 120 The Senate supports the activities of the agencies of public administration and public organizations intended to preserve the bonds between the Poles who live abroad and the national cultural heritage. Article 121 Articles 105-106, 108-109, and 116 apply correspondingly to the Senate. Referendums Article 122 122.1. Matters of special importance to the State may be subjected to a national referendum. 122.2. The Sejm has the right to order a national referendum by an absolute majority of votes in the presence of at least one-half of the statutory number of deputies.

Otherwise, the President of the Republic may order it with the consent of the Senate as expressed by an absolute majority of votes in the presence of at least one-half of the statutory number of senators. 122.3. If more than one-half of the eligible voters take part in a national referendum, the results of the referendum are binding. 122.4. The validity of the national referendum and of the referendum referred to in Article 231, Paragraph 6, is verified by the Supreme Court. 122.5. The principles and procedure for conducting the referendum are defined by law. Chapter V. The President of the Republic of Poland Article 123 123.1. The President of the Republic is the supreme representative of the Republic of Poland and the guarantor of the continuity of governance. 123.2. The President of the Republic 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. 123.3. The President of the Republic discharges his duties to the extent and on the principles defined in the

Constitution and laws. Article 124 124.1. The President of the Republic is elected by the Nation in general, equal, and direct elections, and by secret ballot. 124.2. The President of the Republic is elected for a term of five years and may be reelected only once. 124.3. Any Polish citizen who has attained the age of 35 and is fully eligible to vote for the Sejm may be elected

President. A candidate has to be nominated by at least 100,000 voters who are eligible to vote for Sejm deputies. 124.4. The candidate elected is one who has received more than one-half of the valid ballots cast. If no candidate gains the required majority of votes, runoff elections are held 14 days following the initial elections. 124.5. 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, forfeits his eligibility to vote, or dies, 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. 124.6. In the runoff elections the President-elect is the candidate who receives the most votes. 124.7. The principles and procedure for nominating candidates and conducting elections as well as the requirements for the validity of election of the President of the Republic are defined by law. Article

125 125.1. The term of office of the President of the Republic begins on the day he takes office. 125.2. 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 of the Republic is vacated, not later than 14 days after it is vacated, on designating election day on a nonworkday within not more than 60 days after the day the elections are ordered. Article 126 126.1. The validity of election of the President of the Republic is established by the Supreme Court. 126.2. Voters have the right to lodge with the Supreme Court a protest against the validity of election of the

President of the Republic, following the principles defined by law. 126.3. In the event the election of the President of the Republic is found to be invalid, new elections are held on the principles defined in Article 125, Paragraph 2, that apply to a vacant presidency. Article 127 The President of the Republic 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 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 128 128.1. In the event that the President of the Republic is temporarily unable to exercise his office, he notifies accordingly the Speaker of the Sejm, upon whom thereupon the duties of the President of the Republic temporarily devolve.

If the President of the Republic 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.

128.2. The Speaker of the Sejm temporarily exercises, until the election of a new President, the duties of the President of the Republic in the event of: 1) Demise of the President of the Republic. 2) Resignation of the President of the Republic from office. 3) Invalidation of election of the President of the Republic or other reasons for failure to take office after the election. 4) Acknowledgment by the National Assembly of permanent inability of the President of the Republic to exercise his office owing to 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. 5) Deposal of the President of the Republic from office by a ruling of the Tribunal of State.

128.3. If the Speaker of the Sejm is unable to exercise the duties of the President of the Republic, these duties shall be exercised by the Speaker of the Senate. 128.4. The person temporarily exercising the duties of the President of the Republic may not decide to shorten the term of the Sejm. Article 129 The President of the Republic may discharge no other office or public duties, except those associated with his office. Article 130 130.1. The President of the Republic, as the representative of the State in foreign relations: 1) Ratifies and renounces international agreements, whereof he notifies the Sejm and the Senate. 2) Appoints and recalls authorized representatives of the Republic of Poland in other countries and in international organizations. 3) Accepts letters of accreditation and recall of the diplomatic representatives of other countries and international organizations accredited to him. 130.2. Before ratifying an international agreement the President of the Republic may request the Constitutional Tribunal to verify its consonance with the Constitution. 130.3. The President of the Republic exercises his powers as regards foreign policy in cooperation with the Chairman of the Council of Ministers and the proper ministers. Article 131 131.1. The President of the Republic is the Commander in Chief of the Armed Forces of the Republic of Poland. 131.2. In peacetime the President of the Republic commands the Armed Forces through the mediation of the Minister of National Defense. 131.3. The President of the Republic appoints and recalls the Chief of the General Staff on the recommendation of the Chairman of the Council of Ministers. 131.4. In time of war the President of the Republic appoints the Supreme Commander of the Armed Forces on the recommendation of the Chairman of the Council of Ministers. By the same procedure he may recall the Supreme Commander of the Armed Forces. 131.5. The President of the Republic bestows legally prescribed military ranks on the recommendation of the Minister of National Defense. 131.6. Detailed powers of the President of the Republic in his capacity as the Commander in Chief of the Armed Forces are defined by law. Article 132 The advisory body of the President of the Republic on domestic and foreign security is the National Security Council. Article 133 In the event of a direct foreign threat to the State, the President of the Republic, 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 134 The President of the Republic grants Polish citizenship and expresses consent to the renunciation thereof. Article 135 The President of the Republic bestows orders and decorations. Article 136 The President of the Republic exercises the right of pardon. The right of pardon does not apply to persons sentenced by the Tribunal of State. Article 137 The President of the Republic may present a message to the Sejm or the Senate or to the National Assembly. The message is not subject to a debate. Article 138 138.1. In cases of special importance the President of the Republic may convene the Cabinet Council. The Cabinet Council is formed by the Council of Ministers deliberating under the chairmanship of the President. 138.2. The Cabinet Council lacks the powers of the Council of Ministers. Article 139 139.1. The President of the Republic issues executive orders on principles defined in Articles 87 and 88. 139.2. The President of the Republic takes decisions concerning the implementation of other powers vested in his office. Article 140 The Chancellery of the President of the Republic exists to serve the President of the Republic. The President of the Republic confers a statute on the Chancellery and appoints and recalls its chief. Article 141 141.1. Exercising his constitutional and legal powers, the President of the Republic issues official acts. 141.2. The official acts of the President of the Republic need to be validated by the signature of the Chairman of the Council of Ministers, who is accountable to the Sejm for signing them. 141.3. Paragraph 2 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 defined in Article 93, Paragraph 4. 4) Legislative initiative. 5) Ordering a national referendum. 6) Signing or vetoing a law. 7) Ordering the publication of a law in DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ. 8) Delivering a message to the Sejm, the Senate, or the National Assembly. 9) Making a request to the Constitutional Tribunal. 10) Recommending an audit to the Supreme Chamber of

Audits 11) Designating and appointing the Chairman of the Council of Ministers. 12) Accepting the resignation of the Council of Ministers and charging said Council with a temporary continued exercise of its duties. 13) Recalling a minister who receives a vote of no confidence by the Sejm. 14) Convening the Cabinet Council. 15) Bestowing orders and decorations. 16) Making judicial appointments. 17) Exercising the right of pardon. 18) Appointing and recalling members of the National Security Council. 19) Bestowing a statute on the Chancellery of the President, and appointing and recalling the Chief of the Chancellery of the President. 20) Resigning the presidency. Article 142 142.1. The President of the Republic may be held answerable before the Tribunal of State for violating the Constitution or law or for committing a crime. 142.2. Impeachment of the President of the Republic 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. 142.3. On the day the resolution to impeach the President of the Republic before the Tribunal of State is adopted, the discharge of duties by the President of the Republic is subject to suspension. The provisions of Article 128 apply accordingly. Chapter VI. The Council of Ministers and the Government Administration Article 143 143.1. The Council of Ministers pursues the domestic and foreign policies of the Republic of Poland. 143.2. Matters relating to national 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. 143.3. The Council of Ministers directs the governmental administration. 143.4. To the extent and on the principles established by the Constitution and laws, the Council of Ministers, in particular: 1) Assures the implementation of laws. 2) Issues executive orders. 3) Coordinates and monitors the work of the agencies of governmental administration. 4) Protects the interests of the State Treasury. 5) Votes on the draft of the State Budget. 6) 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. 7) Safeguards domestic security and public order. 8) Safeguards the foreign security of the State. 9) Exercises overall leadership in the field of relations with other countries and international organizations. 10) Concludes international agreements requiring ratification and confirms and renounces other international agreements. 11) Exercises overall leadership in the domain of national defense and annually determines the number of citizens subject to drafting for active military service. 12) Determines its own organizational structure and operating procedures. Article 144 144.1. The Council of Ministers consists of the Chairman of the Council of Ministers and the ministers. 144.2. Deputy chairmen of the Council of Ministers may be appointed from among members of the Council of Ministers. 144.3. The Chairman and deputy chairmen of the Council of Ministers may also discharge the duties of ministers. 144.4. Chairmen of legally established committees may also be included in the membership of the Council of Ministers. Article 145 145.1. The Chairman of the Council of Ministers: 1) Represents the Council of Ministers. 2) Directs the work of the Council of Ministers. 3) Issues executive orders. 4) Determines the guidelines for implementing the national policies pursued by the Council of Ministers and assures adherence thereto. 5) Coordinates and supervises the work of members of the Council of Ministers. 6) Exercises, within the bounds and in the ways defined by the Constitution and law, oversight of local governments. Article 146 146.1. Ministers of state are appointed to direct particular branches of the governmental administration or to exercise the duties assigned to them by the Chairman of the Council of Ministers. The scope of activities of a minister directing a particular branch of the governmental administration is defined by law. 146.2. The minister directing a branch of the governmental administration issues executive orders. The Council of Ministers may, on the recommendation of the Chairman of the Council of Ministers, waive said executive orders or regulations. 146.3. The provisions concerning ministers who direct a particular branch of government administration apply correspondingly to the chairmen of committees referred to in Article 144, Paragraph 4, Article 147 Members of the Council of Ministers may not engage in activities whose nature conflicts with their public duties. Article 148 The Chairman of the Council of Ministers, the deputy 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 (deputy chairman of the Council of Ministers, minister), I solemnly swear that I shall remain faithful to the provisions of the Constitution and other laws of the Republic of Poland, and that 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 149 149.1. The voivode is the representative of the Council of Ministers in a voivodship. 149.2. The procedure for the appointment and recall of voivodes and the scope of their activities are defined by law. Article 150 150.1. The President of the Republic designates the Chairman of the Council of Ministers who in his turn proposes members of the Council of Ministers. The President of

the Republic appoints the Chairman of the Council of Ministers together with other members of the Council of Ministers within 14 days from the first sitting of the Sejm or from acceptance of resignation of the previous Government, and swears them into office. 150.2. 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. 150.3. 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 the deadlines specified in Paragraphs 1 and 2, by an absolute majority of votes in the presence of at least one-half of the statutory number of deputies. The President of the Republic appoints the thus chosen Government and swears its members into office. Article 151 151.1. In the event of failure to appoint the Council of Ministers by the procedure specified in Article 150, Paragraph 3, the President of the Republic appoints the Chairman of the Council of Ministers and, on the latter's recommendation, other members of 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 statutory number of deputies. 151.2. In the event that a Council of Ministers is not appointed by the procedure specified in Paragraph 1, the President of the Republic shortens the term of the Sejm and orders early elections. Article 152 152.1. 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. 152.2. 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 153 153.1. Members of the Council of Ministers are jointly and severally answerable to the Sejm. 153.2. Members of the Council of Ministers also are individually answerable to the Sejm for matters belonging within the purview of their competences or entrusted to them by the Chairman of the Council of Ministers. Article 154 154.1. 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, the President of the Republic accepts the resignation of the Council of Ministers and appoints the new Chairman of the Council of Ministers chosen by the Sejm and, on the Chairman's recommendation, the other members of the Council of Ministers and swears them in. 154.2. The motion for 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 proposed. This time limit does not apply if the motion is offered by at least 115 deputies. Article 155 155.1. The Sejm may pass a vote of no confidence in a minister. The motion for that vote may be offered by at least 69 deputies. The provisions of Article 154, Paragraph 2, apply correspondingly. 155.2. The President of the Republic 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 156 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 157 The President, on the motion of the Chairman of the Council of Ministers, changes the membership of the Council of Ministers. Article 158 158.1. The Chairman of the Council of Ministers offers the resignation of the Council of Ministers at the first sitting of the newly elected Sejm. 158.2. The Chairman of the Council of Ministers also offers the resignation of the Council of Ministers in the event of: 1) The Sejm's failure to pass a vote of confidence in the Council of Ministers. 2) The passage of a vote of no confidence in the Council of Ministers by the procedure specified in Article 154. 3) The resignation of the Chairman of the Council of Ministers. 158.3. 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. 158.4. The President of the Republic may, in the case referred to in Paragraph 2, Point 3), refuse to accept the resignation of the Council of Ministers. Chapter VII. Local Governments Article 159 Local governments perform public duties that are not reserved by the Constitution or laws for other agencies of government administration. Article 160 160.1. The basic unit of local government is the gmina [township]. Gminas are divided into rural and urban gminas. 160.2. Other units of regional government or of local and regional government are defined by law. 160.3. The gmina performs all the objectives of local government that are not reserved for other units of local government. Article 161 161.1. Local governments are legal entities. They

have the right of ownership and other property rights. 161.2. The autonomy of local governments is protected by the courts. Article 162 162.1. The public duties serving to meet the needs of the self-governing community in a given administrative unit of the country are performed by units of local government as their own duties. 162.2. 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 and the manner in which they are to be performed. 162.3. Jurisdictional disputes between local governments and the general governmental administration are resolved by administrative courts. Article 163 163.1. Local governments are guaranteed participation in public revenues in accordance with the duties allocated to them. 163.2. The revenues of local governments are their own revenues plus general subsidies and targeted grants from the State Budget. 163.3. The sources of the revenues of local governments are defined by law. 163.4. Changes in the objectives and powers of local governments entail corresponding changes in their share of public revenues. Article 164 Local governments have the right to determine the amount of taxes and local fees they collect, to the extent defined by law. Article 165 165.1. Local governments perform their duties through the mediation of their constituent and executive branches. 165.2. Elections to the constituent branch 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 defined by law. 165.3. The principles and procedure for the elections and recall of local-government executives are defined by law. 165.4. The internal organization of local governments is determined by their constituent bodies, within the bounds of the applicable laws. Article 166 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 defined by law. Article 167 167.1. The legality of the activities of local governments is subject to monitoring. 167.2. The organs monitoring the activities of local governments are the Chairman of the Council of Ministers and the voivodes and, so far as budget matters are concerned, the regional accounting chambers. 167.3. 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 168 168.1. Local governments have the right to associate themselves. The principles and procedure for their mutual association are defined by law. 168.2. Local governments 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 VIII. Courts and Tribunals Article 169 Courts and tribunals are a branch of power separate and independent of the other branches. Article 170 Courts and tribunals pass sentences in the name of the Republic of Poland. Article 171 171.1. The administration of justice in the Republic of Poland is exercised by the Supreme Court, common courts, administrative courts, and military courts. 171.2. Special courts or summary proceedings may be established only in wartime. Article 172 172.1. Judicial proceedings are of at least two- instance kind. 172.2. The organization and competences of the courts and proceedings before the courts are defined by laws. Article 173 Common courts administer justice in all cases except those reserved under law for the jurisdiction of other courts. Article 174 174.1. In exercising their office, judges are independent and subject only to the Constitution and the law. 174.2. Judges are provided with the working conditions and remuneration appropriate to the dignity of their office and the scope of their duties. 174.3. Judges may not belong to any political party or trade union, and neither may they engage in any public activities that cannot be reconciled with the principles of autonomy of the judiciary and independence of judges. Article 175 Judges are appointed by the President of the Republic on the recommendation of the National Judiciary Council, for an indefinite period. Article 176 176.1. Judges are not subject to removal from office. 176.2. The dismissal or suspension of a judge, or his transfer to another site or post 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. 176.3. 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 defined by law. 176.4. The law specifies the age limit at which judges are retired. 176.5. 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 177 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 178 The participation of citizens in the administration of justice is defined by law. Article 179 179.1. The Supreme Court exercises oversight of the activities of common and military courts as regards rulings. 179.2. The Supreme Court also exercises other functions defined in the Constitution and laws. 179.3. The Chief Justice of the Supreme Court is elected to a six-year term by the Sejm by a majority of votes in the presence of at least one-half of the statutory number of deputies, from among candidates nominated by the General Assembly of Justices of the Supreme Court. Article 180 The Superior Administrative Court and other administrative courts exercise judicial oversight of the activities of public administration to the extent established by law. That oversight 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 181 The Chief Justice of

the Superior Administrative Court is elected to a six-year term by the Sejm by a majority of votes, in the presence of at least one-half of the statutory number of deputies, from among candidates nominated by the General Assembly of Justices of the Superior Administrative Court. Article 182 182.1. The National Judiciary Council guards the autonomy of courts and the independence of judges. 182.2. 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 183 183.1. 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 and judges of the common, administrative, and military courts. 3) Four members chosen by the Sejm from among its deputies and two members chosen by the Senate from among senators. 183.2. The National Judiciary Council elects from among its members a chairman and two vice chairmen. 183.3. The term of office of the elected members of the National Judiciary Council is four years. 183.4. The organizational structure, scope of activities, and operating procedure of the National Judiciary Council and the procedure for electing its members are defined by law. The Constitutional Tribunal Article 184 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 consent under 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 complaints referred to in Article 75, Paragraph 1. Article 185 The Constitutional Tribunal resolves jurisdictional disputes between constitutional organs of the State. Article 186 186.1. The rulings of the Constitutional Tribunal have general binding power and are final. 186.2. The rulings of the Constitutional Tribunal on matters referred to in Article 184 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.' 186.3. Rulings of the Constitutional Tribunal take effect on the day of their publication. However, the Constitutional Tribunal may specify a different timetable for voiding a particular normative act. 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. 186.4. 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, waiving the decision, or resolving a matter differently, on the principles and by the procedure envisaged in the regulations governing the proceedings concerned. Article 187 187.1. The following may direct a request to the Constitutional Tribunal concerning the matters referred to in Article 184: 1) The President, the Speaker of the Sejm, the Speaker of the Senate, the Chairman of the Council of Ministers, 50 deputies, 30 senators, 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 Audits, and the Citizens' Rights Spokesman. 2) The National Judiciary Council, to the extent referred to in Article 182, Paragraph 2. 3) Constituent bodies of local-government units. 4) National trade union bodies and national officers of employer organizations and professional organizations. 5) Churches and denominational unions. 6) Entities defined in Article 75, to the extent specified therein. 187.2. The entities referred to in Points 3)-5) may direct such requests to the Constitutional Tribunal if the normative act in question concerns matters within their scope of activities. Article 188 A request on the matters referred to in Article 185 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 Audits. Article 189 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 190 190.1. 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. 190.2. The Chief Justice and Deputy Chief Justice of the Constitutional Tribunal are chosen by the Sejm from among candidates nominated by the General Assembly of

Justices of the Constitutional Tribunal. Article 191 191.1. The Justices of the Constitutional Tribunal are independent in exercising their office and subject to the Constitution alone. 191.2. 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. 191.3. The Justices of the Constitutional Tribunal may not, while holding their posts, belong to any political party or trade union or engage in public activities that cannot be reconciled with the principles of judicial autonomy and independence of judges. Article 192 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 assuring 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 193 The organizational structure of the Constitutional Tribunal and the rules for proceedings before said Tribunal are defined by law. The Tribunal of State Article 194 194.1. For violating the Constitution or laws in connection with the position held and within the scope of their duties of office, the following are held constitutionally accountable before the Tribunal of State: The President; the Chairman of the Council of Ministers and members of the Council of Ministers; the Chairman of the

National Bank of Poland; the Chairman of the Supreme Chamber of Audits; members of the National Radio and Television

Council; persons entrusted by Chairman of the Council of Ministers with heading a ministry or a central office; and the Supreme Commander of the Armed Forces. 194.2. Constitutional responsibility before the

Tribunal of State is also borne by deputies and senators to the extent specified in Article 102. 194.3. The nature of the penalties imposed by the

Tribunal of State is defined by law. Article 195 195.1. 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. 195.2. The Chief Justice of the Supreme Court is the

Chairman of the Tribunal of State. 195.3. 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. Article 196 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 member may not be detained or arrested, unless he is caught in flagrante delicto while committing a crime, if his detention is necessary to assure 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. Article 197 The organizational structure of the Tribunal of State and the proceedings before the Tribunal are defined by law. Chapter IX. Agencies of State Control and Law

Enforcement The Supreme Chamber of Audits Article 198 198.1. The Supreme Chamber of Audits is the supreme agency of state control. 198.2. The Supreme Chamber of Audits is subject to the

Sejm. 198.3. The Supreme Chamber of Audits operates as a collegial body. Article 199 199.1. The Supreme Chamber of Audits monitors the legality, efficiency of management, purposiveness, and integrity of the activities of the agencies of governmental administration, the National Bank of Poland, governmental legal entities, and other governmental organizational units.

199.2. The Supreme Chamber of Audits may monitor the legality of the activities of local-government agencies and municipal legal entities and other municipal organizational units. 199.3. The Supreme Chamber of Audits 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 or funds and settle their financial obligations to the State.

Article 200 200.1. The Supreme Chamber of Audits presents to the

Sejm: 1) Analyses of execution of the State Budget and of the premises of monetary policy. 2) Opinions on accepting the reports of the Council of

Ministers. 3) Information on results of audits, recommendations and comments, as defined by law. 200.2. The Supreme Chamber of Audits presents to the

Sejm an annual report on its activities. Article 201 201.1. The Chairman of the Supreme Chamber of Audits is appointed by the Sejm with the consent of the Senate for a term of six years and may be reappointed only once.

201.2. The Chairman of the Supreme Chamber of Audits may not hold any other post other than that of a professor at an institution of higher education, nor perform any extraneous professional duties. 201.3. The Chairman of the

Supreme Chamber of Audits may not belong to any political party or trade union, and neither may he engage in public activities that cannot be reconciled with the dignity of his office. Article 202 The Chairman of the Supreme

Chamber of Audits 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 or arrested, unless he was caught in flagrante delicti while committing a crime, if his detention is indispensable to assuring 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 203 The organizational structure and operating procedures of the Supreme Chamber of Audits are defined by law. The Citizens' Rights Spokesman Article 204 204.1. The Citizens' Rights Spokesman guards the rights and liberties of man and citizen as defined in the Constitution and other normative acts. 204.2. The scope of activities and operating procedure of the Citizens' Rights Spokesman are defined by law. Article 205 205.1. The Citizens' Rights Spokesman is appointed by the Sejm with the consent of the Senate for a term of five years. 205.2. The Citizens' Rights Spokesman may not hold any other post other than that of a professor at a higher educational institution, nor engage in any extraneous professional activities. 205.3. The Citizens' Rights Spokesman may not belong to any political party or trade union, and neither may he engage in public activities that cannot be reconciled with the dignity of his office. Article 206 The Citizens' Rights Spokesman operates on his own, independently of other government agencies, and is answerable only to the Sejm on principles defined by law. Article 207 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 or arrested, unless he was caught in flagrante delicti while committing a crime, if his detention is indispensable to assuring 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 208 The Citizens' Rights Spokesman annually reports to the Sejm about his activities and about the status of observance of the rights and liberties of man and citizen. The National Radio and Television Council Article 209 209.1. The National Radio and Television Council guards freedom of speech, the right to information, and public interest in radio and television. 209.2. The National Radio and Television Council issues executive orders, and it also adopts resolutions concerning individual cases. Article 210 210.1. The members of the National Radio and Television Council are appointed by the Sejm, the Senate, and the President. 210.2. The Chairman of the National Radio and Television Council is appointed by the Sejm from a list of two candidates from among the members of the Council, nominated by the Council. Article 211 The principles and operating procedure of the National Radio and Television Council, its organizational structure, and detailed guidelines for appointing its members are defined by law. Chapter X. Public Finance Article 212 212.1. Funds for public purposes are obtained and utilized by the legally prescribed procedure. 212.2. The acquisition and sale of, and the imposition of liens, on real estate, stocks, and shares as well as the issuance of securities, by the State Treasury, the National Bank of Poland, or other governmental legal entities, take place on the principles and by the procedure defined by law. The establishment of a monopoly takes place by law. 212.3. Government borrowing and the granting of loan guarantees by the Government take place on the principles and by the procedure defined by law. 212.4. Loans may not be raised, nor loan guarantees granted, if this causes the ratio of public debt to the value of the annual gross national product to exceed three-fifths. The procedure for calculating the annual gross national product is defined by law. Article 213 213.1. 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 defined by law. 213.2. Taxes and public fees should not deprive citizens or other persons and entities of income or assets to the extent making it impossible for them to benefit from said income and assets in accordance with the essence of the right of ownership. Article 214 The organizational structure of the State Treasury and the procedure for managing its assets are defined by law. Article 215 215.1. The Sejm votes on the State budget for the fiscal year in the form of the budget law. 215.2. The principles and procedure for drafting the State budget, its itemization, and other requirements which should be met by the draft of the budget law, and the principles and procedure for executing the State budget, are defined by law. 215.3. In exceptional cases the receipts and spending of the State within a period shorter than a year may be defined by an interim budget law. The provisions governing the draft of the budget law apply correspondingly to the draft of the interim budget law. 215.4. If the budget law or the interim budget law does not take effect on the first day of the fiscal year, the Council of Ministers handles fiscal management on the basis of the proposed draft law. Article 216 216.1. 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. 216.2. The budget law may not provide for offsetting the budget deficit by borrowing on credit from the central bank of the State. Article 217 Legislative initiative on the budget law, on the interim budget law, on amendments to the budget law, on the law on contracting public debt, and on the law on granting financial guarantees by the State belongs solely to the Council of Ministers. Article 218 The Council of Ministers presents to the Sejm the draft budget law not later than three months before the commencement of the new fiscal year. In special cases the presentation of the draft budget law may be delayed. Article 219 The Senate may propose amendments to the budget law within 20 days from the

day of its transmission to the

Senate. Article 220 220.1. The President of the Republic signs within seven days the budget law, or the interim budget law, presented by the Speaker of the Sejm and orders its publication in DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ. The provisions of Article 118, Paragraph 5, do not apply to the budget law and the interim budget law. 220.2. In the event that the President of the Republic 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 221 If within four months from the day the draft budget law is presented to the Sejm, it is not presented to the President of the Republic for signature, the President may order within 14 days afterward shortening the term of office of the Sejm. Article 222 222.1. The Council of Ministers presents to the Sejm a report on the execution of the State budget, together with information on the status of the national debt, within five months after the end of the fiscal year. 222.2. The Sejm examines the report of the Council of Ministers and, upon consulting the Supreme Chamber of Audits, 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. Article 223 223.1. The National Bank of Poland is the central bank of the State and has the exclusive right to issue money and to establish and pursue a monetary policy. The National Bank of Poland is responsible for the value of the Polish currency. 223.2. The organs of the National Bank of Poland are: the Chairman of the National Bank of Poland, the Council on Monetary Policy, and the Board of Governors of the National Bank of Poland. 223.3. The Chairman of the National Bank of Poland is appointed by the Sejm on the recommendation of the President of the Republic for a term of six years. 223.4. The Chairman of the National Bank of Poland 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. 223.5. 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. 223.6. The organizational structure and operating procedures of the National Bank of Poland and the detailed guidelines for the appointment and recall of its directors are defined by law. Chapter XI. States of Emergency Article 224 224.1. In the event that ordinary constitutional means are insufficient in situations of special peril, a corresponding state of emergency, state of war, martial law, or state of natural disaster may be declared. 224.2. A state of emergency may be declared only by a lawful executive order, which is additionally subject to being publicly announced. 224.3. 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 the various states of emergency. 224.4. The law may define the principles, scope, and procedure for the compensation of material damages ensuing from the abridgment of the rights and liberties of man and citizen during a state of emergency. 224.5. The actions taken as a result of the declaration of a state of emergency must remain proportional to the magnitude of the peril and should be intended to restore as soon as possible the conditions for a normal functioning of the Government. 224.6. 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. 224.7. While the state of emergency lasts, and for 90 days afterward, there can be no shortening of the term of the Sejm, no national referendum may be held, no elections to the Sejm, the Senate, and local-government bodies may be held, and no Presidential elections may be held; the terms of office of these organs are subject to a commensurate extension. Elections to local-government bodies may be held only in the areas where no state of emergency is imposed. Article 225 In the event of an external peril to the State, or an armed attack on the Republic of Poland, or when the obligation of a common defense against aggression ensues from international agreements, the President of the Republic 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 226 226.1. In the event of a constitutional peril to the polity of the State, the security of citizens, or the public order, the President of the Republic may, on the recommendation of the Council of Ministers, declare, for a specified period of time to be no longer than 90 days, a state of emergency in parts or on the entire territory of the State. 226.2. Any prolongation of the state of emergency may occur only once, for a period of not more than 60 days, with the concurrence of the Sejm. Article 227 The declaration of a state of war or of a state of emergency is presented by the President of the Republic to the Sejm within 48 hours after signing the executive order, for immediate consideration by the Sejm. The Sejm may waive the Presidential declaration by a majority of votes in the presence of at least one-half of the statutory number of deputies. Article 228 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. Article 229 229.1. The law defining the scope of the abridgments of the rights and liberties of man and citizen during a state of war or a state of emergency may not abridge the

Constitutional guarantees of the dignity of man (Article 28), citizenship (Article 32, Paragraph 1, and Article 34), protection of life (Article 36), humanitarian treatment (Article 38 and Article 41, Paragraph 4), penal accountability (Article 43), the right to due process (Article 43), personal and privacy rights (Article 45), freedom of conscience and religion (Article 51), the right of petition (Article 61), and the rights of the family and the child (Articles 46 and 69). 229.2. The 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. 229.3. Laws defining the scope of the abridgments of the rights and liberties of man and citizen during a state of natural disaster may curtail the Constitutional guarantees of rights and liberties defined in Article 19, Paragraph 1 (right of ownership); Article 20, Paragraph 1 (freedom of economic activity); Article 41, Paragraphs 1, 3-5 (personal freedom); Article 50, Paragraph 1 (freedom of movement and sojourn on the territory of the Republic of Poland; Article 57, Paragraph 3 (the right to strike); Article 63, Paragraph 1 (freedom of employment); Article 64, Paragraph 1 (the right to safe and hygienic working conditions); and Article 64, Paragraph 2 (the right to vacation). Article 230 In the event that during a state of war the Sejm is unable to assemble, the President of the Republic shall, to the extent and within the bounds defined in Article 224, Paragraphs 3-5, 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 sitting. Chapter XII. Amending the Constitution Article 231 231.1. 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. 231.2. Amending the Constitution takes place by means of a resolution adopted in the same language by both the Sejm and, subsequently within not more than 60 days, the Senate. 231.3. 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. 231.4. 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 statutory number of deputies, and by the Senate by an absolute majority of votes in the presence of at least one-half of the total statutory number of senators. 231.5. Laws 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 their drafts. 231.6. In the event that the law on amending the Constitution concerns amending Chapter I, II, or XII, the Sejm, the Senate, or the President of the Republic may demand holding a ratifying referendum thereon within 45 days from the day said law is passed by the Senate. A corresponding proposal is made to the Speaker of the Sejm, who 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. 231.7. After the procedure defined in Paragraphs 4 and 6 is completed, the Speaker of the Sejm presents the adopted amendment for signing to the President of the Republic. The President of the Republic signs the amendment within 21 days from the day of its presentation and orders its publication in DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ. Chapter XIII. Interim and Final Provisions Article 232 232.1. Within two years from the day the Constitution takes effect the Council of Ministers shall present to the Sejm drafts of the laws needed to apply the Constitution. 232.2. The laws implementing Article 172, Paragraph 1, insofar as it concerns proceedings before administrative courts shall be passed within five years from the day the Constitution takes effect. Article 233 233.1. The terms of office of the constitutional organs of public administration and of their members, whether elected or appointed before the Constitution takes effect, end with the elapse of the period of time defined in the provisions binding on the effective date of the Constitution. 233.2. In the event that the regulations binding before the effective date of the Constitution do not specify such terms of office and the period of time elapsing since the day of election or appointment is longer than that established by the Constitution, the constitutional term of office of the organs of public administration or for their members elapses one year after the effective date of the Constitution. 233.3. In the event that the regulations binding before the effective date of the Constitution do not specify such terms of office and the period of time elapsing since the day of the election or appointment is shorter than that established by the Constitution for the constitutional organs of public administration or for their members, the period of time during which said organs or individuals have been discharging their duties pursuant to the heretofore binding provisions is credited to the term of office established by the Constitution. Article 234 For the first two years from the day the Constitution takes effect the rulings of the Constitutional Tribunal on the inconsonance between the Constitution and the laws passed prior to said day are not final and are subject to consideration by the

Sejm, which may reject a ruling of the Constitutional Tribunal by a majority of two-thirds of votes in the presence of at least one-half of the statutory number of deputies. This does not apply to the rulings issued consequent to the legal issues addressed to the Constitutional Tribunal. Article 235 235.1. Within three months from the day the Constitution of the Republic of Poland is publicly announced a constitutional law will be passed. That law, to be termed

Implementing Regulations of the Constitution of the Republic of Poland, is to take effect together with the present Constitution. 235.2. The constitutional law referred to in Paragraph

1 is passed pursuant to Article 106 of the constitutional provisions upheld on the basis of Article 77 of the constitutional law referred to in Article 236, Point 1). Article 236 The following laws are hereby voided: 1) Constitutional Law of 17 October 1992 Concerning the

Relations Between the Legislative and Executive Branches of the Republic of Poland and Concerning Local Governments

(DZ.U., No. 84, Item 426, 1992; No. 38, Item 184 and No.

150, Item 729, 1995; and No. 106, Item 488, 1996). 2) Constitutional Law of 23 April 1992 concerning 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 237 The Constitution of the Republic of Poland takes effect six months from the day of its publication, with the exception of Article 235, which takes effect on said day of publication.

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