The Constitutional Tribunal Act[1]
of 25 June 2015

Chapter 1
General provisions

Article 1
The Constitutional Tribunal of the Republic of Poland, hereinafter referred to as ‘the Tribunal’, shall be an organ of the judiciary, established to exercise powers laid down in the Constitution and statutes.

Article 2
The Tribunal shall have its seat in the capital city of Warsaw.

Article 3
1. The Tribunal shall adjudicate on the conformity of:

   1) statutes and international agreements to the Constitution;

   2) statutes to ratified international agreements whose ratification required prior consent granted by statute;

   3) legal provisions issued by central state authorities[2] to the Constitution, ratified international agreements and statutes.

2. The Tribunal shall adjudicate on the conformity to the Constitution of a statute or another normative act challenged in a constitutional complaint referred to in Article 79(1) of the Constitution.

3. The Tribunal shall adjudicate on the conformity to the Constitution, ratified international agreements or a statute of a normative act challenged in a question of law referred to in Article 193 of the Constitution.

4. The Tribunal shall adjudicate on the conformity to the Constitution of the purposes or activities of political parties.

5. The Tribunal shall settle disputes over powers between central constitutional state authorities.
The Tribunal shall determine whether or not there exists an impediment to the exercise of the office by the President of the Republic of Poland. If the Tribunal so finds, it shall require the Marshal of the Sejm to temporarily perform the duties of the President of the Republic.

Article 4

Whenever in the Act the term 'statute' is used, it shall also denote normative acts referred to in Article 234 of the Constitution, as well as other normative acts issued on the basis of provisions that were binding prior to the entry into force of the Constitution of 1997, provided that those acts had the force of statute.

Article 5

1. The Tribunal shall notify the Sejm and the Senate, as well as other law-making bodies, about any inconsistencies and gaps in the law which need to be eliminated to ensure the coherence of the legal system of the Republic of Poland.

2. The President of the Tribunal may request the addressee of such notification to inform the Tribunal about the addressee's stance on issues signalled in the notification.

Article 6

1. The President of the Tribunal shall provide the Sejm and the Senate with an annual report presenting information on significant issues arising from the activity and jurisprudence of the Tribunal.

2. The report referred to in para 1 shall not be subject to a vote in the Sejm and the Senate.

3. The report referred to in para 1 shall be provided by the President of the Tribunal to the following authorities: the President of the Republic of Poland, the Prime Minister, the First President of the Supreme Court, the President of the Supreme Administrative Court, the President of the National Council of the Judiciary of Poland, the Public Prosecutor-General, the Minister of Justice, the Ombudsman[3], the Ombudsman for Children, the President of the Supreme Audit Office, the President of the National Council of Radio and Television Broadcasting, as well as the President of the National Bank of Poland.

Chapter 2

The organs of the Tribunal

Article 7

The following shall have the status of the organs of the Tribunal: the General Assembly of the Judges of the Tribunal, hereinafter referred to as 'the General Assembly', and the President of the Tribunal.

Article 8

The General Assembly shall be competent to:

1) approve the report referred to in Article 6(1);

2) select candidates for the positions of the President and Vice-President of the Tribunal;

3) consent to a judge of the Tribunal being held criminally liable and deprived of liberty;
4) determine the expiry of the mandate of a judge of the Tribunal;
5) determine that a judge of the Tribunal has lost his/her status as a retired judge of the Tribunal;
6) adopt the rules of procedure of the Tribunal;
7) adopt the rules and regulations of the Office of the Tribunal;
8) adopt a draft estimate of revenue and expenditure of the Tribunal;
9) perform other duties assigned to the General Assembly in the Act and in the rules of procedure of the Tribunal.

Article 9
1. The General Assembly shall deliberate at sittings.
2. A sitting of the General Assembly shall be convened by the President of the Tribunal, who shall determine the agenda of the sitting and shall preside over the deliberations of the Assembly.
3. The President of the Tribunal shall notify the judges of the Tribunal about the date and agenda of the sitting of the General Assembly no later than 7 days prior to the date of the sitting.
4. In duly justified cases, the President of the Tribunal may depart from the time-limit referred to in para 3.

Article 10
1. The General Assembly shall adopt resolutions by a simple majority vote, in the presence of at least two-thirds of the total number of the judges of the Tribunal, including the President or Vice-President of the Tribunal, unless a different majority vote is provided for in the Act.
2. The vote shall not be by secret ballot, unless one of the judges of the Tribunal requests otherwise. A vote by secret ballot shall be held with regard to matters referred to in Article 8(2)-(5).

Article 11
1. Once a year the President of the Tribunal shall convene a public sitting of the General Assembly during which significant issues arising from the activity and jurisprudence of the Tribunal shall be discussed; the said issues shall be presented in the report referred to in Article 6(1).
2. The President of the Tribunal shall notify about convening the public sitting of the General Assembly and shall invite, in particular, the following guests: the President of the Republic of Poland, the Marshal of the Sejm, the Marshal of the Senate, the representatives of public authorities referred to in Article 6(3), as well as the chairpersons of competent Sejm and Senate committees.

Article 12
1. The President of the Tribunal shall be appointed by the President of the Republic of Poland from among two candidates proposed by the General Assembly.
2. Candidates for the position of the President of the Tribunal shall be selected by the General Assembly, no later than 3 months prior to the end of the said President’s term of office, from among the judges of the Tribunal who have received the largest number of votes. In the event that the position of the President of the Tribunal is vacated, the candidates shall be selected within the time-limit of 30 days.

3. The deliberation on the selection of candidates for the position of the President of the Tribunal shall be presided over by the oldest judge among the judges of the Tribunal.

4. A resolution on the selection of candidates for the position of the President of the Tribunal shall be provided forthwith to the President of the Republic of Poland.

5. With regard to the Vice-President of the Tribunal, the provisions of paras 1, 2 and 4 shall be applied accordingly.

**Article 13**

1. The President of the Tribunal shall coordinate the work of the Tribunal, represent the Tribunal in relations with other authorities or entities, as well as perform other duties specified in the Act and the rules of procedure of the Tribunal.

2. The Vice-President of the Tribunal shall stand in for the President of the Tribunal during his/her absence, as well as shall perform other duties arising from the division of duties determined by the President of the Tribunal.

3. Where it is not possible for the President and Vice-President of the Tribunal to perform certain duties, the President of the Tribunal shall designate a judge of the Tribunal to take on the duties; and where no judge of the Tribunal has been designated, the oldest judge of the Tribunal shall take on the duties.

**Article 14**

1. A draft estimate of revenue and expenditure of the Tribunal, referred to in Article 8(8), shall be incorporated into a draft State Budget by a competent minister responsible for public finance.

2. As regards the execution of the Tribunal’s budget, the President of the Tribunal shall be vested with powers of a competent minister responsible for public finance.

**Article 15**

1. The internal organisation of work carried out by the Tribunal and the organs of the Tribunal, including the duties of the judges of the Tribunal arising therefrom, as well as other matters indicated in the Act, shall be specified in the rules of procedure of the Tribunal.

2. The rules of procedure of the Tribunal shall be subject to publication in the Official Gazette of the Republic of Poland – *Monitor Polski*.

**Chapter 3**

**Judges of the Tribunal**

**Article 16**

Judges of the Tribunal, in the exercise of their office, shall be independent and subject only to the Constitution.
**Article 17**

1. The Tribunal shall be composed of 15 judges.

2. Judges of the Tribunal shall be chosen individually for a nine-year term of office by an absolute majority vote in the Sejm, in the presence of at least half of the statutory number of Sejm Deputies. No person may be chosen for more than one term of office.

**Article 18**

Judges of the Tribunal shall be chosen from among persons distinguished by their knowledge of law who also:

1) hold qualifications required for the office of a judge of the Supreme Court;

2) and who, on the day when they are voted in by the Sejm, have attained the age of 40 years and have not yet attained the age of 67 years.

**Article 19**

1. The right to propose a candidate for the office of a judge of the Tribunal shall be vested in the Presidium of the Sejm and a group of at least 50 Sejm Deputies.

2. A proposal of a candidate for the judgeship at the Tribunal shall be lodged with the Marshal of the Sejm no later than 3 months prior to the end of the term of office of a judge of the Tribunal.

3. Where the mandate of a judge of the Tribunal expires before the end of the judge’s term of office, the time-limit for submitting the proposal referred to in para 2 shall be 21 days.

4. An opinion on the proposal referred to in para 2 shall be provided by a competent authority indicated in the rules of procedure of the Sejm.

5. The rules of procedure of the Sejm shall specify detailed requirements concerning the proposal and the procedure for considering the proposal.

**Article 20**

If a vote in the Sejm has not resulted in the election of a judge of the Tribunal, the time-limit for proposing another candidate for a judge of the Tribunal shall be 14 days as of the date of the vote.

**Article 21**

1. A person elected to assume the office of a judge of the Tribunal shall take the following oath in the presence of the President of the Republic of Poland:

   “I solemnly declare that, by fulfilling my duties as a judge of the Constitutional Tribunal, I will faithfully serve the Polish Nation and safeguard the Constitution of the Republic of Poland, and that I will do so impartially, in accordance with my conscience, with the utmost diligence and with respect for the dignity of the office.”.

   The oath may be taken by adding the following wording: “So help me God.”

2. Refusal to take the oath of office shall be tantamount to resignation from the office of a judge of the Tribunal.
Article 22

A judge of the Tribunal shall be authorised to access confidential information related to a case considered by the Tribunal.

Article 23

1. A judge of the Tribunal may not belong to a political party or a trade union, or perform public activities incompatible with the principles of the independence of courts and judges.

2. A judge of the Tribunal may not take up additional employment, except for scholarly research or teaching, or a combination of the two, performed for one employer for a number of hours not exceeding the limit provided for full-time employment in the said professions, and as long as those responsibilities do not hinder the performance of judicial duties in the Tribunal.

3. A judge of the Tribunal may not take up any, economic or other, activity which would hinder the performance of judicial duties, could undermine the dignity of the office, or might weaken the trust in the judge’s impartiality or independence.

4. An intention to take up employment or any other activity, referred to in paras 2 and 3, as well as an intention to continue it, by a judge taking office in the Tribunal shall be notified to the President of the Tribunal by the said judge. The President of the Tribunal shall provide written notification of objection if s/he deems that the taking up or continuing of the said employment or any other activity will hinder the performance of judicial duties, undermine the dignity of the judge, or weaken the trust in the judge’s impartiality or independence.

Article 24

1. A judge of the Tribunal may not be held criminally liable or deprived of liberty without prior consent granted by the General Assembly.

2. Until the said consent is granted to hold a judge of the Tribunal criminally liable or to deprive the said judge of liberty, only urgent steps shall be taken with regard to that judge.

3. A judge of the Tribunal shall be neither detained nor arrested, except for cases when the judge has been apprehended in the commission of an offence and in which the judge’s detention is necessary for securing the proper course of proceedings.

4. The President of the Tribunal shall be notified forthwith of any such detention, and may order an immediate release of the person detained.

Article 25

1. An application for consent to holding a judge of the Tribunal criminally liable and an application for consent to depriving the said judge of liberty, if the prohibited act in question is subject to prosecution _ex officio_, shall be submitted by the Public Prosecutor-General.

2. An application for consent to holding a judge of the Tribunal criminally liable, if the prohibited act in question is subject to private prosecution, shall be drafted by an advocate or a legal adviser. The said requirement shall not pertain to applications drafted by persons in their own name, provided that they are judges, public prosecutors, advocates, legal advisers, solicitors from the State Treasury Solicitors’ Office, notaries public, professors of law, or scholars with a post-PhD degree in Law (Pl. _doktor habilitowany_).
Article 26

1. An application for consent to holding a judge of the Tribunal criminally liable and an application for consent to depriving the said judge of liberty shall be lodged with the President of the Tribunal.

2. The application shall specify the following: the name and surname of a judge of the Tribunal; the prohibited act for the commission of which the judge is to be held criminally liable or deprived of liberty; as well as the circumstances in which the said act was committed.

Article 27

1. Consent to a judge of the Tribunal being held criminally liable or deprived of liberty shall be granted in a resolution of the General Assembly, adopted by an absolute majority vote, no later than within one month as of the date of the submission of the application.

2. Before the resolution is adopted, the judge of the Tribunal whom the application concerns may provide an explanation to the General Assembly.

3. The judge of the Tribunal whom the application concerns shall not participate in the ensuing deliberation and vote.

Article 28

1. A judge of the Tribunal shall be subject to disciplinary proceedings before the Tribunal for a breach of provisions of law, conduct that undermines the dignity of the office of a judge of the Tribunal, or any other unethical conduct that may weaken trust in the said judge’s impartiality or independence.

2. A judge of the Tribunal shall also be subject to disciplinary proceedings for his/her conduct prior to taking up the office, if the said judge failed to fulfil official state duties or proved to be unworthy of the office of a judge of the Tribunal.

3. A judge of the Tribunal shall be subject only to disciplinary proceedings for any misdemeanours.

Article 29

1. In the disciplinary proceedings, adjudication shall be conducted:

1) in first-instance proceedings – by three judges of the Tribunal;

2) in second-instance proceedings – by five judges of the Tribunal.

2. The composition of adjudicating benches and a disciplinary officer shall be selected by a draw carried out by the President of the Tribunal. A draw to select judges for the second-instance proceedings shall not include the judges of the Tribunal who adjudicated in the first-instance proceedings.

Article 30

A disciplinary ruling issued in second-instance proceedings may not be challenged by a cassation appeal.

Article 31
The disciplinary penalties shall be as follows:

1) a warning;
2) a reprimand;
3) the recall of a judge of the Tribunal from office.

Article 32

The total number of working hours in the case of a judge of the Tribunal shall be determined by the scope of his/her duties.

Article 33

1. The basic remuneration of a judge of the Tribunal shall be the multiple of the remuneration base, applying the multiplier of 5.0.

2. The remuneration base used for the determination of the basic remuneration of a judge of the Tribunal in a particular year shall be the average remuneration in the second quarter of the previous year, as published in the Official Gazette of the Republic of Poland – Monitor Polski by the President of the Central Statistical Office, in accordance with Article 20(2) of the Act of 17 December 1998 on Old-Age and Disability Pensions from the Social Insurance Fund (Journal of Laws – Dz. U. of 2015 item 748).

3. If the average remuneration referred to in para 2 is lower than the average remuneration published for the second quarter of the year preceding the previous year, the former amount constituting the remuneration base used for the determination of the basic remuneration of a judge of the Tribunal shall be applied.

4. The remuneration of the President and Vice-President of the Tribunal shall correspond to the basic remuneration of a judge of the Tribunal, supplemented by a functional allowance determined on the basis of the remuneration base referred to in para 2, applying the respective multipliers of 1.2 and 0.8.

Article 34

A judge of the Tribunal whose place of residence is outside the capital city of Warsaw shall be eligible for free-of-charge accommodation in Warsaw, the reimbursement of travel expenses, and an allowance for separation from his/her family, as set forth in the provisions issued on the basis of Article 26(2a) of the Act of 16 September 1982 on Employees of State Offices (Journal of Laws – Dz. U. of 2013 item 269 as well as of 2014 item 1199).

Article 35

1. Judges of the Tribunal shall submit their financial statements, as provided for in the Act of 21 August 1997 on restrictions on economic activity carried out by public officials (Journal of Laws – Dz. U. of 2006 No. 216 item 1584, as amended).

2. The President of the Tribunal shall analyse information included in a financial statement submitted by a judge of the Tribunal, and shall provide one copy of the document to the head of the tax office of the judge’s place of residence.

Article 36
1. The mandate of a judge of the Tribunal shall expire before the end of the judge’s term of office in the case of:

1) the death of the judge of the Tribunal;
2) the said judge’s resignation from the office;
3) the conviction of the said judge by a legally effective court judgment for a premeditated offence prosecuted ex officio or a premeditated fiscal offence;
4) a legally effective ruling on the recall of the judge of the Tribunal from office.

2. The expiry of the mandate of a judge of the Tribunal shall be determined:

1) in circumstances referred to in para 1(1) – by the President of the Tribunal, issuing a decision;
2) in circumstances referred to in para 1(2)-(4) – by the General Assembly, issuing a resolution.

3. The President of the Tribunal shall forthwith provide the Marshal of the Sejm with the decision or resolution determining the expiry of the mandate of a judge of the Tribunal.

**Article 37**

After the end of the term of office, a judge of the Tribunal shall become a retired judge of the Tribunal.

**Article 38**

1. A judge of the Tribunal may request early retirement if a competent medical practitioner from the Social Insurance Institution (Pl. Zakład Ubezpieczeń Społecznych) determines that, as a result of illness, disability or loss of strength, the judge is permanently incapable of performing the duties of a judge of the Tribunal.

2. In duly justified cases, a competent medical practitioner from the Social Insurance Institution may determine the permanent incapacity of a judge of the Tribunal to perform the judicial duties, on the grounds of illness, disability or loss of strength, upon request by the General Assembly.

3. A resolution on early retirement of a judge of the Tribunal, due to the judge’s incapacity for the performance of the judicial duties, shall be adopted by the General Assembly. The resolution shall determine a date when the judge of the Tribunal is to retire early, which will also mark the end of his/her term of office in the Tribunal.

**Article 39**

1. A retired judge of the Tribunal shall be obliged to respect the dignity of the office of a judge of the Tribunal.

2. For any breaches of provisions of law and any instances of undermining the dignity of the office of a judge of the Tribunal, a retired judge of the Tribunal shall be subject to disciplinary proceedings.
3. With regard to the disciplinary responsibility of a retired judge of the Tribunal, Articles 29 and 30 shall be applied accordingly, and the disciplinary penalties shall be:

1) a warning
2) a reprimand
3) the deprivation of the status of a retired judge of the Tribunal.

**Article 40**

1. In the event of retirement or early retirement, a judge of the Tribunal shall be eligible for a one-time retirement gratuity equivalent to 6 months’ remuneration which s/he recently earned as a judge of the Tribunal.

2. A retired judge of the Tribunal shall be eligible for a pension equivalent to 75% of his/her recent remuneration without a functional allowance. The said pension shall be indexed to changes in the basic remuneration of judges of the Tribunal.

**Article 41**

1. A judge may lose his/her status of a retired judge of the Tribunal in the following cases:

   1) when the retired judge of the Tribunal renounces the status;

   2) when the retired judge of the Tribunal is convicted by a legally effective court judgment for a premeditated offence prosecuted *ex officio* or a premeditated fiscal offence;

   3) when the retired judge of the Tribunal is deprived of the said status by a legally effective ruling.

2. The loss of the status of a retired judge of the Tribunal shall be determined by a resolution of the General Assembly.

**Article 42**

1. With regard to a retired judge of the Tribunal, the provisions of Articles 23–27 shall be applied accordingly.

2. A prohibition on additional employment, referred to in Article 23(2), shall not pertain to designation, appointment or election of a retired judge of the Tribunal to hold a state office with regard to which provisions rule out political party membership or to hold a position in international judicial institutions, in particular in the Court of Justice of the European Union or the European Court of Human Rights.

3. The payment of the pension referred to in Article 40(2) shall be suspended for the period of holding the office indicated in para 2, unless the retired judge of the Tribunal forthwith notifies the President of the Tribunal about his/her intention to renounce the remuneration for holding the aforementioned office. Where the retired judge of the Tribunal does not renounce the remuneration for holding the said office, premiums for universal health insurance to which the said judge is entitled may be paid for the judge from the Tribunal’s budget.

4. A retired judge of the Tribunal shall receive the pension specified in Article 40(2) as of the day after the date when s/he ceased to hold the office indicated in para 2, as long as the said judge has not acquired a right to another benefit in a higher amount than the pension of a retired judge.
judge of the Tribunal.

Article 43

Within the scope not regulated in the Act, the duties and rights, including the employment relationship, as well as disciplinary responsibility of judges of the Tribunal shall be regulated accordingly by the provisions of the Supreme Court Act of 23 November 2002 (Journal of Laws – Dz. U. of 2013 item 499, as amended), with the proviso that the powers of the First President of the Supreme Court shall be exercised by the President of the Tribunal, and the powers of the Board of the Supreme Court – by the General Assembly.

Chapter 4

Proceedings before the Tribunal – general principles

Article 44

1. The Tribunal shall adjudicate:

1) sitting as a full bench in cases concerning:

a) the conformity to the Constitution of: bills adopted by the Polish Parliament before they are signed by the President of the Republic of Poland; and international agreements before their ratification;

b) the existence of an impediment to the exercise of the office by the President of the Republic and the assignment of the temporary performance of the said President’s duties to the Marshal of the Sejm;

c) the conformity to the Constitution of the purposes or activities of political parties;

d) disputes over powers between central constitutional state authorities;

e) a situation where an adjudicating bench of the Tribunal intends to depart from a stance taken previously in a ruling issued by a full bench of the Tribunal;

f) matters that are particularly complex or significant;

2) sitting as a bench of five judges of the Tribunal in cases on the conformity of:

a) statutes and international agreements to the Constitution;

b) statutes to international agreements whose ratification required prior consent granted by statute;

3) sitting as a bench of three judges of the Tribunal in cases concerning:

a) the conformity of legal provisions issued by central state authorities to the Constitution, ratified international agreements, and statutes;

b) the conformity of other normative acts to the Constitution, ratified international agreements, or statutes;
c) the further consideration or dismissal of a constitutional complaint or an application filed by authorities referred to in Article 191(1), points 3 to 5, of the Constitution;

d) the exclusion of a judge of the Tribunal from the Tribunal’s consideration of a case.

2. A case shall be deemed particularly complex or significant by the President of the Tribunal alone, or by the said President upon motion by an adjudicating bench, with the proviso that particularly significant cases shall especially include cases the resolution of which may entail incurring expenditure not provided for in the State Budget Act.

3. A full bench of the Tribunal shall be composed of at least nine judges of the Tribunal.

4. Hearings and sittings attended by a full bench of the Tribunal shall be presided over by the President or Vice-President of the Tribunal, and where there are grounds to exclude both of them from adjudicating or any other serious reasons – the oldest judge of the Tribunal.

Article 45

1. The composition of an adjudicating bench, including the presiding judge and the judge rapporteur, shall be indicated by the President of the Tribunal in alphabetical order from the list of the judges of the Tribunal, taking account of the category, number and order of various applications received by the Tribunal.

2. In duly justified cases, and especially due to the subject-matter of a case, or so as to observe a date indicated for the first deliberation, set in accordance with para 3 or Article 86(1), the President of the Tribunal may designate a judge rapporteur, departing from the criteria enumerated in para 1.

3. The President of the Tribunal may set a date for the first deliberation of an adjudicating bench.

Article 46

1. A judge of the Tribunal shall be excluded from the Tribunal's consideration of a case if s/he:

1) issued a normative act that is the subject of an application, a question of law or a constitutional complaint;

2) issued a ruling, an administrative decision, or another determination related to a question of law or a constitutional complaint;

3) is a participant in proceedings or is linked with a participant in proceedings by a legal relationship and the outcome of the case may affect the judge's rights and duties;

4) was a representative, attorney or adviser of a participant in proceedings;

5) is a party to proceedings in which a question of law has been lodged with the Tribunal, or where a party to proceedings is the judge’s spouse, a person related to the judge by blood or affinity in a direct line, or a person related collaterally to the judge by blood up to the fourth degree or by affinity up to the second degree.

2. A judge of the Tribunal shall also be excluded from the Tribunal's consideration of a case if s/he:
Article 47

1. A judge of the Tribunal shall forthwith notify the President of the Tribunal about any circumstances that may cause the judge's exclusion from the Tribunal's consideration of a case.

2. Until it is determined whether a judge of the Tribunal is to be excluded from the Tribunal's consideration of a case, the said judge may only perform urgent duties.

Article 48

1. A judge of the Tribunal shall be excluded from the Tribunal's consideration of a case upon the judge's request, ex officio, or upon application by a participant in proceedings.

2. The exclusion of a judge of the Tribunal for reasons specified in Article 46(1) shall be determined by the President of the Tribunal, by issuing a decision.

3. The exclusion of a judge of the Tribunal for reasons specified in Article 46(2) shall be determined by the Tribunal.

Article 49

1. Proceedings before the Tribunal shall be instituted on the basis of an application, a question of law or a constitutional complaint, lodged, respectively, by a competent applicant, court or complainant.

2. The withdrawal of an application, a question of law or a constitutional complaint may occur no later than within 7 days from the day when the notification about the date of the hearing is served.

3. Where a case is to be considered at a sitting in camera, the withdrawal of an application, a question of law or a constitutional complaint may take place no later than within 7 days from the date of service of the notification referred to in Article 93(3).

Article 50

1. When adjudicating, the Tribunal shall be bound by the scope of an application, a question of law or a constitutional complaint.

2. The scope referred to in para 1 shall comprise the indication of a challenged normative act, or part thereof, (the subject of a review) as well as the formulation of an allegation about non-conformity to the Constitution, a ratified international agreement or a statute (the indication of a higher-level norm for the review).

3. The subject of an allegation may comprise:
1) a power to issue a normative act or a procedure for the issuance thereof (the lawgiver's activities);
2) the content of a normative act or part thereof.

**Article 51**

In the course of its proceedings, the Tribunal shall examine all significant circumstances in order to thoroughly examine a case.

**Article 52**

1. The Tribunal may refer to the Supreme Court, the Supreme Administrative Court, as well as common, administrative and military courts with a request for information on the interpretation of a provision of law in the jurisprudence of the courts as well as the application of the provision.
2. The presiding judge of an adjudicating bench shall provide information referred to in para 1 to participants in proceedings.

**Article 53**

1. Courts and other public authorities shall be obliged to provide assistance to the Tribunal and, when requested, present files of proceedings that are related to proceedings before the Tribunal, as well as to provide information that is indispensable for a thorough examination of a case.
2. After using the files of proceedings, the Tribunal shall forthwith return the files to a competent authority.

**Article 54**

1. Proceedings before the Tribunal shall be carried out in a written form, unless the Act provides otherwise.
2. An application, a question of law and a constitutional complaint, as well as other procedural documents produced by participants in proceedings, shall be lodged with the Tribunal in a number of copies that makes it possible to serve the documents on the other participants as well as to leave two other copies in the case file.

**Article 55**

1. Hearings before the Tribunal shall be held in public, unless the Act provides otherwise. The presiding judge of an adjudicating bench may hold a hearing in camera to protect national security or the secrecy of information which is labelled as ‘confidential’ or ‘highly confidential’.
2. A witness or an expert may be questioned about circumstances related to information labelled as ‘confidential’ or ‘highly confidential’, after the said person is relieved from the obligation of confidentiality by a competent authority. Refusal to grant consent may only be justified by an important state interest.
3. A witness or an expert shall not have the right to refuse to testify, if the Tribunal deems that refusal to grant consent by the authority referred to in para 2 is unjustified.

**Article 56**
The following shall be participants in proceedings before the Tribunal:

1) an applicant that has filed an application (hereinafter: ‘an applicant’);

2) a court that has referred a question of law to the Tribunal (hereinafter: ‘a court referring a question of law’);

3) a complainant who has lodged a constitutional complaint (hereinafter: ‘a complainant’);

4) an authority that has issued a normative act which is the subject of an application, a question of law or a constitutional complaint;

5) the Public Prosecutor-General;

6) the Council of Ministers, with the exception of cases referred to in Article 3(4) and (5);

7) the Sejm, the President of the Republic of Poland, and a competent minister responsible for foreign affairs, in cases concerning the conformity to the Constitution of international agreements ratified in accordance with Article 89(1) of the Constitution;

8) the Sejm, the Senate, the President of the Republic of Poland, and a competent minister responsible for foreign affairs, in cases concerning the conformity to the Constitution of international agreements ratified in accordance with Article 90(2) and (3) of the Constitution;

9) the President of the Republic of Poland and a competent minister responsible for foreign affairs, in cases concerning the conformity to the Constitution of other ratified international agreements;

10) the Ombudsman, upon notifying the Tribunal of his/her participation in proceedings;

11) the Ombudsman for Children, upon notifying the Tribunal of his/her participation in proceedings instituted by an application filed by the Ombudsman or in proceedings concerning a constitutional complaint, where the rights of the child are discussed;

12) a central constitutional state authority having a dispute with other participants in proceedings, in cases concerning a dispute over powers;

13) an organ of a political party specified in the party’s rules and regulations, in cases concerning the conformity to the Constitution of the purposes or activities of political parties;

14) authorities referred to in Article 117(3), in cases concerning the existence of an impediment to the exercise of the office by the President of the Republic.

Article 57

1. Participants in proceedings before the Tribunal shall represent themselves or shall be represented by an authorised representative or attorney.

2. A court referring a question of law may only be represented by a judge of the bench adjudicating in a case in the context of which the question of law has been lodged.

3. Cases considered by a full bench of the Tribunal shall require the participation of the Public Prosecutor-General or one of his/her deputies, whereas in cases where a smaller panel of judges adjudicates – the Public Prosecutor-General may be represented by a prosecutor from the General Prosecution Office.
4. The Sejm, the Marshal of the Sejm and a group of Sejm Deputies may only be represented by Sejm Deputies. A group of Sejm Deputies and the Marshal of the Sejm, if they are applicants, may designate, apart from the said representatives, no more than two attorneys who are not Sejm Deputies.

5. The Senate, the Marshal of the Senate and a group of Senators may only be represented by Senators. A group of Senators and the Marshal of the Senate, if they are applicants, may designate, apart from the said representatives, no more than two attorneys who are not Senators.

6. The representatives of the authorities referred to in paras 4 and 5 may be accompanied by no more than two employees of the Chancellery of the Sejm and the Chancellery of the Senate.

Article 58

1. Participants in proceedings shall be obliged to provide all explanations and information with regard to a case as well as evidentiary submissions that are necessary for the determination of the case.

2. The Tribunal shall not be bound by evidentiary submissions and may ex officio admit certain evidence which it finds useful for the determination of a case under consideration.

Article 59

The file of a case pending before the Tribunal shall be available to the public. It shall be admissible to access the said case file as well as prepare and receive certified copies, other copies, or excerpts related thereto, within the scope comprising personal data, after the file has been anonymised.

Article 60

An application, a question of law and a constitutional complaint should meet requirements laid down for procedural documents.

Article 61

1. An application filed by one of the authorities referred to in Article 191(1), points 1 to 5, of the Constitution shall comprise:

   1) the indication of the subject of a review;

   2) the indication of a higher-level norms for the review;

   3) justification for an allegation about the non-conformity of the subject of the review to a specified higher-level norm for the review, including arguments or evidence in support of the allegation;

2. An application lodged by a group of Deputies or Senators shall be supplemented with a list of Deputies or Senators who support the application, signed by those Deputies or Senators.

Article 62

1. An application lodged by one of the authorities referred to in Article 191(1), points 3 to 5, of the Constitution should also:
1) justify, by citing a provision of law or a provision of rules and regulations, that a challenged statute or another normative act concerns matters within the scope of the applicant’s activity;

2) and in the context of the authorities referred to in Article 191(1)(4) of the Constitution, cite a provision of law or a provision of rules and regulations which indicates that the applicant is a nation-wide authority.

2. The application shall be supplemented with:

1) a resolution or another determination issued by an authority referred to in Article 191(1), points 3 to 5, of the Constitution, which constitutes a basis for lodging the application and which specifies the subject of the review and a higher-level norm for the review;

2) minutes from a sitting of an authority referred to in Article 191(1)(4) of the Constitution which allow the Tribunal to determine that the resolution mentioned in point 1 was adopted in compliance with provisions of law or provisions of rules and regulations;

3) in the context of an authority referred to in Article 191(1)(4) of the Constitution – an up-to-date certified copy of an entry in the National Court Register.

Article 63

1. A question of law shall have the form of a decision.

2. A question of law shall include:

1) the indication of the subject of a review;

2) the indication of a higher-level norm for the review;

3) justification for an allegation about the non-conformity of the subject of the review to a specified higher-level norm for the review, including arguments or evidence in support of the allegation;

4) the indication of a case with relation to which the question of law has been referred to the Tribunal;

5) an explanation as to what extent an answer to the question of law may have an impact on the determination of the case with relation to which the question of law has been referred to the Tribunal;

3. The question of law shall be supplemented with the files of the case with relation to which the question of law has been referred to the Tribunal.

Article 64

A constitutional complaint shall be lodged after a complainant has exhausted all legal means, and within 3 months of the date when the complainant was served with a legally effective judgment, a final decision or another final determination.

Article 65

1. A constitutional complaint shall:
1) Specify the subject of a review – a provision of a statute or another normative act upon which basis a court or a public administration authority has made a final decision on the complainant’s freedoms, rights or obligations specified in the Constitution, and with regard to which the complainant requests the Tribunal to determine non-conformity to the Constitution;

2) Indicate which constitutional freedom or right of the complainant, and in what way, according to the complainant, has been infringed;

3) Provide justification for an allegation about the non-conformity of the subject of the review to the indicated constitutional freedom or right, including arguments or evidence in support of the allegation;

4) State relevant facts, as well as:
   a) substantiate the date of service of the judgment, the decision or the determination, which are referred to in Article 64;
   b) provide information whether an extraordinary means of appeal was filed against the judgment, the decision or the determination, which are referred to in Article 64;

2. The following shall be provided together with a constitutional complaint:

1) A judgment, a decision or another determination issued on the basis of the provision referred to in para 1(1);

2) Judgments, decisions or other determinations which substantiate that all legal means referred to in Article 64 have been exhausted;

3) A special power of attorney.

**Article 66**

1. Within the scope of the preparation and submission of a constitutional complaint as well as the legal representation of the complainant in proceedings before the Tribunal, there is a requirement that the complainant shall be represented before the Tribunal by an advocate or a legal adviser.

2. The provision of para 1 shall not be applicable if the complainant is a judge, a public prosecutor, an advocate, a legal adviser, a notary public, a professor of law, or a scholar with a post-PhD degree in Law (Pl. doktor habilitowany).

3. Where the complainant cannot cover the costs of legal representation, the said complainant may file a request with the district court of his/her place of residence for an advocate or a legal adviser to be appointed by the court to represent the complainant on the basis of civil procedure provisions.

4. The submission of the request referred to in para 3 shall suspend the time-limit for the submission of the constitutional complaint. The said time-limit shall begin to run again on the first day after the date when:

1) An advocate or a legal adviser is served with a decision of a competent authority that s/he has been appointed an attorney for the complainant;
2) a court decision dismissing the request for court-appointed legal representation becomes legally effective;

3) the complainant is served with a decision which dismisses an appeal against the decision dismissing the request for court-appointed legal representation.

**Article 67**

If the complainant has resorted to an extraordinary means of appeal, the Tribunal may suspend proceedings until the said appeal is considered.

**Article 68**

1. The Tribunal may issue a provisional decision about the suspension of the execution of a ruling in the case with regard to which a constitutional complaint has been lodged with the Tribunal, if the execution of a judgment, a decision or another determination could cause irrevocable consequences for the complainant, or when the said suspension is justified by an important interest of the complainant or an important public interest.

2. The decision shall be served forthwith on the complainant and the competent authority.

3. The Tribunal shall revoke its provisional decision when reasons for the issuance of the decision have ceased to exist; however, this should happen no later than on the day of the issuance of the final ruling in the complainant’s case.

4. Where the Tribunal rules that a normative act in question, or part thereof, is inconsistent with the Constitution, the provisional decision shall cease to have effect after 3 months from the date of entry into force of the said ruling.

**Article 69**

With regard to cases commenced by an application lodged by a group of Sejm Deputies or Senators, which is referred to in Article 191(1)(1) of the Constitution, the end of the term of office of the Sejm or the Senate shall not prevent the proceedings before the Tribunal from continuing.

**Article 70**

1. On the date which marks the end of the term of office of the Sejm and the Senate, the Tribunal’s proceedings with regard to cases referred to in Article 69 shall be subject to suspension for 6 months.

2. If, before the end of the term of office of the Sejm and the Senate, the Tribunal notifies the applicants about the date of a hearing which falls after the end of the said term, or that the application will be considered at a sitting in camera, proceedings in such cases shall not be suspended and may take place without the participation of the applicant.

3. Within 30 days after the end of the term of office of the Sejm and the Senate, the President of the Tribunal shall notify the Marshal of the Sejm and the Marshal of the Senate, respectively, about cases referred to in Article 69, with regard to which the Tribunal has decided to suspend proceedings.

**Article 71**
1. The Tribunal shall decide to resume suspended proceedings if, within the time-limit indicated in Article 70(1), the application by a group of Sejm Deputies or Senators gains the support of 50 Deputies or 30 Senators elected for the subsequent term of office of the Sejm and the Senate. The provision of Article 61(2) shall be applied accordingly.

2. The President of the Tribunal shall forthwith notify participants in the proceedings about the resumption of the proceedings.

3. Where the proceedings are not resumed after the period indicated in Article 70(1), the Tribunal shall discontinue the suspended proceedings.

Article 72

1. The costs of proceedings before the Tribunal shall be covered by the State Treasury.

2. Where a constitutional complaint is considered, and a ruling is issued on the non-conformity of a statute or another normative act, or part thereof, challenged in the complaint, the Tribunal shall issue a decision on the reimbursement of the costs of proceedings to the complainant by the Sejm or a public authority that issued the normative act in question. Where justified, the Tribunal may decide that the costs of proceedings are to be reimbursed also when the Tribunal dismissed a constitutional complaint, discontinued proceedings concerning a constitutional complaint, or refused to proceed with a constitutional complaint.

3. In order to assess the costs of legal representation incurred by the complainant, the applicable provisions shall be provisions on fees for the legal services of advocates and legal advisers as well as on the State Treasury’s responsibility to cover the unpaid costs of court-appointed legal representation.

4. Where justified, the Tribunal may differently determine the costs of legal representation charged by an advocate or a legal adviser, depending on the character of a case and the extent to which the said attorney’s involvement contributed to the examination and determination of the case.

Article 73

1. The right to request the reimbursement of the costs of proceedings shall expire if, no later than prior to the closing of a hearing that directly precedes the delivery of a ruling, the complainant fails to submit the request for the reimbursement of the costs in accordance with prescribed norms.

2. Where the Tribunal considers a constitutional complaint at a sitting in camera, the claim for the reimbursement of the costs shall expire if the complainant does not submit the request for the reimbursement of the said costs in accordance with prescribed norms, no later than within 7 days from the date of service of the notification that the case will be considered at a sitting in camera.

Article 74

In matters not regulated by the Act, with regard to proceedings before the Tribunal, the provisions of the Act of 17 November 1964 – the Code of Civil Proceedings (Journal of Laws – Dz. U. of 2014 item 101, as amended) shall be applied accordingly.

Chapter 5

The preliminary review of applications, questions of law and constitutional complaints
Article 75

1. If, due to the content or form of a document lodged with the Tribunal, it may not be deemed that it is a procedural document, the President of the Tribunal – or an employee of the Office of the Tribunal that has been authorised by the President – shall return the document to the author or shall request the author to conditionally supplement the document, otherwise the document shall be returned.

2. The corrected or supplemented document shall have legal effects as of the moment of its submission.

Article 76

1. An application lodged by an authority mentioned in Article 191(1), points 1 and 2, of the Constitution, as well as a question of law, shall be referred for consideration by the President of the Tribunal, if they meet requirements provided for in the Act.

2. If an application or a question of law fails to meet the requirements provided for in the Act, and where the elimination of defects is possible, the President of the Tribunal shall issue an order in which s/he requests that the defects be eliminated within 7 days from the date of service of the order.

Article 77

1. Applications lodged by the authorities referred to in Article 191(1), points 3 to 5, of the Constitution, as well as constitutional complaints, shall be referred by the President of Tribunal for preliminary consideration so as to determine whether they meet the requirements which are prerequisite for the further consideration of the applications and complaints.

2. If an application or a constitutional complaint does not meet the requirements provided for in the Act, and the elimination of defects is possible, the presiding judge of an adjudicating bench shall issue an order in which s/he requests that the defects be eliminated within 7 days from the date of service of the order.

3. The Tribunal shall issue a decision on refusal to proceed with an application or a constitutional complaint, if:

   1) defects referred to in para 2 were not eliminated within the set time-limit;

   2) an application or a constitutional complaint has been withdrawn;

   3) an application or a constitutional complaint are manifestly unfounded;

   4) the issuing of a ruling is useless or inadmissible;

   5) a normative act within the challenged scope has ceased to have effect before a ruling is issued by the Tribunal.

4. The provision of para 3(5) shall not be applied if the issuing of a ruling is necessary for the protection of constitutional rights and freedoms.

5. If an application or a constitutional complaint meets requirements provided for in the Act and there are no circumstances referred to in para 3, the Tribunal shall issue a decision to proceed with the application or the complaint.
Article 78

A complainant may include a proviso in a constitutional complaint that personal data should not be disclosed in the published version of the Tribunal’s decision referred to in Article 77(3).

Article 79

An internal procedure for considering applications, questions of law and constitutional complaints shall be specified in the rules of procedure of the Tribunal.

Chapter 6

Hearings and sittings

Article 80

An application, a question of law or a constitutional complaint shall be referred by the President of the Tribunal for consideration by a competent adjudicating bench.

Article 81

1. The Tribunal shall consider an application, a question of law or a constitutional complaint at a hearing or at a sitting in camera.

2. The decision to consider an application, a question of law or a constitutional complaint at a hearing shall be taken by the adjudicating bench, out of its own initiative or after the consideration of an application lodged in that respect by an applicant, a court referring a question of law or a complainant.

3. The President of the Tribunal may refer to the presiding judge of an adjudicating bench with the request that an application, a question of law or a constitutional complaint be examined at a hearing, if this is justified by an important public interest.

Article 82

1. The President of the Tribunal shall notify participants in proceedings about the referral of an application, a question of law or a constitutional complaint for consideration by an adjudicating bench, providing them with certified copies of the application, the question of law or the complaint.

2. A participant in proceedings shall, within two months of the date of service of the notification, present a written statement on the case.

3. The provision of para 1 shall apply to the Ombudsman, with the exception of applications in cases mentioned in Article 44(1)(1)(a). Within 30 days from the date of service of the notification, the Ombudsman may notify the Tribunal about his/her participation in proceedings, and in the event of such notification – within 30 days, the Ombudsman shall present a written statement on the case.

4. In proceedings instituted by an application filed by the Ombudsman or in proceedings concerning a constitutional complaint, where the rights of the child are discussed, the provisions of paras 1 and 3 shall apply accordingly to the Ombudsman for Children.
5. Where justified, the President of the Tribunal may set a different date for the presentation of the said statement.

6. The Tribunal may refer to other authorities or parties with the request to take a stance on a case within the set time-limit.

**Article 83**

1. If, in at least two applications, questions of law or constitutional complaints, the subject of a review has been specified in the same way, the President of the Tribunal may order that those applications, questions of law or constitutional complaints be considered jointly.

2. The decision to jointly consider applications, questions of law or constitutional complaints shall be made by the President of the Tribunal, who determines the composition of an adjudicating bench. The President of the Tribunal may order the joint consideration of cases also upon motion by the adjudicating bench.

**Article 84**

1. Where a ruling of the Tribunal may require incurring expenses which have not been provided for in the State Budget Act or the Interim State Budget Act, the President of the Tribunal shall request the Council of Ministers to present an opinion on the matter within the time-limit of 2 months.

2. Where justified, the President of the Tribunal may indicate a different time-limit for presenting the opinion.

3. Failure to present the opinion by the Council of Ministers within the set time-limit shall not prevent the consideration of the case.

**Article 85**

1. The conformity to the Constitution of the State Budget Bill or the Interim State Budget Bill, before they are signed, shall be determined by the Tribunal within 2 months from the date of the submission of the application.

2. Participants in proceedings present their statements within the time-limit set by the President of the Tribunal.

**Article 86**

The presiding judge of an adjudicating bench shall issue orders for the proper and efficient preparation of a hearing, or a sitting in camera, and in particular:

1) subject to Article 45(3), the presiding judge shall set a date for the first deliberation no later than within 2 months from the lapse of the time-limit for the submission of statements by participants in proceedings;

2) the said judge shall order the service of relevant documents to the participants;

3) the said judge shall request the participants to provide additional statements in writing and within a set time-limit;

4) the said judge shall request the participants in the proceedings to submit documents and additional material, which are crucial for the examination of the case;
5) The said judge shall request other authorities or parties to participate in proceedings if s/he deems that their participation would be conducive to a thorough examination of the case.

Article 87

1. The presiding judge of an adjudicating bench shall set the date of a hearing and shall notify the participants about the date.

2. The hearing may not be held earlier than after 14 days following the service of the notification of the said date.

3. The Tribunal shall adjourn the hearing where there is no evidence that the notification of the said date has been served on the participants in proceedings, or where it has been deemed that the notification was not properly served, or for any other serious reason.

4. When adjourning the hearing, the Tribunal may set a new date which shall be notified to the participants in proceedings. The provision of para 2 shall not apply.

Article 88

1. At a hearing, the attendance of an applicant, or his/her representative or attorney, and of the attorney of a complainant shall be mandatory.

2. In the event of absence, despite being properly notified, of the applicant or his/her representative or attorney, or of the attorney of the complainant, the Tribunal shall discontinue the proceedings or adjourn the hearing.

3. In the event of absence of other participants at a hearing, where the participants have been notified in a proper way, the consideration of the case shall not be suspended.

Article 89

The presiding judge of an adjudicating bench shall preside over a hearing and shall issue orders that are necessary to maintain the dignity of the court and to keep order at the hearing, and – where necessary – s/he shall take measures provided for in the Act of 27 July 2001 on the Organisational Structure of Common Courts (Journal of Law - Dz. U. of 2015 items 133, 509 and 694).

Article 90

A hearing shall commence with the indication of a relevant case; then, respectively, an applicant, a court referring a question or a complainant, and subsequently the other participants in proceedings, shall present their statements, arguments and evidence as well as they shall provide answers to questions posed by the judges of the Tribunal adjudicating in the case. The presiding judge shall allow each participant – and where necessary, also authorities or parties called to participate in the proceedings – to have the floor.

Article 91

When the Tribunal deems that a case has been sufficiently examined, the presiding judge of the bench shall close the hearing.

Article 92

1. A recording clerk shall prepare the minutes of a hearing, which shall include:
1) the date and place of the hearing;

2) the first and last names of the judges from the adjudicating bench and the recording clerk;

3) the indication of participants in the proceedings, their representatives and attorneys, as well as other authorities or parties called to participate in the proceedings;

4) the reference number of the case with information whether the case was considered in public or in camera;

5) the transcript of the course of the hearing, prepared on the basis of an electronic recording.

2. The minutes of the hearing shall be signed by the judges of the adjudicating bench and the recording clerk.

**Article 93**

1. The Tribunal may consider an application, a question of law or a constitutional complaint at a sitting in camera, if:

1) written statements of participants in proceedings as well as the other evidence gathered with regard to a case constitute a sufficient basis for issuing a ruling; or

2) when a case concerns a legal matter that has been sufficiently examined in previous rulings of the Tribunal.

2. The decision to consider an application, a question of law or a constitutional complaint at a sitting in camera shall be taken by a competent adjudicating bench.

3. The presiding judge of the adjudicating bench shall notify participants in proceedings that the consideration of the case shall take place at a sitting in camera.

**Chapter 7**

Rulings of the Tribunal

**Article 94**

The Tribunal shall determine a case, by issuing a ruling in the form of a judgment or a decision.

**Article 95**

The Tribunal shall issue judgments in cases referred to in Article 3(1)-(5).

**Article 96**

The Tribunal shall issue decisions:

1) in cases to determine whether or not there exists an impediment to the exercise of the office by the President of the Republic and to assign the Marshal of the Sejm with presidential duties;
in other cases where the Act so stipulates or which do not require the issuing of a judgment.

**Article 97**

1. The Tribunal’s decisions that conclude proceedings shall be issued after the close of a hearing or at a sitting in camera. They shall require a statement of reasons.

2. The Tribunal’s decisions that do not conclude proceedings in a given case may be revoked or modified due to a change in circumstances.

**Article 98**

The Tribunal shall issue a ruling after deliberation in camera, held by the judges adjudicating on a particular case and presided over by the presiding judge of the adjudicating bench.

**Article 99**

1. A ruling of the Tribunal shall be determined by a majority vote.

2. A judge of the adjudicating bench who disagrees with the Tribunal’s ruling may submit a dissenting opinion when signing the ruling. The dissenting opinion may also concern only the statement of reasons for the ruling.

**Article 100**

1. A ruling of the Tribunal shall indicate:

   1) the composition of an adjudicating bench, and a recording clerk;

   2) the case reference number, the date, the place, and a procedure for issuing the ruling;

   3) an applicant, a complainant or a court referring a question of law, who instituted proceedings before the Tribunal, and the other participants in the proceedings;

   4) a normative act, or part thereof, that is discussed in the ruling;

   5) allegations raised by the initiator of the proceedings before the Tribunal;

   6) a determination by the Tribunal;

   7) the signatures of the judges of the adjudicating bench;

   8) the submission of any dissenting opinions.

2. Where the Tribunal decides that a normative act, or part thereof, will cease to have effect at a different date than the date of entry into force of its ruling, the ruling shall specify the date when the act, or part thereof, ceases to have effect.

3. The provision of para 1 shall be applied accordingly to rulings of the Tribunal in cases other than those concerning the hierarchical conformity of legal norms.

**Article 101**

The following may be the subject of a determination by the Tribunal: the lawgiver’s activities; the content of a normative act or part thereof.
Article 102

1. Rulings issued in cases referred to in Article 3 shall be delivered by the Tribunal publicly.

2. The public delivery of a ruling with a statement of reasons shall take place no later than:
   1) within 3 months from the date of closing a hearing;
   2) within 30 days from the date when a sitting in camera is held.

3. The Tribunal shall notify participants about a date when the ruling in question is to be publicly delivered.

4. During the delivery of a ruling, everyone present in the courtroom, except for the adjudicating bench, shall remain standing.

5. A presiding judge or judge rapporteur shall mention the main reasons from the statement of reasons for the ruling. A judge who has submitted a dissenting opinion referred to in Article 99(2) may present reasons for his/her stance.

Article 103

1. A certified copy of the ruling, together with the statement of reasons and dissenting opinions, shall be served forthwith on the participants in proceedings.

2. The President of the Tribunal shall provide a certified copy of the ruling, together with the statement of reasons and dissenting opinions, to the President of the Republic of Poland, the Marshal of the Sejm and the Marshal of the Senate, regardless of the fact whether the said authorities were participants in the proceedings before the Tribunal.

Article 104

1. The Tribunal shall, at a sitting in camera, issue a decision on the discontinuance of proceedings:
   1) as a result of the withdrawal of an application, a question of law or a constitutional complaint;
   2) if the issuing of a ruling is inadmissible;
   3) if the issuing of a ruling is useless, in particular when a case under examination lacks a significant legal issue that needs to be determined by the Tribunal;
   4) if a normative act within the challenged scope has ceased to have effect before a ruling is issued by the Tribunal;
   5) in the case referred to in Article 71(3).

2. If the circumstances referred to in para 1(1)-(4) become apparent at a hearing, the Tribunal shall issue a decision on the discontinuance of the proceedings.

3. The Tribunal shall not discontinue proceedings for reasons mentioned in para 1(4), if the issuing of a ruling is necessary for the protection of constitutional rights and freedoms.

Article 105
1. Rulings of the Tribunal shall be published in accordance with the rules and procedure laid down in the Constitution and in the Act of 20 July 2000 on the promulgation of normative acts and certain other legal acts (Journal of Laws – Dz. U. of 2011 No. 197, item 1172 and No. 232, item 1378).

2. The publication of the Tribunal's rulings shall be ordered by the President of the Tribunal.

**Article 106**

1. An adjudicating bench that has issued a ruling may at any point, by issuing a decision at a sitting in camera, correct any inaccuracies, linguistic or calculation mistakes, or any other obvious errors in the ruling.

2. The original ruling – and where requested by the participants in the proceedings, also certified copies of the ruling – shall include a mention about corrections, signed by the presiding judge of the adjudicating bench.

3. If a correction may not be made by the adjudicating bench indicated in para 1, a request for the correction shall be considered by an adjudicating bench composed of the same number of judges as the bench indicated in para 1.

**Article 107**

1. Where requested by a participant in proceedings, the adjudicating bench that has issued the ruling shall address any doubts concerning the content of the ruling, by issuing a decision at a sitting in camera.

2. If a request for dispelling doubts concerning the content of the ruling may not be considered by the adjudicating bench indicated in para 1, the request shall be considered by an adjudicating bench composed of the same number of judges as the bench indicated in para 1.

**Article 108**

1. The Tribunal shall publish its rulings in an official collection entitled *Orzecznictwo Trybunału Konstytucyjnego. Zbiór Urzędowy*.

2. The collection referred to in para 1 shall comprise the Tribunal's rulings together with statements of reasons and dissenting opinions.

3. The collection referred to in para 1 shall be published in an electronic form.

4. The title *Orzecznictwo Trybunału Konstytucyjnego. Zbiór Urzędowy* shall be subject to copyright.

Chapter 8

**Proceedings to determine the conformity to the Constitution of the purposes or activities of political parties**

**Article 109**
An application to determine the conformity to the Constitution of the purposes of a political party, which are specified in the rules and regulations as well as programme of the political party, shall be considered by the Tribunal in accordance with the procedure for applications to determine the conformity to the Constitution of normative acts.

**Article 110**

1. An application to determine the conformity to the Constitution of the activities of a political party shall be considered by the Tribunal in accordance with the procedure referred to in Article 109.

2. The burden of proving the non-conformity to the Constitution of the activities of a political party shall lie with the applicant.

3. Doubts that cannot be dispelled shall be resolved in favour of the political party concerned.

4. With regard to the hearing of witnesses and experts or the disclosure of documents that are essential for a determination by the Tribunal, the provisions of the Act of 6 June 1997 – the Code of Criminal Procedure (Journal of Laws – Dz. U. No. 89, item 555, as amended) shall be applied accordingly.

5. In order to gather and document evidence on the conformity to the Constitution of the activities of a political party, the Tribunal may, by issuing a decision, commission the Public Prosecutor-General to conduct an investigation. The scope of the investigation specified in the decision shall be binding. With regard to the investigation, the provisions of the Act of 6 June 1997 – the Code of Criminal Procedure shall be applied accordingly.

**Article 111**

A question referred to the Tribunal by a court registering political parties – to determine the conformity to the Constitution of the rules and regulations of a political party, within the scope of the party’s purposes and activities, specified in the said rules and regulations – shall be considered by the Tribunal in accordance with the rules and procedure provided for questions of law.

**Article 112**

1. The Tribunal shall determine persons who are authorised to represent a political party on the basis of the rules and regulations of the party or the Act.

2. Where it may not be determined who is authorised to represent a political party or if it is impossible to contact that person, the Tribunal shall deem that a person who is the actual leader of the party is the authorised person.

**Chapter 9**

**Proceedings to settle disputes over powers**

**Article 113**

The Tribunal shall settle disputes over powers where:

1) at least two central constitutional state authorities consider themselves competent to determine the same matter or have delivered a determination with regard to that matter;
2) at least two central constitutional state authorities consider themselves to lack competence to determine a particular matter.

**Article 114**

An application to settle a dispute over powers should indicate the provision of the Constitution or a statute which specifies a power that has been infringed, as well as actions, or lack thereof, challenged in the dispute.

**Article 115**

1. Instituting proceedings before the Tribunal shall result in the suspension of proceedings before the state authorities that are involved in the dispute over powers.

2. After hearing arguments of participants in proceedings, the Tribunal may issue a decision to temporarily resolve disputable matters, especially where this is particularly important from the point of view of the public interest.

**Chapter 10**

**Proceedings to determine the existence of an impediment to the exercise of the office by the President of the Republic**

**Article 116**

In an application to determine the existence of an impediment to the exercise of the office by the President of the Republic, the Marshal of the Sejm shall indicate circumstances which temporarily make it impossible for the President of the Republic to exercise his/her office and to notify the Marshal of the Sejm thereof.

**Article 117**

1. The Tribunal shall consider the application of the Marshal of the Sejm forthwith, but no later than within 24 hours from the submission thereof.

2. The Tribunal shall consider the application at a hearing in camera.

3. The following shall be participants in the proceedings:

1) the Marshal of the Sejm;

2) the Marshal of the Senate;

3) the First President of the Supreme Court;

4) the Public Prosecutor-General;

5) the Head of the Chancellery of the President of the Republic of Poland.

4. If a participant in the proceedings may not be present at the hearing, s/he may designate a representative.

5. The representative:

1) of the Marshal of the Sejm may be a Vice-Marshall of the Sejm whom the said Marshal has authorised to act in such capacity;
2) of the Marshal of the Senate may be a Vice-Marshall of the Senate whom the said Marshal has authorised to act in such capacity;

3) of the First President of the Supreme Court may be a President of the Supreme Court whom the First President has authorised to act in such capacity;

4) of the Public Prosecutor-General may be his/her deputy authorised to act in such capacity;

5) of the Head of the Chancellery of the President of the Republic may be his/her deputy authorised to act in such capacity.

6. The absence of a participant or his/her representative at the hearing shall not prevent the consideration of the application.

Article 118

1. If any doubts arise at the hearing with regard to the circumstances mentioned in Article 116, the Tribunal may, by issuing a decision, commission the Public Prosecutor-General to take certain measures within a specified time-limit as well as adjourn the hearing.

2. The hearing may not be adjourned for longer than 24 hours.

3. The Public Prosecutor-General shall forthwith notify the Tribunal about the effects of the measures taken to execute the decision referred to in para 1.

Article 119

1. The Tribunal shall issue a decision in which it determines the existence of an impediment to the exercise of the office by the President of the Republic and assigns the Marshal of the Sejm with the temporary performance of the duties of the President of the Republic for a period no longer than three months.

2. The decision shall cease to have effect:

1) if, before the lapse of the time-limit specified therein, the President of the Republic of Poland shall notify the Marshal of the Sejm and the Tribunal about his/her capacity to exercise the office;

2) if there occur circumstances specified in Article 131(2), points 1, 2, 4 or 5, of the Constitution.

Article 120

1. Where – after the lapse of the time-limit for which the Tribunal assigned the Marshal of the Sejm with the temporary performance of presidential duties – the circumstances which temporarily make it impossible for the President of the Republic to exercise the office have not ceased to exist, the Marshal of the Sejm may again, for the last time, refer to the Tribunal with an application to determine whether or not there exists an impediment to the exercise of the office by the President of the Republic.

2. The application submitted again by the Marshal of the Sejm to determine the existence of an impediment to the exercise of the office by the President of the Republic shall be considered on the basis of the provisions of Articles 117-119.

Chapter 11
The Office of the Constitutional Tribunal

Article 121

1. The organisational and administrative working conditions in the Tribunal shall be ensured by the President of the Tribunal and the Office of the Tribunal (hereinafter referred to as ‘the Office’).

2. A detailed scope of the Office’s tasks as well as its structure shall be laid down in the rules and regulations of the Office.

Article 122

1. The Office shall be managed by the Head of the Office, who shall be appointed and dismissed by the General Assembly, upon motion by the President of the Tribunal.

2. The remuneration of the Head of the Office shall be determined on the basis of provisions on the remuneration of persons who hold managerial positions in state institutions, within the scope of the duties of a secretary of state.

Article 123

1. The Head of the Office shall be the supervisor of the employees of the Office, shall ensure the proper functioning of the Office and, where necessary, shall put forward motions concerning the organisation of the Office.

2. The Head of the Office shall prepare and present a draft estimate of revenue and expenditure of the Tribunal, shall be responsible for the execution of the budget of the Tribunal and, where necessary, shall propose modifications to the execution of the budget.

3. The Head of the Office shall be responsible for the use of assets that are managed by the Tribunal.

4. A detailed scope of tasks assigned to the Head of the Office shall be specified by the rules and regulations of the Office.

Article 124

1. The employees of the Office whose responsibilities are directly linked with the judicial activity of the Tribunal and assistance within that scope provided to the judges of the Tribunal shall comprise the group of legal service professionals of the Tribunal.

2. The list of positions held by legal service professionals in the Tribunal, and detailed qualifications required for those positions, shall be specified in an order issued upon request by the Head of the Office and upon consultation with the General Assembly, by the President of the Tribunal.

3. A detailed scope of duties assigned to the positions referred to in para 2, as well as the terms and conditions of performing them, shall be specified in the rules and regulations of the Office.

Article 125

1. Employees of the Tribunal holding the positions indicated in Article 124(1) may, in accordance with rules and procedures laid down in separate provisions:
1) apply for entry into the register of advocates or legal advisers;

2) apply for a position of an assistant judge;

3) apply for employment in the position of a solicitor in the State Treasury Solicitors’ Office;

4) apply to take an examination to be admitted to the profession of advocate, legal adviser or notary public.

2. Employees of the Tribunal holding the positions indicated in Article 124(1), after working in those positions for at least 5 years, may take an examination to be admitted to the profession of judge.

3. An application for an examination to be admitted to the profession of judge, together with a positive opinion of the President of the Tribunal, shall be submitted to the Director of the National School of Judiciary and Public Prosecution by a person referred to in para 2, and the payment of the required fee needs to be made, no later than three months prior to the examination.

4. In the event that the person referred to in para 2 files a written statement about his/her decision not to take an examination to be admitted to the profession of judge no later than 14 days prior to the date of the examination, the Director of the National School of Judiciary and Public Prosecution shall return the two-thirds of the paid examination fee.

**Article 126**

1. In matters not regulated by the Act, the employees of the Office shall be subject to the provisions of the Act of 16 September 1982 on Employees of State Offices.

2. The Head of the Office shall exercise powers vested in the head of a state office provided by law.

**Article 127**

No one may enter the land managed by the Tribunal and the buildings of the Tribunal while carrying firearms, ammunition, explosives or other dangerous substances. This shall not apply to persons whose professional duties require the possession of firearms.

**Chapter 12**

**Amendments to the binding provisions**

**Article 128**


1) point (c) shall read as follows:

“c) were employed in offices of the organs of public authority or in state organisational units, and performed tasks which required the knowledge of law and which were directly related to drafting bills, regulations or enactments of local law, or”;

2) the following point (d) shall be added:
“d) were employed in the Constitutional Tribunal or an international judicial institution, in particular in the Court of Justice of the European Union or the European Court of Human Rights, and performed tasks corresponding to the responsibilities of an assistant to a judge.”.

**Article 129**


1) point (c) shall read as follows:

“c) were employed in offices of the organs of public authority or in state organisational units, and performed tasks which required the knowledge of law and which were directly related to drafting bills, regulations or enactments of local law, or”;

2) the following point (d) shall be added:

“d) were employed in the Constitutional Tribunal or an international judicial institution, in particular in the Court of Justice of the European Union or the European Court of Human Rights, and performed tasks corresponding to the responsibilities of an assistant to a judge.”.

**Article 130**

In the Act of 15 July 1987 on the Ombudsman (Journal of Laws – Dz. U. of 2014 item 1648), point 3 in Article 16(2) shall read as follows:

“3) to notify the Constitutional Tribunal about his/her participation in proceedings before the Tribunal and to participate in the proceedings;”.

**Article 131**

In the Act of 8 August 1996 on the Council of Ministers (Journal of Laws – Dz. U. of 2012 item 392), in Article 14c, after point 3, the following point 3a shall be added:

“3a) ensure the participation of the Council of Ministers and the Prime Minister proceedings before the Constitutional Tribunal;”.

**Article 132**

In the Act of 27 June 1997 on Political Parties (Journal of Laws – Dz. U. of 2011 No. 155 item 924), the following amendments shall be added:

1) in Article 14:

a) para 1 shall read as follows:

“1. Where there arise doubts as to the conformity to the Constitution of the purposes or activities of a political party, which are specified in the party’s rules and regulations in accordance with Article 9(1), the Court shall decide to suspend proceedings mentioned in Article 12 and shall refer a question about the constitutionality of the said rules and regulations to the Constitutional Tribunal.”.

b) para 3 shall read as follows:
3. If the Constitutional Tribunal issues a ruling on the non-conformity to the Constitution of the said rules and regulations, of part thereof, the Court shall refuse to enter the political party into the register.

2) Article 21 shall be read as follows:

“Article 21. 1. Where there arise doubts as to the conformity to the Constitution of the purposes or activities of a political party, which are specified in the party’s rules and regulations, the Court shall decide to suspend proceedings mentioned in Article 12(2) and shall refer a question about the constitutionality of the said rules and regulations to the Constitutional Tribunal.

2. If the Constitutional Tribunal issues a ruling on the non-conformity to the Constitution of amendments to the said rules and regulations, the Court shall refuse to enter the amendments into the register of political parties.

3. The provisions of Article 14(2) and (4) shall be applied accordingly.”

3) Chapter 5 shall read as follows:

“Chapter 5

Proceedings to determine the conformity to the Constitution of the purposes or activities of political parties

Article 42. Jurisdiction in cases concerning the conformity to the Constitution of the purposes or activities of political parties shall be exercised by the Constitutional Tribunal.


Article 44. If the Constitutional Tribunal issues a ruling on the non-conformity to the Constitution of the purposes or activities of a political party, the Court shall forthwith issue a decision to delete the entry of the political party from the register.”

Article 133

In the Act of 8 July 2005 on the State Treasury Solicitors’ Office (Journal of Laws – Dz. U. of 2013 item 1150 and 1247), the following amendments shall be introduced:

1) in Article 4, para 3 shall read as follows:

“3. The Council of Ministers may designate the State Treasury Solicitors’ Office to represent the said Council or a minister in proceedings before the Constitutional Tribunal with regard to cases on normative acts concerning the State Treasury.”;

2) in Article 29(2):

a) point 2 shall read as follows:

“2) worked in a position related to legislation, not lower than the position of a legislator or a specialist on legislation, in a state office for at least five years, or”;

b) the following point 3 shall be added:

“3) worked in a position directly related to the judicial activity of the Tribunal, and was involved in providing assistance within the scope of work performed by the judges of the Tribunal, for at least five years.”.

Chapter 13
Transitional provisions and provisions adapting relevant provisions

Article 134

In cases which were pending prior to the entry into force of the Act, in proceedings before the Tribunal:

1) within the scope of preliminary consideration, the previous provisions shall apply;

2) if the Tribunal adjourns a hearing or grants a recess or sets a date for delivering a ruling after the entry into force of the Act, the previous provisions shall apply;

3) if there are grounds for the discontinuance of the proceedings, the previous provisions shall apply.

4) with regard to constitutional complaints referred for consideration by a competent adjudicating bench, the provision of Article 88(1) shall not be applied.

Article 135

1. The Council of Ministers shall act as the participant referred to in Article 56(6), in proceedings before the Tribunal which were instituted after the lapse of 2 months from the date of entry into force of the Act.

2. In proceedings before the Tribunal which were instituted before the time-limit indicated in para 1, the Council of Ministers may act as the participant referred to in Article 56(6), if the Council notifies the Tribunal about its participation in the proceedings.

Article 136

The provision of Article 18(2) shall apply to judges of the Tribunal who are chosen to the office after the date of entry into force of the Act.

Article 137

With regard to judges of the Tribunal whose terms of office end in 2015, the time-limit for submitting the proposal referred to in Article 19(2) shall be 30 days from the date of entry into force of the Act.

Chapter 14

Final provisions

Article 138

The Constitutional Tribunal Act of 1 August 1997 shall cease to have effect (Journal of Laws – Dz. U. No. 102, item 643, of 2000 No. 48, item 552 and No. 53, item 638, of 2001 No. 98, item 1070, of 2005 No. 169, item 1417, of 2009 No. 56, item 459 and No. 178, item 1375, of 2010 No. 182, item 1228 and No. 197, item 1307 as well as of 2011 No. 112, item 654).

Article 139
The Act shall enter into force after the lapse of 30 days from the date of its publication, except for Article 108(3), which shall enter into force as of 1 January 2016.

The President of the Republic of Poland: B. Komorowski


[2] [the translator’s note: the Polish term ‘organy’ is rendered in the English translation of the Polish Constitution as ‘organs’, but the Polish term is much broader and covers not only competent bodies but also certain competent individual officials (e.g. the President of the Republic of Poland, the Prime Minister, as well as others), and thus in this translation the Polish term is, in a number of instances, rendered more broadly as ‘authorities’.]

[3] [the translator’s note: in the English translation of the Polish Constitution, ‘the Ombudsman’, ‘the Ombudsman for Children’, and ‘the President of the Supreme Audit Office’ are also referred to, respectively, as ‘the Commissioner for Citizens’ Rights’, ‘the Commissioner for Children’s Rights’, and ‘the President of the Supreme Chamber of Control’; the English text of the Constitution is also available at: <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>]

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The Act
of 19 November 2015
amending the Constitutional Tribunal Act

Article 1
The Constitutional Tribunal Act of 25 June 2015 (Journal of Laws - Dz. U. item 1064) shall be amended as follows:

1) in Article 12, paras 1 and 2 shall read as follows:
   “1. The President of the Tribunal shall be appointed by the President of the Republic of Poland for the period of three years, from among at least three candidates proposed by the General Assembly. The same person may be appointed the President of the Tribunal twice.

   2. Candidates for the position of the President of the Tribunal shall be selected by the General Assembly, in the last month of the said President’s term of office, from among the judges of the Tribunal who have received the largest number of votes. In the event that the position of the President of the Tribunal is vacated, the candidates shall be selected within the time-limit of 21 days.”;

2) Article 18 shall read as follows:
   “Article 18. Judges of the Tribunal shall be chosen from among persons who hold qualifications required for the office of a judge of the Supreme Court or the Supreme Administrative Court.”;

3) in Article 19, para 2 shall read as follows:
   “2. A proposal for a candidate for a judge of the Tribunal shall be lodged with the Marshal of the Sejm 30 days prior to the end of the term of office of a judge of the Tribunal.”;

4) in Article 21:
   a) para 1 shall read as follows:
      “1. A person elected to assume the office of a judge of the Tribunal shall take the following oath in the presence of the President of the Republic of Poland within 30 days from the date of election:
         ‘I solemnly declare, that, by fulfilling my duties as a judge of the Constitutional Tribunal, I will faithfully serve the Polish Nation and safeguard the Constitution of the Republic of Poland, and that I will do so impartially, in accordance with my conscience, with the utmost diligence and with respect for the dignity of the office.’.
      The oath may be taken by adding the following wording: ‘So help me God’."

   b) after para 1, the following para 1a shall be added:
      “1a. The taking of the oath of office shall commence the term of office in the case of a judge of the Tribunal.”;

5) Articles 136 and 137 shall be repealed;

6) after Article 137, the following Article 137a shall be added:
   “Article 137a. With regard to judges whose terms of office end in 2015, the time-limit for submitting the proposal referred to in Article 19(2) shall be 7 days as of the entry into force of this provision.”.

Article 2
The terms of office of the incumbent President and Vice-President of the Constitutional Tribunal shall expire after the lapse of three months from the date of entry into force of the Act.

Article 3
The Act shall enter into force after 14 days as of the date of its publication.

The President of the Republic of Poland: A. Duda
The Act
of 22 December 2015
amending the Constitutional Tribunal Act

Article 1
The Constitutional Tribunal Act of 25 June 2015 (Journal of Laws – Dz. U. of 2015 item 1064, as amended[1]) shall be amended as follows:

1) Article 1 shall read as follows:

“Article 1. The Constitutional Tribunal of the Republic of Poland, hereinafter referred to as ‘the Tribunal’, shall be an organ of the judiciary, established to exercise powers laid down in the Constitution.”;

2) Article 8(4) shall read as follows:

“4) prepare an application to be lodged with the Sejm for the expiry of the mandate of a judge of the Tribunal in cases specified in Article 36(1);”;

3) Article 10(1) shall read as follows:

“1. The General Assembly shall adopt resolutions by a two-thirds majority vote, in the presence of at least 13 judges of the Tribunal, including the President or Vice-President of the Tribunal, unless the Act provides otherwise.”;

4) in Article 12:

a) after para 2, the following para 2a shall be added:

“2a. A candidate for the position of the President of the Tribunal may be proposed by at least 3 judges of the Tribunal. A judge of the Tribunal may propose only one candidate.”;

b) after para 3, the following paras 3a-3c shall be added:

“3a. A vote to select candidates for the position of the President of the Tribunal may not be held earlier than after the lapse of 3 days from the date of proposing candidates.
3b. A ballot for selecting candidates for the position of the President of the Tribunal shall include the first and last names of the candidates in alphabetical order.
3c. A judge of the Tribunal may cast a vote for only one candidate for the position of the President of the Tribunal.”;

c) para 5 shall read as follows:

“5. With regard to the Vice-President of the Tribunal, the provisions of paras 1–2a and 3a–4 shall be applied accordingly”;
5) after Article 28, the following Article 28a shall be added:

"Article 28a. Disciplinary proceedings may also be instituted upon application by the President of the Republic of Poland or the Minister of Justice within 21 days from the date of receiving the application, unless the President of the Tribunal deems that the application is unjustified. A decision on refusal to institute disciplinary proceedings together with a statement of reasons shall be served on the applicant within 7 days from the date of the issuance of the decision."

6) in Article 31, para 3 shall be repealed;

7) after Article 31, the following Article 31a shall be added:

"Article 31a. 1. In particularly striking instances, the General Assembly shall lodge an application with the Sejm to recall a judge of the Tribunal from office.
2. The General Assembly may adopt a resolution or lodge an application in the case referred to in para 1, also upon application by the President of the Republic of Poland or the Minister of Justice within 21 days from the date of receiving the application.
3. A resolution on refusal to lodge the application referred to in para 1 together with a statement of reasons shall be served on the applicant indicated in para 2 within 14 days from the date of the adoption of the resolution."

8) Article 36 shall read as follows:

"Article 36. 1. The mandate of a judge of the Tribunal shall expire before the end of the judge’s term of office in the case of:

1) the death of the judge of the Tribunal;
2) the said judge’s resignation from the office;
3) the conviction of the said judge by a legally effective court judgment for a premeditated offence prosecuted ex officio or a premeditated fiscal offence;
4) the recall of the said judge from office by the Sejm, upon application by the General Assembly.

2. If cases referred to in para 1 points 2 and 3 are of particular complexity and significance, it is possible to refer them for adjudication by a full bench. The decision about referral shall be made by the President of the Tribunal, also upon motion by the adjudicating bench.

3. Adjudication by a full bench shall require the participation of at least 13 judges of the Tribunal.";
10) in Article 80, the previous wording shall be marked as para 1 and the following para 2 shall be added:

“2. The dates of hearings or the dates of sittings in camera, at which applications are considered, shall be set in the order in which cases are received by the Tribunal.”;

11) in Article 81:

a) after para 1, the following para 1a shall be added:

“1a. The Tribunal shall consider an application, a question of law or a constitutional complaint at a hearing, if an application for the consideration of a case at a hearing is included in the application, the question of law or the constitutional complaint.”;

b) para 2 shall read as follows:

“2. Where the application referred to in para 1a has not been filed, the decision to consider a case at a hearing shall be taken by the adjudicating bench.”;

12) in Article 87:

a) para 2 shall read as follows:

“2. The hearing may not be held earlier than after 3 months following the service of the notification of the said date, and as regards cases considered by a full bench of the Tribunal – after 6 months.”;

b) after para 2, the following para 2a shall be added:

“2a. The President of the Tribunal may shorten by half the time-limits indicated in para 2 in cases:

1) commenced upon application by the President of the Republic of Poland;

2) in which a constitutional complaint or a question of law directly concerns the freedoms, rights and obligations of persons and citizens, laid down in Chapter II of the Constitution;

3) which involve a review of the rules of procedure of the Sejm or of the Senate.”;

13) in Article 93(1), the wording introducing the enumeration shall read as follows:

“Subject to Article 81(2), the Tribunal may consider an application, a question of law or a constitutional complaint at a sitting in camera, if:”;

14) Article 99(1) shall read as follows:

“1. Full bench rulings of the Tribunal shall require a two-thirds majority vote.”;

15) Chapter 10 shall be repealed;

16) The following provisions shall be repealed: Article 16; Article 17(1); Article 17(2), second sentence; Article 19; Article 20; Article 28(2); Article 30; Article 45(2); Article 70(2); Article 82(5); Article 112(2); Article 125(2)–(4); and Article 137a.

**Article 2**

1. In cases where prior to the entry into force of this Act, the President of the Tribunal did not notify participants in proceedings about the referral of an application, a question of law or a constitutional complaint for consideration by an adjudicating bench, the proceedings shall be conducted in accordance with rules laid down in this Act. However, in every case the composition of an adjudicating bench shall be determined on the basis of the provisions of this Act.

2. With regard to proceedings that were pending before the entry into force of this Act, a hearing may not be held earlier than after 45 days from the date of service of the notification about the date of the hearing, and in cases considered by a full bench – after 3 months; however, in both cases, this should be no later than 2 years after the date of the entry into force of this Act.

3. The dates of hearings at which the Tribunal shall consider applications from proceedings that were pending before the entry into force of this Act shall be set in the order in which cases are registered by the Tribunal.

4. The provisions of paras 2 and 3 shall apply to a sitting in camera at which an adjudicating bench issues a ruling that closes a case.

**Article 3**

1. Persons employed in positions indicated in Article 124(1) of the Act amended in Article 1 may, after working in those positions for at least 5 years, take an examination to be admitted to the profession of judge within the time-limit of 36 months from the date of the entry into force of this Act.

2. The persons referred to in para 1 above shall be subject to the previous wording of the provisions of Article 125(3) and (4) of the Act amended in Article 1.
Article 4

In cases where prior to the entry into force of this Act, an adjudicating bench did not determine whether to consider an application, a question of law or a constitutional complaint at a sitting in camera, upon application by a participant in proceedings, the cases shall be considered at a hearing.

Article 5

This Act shall enter into force on the day of its publication.

The President of the Republic of Poland: A. Duda