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National legislation

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Poland

Poland



This page provides you with information about the legal system in Poland.

Poland is a republic with a democratic form of government. The legislative power is vested in the Parliament, which consists of the lower house - the Sejm - and the upper house - the Senate. The executive power is vested in the President of the Republic of Poland (Prezydent Rzeczypospolitej Polskiej) and the Council of Ministers (Rada Ministrów). The judicial power is vested in the courts and tribunals.

The Polish legal system is based on the continental legal system (civil law tradition). The common courts in Poland are the courts of appeal (sądy apelacyjne), provincial courts (okręg) (sądy okręgowe) and district courts (rejon) (sady rejonowe). They are competent to hear criminal law cases, civil law cases, family and custody law cases, labour law cases and social insurance cases.

The administrative judiciary falls under the High Administrative Court (Naczelny Sąd Administracyjny), which has judicial control of public administration.

The [Supreme Court](#) (Sąd Najwyższy) is the highest central judicial organ in the Republic of Poland, and thus the highest court of appeal. The main tasks of the Supreme Court are to administer justice in Poland (together with the common, administrative and military courts), to consider cassation as a form of extraordinary appeal and to adopt resolutions concerning the interpretation of law.

The Constitutional Tribunal (Trybunał Konstytucyjny) is an organ of the judiciary. It is competent to decide on:

- The conformity of an issued law with the Constitution
- Disputes about competence between the organs of central administration
- The conformity of political parties' objectives and activities with the Constitution
- Constitutional complaints filed by citizens

The English version of the Act governing the Constitutional Tribunal and other related Acts are provided on the [Polish Constitutional Tribunal](#) web page.

Sources of law

The sources of Polish law are the Constitution, statutes, ratified international agreements and regulations. The Constitution is considered the most important source of Polish law. It contains information about the Polish law system, institutional organisation, the judicial system and local authorities. It also covers political freedoms and rights. The Constitution that is currently binding was enacted in 1997. The text of the Polish Constitution is available on the website of the [Lower house of the Polish Parliament \(Sejm\)](#) in Polish, English, German, French and Russian.

Types of legal instruments - description

Statutes (ustawy) are universally binding instruments that cover significant issues. Any issue can be the subject of a statute. In some cases, the Constitution imposes an obligation to regulate on a specific issue in a statute: for example, a budget or the legal status of citizens.

According to the Polish Constitution, some international agreements (umowy międzynarodowe) must, prior to ratification, be confirmed by a statute, which must be adopted by the parliament and signed by the President. These include issues like alliances; political or military treaties; citizens' freedoms, rights and duties; membership of international organisations, and other issues regulated by the Constitution.

Regulations (rozporządzenia) are issued by the governing bodies named in the Constitution as authorised by statute.

The Council of Ministers is entitled to issue resolutions (uchwały) of an internal nature, which are binding only on the organisational units that are subordinate to the institution issuing the resolution; these cannot provide the legal basis for decisions taken concerning citizens, legal persons and other subjects.

The local government authorities and the local authorities of governmental administration can, on the basis of authorisation by statute, enact local laws (akty prawa miejscowego) that apply to their areas of administration.

Hierarchy of norms

The Constitution is the first source of Polish law. Other norms in the hierarchy of the Polish Constitution are: ratified international agreements, regulations, directives and decisions of European Union, statutes, orders and Acts of local authorities.

Institutional framework

Institutions responsible for the adoption of legal rules

Legislative power is exercised by the Sejm and the Senate, the two chambers of the Polish Parliament. Members are elected to a four-year term of office. The right to introduce legislation belongs to the deputies, the Senate, the President of the Republic of Poland and the Council of Ministers. The right to introduce legislation also belongs to a group of at least 100,000 citizens, who have a right to vote in elections to the Sejm.

The Sejm considers Bills in three readings. When a Bill has been adopted by the Sejm and Senate, it is sent to the President for signature. The President may, before signing a Bill, refer it to the Constitutional Tribunal to adjudicate on its conformity with the Constitution.

The Council of Ministers ensures the implementation of statutes, issues regulations, concludes international agreements requiring ratification, and accepts or renounces other international agreements.

Decision-making process

Initiation

Legislation can be introduced by deputies, the Senate, the President of the Republic, the Council of Ministers and a group of at least 100,000 citizens entitled to vote in elections to the Sejm.

In most cases, Bills are submitted by the Council of Ministers or by deputies.

A Bill, with its justification, must be submitted to the Marshal of the Sejm (Marszałek Sejmu), who forwards it to the President of the Republic, to the Senate and to the President of the Council of Ministers (prime minister).

Discussion

The Sejm considers Bills in three readings. Bills are also examined by the specified commissions of the Sejm and Senate.

Adoption

The Senate must, within 30 days of submitting a Bill, adopt it without amendments, adopt amendments or resolve upon its complete rejection. The Sejm can reject the amendments of the Senate only by an absolute majority vote in the presence of at least half of the statutory number of deputies.

Proclamation

After the completion of the procedure in the Sejm and the Senate, the Marshal of the Sejm must submit the adopted Bill to the President for signature. The President of the Republic must sign a Bill within 21 days of submission and must order its promulgation in the Journal of Laws of the Republic of Poland (Dziennik Ustaw). Fourteen days later, the Act enters into force. However, the date of entry into force can also be set in the text of a Bill. According to the Polish legal system, a Bill can be repealed only by another Bill. The date when the Act or law will lose force of law must be included in the text of the Act or law.

Legal databases

You can find legal Acts dating back to 1918 on the website of the [Polish legal database \(Sejm\)](#), together with a list of these Acts.

Access to the database is free.

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