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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

POLAND

DRAFT ACT ON THE CONSTITUTIONAL TRIBUNAL



SEJM OF THE REPUBLIC
OF POLAND
10th term of office

Print No. 253

Warsaw, 6 March 2024

Mr
Szymon Hołownia
Speaker of the Sejm
of the Republic of Poland

Pursuant to Article 118(1) of the Constitution of the Republic of Poland and pursuant to Article 32(2) of the Standing Orders of the Sejm, the undersigned deputies propose a bill:

- on the Constitutional Tribunal.

We authorize Ms Kamila Gasiuk-Pihowicz (MP), Mr Sławomir Ćwik (MP), Mr Michał Pyrzyk (MP), Ms Katarzyna Ueberhan (MP) to represent the applicants in the work on the bill.

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Sroka; (-) Piotr Paweł Strach; (-) Mirosław Suchoń; (-) Wiesław Szczepański; (-) Michał Szczerba; (-) Andrzej Szejna; (-) Adam Szłapka; (-) Henryk Szopiński; (-) Krystyna Szumilas; (-) Ewa Szymanowska; (-) Paweł Śliz; (-) Krzysztof Śmiszek; (-) Apoloniusz Tajner; (-) Tadeusz Tomaszewski; (-) Wioleta Tomczak; (-) Tomasz Trela; (-) Katarzyna Ueberhan; (-) Jarosław Urbaniak; (-) Dariusz Wieczorek; (-) Kamil Wnuk; (-) Anna Wojciechowska; (-) Paweł Zalewski; (-) Bogdan Andrzej Zdrojewski; (-) Witold Zembaczyński; (-) Piotr Zgorzelski; (-) Jolanta Zięba-Gzik; (-) Tomasz Zimoch; (-) Anna Maria Żukowska.

**BILL AND EXPLANATORY
STATEMENT
dated 4 March 2024**

**ACT
of ... 2024
on the Constitutional Tribunal**

**Chapter 1
General Provisions**

Article 1

1. The Constitutional Tribunal, hereinafter referred to as “the Tribunal”, shall be a judicial authority established to examine the conformity of normative acts and international agreements to the Constitution, as well as to carry out other tasks laid down in the Constitution and statutes.
2. The Tribunal shall have its seat in Warsaw.

Article 2

1. The Tribunal shall adjudicate in cases concerning:
 - 1) the conformity of statutes and international agreements to the Constitution;
 - 2) the conformity of statutes to ratified international agreements whose ratification required prior consent granted by statute;
 - 3) the conformity of legal provisions issued by central state authorities to the Constitution, ratified international agreements, and statutes;
 - 4) the conformity to the Constitution of the objectives or activities of political parties;
 - 5) constitutional appeals;
 - 6) questions of law;
 - 7) disputes over powers between central constitutional state authorities.
2. The Tribunal shall, upon request by the President of the Republic of Poland, adjudicate on the conformity to the Constitution of a statute prior to its signing or an international agreement prior to its ratification.
3. The Tribunal shall, upon request by the Speaker of the Sejm, determine the existence of an impediment to the exercise of the office by the President of the Republic of Poland, where the President is not in a position to inform the Speaker of the Sejm of his/her incapacity to exercise the office. If the Tribunal recognizes the temporary inability of the President to perform his/her duties, the Tribunal shall entrust the Speaker of the Sejm with the temporary performance of the duties of the President of the Republic of Poland.

Article 3

1. The Tribunal shall notify the competent authorities of the existence of deficiencies and loopholes in the law, the removal of which is necessary to ensure the consistency of the legal system of the Republic of Poland.
2. The President of the Tribunal may ask the addressee of such notification to inform the Tribunal of its position on the case that is the object of the notification.

Article 4

1. The President of the Tribunal shall submit annually, no later than the end of June, to the Sejm and the Senate information on significant problems arising from the activities and jurisprudence of the Tribunal, as well as problems related to the implementation of the Tribunal's decisions.
2. No vote shall be taken on the information referred to in paragraph 1.
3. The President of the Tribunal shall send the information referred to in paragraph 1 to: the President of the Republic of Poland, the Council of Ministers, the First President of the Supreme Court, the President of the Supreme Administrative Court, the National Council of the Judiciary, the Minister of Justice, the Prosecutor General, the Commissioner for Human Rights, the Ombudsman for Children, the President of the Supreme Audit Office, the Chairperson of the National Broadcasting Council and the Governor of the National Bank of Poland.

Article 5

Whenever the term "statute" is used in the provisions of the Act, 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 laws in force before the entry into force of the Constitution, provided that those acts had the force of statute.

**Chapter 2
Bodies of the Tribunal****Article 6**

The Tribunal shall have the following bodies:

- 1) General Assembly of Judges of the Tribunal, hereinafter referred to as the "General Assembly";
- 2) President of the Tribunal.

Article 7

1. The General Assembly shall be made up of the judges of the Tribunal.
2. The General Assembly shall be competent to:
 - 1) approve the information referred to in Article 4(1);
 - 2) select candidates for the positions of the President and Vice President of the Tribunal and present candidates to the President of the Republic of Poland;

- 3) declare the expiration of the mandate of a judge of the Tribunal in the cases specified in Article 21(1) items (2) to (5);
- 4) determine the loss of status as a retired judge of the Tribunal, as provided for in Article 44;
- 5) adopt the Rules of Procedure of the Tribunal;
- 6) adopt the Rules and Regulations of the Chancellery of the Tribunal;
- 7) adopt a draft estimate of the revenue and expenditure of the Tribunal;
- 8) appoint the adjudicating panels referred to in Article 52;
- 9) perform other duties assigned to the General Assembly in the Act and in the Rules of Procedure of the Tribunal.

Article 8

1. The General Assembly shall deliberate at sessions.
2. A session of the General Assembly shall be called by the President of the Tribunal at least once a month, on his/her own initiative or at the request of at least three judges of the Tribunal. The President of the Tribunal shall set the agenda and preside over the deliberations.
3. The President of the Tribunal shall notify the judges of the Tribunal of the date and agenda of the session of the General Assembly no later than 7 days prior to the date of the session.
4. In particularly justified cases, the President of the Tribunal may dispense with the time limit referred to in paragraph 3.

Article 9

1. The General Assembly shall be presided over by the President or Vice President of the Tribunal.
2. The General Assembly shall pass resolutions by a simple majority of votes, in the presence of at least 2/3 of the total number of judges of the Tribunal, including the President or Vice President of the Tribunal.
3. In matters referred to in Article 7(2) items (2) to (5), the General Assembly shall pass resolutions by a 2/3 majority of votes.
4. Voting shall be open unless any judge of the Tribunal requests that the public be excluded.
5. In matters referred to in Article 7(2) items (2) to (5), a secret ballot shall be held.

Article 10

1. The President of the Tribunal shall annually, no later than the end of June, convene a public meeting of the General Assembly, during which important problems arising from the activities and jurisprudence of the Tribunal, as presented in the information referred to in Article 4(1), shall be discussed.
2. The President of the Tribunal shall give notice of the convening of a public meeting of the General Assembly and shall invite in particular: the President of the Republic of Poland,

Speaker of the Sejm, Speaker of the Senate, representatives of public authorities referred to in Article 4(3), as well as chairpersons of the relevant Sejm and Senate committees.

Article 11

1. The President of the Tribunal shall be appointed by the President of the Republic of Poland from among two candidates presented by the General Assembly for a three-year term of office. The President of the Tribunal may be appointed for another term of office only once.
2. Candidates for the position of President of the Tribunal shall be elected by the General Assembly no later than 30 days before the expiration of the term of office of the President of the Tribunal from among the judges of the Tribunal who received consecutively the highest number of votes. If the position of President of the Tribunal becomes vacant, the selection of candidates shall be made within 21 days from the date of expiration of the judge's mandate or resignation from the position of President.
3. The right to propose a candidate for the position of President of the Tribunal shall be vested in a group of at least three judges of the Tribunal.
4. A judge of the Tribunal may cast a vote for one or two candidates for the position of President of the Tribunal.
5. The session which concerns the selection of candidates for the position of President of the Tribunal shall be presided over by the oldest judge of the Tribunal.
6. Voting on the selection of two candidates for the position of President of the Tribunal may not take place earlier than 3 days after the candidates are proposed.
7. Following the selection of candidates, the General Assembly shall pass a resolution to present two candidates for President of the Tribunal to the President of the Republic of Poland. The resolution shall be forwarded to the President of the Republic of Poland forthwith.
8. The provisions of paragraphs 1 to 7 shall apply *mutatis mutandis* to the selection of candidates for the position of Vice President of the Tribunal.

Article 12

1. The President of the Tribunal shall direct the work of the Tribunal, represent the Tribunal vis-a-vis third parties, and perform other activities 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 and shall perform other activities arising from the division of duties established by the President of the Tribunal.
3. If the President and Vice President of the Tribunal are prevented from performing their duties, the President of the Tribunal shall be replaced by a judge of the Tribunal designated by the President of the Tribunal, or, if no judge of the Tribunal has been designated, by the oldest judge of the Tribunal.

Article 13

1. The internal organisation of the work of the Tribunal and its bodies, including the duties of the judges of the Tribunal arising therefrom, as well as other matters indicate in the Act, shall be determined by the Rules of Procedure of the Tribunal.

2. The Rules of Procedure of the Tribunal shall be published in the Official Gazette of the Republic of Poland "Monitor Polski".

Article 14

1. The draft revenue and expenditure of the Tribunal, referred to in Article 7(2)(8), shall be included by the minister responsible for public finance in the draft state budget.
2. In implementing the Tribunal's budget, the President of the Tribunal shall be vested with the powers of the minister responsible for public finance.

Chapter 3 Judges of the Tribunal

Section 1 General Provisions

Article 15

1. The Constitutional Tribunal shall be composed of fifteen judges.
2. In the exercise of their office, judges of the Tribunal shall be independent and subject only to the Constitution.

Section 2 Mandate of a Judge of the Tribunal

Article 16

1. Judges of the Tribunal shall be appointed individually by the Sejm for a nine-year term of office by a majority of 3/5 votes in the presence of at least half of the statutory number of deputies. Re-election to the Tribunal is not allowed.
2. Upon expiration of his/her term of office, a judge of the Tribunal shall serve until a successor is elected.

Article 17

1. A person aged from 40 to 70 who has outstanding knowledge of law and has the qualifications required to hold the position of judge of the Supreme Court or the Supreme Administrative Court may be elected to the position of judge of the Tribunal.
2. A person who held a mandate as a deputy, senator, member of the European Parliament or was a member of the Council of Ministers may run for the position of a judge of the Tribunal if at least 4 years have passed since the expiration of the mandate or the termination of the position as a member of the Council of Ministers.
3. A person who was a member of a political party may run for the position of a judge of the Tribunal if at least 4 years have passed since the termination of membership in a political party.

Article 18

1. A candidate for a judge of the Tribunal may be proposed by the President of the Republic of Poland, the Presidium of the Sejm of the Republic of Poland, a group of at least fifty deputies, a group of at least thirty senators, the General Assembly of Judges of the Supreme Court, the General Assembly of Judges of the Supreme Administrative Court, the National Bar Council of Attorneys-at-Law, the Supreme Bar Council and the National Council of Prosecutors.
2. The Speaker of the Sejm, no earlier than 6 months and no later than 5 months before the expiration of the term of office of a judge of the Tribunal, shall announce the commencement of proceedings for the selection of candidates for the position of judge of the Tribunal. The application of a candidate for a judge of the Tribunal shall be submitted to the Speaker of the Sejm no later than 3 months before the expiration of the term of office of a judge of the Tribunal.
3. If the mandate of a judge of the Tribunal expires before the end of the judge's term of office, the Speaker of the Sejm shall immediately announce the commencement of proceedings for the selection of candidates for the position of judge of the Tribunal. The application of a candidate for a judge of the Tribunal shall be submitted to the Speaker of the Sejm no later than 30 days from the announcement of the commencement of proceedings for the election of a candidate for the position of judge of the Tribunal.
4. The application referred to in paragraphs 2 and 3 shall be accompanied by documents and statements confirming that the candidate for judge of the Tribunal meets the requirements referred to in Article 17(1) to (3), as well as the grounds for filing the candidacy and the candidate's consent.
5. After the expiration of the time limit referred to in paragraphs 2 and 3, the Speaker of the Sejm shall initiate an investigation to examine whether the applications have been made by an authorised entity and whether the candidates meet the requirements referred to in Article 17(1) to (3).

Article 19

1. The Speaker of the Sejm shall, no later than 30 days before the expiration of the term of office of a judge of the Tribunal, present candidates who meet the requirements referred to in Article 17(1) to (3) and Article 18(1) and (4) to deputies, the National Council of the Judiciary and the public.
2. The National Council of the Judiciary, in carrying out the tasks indicated in Article 186(1) of the Constitution, after hearing the candidates, shall present to the Speaker of the Sejm an opinion on the candidates for judge of the Tribunal. The Speaker of the Sejm shall present the opinion of the National Council of the Judiciary to deputies.
3. The Speaker of the Sejm, within the time limit referred to in paragraph 1, shall order an open public hearing of candidates with the participation of deputies and social organisations, specifying its date to be no later than 14 days prior to the day of the session of the Sejm during which a judge of the Tribunal is to be selected.
4. In the case referred to in Article 18(3), the Speaker of the Sejm shall immediately present to deputies, the National Council of the Judiciary and the public the candidates who meet the requirements referred to in Article 17(1) to (3) and Article 18(1) and (4). The provisions of paragraphs 2 and 3 shall apply *mutatis mutandis*.

Article 20

1. A judge of the Tribunal elected by the Sejm is obliged to take the following oath of office 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 with independence, impartiality and with the utmost diligence.*
2. The President of the Republic of Poland shall enable a judge of the Tribunal to solemnly take the oath referred to in paragraph 1 no later than 14 days from the date of his/her election by the Sejm.
3. Refusal to take the oath of office shall be tantamount to resignation from the position of a judge of the Tribunal.

Article 21

1. The mandate of a judge of the Tribunal shall expire before the end of the judge's term of office in the event that:
 - 1) the judge of the Tribunal dies;
 - 2) the judge of the Tribunal resigns from the office;
 - 3) the medical board issues a decision declaring permanent inability to perform the duties of a judge of the Tribunal due to illness, infirmity or deterioration in strength;
 - 4) the judge is convicted by a final and non-appealable court sentence for an intentional crime prosecuted on public indictment or an intentional fiscal crime;
 - 5) a final disciplinary decision on removal from the position of a judge of the Tribunal is issued.
2. The expiration of the mandate of a judge of the Tribunal under paragraph 1(1) shall be declared by the President of the Tribunal.
3. The General Assembly shall adopt a resolution on the expiration of the mandate of a judge of the Tribunal after conducting an appropriate investigation and, in particular, after familiarizing itself with the files of criminal or disciplinary proceedings and hearing the person concerned, unless this is not possible. In the case of the permanent incapacity of a judge of the Tribunal to perform the judicial duties on the grounds of poor health, the Tribunal may request a competent medical entity to provide an opinion on the health of the judge of the Tribunal.
4. An act determining the expiration of the mandate of a judge of the Tribunal shall be immediately forwarded by the President of the Tribunal to the Speaker of the Sejm.
5. In the event of expiration of his/her mandate pursuant to paragraph 1(3), a judge of the Tribunal shall retire.

Section 3
Rights and obligations of judges of the Tribunal

Article 22

1. The working time of a judge of the Tribunal shall be determined by the dimension of tasks.

2. The basic remuneration of a judge of the Tribunal shall be the multiple of a remuneration base obtained by applying the multiplier of 5.0.
3. 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 Statistics Poland, in accordance with Article 20(2) of the Act of 17 December 1998 on Old-Age and Disability Pensions from the Social Insurance Fund (consolidated text: Journal of Laws of 2023, item 1251, as amended).
4. If the average remuneration referred to in paragraph 3 is lower than the average remuneration published for the second quarter of the preceding 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.
5. 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 paragraph 3, applying the respective multipliers of 1.2 and 0.8.

Article 23

A judge of the Tribunal shall be authorised to access classified information related to the case pending before the Tribunal.

Article 24

1. Judges of the Tribunal shall be required to submit a statement of assets.
2. The statement referred to in paragraph 1 shall be submitted before taking office as a judge of the Tribunal, and annually thereafter by 31 March, as well as on the date of termination of office.
3. The statement referred to in paragraph 1 shall be submitted by the judges of the Tribunal to the President of the Tribunal, and by the President of the Tribunal to the First President of the Supreme Court.
4. The President of the Tribunal shall analyse the data contained in the statement of assets and forward one copy of the document to the head of the tax office having jurisdiction over the place of residence of the judge of the Tribunal.

Article 25

A judge of the Tribunal permanently residing outside the capital city of Warsaw shall be entitled to free-of-charge accommodation in the capital city of Warsaw, as well as to reimbursement of travel expenses and an allowance for separation from his/her family, in accordance with the rules set forth in the implementing regulations issued on the basis of Article 26(2a) of the Act of 16 September 1982 on Employees Of State Offices (consolidated text: Journal of Laws of 2023, item 1917).

Article 26

1. A judge of the Tribunal may not belong to a political party or a trade union, or engage in public activities that are incompatible with the principles of the independence of the judiciary and of judges.

2. A judge of the Tribunal may not be in a relationship of additional employment, with the exception of employment as an academic teacher in a university or a researcher in an institute of the Polish Academy of Sciences in a total amount not exceeding half of the full-time of employees employed in such a capacity.
3. A judge of the Tribunal may not engage in any other occupation, whether gainful or not, that would hinder the performance of his/her duties, impair the dignity of the office of a judge of the Tribunal, or could undermine confidence in his/her impartiality or independence.
4. A judge taking office in the Tribunal shall notify the President of the Tribunal of his/her intention to take up employment or another occupation referred to in paragraphs 2 and 3, as well as of his/her intention to continue them. The President of the Tribunal shall give notice of the objection in writing if he/she considers that taking up or continuing employment or another occupation will hinder the performance of duties, impair the dignity of the office of a judge of the Tribunal or undermine confidence in his/her impartiality or independence. The General Assembly, after hearing the judge of the Tribunal concerned, may overrule the objection of the President of the Tribunal.
5. A judge of the Tribunal may not be a member of the management board, the supervisory board, the audit committee of a commercial company, a cooperative, the management board of a foundation that conducts business activities, or conduct business activities on his/her own account or jointly with other persons, or manage such activities, or be a representative or agent in the conduct of such activities.

Article 27

In the event of the death of a judge of the Tribunal, the provisions relating to the benefits referred to in Articles 101 and 102 of the Act of 27 July 2001 – Law on the Organization of Common Courts (consolidated text: Journal of Laws, item 217, as amended), and the regulations issued pursuant to Article 103 thereof shall apply *mutatis mutandis*.

Article 28

1. A judge of the Tribunal may not be held criminally liable or deprived of liberty without the consent of the disciplinary court.
2. Until consent is given to hold a judge of the Tribunal criminally liable or deprive said judge of liberty, only urgent actions may be taken with respect to that judge.
3. A judge of the Tribunal may not be arrested or detained, except for cases when the judge has been apprehended in the commission of a crime and his/her detention is necessary to ensure the proper course of the proceedings.
4. The President of the Tribunal shall be immediately notified of the arrest, and may order the immediate release of the arrestee.

Article 29

1. An application for consent to hold a judge of the Tribunal criminally liable and an application for consent to deprive a judge of the Tribunal of liberty, if the act is prosecuted on public indictment, shall be submitted by the Prosecutor General.
2. An application for consent to hold a judge of the Tribunal criminally liable, if the act is prosecuted on private indictment, shall be submitted by a private prosecutor. The application must be drawn up by an advocate or attorney-at-law, except when it is drawn up on his/her own behalf by a judge, prosecutor, advocate, attorney-at-law, counsel for the General

Counsel to the Republic of Poland, notary public, professor or holder of a post-PhD degree in Law (*doktor habilitowany*).

Article 30

1. An application for consent to hold a judge of the Tribunal criminally liable and an application for consent to deprive said judge of liberty shall be submitted to the President of the Tribunal.
2. The application should include: the name of the judge of the Tribunal, a description of the act for which the judge of the Tribunal is to be held criminally liable or deprived of liberty, and the circumstances under which the act was committed.

Article 31

1. Holding a judge of the Tribunal criminally liable and depriving said judge of liberty may be carried out with the consent of the disciplinary court. The provision of Article 35(2) and (3) shall apply *mutatis mutandis*.
2. The decision on granting consent to hold a judge of the Constitutional Tribunal criminally liable and to deprive said judge of liberty shall be made by a disciplinary court composed of seven judges no later than one month from the date of submission of the application referred to in Article 29.
3. Before issuing the decision referred to in paragraph 2, a judge of the Tribunal may submit explanations to the disciplinary court.

Article 32

To the extent not regulated by this Act, the provisions relating to the rights and duties of judges of the Supreme Court shall apply *mutatis mutandis* to the rights and duties of judges of the Tribunal.

Section 4 Disciplinary liability

Article 33

1. A judge of the Tribunal shall be liable to disciplinary proceedings for manifest and flagrant violation of the law, a violation of the dignity of the office of a judge of the Tribunal, or another unethical behaviour that may undermine confidence in his/her impartiality and independence.
2. A judge of the Tribunal shall also be liable to disciplinary proceedings for his/her conduct prior to taking the office, if his/her conduct resulted in failure to fulfil the duty of the state office or proved unworthy of the office of judge of the Tribunal.
3. For misconduct, a judge of the Tribunal shall only be liable to disciplinary proceedings, subject to paragraphs 4 to 6
4. A judge of the Tribunal may agree to be held criminally liable for the offences referred to in paragraph 5, in accordance with the procedure set forth in this provision.
5. If a judge of the Tribunal commits a minor offence referred to in Chapter XI of the Act of 20 May 1971 Minor Offences Code (consolidated text: Journal of Laws of 2023, item 2119), acceptance by the judge of a criminal fine or payment of a fine, in the case of punishment by

a criminal fine in absentia, as referred to in Article 98 § 1 item 3 of the Act of 24 August 2001 Code of Minor Offences Procedure (consolidated text: Journal of Laws of 2022, item 1124, as amended), constitutes a statement of his/her consent to be held liable in this form.

6. The judge's consent to be held liable under the procedure set forth in paragraph 4 shall exclude disciplinary liability.

Article 34

1. An application to initiate disciplinary proceedings against a judge of the Tribunal shall be submitted to the President of the Tribunal. The application may be submitted by: the President of the Republic of Poland, the Prosecutor General, a judge of the Tribunal and a retired judge of the Tribunal.
2. If the President of the Tribunal deems the application unfounded, he/she shall issue an order refusing to initiate disciplinary proceedings. A decision with the statement of reasons shall be served on the applicant.
3. The applicant may appeal against the decision to refuse to initiate disciplinary proceedings to the full panel of the Tribunal within 14 days from the date of service of this decision with the statement of reasons.
4. A judge serving as disciplinary ombudsman shall be appointed by means of a draw, which shall be conducted by the President of the Tribunal, from among the judges of the Tribunal and retired judges of the Tribunal.
5. The disciplinary ombudsman shall take steps to clarify the circumstances necessary to establish the elements of the offence, and shall hear the judge who is the subject of the application referred to in paragraph 1.
6. After conducting the activities referred to in paragraph 5, if there are grounds for disciplinary proceedings, the disciplinary ombudsman shall initiate disciplinary proceedings and submit disciplinary charges in writing to the judge of the Tribunal.
7. A judge of the Tribunal who is faced with the disciplinary charges presented by the disciplinary ombudsman may, within 14 days, present his/her position in writing, including a request for additional evidence.
8. After the expiration of the time limit referred to in paragraph 7, and, if necessary, after additional evidence has been taken, the disciplinary ombudsman shall submit an application for the disciplinary case to be heard by the disciplinary court of first instance. The application shall include a statement of the alleged disciplinary offence, along with the statement of reasons.
9. If the disciplinary ombudsman does not find grounds for initiating disciplinary proceedings at the request of an authorised entity, he/she shall issue a decision refusing to initiate such proceedings. The entity submitting the application referred to in Article 34(1) shall have the right to appeal against the decision of the disciplinary ombudsman to the disciplinary court of first instance within 7 days.
10. The disciplinary court of first instance shall consider the appeal referred to in paragraph 9 within 14 days. If the decision refusing to initiate proceedings is reversed, the indications of the disciplinary court on further proceedings shall be binding on the disciplinary ombudsman.

Article 35

1. In the disciplinary proceedings, the disciplinary court shall adjudicate:
 - 1) in the first instance – in a panel of five judges;
 - 2) in the second instance – in a panel of seven judges.
2. Judges sitting on adjudicating panels shall be selected by a draw conducted by the President of the Tribunal, from among the judges of the Tribunal and retired judges of the Tribunal.
3. The accused judge of the Tribunal, the President of the Tribunal and the judge acting as a disciplinary ombudsman shall be excluded from the draw of the first-instance disciplinary court. Nor shall the draw to select judges of the second-instance disciplinary court include the judges who adjudicated in the first-instance proceedings.

Article 36

No cassation appeal shall be available for decisions of the second-instance disciplinary court.

Article 37

The disciplinary penalties shall be as follows:

- 1) a warning;
- 2) a reprimand;
- 3) a financial penalty of a 5–50% reduction in emoluments for up to 1 year;
- 4) removal from the position of judge of the Tribunal;
- 5) deprivation of a status of a retired judge.

Article 38

1. A retired judge of the Tribunal shall be liable to disciplinary proceedings for undermining the dignity of the office of a judge after retirement and for undermining the dignity of the office of a judge while serving as a judge of the Tribunal.
2. Articles 33 to 37 shall apply *mutatis mutandis* to the disciplinary liability of a retired judge of the Tribunal.

Article 39

In matters not regulated by this Act, the provisions on the disciplinary liability of Supreme Court judges and the provisions of the Act of 6 June 1997, Code of Criminal Procedure (consolidated text: Journal of Laws of 2022, item 1375, as amended) shall apply *mutatis mutandis* to disciplinary proceedings.

**Section 5
Retirement****Article 40**

A judge of the Tribunal shall retire at the end of his/her term of office.

Article 41

1. A judge of the Tribunal at the end of his/her term of office shall have the right to return to his/her previously held position or to receive a position equivalent to the one previously held.
2. A judge of the Tribunal exercising the right referred to in paragraph 1 shall lose his/her status as a retired judge of the Tribunal.
3. The provision of paragraph 2 shall not apply when a retired judge of the Tribunal is employed as an academic teacher in a university or a researcher in an institute of the Polish Academy of Sciences in a total amount not exceeding half of the full-time of employees employed in such a capacity.

Article 42

1. A judge of the Tribunal may, at his/her request, be retired if, due to illness, infirmity or loss of strength, he/she has been declared permanently incapable of performing the duties of a judge of the Tribunal by the Social Insurance Institution's medical examiner.
2. In a particularly justified case, the General Assembly may request that the Social Insurance Institution's medical examiner issue a certificate of permanent incapacity to perform the duties of a judge of the Tribunal due to his/her illness, disability or loss of strength.
3. A resolution to retire a judge of the Tribunal who is permanently incapable of performing the duties of a judge shall be adopted by the General Assembly. The resolution shall specify the date of the judge's retirement, which also marks the end of said judge's term of office.

Article 43

1. In the event that a judge of the Tribunal retires or is retired, said judge shall be entitled to a one-time severance payment in the amount of six-months' remuneration that he/she last received.
2. A retired judge of the Tribunal shall be entitled to an emolument equal to 75% of the last monthly remuneration received, excluding the functional allowance. This emolument shall be adjusted in accordance with changes in the basic remuneration of judges of the Tribunal.

Article 44

1. The status of a retired judge of the Tribunal shall be lost in the event that:
 - 1) a retired judge of the Tribunal relinquishes this status;
 - 2) a judge of the Tribunal is convicted by a final and non-appealable court sentence for an intentional crime prosecuted on public indictment or an intentional fiscal crime;
 - 3) a disciplinary court issues a final and non-appealable decision depriving a retired judge of the Tribunal of this status.
2. Loss of status as a retired judge shall be declared by the General Assembly by way of a resolution.

Article 45

1. The provisions of Articles 26 to 31 shall apply *mutatis mutandis* to a retired judge of the Tribunal.

2. The prohibition of additional employment referred to in Article 26(2) shall not apply to the nomination, appointment or election of a retired judge of the Tribunal to a position in a state authority for which regulations establish a prohibition from participating in a political party, or in international judicial bodies, in particular the Court of Justice of the European Union, the European Court of Human Rights or the International Criminal Court.
3. Payment of the emolument referred to in Article 43(2) shall be suspended for the duration of the position referred to in paragraph 2.
4. A retired judge of the Tribunal shall be paid the emolument specified in Article 43(2) from the day following the day on which he/she ceased to occupy the position referred to in paragraph 2, unless he/she has acquired a right to another benefit on that account, in an amount higher than the emolument of a retired judge of the Tribunal.

Chapter 4 **Proceedings before the Tribunal**

Section 1 **General Provisions**

Article 46

1. In the course of its proceedings, the Tribunal shall examine all significant circumstances in order to thoroughly examine a case.
2. The Tribunal is bound by the scope of the challenge indicated in the application, question of law or constitutional appeal, including the indication of the challenged normative act or its part (determination of the subject matter of review) and the review model.
3. The Tribunal shall of its own motion review the constitutionality of the procedure for issuing the challenged normative act.
4. The Tribunal shall not be bound by the evidence offered by the participants in the proceedings and may of its own motion admit evidence that it deems expedient to clarify the case.

Article 47

In the cases referred to in Article 267 of the Treaty on the Functioning of the European Union, the Tribunal shall refer a question to the Court of Justice of the European Union for a preliminary ruling.

Article 48

1. Courts and other public authorities are obliged to provide assistance to the Tribunal and, at its request, present procedural files relating to the proceedings before the Tribunal.
2. The Tribunal should, without undue delay, after reviewing the files of the proceedings, return the files to the competent court or another authority.

Article 49

1. Unless the Act provides otherwise, the hearings of the Tribunal shall be public. The presiding judge of the adjudicating panel may proceed in camera for reasons of national security or the protection of classified information classified as “secret” or “top secret”.

2. A witness or an expert may be questioned about circumstances related to classified information labelled as “secret” or “top secret”, after the said person is relieved from the obligation of confidentiality by a competent authority. Refusal to consent may only be justified by an important state interest.
3. A witness or expert may not exercise the right to refuse to testify referred to in paragraph 2 if the Tribunal considers the giving of testimony necessary to decide the case.

Article 50

1. The files of a case pending before the Tribunal shall be public, with the exception of documents classified as “secret” or “top secret” as referred to in Article 49(1).
2. Reviewing case files and preparing and receiving certified copies, other copies or extracts from these files within the scope comprising personal data shall be allowed after such data have been erased.

Article 51

In matters not regulated by this Act, the provisions of the Act of 17 November 1964, Code of Civil Procedure (consolidated text: Journal of Laws of 2023, item 1550, as amended) shall apply *mutatis mutandis* to the proceedings before the Tribunal.

Section 2 Adjudicating panels of the Tribunal

Article 52

1. The Tribunal shall adjudicate as follows:
 - 1) sitting en banc in cases concerning:
 - a) disputes over powers between central constitutional state authorities,
 - b) the existence of an impediment to the exercise of the office by the President of the Republic of Poland and vesting the temporary performance of the President’s duties to the Speaker of the Sejm,
 - c) the conformity to the Constitution of the objectives or activities of political parties,
 - d) where requested by the President of the Republic of Poland, conformity to the Constitution of a statute prior to its signing or an international agreement prior to its ratification,
 - e) matters that are particularly complex, as referred to in paragraph 3,
 - f) the applicant’s appeal against the decision of the President of the Tribunal refusing to initiate disciplinary proceedings;
 - 2) sitting in a panel of five judges of the Tribunal in cases concerning:
 - a) the conformity of statutes or ratified international agreements to the Constitution,
 - b) the conformity of statutes to international agreements whose ratification required prior consent granted by statute;
 - 3) sitting in a panel of three judges of the Tribunal in cases concerning:
 - a) the conformity of other normative acts to the Constitution, ratified international agreements, and statutes,
 - b) appeals against decisions on refusal to proceed with applications, questions of law or appeals,

- c) disqualification of a judge;
 - 4) sitting in a panel of one judge of the Tribunal in matters of preliminary examination of applications, questions of law and appeals.
2. The hearing of a case by the panel en banc shall require the participation of at least nine judges of the Tribunal. The hearing shall be presided over by the President or Vice President of the Tribunal, and in the event of obstacles to these persons presiding – by the oldest judge of the Tribunal.
 3. A particularly complex case may be a case of significant importance for the functioning of the state and society or a case in which the adjudicating panel intends to depart from the legal view expressed in the judgment issued by the panel en banc.
 4. Any judge of the Tribunal may submit a request for the consideration of a particularly complex case by the panel en banc of the Tribunal.

Article 53

1. Judges to the adjudicating panel of the Tribunal, including the presiding judge of the panel and the reporting judge, shall be appointed by the General Assembly at the request of the President, in alphabetical order, taking into account the order in which cases are received.
2. Changes to the adjudicating panel of the Tribunal shall be made by the General Assembly at the request of the President or the presiding judge of the panel. The provision of paragraph 1 shall apply *mutatis mutandis*.

Section 3 Disqualification of a judge

Article 54

1. A judge of the Tribunal shall be disqualified from participating in the examination of a case if:
 - 1) he/she issued a normative act that is the subject of an application, question of law or appeal;
 - 2) he/she issued a judgment, administrative decision or another decision in the matter that is the subject of a question of law or appeal;
 - 3) during the last 10 years, while serving as a deputy or senator, he/she participated in the issuance of a normative act that was the subject of an application, question of law or appeal;
 - 4) during the last 10 years he/she has been a representative, attorney or advisor of a participant in the proceedings;
 - 5) he/she is a participant in the proceedings or is in such a legal relationship with a participant in the proceedings that the outcome of the case may affect his/her rights and obligations;
 - 6) he/she is a party to the proceedings in a case in which a question of law was presented, or a party to these proceedings is his or her spouse, a direct relative by blood or by affinity, a collateral relative by blood up to the fourth degree or a collateral relative by affinity up to the second degree.

2. A judge of the Tribunal may be disqualified from participating in the examination of a case if:
 - 1) he/she participated in the issuance of a normative act, judgment, administrative decision or another decision referred to in paragraph 1(1) to (3), and this may raise doubts as to his/her impartiality;
 - 2) he/she was a representative, attorney or advisor of a participant in the proceedings and this may raise doubts as to his/her impartiality;
 - 3) there are other circumstances that may raise doubts as to his/her impartiality.
3. In the case referred to in paragraph 2, a judge of the Tribunal shall be disqualified from participating in the examination of the case if there is prima facie evidence of circumstances that may raise doubts as to his/her impartiality.

Article 55

1. A judge of the Tribunal shall forthwith inform the President of the Tribunal of circumstances that may cause him/her to be disqualified from participating in the examination of the case.
2. Pending the decision on the disqualification from participating in the examination of the case, a judge of the Tribunal may only perform urgent activities.

Article 56

1. A judge of the Tribunal shall be disqualified from participating in the examination of a case at the request of the judge, ex officio or at the request of a participant in the proceedings.
2. The disqualification of a judge of the Tribunal for the reasons referred to in Article 54(1) shall be determined by the President of the Tribunal by way of an order.
3. The disqualification of a judge of the Tribunal for the reasons referred to in Article 54(2) shall be decided by the President of the Tribunal.

Section 4 Participants in the proceedings

Article 57

The following shall be participants in proceedings before the Tribunal:

- 1) an applicant that has filed an application, hereinafter referred to as the “applicant”;
- 2) an applicant that has filed a constitutional appeal, hereinafter referred to as the “appellant”;
- 3) a court that has referred a question of law to the Tribunal, hereinafter referred to as the “questioning court”;
- 4) an authority that has issued a normative act which is the subject of the application, constitutional appeal or question of law; or the General Counsel to the Republic of Poland, if the Council of Ministers has designated the General Counsel to the Republic of Poland to represent the said Council or ministers in proceedings before the Tribunal;
- 5) a body of a political party specified in the party’s charter – in cases concerning the conformity to the Constitution of the objectives or activities of political parties;

- 6) a central constitutional state authority involved in a dispute over powers;
- 7) the Prosecutor General;
- 8) the Sejm, the President of the Republic of Poland, and a minister responsible for foreign affairs – in cases concerning the conformity to the Constitution of international agreements ratified in accordance with Article 89(1) as well as Article 90(2) and (3) of the Constitution;
- 9) the President of the Republic of Poland and a minister responsible for foreign affairs – in cases concerning the conformity to the Constitution of other ratified international agreements;
- 10) the Commissioner for Human Rights, 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 Commissioner for Human Rights or in proceedings concerning a constitutional appeal, where the rights of the child are at stake;
- 12) the Speaker of the Sejm, the Speaker of the Senate, the First President of the Supreme Court and the Prime Minister.

Article 58

The hearing on the recognition of the temporary inability on the part of the President of the Republic of Poland to discharge his/her duties shall be attended in person by the subjects listed in Article 57(12), and the Prosecutor General.

Article 59

1. Participants in proceedings before the Tribunal shall represent themselves or shall be represented by authorised representative or attorney.
2. Only a judge of the panel in the case in which the question of law was presented may be a representative of the court that has presented a question of law to the Tribunal.
3. In proceedings before the Tribunal, the Speaker of the Sejm, the Sejm, or a group of deputies acting as an applicant, shall be represented by a designated deputy.
4. The provision of paragraph 3 shall apply *mutatis mutandis* to the Speaker of the Senate and a group of senators.
5. The applicants referred to in paragraphs 3 and 4 may designate, in addition to the representatives, no more than three attorneys who are neither deputies nor senators.
6. Cases heard by a panel en banc of the Tribunal shall require the participation of the Prosecutor General or his/her deputy. Cases heard by other panels shall require the participation of a prosecutor from the Prosecutor General's Office.

Article 60

1. Participants in the proceedings, with the exception of the questioning court, are obliged to provide the Tribunal with all explanations of the case and to submit evidence necessary for it to be thoroughly clarified.

2. The questioning court is obliged to justify the question of law and identify the essence of the constitutional problem referred to in Article 193 of the Polish Constitution.

Section 5

Procedural documents

Article 61

1. Proceedings before the Tribunal shall be conducted in writing, unless the Act provides otherwise.
2. Procedural documents shall comprise the applications, questions of law and appeals, as well as other statements of participants in proceedings, lodged with the Tribunal in the course of the proceedings.
3. Procedural documents, and any annexes thereto, should be lodged with the Tribunal in a number of copies that makes it possible to serve the documents on all participants in proceedings as well as to retain two other copies in the case file.

Article 62

An application should meet requirements laid down for procedural documents, and shall comprise:

- 1) indication of the authority that issued the impugned normative act;
 - 2) identification of the impugned normative act or parts thereof;
 - 3) formulation of the allegation of nonconformity of the impugned normative act to the Constitution, ratified international agreement or statute;
 - 4) grounds for the allegation made, referring to supporting evidence.
2. An application lodged by an authority or organisation referred to in Article 191(1) items (3) to (5) of the Constitution should also include the indication of a provision of law or a provision of rules and regulations which indicates that the impugned statute or another normative act relates to matters relevant to the scope of the activity of the authority or organisation.
 3. An application lodged by an authority or organisation referred to in Article 191(1)(4) of the Constitution should include reference to a provision of law, statute or bylaws indicating that the body or organisation operates on a nationwide scale.

Article 63

The subject of the allegation of nonconformity to the Constitution, ratified international agreement or statute may be:

- 1) the authority to issue a normative act, the procedure for its issuance and the manner of its promulgation (legislative action);
- 2) the text of the impugned normative act or parts thereof.

Article 64

1. 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.

2. An application lodged by an entity referred to in Article 191(1) items (3)–(5) of the Constitution must be accompanied by a resolution or another act, forming the basis for the application and specifying the impugned normative act, or part thereof, and the benchmarks for constitutionality review.
3. In addition to the resolution or other decision referred to in paragraph 2, the application submitted by the entity referred to in Article 191(1)(4) of the Constitution shall be accompanied by:
 - 1) the statute or bylaws of the applicant;
 - 2) minutes documenting the correctness of the adoption of the resolution or act referred to in paragraph 2;
 - 3) a current copy of entry in the National Court Register.

Article 65

1. A question of law shall take the form of an order.
2. The question of law should meet the requirements referred to in Article 62(1), and also indicate the extent to which the answer to the question may affect the resolution of the case pending before the court.
3. The question of law must be accompanied by the case file referred to in paragraph 2.

Article 66

An application on the constitutionality of the objectives or activities of a political party, as set forth in the charter or program, should indicate which provisions of the charter or program raise constitutional questions, as well as include a description of the activities of the political party and how these provisions of the charter or program are implemented.

Article 67

The request for resolution of the competence dispute should indicate the provision underlying the competence that is the subject of the dispute, describe the impugned actions or omissions of the central constitutional state bodies that are involved in the dispute over powers.

Article 68

1. A constitutional appeal shall comprise:
 - 1) identification of the legal norm arising from the statute or another normative act, on the basis of which the court or public administration authority issued a final and non-appealable ruling on the freedoms or rights or obligations of the appellant specified in the Constitution, and in relation to which the appellant seeks a declaration of nonconformity to the Constitution;
 - 2) indication of the manner of violation of the constitutional freedom or right of the appellant;
 - 3) grounds for the allegation of nonconformity of the impugned provision of the statute or other normative act to the constitutional freedom or right of the appellant, referring to arguments or evidence in support thereof;
 - 4) substantiation of the date of service of the judgment, decision or other ruling referred

to in Article 88(1);

- 5) information on whether an extraordinary appeal has been filed against the judgment, decision or other determination referred to in Article 88(1).
2. The constitutional appeal shall be accompanied by:
 - 1) a judgment, decision or other determination issued on the basis of the legal norm referred to in paragraph 1(1);
 - 2) judgments, decisions or other determinations confirming the exhaustion of the legal means referred to in Article 88(1);
 - 3) a special power of attorney.

Section 6 Initiation of proceedings

Article 69

1. The initiation of proceedings before the Tribunal is based on an application, question of law or constitutional appeal lodged by an authorised entity.
2. An authorised entity may withdraw an application, question of law or constitutional appeal until the start of the hearing.
3. If the case is heard in closed session, an application, question of law or constitutional appeal may be withdrawn no later than 7 days from the date of service of the notice referred to in Article 80(1).

Article 70

1. If, due to the content or form of a document filed with the Tribunal, it cannot be determined whether it is a procedural document, the President of the Tribunal or an employee of the Tribunal Chancellery authorised by the President shall request the sender to rectify or supplement it within 7 days failing which the document will be returned.
2. A document rectified or supplemented within the time limit shall have effect from the moment of being lodged.

Section 7 Preliminary review of applications, questions of law and constitutional appeals

Article 71

1. An application, question of law or constitutional appeal shall be referred by the President of the Tribunal to the designated judge of the Tribunal for preliminary review in closed session. The provision of Article 53 shall apply *mutatis mutandis*.
2. If the procedural document referred to in paragraph 1 fails to meet the formal requirements, the Tribunal shall call for the defects to be remedied within 7 days.
3. Where the procedural document referred to in paragraph 1 is manifestly unfounded or the defects have not been remedied within the specified time limit, the Tribunal shall issue a decision refusing its further processing.

4. The applicant or appellant shall have the right to complain to the Tribunal within 7 days from the date of service of the decision refusing further processing.
5. The Tribunal shall decide, in closed session, to leave unexamined an appeal filed after the lapse of the time limit specified in paragraph 4.
6. Having established that the appeal has been timely filed, the President of the Tribunal shall refer the appeal to be examined by the Tribunal in closed session and shall set a date for its examination. Article 53 shall apply *mutatis mutandis*.
7. Allowing the appeal, the Tribunal shall issue a decision to further process the application or appeal. A decision refusing the appeal may not be appealed.

Article 72

In the case of an application, a question of law and a constitutional appeal that meet the formal requirements, the Tribunal shall issue a decision on further processing.

Article 73

The internal course of processing applications, questions of law and constitutional appeals shall be determined by the Rules of Procedure of the Tribunal.

Section 8 Hearings and sessions

Article 74

The application, question of law or constitutional appeal which the Tribunal has decided to further process shall be referred by the President of the Tribunal to the relevant adjudicating panel.

Article 75

If, in several applications, questions of law or constitutional appeals, the subject of the appeal relates to the same normative act, the General Assembly, on its own initiative or at the request of the adjudicating panel or the President of the Tribunal, may order the joint examination of these applications, questions of law or constitutional appeals.

Article 76

1. The Tribunal shall examine the application, question of law or constitutional appeal at a hearing.
2. The Tribunal may examine in closed session an application, question of law or constitutional appeal if it is indisputable from the positions of the participants in the proceedings presented in writing that the impugned normative act does not conform to the Constitution.
3. The provision of paragraph 2 shall not apply to cases that require to be examined by the Tribunal sitting en banc.

Article 77

1. The presiding judge of an adjudicating panel, hereinafter referred to as the "Presiding Judge", shall issue orders for the proper preparation of a hearing.

2. The Presiding Judge shall order that a copy of the application, question of law or constitutional appeal be served on the participants in the proceedings, specifying a time limit of 3 months to submit a written position on the case.
3. The Presiding Judge shall order that a copy of the application, question of law or constitutional appeal be served on the Commissioner for Human Rights, who, within 3 months, may participate in the proceedings and submit a written position on the case.
4. The Presiding Judge may in particular:
 - 1) order the service of relevant documents to participants in the proceedings when the documents have been filed in the course of proceedings;
 - 2) request the participants in the proceedings to provide their position on the case, in writing and within a set time limit;
 - 3) order the participants in the proceedings to submit documents and other material which are necessary for the clarification of the case;
 - 4) request other authorities or organisations to participate in the proceedings if he/she deems that their participation would be conducive to proper clarification of the case.

Article 78

1. If the Tribunal's ruling may have effects involving significant financial outlays not provided for in the Budget Law or the Provisional Budget Law, the Presiding Judge shall request the Council of Ministers to submit an opinion on the case within no more than 3 months.
2. Failure to submit an opinion by the Council of Ministers within the time limit referred to in paragraph 1 shall not halt the examination of the case.

Article 79

1. The Tribunal may ask the Supreme Court or the Supreme Administrative Court to provide information as to the interpretation of a particular provision of law in judicial decisions or as to the practice of its application.
2. If the application, question of law or constitutional appeal contains an allegation that seeks to establish the scope of nonconformity to the Constitution, the Tribunal shall ask the Supreme Court or the Supreme Administrative Court to provide the information referred to in paragraph 1.

Article 80

1. The Presiding Judge shall set a date for a hearing, session or closed session and shall notify the participants in the proceedings of the date.
2. A hearing may not be held earlier than 30 days after the service of the notice of its date, except for the cases indicated in Articles 131(1) and 224(2) of the Constitution, which the Tribunal should proceed to decide promptly, as well as exceptional situations where the prompt issuance of a decision is justified by the need to protect constitutional freedoms and rights.
3. The presence at the hearing of the applicant, the appellant or the questioning court is mandatory. The applicant or appellant may be represented by an authorised representative or attorney.

4. If the duly notified applicant, appellant or questioning court fails to appear, and if their authorised representative or attorney is not present, the Tribunal shall postpone the hearing or discontinue the proceedings.
5. The absence at the hearing of other duly notified participants in the proceedings shall not halt the examination of the case. In such a case, the reporting judge shall present the position of the absent participant in the proceedings at the hearing.
6. The Tribunal shall postpone the hearing if it finds that there is no proof of service or that there are irregularities in the service of the notice of the hearing on the participants in the proceedings. The Tribunal may also postpone the hearing for other important reasons.

Article 81

A hearing shall begin with the calling of the case, after which the applicant, the court posing a question of law or the appellant, and then the other participants in the proceedings, present their positions and evidence in support thereof. To this end, the presiding judge of the adjudicating panel shall give the floor to each participant in the proceedings, as well as, if necessary, to other bodies or entities summoned to participate in the proceedings.

Article 82

1. The Presiding Judge of the adjudicating panel shall preside over a hearing and shall issue orders necessary to maintain solemnity and order at the hearing, and, if necessary, apply the measures provided for in the Act of 27 July 2001 – Law on the System of Common Courts (consolidated text: Journal of Laws of 2023, item 217, as amended).
2. Participants in the proceedings may appeal to the adjudicating panel against the Presiding Judge's orders issued during the hearing.
3. When ordering an adjournment at a hearing, the Presiding Judge shall announce the date on which the hearing will continue.

Article 83

1. The recording clerk, under the direction of the Presiding Judge, shall prepare a record of the hearing.
2. A written record should include:
 - 1) the date and place of the hearing; the first and last names of the following: the judges from the adjudicating panel, the recording clerk, the participants in the proceedings, as well as their representatives and attorneys; and also the reference number of the case with information whether the case was heard in public or in camera;
 - 2) the course of the hearing, and in particular the motions and statements of the participants in the proceedings; the outcome of evidence-taking stage; the indication of orders and rulings issued at the hearing, as well as information about the pronouncement thereof.
3. The participants in the proceedings may request that the record be rectified or supplemented until the date of the a ruling being pronounced; and in the case of a record from the hearing where the ruling was pronounced – within 14 days from the date of the hearing.
4. The record shall be signed by the Presiding Judge and the recording clerk. A note about any rectifications made in the record shall be signed by the Presiding Judge.

5. The motions referred to in paragraph 3 shall be determined by the Presiding Judge by issuing an order, after hearing the recording clerk. The order may not be appealed.
6. A record prepared by means of a sound or image and sound recording device shall be signed by the recording clerk with an electronic signature that guarantees the identification of the recording clerk and the possibility to identify any subsequent amendment to the record.
7. In addition to being documented in the form of a record, the course of a hearing may be documented by means of shorthand notes. A transcript of the shorthand notes shall be enclosed with the record.

Article 84

Where the Tribunal deems that a case has been sufficiently examined, the Presiding Judge shall close the hearing.

Article 85

Where the Act does not provide for the examination of a case at a hearing, the Tribunal shall decide a case at a session.

Section 9 Discontinuance of proceedings

Article 86

1. The Tribunal shall, at a closed session, discontinue proceedings:
 - 1) if the issuing of a ruling is irrelevant or inadmissible;
 - 2) as a result of an application, a question of law or a constitutional appeal being withdrawn;
 - 3) if a normative act within the challenged scope has ceased to have effect before a ruling is issued by the Tribunal;
 - 4) in the case referred to in Article 87(4).
2. If the circumstances referred to in paragraph 1 become apparent at a hearing, the Tribunal shall issue a decision on the discontinuance of the proceedings.
3. The provision of paragraph 1(3) shall not apply if it is necessary for the protection of constitutional rights and freedoms to issue a ruling on a normative act that has ceased to have effect before the issuance of the ruling.

Article 87

1. Proceedings initiated at the request of a group of deputies or senators and not concluded by the date of expiration of the term of office of the Sejm and Senate shall be suspended for a period of 6 months on the following day.
2. The President of the Tribunal shall provide the Speaker of the Sejm or the Speaker of the Senate, respectively, with information on the cases in which the proceedings have been stayed pursuant to paragraph 1.

3. The Tribunal shall decide to resume the stayed proceedings if, within the period referred to in paragraph 1, the motion receives the support of a group of deputies or senators, respectively, of the next term of office of the Sejm and Senate.
4. Upon the ineffective expiration of the time limit referred to in paragraph 1, the Tribunal shall issue a decision to discontinue the proceedings.

Section 10

Adjudication on constitutional appeals

Article 88

1. A constitutional appeal may be lodged after all legal means have been exhausted, if such means are provided for, and within 3 months of the date when the appellant was served with a final and non-appealable judgment, a final decision or another final determination.
2. A constitutional appeal shall be examined by the Tribunal in accordance with the rules and procedure for the examination of applications concerning the conformity of statutes to the Constitution as well as the conformity of other normative acts to the Constitution or statutes.
 - 1) The appellant may stipulate in the appeal that his/her personal data not be disclosed.

Article 89

If the appellant has lodged an extraordinary remedy, the Tribunal may stay the proceedings pending the determination of that remedy.

Article 90

1. A constitutional appeal and an appeal against the decision to refuse to further process the constitutional appeal shall be drawn up and lodged, and the appellant shall be represented in the proceedings before the Tribunal by an advocate or attorney-at-law, unless the appellant is a judge, advocate, attorney-at-law, prosecutor, notary public, counsel for the General Counsel to the Republic of Poland, professor or holder of a post-PhD degree in Law (*doktor habilitowany*).
2. If the appellant is unable to bear the costs of legal assistance, he/she may apply to the district court of his/her residence for a state-funded advocate or attorney-at-law.
3. The filing of the application referred to in paragraph 2 shall halt the time limit for filing a constitutional appeal. The running of said time limit shall be resumed on the day:
 - 1) an advocate or attorney-at-law is served with a decision of the competent authority to appoint him/her as the appellant's attorney;
 - 2) the court's decision dismissing the request for the appointment of a state-funded advocate or attorney-at-law becomes non-appealable;
 - 3) the appellant is served with a decision dismissing the appeal against the decision denying the request for appointment of an advocate or attorney-at-law.

Article 91

1. The Tribunal may issue a provisional decision about the suspension or halting of the enforcement of a ruling in the case with regard to which a constitutional appeal has been

lodged if the enforcement of a judgment, decision or another determination could cause irrevocable consequences resulting in serious damage for the appellant or when the said suspension or halting is justified by an important public interest or a different important interest of the appellant.

2. The provisional decision shall be served forthwith on the appellant and the competent judicial or enforcement authority.
3. The Tribunal shall set aside its provisional decision when reasons for the issuance of the same have ceased to exist yet not later than the date of the ruling on the constitutional appeal.
4. In the event of a ruling on the nonconformity of a normative act or part thereof to the Constitution, the provisional decision shall cease to have effect 3 months after the entry into force of such a ruling.

Section 11

Proceedings to settle disputes over powers

Article 92

1. The Tribunal shall settle disputes over powers where two, or more, central constitutional state authorities consider themselves competent to determine the same matter or have delivered a determination with regard to that matter or where these authorities have declined competence to resolve a particular case.
2. An application should specify an action or omission challenged in the dispute as well as a provision of the Constitution, or of a statute, which has been violated.

Article 93

1. The institution of proceedings before the Tribunal shall result in a stay of proceedings before the authorities that are involved in the dispute over powers.
2. Having established the position of the participants in proceedings, the Tribunal may issue a decision to temporarily resolve disputable matters, and in particular to suspend any enforcement actions, if this is necessary to prevent serious damage or to protect a particularly important public interest.

Section 12

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

Article 94

1. The Tribunal shall determine persons who are authorised to represent a political party on the basis of a statute as well as the charter of the political party.
2. Where it may not be determined who is authorised to represent a political party, or where it is impossible to contact that person, or where there has been a change of the authorised person after an application has been filed with the Tribunal, the Tribunal shall deem that the authorised person is the actual leader of the party at the time when the party undertook unconstitutional activities that are challenged in the application.

Article 95

Applications concerning the conformity to the Constitution of the objectives of a political party, which are specified in the charter as well as program of the political party, shall be examined by the Tribunal in accordance with the rules and procedure for the examination of applications concerning the conformity of normative acts to the Constitution.

Article 96

The question of the court keeping records of political parties on the constitutionality of the objectives or activities of a political party shall be considered by the Tribunal under the rules and procedure provided for a question of law.

Article 97

1. Applications concerning the constitutionality of the activities of political parties shall be examined by the Tribunal, applying *mutatis mutandis* the provisions of the Act of 6 June 1997, Code of Criminal Procedure (consolidated text: Journal of Laws of 2022, item 1375, as amended).
2. The burden of proving nonconformity with the Constitution shall rest with the applicant, who, for this purpose, should present or submit evidence indicating such nonconformity.

Article 98

The Tribunal may order the Prosecutor General, for the purpose of collecting and recording evidence, to conduct an investigation in a specified area into the conformity of a political party's activities to the Constitution. The provisions of the Act of 6 June 1997 Criminal Code Procedure (consolidated text: Journal of Laws of 2022, item 1375, as amended) shall apply to this investigation *mutatis mutandis*. The scope of the proceedings indicated in the Tribunal's order shall be binding on the Prosecutor General.

Section 13**Proceedings concerning the existence of an impediment to the exercise of the office by the President of the Republic of Poland and the assignment of the temporary performance of the President's duties to the Speaker of the Sejm****Article 99**

An application to declare the existence of an impediment to the exercise of the office of the President of the Republic of Poland and to assign the temporary performance of the President's duties to the Speaker of the Sejm shall include an indication of the circumstances that temporarily prevent the President of the Republic of Poland from performing his/her office and notifying the Speaker of the Sejm thereof.

Article 100

1. The Tribunal shall examine the application of the Speaker of the Sejm to declare an impediment to the performance of the office of the President of the Republic of Poland and to assign the temporary performance of the duties of the President of the Republic of Poland to the Speaker of the Sejm immediately, but no later than within 24 hours of its submission.
2. The Tribunal shall examine the application referred to in paragraph 1 at a closed hearing.

Article 101

1. If, during the hearing, doubts arise as to the circumstances referred to in Article 97, the Tribunal may, by way of an order, instruct the Prosecutor General to carry out certain actions within a specified time limit and adjourn the hearing.
2. The adjournment of the hearing may not last longer than 24 hours.
3. The Prosecutor General shall immediately notify the Tribunal of the results of the actions taken to implement the order referred to in paragraph 1.

Article 102

1. The Tribunal shall issue a decision declaring the existence of an impediment to the exercise of the office by the President of the Republic of Poland and the assignment of the temporary performance of the President's duties to the Speaker of the Sejm for a period not exceeding 3 months.
2. The decision shall expire:
 - 1) if, before the expiration of the time limit specified therein, the President of the Republic of Poland shall notify the Speaker of the Sejm and the Tribunal of his/her ability to hold office;
 - 2) upon occurrence of the circumstance referred to in Article 131(2) items (1), (2), (4) or (5) of the Constitution.

Article 103

1. If, after the expiration of the period for which the Tribunal assigned the temporary performance of the duties of the President of the Republic of Poland to the Speaker of the Sejm, the circumstances that temporarily prevent the President of the Republic of Poland from exercising his/her office have not ceased, the Speaker of the Sejm may again request the Tribunal to declare the existence of an impediment to the exercise of the office by the President of the Republic of Poland and to assign the temporary performance of the duties of the President of the Republic of Poland to the Speaker of the Sejm.
2. The provisions of Articles 99 to 102 shall apply to the examination of the re-submitted application by the Speaker of the Sejm, as referred to in paragraph 1.

**Chapter 5
Tribunal decisions****Article 104**

The Tribunal shall decide a case by issuing a decision in the form of a judgment or order.

Article 105

1. The Tribunal shall issue its decision after deliberation of the judges of the adjudicating panel held in camera.
2. The deliberation shall involve discussion and voting on the decision to be made and the main reasons for the decision, as well as the drafting of the decision.

3. The deliberation shall be chaired by the Presiding Judge of the adjudicating panel.
4. In a particularly complex case or for other important reasons, the issuance of a decision may be postponed for a period not exceeding 14 days.

Article 106

1. A decision shall be made by a majority of votes.
2. The Presiding Judge of the adjudicating panel shall collect the votes of the judges according to their age, starting with the youngest, with the Presiding Judge himself/herself voting last.
3. A member of the adjudicating panel who disagrees with the majority of those voting may file a dissenting opinion, stating the reasons in writing, before a decision is announced; reference to the dissenting opinion shall be made in the decision. The dissenting opinion may also concern the reasons themselves.
4. The decision shall be signed by the entire adjudicating panel, not excluding the outvoted judge.

Article 107

The Tribunal's decision may refer to the entire normative act or to individual provisions thereof, taking into account Article 46(2) and (3).

Article 108

1. The Tribunal shall deliver judgments in cases concerning:
 - 1) the conformity of statutes and international agreements to the Constitution;
 - 2) the conformity of statutes to ratified international agreements whose ratification required prior consent granted by statute;
 - 3) the conformity of legal provisions issued by central state authorities to the Constitution, ratified international agreements, and statutes;
 - 4) constitutional appeals;
 - 5) questions of law;
 - 6) the conformity to the Constitution of the objectives or activities of political parties.
2. The Tribunal shall deliver orders in cases concerning:
 - 1) disputes over powers between central constitutional state authorities;
 - 2) the declaration of an impediment to the exercise of office by the President of the Republic of Poland;
 - 3) the assignment of the temporary performance of the duties of the President of the Republic of Poland to the Speaker of the Sejm;
 - 4) other cases, not requiring a judgment to be delivered.

Article 109

1. A decision of the Tribunal should include:
 - 1) identification of the adjudicating panel and the recording clerk;
 - 2) file reference, date and place of issue;
 - 3) identification of the applicant, the court referring a question of law or the appellant and other participants in the proceedings;
 - 4) precise identification of the normative act to which the decision applies;
 - 5) presentation of the allegations of the application, question of law or constitutional appeal;
 - 6) determination of the Tribunal;
 - 7) signatures of the judges of the adjudicating panel;
 - 8) information that a dissenting opinion has been made.
2. If the Tribunal decides that the normative act is to cease to be effective after the date of promulgation of the decision declaring its nonconformity to the Constitution, a ratified international agreement or a statute, the decision shall specify the date on which the act is to cease to be effective.
3. The Tribunal is obliged, no later than 30 days after the promulgation of the decision, to prepare its reasons in writing. The reasons shall be signed by the judges of the adjudicating panel of the Tribunal.
4. If any of the judges, referred to in paragraph 3, is unable to sign the statement of reasons, the Presiding Judge shall note the reason for the lack of signature in the decision. If the reasons cannot be signed by the Presiding Judge, the reason for the lack of signature shall be noted in the decision by the oldest judge of the adjudicating panel of the Tribunal.

Article 110

1. The adjudicating panel of the Tribunal may at any time, in closed session, order that inaccuracies, clerical or accounting errors or other manifest errors be rectified in the decision or reasons therefor.
2. If the order referred to in paragraph 1 cannot be issued by an adjudicating panel, the order shall be issued by the Tribunal in the same composition.
3. A note of rectification signed by the Presiding Judge of the adjudicating panel shall be placed on the original decision, and at the request of the participants in the proceedings – it shall also be placed on the copies sent to them.

Article 111

1. Orders that terminate the proceedings in a case or are taken in closed session shall require a statement of reasons.
2. Orders that do not terminate the proceedings in the case may be set aside or amended as a result of changes in circumstances.

Article 112

Directions shall be issued on matters related to the preparation of the hearing or session and on procedural matters.

Article 113

1. Decisions, with the exception of the provisions referred to in Articles 71 to 72, shall be announced to the participants in the proceedings. During the announcement of decisions, all those present in the courtroom, with the exception of the adjudicating panel, shall stand.
2. In oral reasons for the decision, the Presiding Judge of the adjudicating panel or the reporting judge shall give the main reasons for the decision and shall inform those present that dissenting opinions have been made. A judge who filed the dissenting opinion shall present the main reasons for it.
3. The Tribunal shall prepare a written statement of reasons for the decision within 30 days of it being announced to the participants in the proceedings. The reasons for the decision shall be accompanied by written reasons for the dissenting opinion, if submitted.
4. Decisions of the Tribunal, announced in the manner specified in paragraph 1, shall be delivered to the participants in the proceedings immediately after the preparation of written reasons.

Article 114

1. Judgments of the Tribunal shall, subject to paragraph 2, be promptly published in the Official Gazette of the Republic of Poland.
2. Judgments of the Tribunal declaring nonconformity of a normative act to the Constitution, a ratified international agreement or a statute shall be promptly published in a publication body in which the act was promulgated, and where the decision concerns an act not promulgated in a publication body – in the Official Gazette of the Republic of Poland “Monitor Polski”.
3. The provisions referred to in Article 108(2) items (1) to (3) shall be announced in the Official Gazette of the Republic of Poland “Monitor Polski”.
4. The President of the Tribunal shall perform the necessary redaction of the judgments, which involves the removal of data that allows for the identification of the applicant, the appellant or the questioning court, and then shall order their immediate promulgation in a publication body.

Article 115

1. The Tribunal shall publish a collection of its decisions, “Jurisprudence of the Constitutional Tribunal. Official Collection”.
2. Decisions along with reasons and dissenting opinions shall be published in a collection of decisions.
3. The collection shall be kept and made available in electronic form.

Chapter 6 Costs of proceedings

Article 116

1. The costs of proceedings before the Tribunal shall be covered by the State Treasury.
2. If the constitutional appeal is upheld, along with a ruling on the nonconformity of a statute or other normative act or parts thereof, which are the subject of the constitutional appeal, the Tribunal shall, by way of an order, award to the constitutional appellant reimbursement of the costs of the proceedings before the Tribunal from the body that issued the normative act which is the subject of the constitutional appeal. Where justified, the Tribunal may decide that the costs of proceedings before the Tribunal are to be reimbursed also when a constitutional appeal is denied or where the Tribunal has discontinued the constitutional appeal proceedings or refused to further proceed in the appeal.

Article 117

1. The costs of representation of the appellant by an advocate or an attorney-at-law shall be determined by the Tribunal on the basis of the provisions on the fees of advocates and attorneys-at-law and the costs of unpaid legal aid provided ex officio.
2. In justified cases, the Tribunal may determine a different amount for the costs of representation of the appellant by an advocate or attorney-at-law, depending on the nature of the case and the extent to which the attorney has contributed to the clarification and resolution of the case.

Article 118

1. The right to claim reimbursement of legal costs shall lapse if the appellant does not, before the close of the hearing immediately preceding the issuance of the decision at the latest, make a request for an award of costs as prescribed.
2. Where the constitutional appeal is examined by the Tribunal in closed session, the claim for reimbursement of the costs of the proceedings shall expire if the appellant, within 7 days from the date of service of the notice of the examination of the case in closed session, does not make a request for an award of costs as prescribed.

Chapter 7 Chancellery of the Tribunal

Article 119

1. The organisational and administrative working conditions in the Tribunal shall be ensured by the President of the Tribunal and the Chancellery of the Tribunal, hereinafter referred to as "the Chancellery", which is subordinate to the said President.
2. The detailed scope of tasks and structure of the Chancellery is determined by the Rules and Regulations.

Article 120

1. The Chancellery shall be managed by the Head of the Chancellery, appointed and dismissed by the General Assembly, upon motion by the President of the Tribunal.
2. The remuneration of the Head of the Chancellery 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 121

1. The Head of the Chancellery is the supervisor of the Chancellery's employees, ensures the proper functioning of the Chancellery and, if necessary, makes proposals on its organisation.
2. The Head of the Chancellery shall prepare and submit a draft of the Tribunal's revenue and expenditure to the President of the Tribunal, shall be responsible for the implementation of the Tribunal's budget, and shall propose changes to the Tribunal's executive arrangement as necessary.
3. The Head of the Chancellery shall be responsible for the management of assets under the Tribunal's management.
4. The detailed scope of the tasks of the head of the Chancellery and the manner of their execution is specified in the Chancellery's Rules and Regulations.

Article 122

1. Employees of the Chancellery employed in positions directly related to the Tribunal's jurisprudential activities and with assistance in this regard to the work of the Tribunal's judges form the Tribunal's legal service.
2. The list of positions in which employed persons belong to the Tribunal's legal service, as well as the detailed qualification requirements, including the obligation to have a higher legal education, related to the occupation of these positions shall be determined by an order issued on the request of the Head of the Chancellery and after consultation with the General Assembly, by the President of the Tribunal.
3. The detailed scope of the tasks of the positions referred to in paragraph 2, as well as the manner and conditions for their performance, is determined by the Rules and Regulations of the Chancellery.

Article 123

1. A person employed in the position referred to in Article 122(1), under the rules and procedures set forth in separate regulations, may:
 - 1) apply for entry in the list of advocates and attorneys-at-law;
 - 2) apply for appointment as a assistant bailiff;
 - 3) apply for employment as counsel for the General Counsel to the Republic of Poland;
 - 4) apply to take the bar, attorney-at-law or notary public exam.
2. A person employed in the position referred to in Article 122(1), after having worked in that position for 5 years, may take the judicial exam.

3. An application for admission to the judicial exam, together with a positive opinion of the President of the Tribunal, shall be submitted by the person referred to in paragraph 2 to the Director of the National School of Judiciary and Public Prosecution no later than 3 months before the date of the exam, having paid the required fee.

Article 124

1. In matters not regulated by the Act, the provisions of the Act of 16 September 1982 on Employees Of State Offices (consolidated text: Journal of Laws of 2023, item 1917) shall apply to employees of the Chancellery.
2. The head of the Chancellery shall exercise the powers of the head of office prescribed by law.

Article 125

Security and public order on the premises of the Tribunal shall be guarded by the Constitutional Tribunal Guard, subordinate to the President of the Tribunal.

Article 126

1. The Tribunal is the controller of personal data processed as part of its proceedings.
2. The provisions of Articles 15, 16 (to the extent that specific provisions provide for a separate procedure for rectification), and Articles 18 and 19 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 of 4.5.2016, p. 1, as amended), hereinafter referred to as "Regulation 2016/679", shall not apply to the processing of personal data in proceedings before the Tribunal.
3. In connection with the processing of personal data in proceedings before the Tribunal, the obligations referred to in Article 13 of Regulation 2016/679 shall be complied with by displaying the information specified in Article 13(2) of Regulation 2016/679 on the website of the relevant entity operating the Public Information Bulletin and in a prominent place of the courthouse.

Article 127

1. Supervision of the processing of personal data by the Tribunal in its proceedings shall be exercised by the President of the Tribunal.
2. The provisions of Article 175dd(2) and (3) and Section I, Chapter 5a of the Act of 27 July 2001 – Law on the System of Common Courts (consolidated text: Journal of Laws of 2023, item 217, as amended), shall apply *mutatis mutandis* to the supervision referred to in paragraph 1.

Chapter 8 Final provision

Article 128

The Act shall enter into force on the date specified in the act of ... - Provisions introducing the Act on the Constitutional Tribunal.