

Judgment of 27th May 2003, [K 11/03](#)
REFERENDUM ON POLAND'S ACCESSION TO THE EUROPEAN UNION

Type of proceedings: Abstract review Initiator: Group of Deputies	Composition of Tribunal: Plenary session	Dissenting opinions: 0
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Legal provisions under review	Basis of review
Nationwide Referendum Act 2003	Rule of law Principle of sovereignty of the Polish People Principle of legality Freedom of creating and functioning of political parties Principle of equality Right of parents to rear their children Citizens' right to participate in a referendum Special procedure for ratifying a treaty which delegates competences of Poland's authorities to an international organisation Special procedure for amending the Constitution [Constitution: Articles 2, 4, 7, 11(1), 32(1), 48(1), 62, 90, 235]

On 16th April 2003, in Athens, the Treaty on the accession of ten States, including the Republic of Poland, to the European Union (hereinafter referred to as “the Accession Treaty”) was signed. The following day the Sejm (the lower house of the Polish parliament) adopted a resolution on calling a referendum on the 7th and 8th of June 2003 in which the Nation was asked to grant its consent for the ratification of this Treaty by the President of the Republic of Poland. 58,85 % of the citizens having the right to vote took part in the referendum. 77,45% of the valid votes were cast in favour of ratification of the Treaty. In accordance with the result of the referendum, the President ratified the Accession Treaty. From the 1st May 2004 Poland is a member of the European Union.

The national ratification procedure was accompanied by controversies of a constitutional nature, which were settled by the judgement discussed in this summary. This regards solely the controversies regarding procedural matters; the Constitutional Tribunal did not express its view on the substance of the Accession Treaty in this judgement.

The ratification of international agreements lies within the competence of the President of the Republic of Poland. In certain matters, ratification requires that parliament's consent be granted by a statute passed in accordance with the ordinary legislative procedure (Article 89(1) of the Constitution). Different rules – governed by Article 90 of the Constitution – concern the granting consent for the ratification of an international agreement, on the basis of which the Republic of Poland delegates to an international organisation or an international institution the competence of organs of State authority in certain matters. The Accession Treaty represents such an agreement. Consent for ratification of an agreement of this kind may be granted by parliament in the form of a statute (the parliamentary procedure) or directly by the Nation in

a referendum (the referendum procedure). The choice of one of these procedures is made by the Sejm by an absolute majority vote taken in the presence of at least half of the statutory number of Deputies.

Within the framework of the parliamentary procedure, a statute granting consent for the ratification of the Accession Treaty would have to be passed by a qualified majority vote of two-thirds in both houses of parliament (Article 90(2) of the Constitution). Alternatively, for the Nation to make the decision in a referendum the participation of more than half of the citizens having the right to vote is required (Article 125(3) of the Constitution). The Constitution does not regulate the matter of the kind of majority of votes required for the result of the referendum in respect of ratifying an international agreement, if the condition of participation in it by more than half of the citizens having the right to vote has been met. This matter is settled by the Nationwide Referendum Act 2003, of 14th March of that year (hereinafter referred to as the 2003 Act): the President receives consent for ratification if the majority of valid votes were cast in favour of ratification, whereas he does not receive consent if the majority of valid votes were cast against (Article 73 and Article 74 of the 2003 Act).

The 2003 Act comprehensively regulates the principles and procedures of holding a nationwide referendum. The Act is of unlimited duration and its significance is not confined to referenda in respect of the ratification of international agreements described in Article 90 of the Constitution, let alone to the accession referendum held in 2003. However, the 2003 Act was adopted in the final phase of the debate on Poland's accession to the EU with the intention of enacting rules regarding the accession referendum and the referendum campaign proceeding it. This explains why the political and legal disputes accompanying the adoption of the Act, as well as the constitutional challenge submitted to the Constitutional Tribunal, were dominated by problems concerning precisely the accession referendum.

One of the fundamental matters in dispute, subsequently raised in proceedings before the Tribunal, was the problem regarding the proper interpretation of Article 90 of the Constitution. According to the will of the majority of the Sejm, it was predetermined from the beginning that a referendum on the Nation's consent for the accession would be called; a formal resolution on the choice of referendum procedure was passed by the Sejm on the 17th April 2003. A question arose, however, in relation to whether the Sejm could later decide to apply "as an emergency" the parliamentary procedure (the granting of consent for the ratification of the Treaty in the form of a statute adopted by qualified majority vote in both houses of parliament) if the accession referendum did not deliver a legally binding result for reasons of an insufficient turnout (i.e. less than 50% of those citizens having the right to vote). In the opinion of some commentators, such a result would be synonymous with the rejection by the Nation of the concept of accession itself, which would preclude ratification of the Treaty by means of the parliamentary procedure. Others, however, argued that such a result would only mean the lack of acceptance by the Nation of the referendum procedure in the case of accession and, consequently, a decision on the granting of consent for ratification of the Accession Treaty could be taken by parliament. Article 75 of the 2003 Act settled the dispute in favour of the second position: if the result of the ratification referendum was not binding, the Sejm could again adopt a resolution governing the choice of procedure for granting consent for ratification and, therefore, could choose whether to call another referendum or to initiate the parliamentary procedure.

Another fundamental point in dispute was the question of defining the categories of organisations which are entitled to voice their opinions (conduct agitation) in public radio and television programmes before the referendum, to nominate candidates for district election committees (competent in matters of voting and the counting of votes) and to appoint “persons of trust” to these committees. Such rights are granted by the 2003 Act to political parties, Deputies’ clubs (formal political groups of parliamentarians), associations (and other unions) and foundations, which have been present in public life for at least a year prior to the date of calling the referendum; citizens’ committees created *ad hoc* do not have analogous rights. Such a solution was opposed mainly by the opponents of accession.

The duration of the referendum was also controversial. The Act allowed for the possibility of a two-day referendum and this possibility was used in respect of the accession referendum, which was held on the 7th and 8th July 2003. The opponents of accession were rather in favour of a one-day referendum.

The conformity with the Constitution of these, and some other provisions of the 2003 Act, constituted the subject matter of the Tribunal’s review in the current case. The Tribunal considered two applications challenging the constitutionality of the 2003 Act, signed by two different groups of Deputies.

The Tribunal’s ruling originally consists of 15 points. In points 1-14 the Tribunal confirms the conformity of such provisions (i.e. the “... conforms to...” formula) or the lack of non-conformity (i.e. the “... is not inconsistent with...” formula) of the individual provisions of the 2003 Act with the provisions of the Constitution cited by the applicants. The final point of the judgment (cited below as the Tribunal’s ruling) constitutes a kind of recapitulation of the previous points in relation to the whole Act.

RULING

The Nationwide Referendum Act 2003, insofar as relates to the applicant’s claims, conforms to the Constitution.

PRINCIPAL REASONS FOR THE RULING

1. The interpretation of binding statutes should take into account the constitutional principle of sympathetic predisposition towards the process of European integration and the cooperation between States (this conclusion may be derived from the Preamble and Article 9 of the Constitution).
2. It is not possible to speak of the citizens’ right to a referendum in the Polish constitutional system, since neither a citizen nor a group of citizens have a legal possibility to take actions which would directly lead to calling a referendum. Such actions may be taken by the Sejm or – with the Senate’s consent – the President of the Republic (Article 125(2) of the Constitution). Citizens have the right to participate in a referendum which has been called, but do not have the right to a referendum *per se*.
3. If the result of the nationwide referendum is not binding, for the reason that less than half of the citizens having the right to vote participated therein (Article 125(3) of the Constitution), then such a referendum is only of advisory significance. Such a result should be treated at the same time as the lack of acceptance by the Nation-sovereign of

the proposition to hold a referendum itself (i.e. the Nation-sovereign has chosen not to exercise its right to make a decision in the referendum).

4. The concept of representative democracy as a basic form of democracy in Poland is expressed, in particular, in Article 90 of the Constitution, which regulates the means of authorising the President of the Republic to ratify an international agreement, on the basis of which the Republic delegates to an international organisation or international institution competences of organs of State authority in relation to certain matters. The basic, primary so to speak, form of granting consent for ratification by the President of an agreement of this kind is a qualified parliamentary (legislative) procedure, regulated in Article 90(2) in a different way to the procedure defined in Article 89(1) and Article 121 of the Constitution. The facultative procedure for granting consent for such ratification, as an alternative to the parliamentary procedure, is for the Nation to consent to ratification in a referendum. The application of one of these procedures – parliamentary or referendum – does not preclude the Sejm from making a “back-up” use of the other of the two procedures, which was originally omitted, according to Article 90(3) of the Constitution, if a definitive choice (about whether or not to ratify) was not made by the entitled subject in the originally chosen procedure. It is material that, in each of these procedures, it is the Nation that expresses its will as a sovereign – either directly or through its representatives (cf. Article 4(2) of the Constitution). If therefore the Nation has not – for lack of participation by more than half of the entitled citizens taken a binding decision in a referendum, the Sejm may make the choice once again, at its discretion, of one of the procedures provided for granting consent for the ratification of an international agreement.
5. In light of the interpretational conclusions contained in paragraphs 2-4 above, the applicant is wrong to allege the unconstitutionality of the solution provided for in Article 75 of the 2003 Act, by which the Sejm may adopt a further resolution choosing the procedure to be used – parliamentary or referendum – to grant consent for the ratification of an international agreement, where the original procedure failed to produce a conclusive result on this. Such a solution is neither incompatible with Article 4 (principle of sovereignty of the Polish People) nor Article 90 of the Constitution. In this respect the Act simply confirms what stems directly from the Constitution and, therefore, Article 235 of the Constitution, which regulates the procedure for amending the Constitution, has no application in respect of the adoption of this Act.
6. The applicant’s claim is devoid of constitutional grounds in asserting that the challenged Act, in contrast with the Referendum Act 1996, is unconstitutional in its failure to prohibit the taking of a decision to put to the vote once more any matter which was settled in a negative way in a previous referendum, unless a specified minimum period of time has lapsed since the previous referendum. On the contrary, it is the provisions of the 1996 Act themselves which have raised concerns in respect of their compatibility with Article 125(1) (the possibility of holding a nationwide referendum) read in conjunction with Article 4(2) of the Constitution (the significance of direct democracy in the realisation of the sovereignty of the Polish People), since the limitation as to the time of the holding of a new referendum on the same matter would have to be contained directly in the Constitution. In the case of an international agreement the possibility of holding a repeat referendum in a time not too distant from the previous one is justified additionally by the need to react flexibly since, by the very fact of signing

such an agreement, the State accepts the obligation to take the steps necessary for the agreement to be capable of application.

7. Although the legislator did not provide for the creation of citizens' referendum committees, Article 48(1) of the 2003 Act provided a very wide definition of the category of "entitled subjects" – organisations with the right to participate in the referendum campaign in radio and television programmes emitted by public broadcasters and also to nominate candidates for members of district referendum commissions and to appoint "persons of trust" and their deputies to such commissions (cf. Article 13(1) and (2), Article 19 and Article 48(1)). This provision does not limit the possibilities of individual citizens exercising their rights in respect to participation in the referendum as guaranteed by Article 62(1) of the Constitution. Citizens may participate in a referendum in different ways, including participation in the act of voting or the undertaking of work related to the preparation of the referendum or the referendum campaign. Equally, the provision does not make an individual's possibilities in relation to membership of election commissions or the holding of the post of a "person of trust", or his deputy, conditional upon affiliation with one of the "entitled subjects" defined in the Act.
8. The opinion, that the nomination of candidates for members of district commissions and the appointment of "persons of trust" and their deputies only by the "entitled subjects" could cause individual citizens to doubt the integrity of the voting process, or counting of votes, cannot be viewed as an argument of constitutional significance. The feelings of the applicant as to the potential impression of a voter, or group of voters, could only be considered in this case if there existed convincing arguments confirming a very high level of probability that these processes would lack integrity.
9. It is also unsubstantiated to claim that the inability to create citizens' referendum committees means that calling a referendum will amount to a "surprise for the individual citizen". It is not very probable that calling a nationwide referendum on any particular matter could surprise the citizen. A civil society is a society of citizens who are free, conscious, active and engaged in public affairs. They have no legal hindrances in organising themselves in a manner suiting their needs, aims and interests. It is difficult to imagine a matter of nationwide importance which would not be the subject of prior interest of citizens' groups. If, however, the applicant's statement is to be understood literally, it would be difficult to find an individual provision incompatible with the Constitution solely for the reason that an individual citizen was surprised.
10. The Act's inclusion, within the definition of "entitled subjects", of those political parties which, in the last Sejm elections preceding the referendum, had surpassed thresholds of support specified in the Act (3% individually or 6% in coalition), relates to the differentiation of political parties known in legislation, e.g. as to the enjoyment of budgetary subsidies or broadcast time in public television programmes. It is legitimate to distinguish political parties that receive such a level of support that, whilst insufficient to secure the election of the party's candidates to parliament, confirms a minimum level of social legitimacy. This is why there is no basis for the applicant's claim that the legislator has acted in an arbitrary manner.
11. The inclusion within the definition of "entitled subjects", in addition to political parties and other organisations, of Deputies' clubs which, a year prior to the announcement

calling the referendum, had a membership at least half of which was comprised of Deputies or Senators chosen as candidates of election committees, is of derivative character to the mechanism of participation in parliamentary elections of election committees not representing political parties. The challenged provision has no relation to Article 11 of the Constitution (freedom of creation and functioning of political parties). Neither can it be, in reference to Article 32(1) of the Constitution, regarded as an infringement of the right of parliamentarians to equality before the law.

12. In the legal order of the Republic of Poland political parties do not have a monopoly over the use of democratic means to influence State policy. The Constitution, in Articles 11-13 creates the prerequisites for the functioning of civil society in which the citizens, organised in various formal structures (political parties, associations, social organisations, foundations etc.) may achieve their aims by influencing public affairs. Political parties, however, do have special status with regard to their function in parliamentary democracy, yet they are merely one of many elements of the structure of public life. There is a relationship between, on the one hand, the constitutional principle of sovereignty of the Polish People and the acceptance of the importance of direct democracy (Article 4 of the Constitution) and, on the other hand, the freedom to create organisations of civil society other than political parties (Article 12 of the Constitution) which defines the democratic character of the State and the society.
13. The applicant is unjustified in alleging that the legislator has engaged in “utilitarian” lawmaking by including in the definition of “entitled subjects” associations and foundations having existed for at least a year from the date of the announcement calling the referendum, where the subject of the referendum relates to the statutory activities of such bodies. This solution aims to include all active citizens in the process of decision making in matters in which they were, or are, active in organisational structures. At the same time, the legislator has the right to counteract the *ad hoc* creation of organisations that wish to participate in the referendum merely so as to take advantage of the privileges that are justified only in respect of organs which permanently participate in public life.
14. The Constitution’s provisions do not create a requirement for the existence of equal rules between, on the one hand, the financing of election campaigns and, on the other hand, the financing of referendum campaigns. The differences in character of both types of campaign permit the legislator to differentiate the manner in which their financing are regulated.
15. The applicant alleges that the absence of any provisions prohibiting the financing of referendum campaigns by funds originating from abroad, in contrast to the existence of such provisions in respect of election campaigns, enables the results of a referendum to be influenced by organs and institutions from outside Poland. The constitutional principle of the sovereignty of the Polish People (Article 4(1)) does not lead to the conclusion that the legislator must enact measures, in respect of referendum campaigns, which are equally stringent to those applying to the financing of election campaigns. It is legitimate for provisions relating to referendum campaigns to be more liberal than those applying to election campaigns, given the relative infrequency of the former and the one-off nature of the result of a referendum which, unlike in the case of elections, is not aimed at conferring the right (for the duration of a certain term of office) to influence State policy and the functioning of public institutions. It is also rele-

vant to note the diversity of “entitled subjects” in referendum campaigns and the differentiation of the regimes of financing their activities related to such campaigns, as well as the inability for persons conducting election campaigns to claim reimbursement, even in part, of the expenses incurred thereby. Finally, it should also be taken into account that the legislator introduced limitations which were required to be fulfilled by bodies wishing to be treated as “entitled subjects” in referendum campaigns; such limitations include rules relating to the relative permanence of such bodies and the fact that they must conduct their activities within the entire territory of Poland. It is therefore difficult to see a threat to the constitutional position of the Nation as a sovereign in the legal provisions relating to the financing of participation in referendum campaigns.

16. The applicant’s allegation, that the Act’s failure to provide an exhaustive statutory definition of the means of protecting polling stations during the so-called election night (between the first and second days of voting) may raise suspicions that referendum results could be manipulated, would have to be supported by cogent arguments. The “suspicion” of the applicants in this regard, raising doubts as to the principles by which both the legislative and executive powers function, does not amount to such an argument.
17. The applicant argued that the legislator had acted unconstitutionally in failing to ensure the rights of parents to rear their children in accordance with their convictions (Article 48(1) of the Constitution), by failing to prohibit the conducting of referendum campaigns in schools for children and youths ineligible to participate in the referendum. The applicant was convinced that “the self-governments of communes and districts will exert informal pressure on the directors and teachers’ councils in order to force their own concept of conducting the referendum campaign in schools”. The applicant’s convictions may not, however, be accepted as evidence of the alleged constitutional infringement. It is also difficult to assume that any sensible person would wish to engage money, time and energy in conducting a campaign directed at persons who, due to their age, are ineligible to participate in the referendum. The dissemination, in schools, of knowledge and information relating to the European Union is something entirely different to the process of a referendum campaign and may not legitimately be compared. Any such knowledge need not necessarily be inconsistent with the parents’ convictions although, even in such a case, the Constitution does not guarantee that knowledge disseminated in schools will always be consistent with the parents’ convictions.
18. Article 96 of the challenged Act provides for the shortening of some statutory time-periods for executing certain actions related to the organisation of a nationwide referendum to be held for the first time after the entry into force of the Act. This provision is not addressed to citizens and does not demand “assimilation” by them. Furthermore, the applicant’s assumption that the appropriate organs of public authority may prove to be inefficient and will not meet the terms defined on the basis of this provision, does not represent a constitutionally significant argument which could justify the conclusion that the challenged provisions are inconsistent with Article 2 of the Constitution.
19. The applicant’s claims are based on particular provisions of the 2003 Act and, in recognition of the fundamental importance of these provisions to the Act as a whole, he has asked the Tribunal to rule that the whole Act is unconstitutional. Consequently the application, insofar as it concerns the Act as a whole, is a conditional application,

application, insofar as it concerns the Act as a whole, is a conditional application, which the Tribunal would only examine, in the event it found that certain individual provisions of the Act are inconsistent with the Constitution. The Constitutional Tribunal has found that all of the challenged provisions of the Nationwide Referendum Act 2003 are either in conformity with, or are not inconsistent with, the Constitution. Accordingly, the aforementioned prerequisite for evaluating the conformity of the whole Act with the Constitution was not fulfilled. The Tribunal's consideration of the constitutionality of the whole Act would be justified only if it were to find the non-conformity with the Constitution of one or several of the challenged provisions.

Provisions of the Constitution

[Preamble] Having regard for the existence and future of our Homeland [...] we, the Polish Nation [...] aware of the need for cooperation with all countries for the good of the Human Family (...) hereby establish this Constitution of the Republic of Poland as the basis law for the State [...]

Art. 2. The Republic of Poland shall be a democratic state governed by the rule of law and implementing the principles of social justice.

Art. 4. 1. Supreme power in the Republic of Poland shall be vested in the Nation.
2. The Nation shall exercise such power directly or through their representatives.

Art. 7. The organs of public authority shall function on the basis of, and within the limits of, the law.

Art. 9. The Republic of Poland shall respect international law binding upon it.

Art.11. 1. The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.
2. The financing of political parties shall be open to public inspection.

Art.12. The Republic of Poland shall ensure freedom for the creation and functioning of trades unions, socio-occupational organizations of farmers, societies, citizens' movements, other voluntary associations and foundations.

Art. 13. Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be forbidden.

Art. 32. 1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.
2. No one shall be discriminated against in political, social or economic life for any reason whatsoever.

Art. 48. 1. Parents shall have the right to rear their children in accordance with their own convictions. Such upbringing shall respect the degree of maturity of a child as well as his freedom of conscience and belief and also his convictions.

Art. 62. 1. If, no later than on the day of vote, he has attained 18 years of age, a Polish citizen shall have the right to participate in a referendum and the right to vote for the President of the Republic of Poland as well as representatives to the Sejm and Senate and organs of local self-government.

2. Persons who, by a final judgment of a court, have been subjected to legal incapacitation or deprived of public or electoral rights, shall have no right to participate in a referendum nor a right to vote.

Art. 89. 1. Ratification of an international agreement by the Republic of Poland, as well as denunciation thereof, shall require prior consent granted by statute - if such agreement concerns:

- 1) peace, alliances, political or military treaties;
- 2) freedoms, rights or obligations of citizens, as specified in the Constitution;
- 3) the Republic of Poland's membership in an international organization;
- 4) considerable financial responsibilities imposed on the State;
- 5) matters regulated by statute or those in respect of which the Constitution requires the form of a statute.

Art. 90. 1. The Republic of Poland may, by virtue of international agreements, delegate to an international organization or international institution the competence of organs of State authority in relation to certain matters.

2. A statute, granting consent for ratification of an international agreement referred to in para.1, shall be passed by the Sejm by a two-thirds majority vote in the presence of at least half of the statutory number of Deputies, and by the Senate by a two-thirds majority vote in the presence of at least half of the statutory number of Senators.

3. Granting of consent for ratification of such agreement may also be passed by a nationwide referendum in accordance with the provisions of Article 125.

4. Any resolution in respect of the choice of procedure for granting consent to ratification shall be taken by the Sejm by an absolute majority vote taken in the presence of at least half of the statutory number of Deputies.

Art. 121. 1. A bill passed by the Sejm shall be submitted to the Senate by the Marshal of the Sejm.

2. The Senate, within 30 days of submission of a bill, may adopt it without amendment, adopt amendments or resolve upon its complete rejection. If, within 30 days following the submission of the bill, the Senate fails to adopt an appropriate resolution, the bill shall be considered adopted according to the wording submitted by the Sejm.

3. A resolution of the Senate rejecting a bill, or an amendment proposed in the Senate's resolution, shall be considered accepted unless the Sejm rejects it by an absolute majority vote in the presence of at least half of the statutory number of Deputies.

Art. 125. 1. A nationwide referendum may be held in respect of matters of particular importance to the State.

2. The right to call a nationwide referendum shall be vested in the Sejm, to be taken by an absolute majority of votes in the presence of at least half of the statutory number of Deputies, or in the President of the Republic with the consent of the Senate given by an absolute majority vote taken in the presence of at least half of the statutory number of Senators.

3. A result of a nationwide referendum shall be binding, if more than half of the number of those having the right to vote have participated in it.

4. The validity of a nationwide referendum and the referendum referred to in Article 235, para. 6, shall be determined by the Supreme Court.

5. The principles of and procedures for the holding of a referendum shall be specified by statute.

Art. 235. 1. A bill to amend the Constitution may be submitted by the following: at least one-fifth of the statutory number of Deputies; the Senate; or the President of the Republic.

2. Amendments to the Constitution shall be made by means of a statute adopted by the Sejm and, thereafter, adopted in the same wording by the Senate within a period of 60 days.

3. The first reading of a bill to amend the Constitution may take place no sooner than 30 days after the submission of the bill to the Sejm.

4. A bill to amend the Constitution shall be adopted by the Sejm by a majority of at least two-thirds of votes in the presence of at least half of the statutory number of Deputies, and by the Senate by an absolute majority of votes in the presence of at least half of the statutory number of Senators.

5. The adoption by the Sejm of a bill amending the provisions of Chapters I, II or XII of the Constitution shall take place no sooner than 60 days after the first reading of the bill.

6. If a bill to amend the Constitution relates to the provisions Chapters I, II or XII, the subjects specified in para. 1 above may require, within 45 days of the adoption of the bill by the Senate, the holding of a confirmatory referendum. Such subjects shall make application in the matter to the Marshal of the Sejm, who shall call a referendum within 60 days of the day of receipt of the application. The amendment to the Constitution shall be deemed accepted if the majority of those voting express support for such amendment.

7. After conclusion of the procedures specified in paras. 4 and 6 above, the Marshal of the Sejm shall submit the adopted statute to the President of the Republic for signature. The President of the Republic shall sign the statute within 21 days of its submission and order its promulgation in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*).