

**Dz. U. 1996 No. 73 item 350**

**ACT**

**of 9 May 1996**

**on Exercising the Mandate of Deputy and Senator**

**Prepared pursuant to:  
Dz. U. 2003 No. 221,  
item 2199, 2004 No. 116,  
item 1202, No. 210, item  
2135, 2005 No. 48, item  
446, No. 169, item 1414,  
2006 No. 104, item 708**

## **Chapter 1**

### **General Provisions**

#### **Art. 1.**

1. Deputies and senators shall exercise their mandate guided by the welfare of the Nation.
2. Deputies and senators should inform voters of their work and the activity of the body to which they have been elected.

#### **Art. 2.**

1. Before the commencement of the performance of the mandate, a deputy shall take an oath at the Sejm session, of the following formula:  
"I solemnly swear as deputy to the Sejm of the Republic of Poland to perform my duties to the Nation diligently and conscientiously, to safeguard the sovereignty of the Homeland and the well-being of its citizens, to observe the legal order of the Republic of Poland."  
The oath may be taken with the additional words "So help me, God."
2. Before commencement of the performance of the mandate, a senator shall take an oath at the Senate session, of the following formula:  
"I solemnly swear as senator of the Republic of Poland to perform my duties to the Nation diligently and conscientiously, to safeguard the sovereignty of the Homeland and the well-being of its citizens, to observe the legal order of the Republic of Poland."  
The oath may be taken with the additional words "So help me, God."
3. Refusal to take the oath shall cause expiry of the mandate of deputy or senator.
4. Evasion of taking the oath within three months from the first session of the Sejm or Senate shall be equivalent to resignation from the mandate of deputy or senator.
5. The manner of taking the oath and the procedure of examining cases of deputies and senators that have not taken the oath within three months from acquiring the mandate shall be specified by the bye-laws of the Sejm and Senate.

#### **Art. 3.**

The main right and obligation of a deputy and senator shall be active participation in the work of the Sejm or Senate and the General Assembly, as well as their bodies.

**Art. 4.**

Deputies and senators shall be ensured the conditions essential for the effective performance of their obligations and protection of the rights resulting from exercising the mandate.

**Art. 5.**

The procedure of examining cases of deputies or senators not performing the deputy or senator obligations, as well as the principles of accountability according to regulations of deputies or senators shall be specified by the bye-laws of the Sejm or Senate.

**Art. 5a.**

A deputy or senator while deprived of liberty shall not exercise the rights and obligations resulting from this Act.

**Chapter 2**

**Parliamentary Immunity**

**Art. 6.**

1. A deputy or senator shall not be held accountable for his activity within the scope of exercising the mandate in its duration, or after its expiry, subject to art. 6a. For such activity the deputy or senator shall be held accountable only before the Sejm or Senate.
2. The activity referred to in para. 1 shall include reporting proposals, taking the floor or voting at sessions of the Sejm, Senate or General Assembly and their bodies, at sessions of clubs, caucuses and groups of deputies, senators or parliamentary groups, as well as other activity inseparably associated with the performance of the mandate.
3. For the activity referred to in para. 1, a deputy or senator shall be subjected to disciplinary or financial accountability under the principles specified in the Act and in the bye-laws of the Sejm or Senate.

**Art. 6a.**

A deputy or senator that in taking up actions within the performance of the mandate violates the rights of third persons may be held accountable to law only on the consent of the Sejm or Senate.

**Art. 7.**

1. From the day of announcement of the results of elections to the day of expiry of the mandate, a deputy or senator may not be subjected to penal accountability without the consent of the Sejm or Senate, subject to para. 8.

2. The interdiction referred to in para. 1 shall concern acts committed before the day of expiry of the mandate, including acts committed prior to the day of announcement of the results of elections.
3. The provision of para. 1 shall not apply in penal proceedings instituted prior to the day of announcement of the election results towards a person that has been elected for deputy or senator.
4. Bringing to penal accountability may occur only for an act indicated in the motion that was the basis for expression of consent by the Sejm or Senate. Making a deputy or senator accountable for another act shall require separate consent of the Sejm or Senate.

**Art. 7a.**

Limitation in penal proceedings concerning an act covered by immunity shall not run in the period of enjoying immunity.

**Art. 7b.**

1. A motion for expression of consent for bringing a deputy or senator to penal accountability in a case concerning a crime prosecuted by public accusation shall be submitted through the Minister of Justice – Public Prosecutor General.
2. A motion for expression of consent for bringing a deputy or senator to penal accountability in a case concerning a crime prosecuted by private accusation shall be submitted by a private prosecutor, after bringing the case to court.
3. The motion referred to in para. 2 shall be drawn up and signed by a barrister or legal counselor, with the exception of motions submitted in their cases by judges, prosecutors, barristers, legal counselors, notaries public and professors and doctors habilitated of law sciences.
4. The motions referred to in art. 1 and 2 should contain:
  - 1) indication of the motioning party and the attorney;
  - 2) the first name and surname and the date and place of birth of the deputy or senator;
  - 3) indication of the legal grounds of the motion;
  - 4) accurate specification of the act that the motion concerns, with indication of the time, place, manner and circumstances of committing it and its effects, and particularly the character of the occurred damage;
  - 5) the reasoning.

5. The provisions of para. 2-4 shall apply as appropriate to a motion for expression of consent for bringing a deputy or senator to civil accountability in the cases referred to in art. 6a.

**Art. 7c.**

1. A motion for expression of consent for bringing a deputy or senator to penal accountability shall be submitted to the Speaker of the Sejm or Speaker of the Senate, who shall forward this motion to the body competent for examining the motion pursuant to the bye-laws of the Sejm or Senate, at the same time notifying the deputy or senator that the motion concerns, of the contents of this motion.
2. The body competent for the motion referred to in para. 1 shall notify the deputy or senator that the motion concerns of the date of examination of the motion.
3. At the request of the body competent for examining the motion referred to in para. 1, the court or competent body before which proceedings are pending towards the deputy or senator shall make available the files of the proceedings.
4. The deputy or senator that the motion concerns shall present to the body competent for examining the motion referred to in para. 1 explanations and own proposals in this matter in written or verbal form.
5. After examining the case, the body competent for examining the motion referred to in para. 1 shall pass a report together with a proposal for acceptance or rejection of the motion.
6. The Sejm or Senate shall express consent for bringing a deputy or senator to penal accountability by a resolution passed by an absolute majority of votes of the statutory number of deputies or senators. Failure to obtain the required majority of votes shall signify passing a resolution on non-expression of consent for bringing the deputy or senator to penal accountability.
7. The provisions of para. 1-6 and art. 10s shall apply as appropriate to examination of a motion referred to in art. 7b para. 5.

**Art. 8.**

1. The Speaker of the Sejm or Speaker of the Senate shall designate in the notification referred to in art. 7c para. 1 the time limit for the deputy or senator to submit a declaration on expression of consent for being brought to penal accountability.
2. If the deputy or senator submits the declaration referred to in para. 1, the provisions of art. 7c para. 2-6 shall not apply.
3. The declaration referred to in para. 1 shall be forwarded in writing by the deputy or senator to the Speaker of the Sejm or Speaker of the Senate, who shall request the body competent for examining the application referred to in art. 7c para. 1 to present an opinion regarding the formal correctness of this declaration.

4. The Speaker of the Sejm or Speaker of the Senate may ask the deputy or senator to specify more accurately the contents of the declaration within a designated time. Failure to specify more accurately the contents of a declaration within this time shall cause the declaration to be left unprocessed; in such a case the provisions of art. 7c para. 2-6 shall apply.
5. Bringing to penal accountability may take place only for an act indicated in the motion with regard to which the deputy or senator has expressed consent in the procedure specified in para. 1-4. Bringing to accountability for a different act shall require separate consent, expressed in the procedure specified in para. 1-4 or in the procedure specified in art. 7c.
6. In the case when a deputy or senator expresses consent for bringing him to penal accountability for part of the acts indicated in the motion, within the remaining scope the motion shall be examined in the procedure specified in art. 7c.
7. The Speaker of the Sejm or Speaker of the Senate shall inform the Sejm or Senate of submission of the declaration referred to in para. 1 by a deputy or senator.
8. Withdrawal of the consent referred to in para. 1 shall be ineffective by law.
9. The provisions of para. 1-8 shall not apply to the cases referred to in art. 6a.

#### **Art. 9.**

1. Within 60 days from the day of announcement of the election results, the Minister of Justice – Public Prosecutor General, shall inform the Speaker of the Sejm or Speaker of the Senate of penal proceedings pending against deputies or senators, instituted prior to the day of announcement of the election results.
2. If a deputy or senator acquires a mandate in the course of the term of the Sejm or Senate, para. 1 shall apply as appropriate.
3. A deputy or senator against whom penal proceedings are pending, instituted prior to the day of election, may submit to the Sejm or Senate a motion for a request to be made by the Sejm or Senate to suspend penal proceedings pending expiry of the mandate. The motion shall not concern the execution of a penalty adjudicated by a legally valid court sentence.
4. The motion referred to in para. 3 shall be submitted to the Speaker of the Sejm or Speaker of the Senate.
5. The motion referred to in para. 3 shall contain in particular: the exact specification of the penal case, with indication of the body before which proceedings are pending, the reasoning of the motion and the signature of the motioning party.
6. If the motion referred to in para. 3 does not meet the conditions specified in para. 3 and 5, the Speaker of the Sejm or Speaker of the Senate, after obtaining the opinion of the Sejm Presidium or Senate Presidium, shall return it to the motioning party for supplementing.

7. If the motion referred to in para. 3 meets the conditions specified in para. 3 and 5, the Speaker of the Sejm or Speaker of the Senate shall forward this motion for examination by the competent body pursuant to the bye-laws of the Sejm or Senate.
8. For proceedings with the motion referred to in para. 3, the provisions of art. 7c para. 2-5 shall apply as appropriate.
9. The Sejm or Senate shall request suspension of the penal proceedings referred to in para. 3 by a resolution passed by a majority of 3/5 of the votes of the statutory number of deputies or senators.
10. A deputy or senator may submit to the Speaker of the Sejm or Speaker of the Senate a declaration that he will not present the motion referred to in para. 3. The provisions of para. 5 and 6 and art. 8 para. 7 shall apply as appropriate.

#### **Art. 10.**

1. A deputy or senator shall not be detained or arrested without the consent of the Sejm or Senate, with the exception of apprehension red-handed in a crime and if his apprehension is necessary to ensure the correct course of proceedings.
2. The prohibition of detention referred to in para. 1 shall include all forms of deprivation or limitation of personal liberty of a deputy or senator by bodies applying coercion.
3. The Speaker of the Sejm or Speaker of the Senate shall be immediately notified of the detention of a deputy or senator referred to in para. 1. At the request of the Speaker of the Sejm or Speaker of the Senate, the deputy or senator must be released at once.
4. A motion for expression of consent for detention or arrest of a deputy or senator shall be submitted through the Minister of Justice – Public Prosecutor General.
5. The motion referred to in para. 4 should contain:
  - 1) indication of the motioning party;
  - 2) the first name and surname and the date and place of birth of the deputy or senator;
  - 3) exact description of the act and its legal classification;
  - 4) the legal basis for applying the specific measure;
  - 5) reasoning, indicating in particular the necessity of applying the specific measure.
6. For proceedings with a motion in cases of expression of consent for detention or arrest of a deputy or senator, the provisions of art. 7c para. 2-5 shall apply as appropriate.
7. The Sejm or Senate shall express consent for detention or arrest of a deputy or senator by way of a resolution passed by an absolute majority of votes of the statutory number of

deputies or senators. Not attaining the required majority of votes shall signify passing a resolution on no consent for detention or arrest of the deputy or senator.

8. The requirement of obtaining consent of the Sejm or Senate shall not concern the execution of a penalty of deprivation of liberty adjudicated by a legally valid court sentence.

#### **Art. 10a.**

1. The Speaker of the Sejm or Speaker of the Senate shall immediately send the resolution referred to in art. 7c para. 6, art. 9 para. 9 and art. 10 para. 7, or the declaration of a deputy or senator referred to in art. 8 para. 1, to the motioning party.
2. The resolutions referred to in para. 1 shall be published in the Official Journal of the Republic of Poland "Monitor Polski."

#### **Art. 10b.**

Regulations concerning expression of consent for bringing a deputy or senator to penal accountability shall apply as appropriate to accountability for petty offenses.

#### **Art. 11.**

1. With regard to deputies acquiring a mandate in the course of the term of the Sejm, the provisions of this chapter shall apply as appropriate from the day of staffing the mandate in the procedure specified in the provisions of the Act of 12 April 2001 – the Electoral Regulations to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland (Dz. U. No. 46, item 499, No. 74, item 786 and No. 154, item 1802, 2002 No. 14, item 128, No. 113, item 984, No. 127, item 1089 and No. 153, item 1271 and 2003 No. 57, item 507 and No. 130, item 1188).
2. With regard to senators acquiring a mandate as a result of supplementary elections to the Senate, the provisions of this chapter shall apply from the day of announcement of the results of these elections.
3. A resolution expressing consent for bringing a deputy or senator to penal accountability, a resolution expressing consent for bringing a deputy or senator to civil accountability in court for activity within the scope of performing the mandate that violates the rights of third persons, and a declaration of a deputy or senator on expression of consent for being brought to penal accountability shall also be effective in the case when the deputy or senator is elected to the Sejm or Senate of the following term.
4. If after commencement of the course of the motion referred to in art. 7b para. 1, 2 or 5 or in art. 10 para. 4, and before the Sejm or Senate makes a decision in these cases, the term of the Sejm ends, further proceedings shall be continued in the Sejm or in the Senate of the following term, provided the deputy or senator that the motion concerns has been elected for that term.

**Art. 12.**

The detailed procedure in cases regulated in this chapter shall be specified by the bye-laws of the Sejm and Senate.

**Chapter 3**

**Rights and Obligations of Deputies and Senators in the Sejm and in the Senate**

**Art. 13.**

1. A deputy and senator is required to attend and actively participate in the sessions of the Sejm or Senate and the National Assembly, as well as their bodies to which they were elected.
2. The principles of excusing absence of deputies or senators not participating in sessions of the Sejm or Senate and the General Assembly, as well as their bodies, shall be specified by the bye-laws of the Sejm or Senate.

**Art. 14.**

1. In the performance of deputy obligations, a deputy shall in particular have the right to:
  - 3) express his position and report motions on issues examined at sessions of the Sejm and its bodies;
  - 4) elect and be elected to bodies of the Sejm;
  - 5) request the Sejm Presidium to have a specific issue examined by the Sejm or a Sejm committee;
  - 6) request a Sejm committee to examine a specific issue;
  - 7) take part in taking parliamentary legislative and resolution-related initiatives and in examining bills and draft resolutions of the Sejm;
  - 8) take part in discussion on issues examined by the Sejm or Sejm committees;
  - 9) lodge parliamentary interpellations and questions.
2. The principles and procedure of exercising the rights referred to in para. 1, and other deputy rights in the Sejm, as well as the procedure and forms of providing answers to parliamentary interpellations and questions and their examination by the Sejm shall be specified by the Sejm bye-laws.



#### **Art. 15.**

1. In performing senatorial obligations, a senator shall in particular have the right to:
  - 1) express his position and report motions on issues examined at sessions of the Senate and its bodies;
  - 2) elect and be elected to bodies of the Senate;
  - 3) request the Senate Presidium to have a specific issue examined by the Senate or a Senate committee;
  - 4) request a Senate committee to examine a specific issue;
  - 5) take part in taking parliamentary legislative and resolution-related initiatives of the Senate;
  - 6) take part in discussion on issues examined by the Senate or Senate committees.
2. The principles and procedure of exercising the rights referred to in para. 1 and other Senatorial rights in the Senate shall be specified by the bye-laws of the Senate.

#### **Art. 16.**

1. Deputies and senators shall have the right to obtain from members of the Council of Ministers and representatives of competent central and local government bodies and institutions information and explanations on issues resulting from the performance of obligations of deputies or senators.
2. Members of the Council of Ministers and representatives of competent central and local government bodies and institutions, non-governmental organizations, state and local government establishments and enterprises, commercial companies with the participation of state or municipal legal persons shall be obliged to present information and explanations at the request of standing and extraordinary Sejm and Senate committees, in matters within the scope of their competence.

#### **Art. 17.**

1. Under the principles specified in the Sejm bye-laws, deputies may create in the Sejm clubs, caucuses or groups of deputies.
2. Under the principles specified in the Senate bye-laws, senators may create in the Senate clubs, caucuses or groups of senators.
3. Deputies together with senators may create joint clubs, caucuses or parliamentary groups.
4. The name, abbreviated name and graphic symbol of a club or caucus referred to in para. 1-3 shall enjoy the legal protection provided for personal interests.

**Art. 18.**

1. For servicing their parliamentary activity, the clubs and caucuses referred to in art. 17 may create offices of clubs and caucuses.
2. Clubs and caucuses shall receive financial resources for covering the costs of their activity, including for covering the costs of activity of the offices of clubs and caucuses, in the amount and under the principles specified jointly by the Speaker of the Sejm and the Speaker of the Senate. These funds may not be used for purposes other than as specified in the first sentence.
3. The chairman of a club or caucus may employ workers in the office for a specified time, for not longer than the period of activity of the club or caucus. The activity of the clubs, caucuses and their offices may be supported by volunteer co-workers.
- 3a. The chairman of a club or caucus shall be obliged to give to the Speaker of the Sejm or the Speaker of the Senate the following data concerning employees of the office of a club or caucus and volunteer co-workers:
  - 1) the first name(s) and surname;
  - 2) the date of birth;
  - 3) the place of employment in the three-year period preceding the day on which the person became an employee of the office of the club or caucus or a volunteer worker;
  - 4) the sources of income in the three-year period preceding the day on which the person became an employee of the office of the club or caucus or a volunteer co-worker
  - 5) information on performed commercial activity in the three-year period preceding the day on which the person became an employee of the office of the club or caucus or a volunteer co-worker.
- 3b. The data referred to in para. 3a shall be open and shall be made publicly known by the Speaker of the Sejm or the Speaker of the Senate, as appropriate, in the form of an electronic recording.
4. The chairman of a club or caucus, within the funds referred to in para. 2, shall establish the manner of remunerating employees of offices of clubs and caucuses.
5. Employees referred to in para. 3, hired under an employment contract, shall be entitled to additional annual remuneration under the principles specified in a separate statute. The procedure of paying this remuneration shall be specified by the Speaker of the Sejm and Speaker of the Senate, as appropriate.
6. Employees hired in offices of clubs and caucuses under an employment contract shall be entitled to an award for long-term work in the amount of:

- 1) after 20 years of work – 75% of the monthly remuneration;
  - 2) after 25 years of work – 100% of the monthly remuneration;
  - 3) after 30 years of work – 150% of the monthly remuneration;
  - 4) after 35 years of work – 200% of the monthly remuneration;
  - 5) after 40 years of work – 300% of the monthly remuneration;
  - 6) after 45 years of work – 400% of the monthly remuneration.
7. Employees of offices of clubs and caucuses, hired on the day of the end of the term of the Sejm and Senate, shall be entitled to severance pay in connection with the end of the Sejm and Senate term:
- 1) if the employee had been employed in the office for at least half of the duration of the term of office – in the amount of one-month's remuneration;
  - 2) if the employee had been employed in the office less than half of the duration of the term of office – in the amount of one-month's remuneration calculated for each worked month, in proportion to the worked period.
8. The procedure of calculating and paying awards for long-term work and severance pay in connection with the end of the term of the Sejm and Senate to employees referred to in para. 3 shall be specified by the Speaker of the Sejm and Speaker of the Senate, as appropriate.
9. Funds for the purposes referred to in para. 5-7 shall be ensured in budgets of the Chancellery of the Sejm and the Chancellery of the Senate, as appropriate.
10. The chairmen of clubs and caucuses shall be obliged to deliver to the Chancellery of the Sejm and the Chancellery of the Senate, as appropriate, in annual periods and at the end of the operation of a club and caucus, the settlement statement of funds apportioned for covering the costs of operation of the clubs and caucuses, including for covering the costs of operation of offices of the clubs and caucuses.
11. The organizational and technical conditions of the creation, operation and closing of the offices referred to in para. 1 shall be specified by the Speaker of the Sejm and the Speaker of the Senate, as appropriate.

## **Chapter 4**

### **Other Rights and Obligations of Deputies and Senators**

#### **Art. 19.**

1. In exercising his mandate, a deputy or senator shall have the right, if he does not infringe the interests of other persons, to obtain information and material and to view the activity of central and local government administration bodies as well as companies with State Treasury participation and state and local government establishments and enterprises, with the observance of the regulations on statutorily protected secrecy.
2. The principles and procedure of making available to deputies and senators information and material being State and official secrecy shall be specified by the regulations on the protection of State and official secrecy.

#### **Art. 20.**

1. A deputy or senator shall have the right – in exercising his obligations of deputy or senator – to intervene in a central or local government administration body, state establishment or enterprise and non-governmental organization, as well as in non-state economy units to deal with a matter that he is processing in his own name or in the name of a voter or voters, and to become acquainted with the course of examination thereof.
2. The bodies and units listed in para. 1 towards which a deputy or senator has intervened, shall be obliged to notify the deputy or senator of the status of examination of the matter within fourteen days and to finally settle it within the time agreed on with the deputy or senator.
3. The managers of the bodies and units referred to in para. 1 shall be obliged to immediately receive a deputy or senator that has come in connection with a matter resulting from exercising his mandate, and to provide information and explanations concerning the matter.
4. A service identity card of a deputy or senator shall authorize the parliamentarian to have access to the premises of the units referred to in para. 1.

#### **Art. 21.**

1. Deputies and senators shall receive opinions, postulates and motions of voters and their organizations and shall take them into consideration in their parliamentary activity.
2. A deputy or senator may be obliged to provide information about a person that has conveyed to him specific information or has presented an opinion. The provision of art. 163 of the Code of Penal Procedure<sup>1</sup> shall not apply.

---

<sup>1</sup> Currently: art. 180 § 1 of the Act of 6 June 1997 – the Code of Penal Procedure (Dz. U. No. 89, item 555, 1999 No. 83, item 931, 2000 No. 50, item 580, No. 62, item 717, No. 73, item 852 and No. 93, item 1027, 2001 No. 98, item 1071 and No. 106, item 1149, 2002 No. 74, item 676 and 2003 No. 17, item 155, No. 111, item 1061 and No. 130, item 1188) which entered into force as of 1 September 1998, in accordance with art. 4 of the Act of 6 June 1997 – Regulations Implementing the Code of Penal Procedure (Dz. U. No. 89, item 556 and No. 160, item 1083, 2000 No. 62, item 717, 2001 No. 106, item 1149, 2002 No. 213, item 1801 and 2003 No. 17, item 155) which entered into force as of 1 September 1998.

## **Art. 22.**

1. A deputy shall have the right to participate in sessions of assemblies of voivodships (provinces), powiat (county) councils and gmina (commune) councils competent for the constituency from which he was elected, or competent for the seat of the deputy's office.
2. A senator shall have the right to participate in sessions of assemblies of voivodships, powiat councils and gmina councils for the constituency from which he was elected.
3. In participating in the sessions referred to in para. 1 and 2, a deputy or senator may submit his comments and proposals.
4. The conditions for exercising the rights of deputy or senator referred to in para. 1-3 shall be ensured by the heads of the assemblies of voivodships and the heads of powiat councils and gmina councils.
5. (deleted).
6. With regard to the Council of the capital city of Warsaw and the councils of the districts of Warsaw gminas<sup>2</sup>, the provisions of para. 1-4 shall apply as appropriate.

## **Art. 23.**

1. Deputies and senators shall create deputy, senatorial or deputy-senatorial offices to service their activity in the field.
2. A deputy and senator may carry on his activity in the field in a selected constituency or constituencies.
3. A deputy and senator shall be entitled to a lump-sum for covering the costs related to the operation of offices, under the principles and in the amount specified jointly by the Speaker of the Sejm and the Speaker of the Senate. These funds shall not be used for purposes other than as specified in the first sentence.
4. A deputy or senator may employ workers in the office in his own name for a specified time, not longer than for the time of exercising the mandate. The activity of a deputy or senator may be supported by volunteer co-workers.
- 4a. A deputy or senator shall be obliged to furnish to the Speaker of the Sejm or Speaker of the Senate, as appropriate, the following data concerning employees of the office and the volunteer co-workers:
  - 1) the name (names) and surname;

---

<sup>2</sup> Currently: pursuant to art. 1 para. 1 of the Act of 15 March 2002 on the System of the Capital City of Warsaw (Dz. U. No. 41, item 361 and No. 127, item 1087) which entered into force on the day of the elections to the decision-making bodies of local government units, falling in connection with the end of the term of office of these bodies elected on 11 October 1998, in accordance with art. 33 and 28 of this Act, the capital city of Warsaw is a gmina with the status of a town with powiat rights.

- 2) the date of birth;
  - 3) the place of employment in the three-year period preceding the day on which the person became an employee of the office or a volunteer co-worker;
  - 4) the sources of income in the three-year period preceding the day on which the person became an employee of the office or a volunteer co-worker;
  - 5) information on performed commercial activity in the three-year period preceding the day on which the person became an employee of the office or a volunteer co-worker.
- 4b. The data referred to in para. 4a shall be open and shall be made publicly known by the Speaker of the Sejm or the Speaker of the Senate, as appropriate, in the form of an electronic recording.
5. A deputy or senator, within the funds referred to in para. 3, shall establish the remuneration of employees of the offices.
  6. Employees of offices shall be entitled to additional annual remuneration under the principles specified by separate statute. The procedure of paying this remuneration shall be specified by the Speaker of the Sejm and the Speaker of the Senate, as appropriate.
  7. The employees referred to in para. 4, employed under an employment contract, shall be entitled to an award for long-term work and a severance pay in connection with the end of the term of office of the Sejm and the Senate, under the principles specified in art. 18 para. 6 and 7.
  8. The procedure of calculating and paying to office employees awards for long-term work and severance pay in connection with the end of the term of office of the Sejm and Senate shall be specified by the Speaker of the Sejm and the Speaker of the Senate, as appropriate.
  9. Funds for the purposes referred to in para. 6 and 7 shall be ensured in budgets of the Chancellery of the Sejm and the Chancellery of the Senate, as appropriate.
  10. A deputy and senator shall be obliged to annually submit to the Chancellery of the Sejm and the Chancellery of the Senate, as appropriate, in connection with the expiry of the mandate and at the end of the term of office, a settlement statement of the amounts of lump-sums used for running the office.
  - 10a. In the case referred to in art. 5a, the rights and obligations of a deputy and senator resulting from operation and dissolution of an office shall be transferred to the Speaker of the Sejm and the Speaker of the Senate, as appropriate.
  11. The organizational and technical conditions of the creation, operation and dissolution of the offices referred to in para. 1 shall be specified by the Speaker of the Sejm and the Speaker of the Senate, as appropriate.

**Art. 24.**

1. Central and local government administration bodies shall be obliged to provide for deputies and senators comprehensive assistance in the performance of their function.
2. Central and local government administration bodies shall be obliged to make available to a deputy or senator office space for the time of holding ad hoc duty hours of deputy or senator in the locality in which the deputy or senator has not opened an office specified in art. 23 para. 1.

## **Chapter 5**

### **The Conditions of Exercising a Mandate**

#### **Art. 25.**

1. In the period of performing the mandate, counting from the first session of the Sejm or Senate, deputies and senators shall be entitled to a deputy or senatorial salary, hereinafter referred to as "salary," paid monthly, also for incomplete months of performing the mandate.
2. A salary shall correspond to the level of remuneration of an undersecretary of state, established pursuant to the regulations on remuneration of persons holding high ranking state posts, with the exclusion of an additional allowance for length of service.
3. A deputy or senator that does not use a paid leave referred to in art. 29 para. 1, or carries on commercial activity independently or jointly with other persons, or has not suspended the entitlement to an old age or disability pension, shall not be entitled to the salary referred to in para. 1 and 2.
4. In justified cases the Sejm Presidium or the Senate Presidium may decide to allocate, at the request of a deputy or senator referred to in para. 3, a salary in whole or in part.
5. The principles of lowering the salary of deputies and senators disabling, through glaring violation of the provisions of relevant regulations, the work of the Sejm, the Senate or the National Assembly, or their bodies, and not participating without an excuse in sessions of the Sejm or Senate or the National Assembly, as well as their bodies, shall be specified by the bye-laws of the Sejm and Senate.
6. The detailed principles of paying a salary to deputies or senators, including those that:
  - 1) are taking over their mandate in the course of a term of office,
  - 2) have not taken the oath at the first session of the Sejm or Senate- shall be specified by the Sejm Presidium and Senate Presidium.

#### **Art. 26.**

1. The following additional allowances shall be payable with a salary:
  - 1) 20% of salary – for persons performing the function of chairman of a committee;
  - 2) 15% of salary – for persons performing the function of deputy chairman of a committee;
  - 3) 10% of salary – for persons performing the function of chairmen of standing subcommittees.
2. The Sejm Presidium and Senate Presidium may:
  - 1) specify circumstances other than in para. 1 that justify the payment of additional allowances to a salary and to establish their amount;
  - 2) specify the deputy or senatorial committees whose members also receive additional allowances to the salary, other than those mentioned in para. 1, and establish their amount;
  - 3) specify the procedure of payment of additional allowances.
3. In the event of concurrence of entitlements to two or more additional allowances, these shall be paid monthly in an amount not in excess of 35% of the salary.

**Art. 27.**

A salary and the additional allowances referred to in art. 26 shall be treated as remuneration from the employment relationship.

**Art. 28.**

1. The period of collection of a salary shall be treated a period of employment. This period shall also be included in the length of work that determines all employee entitlements, including special entitlements, contingent on employment in a specific profession, industry or work establishment.
2. A deputy or senator that has had an accident in the performance of his mandate shall be entitled to benefits under the principles and in the amount specified by the regulations on benefits from accidents at work and occupational diseases.
  - 2a. The benefits referred to in para. 2, for a deputy or senator not collecting a salary, shall be financed from the State budget.
3. (deleted).
4. The minister in charge of social security, in agreement with the minister in charge of labor, after obtaining the opinion of the Speaker of the Sejm and the Speaker of the Senate, shall specify by a regulation:



- 1) the model document confirming the period and amount of collected salary, additional allowances to the salary and premiums on these benefits;
- 2) the composition of the post-accident board examining the circumstances and causes of the accident while exercising the mandate and the scope of responsibilities of the Chancellery of the Sejm and the Chancellery of the Senate in relation to the deputies and senators harmed in these accidents, taking into consideration in particular the actions necessary to determine the entitlements to benefits due from the accident.

**Art. 29.**

1. A deputy or senator remaining in the employment relationship with employers other than those mentioned in art. 30 para. 1, shall receive an unpaid leave, at his request, for the period of performing the mandate and three months after expiry thereof – irrespective of the type and duration of the employment relationship. The employment relationship established for a specified time that would cease to exist before the date of the end of the unpaid leave, shall be extended to three months after the end of this leave.
2. An employer employing a deputy or senator that has not used up the right to an unpaid leave, shall be obliged to give to the deputy or senator a leave from work for the purpose of performing deputy and senatorial obligations.

**Art. 30.**

1. In the period of exercising their mandate, deputies and senators may not perform work under an employment relationship: in the Chancellery of the Sejm, in the Chancellery of the Senate, in the Chancellery of the President of the Republic of Poland, in the Office of the Constitutional Tribunal, in the Supreme Chamber of Control, in the Office of the Commissioner for Civil Rights Protection, in the Office of the Commissioner for Children's Rights, in the Office of the National Broadcasting Council, in the National Electoral Office, in the National Labor Inspectorate, in central and local government administration – with the exception of the employment relationship from election – and shall not be allowed to perform work as judge or public prosecutor, administrative employee of a court or public prosecutor's office, and shall not perform professional military service.
2. The provision of art. 29 para. 1 shall apply as appropriate, with the leave being given ex officio.

**Art. 31.**

1. An employer with which a deputy or senator received an unpaid leave shall be obliged to hire him after the end of the unpaid leave, or – in the event of his readiness for work – after expiry of the mandate, at the same post or a post equivalent in wage, with the remuneration that would be received by the deputy or senator if he had not taken the unpaid leave.

2. Termination by an employer of the employment relationship with a deputy or senator referred to in para. 1, with the exception of an employment relationship from election, and changes in the conditions of his work or wages within two years after the expiry of the mandate may take place only with the consent of the Sejm Presidium or the Senate Presidium.
3. The employment relationship with a teacher or academic teacher may not expire earlier than with the end of the school or academic year, following after the end of the period referred to in art. 29 para. 1.

#### **Art. 32.**

1. For a deputy or senator holding at the same time a high ranking state post, the provisions of art. 25-27, art. 28 para. 1 and art. 29-31 shall not apply.
2. High-ranking state posts shall be understood as the posts mentioned in art. 2 of the Act of 31 July 1981 on Remuneration of Persons Holding High Ranking State Posts.

#### **Art. 33.**

1. A deputy or senator shall be obliged to notify the Speaker of the Sejm or the Speaker of the Senate, as appropriate, of the intention of taking up additional activities, with the exception of activity subject to copyright and related rights.
2. Deputies and senators shall not take up additional activities or receive gifts that could undermine the trust of voters in exercising the mandate pursuant to art. 1 para. 1.
3. Deputies and senators shall not refer to their mandate or use the title of deputy or senator in connection with undertaking additional activities or commercial activity conducted on their own account or jointly with other persons.
4. Infringement by a deputy or senator of the provision of para. 1, 2 or 3 shall cause accountability to regulations.

#### **Art. 34.**

1. Deputies and senators shall not conduct commercial activity on their own account or jointly with other persons with the use of state or municipal assets, or manage such activity or be a representative or plenipotentiary in conducting such activity.
2. Deputies and senators shall not be members of managerial, supervisory or auditing authorities, or commercial representatives of enterprises with the participation of state or municipal legal persons or enterprises in which such persons participate. Selection or appointment of a deputy or senator to these authorities shall be invalid by law.

3. If the selection or appointment referred to in para. 2 took place prior to the commencement of performance of the mandate, the deputy and senator shall be obliged to renounce the post or function. In the event of not renouncing the post or function, the deputy and senator shall lose them by law after three months have passed from the day of taking the oath referred to in art. 2.
4. Deputies and senators shall not have a packet larger than 10% of the stocks or shares in commercial companies with the participation of state or municipal legal persons or enterprises in which such persons participate. Stocks or shares in excess of this packet should be transferred by the deputy or senator before the first session of the Sejm or Senate, and in the event of there being no transfer, they shall not take part for the period of exercising the mandate and two years after expiry thereof in exercising the rights vested in him (the right to vote, the right to a dividend, the right to division of assets, the preemptive right).
5. Infringement by a deputy or senator of the provisions of para. 1-3 shall cause accountability to regulations.

#### **Art. 35.**

1. Deputies and senators shall be obliged to submit a declaration on their asset status. The declaration on asset status shall concern separate assets and assets included in joint ownership by marriage. The declaration shall contain in particular information on:
  - 1) cash resources, real estate, participation in civil partnerships or in commercial partnerships, stocks and shares in commercial companies, on property acquired from the State Treasury, another state legal person, local government units, their associations or a municipal legal person, that had been sold by tendering, as well as on conducted commercial activity and posts held in commercial companies;
  - 2) income acquired from employment or other wage-earning activity, with indication of the amounts acquired from each type;
  - 3) movable assets worth more than PLN 10,000;
  - 4) cash debts worth more than PLN 10,000, including drawn credits and loans and the terms under which they have been granted.
2. The model declaration shall form an appendix to this Act.
3. A declaration on asset status shall be submitted in two copies to the Speaker of the Sejm or the Speaker of the Senate, as appropriate, in the following time limits:
  - 1) by the day of taking the oath, together with information on the manner and dates of cessation of commercial activity with the use of assets of the State Treasury or local government in connection with election to the post of deputy or senator and with information on having assets of the State Treasury or local government;

- 2) by 30 April of each year, as at 31 December of the preceding year, attaching a copy of the tax (PIT) return;
- 3) within one month from the day of ordering new elections to the Sejm and Senate.
4. One copy of a declaration on asset status shall be forwarded by the Speaker of the Sejm or the Speaker of the Senate to the revenue office competent for the place of residence of the deputy or senator.
5. Information included in a declaration on asset status shall be open, with the exclusion of information on the address of residence of the deputy or senator and on the location of the real estate. Open information included in a declaration on asset status shall be made publicly known by the Speaker of the Sejm or Speaker of the Senate, as appropriate, in the form of an electronic recording.
6. Analyses of data included in declarations on asset status shall be carried out by competent committees appointed by the Sejm or Senate, as appropriate, in the procedure specified in the bye-laws of the Sejm or Senate, as appropriate, and the competent revenue offices. The entity analyzing the data included in a declaration shall be authorized to compare the contents of an analyzed declaration with the contents of previously submitted declarations and with the attached copy of the annual tax (PIT) return. The results of an analysis shall be presented to the Sejm Presidium or Senate Presidium, as appropriate.
- 6a. Control of the accuracy and truthfulness of declarations on asset status referred to in para. 1 shall be carried out by the Central Anticorruption Bureau in the procedure and under the principles specified in chapter 4 of the Act of 9 June 2006 on the Central Anticorruption Bureau (Dz. U. No. 104, item 708).
7. A declaration on asset status shall be kept for 6 years.
8. Failure to submit a declaration on asset status shall cause accountability to regulations and loss of the right to a salary, until a declaration is submitted.
9. Stating an untruth or concealment of the truth in a declaration on asset status shall cause accountability pursuant to art. 233 § 1 of the Penal Code.

#### **Art. 35a.**

1. The Register of Interests shall be created, hereinafter referred to as “Register.”
2. The Register shall disclose interests acquired by deputies, senators or their spouses.
3. Information on the following shall be reported to the Register:
  - 1) all posts and activities performed in public administration as well as in private institutions, from which remuneration is collected, and professional work performed on one’s own account;
  - 2) facts of financial support for public activity conducted by the reporting person;

- 3) donation received from domestic or foreign entities, if its value exceeds 50% of the lowest remuneration of employees for work, in effect in December of the preceding year, specified by the Minister of Labor and Social Policy pursuant to the Labor Code;
  - 4) travel at home or abroad not associated with the performed public function, if its cost has not been covered by the reporting person or his spouse or institutions employing them or political parties, associations or foundations they are members of;
  - 5) other acquired interests worth more than indicated in subpara. 3, not associated with holding posts or performing activities or professional work, referred to in subpara. 1.
4. Information on participation in bodies of foundations, commercial companies or cooperatives shall be reported in the Register, even when no cash benefits are collected on this account.
  5. When stating information, a deputy and senator shall be obliged to observe maximum accuracy and be guided by their best knowledge.
  6. All changes in data to be included in the Register shall be reported within 30 days of occurrence thereof.
  7. The Register shall be open. The Register for deputies shall be maintained by the Speaker of the Sejm and for senators the Speaker of the Senate.
  8. One a year, the person maintaining the Register shall make the data included in it publicly known, in a separate publication.
  9. Disclosing information in the Register shall not result in exemption from accountability envisaged in the Act for failure to fulfill the obligations specified in it.

#### **Art. 36.**

Deputies and senators and members of their families shall be entitled to health benefits under the principles specified in the regulations on healthcare services financed from public funds and on remuneration of persons holding high ranking state posts.

#### **Art. 37. (abrogated).**

#### **Art. 38.**

1. A deputy and senator who while exercising his mandate or within twelve months after expiry thereof or within two years after the end of the use of an unpaid leave, referred to in art. 29 and art. 30, begins collecting an old age or disability pension, shall be entitled to one-time severance pay in the amount of three salaries – when retiring and one salary – when taking up a disability pension.

2. In the event of concurrence of entitlements of various types with one-time severance pay in connection with taking up an old age or disability pension, the severance pay selected by the eligible person shall be due.

**Art. 39.**

1. A deputy or senator in connection with the end of the term of office shall be entitled to a parliamentary severance pay in the amount of three salaries. The severance pay shall not be due if the deputy or senator has been elected for the next term.
2. In the event of death of a deputy or senator in the course of exercising his mandate or within three months after expiry thereof, a death allowance shall be due under the principles and in the amount specified for employees in the Labor Code.

**Art. 40.**

In the event of concurrence of entitlements to the severance pay specified in art. 38 para. 1 and art. 39 para. 1, the severance pay chosen by the eligible person shall be applied.

**Art. 41.**

1. Deputies and senators and members of their families shall be entitled to the use of the social benefits fund, created under the principles specified in the regulations on the social benefits fund of the workplace.
2. Former deputies and senators and members of their families shall make use of the social benefits fund under the principles specified in the regulations on the social benefits fund of the workplace.
3. The principles of appropriating resources from the fund referred to in para. 1 for individual purposes and types of social activity and the principles and conditions of using services and benefits financed from this fund shall be specified by the Speaker of the Sejm and the Speaker of the Senate, as appropriate.

**Art. 42.**

1. A deputy and senator shall be entitled to financial resources for covering the costs related to expenditures borne in connection with exercising the mandate, in the lump-sum amount of 25% of the monthly salary (parliamentary per diem allowance).
2. A parliamentary per diem allowance shall be exempted from personal income tax within the limits specified in separate regulations for per diem allowances received when performing obligations and may not be seized by execution.

3. A deputy or senator shall not collect simultaneously a parliamentary per diem allowance and a per diem allowance for the performance of the function of councilor. A deputy or senator shall choose the per diem allowance that he will be collecting.
4. The principles of lowering and losing the right to a parliamentary per diem allowance of deputies and senators who disable, through glaring violation of the provisions of relevant regulations, the work of the Sejm, Senate or National Assembly, as well as their bodies, and who do not take part, without excuse, in sessions of the Sejm or Senate and the National Assembly, or their bodies, shall be specified by the bye-laws of the Sejm and Senate.
5. The detailed principles and procedure of payment of parliamentary per diem allowances and dues of deputies and senators delegated by the Sejm and Senate abroad shall be specified jointly by the Sejm Presidium and Senate Presidium.

**Art. 43.**

1. A deputy and senator shall have the right to free travel throughout the country by collective public transport means and air travel in domestic air transport, as well as to free travel by urban public transport means.
2. The minister in charge of transport, after obtaining the opinion of the Sejm Presidium and Senate Presidium, shall specify by a regulation the procedure of exercising the rights referred to in para. 1, with the exclusion of travel by urban public transport means.

**Art. 44.**

1. Deputies and senators shall receive without payment official journals and printed matter of the Sejm and Senate.
2. Deputies and senators shall receive envelopes with letter writing paper, marked with the appropriate overprint, for maintaining correspondence related to exercising the mandate, without payment of postal fees by them.
3. The detailed principles of exercising the rights referred to in para. 1 and 2 shall be specified by the Sejm Presidium and Senate Presidium.

**Art. 45.**

1. A deputy shall be issued a deputy identity card and a senator a senator identity card.
2. Deputies and senators shall be issued voting cards.
3. The model identity card and voting card as well as the procedure and conditions of issuing their duplicates in the event of destruction or loss shall be specified by the Speaker of the Sejm and Speaker of the Senate, as appropriate.

**Art. 46.**

1. The Sejm Presidium and Senate Presidium shall provide assistance to deputies and senators in the performance of mandates by them, watch over the performance of parliamentary obligations by them and that the obligations towards them, specified in the Act, are carried out by central and local government bodies and units subordinated to them.
2. The Chancellery of the Sejm and the Chancellery of the Senate, each in accordance with its competence, shall ensure and organize servicing of deputies and senators essential for the performance of obligations by them as well as technical assistance, particularly as regards access to specialist papers, bibliography and expert reports.
3. The tasks of the Sejm Presidium and Senate Presidium referred to in para. 1 shall be specified in detail by the bye-laws of the Sejm and Senate, and tasks of the Chancellery of the Sejm and Chancellery of the Senate referred to in para. 2 shall be specified in detail by the bye-laws of the Sejm and Senate and resolutions of the Sejm Presidium and Senate Presidium.

**Art. 47.**

Expenditures resulting from rights of deputies and senators shall be covered from the state budget, in the part concerning the Chancellery of the Sejm or the Chancellery of the Senate, as appropriate.

**Art. 47a.**

Regulations issued pursuant to art. 18 para. 2, 5, 8 and 11, art. 23 para. 3, 6, 8 and 11, art. 25 para. 6, art. 26 para. 2, art. 37 para. 3, art. 41 para. 3, art. 42 para. 5, art. 44 para. 3 and art. 54 para. 3 shall not be published within the scope not concerning the model deputy and senator identity card and pursuant to art. 46 para. 3 within the scope of resolutions of the Sejm Presidium and Senate Presidium.

**Chapter 6**

**Amendments to Provisions in Force, Transitional and Final Provisions**

**Art. 48-50.** (omitted).

**Art. 56.**

1. The Act of 31 July 1985 on the Obligations and Rights of Deputies and Senators (Dz. U. 1991 No. 18, item 79) shall become null and void, with the exception of its art. 19 para. 2 and 3 and subject to para. 2 of this article.



2. For deputies and senators of the term during which the Act entered into force, not taking unpaid leaves for the period of performing the mandate, the provision of art. 26 of the Act referred to in para. 1 shall apply.

**Art. 57.**

The Act shall enter into force on 1 July 1996, with the exception of:

- 1) chapter 2 and art. 51, which shall enter into force 14 days after the date of publication;
- 2) art. 34 para. 3 and 4 and art. 42 para. 3, which shall enter into force 4 months after the date of publication.

Attention!

1. A person submitting a declaration on asset status shall be obliged to fill out each of the blank spaces truthfully, accurately and completely.
2. If individual spaces are not applicable in a specific case, state "not applicable."
3. The declaration on asset status concerns assets in Poland and abroad.
4. The declaration on asset status also includes cash liabilities.

### Declaration on asset status

I, signed hereunder, .....  
(given names and surname; for women also state maiden name)

born on .....

in .....  
(place of birth, post or function)

residing at

on becoming acquainted with the provisions of the Act of 9 May 1996 on Exercising the Mandate of Deputy and Senator (Dz. U. 2003 No. 221, item 2199), in accordance with art. 35 of this Act, declare that I possess the following, within joint ownership in marriage or as my separate assets:

#### I.

Monetary resources:

- cash resources gathered in Polish currency: .....
- cash resources gathered in foreign currency: .....
- securities:

for the amount of: .....

#### II.

1. House of surface area: ..... m<sup>2</sup>, address: .....  
..... worth: .....

legal title:

2. Apartment of surface area: ..... m<sup>2</sup>, address: .....

..... worth: .....

legal title:

3. Farm:

type of farm:      area: .....

address:

worth:

type of buildings:

legal title

From this last year I earned revenue and income in the amount of:

.....  
.....

4. Other immovable property:

area: .....

address:

worth: .....

legal title: .....

### **III.**

I participate in a civil partnership or in a commercial partnership (general, professional, limited partnership, partnership limited by shares) – specify contributions made:

.....

From this last year I earned revenue and income in the amount of:

.....

**IV.**

1. I have holdings in a commercial company with participation of state or municipal legal persons or enterprises in which such persons take part – state number and issuer of holdings:

these holdings form a packet greater than 10% of shares in the company:

From this last year I earned income in the amount of:

2. I have holdings in other commercial companies – state number and issuer of holdings:

From this last year I earned income in the amount of:

**V.**

1. I have shares in commercial companies with participation of state or municipal legal persons or enterprises in which such persons take part – state number and issuer of shares:

these shares form a packet greater than 10% of shares in company:

From this last year I earned income in the amount of:

2. I have shares in other commercial companies – state number and issuer of shares:

From this last year I earned income in the amount of:

**VI.**

I have purchased (my spouse has purchased) from the State Treasury, another state legal person, local government units, their associations or a municipal legal person the following property, which had been subject to sale by auction – describe property and state date of purchase, from whom:

**VII.**

1. I conduct business activity (state legal form and type of activity):

- personally

- jointly with other persons .....

From this last year I earned revenue and income in the amount of:

2. I manage business activity or am a representative, attorney of such activity (state legal form and type of activity):

.....

- personally

- jointly with other persons

From this last year I earned income in the amount of:

**VIII.**

1. In commercial company (name, seat of company):

- I am a member of the Management Board (since):

- I am a member of the Supervisory Board (since):

- I am a member of the Audit Committee (since):

From this last year I earned income in the amount of:

2. In foundations and associations conducting business activity:

- I am a member of the Management Board (since):

- I am a member of the Supervisory Board (since):

- I am a member of the Audit Committee (since):

From this last year I earned income in the amount of:

**IX.**

Other income earned from employment or other wage-earning activity or occupations, with indication of amounts obtained from each:

**X.**

Components of movable assets worth over PLN 10,000 (in the case of motor vehicles state make, model and year of manufacture):

**XI.**

Cash debts of over PLN 10,000, including drawn credits and loans and the terms under which they were drawn (from whom, in connection with what event, in what amount):

The above declaration I submit aware that pursuant to art. 233 § 1 of the Penal Code, for stating an untruth or concealing a truth I shall be liable to a penalty of deprivation of liberty.

.....  
(place, date) (signature).