

# EMU CHOICES

THE CHOICE FOR EUROPE SINCE MAASTRICHT  
SALZBURG CENTRE OF EUROPEAN UNION STUDIES

## Fact sheet on legal foundations for fiscal, economic, and monetary integration

### POLAND

by Dariusz Adamski



## **Introduction**

This country fact sheet provides concise information on the main characteristics of the national constitutional systems, including the system and role of national jurisprudence, parliaments and governments. Further, it briefs on the constitutional foundations and limits in the field of Economic and Monetary Union. It outlines on the existence of specific constitutional provisions on EMU membership, accession, treaty amendments, or limits to the (further) transfer of powers through Treaty amendments.

Among others, the overview informs about the principal actors in the field of fiscal and economic policies, the relevant findings of the judicial and parliamentary branches on EMU related actions, implementation measures of supranational and international rules, and respective constitutional amendments.

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## **POLAND (Dariusz Adamski)**

### **1) Main characteristics of the national constitutional system**

The Polish constitutional system is mainly based on the Constitution of the Republic of Poland, of 1997. Poland is a unitary state. Its 16 regional units (“Województwa”) have limited powers, comparing both to state powers and local powers. The national parliament consists of two chambers: the lower chamber (“*Sejm*”) and the upper chamber (“*Senat*”). As a rule, changing the Constitution requires the majority of two thirds of the votes cast in the lower chamber and the absolute majority in the upper chamber. At least half of the members of both chambers must be present during the vote.

Among basic constitutional principles deduced from the Constitution the rule of law and democracy are the two of primary importance, and both are enshrined in Art. 2 of the Constitution. The Constitutional Court is the ultimate guardian of the legality of acts by the state against constitutional law. Talking of the Constitutional Court’s legal standard of review (ie scope of judicial review) and objects of review, EU law – as a rule – does not qualify as either. By the same token, the Treaty on Stability, Coordination and Governance (TSCG) – to which Poland is a party with restricted rights and obligations - and the Treaty Establishing the European Stability Mechanism (TESM) – which Poland has not signed for obvious reasons – could in principle be contested before the Constitutional Court, as in the hierarchy of law they stand lower than the Constitution.

The Constitution provides for no compulsory referenda in Poland. But in matters of primary importance for the state, and in particular when state’s powers are delegated to international organisation, either the Sejm or the President (with the acceptance of Senat) may call a referendum. The accession of the Republic of Poland to the EU on 1 May 2004 was preceded by a referendum held on 7-8 June 2003 (77,5 % in favour, 22,5 % against).

### **2) Constitutional foundations of EMU membership**

Poland has not opted out from the single currency and is therefore bound by EC law to participate in the single currency. There are no other constitutional foundations for Polish participation in the EMU.

### **3) Constitutional limits for EMU membership**

The Polish Constitution (Art. 227 Sec. 1) provides that the Polish Nation Central Bank is exclusively empowered to issue Polish currency and run monetary policy. Joining the EMU would therefore require an amendment to the Constitution. This step is, however, very unlikely in any predictable future, because ever since the euro-area crisis started the support for joining it has gone down seriously (now less than one Pole in three supports joining the euro-area). It is therefore unimaginable to think of reversing the trend - any time soon - sufficiently to secure both the 2/3 majority in the lower chamber of the Parliament and a successful referendum (which most probably would be called as a precondition).

### **4) Crisis Management Measures**

Poland does not participate in the crisis management measures.

## **5) Constitutional law scrutiny of EMU reform scenarios**

The scrutiny would certainly depend on the type of reforms. So far, however, Poland has not resisted any EMU reforms.

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