

# Legal Bulletin

## PM for eliminating Senate, cutting number of Sejm deputies

PM Donald Tusk has opted for the introduction of single-mandate constituencies, the elimination of the Senate and smaller number of Sejm deputies. According to Tusk the Constitution should introduce the „winner takes it all” principle.

The PM has told Radio One that he already opened a debate on amendments to the Constitution. He added he did not want to impose changes so he had asked the opposition to propose them. „I will accept a proposal of opposition caucuses provided that we agree on the principle that elections’ winner governs the country, the PM said.

Speaking about the need to introduce single-mandate constituencies the PM said that „this may take some time. Like a missionary, I will continue convincing opponents in the opposition and my coalition to place their trust in me to dare to believe that single-mandate constituencies is a good solution,” Tusk stressed.

The PM added that he supported the elimination of the Senate, reducing the number of Sejm deputies and „lifting parliamentary immunity.”

Asked about the time-table of said changes Tusk replied: „I will not manage to do it in a month, maybe it will take a year or four years but nothing will ever change my conviction that a wise way of governing involves a small number of people, is not costly and that its powers are sufficient to rule the country efficiently after victorious elections.”

## Sejm amends Charter of Poles

The Sejm has amended rulings on the Charter of Poles issued to Poles in the East. Under the new law Polish consuls in eastern countries will be entitled to screen applicants for the charter with local security organs. The amendment is also to adjust ter-

## Sejm approves parliamentary procedure of Lisbon Treaty ratification

The Sejm on Thursday passed a resolution under which the Lisbon Treaty will be ratified by parliament. There were 357 votes for the resolution, 55 against and 7 abstentions. The next step the Sejm has to take to complete the entire ratification procedure is to pass a draft law authorising the president to sign the treaty. The Sejm will discuss it during its next sitting in mid-March. Sejm Speaker Bronisław Komorowski said the Sejm would probably vote the draft during the next sitting. Then it will be sent to the Senate and president. It would be good if the decision was fast, he stressed. Asked why the Lisbon treaty should not be ratified in a referendum, Komorowski said “there was a referendum on Poland’s EU membership, with all its consequences.”

## PO plans to lift parliamentary immunity

The Civic Platform (PO) plans to liquidate formal immunity of parliamentarians and ban convicts to run for the parliament. Related draft amendments to the constitution were presented by PO in Warsaw on Friday. Sebastian Karpiniuk said PO expected from politicians to take on total responsibility for

minology used by the Charter of Poles to terminology of the Schengen zone. The charter is to become effective on March 29.

The Charter of Poles is issued to members of Polish diasporas in the east and ensure a number of privileges (refunds on Schengen visas, access to Polish schools, scholarships, running business in Poland, etc.).

The applications are necessary for official confirmation of Polish descent (most eastern countries do not recognize dual citizenship).

According to estimates dozens thousand people may apply for the charter with the final number set at more than a million.

The foreign ministry has assigned some 8.5 million zloty for training of candidates for consuls who will be assigned posts in countries where the law on charter is in effect.

Some 2 million zloty have been reserved for documents' printing, 1.5 million for public transport reduced fees and support for organisations conveying applications for the Charter of Poles. The Charter of Poles, issued by a consul will be valid for 10 years with the possibility of prolongation. Charters will be printed in Warsaw and sent to consulates.

The printing cost of one Charter is estimated at 10 zloty. Provided that visa for 100,000 people being reimbursed annually the cost will amount to 24 mn zloty. Subsidy for reduced public transport fees (a 37-pct price cut) will cost 2,664,000 zloty annually. In total the annual cost of the introduction of the Charter will amount to 60-80 mn zloty annually.

People applying for the Charter of Poles will have to prove their bond to polishness including basic knowledge of Polish, Polish descendants or present a Polonian organisation certificate of actions for the Polish culture or language.

Data of Charter of Poles' recipients will be entered in the central registry kept by the Council for Poles in the East.

their actions. According to Karpiński people sentenced for common crimes like drunk driving or „scandalous behaviour” should not use parliamentary immunity to go unpunished as this downgrades the parliament's prestige.

### **Sejm amends law on customs services**

The Sejm has amended the law on customs services to provide customs officers with better legal protection and to lift controversial regulations that sparked out customs officers protests last January. The amendment bans officers' firing in case of his/her arrest.

### **Law on court doctors amended**

All excuse notes for absence from court proceedings should come from court doctor as of January 2009 under an amendment to the law on court doctor adopted by the Sejm. By December 31, 2008 duties of court doctor could be performed by other doctors cleared by the chairman of a district court.

### **Public assistance to be monitored**

An electronic system monitoring “de minimis” public assistance will be introduced by an amendment to the law on public assistance, the draft of which is examined by the Sejm. In line with said regulation, assistance “de minimis” involves public assistance in the amount which does not require the approval of the EC and is granted in some cases e.g. in case of damages caused by elements.

## **MPs for better protection for violence victims**

The national programme counter-acting violence in families should provide better protection for violence's victims, decided deputies during a Sejm debate devoted to the report on the programme implementation for 2006. The programme, launched in 2006 will be in force by 2016 in tune with the wording of a related law.

Deputy Labour and Social Policy Minister Agnieszka Chłóń-Domińczak recalled that the programme is to coordinate actions counter-acting violence in families a holistic approach to the phenomenon. The programme is directed to victims, witnesses and perpetrators of violence in family.

An inter-ministerial monitoring team will supervise the implementation of tasks included in the programme. It is made up of secretaries of undersecretaries of labour and social Policy, interior and administration, national education and health ministries as well as national police chief and head of the national radio and television council. The team is led by a labour and social policy representative.

The draft also introduces a new notion, namely SHRIMP (System of Public Assistance Agenda, Registration and Monitoring) which specifies e-monitoring system of public assistance granted to all sectors except for agriculture and fishery.

## **German school at German embassy to change its status**

The Willy Brandt German School at the embassy of the German Federal Republic in Warsaw will be transformed into a private school under the Polish education system according to an agreement reached between the governments of Poland and Germany in 2005. Sejm deputies of the foreign affairs and education, science and youth committees, who heard the 1st reading of the government draft law authorising the president to sign the agreement voiced no reservations to it.

## **War on plastic bags**

Representatives of the legislative initiative committee have submitted to the Sejm a citizens' draft law restricting the use by shops of free disposable plastic bags.