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**Legal opinion
on the compliance with the relevant provisions of the Constitution of the
Republic of Poland, the Polish Concordat and relevant acts
of the regulation of the Minister of Education amending the regulation on
the conditions and method of organizing religious education in public
kindergartens and schools**

Abstract

The Regulation of the Minister of Education of 26 July 2024 amending the Regulation of 1992 on the principles of organizing religious education and ethics in public education was issued in violation of the procedural rules specified in the Act of 1991 on the education system. The Minister of Education did not reach the necessary agreement with the interested churches and other religious groups regarding the content of the regulation. The Minister therefore violated the constitutional principle of legalism, breaking a 32-year-old law-making convention without justification. By doing so, the Minister undermined the constitutional principle of citizens' trust in the state and the law. The regulation was in fact issued arbitrarily by the Minister of Education. This violates the constitutional principle of bilateralism in the regulation of confessional matters in Poland. The principle of correct legislation was also violated. The period of *vacatio legis* was too short a period. The Minister introduced an additional requirement for the organization of religious education in public schools, in addition to the criterion of expression of will by authorized persons - the requirement for the student to register for religious education (ethics). This is a requirement not provided for in the Constitution of the Republic of Poland, in the Polish Concordat of 1993 and in the 1991 Act on the Education System.

The Regulation of 26 July 2024, as probably unconstitutional and illegal, should be immediately eliminated from Polish law.

Keywords: religious education – public education – Constitution of the Republic of Poland
Concordat – Minister of Education