

The legislative procedure in Poland

2007 - 2011

Prof. Marek Zubik
University of Warsaw

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Parliament 2007-2011

Sejm of the 6th term of office	In the beginning of the term of office 5 November 2007	In the end of the term of office 7 November 2011
The government coalition (PO + PSL)	240	239
Oposition (PiS + left-wing parties)	220	221

Senat of the 7th term of office	In the beginning of the term of office 5 November 2007	In the end of the term of office 7 November 2011
PO	60	52
PiS	39	37
Others	1	11

The President	
Lech Kaczyński	till 10 April 2010
Marshalls of the Chambers	10 April 2010-6 August 2010
Bronisław Komorowski	from 6 August 2010

Characteristic of the legislative procedure

- Politization of the legislative procedure
- Multiplicity of legal regulations
- Initiation of the legislative procedure only in the Sejm
- Diversification of the positions of the Sejm and the Senate
- Several types of legislative procedure

The statute in Poland

- Unlimited statutory range of statutory regulations
- The principle of the absolute exclusivity of the statutory regulation
- Each normative act of the executive must have its legal basis in the statute

The problems of Polish legislative procedure

- The lack of stability of the legal system
 - app. 74,36% of the bills are the amendments
 - amendments being introduced already during *vacatio legis*
- Excess of adopted regulations
- Lack of deregulation process
- A given domain regulated in several statutes, sometimes contradictions between these regulations
- No experts nor think-tanks participating in the process of preparation of a bill
- Lack of a idea of the „manager” of the bill
- The government has a limited possibility to influence the parliamentary legislative procedure

The participants of the legislative procedure

- Sponsor
- The Sejm
- The Senate
- The President
- The Constitutional Tribunal (preventive control)

Legislative initiative

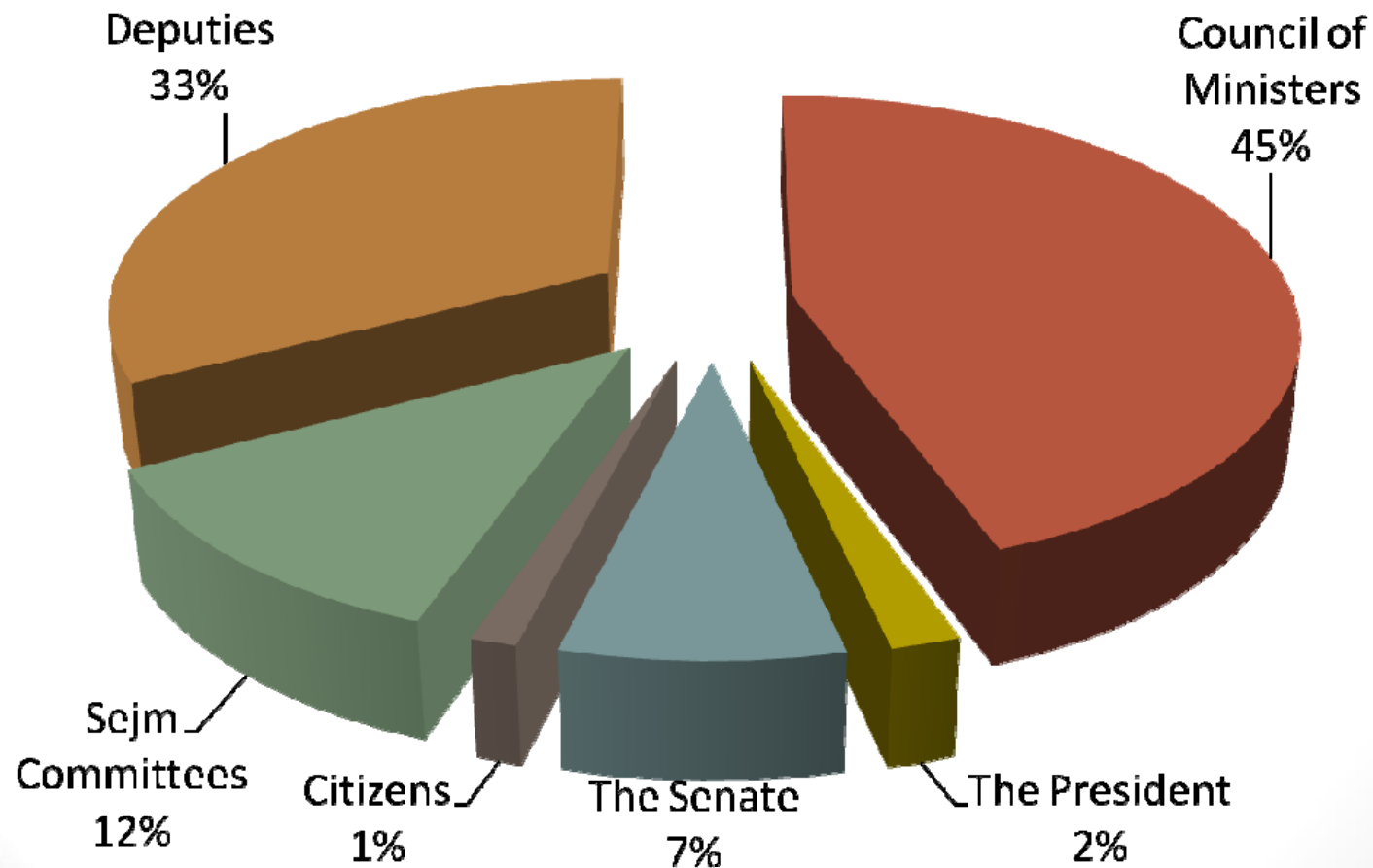
Entity	Number of projects
The President	28
The Council of Ministers	674
The group of at least 15 deputies	493
The Sejm committee	183
The Senate	114
The group of at least 100 000 citizens	19
Total	1511

Legislative initiative restrictions

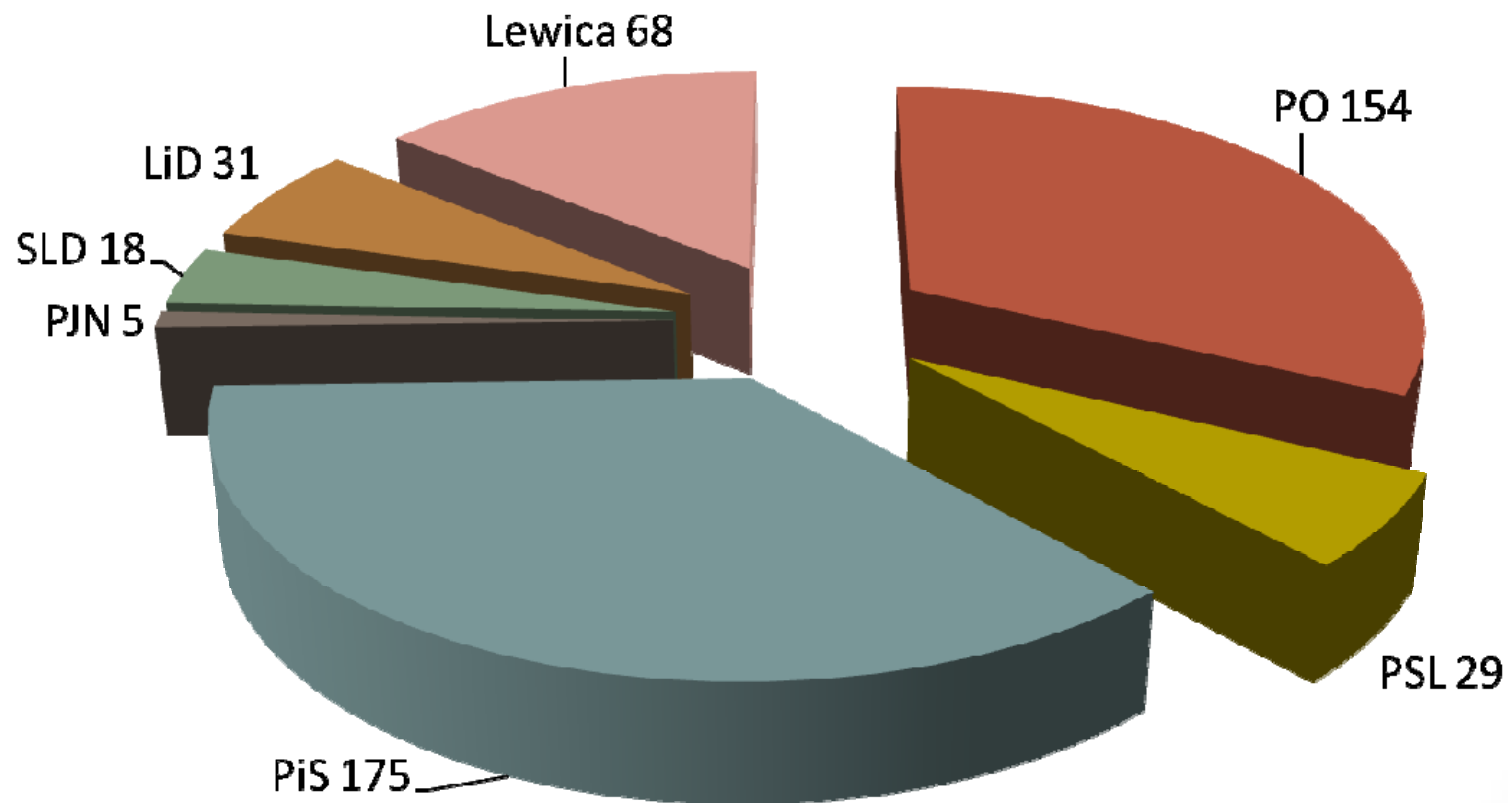
- Exclusively Council of Ministers:
 - a Budget, an interim budget, amendments to the Budget, a statute on contracting of public debt, a statute granting financial guarantees by the State;
 - statutes on the relations between the State and religious organizations;
- Exclusively minimum 92 deputies, the Senate and the President
 - a bill to amend the Constitution

Legislative initiative in practice

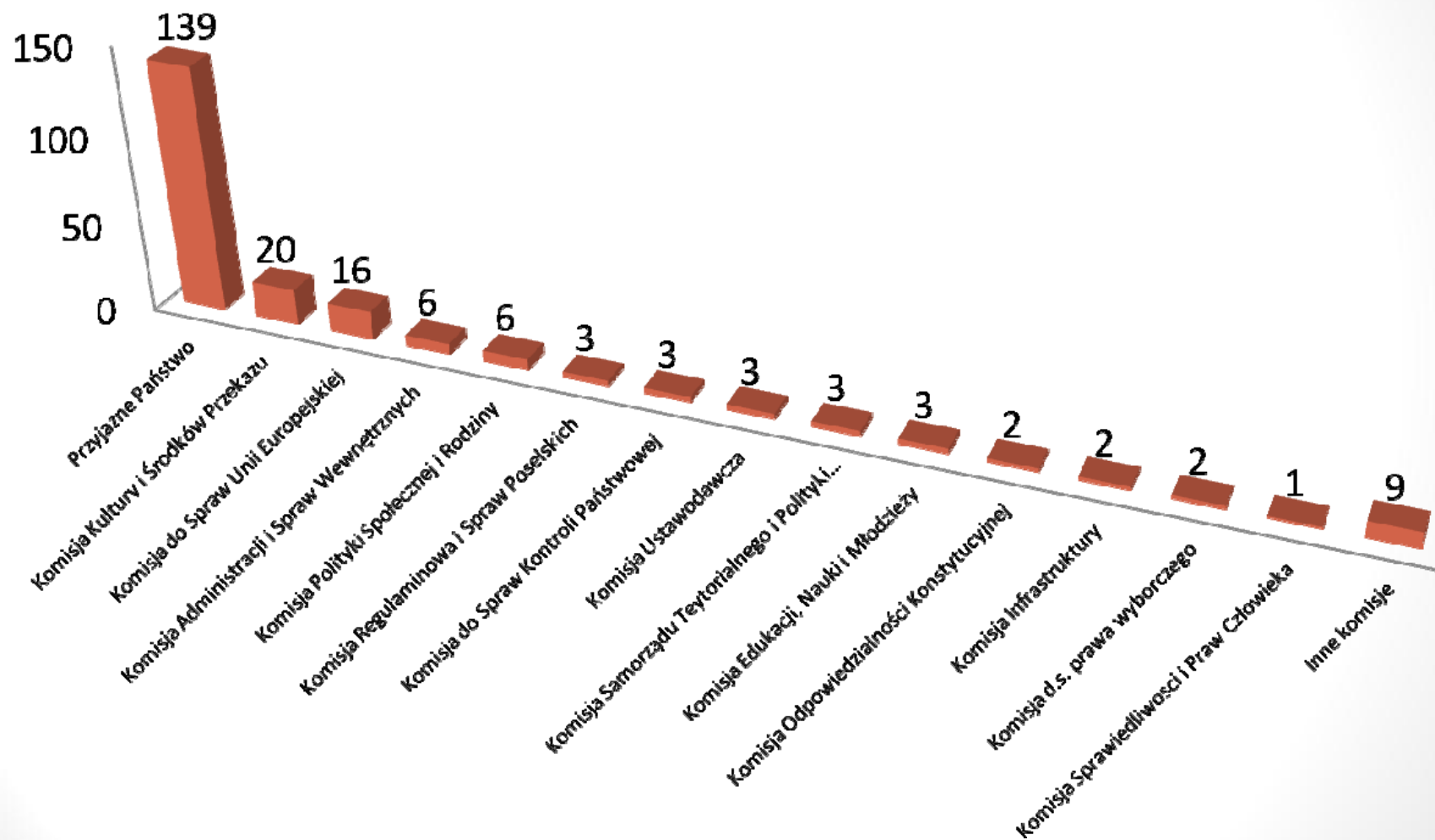
Total amount of bills- 1511



Legislative initiative of parliamentary groups



Legislative initiative of Sejm committees



Bills submitted by the President

The President has submitted 28 bills which constitute app. 2 % of all bills submitted to the Sejm

- a bill to amend the Constitution
- orders and decorations, historic anniversaries
- national defense and veterans' rights protection
- retirements and disability payments
- judiciary

Bills introduced by citizens

The citizens have submitted 19 bills which constitute app. 1 % of all bills submitted to the Sejm

- restoring a day off from work on the day of Epiphany
- introduction of absolute prohibition of abortion
- introduction of prohibition of in vitro fertilization and of experiments on embryos and embryos trade
- education system
- local government revenues
- repatriation
- animals and environment protection
- retirement and disability pensions
- labor law
- housing associations
- tax system

Procedure in the Sejm

- Submission of a bill to the Marshall of the Sejm
 - Formal requirements: justification, Regulatory Impact Assessment, statement of compliance with EU law and statement of consultation, draft regulations implementing a statute
 - The Marshall has the right to consider the bill as unlawful

Procedure in the Sejm

- First reading in plenary sitting or in committee
 - sponsor's justification
 - questions to the sponsor
 - debate on the objectives of a bill
- adoption of the resolution to refer the bill to the committee
 - in the committee the deputies have the right to introduce amendments
- ...or upon complete rejection of the bill (only in the plenary sitting)

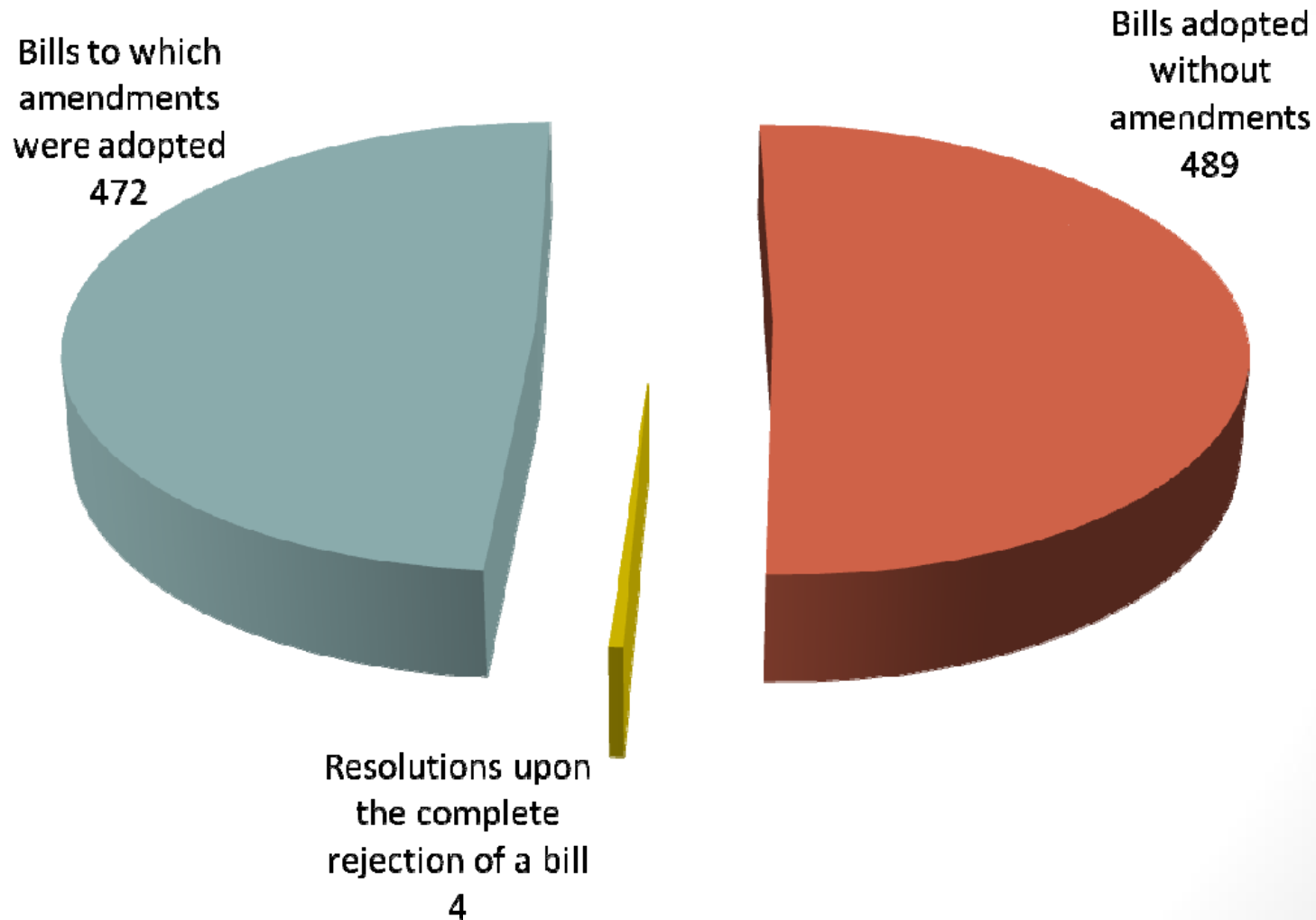
Procedure in the Sejm

- Second reading
 - the report of the committee and the debate
 - proposals and amendments – the right to introduce proposals and amendments belong to the sponsor, group of at least 15 deputies, the president of parliamentary club or circle, the vice-president authorised by him or the Council of Ministers
 - the sponsor may withdraw a bill until the conclusion of the second reading
- Third reading
 - vote (on the rejection, the amendments and the adoption)
 - during the 6th term of office of the Sejm 952 bills have been adopted out of 1511 submitted to the Sejm

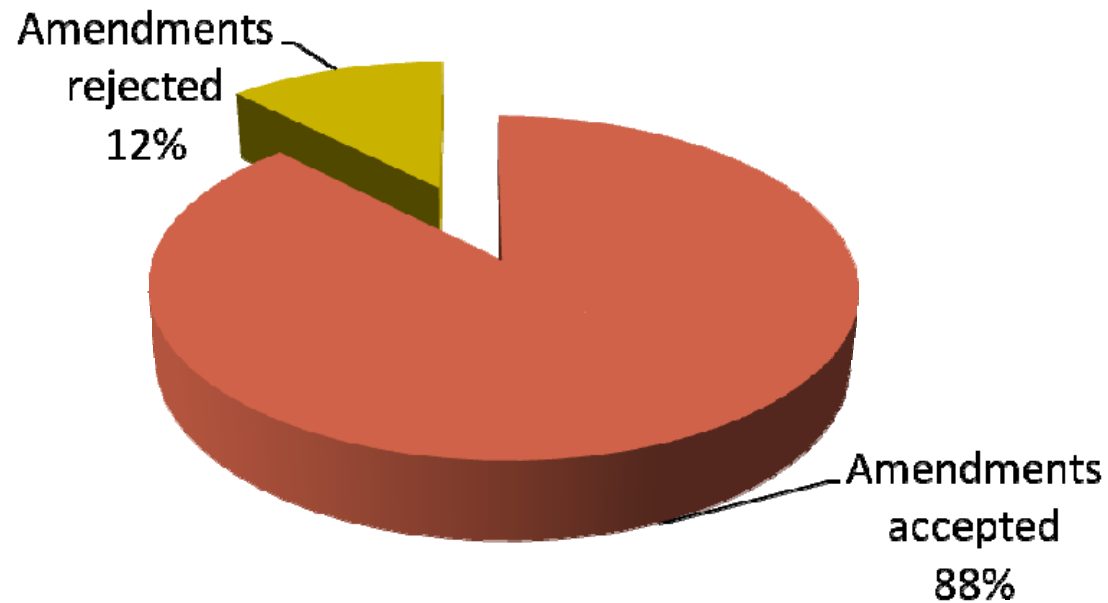
Powers of the Senate

- 30 days time restriction
in ordinary legislative procedure
- Adoption of a bill without amendments
- Adoption of amendments to a bill
- Complete rejection of a bill
- The Sejm accepts the decision of the Senate
by an absolute majority

Powers of the Senate – statistics



Senate amendments



Senate resolution upon the complete rejection of a bill	Number of resolutions
not considered by the Sejm	1
accepted by the Sejm	1
rejected by the Sejm	2

The role of the President

- Time restriction
- Signing a bill
- Political veto
- The right to initiate the preventive control of the Constitutional Tribunal

Readoption of a bill after presidential veto

- Work on a bill in parliamentary committees
 - no right to introduce amendments to the bill
- The president has the right to withdraw his veto
- Vote on the re-adoption of the bill in the Sejm
 - Required majority – 3/5

Presidential veto in practice

Bills adopted by the Sejm	952
Bills vetoed by the President (by President Komorowski)	19 (2)
- Veto rejected by the Sejm	7 (0)
- Veto sustained	12 (2)
Bills referred to the Constitutional Tribunal for an adjudication upon its conformity to the Constitution	18 (1)

The effects of the preventive control of the Constitutional Tribunal

- 19 bills have been referred to the Constitutional Tribunal for an adjudication upon its conformity to the Constitution
- Bill judged as conforming to the Constitution – President's obligation to sign the bill
- Bill judged as non-conforming to the Constitution:
 - as a whole:
 - President's obligatory refusal to sign the bill
 - only particular provisions of the bill:
 - these provisions are not inseparably connected with the bill and its purpose
 - signing with the omission of these provisions or returning the bill to the Sejm for the purpose of removing the non-conformity
 - These provisions are inseparably connected with the bill
 - President's obligatory refusal to sign the bill

Thank you for your attention!