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

<table>
<thead>
<tr>
<th></th>
<th>In the beginning of the term of office 5 November 2007</th>
<th>In the end of the term of office 7 November 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>The government coalition (PO + PSL)</td>
<td>240</td>
<td>239</td>
</tr>
<tr>
<td>Oposition (PiS + left-wing parties)</td>
<td>220</td>
<td>221</td>
</tr>
</tbody>
</table>

## Senat of the 7th term of office

<table>
<thead>
<tr>
<th></th>
<th>In the beginning of the term of office 5 November 2007</th>
<th>In the end of the term of office 7 November 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO</td>
<td>60</td>
<td>52</td>
</tr>
<tr>
<td>PiS</td>
<td>39</td>
<td>37</td>
</tr>
<tr>
<td>Others</td>
<td>1</td>
<td>11</td>
</tr>
</tbody>
</table>

## The President

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lech Kaczyński</td>
<td>till 10 April 2010</td>
</tr>
<tr>
<td>Marshalls of the Chambers</td>
<td>10 April 2010-6 August 2010</td>
</tr>
<tr>
<td>Bronisław Komorowski</td>
<td>from 6 August 2010</td>
</tr>
</tbody>
</table>
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)
<table>
<thead>
<tr>
<th>Entity</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>The President</td>
<td>28</td>
</tr>
<tr>
<td>The Council of Ministers</td>
<td>674</td>
</tr>
<tr>
<td>The group of at least 15 deputies</td>
<td>493</td>
</tr>
<tr>
<td>The Sejm committee</td>
<td>183</td>
</tr>
<tr>
<td>The Senate</td>
<td>114</td>
</tr>
<tr>
<td>The group of at least 100 000 citizens</td>
<td>19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1511</strong></td>
</tr>
</tbody>
</table>
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

- Deputies: 33%
- Council of Ministers: 45%
- Sejm Committees: 12%
- Citizens: 1%
- The Senate: 7%
- The President: 2%
Legislative initiative of parliamentary groups

- Lewica: 68
- PiS: 175
- PSL: 29
- PO: 154
- LiD: 31
- SLD: 18
- PJN: 5
Legislative initiative of Sejm committees
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
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

Bills to which amendments were adopted: 472

Bills adopted without amendments: 489

Resolutions upon the complete rejection of a bill: 4
### Senate amendments

#### Senate resolution upon the complete rejection of a bill

<table>
<thead>
<tr>
<th>Resolution Description</th>
<th>Number of Resolutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>not considered by the Sejm</td>
<td>1</td>
</tr>
<tr>
<td>accepted by the Sejm</td>
<td>1</td>
</tr>
<tr>
<td>rejected by the Sejm</td>
<td>2</td>
</tr>
</tbody>
</table>

- **Amendments accepted by the Sejm**: 88%
- **Amendments rejected by the Sejm**: 12%
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

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bills adopted by the Sejm</td>
<td>952</td>
</tr>
<tr>
<td>Bills vetoed by the President (by President Komorowski)</td>
<td>19 (2)</td>
</tr>
<tr>
<td>- Veto rejected by the Sejm</td>
<td>7 (0)</td>
</tr>
<tr>
<td>- Veto sustained</td>
<td>12 (2)</td>
</tr>
<tr>
<td>Bills referred to the Constitutional Tribunal for an adjudication upon its conformity to the Constitution</td>
<td>18 (1)</td>
</tr>
</tbody>
</table>
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!