

Abstract

“Urgent bill in Poland - constitutional and legal assumptions and systemic practice”.

The aim of the doctoral thesis was to examine the institution of the urgent procedure for passing a bill in Polish law from the legal and theoretical perspective and systemic practice. Therefore, it was necessary to answer the question of what are the legal assumptions (resulting from the Constitution of the Republic of Poland and other normative acts) of the urgent procedure for passing the act in Poland, and to what extent have they been implemented in systemic practice?

In search of an answer to this question, research was carried out on draft bills that proceeded under the urgent procedure in the 7th term of the Sejm, the 8th term of the Senate, the 8th term of the Sejm, and the 9th term of the Senate.

Since, for the first time, the government's pre-legislative procedure on April 1, 2009, departed from the departmental model of drafting government bills in favor of developing government draft bills by RCL, based on presuppositions, and on June 22, 2016, it abandoned the obligatory drafting by RCL based on the presuppositions for the current governmental model of drafting laws, it should be considered extremely important to compare the first model with the current governmental model of drafting laws and to propose government draft laws which were given an urgent procedure in the 7th and 8th term of the Sejm and during the 8th and 9th term of the Senate for examination. Although the governmental model of drafting bills in the years 2009-2016 began during the 6th term of the Sejm and the 7th term of the Senate (on April 1, 2009), the period for research purposes was:

- 1) the 7th term of the Sejm and the 8th term of the Senate, which covered the entire period of validity of regulations on the governmental model of drafting bills in 2009-2016;
- 2) the 8th term of the Sejm and the 9th term of the Senate, in which the mandatory drafting of a government bill by the RCL based on presuppositions was abandoned (from June 22, 2016, *i.e.* basically half a year after the beginning of the 8th term of the Sejm and the 9th term of the Senate, with the fact that the urgency procedure was given to the government draft act for the first time in 2018).

In principle, the difference between the urgent procedure and the ordinary legislative procedure relates primarily to the time dimension of the legislative procedure, which in turn leads to a significant acceleration of the parliamentary phase of work on the act. Thus, the pragmatic dimension of the urgent procedure is important, in the context of too slow proceedings of the Sejm on bills, which is extremely important from the point of view of the government's program.

The Council of Ministers has the exclusive right to initiate legislative proceedings in an urgent procedure, and the reasons for which the Council of Ministers takes such a decision may be very diverse and result from the nature of the draft act, its importance for the government legislative process, as well as extraordinary circumstances requiring a quick response to the situation.

The conducted research revealed several shortcomings and inaccuracies in the legislative process of governmental bills proceeded under the urgent procedure. Based on these studies, postulates were formulated to indicate the role and importance of the urgent procedure.

Firstly, it was postulated that in order for the constitutional regulations concerning the urgent procedure to be "attractive" for the ordinary procedure, it should, first of all, specify the deadline for the Sejm to adopt a bill with an urgency clause. Secondly, to reconsider the institution of "shortening of proceedings on bills" specified in the Rules of Procedure of the Sejm, in the context of the urgent procedure. Thirdly, having regard to the issue of formal requirements set out in Art. 34 sec. 2-4b of the Rules of Procedure of the Sejm, so that if the justification and RIA(d) do not meet the formal requirements, the Marshal of the Sejm will not proceed with the government bill submitted to the Sejm, but will obligatorily send back bills that have been given an urgent procedure, to have these formal deficiencies corrected within a specified period. The fourth postulate concerned amendments to government bills submitted in the Sejm. In such a case, when amendments to the draft act are proposed, in particular substantive amendments, the Sejm committees should obligatorily apply to the government for the presentation of a new RIA(m) and a new opinion on the compliance with the draft act with the European Union law, taking into account these amendments. The last postulate does not directly concern the urgent procedure, but it influenced it. It was suggested to consider standardizing the formal requirements of all bills.

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