



SENAT RP

NOTES ON THE SENATE

**SENATE
OF THE REPUBLIC
OF POLAND**

CHANCELLERY OF THE SENATE
OFFICE FOR CITIZEN RELATIONS
ul. Wiejska 6, 00-902 Warszawa
tel. (48-22) 694-92-84
fax (48-22) 694-95-70
www.senat.gov.pl

How a Law is Created

Before a law is passed, its author must submit a legislative initiative to the Sejm – i.e. a draft law accompanied by a motion for consideration by the Sejm. Or, to be more precise and more in line with the Polish parliamentary tradition, the initiative must be submitted to the Sejm Marshal's staff.

The following entities are authorised, in accordance with the Constitution of the Republic of Poland, to submit such motions: the President, the Government, the Senate, deputies (groups consisting of at least 15 deputies or a Sejm Committee) as well as groups including at least 100 thousand citizens. Depending on the author, a draft law is called a President's draft, a Government's draft, a Senate's draft, a deputies' draft or a citizens' draft. A draft law can include amendments to a presently binding law, i.e. it can update the law, or it can be a suggestion to pass a completely new law.

The method of handling a draft law already submitted, i.e. a legislative procedure, is specified by the Constitution of the Republic of Poland and the Statute of the Sejm of the Republic of Poland.

Draft laws are subject to a three-reading procedure. The author can withdraw his draft only until the end of the second reading.

The first reading is, as a rule, effected at a meeting of a competent Committee.

The author's representative presents the draft before the committee members who then discuss it. Drafts of the most important laws concerning, among other things, changes in the political system of the country, the rights and freedoms of its citizens, voting rights, codes of law, taxes and finances first must be presented by the author to the Sejm. The author justifies the necessity of passing a given law before the Committee or the chamber, including the opinion on its conformity with Community law. Then the draft is discussed at large.

When the draft is being discussed by the Sejm, it is submitted to competent Sejm Committees for analysis. The Committees may either amend or completely change specific articles of the law. The Committees often invite experts, i.e. specialists in a given field, to co-operate on the law. The sessions of the Committees are open to journalists.

When the first reading of a draft law is completed, the Committee chooses a deputy-reporter whose task is to present the Committee's report, i.e. an agreed opinion on a given legislative initiative, at the plenary session of the chamber.

Next the procedure of the second reading begins. This allows deputies, the Council of Ministers, or the authors to submit additional amendments to the report presented.

If, during the second reading, any amendments and motions are suggested about which the Committee has not expressed its opinion, the draft is submitted to the Committee again so that those new proposals can be considered.



Results of the electronic voting

(Fot. S. Kaczorek)

The Committee evaluates the suggestions and motions in the presence of their authors during the second reading of the draft. The Committee prepares what is called an “additional” report.

The deputy reporter presents the Committee’s opinion at the plenary session. After that the Sejm starts a vote. This is the third reading of the draft law.

The chamber then votes for or against each motion submitted.

The Sejm passes laws by a simple majority (there are more votes for than against) with at least a half of the necessary number of deputies present. The voting procedure has the following phases:

- voting for or against the motion to reject the draft in whole (if such a motion was tabled);
- voting for or against the amendments to particular articles, i.e. rejection of the draft in part. First those amendments are subject to voting whose acceptance or rejection determines the status of other amendments;
- voting for or against the draft in whole, with the contents suggested by Committees, including the changes resulting from accepted amendments.

When a law is passed, the Sejm Marshal submits the law for consideration to the Senate.

The treatment of the draft law in the Senate is determined, as in the Sejm, by the Constitution of the Republic of Poland and the Rules and Regulations of the Senate of the Republic of Poland. A law passed by the Sejm is analysed by a appropriate Senate Committee(s) (i.e. one or more). The Committee prepares its opinion within 18 days at the most and presents it, as a report, to the Senate. Then the law is discussed by the Senate chamber.

The Senate can decide on the law in three ways. The further fate of the law is fully dependent on the Senate’s decision:

- 1. The Senate can reject the law in whole; then the law is sent to the Sejm with notification that the Senate does not agree to the given law.**
- 2. The Senate can accept the law unchanged; then the Sejm Marshal submits the law to the President of the Republic of Poland to be signed.**
- 3. The Senate can place amendments to the law; then the law is sent to the Sejm again so that the Sejm will discuss the amendments suggested by the Senate.**

If the Senate does not express its opinion within 30 days of the law’s receipt, the law is deemed passed with the contents accepted by the Sejm.

A final decision as to the contents of the law is made by the Sejm. The Sejm can reject the Senate’s amendments or overturn the Senate resolution rejecting the law in whole, by voting with an absolute majority. If the Sejm does not, however, reject the Senate’s amendments to the law, they are deemed accepted.

The Senate’s rejection of the law in whole becomes effective if the Sejm does not reject it by an absolute majority (the number of votes for is bigger than the sum of the votes against and abstentions). In such a case the procedure is closed, and work on a given law may only start again from the very beginning.

After the law is passed, i.e. after it has been discussed by the Sejm and the Senate, the Sejm Marshal submits it to the President of the Republic of Poland to be signed.

If the President of the Republic of Poland has no reservations about a given law, he signs the law submitted to him by the Sejm Marshal. He then arranges for the law to be published in the Journal of Laws (“Dziennik Ustaw”). The law comes into force after 14 days of its publication unless the law itself determines any other date of its coming into force.

The President may, in accordance with the Constitution, refuse to sign the law and, within 21 days, send it to the Sejm with a justified motion to consider the law again (the right of veto). Alternatively, the President may ask the Constitutional Court to examine if the law is compatible with the Constitution.

If the Constitutional Court adjudicates that the law is in fact in compliance with the Constitution, the President cannot refuse to sign the law. If, however, the Constitutional Court states the law is not in compliance with the Constitution, the President of the Republic of Poland refuses to sign the law. If the Constitutional Court finds only some articles of the law are not in compliance with the Constitution and they are not an integral part of the law, the President of the Republic of Poland will, in exceptional cases, sign the law omitting those articles deemed not to be in compliance with the Constitution or sends the law back to the Sejm to eliminate the discrepancies.

If the President of the Republic of Poland vetoes the law, a final decision as to the contents of the law is made by the Sejm which can reject the President's opinion (by passing the law by a three-fifths majority). If the Sejm does not reject the President's veto, the legislative procedure is closed. If the Sejm rejects the President's veto, it means the Sejm does not agree to the President's reservations and requests the law to be signed by the President. In this case the President is obliged to sign the law.

The process followed by a new law is presented on the following diagram. Please note, however, the "birth of a law" is presented in a simplified form, showing only a typical legislative procedure. The legislative procedure may be considerably accelerated (for example, by considering a draft "urgent") or overly delayed (when the work on the law "gets stuck" in the Sejm's Committees). The process may also be completed early in the course of the entire process, i.e. if the Sejm rejects the draft law during the first reading.

As can be seen from the above description, the process of how a law comes into being is very complicated, and as a rule, long.

As there is a need to make decisions really quickly in a number of cases, there is a possibility to mark a draft law as "urgent". It is what is called a "fast" legislative procedure, the purpose of which is to accelerate and facilitate the process of adopting a new law. If the Government is anxious to pass a draft law really quickly, it may submit it to the Sejm with an indication that the draft is to be considered urgently. The Sejm is obliged to consider the urgent draft as the first in the line; the Senate must express its opinion on the law within 14 days and the President of the Republic of Poland has only 7 days to express his reservations about the law.



Taking votes

(Fot. Senate Archives)

*Grzegorz Michniewicz, January 1998
with later amendments, October 2007*

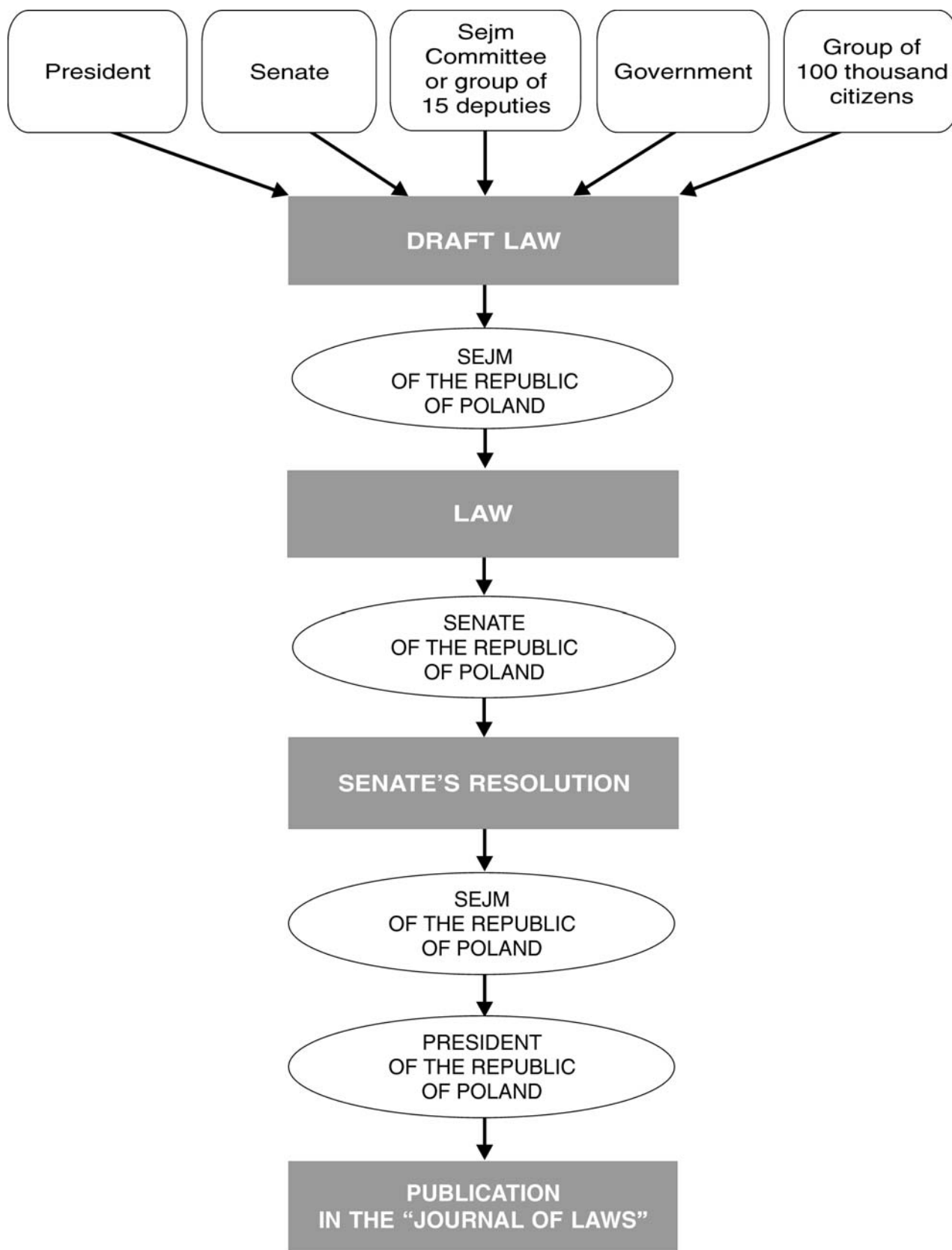


Diagram of the legislative process