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Controversies Regarding the Constitutionality of Cyclical Assemblies in Poland

Keywords: freedom of assembly, Constitution of the Republic of Poland, cyclical assemblies, decision of the voivode

Słowa kluczowe: wolność zgromadzeń, Konstytucja RP, zgromadzenia cykliczne, decyzja wojewody

Abstract

The purpose of the article is to present the amendments introduced to the Act – the Law on Assemblies by the Act adopted on December 13, 2016 and to define a new type of assemblies, i.e. public assemblies. Already the draft amending law has met with unfavorable opinions of the Supreme Court and the Helsinki Foundation for Human Rights, which, of course, have not been taken into account. The Act adopted at a very fast pace was also challenged by the President of the Republic of Poland, who appealed to the Constitutional Tribunal to adjudicate on the compliance of its provisions with the Constitution. However, the Tribunal recognised the constitutionality of the new provisions.

Briefly presenting the differences between the so-called ordinary assemblies and cyclical assemblies and the procedure related to their organization will allow to put forward the thesis about the introduction of solutions increasing legal uncertainty, violation of the principle of equality and granting the voivode broad discretion when issuing decisions allowing the organization of cyclical assemblies. This will also be confirmed by the indication of the first decisions of the voivode allowing the organization of cyclical assemblies.

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Streszczenie**Kontrowersje w zakresie konstytucyjności
zgromadzeń cyklicznych w Polsce**

Celem artykułu jest przedstawienie zmian wprowadzonych do ustawy – Prawo o zgromadzeniach ustawą uchwaloną 13 grudnia 2016 r. i określenie nimi nowego rodzaju zgromadzeń, tj. zgromadzeń publicznych. Już projekt ustawy zmieniającej spotkał się z niekorzystnymi opiniami Sądu Najwyższego i Helsińskiej Fundacji Praw Człowieka, które oczywiście nie zostały wzięte pod uwagę. Ustawa uchwalona w bardzo szybkim tempie została również zakwestionowana przez Prezydenta RP, który wystąpił do Trybunału Konstytucyjnego o stwierdzenie zgodności jej przepisów z Konstytucją. Trybunał uznał jednakże zgodność nowych przepisów z Konstytucją.

Przedstawienie pokrótce różnic między tzw. zgromadzeniami zwykłymi a zgromadzeniami cyklicznymi oraz procedury związanej z ich organizacją pozwoli na postawienie tezy o wprowadzenie rozwiązań zwiększających niepewność prawa, naruszeniu zasady równości oraz przyznanie wojewodzie szerokich uprawnień dyskrejonalnych przy wydawaniu decyzji zezwalających na organizacje zgromadzeń cyklicznych. Potwierdzeniem tego będzie też wskazanie na pierwsze decyzje wojewody zezwalające na zorganizowanie zgromadzeń cyklicznych.

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I. Introduction

Questions concerning assemblies can be considered on several levels. The first is undoubtedly the constitutional aspect. Article 57 of the Constitution of the Republic of Poland states that everyone is guaranteed the freedom to organize peaceful assemblies and participate in them. Restrictions on this freedom may result only in cases specified by law. The right of assembly is undoubtedly a constitutionally guaranteed freedom. It is an important element of the democratic system of the state². This freedom also gives organizations and social groups the possibility to influence public life, which was emphasized by the Constitutional Tribunal, stating that “Assemblies create organizational

² Judgment of the CT of 28 June 2000, file ref. no. K 34/99, OTK 2000, no. 5, item 142.

and functional forms of implementing constitutional freedom of speech and freedom to communicate and receive various contents, which without constitutional guarantees of freedom of assembly would not have such a chance to reach their addressees. In this way, the mechanism of confrontation of various controversial positions, views and ideas, which are often not understood by the majority of society, is guaranteed”³.

Another important area concerning freedom of assembly relates to the regulation of international and EU law. The first Act of international law in which the provision concerning assemblies was formulated was the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948. The Declaration stressed in Art. 20 that “everyone has the right to peaceful assembly”. The legal basis for the right of assembly is contained in Article of the European Convention for the Protection of Human Rights and Fundamental Freedoms⁴, which states that everyone has the right to freedom of peaceful assembly, and the exercise of this right may not be subject to restrictions other than those laid down by law and which are necessary in a democratic society for the interests of state or public security, the protection of law and order and the prevention of crime, health care or the protection morality as well as the rights and freedoms of others. This provision shall not preclude the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, the police or the state administration.

A similar regulation is contained in Art. 21 of the International Covenant on Civil and Political Rights adopted by the UNGA of December 16, 1966⁵, ratified by Poland in 1977. This right is also emphasized by Art. 12 of the Charter of Fundamental Rights of the European Union⁶, which in the preamble indicates that its provisions confirm the rights of, among others, the European Convention on the Protection of Human Rights and Fundamental Freedoms. Freedom of assembly formulated in this way is emphasized in the jurisprudence of the European Court of Human Rights, which points out that

³ Judgment of the CT of 18 January 2006, file ref. no. K 21/05, OTK 2006, no. 1, item 4.

⁴ Drawn up in Rome on November 4, 1950, ratified by Poland on January 19, 1993 (Dz.U. 1993, No. 61, item. 284).

⁵ Ratified by Poland in 1977 (Dz.U. No. 38, item 167).

⁶ 2007/C 303/01, Official Journal of EU of December 14, 2007.

freedom of assembly is a fundamental right of a democratic society and, like the right to freedom of expression, is one of the foundations of this society. Thus, this right cannot be interpreted narrowly. The necessity of any restrictions must be convincingly demonstrated⁷.

The above levels cannot be analyzed without taking into account the administrative and legal issues of assemblies, due to the administrative and legal obligations of the organizer of assemblies and the powers and activities of public administration bodies.

Finally, assemblies can be analyzed in the sociological aspect as the behavior of the crowd. The aspect of social reception and the impact of assemblies on social life is also important, as has already been mentioned.

II. Outline of the genesis of legal regulations concerning assemblies

The first Act on Assemblies was passed in interwar Poland on March 11, 1932⁸, and its purpose was primarily to unify the organization of assemblies which were subject to the legislation of the partitioning states. This Act divided assemblies into: public and non-public, i.e. meetings. Public assemblies were divided into: a) assemblies in premises, and b) open-air gatherings (public demonstrations, processions). The open-air assembly could take place only after obtaining the permission of the competent authority, which was the district authority of the general administration, it was not enough not to be forbidden to receive a ban on holding an assembly in writing⁹. In its judgment of October 17, 1933, the Supreme Court explained that: A public assembly within the meaning of Art. 1(1) of March 11, 1932 (...) is the gathering of a number of persons convened either for the purpose of joint deliberation under the direction of the Chairman or for the joint manifestation of their position in relation to a certain question or phenomenon; the gathering of children for

⁷ E.g. Decision of ECHR of October 22, 2013, file ref. no. 26818/11 in the case of *Poznań Critical Mass Association vs. Poland*, LEX nr 1391535; judgement of ECHR of October 3, 2013, file ref. no. 21613/07 in the case of *Kasparov and others vs. Russia*, LEX nr 1369118.

⁸ Dz.U. No. 48, item 450, as amended.

⁹ Judgment of the Supreme Court of October 14, 1935, file ref. no. II K 1118/35, OSN(K) 1936, no. 4, item 140.

the purpose of learning (to whatever extent) does not therefore fall under the concept of “public assembly”¹⁰.

Open-air assemblies were unacceptable within a radius of 1/2 kilometer from the place of official residence of the President of the Republic, from the place of meetings of the Sejm, Senate and National Assembly, throughout the duration of the session, and from military barracks, explosives warehouses, fortress facilities, exercise stations and shooting ranges. The voivodeship authority of the general administration may, in a particular case, allow an exception to the above rule; in the case of military facilities, in agreement with the competent corps district commander.

The Act also specified cases in which the authorities forbade the organization of assemblies both in the premises and the open air. This was the case where the holding of the assembly was contrary to the provisions of that law or criminal laws, or if it endangered security, peace or public order¹¹.

Another Act was passed on March 29, 1962. According to the Act, an assembly was any grouping of persons convened for the purpose of joint deliberations or for the joint manifestation of their position in connection with a certain issue or phenomenon. Assemblies were considered conventions, rallies, demonstrations, marches, lectures, readings, processions and pilgrimages. The convening and holding of assemblies subject to the Act required the prior permission of the internal affairs body of the district presidium (municipal, district) national council competent for the place where the assembly is to be held, and in the case of a march, procession or pilgrimage – for the place of their organization. The Act also provided for the grounds for prohibiting or refusing to grant permission for an assembly, which were similar to the provisions in the Act of 1932.

Social and political changes, which began at the end of the 80s, also caused work on a new act on assemblies. The Law on Assemblies was passed on July 5, 1990¹². Article 1(1) of the Act stressed freedom of assembly: “Everyone may enjoy peaceful assembly”. The definition of an assembly was contained in §2 of that article, according to which an assembly was a grouping of at least 15

¹⁰ File ref. no. III, K 765/33, OSN (K) 1934, no. 1, item 11.

¹¹ S. Pieprzny, *Bezpieczeństwo zgromadzeń publicznych. Aspekty administracyjnoprawne*, Rzeszów 2013, p. 15 et seq.

¹² Dz.U. No. 51, item 297, single text Dz.U. 2013, item 397, as amended.

persons, convened for the purpose of joint deliberation or for the joint expression of a position¹³. In the group of assemblies, the Act distinguished public assemblies, the organizers of which were subject to certain administrative and legal obligations resulting from the prior notification of holding an assembly to the municipal body. That obligation did not exist in respect of assemblies which did not have a public character, that is non-public assemblies. Public assemblies were organized in an open space accessible to unspecified persons, which emphasized the public nature of the gatherings¹⁴.

As in the previous regulations, the conditions the existence of which resulted in the prohibition of the organization of the assembly, were also defined. The decision could be appealed to the voivode, and the decision of the voivode could be appealed as a complaint to the administrative court within the time limits specified in the Act. The Supreme Administrative Court pointed out that the condition of restricting the freedom of assembly through a highly restrictive ban on holding an assembly, provided for in Art. 8(1) (2) of the Act of 1990 – Law on Assemblies, should be interpreted narrowly. It should be remembered that in the event of a conflict between the constitutionally guaranteed freedom of assembly and other rights, such as security, public order – freedom occupies an equal position¹⁵.

The Act has been amended many times. For example, provisions were introduced to regulate the coincidence of assemblies organized at the same time, in places or on the routes of the passage, which were identical or partly overlapped, and the powers of the municipal body in the event that it was not possible to separate them or hold them in such a way that their course did not threaten the life or health of people or property of significant size.

¹³ Art. 1(2) in the part containing the expression “at least 15” was found to be inconsistent with Art. 57 in conjunction with Art. 31 sec. 3 of the Constitution of the Republic of Poland by the judgment of the Constitutional Tribunal of September 18, 2014. (file ref. no. K 44/12, OTK-A no. 8, item 92).

¹⁴ P. Suski, *Zgromadzenia i imprezy masowe*, Warsaw 2010, p. 73; E. Olejniczak-Szałowska, *Prawo o zgromadzeniach (wybrane problemy)*, [in:] *Prawne gwarancje ochrony praw jednostki wobec działań administracji publicznej*, ed. E. Ura, Rzeszów 2002, p. 399 et seq.; A. Wróbel, *Wolność zgromadzania się*, [in:] *Wolności i prawa polityczne*, ed. M. Chmaj, Zakamycze 2002, p. 17; S. Pieprzny, op.cit., p. 64 et seq.

¹⁵ Judgement of the Supreme Administrative Court of January 10, 2014, file ref. no. IOSK 2538/13, LEX no. 1456986.

The law did not contain regulations regarding spontaneous assemblies, it did not even mention such a group, despite the fact that in the literature attention was drawn to this type of assembly¹⁶. The lack of these regulations in a situation where they were increasingly organized in connection with the development of the ability to quickly communicate in society via the Internet or social forums was a significant gap in the regulations.

The new Act – Law on Assemblies was adopted on July 24, 2015. In the justification of the draft act, it was indicated that its main objective is “a comprehensive and consistent regulation of the principles and procedures for organizing and holding assemblies, with particular emphasis on constitutional and international standards, including rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms”¹⁷.

III. The basic regulations adopted in the Act of 2015 before its amendment in 2016

The Act, taking into account the judgment of the Constitutional Tribunal of September 18, 2014, included a definition of an assembly as a grouping of persons in an open space accessible to persons not identified by name in a specific place in order to hold joint deliberations or to express a common position on public matters. This definition does not limit the freedom of assembly due to the number of its participants, which was challenged in the judgment of the Constitutional Tribunal. Issues concerning spontaneous assemblies were also regulated. A spontaneous assembly was defined by the Act as an assembly which takes place in connection with a sudden and unforeseeable event related to the public sphere, the holding of which at another time would be inappropriate or of little importance from the point of view of public debate. Such assemblies shall not be subject to the obligation to give prior notification of an intention to hold such gatherings. However, the conditions whose existence leads to the dissolution of such an assembly were listed.

¹⁶ Cf. e.g. A. Bodnar, M. Ziółkowski, *Zgromadzenia spontaniczne*, “Państwo i Prawo” 2008, no. 5, p. 38.

¹⁷ Paper no. 3518 of the VII term of the Sejm, sejm.gov.pl (28.12.2021).

At the same time, the legislator pointed out that the provisions of the Act do not apply to: assemblies held within churches and other religious associations, organized by public authorities – the so-called state assemblies. Matters concerning assemblies were entrusted – as in the previous Act – to municipalities as a task entrusted in the field of government administration.

Article 4 of the Act indicates entities which do not have the right to organize assemblies. These are persons who do not have full legal capacity. This restriction shall not preclude the participation of such persons in assemblies. An open catalogue of hazardous materials or tools was also defined, the possession of which each time excludes participation in the assembly, which is an expression of the freedom to organize peaceful assemblies.

As a rule, notification of the municipal authority is provided for, whereby, in accordance with Art. 12, the order in which the notification is to be submitted (up to the minute) is decisive. The municipal body may hold an administrative hearing if it facilitates the agreement to change the place and time of assemblies – in the event of notification of the intention to organize two or more assemblies (so-called intersecting assemblies), at least partially in the same place and time, and it is not possible to hold them in such a way that their course does not endanger the life or health of people, or property of substantial size (Art.13).

Article 14 of the Act provides for two cases determining the issuance by a municipal authority of a decision prohibiting an assembly:

1. if the purpose violates the freedom of peaceful assembly, its holding violates Art. 4 or the rules for organizing assemblies or the purpose of the assembly or its holding violate criminal provisions;
2. its completion may endanger the life or health of persons or property of a significant size, including where the risk has not been remedied in the cases referred to in Art. 12 or 13.

A change in relation to the previous regulations is to grant the organizer the right to appeal against the decision of the municipal body prohibiting the assembly to the common court (regional court) competent for the seat of the municipal body, which examines them in non-contentious proceedings immediately, but no later than within 24 hours of filing an appeal. The participants in such proceedings are the appellant and the municipal authority. The decision of the regional court may be appealed to the court

of appeal, which examines it within 24 hours. The decision of the Court of Appeal ends the court proceedings, because the Act stipulates that there is no appeal in cassation. The decision of the Court of Appeal shall be immediately enforceable.

The Act was positively received because it defined in an orderly manner the procedure related to the organization, notification and registration of assemblies as well as cases justifying decisions to ban gatherings, ensuring the right to a court against decisions to ban gatherings. On the basis of its provisions, it was possible to distinguish:

- assemblies submitted in the so-called ordinary procedure;
- simplified assemblies¹⁸;
- spontaneous gatherings.

The amendment to the Act of December 13, 2016¹⁹ introduced a new type of assembly-cyclical assemblies.

IV. Controversy regarding the constitutionality of the solutions adopted in the Act of December 13, 2016

Controversy has already been caused by the draft amendments that were submitted to the Sejm on November 15, 2016 as a deputy's bill, which was mainly due to the fact that the bill, apart from the description of the proposed regulations, did not contain any explanations and reasons for the proposed changes, nor did it provide for *vacatio legis*²⁰. Despite the motion to reject this bill in the first reading, the amending Act was passed on December 13, 2016.

Changes introduced by the amending Act:

1. A negligible change, it would seem, was introduced to Art. 12 of the Act. This Article generally specifies the priority of choosing the place and time of the meeting in the case of notification of the intention to organize two or more assemblies at least partially in the same place

¹⁸ The simplified procedure is used when the organizer considers that the planned meeting will not cause difficulties in road traffic, in particular cause changes in its organization (Art. 23–26 of the Act).

¹⁹ Dz.U. 2017, item 579.

²⁰ Sejm paper no. 1044, <http://www.sejm.gov.pl> (28.12.2021).

and time, and here the reservation “in particular at a distance of less than 100 m between assemblies” was added;

2. Chapter 3a was added to the Act: Proceedings in matters of cyclical assemblies.

The introduced regulations concerning a new type of assemblies, namely cyclical assemblies, define different rules for organizing and conducting these assemblies. According to Art. 26a(1): If assemblies are organized by the same organizer in the same place or on the same route at least 4 times a year according to a developed schedule or at least once a year on the days of public and national holidays, and such events have been held for the previous 3 years, even if not in the form of assemblies, and were aimed in particular at celebrating momentous and important events for the history of the Republic of Poland, the organizer may apply to the voivode for consent to the cyclical organization of these meetings.

The Voivode, when issuing a decision on consent to the cyclical organization of assemblies, makes the information about the place and dates of meetings organized cyclically available on the subject page in the Public Information Bulletin and informs the municipal body in which the cyclical meeting is to be held about the decision. The consent of the voivode to a cyclical assembly in the place and time when another meeting is to take place has such an effect that the municipal body within 24 days of receiving the information is obliged to issue a decision prohibiting the assembly previously reported in the registration procedure. An additional condition for the decision to prohibit assemblies was added to Art. 14, namely: “if the assembly is to be held at the place and time when the cyclical assemblies are held”. If such a decision is not issued by the municipal body, the voivode immediately issues a substitute order prohibiting the assembly (Art. 26).

The voivode’s right to issue a substitute order was provided for only in the case of this third added premise of the ban on assembly notified in the usual manner. Other cases of failure by the municipal authority to issue a decision prohibiting the assembly do not result in the issuance of a substitute order.

There are no provisions in the added chapter regarding the right to appeal to the court against the substitute order of the voivode and the determination of the court’s jurisdiction, which in practice caused doubts.

Opinions of the Supreme Court and the Helsinki Foundation for Human Rights had been submitted to the draft amending Act, as well as comments of the Ombudsman²¹.

After the adoption by the Sejm of the amending Act, the President of the Republic of Poland, as part of preventive control, requested the Constitutional Tribunal to examine the compliance of the provisions introducing the priority of cyclical assemblies over previously notified assemblies, provisions regarding substitute orders of the voivode and the lack of intertemporal provisions. The justification for the motion indicates that there are no grounds for differentiating the situations of assemblies under Art. 57 of the Constitution, using the criterion of the frequency of their holding. In the applicant's opinion, the new provisions of Chapter 3a may lead to the conclusion that they will significantly weaken the guarantees of exercising the constitutional freedom of assembly and introduce a state of legal uncertainty for those wishing to exercise this freedom. The application also alleged a breach of the principle of equality, as the new provisions differentiate the legal situation of similar entities on the basis of a criterion that is not constitutionally justified. It was also pointed out that the amended Act restricts the rights of assemblies in the case of which the municipal body did not find that the purpose of the assembly contradicted the law or violated the provisions of criminal laws or the holding of the assembly was to endanger the life or health of people or property of a significant size.

In the further part of the application, the solution authorizing the voivode to issue a substitute order and the lack of provisions guaranteeing the right to a court concerning this Act were questioned, which deprives the organizer of the assembly of judicial protection in violation of constitutional principles.

In addition, the applicant pointed to a violation in the amended constitutional Act of the principle of citizens' trust in the state and the law, the principle of protection of acquired rights and the principle of non-retroactivity.

²¹ Interestingly, these opinions are not posted on the Sejm's website.

V. The position of the Constitutional Tribunal issued in connection with the request of the President of the Republic of Poland

In its judgment of March 16, 2017, file ref. no. Kp 1/17, the Constitutional Tribunal stated that the Act amending the Act on assemblies is not unconstitutional (four judges submitted a dissenting opinion)²². In this situation, the President signed the above law.

In support of such a decision, the Tribunal stated among others that:

- the requirements for the organization of cyclical assemblies are more stringent than the requirements for ordinary or spontaneous assemblies, because in order for the assembly to be considered cyclical, it must meet the conditions set out in Art. 26a(1) added to the Act;
- the consequence of obtaining the status of a cyclical assembly is the acquisition of specific statutory rights, giving this form of assembly a privileged position in relation to the current formula of assemblies. This privilege consists in the exercise of a peculiar right of precedence over other assemblies. This solution is logical due to the fact that for the organization of a cyclical assembly it is not enough to notify, but it is necessary to obtain the consent of the voivode. It is therefore a more intrusive requirement in the exercise of freedom of assembly. It should be balanced with specific powers for this type of assembly;
- in order for the assembly to be able to exercise the rights vested in the cyclical assembly, the organizers should not only submit an application to the body indicated in the act (voivode), but also obtain its consent. Thus, the legislator adopted a more qualified formula for regulating the manner of exercising the freedom of assembly.

VI. The first decisions of the voivode agreeing to cyclical assemblies

The first decision of the Mazovian Voivode concerned the consent to organize cyclical assemblies from May 2017 to April 2020, from 6.00 to 22.00; goal: to pay tribute to the victims of the Smolensk catastrophe. In view of the withdrawal of the application by the organizer, a decision was then issued to wi-

²² OTK-A 2017, item. 28.

thdraw the consent (decision of June 29, 2018) and then a new decision (a new application was submitted) specifying the same goal as well as the exact time of meetings: every 10th day of the month from October 10, 2021 until September 10, 2024 and indication of another route (from the Church in Krakowskie Przedmieście to the monument on Piłsudski Square).

The second decision after the adoption of the amending Act was issued on November 6, 2017 at the request of the March of Independence Association allowing assemblies from 2017 to 2020 on November 11, from the Dmowski Roundabout to the National Stadium from 14.00 to 19.00, the goal: to celebrate the anniversary of Poland regaining independence and to express national pride. The decision was issued within the deadline “no later than 5 days before the planned date of the assembly”.

The issuance of these decisions resulted from the fact that only these two assemblies met the criteria set out in Art. 26a added to the Act.

The biggest controversy was caused by the voivode’s decision of October 25, 2021 issued again to the March of Independence Association, allowing the assembly to continue to be organized once a year on November 11, from 2021 to 2023 (the purpose and route were repeated as in the decision of November 6, 2017). This decision was challenged by the Mayor of Warsaw. By the decision of the Regional Court in Warsaw of October 27, 2021, the voivode’s decision to consent was annulled (file ref. no. I Ns 128/21), and by the decision of the Court of Appeal of October 29, 2021 (file ref. no. V Acz 656/21), the complaints of the participants in the proceedings, i.e. the voivode and the March of Independence Association, were dismissed. The Prosecutor General’s request to suspend the execution of the decision of the Court of Appeal was also rejected. The reason for the repeal of the decision was the lack of conditions under Art. 26a of the Law on Assemblies. This was due to the fact that the assembly organized by the March of Independence Association in 2020 was considered an illegal manifestation, which meant a break in the 3-year cycle.

In such a legal situation, since the voivode’s decision agreeing to the next period of cyclical assemblies organized by the March of Independence Association was repealed, a registered manifestation of 14 Women from the Bridge was to set off from the Dmowski Roundabout on November 11, 2021. However, this demonstration was cancelled when the Head of the Office for Vet-

erans and Repressed Persons announced the Independence March as a state ceremony.

The break in the organization of cyclical assemblies in 2020 and 2021 means that the Independence March has lost the status of cyclical assemblies.

VII. Summary

Signaling issues related to the changes introduced to the Law on Assemblies, adopted in a hurry and without their justification in the draft, confirmed the thesis formulated at the beginning. Cyclical assemblies take precedence over assemblies submitted in the so-called normal mode also in a situation where the latter were reported earlier. This puts the organizers of such gatherings in a situation of uncertainty whether, despite the correct notification, the assembly will take place or whether it will be “supplanted” at the last minute by the decision of the voivode allowing a cyclical assembly in the same place and time. Cyclical assemblies become more important than other assemblies.

According to Art. 6 of the Act, tasks in the field of proceedings in matters concerning assemblies are among the tasks entrusted to the municipality. This provision does not introduce exceptions to the type of assemblies. This is a statutory entrustment of tasks in this area to the municipality. Meanwhile, the broad discretion of the voivode in the interpretation of Art. 26a, the issuance of a decision allowing cyclical assemblies and the possibility of issuing a substitute order limit this statutory scope for the municipality.

Not without significance is also the aspect of social assessment of such situations in the case of a ban on an assembly previously notified to the municipality without any reservations either by virtue of a subsequent decision of the municipal body or by means of a substitute order of the voivode.

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