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Activity of parliament/chamber pending parliamentary elections (ECPRD Request No. 4874)¹

Praca parlamentu/izby w okresie przed wyborami (wniosek ECPRD nr 4874)

The author briefly describes the course of work during the final phase of the term of the Polish parliament. He analyses data regarding the bills submitted during this period, their subject matter, authors of bills and the course of legislative work.

Keywords: parliament, term, bill

Autor opisuje przebieg prac w ostatniej fazie kadencji polskiego parlamentu. Analizuje dane dotyczące projektów ustaw złożonych w tym okresie, ich tematykę, autorów projektów oraz przebieg prac legislacyjnych.

Słowa kluczowe: parlament, kadencja, projekt ustawy

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In response to the above-mentioned ECPRD Request, the Bureau of Research provides the following information

- 1) What is the legislative work towards the end of the parliamentary term like, e.g., in the two months preceding parliamentary elections? Does the work of parliament in terms of adoption of laws differ from its usual work during the parliamentary term? Please specify the possible differences in legislative procedure and manner of work.

The work of our parliament at the end of the term does not differ very much from its usual work.

- a) Do regular sessions take place in the period preceding elections?

Yes.

- b) If yes, how do activities related to election campaigns take place?

Election campaign formally begins, when the President announces election:

1. “Elections to the Sejm and the Senate shall be ordered by the President of the Republic no later than 90 days before the expiry of the 4 year period begin-

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ning with the commencement of the Sejm's and Senate's term of office, and he shall order such elections to be held on a non-working day which shall be within the 30 day period before the expiry of the 4 year period beginning from the commencement of the Sejm's and Senate's term of office." (Article 98 of the Constitution).

Despite the campaign, the Sejm works normally.

- c) Does the parliament adopt all laws in this period or just emergency laws (those adopted by the urgent procedure)?

All laws. What is important, laws regarding parliamentary elections cannot be changed six months before the elections.

- 2) Is the manner of parliamentary work during this period regulated by rules contained in legal acts (general or internal), is it regulated by an agreement among the MPs (e.g., self-limiting agreements, etc.), or are there any established protocols that apply in such case? Please specify.

It is regulated in the same way as the rest of the term – in the Constitution² and the Standing Orders of the Sejm of the Republic of Poland³.

- 3) Who has the right of legislative initiative in the period pending elections? Any MP or is it limited to specific proposers?

It does not differ from other parts of a parliamentary term. The right of legislative initiative belongs to: 15 Deputies, the Council of Ministers, committees of the Sejm, the Senate, the President, 100 000 citizens (Article 118 of the Constitution and Article 32 of the Standing Orders of the Sejm).

- 4) Is the number of laws proposed by the government in the last two months before the end of the parliamentary term (in the pre-election period) different from the average number of proposed laws before such period?

There were slightly fewer bills proposed by the government than usual. For example, in the last two months before the last election in 2019 (13th August – 13th October) there were 14 bills, among them 7 submitted by the Council of Ministers, 6 submitted by MPs and 1 by a committee of the Sejm (also consisting of MPs). After the election (and before the end of the term – 11th November) there were 5 more bills, all proposed by the Council of Ministers. Usually, the majority of bills are submitted by the government.

- a) Can you estimate (in %) who submits more draft laws in the period preceding the end of the parliamentary term – the government or the MPs? Does the share of submitted draft laws in this period differ from the usual share?

As you can see above, in the last two months before the election 50% of the bills are proposed by the government. If we add the remaining time of the term,

² <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

³ https://oide.sejm.gov.pl/oide/en/index.php?option=com_content&view=article&id=14798:the-standing-orders-of-the-sejm-of-the-republic-of-poland&catid=7&Itemid=361.

this number grows to 63%. For comparison, between the 12th of November 2015 and the 12th of November 2018 the Council of Ministers submitted 452 bills, which were passed. That's almost 68% of all passed bills in that period (663 bills)⁴.

b) Please provide an example of the content of laws proposed by the government or those proposed by MPs before the end of the parliamentary term. Are there any specific features as regards the topics considered?

The government submitted bills regarding issues like railway transport, preventing alcoholism or budget for 2020. The MPs proposed bills on income tax, wind power plants or renting. There was nothing special, except for the budget for the next year, which has to be enacted in the end of the passing year.

c) Can you estimate (in %) the ratio of draft laws and other acts submitted by the members of the coalition and by the members of the opposition during and at the end of the parliamentary term?

Between 2015 and 2018 the members of the coalition proposed 164 draft laws and the opposition 367 (various factions). That is respectively 30% and 70% of all bills submitted by the MPs (not including the bills proposed by the government, which obviously has the support of the coalition). Unfortunately, the Sejm does not collect so detailed statistical data for the last two months.

5) Do the laws proposed by the MPs at the end of the parliamentary term have financial implications for the state budget and other public finances?

They do. The MPs proposed laws on excise tax, renting and income tax. However, only the bill concerning the excise tax was enacted.

6) How does the government in the new term provide funds for laws adopted on the proposal of MPs at the end of the previous term if such funds are substantial and are not provided in the existing budget?

The budget act can be amended.

Bibliografia

Akty prawne

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Inne

Trzy lata Sejmu VIII kadencji, https://demagog.org.pl/analizy_i_raporty/raport-trzy-lata-sejmu-viii-kadencji-3latasejmu/.

⁴ https://demagog.org.pl/analizy_i_raporty/raport-trzy-lata-sejmu-viii-kadencji-3latasejmu/.