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Krzysztof Piesiewicz (PO)



Grażyna Anna Sztark (PO)



Marek Trzciński (PO)

The Committee deals with subjects of general legislative concern and with the question of the consistency of the legal system. It examines constitutional changes, codifications, legislative initiatives and draft resolutions. It monitors the developments in the jurisprudence of the Polish Constitutional Tribunal and takes steps to ensure the enforcement of the Tribunal's judgments.

The Committee coordinates the work of other committees at the stage of first reading of draft laws or resolutions.

The Legislation Committee is one of the 16 standing committees in the 7th term Senate (2007-2011).

The Legislation Committee is a successor of two bodies which functioned in the Senate of the Second Polish Republic (1922-1939): the Legal Committee and the Constitutional Committee (1930-1935). After the Second World War, the Senate did not resume its activity as was abolished by the Communist government following the rigged national referendum in 1946. In 1989 the restored Senate set up the Committee on Legislative Initiatives and Affairs.

The primary focus of the Committee's activity are codifications of different branches of law. The Committee cooperates closely with judicial authorities and consults with representatives of government and self-government administration, professional self-governments and non-governmental organizations. It also maintains regular contacts with eminent scholars and specialist experts. The Committee's members have included former judges of the Constitutional Tribunal and members of the National Council of the Judiciary of Poland, a former Ombudsman, a former Minister of Labour and a former Minister of Justice.

The Committee in the First Six Terms

of the Restored Senate

(1989-2007)

Poland's political transformation of the 1990s had a major impact on the Committee's legislative activities and initiatives. The Committee played an active part in the debate on fundamental reform of the state, contributing significantly to the development of legislation on local self-government, trade unions, collective dispute settlement and the restitution of property nationalized by the communist state after the Second World War. The Committee also played a valuable role in the shaping of the Constitution of 1997. In 2001 both the Legislation Committee and the Senate experienced an upsurge of activity aimed implementing the *acquis communautaire* prior to Poland's accession to EU in 2004. At that time, the Committee also expressed a particular interest in subjects relating to the judicial system, respect for human rights and civil liberties

and their institutional guarantees.

Between 2005 and 2007, the Committee worked together with the Ombudsman to improve the efficiency of the legal system.

The Committee in the 7th Senate

(2007-2011)

Since 2007, following relevant amendments to Senate Rules and Regulations adopted by the Senate upon the Committee's initiative, the Committee has been charged with monitoring judicial rulings of the Constitutional Tribunal concerning the non-conformity of Acts with the Constitution and obliged to undertake legislative action to ensure the implementation of the Tribunal's judgments. As it has been emphasised by the Constitutional Tribunal itself, the Legislation Committee was the first body to take over the responsibility for the comprehensive review of the jurisprudence of the Tribunal and to submit relevant legislative proposals.

The Committee has always recognized the need to simplify and to improve the efficiency of the legal system. With a view to speeding up the reform of the administration of justice, in 2008 the Committee organized a special seminar and a conference dedicated to the problems of the status of the court assessor and reform of the system of recruitment in judicial services. Conclusions from this debate, translated into legislative proposals, led up to the enactment of relevant law which ensured the continuity of the functioning of common courts of law. The Committee also initiated a number of legislative changes aimed at eliminating obsolete and over formalised legal procedures, for instance in the area of commercial law.

In 2009 the Committee, in cooperation with the National Council of the Judiciary of Poland, submitted a Bill on the National Council of the Judiciary of Poland, which defines the structure and competency of the Council. Given that in case of constitutional amendments in Poland there is a requirement to pass a bill in the identical wording by both the Sejm and the Senate, in 2010 the Committee established a standing sub-committee, which is authorised to present Senate legislative initiatives regarding amendments to the Constitution. The sub-committee, while

monitoring legislative activity of the Sejm, adopts its position and comes up with its own recommendations. Recently, the Committee has been engaged in drafting the Petitions Act, which represents an effort to strengthen civil society.

Following the entry into force of the Lisbon Treaty, the Committee examines EU legislative proposals for their compliance with the principle of subsidiarity.

Non-legislative Activities

Committee Members participate in meetings organised by the European Parliament, sharing experience and discussing the problems of implementing EU law into national law, as for instance in debates over proposals for citizens' initiative directive and contract law directive. They also represent the Polish Parliament at international conferences on constitutional issues. The Committee and Committee Members meet delegations from other Parliaments who come to exchange experience on the process of law-making and implementation. The Committee, among others, was consulted on the proposed amendments to the Georgian Constitution in connection with the intended introduction of a bicameral legislature and the establishment of the constitutional tribunal.