

# NOTES

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# ON THE SENATE



SENAT  
RZECZYPOSPOLITEJ  
POLSKIEJ

## *Legislative initiatives of the Senate of the Sixth-to-Ninth Terms*

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The Sixth Term of the Senate (2005–2007) was cut short when the Sejm dissolved itself. During those two years the Chamber concerned itself with as many as 39 legislative initiatives, with 19 submitted to the Sejm, which accepted three of them.

A Senate bill which was turned into a binding law was an amendment to the **Act on the protection and preservation of historical monuments**, enabling the Sejmik in all voivodeships to provide subsidies for conservation, renovation and construction works to restore historical monuments.

As a result of arrangements between the Marshal of the Senate and the President of the Constitutional Tribunal, the Chamber prepared seven draft acts implementing the judgements of the Constitutional Tribunal. The only one adopted was the amendment to the **law on proceedings before the administrative court**, which extended the catalogue of reasons for excluding a judge from proceedings.

The Senate initiatives that remained unconsidered due to the end of the term included the draft act intended to eliminate the cases of negligence in having the land registers disclose the actual legal status of real properties in Recovered Territories. The draft act was designed to counteract German claims. The same happened to the proposals to regulate the Senate's policy towards the Polish Diaspora and Poles abroad; to introduce a 2-day voting in parliamentary, presidential, local government, and European Parliament elections; to prolong maternity leave and introduce a 3-day paid paternity leave; to introduce pregnancy and childbirth benefits for women living in difficult material conditions.

The Senate of the Seventh Term (2007–2001) submitted 124 draft acts to the Sejm, which passed 78 of them and rejected one.

It was not until this term that the Chamber managed to successfully complete its work on regulating the issues related to Polish citizenship. The **Act on Polish citizenship**, set out the principles, mode and conditions for acquiring and losing Polish citizenship. It introduced, among others, the principle of admissibility of multiple citizenships, maintaining the absolute priority of Polish citizenship. It also enabled former Polish citizens to apply for the restoration of Polish citizenship. The **Act on the National Council of the Judiciary** regulated issues connected with its competences, mode of operation and proceedings before the National Council of the Judiciary. The **amendment to the Act on the Ombudsman for Children** extended the powers of the Ombudsman,

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authorizing it to take part in proceedings before the Constitutional Tribunal, to request the Supreme Court for clarification of unclear or inconsistent legal provisions and to bring further appeal. The **amendment to a package of Acts on the authentication of documents** deformalized civil, administrative, court-administrative and taxation-related proceedings by rationalising the requirement to attach original documents or their copies certified by a notary to case files.

Out of Senate-initiated acts, 56 were passed to implement decisions of the Constitutional Tribunal. The obligation to do so was incorporated in the Rules and Regulations of the Senate in 2007. The acts aligning regulations with the judgements of the Constitutional Tribunal resulted in: **awarding cash benefit for persons who had to leave their previous place of residence for at least six months to perform forced labour within the borders of pre-war Poland; enabling financing from the company social benefits fund of specific forms of leisure activities abroad, as well as cultural, educational, sports and recreational activities; obliging co-operatives to notify residents of changes in amounts of charges with a notice period now extended from 14 to 30 days.**

In addition, the Senate enabled citizens to be directly involved in the governance process by means of petitions, i.e. motions on matters pertaining to public life. On their basis, the Senate submitted three draft acts which were not considered by the end of the term. Their objectives included: non-working periods due to political repression between 31 December 1956 and 4 June 1989 to be regarded henceforth as contribution periods, resumption of the award of decorations and orders awarded before 8 May 1999.

The multitude of Senate initiatives left unconsidered due to the end of the term also included the following draft acts: on petitions (it set out the rules for the submission and examination of petitions, as well as procedural rules and competences of specific bodies in matters concerning petitions), on amending the Act on the exercise of legislative initiative by citizens (abolishing the principle of discontinuation in relation to citizens' draft laws) or on amending the Act on personal income tax and the Act on freedom of economic activity (it enabled farmers to engage in non-taxed and deformalized small-scale production and sale of processed agricultural products).

During the Eighth Term (2011–2015), the Chamber submitted 103 draft acts to the Sejm, of which 62 were implementing the rulings of the Constitutional Court and 11 were implementing requests addressed in petitions to the Marshal of the Senate. On their basis, the Sejm adopted 74 acts.

The Senate-initiated acts aiming to align regulations with the rulings of the Constitutional Tribunal **gave the right to compensation also to individuals who were Polish citizens on 1 September 1939, but only had a secondary residence in the former territory of the Republic of Poland; entitled the kindergarten teachers to reduced fares for travelling on public transport; abolished double penalisation for individuals who do not pay social security contributions or pay a lower sum than required.**

Five acts were passed on the basis of bills addressing the requests voiced in petitions. One of them granted **the right to free medicines to so-called soldier miners**. Another one granted **persons on military service from 1 November 1982 to 28 February 1983 drafted due to their activity for the independence of the Polish State the right to compensation and damages from the State Treasury**. Yet another act declared **non-working periods due to political repression before 4 June 1989 to be regarded as contribution periods.**

In 2014, the Chamber began collaboration with the Commissioner for Human Rights and with the Supreme Audit Office. On the basis of the problems identi-

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fied by these authorities, the Senate prepared and submitted four draft acts to the Sejm, of which three were adopted. One of the adopted acts **penalised indirect violence, as used for example by tenement house owners to force tenants to leave flats.**

The Senate's initiative also resulted in adopting **the so-called small reprivatisation Act, setting out principles for submitting and considering petitions, granting a special benefit and financial aid to democratic opposition activists and persons repressed for political reasons from 1 January 1957 to 4 June 1989** who are in a particularly difficult financial situation, and **regulating issues connected with so-called dormant accounts** by facilitating access of successors to bank accounts of deceased persons.

The Senate of the Ninth Term (2015–2019) submitted 55 bills to the Sejm, including 27 aimed to implement the rulings of the Constitutional Tribunal and nine to implement requests addressed in petitions to the Marshal of the Senate, four postulates by the Commissioner for Human Rights and one post-control request of the Supreme Audit Office. Of these initiatives, 34 have become binding laws.

The efforts of the Senate resulted in the establishment of **the Western Cross** – a distinction for foreigners who helped Poles during repression and persecution in the years 1939–1989. **Democratic opposition activists and persons repressed for political reasons had their benefits increased. Children of mothers deprived of their liberty on the basis of judgements declared invalid, born in prisons or whose mothers were imprisoned during pregnancy, have been granted rights to compensation or damages from the State Treasury.** Under one of the acts, **names and buildings glorifying the totalitarian regime have been removed from public space. Minors were allowed to participate in public court sessions, both in civil and administrative court proceedings. The broadcast time of television programmes with features facilitating the accessibility for disabled people was also increased.** In addition, rules on food handling and the obligations of food vendors to prevent food waste have been set out.

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