

NOTES

ON THE SENATE



**SENATE
OF THE REPUBLIC
OF POLAND**

Legislative initiatives of the Senate sixth-to-tenth terms

CHANCELLERY OF THE SENATE

6 WIEJSKA ST. | 00-902 WARSAW

TEL. 48 22 694 93 34

senat@senat.gov.pl

www.senat.gov.pl

www.senat.edu.pl

The sixth term of the Senate (2005–2007) was ended prematurely due to the Sejm's resolution on dissolution. During the two years, the chamber worked on 39 legislative initiatives and submitted 19 of them to the Sejm. Three of them were adopted.

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 all voivodship assemblies 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.



facebook.com/SenatRP



instagram.com/senat_rp



[youtube.com/
SenatRzeczypospolitejPolskiej](https://youtube.com/SenatRzeczypospolitejPolskiej)



x.com/PolskiSenat



flickr.com/senatrp

The Senate of the seventh term (2007–2011) 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 AMENDED VERSION OF THE ACT ON THE COMMISSIONER FOR CHILDREN'S**

Legislative initiatives of the Senate from the sixth-to-tenth terms

RIGHTS extended the Commissioner for Children's Rights powers to participate in proceedings before the Constitutional Tribunal, to request interpretation of unclear legal regulations from the Supreme Court, and to lodge appeals on a point of law in criminal, civil or administrative proceedings. **THE AMENDED PROVISIONS REGARDING THE OFFICIAL CERTIFICATION OF DOCUMENTS** introduced to certain acts made civil, administrative, judicial and tax proceedings less burdensome as the obligation to provide original documents or documents certified by a civil law notary was made more rational.

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 judgments 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.**

The Senate enabled citizens to take part in the process of exercising power directly by submitting petitions, which are requests on matters related to public life. Based on such petitions, the Senate submitted 3 draft acts to the Sejm, but those were not considered before the end of the term. The legislative proposals in question were aimed, among others, to qualify as social insurance contribution the periods after 31 December 1956 and before 4 June 1989 in which a person did not work as a consequence of political repressions, and to reinstate decorations or titles 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 deformed 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 adopted as a result of draft acts submitted in a follow-up to ideas voiced in petitions. One of them **GRANTED MINERS-SOLDIERS THE RIGHT TO FREE MEDICATIONS.** The other entitled persons who **SERVED IN THE ARMY FROM 1 NOVEMBER 1982 TO 28 FEBRUARY 1983 AFTER BEING ENLISTED FOR THEIR ACTIVITIES FOR THE INDEPENDENT POLISH STATE TO CLAIM COMPENSATION FOR MATERIAL OR NON-MATERIAL DAMAGE FROM THE STATE TREASURY.** Yet another act **ALLOWED TO QUALIFY PERIODS OF UNEMPLOYMENT BEFORE 4 JUNE 1989 CAUSED BY POLITICAL REPRESSIONS AS SOCIAL INSURANCE CONTRIBUTION PERIODS.**

Legislative initiatives of the Senate from the sixth-to-tenth terms

In 2014, the Chamber began collaboration with the Commissioner for Human Rights and with the Supreme Audit Office. On the basis of the problems identified 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 REPRI-VATISATION ACT, SETTING OUT PRINCIPLES FOR SUBMITTING AND CONSIDERING PETITIONS, GRANTING A SPECIAL BENEFIT AND FINANCIAL AID TO DEMOCRAT-IC 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 DOR-MANT ACCOUNTS** by facilitating access of successors to bank accounts of deceased persons.

The Senate of the ninth term (2015–2019) submitted 55 draft acts to the Sejm, including 27 aimed to implement the rulings of the Constitutional Tribunal and 9 to implement requests addressed in petitions to the Marshal of the Senate, 4 postulates by the Commissioner for Human Rights and 1 post-control request of the Supreme Audit Office. Of these initiatives, 34 have become binding laws.

Thanks to the Senate, **THE WESTERN CROSS** was established as a decoration for foreigners who helped Poles during repressions and persecutions in the period between 1939 and 1989. **ANTI-COMMUNIST OPPOSITION ACTIVISTS AND ACTIVISTS REPRESSED FOR POLITICAL REASONS RECEIVED HIGHER ALLOW-ANCES. CHILDREN BORN IN PRISONS TO MOTHERS WHO WERE DEPRIVED OF LIB-ERTY BASED ON JUDGMENTS CONSIDERED INVALID OR CHILDREN WHOSE MOTH-ERS STAYED IN PRISON WHILE PREGNANT BASED ON JUDGMENTS CONSIDERED INVALID BECAME ENTITLED TO COMPENSATION FOR MATERIAL OR NON-MATE-RIAL DAMAGE FROM THE STATE TREASURY. ONE OF THE ACTS RESULTED IN RE-MOVING THE NAMES AND BUILDINGS GLORIFYING THE TOTALITARIAN REGIMES FROM PUBLIC SPACE. MINORS WERE ALLOWED TO TAKE PART IN OPEN-COURT HEARINGS, BOTH IN CIVIL AND ADMINISTRATIVE COURT PROCEEDINGS. THE SHARE OF TV PROGRAMMES ACCESSIBLE FOR PEOPLE WITH DISABILITIES WAS INCREASED.** The principles of handling food and the obligations of retailers in the area of counteracting food waste were established.

The Senate of the tenth term (2019–2023) submitted 115 draft acts to the Sejm, including 7 implementing Constitutional Tribunal rulings, 15 initiatives resulting from petitions addressed to the Marshal of the Senate and 4 resulting from requests by the Commissioner for Human Rights. Of these initiatives, 14 were examined by the Sejm and all 14 became law.

The Senate's initiative, among other things, resulted in an **INCREASE IN THE OLD AGE PENSION BENEFITS OF THOSE BORN IN 1953** who took early retirement, **AND GRANTING OF ADDITIONAL OLD AGE PENSION BENEFITS TO LONG-SERV-ING VILLAGE ADMINISTRATORS. THANKS TO THE INCREASE IN THE INCOME THRESHOLDS ENTITLING, AMONG OTHERS, ANTI-COMMUNIST OPPOSITION AC-TIVISTS AND PERSONS REPRESSED FOR POLITICAL REASONS TO ONE-OFF AND TEMPORARY MONETARY ASSISTANCE, A WIDER GROUP OF ELIGIBLE PERSONS IS BENEFITING FROM IT,** with one-off assistance being granted twice a year and in a higher amount. **THE AMOUNT OF REIMBURSEMENT OF THE COST OF ONE-OFF TRANSPORT BY PARENTS OF CHILDREN, young people and pupils with disabili-ties to kindergartens, schools and other educational establishments HAS BEEN ADJUSTED.** In addition, **RULES FOR THE CREATION OF YOUTH POWIAT COUNCILS AND YOUTH VOIVODESHIP SEJMIK'S** were defined.

*Legislative initiatives of the Senate
from the sixth-to-tenth terms*

