Studia Sieci Uniwersytetów Pogranicza | 2023 | 7
DOI: 10.15290/sup.2023.07.01

Bartłomiej Błaszczyk
- University of Białystok
- e-mail: bartlomiej.bogumil.blaszczyk@gmail.com
- ORCID: 0009-0008-3784-4449

PARLIAMENTARY WORK DISCONTINUATION'S INFLUENCE ON THE PROCEEDINGS OF THE POLISH CONSTITUTIONAL TRIBUNAL

Abstract

- *Goal* – the purpose of this article is to determine the overall impact of the principle of the discontinuation of parliamentary work on proceedings before the Constitutional Tribunal initiated by Members or bodies of Parliament. The article covers both the current state of the law and historical regulations since 1997.
- *Research methodology* – the article is based on an analysis of the available literature and – above all – on the case law of the Constitutional Tribunal, available in the IPO database, as well as on the letters from participants in proceedings before the Court.
- *Score/results* – the article helps to understand what processes occur in proceedings before the Constitutional Tribunal as a result of the end of the term of the Sejm. The analysis of the currently binding provisions and case-law allows to determine how the Tribunal should proceed in relation to the motions of groups of deputies and senators, as well as of the Marshals of the Sejm and Senate. However, recent case law, which seems to partly depart from the hitherto established line of jurisprudence, means that the issue raised in the article undoubtedly requires further observation.
- *Originality/value* – the article was prepared independently, on the basis of available materials. The issue of discontinuance of proceedings before the Constitutional Court on the basis of the law currently in force has not yet been the subject of an in-depth analysis. Discontinuation of parliamentary work as a basis for discontinuation of proceedings has never been widely discussed in any academic publication.

Keywords: Poland, Constitutional Tribunal, discontinuance of proceedings, election, parliament.

1. Introduction

On 15 October, 2023, Polish people, as they do every four years, elected new deputies to the Sejm. The Senate election was also held on the same day. According to Article 98 Section 1 of the Polish Constitution, on the day preceding the sitting of the newly elected Sejm, the term of office of both chambers of the parliament of the previous, ninth, term would come to an end.

Due to the existence of the principle of discontinuation of parliamentary work in the Polish parliamentary tradition, the commencement of a new term of the Sejm will translate into the discontinuation of all projects the proceedings of which were not completed in the previous term.

The election of new deputies and senators has a significant impact on the proceedings before the Constitutional Tribunal, which may be initiated, *inter alia*, at the request of a group of 50 deputies or 30 senators. The legitimacy to initiate the motion is also vested in the Marshal of the Sejm and the Marshal of the Senate.

The purpose of this article is to discuss how the above motions have been handled in the jurisprudential practice of the Tribunal over the years 1997–2023, taking into account the changes in the procedure before the Polish Constitutional Tribunal. It also addresses issues related to *de lege lata* and *de lege ferenda* postulates arising against the background of the previous practice and the shape of the changing norms.

2. The power to appeal to the Constitutional Tribunal

The power to make an application to the Constitutional Tribunal is vested in the bodies mentioned in Article 191 Section 1 of the Constitution. According to the wording of this provision, "the following may make application to the Constitutional Tribunal regarding matters specified in Article 188:

1) the President of the Republic, the Marshall of the Sejm, the Marshall of the Senate, the Prime Minister, 50 Deputies, 30 Senators, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Public Prosecutor-General, the President of the Supreme Audit Office and the Commissioner for Human Rights;
2) the National Council of the Judiciary, to the extent specified in Article 186, paragraph 2;

3) the constitutive organs of the units of territorial self-government;
4) the national organs of trade unions as well as the national authorities of employers' organisations and occupational organisations;
5) churches and religious organisations;
6) the subjects referred to in Article 79, to the extent specified therein".

In addition to the entities mentioned in the above provision, the Constitutional Tribunal may also be approached by the courts – by referring a question of law, as specified in Article 193 of the Constitution.

It can be noticed that the Polish legislator devoted most space to the issue of the legitimacy of the institutional applicants, of which two groups can be distinguished. The first of these, having general legitimacy, can also be described as "universal applicants". These include the entities listed in paragraph 1 of the above provision – the President of the Republic of Poland, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, 50 deputies, 30 senators, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Prosecutor General, the President of the Supreme Audit Office and the Ombudsman. As commentators emphasise, the above list is enumerative in nature, and the legislator has left no room for possible expansion of the catalogue of these entities by way of interpretation and application of the law. At the same time, each of these entities has at its disposal the content-identical right to challenge the hierarchical compliance of any normative act falling within the scope of the cognition of the Constitutional Tribunal (Article 188 paras 1–3 of the Constitution) and – in a repressive mode – the constitutionality of the objectives or activities of any political party [Naleziński, 2021, art. 191; see also Wojtyczek, 2013: 118].

The unlimited nature of their legitimacy means that they are not required to demonstrate a link between the content of the challenged normative act and their own legal situation. They may act both in their own interest and in the interest of the general public or the constitutionality of the legal system in the broadest sense [Mączyński, Podkowik, 2016]. Thus, these entities may challenge both those acts which directly relate to their legal situation [see: K 40/07, K 35/09], and all other normative acts which raise their constitutional doubts.

The second group, i.e. applicants with limited legitimacy, is much more diverse in terms of its subject matter. It includes both the state body – the National Council of the Judiciary – and the constitutive bodies of local self-government units, as well as nationwide association bodies and churches and other religious

associations [Naleziński, 2021, art. 191]. It should be noted at this point that the competence referred to in Article 191 Section 1 para. 5 does not affect the power to bring a constitutional complaint which is vested in, for example, individual parishes [see e.g. Ts 52/19].

Both suitably numerous groups of MPs and senators as well as the Marshals of both chambers of Parliament can thus initiate a review of the constitutionality of norms on virtually any issue.

3. Discontinuation of parliamentary work from the perspective of the procedure before the Constitutional Tribunal. Current and the historic legislature

The discontinuation of parliamentary work (sometimes referred to as "substantive discontinuation" [Garlicki, 1999: 30–31; Garlicki, 1995: 45] is a mechanism which, at its core, boils down to the final termination, at the end of the parliamentary term, of any proceedings pending before it in which parliamentary proceedings have not been concluded. "They are therefore not in any form handed over to the new parliament, which starts the new term with a 'clean' account, as it were" [Garlicki, 1995: 45].

The determination of the beginning and of the end of the term of office, and the consequent determination of the occurrence of the so-called inter-cadence break, may also justify the necessity to provide other organs of public authority with competences that are updated during such a break. Establishing the beginning and end of the term of office in a way that eliminates the inter-term break does not trigger such a need, which significantly affects the shape of relations between the bodies of divided authorities [Naleziński, 2021, art. 98].

The principle of discontinuation, although directly referring to the proceedings conducted in Sejm and Senate, also translates into the sphere of activity of other organs of the state – obviously including the Constitutional Tribunal.

Pursuant to the currently binding Article 59 Section 1 para. 5 of the Act of November 30, 2016 on organization and functioning of the Constitutional Tribunal (hereinafter: OFCT), the Tribunal in a closed session shall issue a decision on discontinuance of proceedings in the event of termination of the term of office of the Sejm and Senate, in unfinished cases initiated on the basis of a motion of a group of deputies or a group of senators referred to in Article 191 Section 1 para. 1 of the Constitution.

As indicated in the justification of the draft, "to the previously known grounds for discontinuance, it expressly added one related to the so-called discontinuance of motions of groups of deputies or senators. Pursuant to Article 59, Section 1, para. 5, the Tribunal in a closed session shall issue a decision on discontinuance of proceedings in the event of termination of the term of office of the Sejm and Senate, in unfinished matters initiated on the basis of a motion of a group of deputies or senators referred to in Article 191, Section 1, para. 1 of the Constitution. This sanctioned the long-standing practice of discontinuing such cases after the end of the parliamentary term".

The Constitution treats a group of MPs and a group of senators as different applicants. It is therefore not permissible for an application to come from a 'mixed' group of MPs and senators. In such a case, the Tribunal will either treat the matter as two separate applications and hear them, or (if it is not supported by at least 50 MPs or at least 30 senators) – it will call for formal deficiencies in this respect [Mączyński, Podkowik, 2016].

It is worth noting that while members of the Sejm are a relatively active group of applicants, the group of senators initiated proceedings before the Tribunal only 17 times between 1997 and October 2023, of which on 11 cases of proceedings on their application ended in discontinuance.[1]

The grounds for discontinuing proceedings before the Tribunal have changed over time. Discontinuation of parliamentary works was not explicitly addressed in previous regulations.

Pursuant to the chronologically the first law of August 1, 1997 on the Constitutional Tribunal (hereinafter: ACT 1997), the Tribunal discontinued proceedings of the issuance of a judgement is redundant or inadmissible, as a result of withdrawal of an application, a legal question or a constitutional complaint, and if a normative act in the contested scope ceased to be binding before the Tribunal issued a judgement (Article 39 Section 1), as well as – pursuant to Article 60 Section 2 of ACT 1997 – if the applicant or his/her representative did not appear at the hearing (however, this premise did not result in obligatory discontinuance).

This does not mean, however, that the principle of the discontinuation of the work of the Parliament before the OFCT's entry into force did not have any

[1] In Case K 11/13, the Constitutional Tribunal joined several applications from different authorities for joint consideration, resulting in several orders being issued as a result of different grounds for discontinuance in relation to each of the applicants.

impact on the proceedings before the Tribunal. Indeed, under the ACT 1997, the Tribunal developed the view that the expiry of the Sejm's term of office rendered the judgment inadmissible. The argument that the expiry of the term of office of the Sejm and the related expiry of the mandates of MPs means that they lose the authority to appear before the Constitutional Tribunal as an applicant, which has been consistently expressed by the Tribunal in its judgments [see: U 3/07; K 19/97; K 21/97; K 10/01; K 29/04; K 9/09]. An analogous situation, by the way, applied to cases initiated by the motion of a group of senators [K 24/11].

Therefore, the Tribunal considered that, as a result of the end of the term of office of the Sejm, the right of application of Members of Parliament and Senators also expired – *en bloc*, so to speak – which necessitated the discontinuance of the proceedings.

It should be noted that the aforesaid opinion was not accepted unanimously. In the dissenting opinions of judge M. Zubik to the decisions K 34/09, K 31/11; K 26/11; K 20/11; K 4/11; K 17/10, "[t]he expiry of parliamentary mandates as a result of the expiry of the term of the Sejm cannot be treated as an automatic basis for discontinuing the proceedings in the case under examination. The entitlement of a group of at least 50 MPs to initiate abstract control of norms has not, at the constitutional level, been linked to a specific term of the Sejm. If, despite the change of the term of office, the number of MPs supporting the previously submitted motion would still be sufficient to support the motion, pursuant to Article 191 Section 1 para. 1 of the Constitution, there can be no discontinuation of the proceedings due to the lack of an entity entitled to initiate and conduct the case before the Constitutional Tribunal."

The problem of this interpretation was also recognised by the President, who, exercising his right of legislative initiative, proposed amendments in this regard.

In the justification to a draft of a proposed act, it was stated that "a new solution is proposed so that applications submitted to the Tribunal by groups of deputies or senators may, despite the end of the term of the Sejm and Senate, be subject to further consideration and not – as is the case in the current jurisprudence practice – to the rigour of discontinuation. It is proposed that the proceedings in these cases before the Tribunal, after the end of the term of the parliamentary chambers, should be suspended by law for a period of 6 months and that they may be resumed during this period if a group of deputies or senators of the next term supports the application. This solution will allow for a rational continuation of the proceedings already commenced in the Tribunal (in a significant number of cases advanced) and, from the point of view of a kind

of 'pro-constitutional economy', for the substantive resolution of the case which is the subject of the motion. If, within a period of 6 months, the motion is not supported by the deputies or senators of the next term – the Tribunal will issue an order to discontinue the proceedings.

At the same time, the proposed Act provides that cases on the application of groups of deputies or senators, in which the Tribunal has already set a date for hearing that falls after the end of the term of the Sejm and the Senate or when it has notified the applicant that the case will be heard in closed session, will not be discontinued and are subject to consideration on the date and in the manner set, also without the participation (if they are no longer deputies) of the representatives of the applicants. In this context, it should be considered that the advanced preparation of the Tribunal to hear a case, and the prospect of its resolution, should be decisive in view of the purpose of the Tribunal and the subject matter and importance of its decisions."

In the enacted Act of June 25, 2015 on the Constitutional Tribunal (hereinafter: ACT 2015), Article 69 provided that "[i]n cases initiated on the basis of a motion of a group of deputies or senators referred to in Article 191 Section 1 para. 1 of the Constitution, the end of the term of office of the Sejm and the Senate shall not suspend the proceedings in the Tribunal."

According to its Article 70,

1) On the date of termination of the term of office of the Sejm and the Senate, proceedings in the Tribunal in the cases referred to in Article 69 shall be suspended for 6 months.
2) If, prior to the end of the terms of office of the Sejm and the Senate, the Tribunal has notified the applicants of the date of the hearing falling after the end of the term or that the examination of the application will take place in a closed session, the proceedings in such cases shall not be suspended and may proceed without the participation of the applicant.
3) The President of the Tribunal shall, within 30 days of the end of the term of office of the Sejm and the Senate, provide the Marshal of the Sejm and the Marshal of the Senate, respectively, with information on the cases referred to in Article 69 in respect of which the Tribunal has decided to suspend the proceedings.

Article 71, on the other hand, provided that:

1) The Tribunal shall decide to resume the suspended proceedings if, within the time limit referred to in Article 70 Section 1, a motion by a group of

Deputies to the Sejm or Senators is supported by 50 Deputies or 30 Senators, respectively, of the next term of the Sejm and Senate. The provision of Article 61 Section 2 shall apply *mutatis mutandis*.

2) The President of the Tribunal shall promptly communicate to the participants in the proceedings the commencement of the suspended proceedings.
3) Upon ineffective lapse of the time limit referred to in Article 70 Section 1, the Tribunal shall discontinue the suspended proceedings.

The above regulation was a significant departure from the Tribunal's interpretation of the premise of inadmissibility of the judgment. However, the 2015 Act was not in force long enough to allow its application practice to be observed. In the Act of July 22, 2016 on the Constitutional Tribunal (hereinafter: ACT 2016), the legislator decided to abandon the above changes and return to the solution known in ACT 1997, to finally, in the draft currently in force, OFCT explicitly provides for the necessity to discontinue cases initiated by means of a motion of a group of deputies and a group of senators as a result of the end of the term of office of the Sejm.

4. Jurisprudence and constitutional concerns.

Analysing the statutory changes in the context of the existing jurisprudence of the Constitutional Tribunal may lead to the conclusion that, although the premise of discontinuance now constitutes an independent reason for discontinuance, on the basis of the previous jurisprudence of the Tribunal, it is in fact a qualified form of inadmissibility.[2]

The rules and case law on discontinuation are particularly interesting in the case of other authorities with general standing. Their competence to make an application is detached from whether the application was made by a person who subsequently ceased to hold office. Moreover, it is permissible for applications to be considered even if the office remains vacant. Only the permanent abolition of an organ by a constitutional norm could constitute grounds for discontinuance of proceedings [Mączyński, Podkowik]. This also applies in particular to the

[2] It must be noted that the term 'ruling' referred to in Article 59 u.o.t.p. of TK is 'a ruling' within the meaning of Article 190 Section 1 of the Constitution.

Marshal of the Sejm and the Marshal of the Senate, whose application competence is of an individual nature, despite their role as organs of the chambers of parliament. Nor is it required that their request be preceded by the consent of the competent chamber [Ibidem]. The right expressed in Article 191 Section 1 para. 1 of the Constitution of the Republic of Poland is in fact exercised on their behalf; at most, one may speak here of political accountability to the chamber whose proceedings they preside [Garlicki, 1999: 5–6].

On the other hand, however, the Tribunal held that the consequences of the principle of the discontinuation of the work of parliament also extended to its organs, including in particular the Marshal of the Sejm [see: Pp 1/07; K 2/07]. Consequently, it allowed for the discontinuation of proceedings initiated by a motion of the Marshal of the Sejm as a result of the end of his/her term of office (under the rule of the ACT 1997 – due to the inadmissibility of issuing a ruling). Thus, it may be assumed that in the previous jurisprudential practice of the Tribunal, a personal change in the position of the Marshal of the Sejm and the Marshal of the Senate during the term of office of the chambers of parliament did not cause procedural consequences, but the expiry of the term of office of the Sejm and Senate made it necessary to discontinue proceedings initiated also at the motion of the outgoing Marshals.

It is significant to note that a departure from this rule can be observed in the Tribunal's current jurisprudential practice. In the case Kpt 1/17, the Tribunal decided to rule on the merits of the competence dispute and issued an order on June 2, 2023, despite the fact that the application had been filed by the Marshal of the Sejm's 8th Term. Meanwhile, taking into account the position expressed in the jurisprudence to date, the Tribunal should have discontinued the case in 2019. Given the lack of publication – at the date of the drafting of this article – of the reasoning of the decision in Kpt 1/17 (issued by the full composition of the Tribunal), it is difficult to say why the Tribunal decided to deviate from its previous position. It seems that only by observing the Tribunal's proceedings in cases initiated by the Marshal of the Sejm during the 9th term it will be possible to make more substantial findings in this regard.

Interestingly, with regard to the request of the Marshal of the 7th term of the Sejm for clarification of doubts as to the content of point 2 of the judgment of the Constitutional Tribunal of October 8, 2013, ref. SK 40/12, on November 7, 2016 the Tribunal issued a decision to discontinue the proceedings due to the inadmissibility of the judgment (pursuant to Article 40 Section 1 para. 1 of the ACT 2016). This ruling is interesting insofar as in it the Tribunal recog-

nised that the position on the consequences of the principle of discontinuation in proceedings before the Tribunal remains valid, not only in the case of an application for a review of constitutionality, but also in the case of an application for clarification of doubts of a judgment.

It should also be recalled that the Marshal of the Sejm has requested that Article 59 Section 1 para. 5 of the OFCT shall be declared inconsistent with Article 191 Section 1 para. 1 in conjunction with Article 188 and in conjunction with Article 4 Section 1 of the Constitution; Article 7 in conjunction with Article 191 Section 1 para. 1 and in conjunction with Article 188 of the Constitution; and the principle of efficiency and fairness in the operation of public institutions expressed in the Preamble to the Constitution, in conjunction with Article 191 Section 1 para. 1 and in conjunction with Article 173 of the Constitution.

In his justification, the Marshal of the Sejm pointed out that the provision links the legitimacy of MPs or Senators with the principle of the term of office of the Sejm, whereas the Constitution does not provide for such a link. The provision deprives MPs and senators – who are exercising their powers not in their own interests but on behalf of the Nation – of the guarantee of obtaining a judgment from the Tribunal in cases initiated by their motions. Moreover, in the opinion of the Marshal of the Sejm, this provision limits the constitutional competence of the Constitutional Tribunal to examine and decide the question of the existence of the application legitimacy of a group of deputies or senators. The Tribunal's inability to assess the standing of MPs or senators in the event of the end of the term of the Sejm has the effect of limiting the constitutional competence of the Tribunal to rule on these matters.

It is worth noting that also acting on behalf of the Sejm, the Marshal of the Sejm, in presenting his position as a participant in the case, supported the motion. This is all the more interesting as, pursuant to Article 118 Section 1 of the Constitution, each MP (including the Marshal) is entitled to a legislative initiative. This means that the reformer could initiate the process of eliminating what is considered to be unconstitutional legislation from the legal system and carry it out more efficiently than by filing a motion to the Tribunal.

Aalso noteworthy is that the Marshal of the Sejm did not refer at all to the jurisprudential practice regarding his own legitimacy. He did not, in fact, question Article 59 Section 1 para. 2 of the OFCT in the sense given to it by the well-established interpretation of the need to discontinue the proceedings at the request of the Marshal of the Sejm following the termination of the Sejm's term

of office. This is important insofar as the K 16/20 case has not been adjudicated on its merits, and in connection with the end of the Sejm's term of office – unless, of course, the Tribunal decides that it has departed from its previous line of jurisprudence with the Kpt 1/17 judgment – it may be presumed that the proceedings in the case will be discontinued due to the inadmissibility of the judgment.

5. Postulates *de lege lata* and *de lege ferenda*

The above analysis allows to draw several conclusions, both in terms of the current state of the law and the possible future legislative solutions that would improve the proceedings before the Tribunal both for the applicants referred to in this article and for the Tribunal itself.

With regard to the current state of the law, it seems the most important to maintain consistency in case law so that applicants would know what to expect as a result of the expiry of the terms of the Sejm and Senate. The jurisprudence to date seems to be consistent on how to deal with applications from groups of Members of the Sejm and Senators, and the current rules (although often criticised) leave no doubt as to the need to discontinue proceedings. However, the Tribunal's most up-to-date jurisprudence seems to reject the established line with regard to motions originating from the Marshal of the Sejm (and therefore – *per analogiam* – probably also from the Marshal of the Senate).

The emergence of such a difference both in relation to the previous situation resulting from the case law and in relation to the situation of motions from groups of deputies and senators, may lead to future changes of both leading case law and statutory provisions.

It would seem that the Tribunal's jurisprudence in this respect should be well founded and particularly consistent. This need may be indicated, for example, by the assertions made by the Marshal of the Sejm in motion K 16/20 that the motion is the primary means of initiating proceedings before the Tribunal [Application K 16/20, pp. 13–15].

Concerning *de lege ferenda* postulates, one may start from the observation that the Constitution does not imply an absolute obligation to discontinue proceedings following the end of the parliamentary term. Thus, from the point of view of the proceedings before the Tribunal, it is only necessary to confirm the legitimacy of the applicants in such a way that at least 50 MPs or at least

30 senators have this status both on the day the application is filed and on the day it is examined by the Tribunal.

In terms of procedural economics, the already discussed solution introduced in the OCT 2015 appears to be a very reasonable compromise. This is because, on the one hand, it allowed the applicant to maintain the existing application, and, on the other hand, it could streamline the work of the Tribunal. This is because in practice it often happens that an application of a group of MPs returns to the Tribunal, resubmitted by a group of MPs to the Sejm of the next term. There are also cases in which a renewed application is submitted to the Tribunal even before the proceedings on the previous application have been discontinued. Although, pursuant to § 21(4) of the Rules of Procedure of the Constitutional Tribunal, "[o]n the day the term of office of the Sejm and Senate ends, proceedings initiated on the basis of a motion of a group of deputies or senators and not concluded, as referred to in Article 191 Section 1 para. 1 of the Constitution, shall be discontinued", in practice it is difficult to expect the Tribunal to issue dozens of decisions on a single day.

6. Conclusions

The author of this article did not assume to unequivocally explain the effects of the end of the term of the Sejm on the proceedings before the Tribunal. The current situation does not allow for such an analysis – both due to the doubts raised in the motion in case K 16/20 as to the constitutionality of Article 59 Section 1 para. 5 of the OFCT and due to the possible departure from the previous jurisprudential practice with regard to the motions of the Marshals, which took place in case Kpt 1/17. On the other hand, it can be unequivocally stated that the discontinuation of the work of the parliament in the current legal state (and taking into account the jurisprudence to date) directly translates into proceedings before the Tribunal, initiated either by a group of deputies or senators or by the Marshals of both chambers. At the same time, from the point of view of the Tribunal's jurisprudential practice, it will be advisable to continue observing the jurisprudence, especially in the context of the reasoning of the order Kpt 1/17 and the proceedings after the expiry of the ninth term of the Sejm. From the point of view of legislation, on the other hand, it seems necessary to look for a more rational solution, due to the procedural economics rather than political needs.

References

Legal acts

Konstytucja Rzeczypospolitej Polskiej [*Constitution of the Republic of Poland*], Dz.U. 1997, No. 78, item 483.

Ustawa z dnia 1 sierpnia 1997 r. o Trybunale Konstytucyjnym [*Act of September 1, 1997 on the Constitutional Tribunal*], Dz.U. 1997, No. 102, item 643.

Ustawa z dnia 25 czerwca 2015 r. o Trybunale Konstytucyjnym [*Act of June 25, 2015 on the Constitutional Tribunal*], Dz.U. 2015, item 1064.

Ustawa z dnia 22 lipca 2016 r. o Trybunale Konstytucyjnym [*Act of July 22, 2016 on the Constitutional Tribunal*], Dz.U. 2016, item 1157.

Ustawa z dnia 30 listopada 2016 r. o organizacji i trybie postępowania przed Trybunałem Konstytucyjnym [*Act of November 30, 2016 on organisation and functioning of the Constitutional Tribunal*], Dz.U. 2019, item 2393.

Regulamin Trybunału Konstytucyjnego [*Rules of Procedure of the Constitutional Tribunal*], "Monitor Polski" 2017, item 767.

Judgments and decisions of the Constitutional Tribunal

4 November 1997, ref. no. K 19/97, OTK ZU No. 3–4/1997, item 52.
12 November 1997, ref. no. K 21/97, OTK ZU No. 3–4/1997, item 58.
14 November 2001, ref. no. K 10/01, OTK ZU No. 8/2001, item 262.
26 October 2005, ref. no. K 29/04, OTK-ZU nr 9A/2005, item 107.
21 November 2007, ref. no. U 3/07, OTK ZU No. 10A/2007, item 146.
17 December 2007, ref. no. Pp 1/07, OTK ZU No. 11A/2007, item 165.
28 May 2008, ref. no. K 2/07, OTK ZU No. 4A/2008, item 75.
29 November 2011, ref. no. K 34/09, OTK ZU No. 9A/2011, item 105.
30 November 2011, ref. no. K 31/11, OTK ZU No. 9A/2011, item 110.
30 November 2011, ref. no. K 26/11, OTK ZU No. 9A/2011, item 109.
7 December 2011, ref. no. K 20/11, OTK ZU No. 10A/2011, item 120.
13 December 2011, ref. no. K 4/11, OTK ZU No. 10A/2011, item 122.
13 December 2011, ref. no. K 24/11, OTK ZU No. 10A/2011, item 124.
14 December 2011, ref. no. K 17/10, OTK ZU No. 10A/2011, item 128.
24 January 2012, ref. no. K 9/09, OTK ZU No. 1A/2012, item 13.
7 November 2016 ref. no. SK 40/12, OTK ZU A/2016, item 85.
13 December 2020, ref. no. Ts 52/19, OTK ZU B/2020, item 176.

Other documents

Justification of the draft of the Act of June 25, 2015 on the Constitutional Tribunal, parliamentary paper No. 1590.
Justification of the draft of the Act of July 22, 2016 on the Constitutional Tribunal, parliamentary paper No. 558.
Justification of the draft of the Act of November 30, 2016 on Organization and Functioning of the Constitutional Tribunal, parliamentary paper No. 963.
Application of the Marshal of the Sejm in case No. K 16/20.

Literature

Garlicki L., 1995, *Zasada dyskontynuacji prac parlamentarnych*, "Studia Iuridica", Vol. XXVIII.
Garlicki L., 1999, *Komentarz do art. 191*, [in:] L. Garlicki, *Konstytucja*, Vol. 5, Warszawa.
Konstytucja Rzeczypospolitej Polskiej [*The Constitution of the Republic of Poland*], 2018, Warszawa (the official English translation provided by the Constitutional Tribunal of the Republic of Poland).
Mączyński A., Podkowik J., 2016, *Komentarz do art. 191 Konstytucji*, [in:] M. Safjan, L. Bosek (eds.), *Konstytucja RP. Tom II. Komentarz do art. 87–243*, Warszawa, LEX/el.
Naleziński B., 2016, *Komentarz do art. 98 Konstytucji*, [in:] M. Safjan, L. Bosek (eds.), *Konstytucja RP. Tom II. Komentarz do art. 87–243*, SIP Legalis.
Naleziński B., 2021, *Komentarz do art. 191 Konstytucji*, [in:] P. Tuleja (ed.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Edition II, Warszawa, LEX/el.
Wojtyczek K., 2013, *Sądownictwo konstytucyjne w Polsce. Wybrane zagadnienia*, Warszawa.