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Articles

Studia Iuridica Lublinensia vol. 31, 5, 2022
DOI: 10.17951/sil.2022.31.5.139-154

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The Petitions Committee of the Polish Parliament (Sejm) – the Legal Basis and Practice of Functioning

Sejmowa Komisja do Spraw Petycji – podstawy prawne i praktyka funkcjonowania

ABSTRACT

The article is intended to present the procedural solutions adopted in the Polish Sejm's Rules of Procedure, the purpose of which was to specify in detail the procedure for hearing petitions in the Sejm, and thus to put the constitutional right of petition into effect. The author refers to historical attempts to statutorily regulate the petition hearing procedure. Remarks on the current statutory basis for filing petitions with the Sejm and the rules on consideration of petitions by the Sejm bodies – the Marshal of the Sejm and the Petitions Committee, are presented in the context of parliamentary practice during recent years. The author presents statistical data on petitions submitted for consideration by the Petitions Committee and the most frequently used manners of processing them in the practice of petition handling. Comments for the law as it should stand regarding the procedure for hearing petitions in the Sejm, which have been the subject of consideration in recent years, are also presented.

Keywords: constitution; petitions; Sejm; Polish Sejm's Rules of Procedure; committees of the Sejm

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INTRODUCTION

The Petitions Committee (hereinafter: the Committee) is one of the most recent standing committees of the Sejm and its responsibility covers the hearing of petitions filed with the Sejm.[1] The Committee was introduced into the Sejm's Rules of Procedure by the amendment of 12 June 2015.[2] A direct cause to amend the Rules of Procedure of the Sejm was the need to adapt the rules of procedure to the provisions of the Act of 11 July 2014 on petitions.[3] The Petitions Act on petitions entered into force on 6 September 2015 and the introduction of new provisions of the Sejm's Rules of Procedure was correlated with this date. The Act is a comprehensive regulation governing exercise of the right enshrined in Article 63 of the 1997 Constitution,[4] most generally defined as the right of petition. Pursuant to Article 63 of the 1997 Constitution, "everyone shall have the right to submit petitions, proposals and complaints in the public interest, in his own interest or in the interests of another person – with his consent – to organs of public authority, as well as to organizations and social institutions in connection with the performance of their prescribed duties within the field of public administration. The procedures for considering petitions, proposals and complaints shall be specified by statute".

Given that the Petitions Act has been designed to regulate the rules for the exercise of a constitutionally guaranteed right, it should be noted that the legislature had long been reluctant to implement the constitutional provision.[5] The legal bases for hearing petitions submitted to the Sejm, the objectives of the presented institutions and selected problems arising in parliamentary practice are shown using dogmatic-legal analysis of legal acts and analysis of documents from the legislative and resolution-adopting processes, as well as statistical data on the application of said legal institutions. The practical aspects of the functioning of the Sejm bodies involved in petitions proceedings have already been subject to research but these studies have not covered the recent years of the Committee's activity.[6] The article

[1] See item 1a of the Annex to the Rules of Procedure of the Sejm "The Substantive Scope of Work of Sejm Committees".

[2] Resolution of the Sejm of the Republic of Poland of 12 June 2015 amending the Rules of Procedure of the Sejm of the Republic of Poland (Official Gazette of the Republic of Poland "Monitor Polski" 2015, item 550).

[3] Journal of Laws 2018, item 870, hereinafter: the Petitions Act.

[4] Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, no. 78, item 483, as amended), hereinafter: the 1997 Constitution or the Constitution. English translation of the Constitution at: https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm (access: 10.12.2022).

[5] The Senate's draft Act on petitions was filed on 20 December 2013 (Sejm Paper no. 2135/VII).

[6] See Z. Gromek, *Realizacja prawa petycji przez Sejm VIII kadencji (lata 2015–2018). Wybrane zagadnienia*, "Przegląd Sejmowy" 2019, no. 3, pp. 21–40; E. Gierach, P. Chybalski, *Postępowanie w sprawie petycji w Sejmie – prawo i praktyka*, [in:] *Powszechne środki ochrony prawnej – skargi,*

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presents data on petitions submitted to the Committee for examination, the manners in which how the petition is handled ("settled"), but also on the stage following the settlement of the petition by means of a legislative initiative by the Committee. The vast majority of petitions heard by the Committee concern the request for legislative changes.[7] For this reason, it is also necessary to analyse the legislative activity of the Committee, also in the context of initiatives undertaken by other Sejm committees, and to present the effectiveness of legislative initiatives of the Committee.

RESEARCH PART

Prior to the entry into force of the Petitions Act, the only statutory regulation governing this matter was the provisions of the Administrative Procedure Code, which, however, did not constitute the exercise of the constitutional provision regarding the procedure for hearing petitions. Attempts to adjust the statutory regulation to the provisions of the Constitution on the right of petition were made during the 3rd term of the Sejm, when a government bill amending the Administrative Procedure Code (Sejm Paper no. 1453/III) was proposed. This draft was withdrawn after having been examined in detail by the committee. During the 6th term of the Sejm, a Senate draft Act on petitions was filed (Sejm Paper no. 4261/VI). The first reading of the bill took place at the joint meeting of the Committee on Administration and Internal Affairs and the Committee on Local Government and Regional Policy, but work on the draft has not been completed and the bill has been abandoned due to the principle of discontinuity of the work of the Sejm in successive terms.[8] A mention should also be made about the resolution introducing in the Rules of Procedure of the Senate a petition examination procedure, which entered into force on 1 January 2009. However, the form of the resolution did not meet the requirement of legal regulation of the procedure for examining petitions referred to in Article 63 of the 1997 Constitution.[9]

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wnioski i petycje, eds. M. Błachucki, G. Sibiga, Wrocław 2017, pp. 466–473 and the literature referred to therein.

[7] See Sejm RP, *Informacje roczne o złożonych petycjach*, IX kadencja, https://www.sejm.gov.pl/Sejm9.nsf/page.xsp/informacje_pet (access: 3.10.2022).

[8] For more detail on these draft acts, see M. Florczak-Wątor, *O potrzebie ustawowego uregulowania trybu rozpatrywania petycji*, "Zeszyty Prawnicze Biura Analiz Sejmowych" 2013, no. 2, pp. 33–35.

[9] On the constitutional conditions for the solutions introduced by the Senate's resolution of 20 November 2008 amending the Rules of Procedure of the Senate (Official Gazette of the Republic of Poland "Monitor Polski" 2008, no. 90, item 781), regarding a petition examination procedure, see eadem, *Komentarz do art. 63*, [in:] *Konstytucja*, vol. 1: *Komentarz do art. 1–86*, eds. M. Safjan, L. Bosek, Warszawa 2016, pp. 1446, 1454–1455.

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The work on amendment of the Rules of Procedure of the Senate regarding a petition examination procedure was preceded by a discussion in the Chancellery of the Sejm on the directions of the planned changes. The Petitions Act in Article 9 (1) stipulates that a petition submitted to the Sejm or the Senate shall be considered by those bodies, unless the Rules of Procedure of the Sejm or the Rules of Procedure of the Senate specify the internal body competent for that matter.[10] The adoption of the idea that petitions are to be dealt with by the Sejm *in pleno* at the beginning of the work was considered inappropriate in the context of the specificity of the functioning of the Sejm, i.a., due to the time limits adopted in the Petitions Act or the statutory obligation to invite the petitioner to supplement or clarify the content of the petition. Several models were considered with respect to institutional arrangements concerning the bodies of the Sejm to be competent for petitions filed with the Sejm. Ultimately, while abandoning the decentralised model which assumed that petitions would be forwarded to existing standing committees according to their scope of responsibility, an option was chosen to divide the activities related to the handling of petitions between the Marshal of the Sejm, who is the body representing the Sejm, and the newly established permanent Petitions Committee. Although the Petitions Act provides for the designation of a single internal body of the Sejm competent for the hearing of petitions, not multiple bodies, but the competence of the Sejm to designate more than one competent body relates to the internal organisation and therefore falls within the scope of the autonomy of the Sejm's rules of procedure (Article 112 of the 1997 Constitution).

In the Rules of Procedure of the Sejm, a new Chapter 9a was added in Section II "Petitions Proceedings", which regulates the procedure adapted to the requirements of the Petitions Act (Articles 126b–126g). The Petitions Act provides for, i.a., an initial review of the petition by the addressee, the time limits for considering the petition (3 months with the possibility of extension in cases as specified in the Act), introduction of special solutions for a number of petitions concerning the same matter (the so-called multiple petition). The technical issues pointed out in the Act are also of significant importance, e.g. the obligation imposed on the entity examining the petition to publish (and update on an ongoing basis) on the website the information on a given petition and on individual activities undertaken as part of its examination.

In its rules of procedure, the Sejm listed two bodies as competent to consider petitions – the Marshal of the Sejm, which is the body representing the Sejm externally (Article 110 (2) of the 1997 Constitution), and the Committee. The

[10] The Senate's draft Act on petitions (Senate Paper no. 2135/VII) originally provided for in Article 10 (1) that a petition filed with the Sejm or the Senate must be heard by the competent committee specified in the relevant rules of procedure of these bodies, but changes in this respect were introduced during the consideration of the draft in the Administration and Digitization Committee.

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petitions procedure covers formal review of petitions carried out by the Marshal of the Sejm, who then initiates the proceedings, referring them to the Committee for consideration and setting a date for their consideration. The Committee, on the other hand, was assigned the task of consideration of the merits of the petition, while the information obligations required by the Petitions Act are borne by both the Committee and the Marshal of the Sejm. Moreover, the Rules of Procedure of the Sejm exclude petition proceedings from the principle of discontinuation of the work of the Sejm in subsequent terms.

The Rules of Procedure of the Sejm empower the Marshal of the Sejm to verify the requirements to be met by a petition. The Marshal of the Sejm, when verifying the conditions referred to in Article 2 of the Petitions Act (subjective and objective verification of the petition) or Article 4 of the Petitions Act (verification of the form of the petition), shall leave the petition undecided any further or require the petitioner to supplement or clarify the content of the petition. The Marshal of the Sejm shall initiate the proceeding of a petition filed with the Sejm, by forwarding it to the Committee for consideration and shall set a time limit for the Committee to consider the petition in compliance with statutory time limits.[11] The Deputy Marshal of the Sejm is also an entity authorized to perform these activities under Article 10 (3) of the Sejm's Rules of Procedure.[12]

The consideration of petitions by the Committee includes presentation of the petition by a deputy designated by the Committee's board, discussion and decision on the manner of settlement of the petition, which constitutes the Committee's substantive response to the petition. The Sejm's Rules of Procedure of mention, as one of the main ways of petition settling, the submission by the Committee of a bill or a draft resolution, the submission by the Committee of an amendment or a proposal to a bill or a draft resolution during its consideration by another Sejm committee or during the second reading of a bill, the presentation by the Committee to another Sejm committee of an opinion on the bill or a draft resolution under consideration by the latter, the submission by the Committee of a proposal for an

[11] As a rule, according to Article 10 of the Petitions Act, a petition should be processed without undue delay, but essentially no later than within 3 months from the date of submission of the petition, with the possibility of extension for a further 3 months. It should be mentioned that the 3-month time limit for considering the petition was criticised as too long during the work on the draft Act on petitions. See M. Florczak-Wątor, *Opinia prawna na temat senackiego projektu ustawy o petycjach*, "Zeszyty Prawnicze Biura Analiz Sejmowych" 2014, no. 2, p. 196.

[12] For example, see W. Odrowąż-Sypniewski, *Wykonywanie kompetencji Marszałka Sejmu przez upoważnionego wicemarszałka*, [in:] *Regulamin Sejmu w opiniach Biura Analiz Sejmowych*, ed. W. Odrowąż-Sypniewski, vol. 2, Warszawa 2010, pp. 433–435. Currently applicable Decision No. 54 of the Marshal of the Sejm of 13 November 2019 on the authorisation of Deputy Marshals of the Sejm to perform certain tasks of the Marshal of the Sejm (not published), in § 1 (5) (1) authorises one of the Deputy Marshals of the Sejm to perform the tasks of the Marshal of the Sejm in matters related to petitions.

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audit to be carried out by the Supreme Audit Office, as well as non-acceptance by the Committee of the demand of the petition. The Rules of Procedure of the Sejm, using an open-ended catalogue, do not list all the ways in which petitions may be settled. In this respect, the Committee has certain discretion, which, of course, must be kept within the limits set by the Petitions Act and the Rules of Procedure of the Sejm.

It is also important that the petitioner be provided with information, as set out in Articles 8 and 14 of the Petitions Act. Information concerning the petition submitted, the course of the procedure, in particular the opinions consulted, the expected date and the manner of the Committee's settlement of the petition, shall be published in the Information System of the Sejm run by the Chancellery of the Sejm in an electronic form. The Information System of the Sejm publishes annually a summary information about the petitions considered in the previous year, which in particular contains data concerning the number of petitions, their subject matter and the manner of processing them.

From the point of view of the practice of processing petitions, the Rules of Procedure of the Sejm provide for in Article 126g that the principle of discontinuation of parliamentary work in a new term be excluded in relation to the proceedings concerning petitions. According to the established position of constitutional law scholars based on the case law of the Constitutional Tribunal, the principle of discontinuation of parliamentary work applies to the Sejm and means that "all cases, proposals and submissions regarding which parliamentary work has not been closed shall be deemed to have been finally settled in the sense of failure to take effect. They are therefore not forwarded in any form to the new Parliament".[13] The solution adopted in the Rules of Procedure of the Sejm assumes that if the proceedings on petitions in the Committee is not completed before the end of the term of office of the Sejm, it will be conducted by the Committee of the next term of office of the Sejm.[14] The exclusion of this principle was justified during the work on amending the rules of procedure of the Sejm, both by the constitutional rank of the right of petition and by the fact that the Petitions Act does not provide for the completion

[13] L. Garlicki, *Komentarz do art. 98*, [in:] *Konstytucja Rzeczypospolitej Polskiej*. *Komentarz*, ed. L. Garlicki, vol. 1, Warszawa 1999, pp. 30–31.

[14] The Senate draft Act on petitions (Senate Paper no. 2135/VII) originally contained a provision aimed at excluding the application of the principle of discontinuation to a bill submitted to the Sejm as a result of the examination of a petition by the relevant Sejm or Senate committee, in the same way as in the case of a citizens' bill, provided for in the Act of 24 June 1999 on the exercise of the legislative initiative by citizens (Journal of Laws 1999, no. 62, item 688). In accordance with Article 15 of the draft Act, the bill brought as a result of the examination of the petition by the competent committee of the Sejm or Senate, in respect of which the legislative proceedings were not completed during the term of office of the Sejm in which it was filed, was to be considered by the Sejm of the next term without the need to resubmit the bill concerned.

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of the examination of petitions at the end of the term of office of the Sejm and the Senate.[15] The importance of the right of petition also stems from the fact that, as is emphasised in the literature, the right of petition is also a means of protecting other constitutional rights and freedoms in the event of infringement by the addressees of the petition.[16] Scholars in the field also take the view that the legal construct of the exclusion of the principle of discontinuation of the work of the Sejm with regard to petitions, as adopted in Article 126 g of the Sejm Rules of Procedure of the Sejm, may in practice give rise to interpretative doubts.[17]

Linguistic interpretation of Article 126 of the Sejm Rules of Procedure stipulates that the exclusion of the principle of discontinuation of works applies only to one term of office, following the term in which the petition was submitted to the Sejm. An exception to the rule of discontinuity may apply to all actions taken by the Committee in the context of the petition proceedings. In particular, it may concern the adoption of desiderata, the preparation of which was decided by the Committee during the previous term, consideration of the responses to the desiderata adopted by the Committee of the previous term, or continuation of work on bills that were not submitted to the Marshal of the Sejm due to the expiry of the term of office.[18]

The three-year experience in processing petitions prompted the Committee, in the 8th term of the Sejm, to propose amendments regarding the handling of bills, which as a result of examination of petitions were adopted by the Committee and then submitted to the Marshal of the Sejm. The relevant draft amendment to the Rules of Procedure of the Sejm was adopted by the Board of the Committee and then submitted on 22 February 2019 to the Marshal of the Sejm.[19] The purpose of the proposed amendment was to allow the Committee to resubmit the bill in the next term of the Sejm, in the event that the proceedings regarding the bill were not completed due to the expiry of the term of the Sejm in which it was filed. In the explanatory memorandum of the draft resolution, attention was drawn to the situation in which the Committee considering the petition on behalf of the Sejm

[15] See the explanatory memorandum of the Committee-proposed draft resolution amending the Rules of Procedure of the Sejm (Paper no. 3407/VII), p. 6.

[16] M. Florczak-Wątor, *Komentarz do art. 63…*, p. 1450.

[17] See P. Chybalski, *Komentarz do art. 126g*, [in:] *Komentarz do regulaminu Sejmu Rzeczypospolitej Polskiej*, ed. A. Szmyt, Warszawa 2018, pp. 586–587.

[18] In more detail, see idem, *Kontynuowanie przez Komisję do Spraw Petycji postępowań w sprawie petycji, które zostały wszczęte w kolejnej kadencji*, "Zeszyty Prawnicze Biura Analiz Sejmowych" 2020, no. 1, pp. 58–62.

[19] The Petitions Committee does not have the right to propose resolutions to amend the Sejm's Rules of Procedure, as pursuant to Article 203 of the Sejm's Rules of Procedure, a draft amendment to the Rules of Procedure may be submitted by the Presidium of the Sejm, the Rules, Deputies' Affairs and Immunities Committee and a group of at least 15 deputies. However, the draft amendment to the Sejm's Rules of Procedure was not submitted by an authorized entity as a resolution-making initiative. Its text has not been published.

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deems it well-founded and decides to prepare a bill, but fails to submit it before the expiry of the term of office, then, under the currently applicable legislation, the petition will be handled by the Committee of the next term. On the other hand, when the Committee proposes a bill, then the petition has the status of a "settled petition", however, if the Sejm fails to process the draft, the work on the pursuit of the aim of the petition submitted may not be continued due to the principle of discontinuation of the parliamentary work. In this context, it was emphasised that the addressee of the petition is the Sejm, not the Committee, and therefore such a situation may raise doubts and may undermine confidence in the organs of the State. As intended by the authors of the draft, the Committee, within 6 months of the beginning of the next term of the Sejm, was supposed to review the bills proposed by the Committee of the previous term and take possible decisions on resubmission of those bills which it considers justified, without the need to file a petition in the same matter. Such a procedure, with respect of draft acts proposed to the Sejm as a result of the consideration of petitions, would, on the one hand, allow the rights of the petitioner to be protected, and on the other hand, would not infringe the essence of the principle of the discontinuation of the Sejm's work, namely that the new-term Sejm would not be bound by the results of unfinished work of the previous term of the Sejm.[20] Doubts arise as to whether the proposed amendment would in fact introduce another exception to the principle of discontinuation of parliamentary work, or whether it would merely provide a clear basis for the possible resubmission of a bill or a draft resolution adopted by the Committee as a result of considering a petition in the previous term of the Sejm, without the need to resubmit this petition to the Sejm.[21] In my view, what we would be dealing with here is a breach of the principle of discontinuation of the work of the Sejm, which would go beyond the stage of considering the petition in the rules of procedure sense, as proposing a bill is one of the ways of settling the petition and in this sense closes the proceedings in the petition case. Granting the right to resubmit a bill only (without the possibility of re-considering the petition) would mean that the body of the Sejm of the next term is bound by the way in which the petition case was resolved in the previous term, in this case only by the possibility of exercising the legislative initiative. The Committee of the new term, according to the proposal, could only decide to resubmit "the draft", i.e. the bill designed by the Committee functioning under the political arrangement of the previous term of the Sejm, which raises doubts in the context of the principle of the free mandate (Article 104 (1) of the 1997 Constitution). Perhaps it would be appropriate to consider allowing such a petition to be reconsidered by

[20] See E. Gierach, *Opinia na temat projektu uchwały Sejmu RP w sprawie zmiany Regulaminu Sejmu Rzeczypospolitej Polskiej*, "Przegląd Sejmowy" 2019, no. 2, pp. 159–160.

[21] P. Sadłoń, *Opinia prawno-legislacyjna o projekcie uchwały w sprawie zmiany Regulaminu Sejmu RP*, 11.3.2019, BL-020-7/19 (not published).

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the Committee in the Sejm of the new term, without the need of resubmitting the petition. This would enable the new body of the Sejm to decide both on the manner of dealing with the petition and the normative content of a possible bill.

When analysing the practice of hearing petitions by the Committee in recent years, it should be first noted that the Sejm received a significant number of petitions, and the demands contained in these petitions, as a rule, related to the introduction of changes in law.[22] In 2019, the Committee examined 162 petitions (including one multiple petition), two of which were left without examination by the Marshal of the Sejm, including one for the reasons referred to in Article 12 (1) of the Petitions Act. In 2020, the Committee examined 129 petitions (including two multiple petitions) and 332 petitions in 2021 (including one multiple petition).[23] For comparison, in 2019 the Marshal of the Senate sent 91 petitions to the Human Rights, Rule of Law and Petitions Committee, moreover, the Senate Committee continued work on 20 petitions from 2018. In 2019, the Marshal of the Senate sent 135 petitions (including one multiple petition) to the Human Rights, Rule of Law and Petitions Committee, the Committee continued work on 31 petitions from the 9th term of the Senate and 38 petitions from 2019, while in 2021 a total of 94 petitions (including one multiple petition) were submitted to the Committee, and the Senate Committee continued work on two petitions from the 9th term of the Senate and five petitions from 2019, which were submitted as late as in the 10th term, and 88 petitions from 2020.[24] For comparison, the aggregate information on petitions considered in the Chancellery of the Prime Minister shows that in 2019 there were six petitions, in 2020 – 10 petitions, and in 2021 – 15 petitions[25]. The number of petitions processed by the Committee confirms the concept of the solution for the hearing of petitions, adopted in the Rules of Procedure of the Sejm, based on the bodies of the Sejm, not the whole Sejm acting *in pleno*.

Turning to the discussion of the manners of processing a petition, it should be kept in mind that the Committee has been left open to possible actions in this case, only by listing a few of the above-mentioned solutions as examples. The resolutions of the Committee, in accordance with the general provisions of the Sejm's Rules of Procedure concerning committee meetings, are passed by a simple majority of

[22] See also the analysis of the early period of the work of the Committee: E. Gierach, P. Chybalski, *op. cit.*, pp. 466–473.

[23] Sejm RP, *Informacje roczne o złożonych petycjach…*

[24] *Zbiorcza informacja o petycjach rozpatrzonych w 2021 roku*, https://www.senat.gov.pl/gfx/senat/userfiles/_public/k10/petycje/zbiorcza_informacja_o_petycjach_rozpatrzonych_w_2021_2.pdf (access: 30.6.2022).

[25] Kancelaria Prezesa Rady Ministrów, *Zbiorcze informacje roczne o petycjach rozpatrzonych*, https://www.gov.pl/web/premier/zbiorcze-informacje-roczne-o-petycjach-rozpatrzonych (access: 30.6.2022).

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votes in the presence of at least one-third of the members, while the Committee is a so-called small committee and currently has 17 members.[26]

In 2019, the Committee, holding 48 meetings, decided not to accept the petition demand in 73 cases, while in 69 cases the Committee decided to accept the desideratum, and in 16 cases it decided to propose a bill. In two cases, the Committee accepted the requests of the petition's authors in part, deciding to adopt the desiderata, while at the same time deciding not to accept the demand of the petition with regard to the remaining postulates. Moreover, in one case, the Committee referred the case under petition to the head of the National Electoral Office. In one case, it was decided to refer the petition to another parliamentary committee. In 2019, the Committee performed 12 legislative initiatives and adopted 73 desiderata (37 addressed to the Prime Minister, the remaining to ministers and one to the Chief Labour Inspector). In 2020, the Committee held 27 meetings, during which 66 cases decided to adopt a desideratum, in 54 cases it refused to accept the petition demand, and in seven cases it decided to propose a bill and decided not to take them into account with regard to the remaining postulates of the petition. The Committee in one case accepted the demand of the petition in part deciding on the adoption of the desideratum while dismissing the remaining postulates. Also in one case, the Committee partially disregarded the petition demands, and in one case it decided to submit a request to the National Broadcasting Council and the Ombudsman for Children. All in all, in 2020, the Committee adopted and submitted to the Marshal of the Sejm nine bills and one draft resolution, and issued 44 desiderata, mostly addressed to the Prime Minister (24 desiderata). The year 2021 included 55 meetings of the Committee, during which the Committee rejected petition demands in 179 cases, in 128 cases decided to adopt desiderata, and in nine cases it decided to adopt opinions. In 2021, the Committee decided to forward the petition – in six cases to another parliamentary committee, in one case to the Marshal of the Sejm and in one case to the Minister of Family and Social Policy. Generally, in 2021, the Committee submitted 10 bills to the Marshal of the Sejm and passed 113 desiderata (39 to the Prime Minister, 31 – to the Minister of Justice, the rest to other ministers and one to the Head of the Chancellery of the Prime Minister).

When analysing the ways of processing petitions by the Committee, it should be stated that the use of an open-ended catalogue in the Sejm's Rules of Procedure and giving the Committee the freedom of choice of how to deal with the petition is an appropriate solution due to the specific nature of the demands contained in petitions. A growing number of desiderata adopted by the Committee is worth noting.[27] In 2021, the Committee, when considering petitions, decided to adopt eight

[26] As of 3 October 2022.

[27] As of 13 September 2022, from the beginning of the 9th term, the Committee adopted 286 desiderata. See Sejm RP, *Komisja do Spraw Petycji (PET)*, IX kadencja, https://www.sejm.gov.pl/Sejm9.nsf/agent.xsp?symbol=DEZYDERST&NrKadencji=9&KodKom=PET (access: 30.9.2022).

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opinions for the Prime Minister or the Ministers. In these opinions, the Committee recommends that certain amendments to legislation be taken into account. Moreover, in one case, an opinion was adopted for the Committee on Social Policy and Family on the draft Act amending the Act on retirement and disability pensions from the Social Insurance Fund and the Act on the organisation and functioning of pension funds, examined by that committee.[28] However, in parliamentary practice, the following petition settling methods listed in the Rules of Procedure of the Sejm have not yet been applied: the option for the Committee to request an audit by the Supreme Audit Office and for the Committee to submit an amendment or a proposal to a bill or a draft resolution during its consideration by another Sejm committee or during the second reading of the draft. The latter method of processing the petition, grants the Committee the right to propose amendments during the legislative procedure, being a unique right in the Sejm's Rules of Procedure.[29] Under the Rules of Procedure of the Sejm, only the Legislative Committee has been given similar, yet not identical, powers in the legislative process. This committee has been given responsibility during the work on bills in other committees (where the bill has not been referred to the Legislative Committee) and at the stage of consulting on the amendments to the bill proposed at the second reading.[30]

One of the manners to decide a petition is submitting a bill by the Committee. The number of bills proposed by the Committee has remained at a similar level for several years. In 2019, this included 12 bills, in 2020 – 9 bills, and in 2021 – 10 bills. Given that the vast majority of petitions heard by the Committee concern a request for legislative change, a few comments should finally address the exercise of the legislative initiative by the Committee.

Internal acts of the Chancellery of the Sejm assign tasks for individual offices of the Chancellery of the Sejm related to the consideration of petitions filed with the Sejm.[31] The responsibilities of the Social Communication Bureau related to petitions proceedings include the substantive and organisational-technical service for the Committee and running its secretariat, while the Sejm's Bureau of Research

[28] See opinions adopted by the Committee in 2022: Sejm RP, *Opinie Komisji*, IX kadencja, https://www.sejm.gov.pl/Sejm9.nsf/agent.xsp?symbol=OPINIEST&NrKadencji=9&KodKom=PET (access: 30.9.2022).

[29] Constitutional doubts in this respect have been raised by E. Gierach and P. Chybalski (*op. cit.*, p. 464). These authors point out that a Sejm committee is not an entity constitutionally empowered to submit amendments to a bill during its consideration by the Sejm, they also note similar powers of the Legislative Committee.

[30] For more detail, see P. Kędziora, *Wybrane instytucje dotyczące postępowania ustawodawczego wprowadzone do regulaminu Sejmu w kadencjach IV i VI i ich wykorzystanie w praktyce parlamentarnej*, [in:] *25 lat transformacji ustrojowej w Polsce i w Europie Środkowo-Wschodniej*, eds. E. Gdulewicz, W. Orłowski, S. Patyra, Lublin 2015, pp. 279–282.

[31] See Order No. 10 of the Chief of the Chancellery of the Sejm of 25 March 2002 on the organisational rules of the Chancellery of the Sejm (not published).

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prepares opinions on petitions submitted to the Sejm, the consideration of which requires special legal expertise. If the Committee decides to draft a bill, the experts working for the Committee, assisted by employees of the Chancellery of the Sejm, draft a preliminary bill together with its substantiation. The draft is then referred by the Chairman of the Committee to the Legislative Bureau with a request for substantive support in legislative work on the bill. Responsible legislators of the Legislative Bureau analyse the documents sent and, on a working basis, contact the Committee's experts and provide legal and legislative consultancy on the bills and present formal comments on the explanatory memoranda. Once the comments have been presented and the content of the preliminary bill has been agreed, the document is considered at a meeting of the Committee. The Legislative Bureau legislator who has analysed the bill also attends the Committee meeting. The Committee decides at its meeting whether to undertake the legislative initiative, and then the bill is submitted together with the explanatory memorandum to the Marshal of the Sejm.

In the 8th term of the Sejm, the Committee submitted 36 bills to the Marshal of the Sejm. In 35 cases, the Marshal of the Sejm gave effect to the Committee's initiatives.[32] The legislative process for the bills brought by the Committee in 15 cases was concluded with the adoption of a law.[33] Analysing all the Committee legislative initiatives of the 8th term of the Sejm, it should be stated that the Com-

[32] See Sejm RP, *Prace Komisji*, VIII kadencja, https://www.sejm.gov.pl/sejm8.nsf/agent.xsp?symbol=INICJATYWY_KOM&NrKadencji=8&KodKom=PET (access: 6.10.2022). The Marshal of the Sejm did not give effect to the draft Act amending the Code of Civil Procedure, the Code of Criminal Procedure and the Law on Procedure before Administrative Courts, brought on 15 December 2016. See Sejm RP, *Wniesione projekty ustaw, którym nie został nadany nr druku*, VIII kadencja, https://www.sejm.gov.pl/sejm8.nsf/agent.xsp?symbol=PROJNOWEUST&NrKadencji=8&Kol=D&Typ=UST (access: 6.10.2022).

[33] These were the laws adopted as a result of consideration of the following bills: draft Act amending the Act on agricultural tax and the Act on local taxes and fees (Sejm Paper no. 1232/VIII); draft Act amending the Act on the Press Law (Sejm Paper no. 1793/VIII); draft Act amending the Act on the provision for the disabled due to war or military service and their families and certain other acts (Sejm Paper no. 1888/VIII); draft Act amending certain acts to improve the terminological consistency of the legal system (Sejm Paper no. 1891/VIII); draft Act amending the Code of Infractions (Sejm Paper no. 1996/VIII); draft Act amending the Act on the professions of medical practitioner and dental practitioner and the Act on the rights of patients and the Commissioner for Patients' Rights (Sejm Paper no. 1998/VIII); draft Act amending the Act on drivers of vehicles (Sejm Paper no. 2090/VIII), draft Act amending the Act on drivers of vehicles (Sejm Paper no. 2295/VIII); draft Act amending the Act on the National Labour Inspectorate (Sejm Paper no. 2351/VIII); draft Act amending the Press Law (Sejm Paper no. 2253/VIII); draft Act amending the Act on lost and found items (Sejm Paper no. 2582/VIII); draft Act amending the Act on gambling (Sejm Paper no. 2770/VIII); draft Act amending the Act on the disclosure of information about documents of state security authorities from 1944 to 1990 and the content of these documents (Sejm Paper no. 3024/VIII); draft Act amending the Law on advocates and the Act on legal advisers (Sejm Paper no. 3027/VIII); draft Act amending the Postal Law (Sejm Paper no. 3115/VIII).

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mittee was the most active of the Sejm committees in terms of the exercise of the right of legislative initiative.[34]

In the 9th term of the Sejm, the Committee submitted 29 bills, of which 28 were given effect for further proceedings.[35] The legislative process ended with the adoption of a law in the case of five bills submitted by the Committee.[36] Also in the 9th term of the Sejm, the Committee remains the parliamentary committee which exercises legislative initiative most frequently.[37]

CONCLUSIONS

The parliamentary practice of recent years proved right the choice of the petitions procedure model in the Sejm based on the Marshal of the Sejm and the Petitions Committee. The number of petitions filed with the Sejm and the detailed provisions of the Petitions Act would make the involvement of the Sejm acting *in pleno* in the petitions procedure non-functional. The regulation on the procedure conducted by the Committee has also proved its worth as regards the way in which petitions are handled. The solution of open-ended catalogue used in the Sejm's Rules of Procedure and granting the Committee the option of choosing how to deal with petitions should also be considered adequate. Most of the petitions heard by the Committee concerned the request for legislative changes, but the characteristics of the specific requests contained in the petitions meant that the Committee handled the petitions differently than provided for expressly in the Sejm's Rules of Proce-

[34] In the 8th term of the Sejm, the Marshal of the Sejm gave effect to 48 Committee's legislative initiatives. In 27 cases, the proceedings with these bills were concluded with the passing of a law. See *Sejm Rzeczypospolitej Polskiej VIII kadencja. Informacja o działalności 12 listopada 2015 r. – 11 listopada 2019 r.*, Warszawa 2020, p. 126.

[35] See Sejm RP, *Prace Komisji*, IX kadencja, https://www.sejm.gov.pl/Sejm9.nsf/agent.xsp?symbol=INICJATYWY_KOM&NrKadencji=9&KodKom=PET (access: 3.10.2022). So far the Marshal of the Sejm has not given effect to the Committee's draft Act on the amendment of the Electoral Code, brought on 9 February 2022. See Sejm RP, *Wniesione projekty ustaw którym jeszcze nie został nadany nr druku*, IX kadencja, https://www.sejm.gov.pl/Sejm9.nsf/agent.xsp?symbol=PROJNOWEUST&NrKadencji=9&Kol=D&Typ=UST (access: 3.10.2022).

[36] These laws were adopted as a result of consideration of the following bills: draft Act amending the Act on state-owned enterprises and the Act on municipal management (Sejm Paper no. 240/IX); draft Act amending certain acts to improve the terminological consistency of the legal system (Sejm Paper no. 744/IX); draft Act amending the Act on the National Labour Inspectorate (Sejm Paper no. 1088/IX); draft Act amending the law on the National Bank of Poland (Sejm Paper no.1227/IX); draft Act amending the Act on municipal local government (Sejm Paper no.1969/IX). See Sejm RP, *Prace Komisji*, IX kadencja.

[37] According to the Information System of the Sejm, as of 6 October 2022, 34 bill proceedings were initiated by the Sejm committee, of which in nine cases the proceedings were concluded with the adoption of the law.

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dure. Especially worth noting is the growing number of decisions adopted by the Committee, or the adoption in 2021 of opinions addressed to the President of the Council of Ministers and ministers competent for the legislation covered by the petitions. During the period in question, the Committee also decided to forward the petitions to other bodies of the Sejm (other Sejm committees, or the Marshal of the Sejm) as well as to third parties (the Minister of Family and Social Policy, the Head of the National Electoral Office). The Committee also submitted applications concerning requests contained in the petitions to the National Broadcasting Council and to the Ombudsman for Children. The number of bills submitted by the Committee to the Marshal of the Sejm has remained quite stable in recent years, and the Committee is the most active of the Sejm committees in terms of exercise of the right of legislative initiative. Some of the methods listed in the Sejm's Rules of Procedure for settling petitions have not yet been applied in parliamentary practice, these include the possibility for the Committee to request the Supreme Audit Office to initiate an audit, and (being a constitutionally questionable solution) to submit an amendment or a proposal to a bill or resolution during its consideration by another Sejm Committee or during the second reading of a bill.

As regards the proposals for amendments submitted in relation to the processing of petitions in the Sejm, it should be noted that there were not many of them. The amendment proposals developed in the Committee itself in 2019 concerned the extension of the scope of matters that are not covered by the principle of discontinuation of the work of the Sejm. The proposed amendment was to allow the Committee to re-submit a bill to the Marshal of the Sejm where the proceedings with the bill submitted in the previous term of the Sejm were not completed due to the expiry of the term of office. This proposal may raise doubts, as it provided only for the possibility of resubmitting the bill (without the right to reconsider the petition), which would mean rendering the Committee of the next term bound by the way in which the petitions were handled, namely the implementation of the legislative initiative, as defined in the previous term. Such a solution is doubtful in view of the principle of a free parliamentary mandate. To respond to the arguments put forward in the explanatory memorandum of this proposal, consideration should be given to allowing the Committee to reconsider the petition in the new parliamentary term without the need for resubmitting the petition by the authorised entity. Such a solution would enable the body of the Sejm of the new term to decide both on the manner of processing the petition and on the normative content of a bill, if proposed.

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ABSTRAKT

Przedmiotem artykułu jest prezentacja rozwiązań proceduralnych przyjętych w Regulaminie Sejmu, których celem było dookreślenie trybu rozpatrywania petycji w Sejmie, a zatem realizacja konstytucyjnego prawa petycji. Autor nawiązuje do historycznych prób ustawowego uregulowania trybu rozpatrywania petycji. Uwagi dotyczące aktualnych ustawowych podstaw składania petycji do Sejmu oraz przepisy dotyczące wewnątrzsejmowego rozpatrywania petycji przez organy Sejmu – Marszałka Sejmu oraz Komisję do Spraw Petycji, są przedstawione na tle praktyki parlamentarnej ostatnich lat. Autor prezentuje dane statystyczne dotyczące petycji kierowanych do rozpatrzenia przez Komisję do Spraw Petycji oraz dominujące w praktyce rozpatrywania petycji sposoby ich załatwiania. Przedstawione są również uwagi *de lege ferenda* odnośnie do trybu rozpatrywania petycji w Sejmie, które były przedmiotem rozważań w ostatnich latach.

Słowa kluczowe: konstytucja; petycje; Sejm; Regulamin Sejmu; komisje sejmowe