

THE FEATURES OF LEGISLATIVE PROCESS IN THE COUNTRIES OF THE VISEGRAD GROUP: A DESCRIPTIVE AND COMPARATIVE ANALYSIS

The article is dedicated to analyzing, comparison and synthesis of the features of legislative process in the countries of the Visegrad group. It was emphasized on a descriptive and comparative analysis of the proposed cases. The researcher motivated that the countries of the Visegrad group are nominally and practically characterized by variational procedures and patterns of legislative process. This is determined by the fact that there are unicameral (more legislatively stable) and bicameral (more legislatively volatile) legislatures in the region, which use different procedures of legislative process. Although it was recognized that in general (in the case of the unicameral and bicameral parliaments of the countries of the Visegrad Group) legislative process is largely implemented in the same way, but with some differences.

Keywords: parliament, legislature, legislative process, unicameralism, bicameralism, the countries of the Visegrad group.

ОСОБЛИВОСТІ ЗАКОНОДАВЧОГО ПРОЦЕСУ В КРАЇНАХ ВИШЕГРАДСЬКОЇ ГРУПИ: ДЕСКРИПТИВНИЙ І ПОРІВНЯЛЬНИЙ АНАЛІЗ

Проаналізовано, порівняно й синтезовано особливості законодавчого процесу в країнах Вишеградської групи. Наголошено на дескриптивному і порівняльному аналізі запропонованих кейсів. Вмотивовано, що країни Вишеградської групи номінально і на практиці характеризуються варіативними процедурами та патернами законодавчого процесу. Детерміновано це тим, що в регіоні діють унікамеральні (більш стабільні законодавчо) та бікамеральні (більш волатильні законодавчо) легіслатури, які послуговуються відмінними процедурами законодавчого процесу. Хоча встановлено, що загалом у випадку унікамеральних та бікамеральних парламентів країн Вишеградської групи законодавчий процес реалізовується в значній мірі однаковим чином, але за винятком деяких відмінностей.

Ключові слова: парламент, легіслатура, законодавчий процес, унікамералізм, бікамералізм, країни Вишеградської групи.

Legislative process is one of the most significant forms of state activity, aimed at creating/generating (or revising) legal and regulatory and subordinate acts. Herewith, namely adoption of laws is, without doubt, one of the most important functions of parliaments, what is mentioned in the bodies of national constitutions. Correspondingly, the task of parliaments is to adopt laws, which⁶ first of all, are characterized by their binding nature for citizens and political institutions. In this context features of legislative process in the countries of the Visegrad group – Poland, Slovakia, the Czech Republic and Hungary require descriptive consideration and comparative analysis, as these countries in fact simultaneously started reforming in order to join the European Union, but practically are characterized by variational procedures and patterns of legislative process, what actualizes the question as to different techniques, stages and consequences of the legislative process.

Current range of problems is much represented in scientific works by the following scholars S. Eng¹, K. Goetz and R. Zubek², R. Kimber³, N. Panchak-Bialoblotska⁴, A. Romaniuk and V. Lytvyn⁵, S. Wronkowska-Jaskiewicz⁶, M. Zander⁷ and others, as well as directly on the sites of national legislative bodies in the countries of the Visegrad group. However, they mainly represent research on individual cases within the countries of the region under analysis, however little attention is paid to the Visegrad group as one analytical unit.

The analysis of the abovementioned works let us generally observe, that the countries of the Visegrad group are characterized by the so-called “British” model of legislation or a legislative process, which presupposes passing three stages of discussing the majority of draft laws⁸. However, these implementation arrangements for this principle and model radically differ in each of the analyzed states, what, by all means, is a methodological motive to consider this issue in the context of descriptive and comparative research. The point is that Poland, Slovakia, the Czech Republic and Hungary are rather distinctive polities, notably institutionally, politically, party and electorally and so on. Therefore, it is possible to trace distinctive variations while interpreting the “British” model of legislation process. It is mainly represented and dependable on the fact that national legislative bodies in the countries of the Visegrad group are variable as to their structure and arrangement – unicameral and bicameral, and thus it marks certain

¹ Eng S., *Legislative Inflation and the Quality of Law*, [w:] Wintgens L. (ed.), *Legisprudence: A New Theoretical Approach to Legislation*, Wyd. Hart 2002, s. 65-79.

² Goetz K., Zubek R., Government, Parliament and Lawmaking in Poland, „*The Journal of Legislative Studies*” 2007, vol 13, nr. 4, s. 517-538.; Zubek R., *Legislative Time, Executive Rules and Government Lawmaking*, Paper prepared for ECPR Joint Sessions Helsinki, 2007.

³ Kimber R., *Constitutions, treaties, and official declarations*, Wyd. PS Resources, źródło: <http://www.politicsresources.net/const.htm> [odczyt: 28.11.2018].

⁴ Panchak-Bialoblotska N., *Polityczna struktura zjazdów parlamentów krajów Środkowej Europy*, Wyd. PAIS, 2014.

⁵ Romaniuk A., Lytvyn V., *Porivniialnyi analiz politychnykh instytutiv kraїн Vyshebrnads'koi hrupy ta inshykh kraїн Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016.

⁶ Wronkowska-Jaskiewicz S., *Ustawodawstwo w państwie prawa. Siedem tez do dyskusji*, [w:] Lipińska M. (ed.), *Stanowienie prawa – kompetencje Senatu w procesie legislacyjnym*: Materiały z konferencji zorganizowanej przez Komisję Ustawodawstwa i Praworządności pod patronatem Marszałka Senatu RP Longina Pastusiaka 22 października 2002 r., Wyd. Kancelaria Senatu 2002, s. 13-25.

⁷ Zander M., *The law-making process*, Wyd. Cambridge University Press 2004.

⁸ Zander M., *The law-making process*, Wyd. Cambridge University Press 2004.

features of legislative processes in them. In particular, it is known that unicameralism is permanently inherent to Hungary and Slovakia, while bicameralism is traditionally found in Poland and the Czech Republic. Consequently, determination of features of a legislative process in the countries of the Visegrad group must be descriptively and comparatively connected with the structure of national legislature bodies in the countries from the analyzed region. In fact, it is important to take into account the axiomatic remark that in unicameral legislatures namely the whole composition of parliaments is clearly responsible for adopting legislative acts of generally national significance, because legislative bodies are formed on the basis of national elections. At the same time we should bear in mind the remark that a legislative process in bicameral parliaments is characterized by a more time-consuming procedure than in unicameral parliaments, as in the former it is assembled and structured in two chambers of legislature (under condition that upper chambers of parliaments are not obligatory nation-wide elected), and not in one as it happens with the former.

A classic example of the “British” model of legislature for unicameralism to our mind is Slovakia. In this country constitutional and other laws, as well as amendments to them are considered and adopted by a single chamber of the National Council, which later has control over them. Its legal and regulatory acts (or legislations) regulate relations in all spheres of social, political and social-economic life etc. Herewith, draft laws may be introduced by committees and members of parliament and government cabinet, and a legislative process in the parliament consists of three readings. During the first reading, in particular, in the course of general debates, when none amendments can be introduced, a legislative body may: recommend a draft law for further development; close the debate concerning a draft law; submit a draft law for the second reading. In its turn, the National Council during the second reading initiates debates over the draft law in at least 48 hours from the date of receiving a report from committees or information from special reporters. Making amendments or supplements to the draft law is possible only after their approval by at least 15 deputies (with a nominal composition of legislative body of 150 deputies). Finally, at the third reading the form of amendment may have only those questions, which require checking legislative mistakes of technical nature, correction grammatical mistakes and mistakes of written character or typing errors. Other amendments and supplements to draft laws must be introduced by at least 30 deputies (or 1/5 from the complete composition of legislature). Correspondingly, at the third reading a draft law can be either adopted or annulled/rejected⁹. Of great interest is the fact that ordinary (non-fundamental/non-constitutional) laws are adopted by a relative majority of parliamentary deputies under condition that at the meeting of legislative body there are at least 76 deputies (i.e. 50% + 1 deputy of a nominal composition of legislature). Therefore, theoretically a draft law can be adopted by at least 39 deputies, but under condition that at the meeting there is a minimal quorum to consider such meeting to be open. In their turn, some legislations and decisions are passed by an absolute majority of a nominal composition of a legislative body (i.e. at least 76 deputies out of 150). In such case, for example, we speak of a decision concerning

⁹ *Postavenie a právomoci*, zdrojlo: <https://www.nrsr.sk/web/Default.aspx?sid=nrsr/poslanie> [odczyt: 29.11.2018].

a vote of no-confidence in government or its members, to confirm appointment of candidates on the posts of the speaker or deputy speakers etc. Finally, constitutional laws and decisions as to the internal format of legislature work are passed by the majority of 3/5 (at least 90 deputies) of the nominal composition of a parliament. In order a law to become operative it must be promulgated and published in the “Journal of laws”. At the same time all significant international agreements and acts, vetoed by the president (suspensory veto), are passed by an absolute majority of deputies of the full composition of parliament. However, even at that construction of unicameralism and combination of systems of relative and absolute majority for passing the laws Slovakia is characterized by a relatively small number of regulatory and legal acts, adopted by legislature. Thus, over 1994–1998 were adopted 313 laws, over 1998–2002 – 532 laws, over 2002–2006 – 550 laws, over 2006–2010 – 530 laws¹⁰, over 2010–2012 – 208 laws, over 2012–2016 – 455 laws (here we mentioned periods of legislature convocation between the parliamentary elections). In its turn, current, at the moment of analysis, convocation of the National Council 2016–2020 (as of June 2018) were introduced 748 draft laws (majority by the deputies from a legislative body), among which 222 have been passed, 446 have been rejected, 14 have been vetoed by the president etc¹¹. It is rather notable that Slovakia does not adopt laws in a fast-track procedure and the president quite rarely refuses from promulgation the acts of national legislation.

A bit different and much more complicated are features of the “British” model under conditions of unicameralism in Hungary. The point is that before and after adoption of a new constitution in 2011 in Hungary (of course, after the collapse of the “real socialism” regime and introduction of amendments to the new constitution) its parliament has been positioning itself not only as a legislative institution, but also as a body, endowed with constitutional rights (because since 1990 the Hungarian legislative system has been formed on the provisions of law, due to which a formerly inherent practice of government directives predominance (or presidium orders) was changed or the principle laws priority ranking). And this determines that in Hungary there is no need to ratify the constitution and amendments to it by means of referendum, though the National Assembly (parliament) can fall back on this procedure to have a detailed view of people’s opinion concerning any mentioned problems. However, on the other hand, people and deputies do not have a right to initiate referendum by their own, concerning the questions, which directly concern the amendments to the constitution, as the only body which is directly delegated to do that is the National Assembly. This, as it was mentioned before, is stipulated by the fact that at a former stage of its functioning the Hungarian parliament was not the center of taking legal and regulatory decisions, as in the course of 1945–1990 it adopted only 472 laws, 100 of which were passed a year before the change of the “real socialism” regime towards liberalization and democratization. And on the contrary, over 1990–2018 have been passed almost 2 000 new laws and over 2 000 laws in the form of amendments, i.e. on average 140 laws a year (see Table 1). It is presupposed by the

¹⁰ Romaniuk A., Lytvyn V., *Porivnialnyi analiz politychnykh institutiv krain Vyshehradskoi hrupy ta inshykh krain Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164–180.; Panchak-Bialoblotska N., *Politychna strukturyzatsiia parlamentiv krain Tsentralnoi Yevropy*, Wyd. PAIS, 2014.; *Historia legislativnej chinnosti NR SR*, źródło: https://www.nrsr.sk/web/Static/sk-SK/NRSR/historia_legislativnej_chinnosti_NR_SR.rtf [odczyt: 28.11.2018].

¹¹ *Stručný prehľad o činnosti NR SR v VII. volebnom období k 30. 6. 2018*, źródło: https://www.nrsr.sk/web/Static/sk-SK/NRSR/strucny_prehľad_o_chinnosti_NR_SR_k_20180630.rtf [odczyt: 28.11.2018].

fact that laws in Hungary are passed only by the parliament, and the very phenomenon of a law is regulatory for a whole range of “ordinary” and “exclusive” spheres of legislation. Besides, the key principle of a legislative process in Hungary is the norm, according to which, an adopted law can be alternated or abolished only on the basis of a new legislation.

Table 1. Statistics on the legislative process in the parliament of Hungary (1990–2018)

Period of parliament's mandate	Number of passed laws			Number of adopted resolutions	Total
	New laws	Laws by means of amendments	Total		
1990–1994	219	213	432	354	786
1994–1998	264	235	499	455	954
1998–2002	273	187	460	394	854
2002–2006	262	311	573	488	1061
2006–2010	262	325	587	421	1008
2010–2014	321	538	859	419	1278
2014–2018	221	509	730	121	851
Total	1822	2318	4140	2652	6792

Źródło: Romaniuk A., Lytvyn V., *Porivnialnyi analiz politychnykh instytutiv krain Vyshehradskoi hrupy ta inshykh krain Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164–180.; *Legislation activity of the Parliament*, źródło: <http://www.parlament.hu/web/house-of-the-national-assembly/legislation-activity-of-the-parliament> [odczyt: 28.11.2018].

Therefore, now the National Assembly is by all means a legislative body in Hungary. But initially (in particular in the early 90s of the 20th century) there were serious difficulties while creating the system of resources, solving contributory problems and alleviating danger, concerning the point that the number of laws may affect their quality. To solve this contradiction several steps were implemented: there appeared the norm that the government is obliged to offer the program of its legislative activity for its term of office; a strict division of a legislative process, was based on a different order of committees and plenary meetings, as a result of which it became possible to introduce and discuss amendments to different draft laws; the role of law selection in committees was established and later institutionalized: they in advance take decisions whether a proposal will be put on the agenda, whether it is necessary to consider amendments, which do not enjoy great support; a system of designating committees in charge of draft laws was worked out according to an impartial scheme of legislative assignment among them; was adopted the principle in accordance with which, the subjects to justification are not only legislations but also draft amendments, which may have social-economic and political consequences, the latter must be obligatory mentioned; was minimized the influence of errors in the course of a legislation process due to the usage of a clear methodology of defining the term legislation, broadening the frames of final voting and preparation of “combined proposals” which unite the voting results for different draft amendments; the system of extraordinary

legislative process while dealing with the state budget was improved; a professional codification group, which is used as a resource of a judicial department, was created¹².

Herewith, the constitution (both old and new) clearly enumerates the spheres, which can be regulated exclusively by laws¹³. As it was mentioned above, here belongs the so-called “exclusive spheres of legislation”, almost 30 in total. It is significant that exclusive legislative powers, delegated by the National Assembly, are rather great. Though the parliament can adopt laws in other spheres. However, most frequently it happens on the basis of government’s proposals: though it is possible to observe gradual broadening of legislative regulations of the National Assembly in new social and economic spheres. From this perspective special attention must be paid to a group of laws (sometimes they are called fundamental), which are adopted by a qualified majority – not less than 2/3 of all legislative deputies (earlier a full composition of parliament consisted of 386 deputies and nowadays there are only 199). For the first time these laws are proposed into the Hungarian system according to the amendments to the old constitution, which came in force on October 23 1989, but at that time a qualified majority of all deputies was required only to pass constitutional amendments. Nowadays, this qualified majority of all elected deputies is also required to pass the laws which possess higher/cardinal legal force, compared to constitutional: i.e. it is referred to the so-called constitutional laws¹⁴. To the spheres of their functional obligations belongs, for example, a range of problems concerning introducing amendments to the constitution, regulations of the National Assembly, declaration of international agreements, election of the president of Hungary (however, only during the first voting), election and dismissal of the members of the constitutional court and some other judicial authorities and services, voting for the prosecutor general, president of the public audit service, parliamentary commissioners for fundamental rights, imposing, resuming and terminating the state of emergency or martial law etc. At the same time, the law concerning deviations from current rules and procedures (regulations) of the National Assembly can in fact be passed exclusively by a qualified majority, not less than 4/5 of present deputies of legislature. However, less strict rules, in particular in the form of 2/3 of present deputies of legislature are used while adopting or introducing changes to the cardinal laws, laws concerning regulations of the National Assembly (some points), announcement of deputies and president elections or resignation of the prime-minister and government, who do not carry out their job, deployment of the army of Hungary abroad or within the country, termination of parliamentary deputies’, speaker’s and prosecutor general’s immunity, electing acting president etc¹⁵. Other laws and decisions of the Hungarian legislature, if nothing

¹² Panchak-Bialoblotska N., *Polityczna struktura i zasluga parlamentu krajn Tsentralnoi Yevropy*, Wyd. PAIS, 2014.

¹³ Kimber R., *Constitutions, treaties, and official declarations*, Wyd. PS Resources, źródło: <http://www.politicsresources.net/const.htm> [odczyt: 28.11.2018].

¹⁴ *The legislative process*, źródło: <http://www.parlament.hu/web/house-of-the-national-assembly/the-legislative-process> [odczyt: 28.11.2018].

¹⁵ *Voting: Decisions requiring a qualified majority*, źródło: <http://www.parlament.hu/web/house-of-the-national-assembly/laws-requiring-a-two-thirds-qualified-majority> [odczyt: 28.11.2018].

else is presupposed by the law are passed by an absolute majority of deputies from a nominal composition of the National Assembly. In this context it is observed that relying on principle of a qualified majority (in its different formats) aims at ensuring some political guarantees. In particular, this mechanism provides wide support of the parliament while developing key institutions of the legal state and while regulating and protecting main rights and freedoms of people and citizens. The necessity of the principle can be easily seen from the fact, that at first it was not clear which political forces could win the elections and thus there could appear the wish to strengthen positions of power on the basis of changing the national legislation, what in fact happened in the early 2010s.

The features of a legislative process in Hungary also revealed in the fact that in the state there are two procedures of adopting laws – ordinary and extraordinary. Herewith, the right for legislative initiative belongs to the president, government, each parliamentary committee and each deputy of the legislature. It can be seen that the draft of a law can be proposed by bodies and individuals that are delegated to introduce draft laws for consideration of the National Assembly and that perform it only in written form with the procedure of justification. At the same time the author of the draft law or legislation can at any time, but not just before the final voting, scrap it or recommend for further development (however, with the approval of the National Assembly). In fact it was discovered that the majority of draft laws are introduced by the government, a bit less – by deputies and committees. Along with that, the head of the state uses the right of legislative initiative very rarely (however, it was rather common over 1990-1994)¹⁶. Of great importance is the fact that in Hungarian parliamentary vocabulary there is a tendency towards unification of two different notions as synonyms, in particular terms “draft law” and “bill”, though in fact they do not mean the same. Because a draft law is a text of a law, which is introduced to the National Assembly for consideration. However, at the stage of introducing a draft law, for example, while achieving a consensus between the ministry/government and group of interests, the text of a draft law is called a bill. Therefore, the government is discussing a bill, while the parliament gets a draft law for consideration.

It is notable, that while introducing a draft law for consideration to the parliament, there must be its general and detailed justification, what makes parliamentary debates significantly easier. A necessary requirement is to ascertain the goals of the initiator of the project and ways of its future implementation. In general the main traditional elements of the legislative process in Hungary are the preparatory role of committees, method of plenary meetings with its division into general and detailed discussion, introduction of draft amendments by committees and deputies, as well as two-round voting – the first for draft amendments and the second for the law in general. Herewith, in the course of a legislative process plenary meetings and debates in committees follow each other in the order established in advance. Consideration of a legislation begins with a preparatory stage in the committee¹⁷. The head

¹⁶ Romaniuk A., Lytvyn V., *Porivniabryi analiz politychnykh institutiv krain Vyshebradskoi hrupy ta inshykh krain Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164-180.

¹⁷ *The legislative process*, źródło: <http://www.parlament.hu/web/house-of-the-national-assembly/the-legislative-process> [odczyt: 28.11.2018].

of the parliament appoints a draft law for consideration in one or several committees. The National Assembly must discuss draft laws, introduced by the government, president and committees. Besides, in case if there are any proposals, introduced by deputies, the committees which are in charge of these draft laws decide, whether they will be discussed in the parliament in general. This is a crucial moment, according to which the agenda of the legislature is formed. If the committee does not do this, then any parliamentary faction can demand from the parliament itself to take a decision. Sometimes there can be a situation when the parliament denounce the committees' decisions. At the same time the committee expresses its attitude towards draft amendments, offered by deputies, and after their detailed discussion expresses its opinion towards any additional draft amendments. If the committee considers it necessary, then it can offer its own draft amendments. In this context a basic rule of voting for amendments is that the voting may be conducted only in case if a draft amendment gets support of at least 1/3 of members of a relevant committee (i.e. committee which is responsible for consideration of a draft law). Draft amendments, introduced by the government, committees and deputies which do not have legislative errors are considered by the Committee for constitutional issues. Only after it, the law (as a draft law) can be put to vote as a whole. Herewith, the speaker of the parliament must sign the law no more than in 5 days and direct it to the head of state/president for promulgation (the latter has 5 days as well). It is important that during plenary debates deputies are discussing the necessity of a law, the sphere and principles of its regulation. Correspondingly, draft amendments made by deputies may be introduced only till the end of a general discussion, however, in this process the initiator of the draft law cannot introduce any other draft amendments.

It is important that with changes to the regulations of the National Assembly, which were adopted in April 1991 (however, the law on regulations has been changed later, as well as was adopted in an updated revision), and the Institute of extraordinary procedure of passing laws was introduced¹⁸. To initiate it there must be consent of not less than a certain percent of deputies of a nominal composition of parliament (for example up to 2010 it required consent of not less than 4/5 of a nominal composition of a parliament (309 out of 386) and in general this procedure is a simpler and quicker variant of a legislative process. The point is that debates over draft amendments take place in a corresponding committee or committees, and not in the session hall. When a committee or committees take a decision on rejecting the amendments, which are introduced for their consideration, the National Assembly after a short discussion (in which only one deputy from each faction can take place) in fact take an immediate decision as to draft amendments. However, if the committee has nothing against the introduced amendments, the National Assembly does not even vote to support its position. It determines, that in the frames of an extraordinary procedure, time required for passing a law, is reduced even to 1/3, though the procedure itself has not become widely spread in factual legislative process in Hungary. In particular, over 1990–1994 according to the extraordinary procedure were adopted 58 laws (out of 77 which were introduced), over 1994–1998 – 48 (out

¹⁸ *The legislative process*, źródło: <http://www.parlament.hu/web/house-of-the-national-assembly/the-legislative-process> [odczyt: 28.11.2018].

of 54 introduced), over 1998–2002 – 10 (out of 16 introduced), over 2002–2006 – 3 (out of 6 introduced), over 2006–2010 – none (none was introduced), over 2010–2014 – 27 (out of 27 introduced), and over 2014–2018 – 41 (out of 41 introduced). All this is supplemented by the fact that all laws, which require the support of a qualified majority of deputies of legislature (despite their form) cannot be considered in accordance with an extraordinary or fast-track procedure. The same refers to the state budget.

Of great interest is the fact that a special role in initiating legislation in Hungary (as well as in other countries of the Visegrad group) is played by the government cabinet, what has already become a basic rule. It can be easily explained by technical and motivational reasons: the government enjoys, in most cases (except minority governments), constant support of legislature, what presupposes a conditionally simplified procedure of adopting laws. Besides, the program of the government, supported by the parliamentary majority (together with the prime-minister candidature) must include most of all goals to be realized in the course of the legislative process and political course. Correspondingly, deputies of the National Assembly have to work on government draft laws. It is significant that the government of Hungary proposes a semiannual agenda of the National Assembly, and thus initiates most of draft laws, 90% of which are usually adopted as laws. Besides, to satisfy its legislative goals the government can convene an extraordinary session of the parliament. As to the deputies, they also offer a great number (almost the same as the governments do) of draft laws, however much lower number of them finally become laws. Predominantly it is determined by the priority of the government draft laws over the draft laws, introduced by deputies and committees. Moreover, for deputies to get an opportunity to propose a draft law, at least one of the requirements must be satisfied: 1) each draft law must have a fixed number of signatures; 2) the right for legislative initiative on behalf of deputies has a faction in legislature¹⁹. Besides, the following rule is traditionally actualized in Hungary (and other members of the Visegrad group) – government parties more often introduce draft laws, than oppositional parties. Of great interest is the point that participation of committees in the legislative initiative is rather low, though the draft laws introduced by committees are characterized by a complementary nature (as the government cannot interfere in some spheres of parliamentary activity, i.e. its role is played by committees). The identical situation is in case of legislative initiative and using it by the president.

Peculiar features of the “British” model of legislation for bicameralism we will study mainly on the example of the Czech Republic, nevertheless Poland in this context is rather similar, as both countries are combined by the fact that it is possible to trace the priority of the lower house over the upper house in the course of the whole process of legislation. In case with the Czech Republic it is revealed in the fact that at first draft laws are sent for consideration to the Chamber of Deputies, where they are debated and then voted. If the lower house (the

¹⁹ Kimber R., *Constitutions, treaties, and official declarations*, Wyd. PS Resources, źródło: <http://www.politicsresources.net/const.htm> [odczyt: 28.11.2018].

Chamber of Deputies) approves of the draft law, the latter (including amendments, approved by this chamber) is forwarded to the upper house (the Senate) for its subsequent approval. If the Senate approves of it, not introducing additional amendments, it can be adopted as a law and sent to the hand of state for signing (however, it does not refer to constitutional laws). In case the Senate completely rejects a draft law or approves of it partially, providing its amendments are taken into account, the draft law returns to the Chamber of Deputies to be voted once more. If the lower house approves of this project, then it forwards it to the president to be signed. As in the former case, except for constitutional laws, the president can refuse to sign the law, sent to him by the parliament. In this case the Chamber of Deputies must vote the issue concerning expediency of providing support to such law. At the end of the legislative process or if the president has signed the law, or if the Chamber of Deputies has overridden the veto of the president, the law is promulgated and published in the "Journal of laws"²⁰.

Depending on the type of the law, which is to be passed, there can be several exceptions as to the general legislative procedures, described above. From this perspective, it is necessary to mention that there are three basic legislative principles and procedures, which can be applied only in the following cases: 1) approval of a draft of law by both houses of the parliament, according to which the Senate has 30 days to take a vote on the draft law (it refers to the so-called "regular" laws); 2) approval of a draft law by both houses of the parliament, when the Chamber of Deputies does not have a right to abrogate the decisions taken by the Senate (it refers to the so-called "constitutional" laws and laws, corresponding to article 40 of the constitution)²¹; 3) approval of a draft law exceptionally by the Chamber of Deputies (it refers only to the so-called "budget" laws). At the same time it is notable that if the Chamber of Deputies is dismissed, the Senate can take all necessary measures at the level of regular laws. Legislative acts can be adopted only when the case, which requires decision, is urgent or if a regular law is offered at the moment when the Chamber of Deputies was not dismissed. Besides, legislative acts can be adopted only in the spheres, specified by the constitution. In particular, it is prohibited to pass the laws in the constitutional, budget and election spheres. It should be pointed out "alternative" legislative nature of the Senate is always actualized at government's suggestion. When the Chamber of Deputies is reelected, it must approve of all the legislative acts, which have already been adopted by the Senate, otherwise such acts become null and void.

It is of interest, that the right for legislative initiative in the Czech Republic belongs to deputies and groups of deputies, the Senate, the government and regional assemblies/legislature. However, predominantly deputies and government (as well as in other countries of the Visegrad group) make use of it. It is notable, that in the Czech Republic the notion of a "draft law" is interpreted not only as a text of a would-be law, but also an explanatory memorandum,

²⁰ Romaniuk A., Lytvyn V., *Porivniabnyi analiz politychnykh instytutiv krain Vyshehradskoi hrupy ta inshykh krain Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164-180.

²¹ Kimber R., *Constitutions, treaties, and official declarations*, Wyd. PS Resources, źródło: <http://www.politicsresources.net/const.htm> [odczyt: 28.11.2018].

which is divided into general and special parts. Its general part characterizes a legislative context, explains a motivational component of necessity to pass a law and describes all budget costs, associated with passing and implementing a law. On the other hand a special part of the memorandum includes a description of a part of a proposed draft law. However, the term for implementing proposals in the form of a memorandum is 30 days. When a draft law gets into the Chamber of Deputies it has to undergo a procedure of several readings. First of all, it is directly debated in the lower house of the parliament (first reading), then it is forwarded to the specialized committees of the lower house of the parliament for a more comprehensive consideration. When the committees finish their job, the Chamber of Deputies considers a draft law at the second reading, and, finally, during the third reading, which is the end of a legislative process in this house, if a draft law would not be returned later to the lower house by the Senate or the head of the state²².

At the beginning of the first reading the party (represented by any initiator from the allowed list) which introduces or represents a draft law, describes it, appoints the reporter (a deputy, appointed by the speaker of the Chamber of Deputies). After general parliamentary debates (not limited in time) the lower house can return the draft law upon the recommendations of the party, reject the draft law or forward it to the committee or several committees for further debates. The task of the first reading is to introduce the essence and objects of a draft law to deputies. The aim of the Chamber of Deputies' decision as to returning or rejecting a draft law is to make sure that the draft law lacking support in the lower house should not get through all three readings before it will be rejected later. Another aim of the first reading is to specify parties' positions as to the draft law before it is debated in the committees or at the plenary session. If the Chamber of Deputies does not reject the draft law at the first reading, it is forwarded to the committee or several committees for further consideration. It is important that the draft law is obligatory forwarded to the committees, which specialize on the issues, which must be resolved in future by the law. In some cases the draft law can be sent to more than one committee. Besides, a committee can decide that it will discuss the draft law on its own initiative. It often happens in situations concerning the projects in the sphere of military defense policy, where draft laws are under consideration of the defense and security committee, foreign-relations and European-relations committee. In the process of consideration of the project there are numerous debates and discussions, when deputies have an opportunity to introduce amendments to the draft law. Finally, after the first reading, committees have 60 days for further consideration of the project, if they are in charge of it. This term can be reduced to 30 days or prolonged for 20. The term is reduced by more than 30 days, if at least 2 deputy factions or 50 or more deputies insist on it. The term is prolonged for more than 20 days by mutual consent of all parties, which are the authors of the project. At the end of discussions the committee adopts a resolution, in which it recommends to adopt

²² *The legislative process in Parliament*, źródło: http://www.psp.cz/eknih/cdrom/ic/pdf/en/Legislative_ENG_05_2016.pdf [odczyt: 28.11.2018].

or reject the draft law at the plenary session of the Chamber of Deputies. The minority of the members of the committee may take another controversial position²³.

At the second reading the initiator of the draft law again introduces it and addresses it to the appointed reporter. After general discussions there is a comprehensive discussion, including those deputies who want and can introduce amendments to the draft law. The debates are not limited in time. A deputy or several deputies can offer a resolution concerning each procedural matter or return the project to the committee. Besides, a deputy or a group of deputies can offer to reject the draft law, but such proposal may be put on vote only at the third reading. The third reading itself in the Chamber of Deputies must begin no later than 72 hours from the date of considering all amendments at the second reading. However, the lower house in the course of detailed discussion may take a decision to reduce this term to 48 hours²⁴.

At the beginning of the third reading the party-initiator or a representative of a draft law again introduces it and addresses it to the appointed reporter. The latter must propose an order, in which the Chamber of Deputies will vote on any proposed amendments to the draft law and a legislation as a whole. In the course of parliamentary debates at the third reading deputies cannot introduce any other amendments to the project, except those concerning legislative, technical, grammatical, literal and typographical errors, which can be seen in the text and already proposed amendments. Besides, deputies can return the draft law for further development for the second reading. All ballots on the offered amendments and legislation as a whole are coordinated by the reporter on the project in accordance with the specified order. The latter and the party-initiator of the draft law express their position as to each proposed amendment and legislation as a whole (positive, negative, neutral). The Chamber of Deputies at first vote on any offered amendments (of non-conceptual nature) and only after that on the legislation as a whole. If the Chamber of Deputies does not approve of the project as a whole, the legislation is considered defeated and the legislative process terminates. If they express consent, then the legislative process comes to its end and the legislation is forwarded to the Senate (except the laws, which are adopted by the lower house only, in cases which have been mentioned above)²⁵.

However, when the draft law is being sent for consideration to the Chamber of Deputies the party-initiator and representative of the legislation may ask the latter to approve of the project at the end of the first reading (the second and third readings will not take place in that case). In such instance the explanatory note must comprise the reasons for such request. The Chamber of Deputies can consider such request only if 2 deputy factions or at least 50 deputies are not against it. Proposals to the constitutional laws and the law on the state budget, as well as parliamentary ratification of international

²³ *The legislative process in Parliament*, źródło: http://www.psp.cz/eknih/cdrom/ic/pdf/en/Legislative_ENG_05_2016.pdf [odczyt: 28.11.2018].; *The legislative process in the Chamber of Deputies of the parliament of the Czech Republic*, źródło: http://www.psp.cz/eknih/cdrom/ic/pdf/en/legislativni_proces_EN.pdf [odczyt: 28.11.2018].

²⁴ Panchak-Bialoblotska N., *Polityczna strukturyzatsiia parlamentiv krain Tsentralnoi Yevropy*, Wyd. PAIS, 2014.

²⁵ *The legislative process in Parliament*, źródło: http://www.psp.cz/eknih/cdrom/ic/pdf/en/Legislative_ENG_05_2016.pdf [odczyt: 28.11.2018].; *The legislative process in the Chamber of Deputies of the parliament of the Czech Republic*, źródło: http://www.psp.cz/eknih/cdrom/ic/pdf/en/legislativni_proces_EN.pdf [odczyt: 28.11.2018].

agreements in no way can be approved by the lower house at the first reading as a whole²⁶. After general discussion in the Chamber of Deputies, the plenary session accepts the request. If the request is not admitted, then a traditional (full) legislative procedure is applied. If the request is accepted, detailed parliamentary debates take place at the first reading. In this case deputies cannot offer amendments to the project, except legislative, technical, grammatical, literal and typographical errors. Considering all proposals the Chamber of Deputies vote for approval of the draft law. If the legislation is not approved, then the lower house consider a draft law in accordance with a regular legislative procedure. It is notable, that in due time a special procedure of passing laws, which allows the lower house of the parliament to approve of the legislation during the first reading, was enacted when the Czech Republic was joining the EU. Of interest is the fact that apart from a general and fast-track procedure while passing laws in the lower house, there are other special features: a case, when the governmental cabinet forwards a draft law for consideration of to the Chamber of Deputies due to the request to express a vote of no-confidence in the government cabinet; a case, when the speaker of the Chamber of Deputies at the suggestion of the government declares a state of emergency; in case, when approval of a legislation is necessary to implement the resolution of the UN Security Council; in case, when the state is under the threat of martial law, the government demands from the parliament to consider projects in accordance with a fast-track legislative procedure²⁷.

According to the regular procedure, in particular after adopting the law as a whole in the lower house, it is forwarded to the Senate, which must finish discussing the project during 30 days since it is received. At the plenary meeting the Senate consider a draft law only in one reading, however previously discussing it in the corresponding committees. In the course of 3 days since the draft law is received from the Chamber of Deputies the organizing committee of the Senate forwards it to one or several committees. The procedure according to which the project is sent to the committees is identical to one used in the Chamber of Deputies. If the Senate approve any amendments, they must be adopted by the chamber of Deputies as a whole. That is why senators often introduce only those amendments, which can be approved by the lower house. After discussions of the project in the committees of the Senate it goes for consideration to the plenary meeting of the upper house. The senate may take one of the following steps: 1) do not discuss the draft law: the latter is assumed to be adopted as a law, and thus the speaker of the Chamber of Deputies forwards it to the president to sign it; 2) approve of the draft law: the latter is assumed to be adopted as a law, and thus the speaker of the Chamber of Deputies forwards it to the president to sign it; 3) reject the draft law: the latter is returned to the Chamber of Deputies for a second ballot; 4) return the draft law to the Chamber of Deputies together with the amendments adopted by the Senate for a new ballot; 5) reject the resolution on a legislation: a draft

²⁶ Kimber R., *Constitutions, treaties, and official declarations*, Wyd. PS Resources, źródło: <http://www.politicsresources.net/const.htm> [odczyt: 28.11.2018].

²⁷ *The legislative process in Parliament*, źródło: http://www.psp.cz/eknih/cdrom/ic/pdf/en/Legislative_ENG_05_2016.pdf [odczyt: 28.11.2018].; *The legislative process in the Chamber of Deputies of the parliament of the Czech Republic*, źródło: http://www.psp.cz/eknih/cdrom/ic/pdf/en/legislativni_proces_EN.pdf [odczyt: 28.11.2018].

law is assumed to be adopted as a law in 30 days after it is forwarded to the Senate by the lower house of the parliament, the speaker of which gives the law to the president for signature.

In its turn, the president of the Czech Republic can return the law (except constitutional legislations) in the course of 15 days after receiving it: that a procedure of putting a veto on it. In such case the Chamber of Deputies must hold a ballot on the law, returned by the president at the next plenary meeting, but not earlier than 10 days, since it is returned to the house. If the Chamber of Deputies approve of the law by an absolute majority of all deputies (of a nominal composition of the legislature), the law is published in the “Journal of laws” (without president’s signature). If the Chamber of Deputies do not approve of the law (do not override the veto of the president), it is considered to be rejected or not adopted. Therefore, it means that regular legislation in the Czech Republic are adopted by a relative majority of deputies, and veto is overridden by an absolute majority. Finally, it testifies that the procedure of passing laws in the bicameral Czech legislature is a bit more complicated than in case with unilateral legislature. Thus, it results in the reduction of both the number of draft laws and adopted laws, as well as stabilization of the party system. So in the case of the Czech Republic the number of the proposed legislations in due time, for instance, had the following correlation (according to the terms of the lower house of the parliament, as the upper house is elected partly and not synchronized): 1992–1996 – 2133; 1996–1998 – 663; 1998–2002 – 2082; 2002–2006 – 2176; 2006–2010 – 2166 and so on²⁸.

Finally, the construction of the “British” model of legislation in the system of bicameralism is a bit distinctive in case of Poland. In our country the right for legislation initiative belongs to deputies, the Senate (upper house), the president, the Council of Ministers (the government), groups of people in the number of not less than 100 000, who are up for election to the Sejm (the lower house of the parliament). Draft laws from deputies may be introduced by means of committees of the Sejm or by deputy groups with a fixed number of members. However, the law on the state budget, amendments to it, regulations on the state debt, as well as the laws on the state guarantees can be initiated only the Council of Ministers (government). Any draft law must be accompanied with an explanatory note, where should be stated social, economic and financial consequences of the legislation, sources of funding (if the project is funded from the state budget), the declaration of the project conformance to the EU legislation. Draft laws, introduced by the Council of Ministers, must be accompanied with the projects of main subordinate acts²⁹. To simplify the procedure of passing legislations it is required to mention their representatives, who will act on the behalf of the initiators during all stages of the legislative process. In case of a government legislation the head of the Council of Ministers (the prime-minister) appoints one of the ministers to represent the government while

²⁸ Romaniuk A., Lytvyn V., *Porivniálnyi analiz politychnykh institutiv kraïin Vyshebnadskoi hrupy ta ïnshykh kraïin Tsentralno-Skbidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164-180.; Panchak-Bialoblotska N., *Politychna strukturyzatsiia parlamentiv kraïin Tsentralnoi Yevropy*, Wyd. PAIS, 2014.

²⁹ *Legislative Procedure*, źródło: <http://www.sejm.gov.pl/english/prace/lp1.htm>; <http://www.sejm.gov.pl/english/prace/diagram.htm> [odczyt: 28.11.2018].

considering the project. The initiators have a right to scrap a draft law, introduced by them, but not later than the agreement as to the second reading is achieved. The legislative process starts in the Seim, when a draft law is forwarded to Marshal/Speaker of the Seim.

Traditionally, the Seim considers a draft law in three readings. The first one takes place at the session of the house or a committee, and presupposes presentation of the project by the initiator, question-answer period between the initiator and deputies, discussion over peculiarities of the legislation. The first reading, which takes place at the meeting of the Seim, may result in rejecting a draft law as a whole, however, usually it is forwarded to a corresponding committee (or committees) or a specialized committee. Further work over a draft law is conducted in a committee (committees, sub-committee) involving deputies, experts and government representatives. This stage results either in approval of the draft law by a committee (committees), which may include some recommendations as to passing it with amendments or without them, or in a request to reject the legislation. Initiators of amendments, which are rejected by a committee (committees) may demand to include their proposals into the report as the minority's opinions. Committees are independent as to division of work between them, but deputies usually follow their political priorities. That is why draft laws often undergo significant changes at this stage.

Second reading in the Seim includes presentation of a complex report on the legislation, further discussions and introduction of probable amendments. Among those who have a right to introduce amendments are deputies, initiators of a legislation and members of the Council of Ministers. The Marshal/speaker of the Seim may reject the request to put to the vote any amendment, which has not been presented in the committee before. After this procedure a draft law, as a rule, is forwarded to a committee/committees in order the latter can set their position as to the introduced amendments and proposals³⁰.

Finally, the third reading comprises a presentation of an additional report of the commission or if the draft law has not been sent back to a committee/committees there is a reporter's speech about the amendments and proposals, which are introduced during the second reading, as well as the process of voting, on the basis of which the decision is taken whether the legislation is finally adopted. An ordinary law can be passed by an absolute majority of votes with not less than a half of all deputies, if the constitution does not presuppose another type of majority as to certain laws (in fact it is a rule of a relative majority).

It is notable that ballots on a legislation as a whole may follow such procedures: 1) voting "for" or "against" the proposal to reject a project as a whole (if such variant is available); 2) voting "for" or "against" amendments to some articles on condition that a legislation has been rejected as a whole before that; 3) voting "for" or "against" a legislation as a whole in the text, proposed by the committee, including adopted amendments. When a draft law is adopted, it is named a "statute", but it is not binding yet. Thus the marshal/speaker of the Seim sends the act adopted by the Seim to the corresponding

³⁰ *Legislative Procedure*, źródło: <http://www.sejm.gov.pl/english/prace/lp1.htm>; <http://www.sejm.gov.pl/english/prace/diagram.htm> [odczyt: 28.11.2018].

committee, which has 18 days to consider the statute. In general, in the course of 30 days since the statute is sent, the upper house may take the following steps: 1) take a decision to reject the statute as a whole (the statute is sent back to the Seim); 2) approve of the statute as it is as a whole (the statute is sent back to the Seim and the marshal/speaker forwards it to the president); 3) approve of the statute with amendments (the Seim considers all proposed amendments). If during the fixed period the Senate does not take any resolution, the statute is considered to be adopted as specified in the formulation, offered by the Seim. In case there are amendments from the Senate the lower house can: 1) override them, leaving the statute in its previous reading, this requires an absolute majority of the nominal composition of the lower house; 2) take into account amendments made by the Senate and vote for them by a relative majority (according to the rule of taking laws). If the Senate block the statute as a whole and the Seim do not have an absolute majority of votes to override the decision of the upper house, the legislative procedure stops and this legislation may be considered from the beginning only (and not at the second reading, for example)³¹.

Considering the decision of the Senate (or if the Senate do not take any decision during 30 days), the marshal/speaker of the Seim forwards the adopted statute to the president for promulgation. The president has 21-day term to take a decision. If the latter is positive, the statute becomes a law and is published in the “Journal of laws of the Republic of Poland”. However, before signing the statute the president can forward it to the Constitutional Court to consider its constitutionality. In cases, when the Constitutional Tribunal believes the statute to be in full concordance with the Constitution of the Republic of Poland, the president cannot refuse signing it. And on the contrary, the president has the right to refuse of signing the law, which is declared unconstitutional by the Constitutional Tribunal. It should be mentioned that if a decision concerning its unconstitutional nature refers only the number of its provisions, which to the tribunal’s point of view, are inseparably connected with the statute, the president conducting preliminary consultations with the marshal/speaker of the Seim, has the right to sign the statute with cautions, defined by the tribunal. Besides, the head of the state can decide to return the statute to the Seim, in order the latter correct all non-conformities. The role of the Senate is complimentary. On the other hand, if the head of the state does not appeal to the court to ask the latter to make a decision as to the constitutional nature of the statute, he/she can forward it to the Seim for further development (the veto of the president)³². Such decision must be accompanied with an explanatory note. The marshal/speaker of the Seim forwards the president’s request to the corresponding committee, which took part in working out a draft law, before the latter was adopted by the Seim. Later, the committee presents a report, including the decision whether to pass the law as it has been sent to the president or with amendments. The Seim can override the veto of the president by the majority of 3/5 in the presence of at least half of the house. The regulatory act, which has been voted

³¹ Romaniuk A., Lytvyn V., *Porivniialnyi analiz politychnykh institutiv krajin Vyshebnadskoi hrupy ta inshykh krajin Tsentralno-Skbidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164-180.; Panchak-Bialoblotska N., *Politychna strukturyzatsiia parlamentiv krajin Tsentralnoi Yevropy*, Wyd. PAIS, 2014.

³² Kimber R., *Constitutions, treaties, and official declarations*, Wyd. PS Resources, źródło: <http://www.politicsresources.net/const.htm> [odczyt: 28.11.2018].

on again in the house must be signed by the president during 7 days and come into force immediately. In such case, the head of the state does not have a right to send the law to the Constitutional Court or put a veto on it.

Quite specific is the fast-track procedure of considering draft laws in the Seim. The right to initiate a fast-track procedure belongs exclusively to the Council of Ministers (government) on the basis of classification of the draft laws prepared by it as urgent. However, according to the constitution the terms, when the lower house must pass laws in accordance with a fast-track procedure, are not specified. It should be mentioned as well that ordinary laws are passed by a majority of deputies among those who are present (but under the condition, that there is not less than a nominal composition of the parliament). Amendments to the constitution are adopted in the form of constitutional statutes, the projects of which are offered by the head of the state, the senate or not less than 1/5 of the nominal composition of the Seim. All constitutional statutes are adopted by at least 2/3 of deputies if at least half of the nominal composition of the lower house of the parliament are present. After this, during 60 days the same reading of the legislation must be adopted in the Senate by an absolute majority of votes with at least half of the composition of it present³³. However, if the proposed amendment refers to Chapter I (Republic), Chapter II (Freedoms, rights and responsibilities of individuals and citizens) and Chapter XII (On the Amendments to the Constitution), then the subjects of the legislative initiative are authorized to hold a national referendum, during 45 days since the statute is adopted in the upper house of the parliament. A constitutional amendment is believed to be adopted, when the majority of voters support it. The head of the state signs it during 21 days since it is submitted by the marshal/speaker of the Seim, and then it is ordered to be published in the "Journal of laws". The head of the state cannot impose a veto on it. Besides, the constitution cannot be changed during the martial law or the state of emergency.

In practice, according to the study by K. Goetz and R. Zubek³⁴, the leading (key) actor of the legislative initiative in Poland, as well as the other members of the Visegrad group, as it was mentioned above, was the government cabinet. However, this statistics differently correlates with the situation in Poland, as only 40% of all draft laws, which are introduced in the parliament, belong to the government. The situation may be justified only by the fact that the majority of draft laws, proposed by deputies, are nominally governmental, as they are initiated by deputies, who belong to government parties. Herewith, the role of the government cabinet in a legislative initiative is very decentralized (despite the fact that the prime minister controls the agenda of the cabinet, individual ministers possess a high level of influence over the agenda of the legislative initiative). At the beginning of each semester the Head of the president's office offers ministers to approve of the plan of government's legislative measures.

³³ Romaniuk A., Lytvyn V., *Porivniabnyi analiz politychnykh institutiv krain Vyshehradskoi hrupy ta inshykh krain Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164-180.

³⁴ Goetz K., Zubek R., Government, Parliament and Lawmaking in Poland, *"The Journal of Legislative Studies"* 2007, vol 13, nr. 4, s. 517-538.

Table 2. Statistics on legislative activity in the Polish parliament (1989–2018)³⁵

Convocation of parliament	Year/years	Number of draft laws introduced to the Sejm	Number of the laws adopted	Number of the laws adopted with amendments from the Senate	Number of the adopted resolutions
0	1989–1919	н.д.	247	н.д.	164
1	1991–1993	н.д.	94	н.д.	135
2	1993–1997	826	473	217	296
3	1997	59	21	10	24
	1998	276	97	52	44
	1999	322	126	56	42
	2000	257	174	127	45
	2001	237	222	142	35
	1997–2001	1151	640	387	190
4	2001	79	36	10	23
	2002	349	213	108	43
	2003	302	226	142	62
	2004	342	241	145	81
	2005	193	178	96	47
	2001–2005	1265	894	501	256
5	2005	92	21	7	34
	2006	363	193	71	103
	2007	253	170	101	63
	2005–2007	708	384	179	200
6	2007	87	6	1	26
	2008	544	251	118	57
	2009	342	232	116	67
	2010	324	229	132	81
	2011	214	234	109	58
	2007–2011	1511	952	476	289
7	2011	60	5	1	24
	2012	374	134	39	59
	2013	310	167	62	69
	2014	293	186	87	81
	2015	263	261	98	49
	2011–2015	1300	753	287	282
8	2015	62	29	4	35
	2016	358	217	60	89
	2017	337	212	55	74
	2018	318	246	48	43
	2015–2018	1075	704	167	241

Źródło: Romaniuk A., Lytvyn V., *Porivnialnyi analiz politychnykh institutiv krain Vyshehradskoi hrupy ta inshykh krain Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016, s. 164–180.; *Archiwum*, źródło: <http://www.sejm.gov.pl/Sejm8.nsf/page.xsp/archiwum> [odczyt: 28.11.2018]., Zubek R., *Legislative Time, Executive Rules and Government Lawmaking, Paper prepared for ECPR Joint Sessions Helsinki, 2007.*

³⁵ As of November 26, 2018

Namely, in accordance with this requirement the consideration of the proposed plan of legislations is happening, as well as gathering all commentaries on this account. Though in general in the course of this process opinions of other heads of departments are taken into consideration. However, ministers keep some possibilities to actualize a sectorial legislative process (in their discretion). By and large, all unscheduled government legislations comprises 50%.

In general, Poland is characterized by quite a large number of laws, adopted by the legislature and sent to president for promulgation. On average, annually their number is bigger than in Slovakia, Hungary and the Czech Republic (see Table 2). Nevertheless, on this account one should not make clear-cut solutions, though some results must be highlighted. Growth in the number of laws does not prove their over-production³⁶. The majority of laws may, for instance, indicate the necessity to solve social and economic problems and to bring current legislation into compliance with the European standards. However, there is consensus among the researchers, that legislative measures are performed even they are not necessary, and result in expenses which are bigger than the benefit for the society in general. Thus, regulatory inflation, which can be observed in Poland, lie in the fact that there are an excessive number of laws in comparison with those required to regulate the society to be provided with efficient resources of its functioning <<³⁷.

In general, having analyzed the situation of legislature in the countries of the Visegrad group, we single out three pathways of developing the number of laws, passed in the region: 1) unstable number of acts (the Czech Republic and Poland); 2) stable number of adopted regulatory acts (Hungary); 3) gradual growth in the number of legislations (Slovakia). It is determined by the fact that in the region there are unicameral (more stable from the legislative point of view) and bicameral (of higher legislative volatility character), which make use of different procedures of a legislative process. Though, in conclusion it is determined that in general in case of unicameral and bicameral parliaments in the countries of the Visegrad group a legislative process is implemented predominantly in the same way, however there are some distinctive features, synthesized in Table 3:

³⁶ Eng S., *Legislative Inflation and the Quality of Law*, [w:] Wintgens L. (ed.), *Legisprudence: A New Theoretical Approach to Legislation*, Wyd. Hart 2002, s. 65-79.

³⁷ Wronkowska-Jaskiewicz S., *Ustawodawstwo w państwie prawa. Siedem tez do dyskusji*, [w:] Lipińska M. (ed.), *Stanowienie prawa – kompetencje Senatu w procesie legislacyjnym*. Materiały z konferencji zorganizowanej przez Komisję Ustawodawstwa i Praworzadnoooci pod patronatem Marszałka Senatu RP Longina Pastusiaka 22 października 2002 r., Wyd. Kancelaria Senatu 2002, s. 16.

Table 3. Features of a legislative function in unicameral and bicameral parliaments in the countries of the Visegrad group³⁸

Marker	Poland	Slovakia	Hungary	Czech Rep.
Number of houses in the parliament	2	1	1	2
House (leading house), where consideration of a draft law starts	Lower	Single	Single	Lower
Need for approval on behalf of the alternative house, bicameralism only	+	N/A	N/A	+
Possibility to pass laws when there is no approval on behalf of the alternative house of the parliament, bicameralism only	+	N/A	N/A	+
Number of readings in one house	3	3	3	3
Number of readings in the alternative house, bicameralism only	1	N/A	N/A	1
Possibility to hold an associated meeting of houses in the parliament to pass controversial legislation, bicameralism only	-	N/A	N/A	-
Time limit for additional consideration of legislation in the alternative house, bicameralism only	+	N/A	N/A	+
Time limit for consideration of the amendments to the constitution in the alternative house, bicameralism only	+	N/A	N/A	+
Possibility of the leading house to put a veto on a negative decision, taken by the alternative house, concerning constitutional legislation, bicameralism only	+	N/A	N/A	-
Possibility of the leading house to pass some laws individually, bicameralism only	+	N/A	N/A	+
Possibility of the alternative house to pass some laws individually, bicameralism only	+	N/A	N/A	+
Necessity to approve the decisions of the alternative house by resolutions of the leading house of the parliament, bicameralism only	-	N/A	N/A	+
Necessity of a motivational report	+	+	+	+
Time limit for consideration in a committee before the first reading	-	-	-	-
Time limit for consideration in a committee before the second reading	60 days	N/A	N/A	60 days
Possibility to terminate consideration of the draft law after the second reading	+	+	+	-
Possibility to introduce conceptual amendments during the third reading	-	-	-	-
Possibility to return a draft law from the third reading to the second one	-	-	-	+
Possibility to consider legislation in accordance with a fast-track procedure	+	+	+	+
Possibility to transfer a draft law from a fast-track procedure to a regular procedure	-	-	-	+
Possibility to unite draft laws	+	-	+	-
The right of the president to impose a veto	+	+	+	+

³⁸ N/A – such procedure or features of a legislative function of the parliament is not available (usually it refers unicameralism in comparison to bicameralism).

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