*Annex No. 3*

**Grzegorz Pastuszko, Ph.D.**, Associate Professor
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# Summary

# of professional accomplishments

## 1. First name and surname:

Grzegorz Pastuszko

## 2. Diplomas and scientific degrees held

a) Doctor of Law, degree conferred by a decision of the Department Board of Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin in 2008.

Doctoral dissertation title: *Systemic role of parliamentary opposition under the Constitution of 1997 [Ustrojowa rola opozycji parlamentarnej w świetle Konstytucji z 1997 roku].*

Supervisor: Professor Wiesław Skrzydło, Ph. D.

Reviewers: Professor Andrzej Szmyt, Ph. D., Professor Ewa Gdulewicz, Ph. D.

b) Master of Laws, 2005. Degree conferred by a decision of the Department Board of Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin in 2005. Master's thesis title: *Parliamentary opposition in Poland – a legal and constitutional study [Opozycja parlamentarna w Polsce - studium prawnoustrojowe].*

Supervisor: Professor Wiesław Skrzydło, Ph. D.

Reviewer: Professor Ewa Gdulewicz

## 3. Information about previous employment in scientific institutions

a) *1 October 2005 – 30 November 2008* Assistant Lecturer, Department of Law, Faculty of Economics and Legal Sciences, Kazimierz Pulaski University of Technology and Humanities in Radom.

b) *1 November 2008 – 30 September 2010* Associate Professor, Department of Law, Faculty of Economics and Legal Sciences, Kazimierz Pulaski University of Technology and Humanities in Radom.

c) *1 October 2008 – 30 September 2010* Associate Professor, Bishop Jan Chrapek College of Business

d) *1 October 2010 – 30 September 2014* Associate Professor, Department of Constitutional Law, Faculty of Law and Administration, University of Rzeszów

e) *1 October 2014 – 30 September 2018* Associate Professor, Department of Legal Institutions and Human Rights, Faculty of Law and Administration, University of Rzeszów

f) *1 October 2018 – 30 December 2018* Senior Lecturer, Department of Legal Institutions and Human Rights, Faculty of Law and Administration, University of Rzeszów

g) *1 January 2019 –* Associate Professor, Department of Legal Institutions and Human Rights, Faculty of Law and Administration, University of Rzeszów

**4. Indication of the academic achievement pursuant to Article 16 (2) of the Act of 14 March 2003 on university degrees and university title in arts (Journal of Laws No 65, item 595, as amended)**

**a) Title of the academic accomplishment**

Monograph entitled: *Formal autonomy of the Sejm, the Senate and the National Assembly in the Polish parliamentary law under the Constitution of 1997 [Zasada autonomii regulaminowej Sejmu, Senatu i Zgromadzenia Narodowego w polskim prawie parlamentarnym – rozważania na tle uregulowań Konstytucji RP z 2 kwietnia 1997 roku].*

**b) Author/authors, title/titles of the publication, year of publication, publisher**

Grzegorz Pastuszko, *Formal autonomy of the Sejm, the Senate and the National Assembly in the polish parliamentary law under the Constitution of 1997 [Zasada autonomii regulaminowej Sejmu, Senatu i Zgromadzenia Narodowego w polskim prawie parlamentarnym – rozważania na tle uregulowań Konstytucji RP z 2 kwietnia 1997 roku],* Rzeszów 2019, Wydawnictwo Uniwersytetu Rzeszowskiego, ISBN 978-83-7996-629-5, 402

pages, reviewed by Professor Krzysztof Eckhardt, Ph. D.

**c) Discussion of the scientific aims of the above mentioned publications, their results and applications**

**Research problem and scope of the study**

The subject of this monograph is the formal autonomy of the Sejm, the Senate, and the National Assembly. I selected this subject for two main reasons.

A personal scientific interest in the Polish and European parliamentary system was of crucial importance. The book concerned is, in fact, a part of a wider series of studies I have written on this particular issue.

My decision to follow this subject was further affirmed by the fact that the current output of the constitutional law doctrine in respect of the matter concerned is inadequate. Since 1989, no publication in Polish literature has encompassed the formal autonomy of the Polish Parliament houses within a single comprehensive monograph. Instead, all the studies which have addressed that subject it take various scientific forms, including articles, commentaries, opinions etc., and pertain only to selected issues and specific details. They did contribute to the Polish constitutional thought to a significant extent and provided valuable explanations, yet their perspective on the problem was limited due to their very nature, and thus did not allow for a full analysis.[1] This would suffice to justify the effort to write this book, but the number of theses included in the book which diverge from what was regarded nearly as an axiom in the existing literature made it all the more valid.

For a comprehensive and exhaustive analysis of the issues constituting the subject of this book, it was essential to delimit the research area. In this respect, it was clear that it had to encompass the issue of formal autonomy in all three legislative bodies, i.e. the Sejm, the Senate, and the National Assembly. I had no doubt whatsoever that narrowing the scope of the analysis down to the autonomy of any of these bodies to regulate its

[1] This includes the following publications *inter alia*: W. Sokolewicz, *Standing Orders of the Sejm under the Little Constitution* (in:) *Theory and practice of the constitutional system. Papers dedicated to Professor Andrzej Gwiżdż [Z teorii i praktyki konstytucjonalizmu. Prace ofiarowane Profesorowi Andrzejowi Gwiżdżowi]*, „Studia Iuridica" 1995, vol. XXVIII; idem, *Commentary on Article 14, Item 9* (in:) L. Garlicki (ed.), *Komentarz do Konstytucji Rzeczypospolitej Polski [Commentary on the Constitution of the Republic of Poland]*, Warszawa 1996; L. Garlicki, *Rules of procedure in the sources of law (under the jurisprudence of the Constitutional Tribunal)* [Regulamin w systemie źródeł prawa (na tle orzecznictwa Trybunału Konstytucyjnego)], "Przegląd Sejmowy" 1994, No. 4; W. Sokolewicz, *Commentary on Article 112, Item 5* (in:) L. Garlicki (ed.), *Constitution of the Republic of Poland. Commentary [Konstytucja Rzeczypospolitej Polskiej. Komentarz]*, vol. II, Warsaw 2001; L. Garlicki, *Constitution – Standing Orders of the Sejm – Law [Konstytucja – regulamin Sejmu – ustawa]*, "Przegląd Sejmowy" 2000, No. 2; M. Kudej, *Standing Orders of the Sejm under the provisions of the Constitution and the principles of autonomy [Regulamin Sejmu w świetle postanowień konstytucji i zasad autonomii]* (in:) Z. Jarosz (ed.), *Parlament. Model Konstytucyjny a praktyka ustrojowa [The constitutional model and the political practice]*, Warszawa 2006.

internal affairs would not only reduce the value of this treatise, but it would also substantiate any criticism regarding deficiencies in methodology. Any other research concept than the one adopted herein would not allow for a full discussion of all the legal characteristics of the formal autonomy principle, taking into account all its manifestations in the system. It would also be particularly wrong to exclude the issue of the National Assembly from the scope of the book, as the reader would be deprived of the opportunity to distinguish between the regulations regarding this matter adopted in the Sejm and in the Senate in comparison to the National Assembly. This approach would also fail to address problems which are crucial from the system perspective and which become apparent upon analysing the standards currently regulating the formal autonomy the National Assembly.

**Research objective**

The aim of this monograph is to illustrate the content and the importance of the formal autonomy principle of the Polish Parliament. It is, in fact, an attempt at an in-depth look at this issue. It seeks to address the following four fundamental questions. Firstly, it examines the importance of the constitutional basis for the principle under consideration, i.e. Articles 112 and 114 of the Constitution, for the legal system in Poland. Secondly, it is to establish the role and legal characteristics of parliamentary regulations as under current law. Thirdly, it is to define the scope of the system limits for the formal autonomy. The limitations arise both from the need to adapt the legislation content to external legal environment and from the possibility of the Constitutional Tribunal examining the resolutions for their legitimacy. Fourthly, it calls into question the decision of the supreme legislative authority, rooted deeply in Polish system tradition, to preserve its formal autonomy.

**Research methodology**

The preparation process for the book described herein involved the application of several research methods. These included the legal-dogmatic, legal theory, analytical, historical, comparative and descriptive approaches. Due to the substantive scope of the studies performed, it was undoubtedly the first four methods that were of crucial importance. The remaining two were employed in the research process but to a marginal extent. They proved useful in situations where the issues requiring their application were particularly desirable.

The legal-dogmatic method was used for the analysis of legislation forming the prescriptive basis for the formal autonomy principle as well as for the analysis of legislation illustrating the examples of internal regulation of the Parliament bodies. At this point, it must be noted that the analysis encompassed tens of normative acts including the Constitution itself as well as the parliamentary rules of procedure. It was thus possible to draw a number of significant conclusions, concerning *inter alia the* importance of Article 112 and 114 of the Constitution for the legal system in Poland.

The legal theory method allowed for illustrating the correlations between the regulations governing internal matters of the Parliament stipulated by the Constitution, the rules of procedure and legal acts. This provided the opportunity to accentuate the negative phenomena apparent in the legislative activity of particular legislators in this respect, i.e. the constitutional legislator, the regulation legislator and the civil law legislator. The book therefore manages to introduce the role of parliamentary rules of procedure in the Polish legal order and all the resulting consequences for the system.

The analytical approach was also of importance as it allowed for synthetic compilation of settled judicial decisions and academic views and for expressing the positions found in the jurisprudence of selected courts: the Polish Constitutional Tribunal, the European Court of Human Rights in Strasbourg, as well as constitutional courts of selected European states to a certain extent. In my application of the analytical method, I did not merely present the established jurisprudence, but I complemented it with my original thoughts where I considered it appropriate.

The historical method proved to be of considerable significance for the research concept adopted in the treatise. The advantage that resulted from its application was the possibility of presenting a broad historical background for the existing regulations governing the issue of formal autonomy. I decided to use this method to such a great extent

with a deep conviction that the historical conditions in the inter-war period, the post-war period, the period of Polish People's Republic and during the system transition after 1989 have had a significant impact on the current law and on the perception of the many related issues in the case-law and in the academic literature. Without taking those conditions into consideration, it would be definitely difficult to comprehend the legal provisions effective after the entry into force of the Constitution of 1997.

Adopting the comparative approach, however, was of little use. I deliberately selected only several issues which were, in my opinion, particularly relevant and interesting in order to avoid "overloading" the text with excessively complex elements of a comparative study. Due to the abundance of problems which come into view, adopting a different research concept could have led to a disproportionate increase in the volume of the book. It would have also reduced the intelligibility and comprehensibility of the argumentation. This was the conclusion I drew having studied numerous normative acts and foreign literature.

The use of the descriptive method was even more limited. It allowed for illustrating elements of political practice of particular bodies (primarily in respect of legislative practice). Since the necessity to elaborate on this type of issues was limited due to the substantive nature of the matters in question, this approach was of marginal importance for the studies performed.

**Text organisation**

The structure of the argumentation presented in this monograph provides that the fragments describing the current regulations have been preceded by historical remarks in each case. The objective of this device was not only to precisely and gradually give the reader an overview of former solutions and prevailing opinions in the case-law and the academic literature, but also to illustrate the impact of the Polish system tradition on today's approach to each legislation aspect of formal autonomy. I believe that presenting the historical background at the beginning of the treatise as it happens frequently in numerous monographs would have been ill-advised due to the volume of the material and the objective of the work indicated above. It would have had adverse consequences as to the comprehensibility of the author's argumentation, hence the decision to adopt a different system for structuring the text.

This treatise comprises 6 chapters altogether. Chapter 1 is to provide an introduction to the problem. For this reason, it is aimed at acquainting the reader with the principle

of formal autonomy as such. It explains the notion of formal autonomy and its importance for a democratic state system. It also illustrates all the other types of autonomy the Parliament enjoys beside the formal autonomy. This last part contains a concise description of the basic regulations which are effective in Poland and which may be regarded as the source of the autonomous status of the Sejm, the Senate, and the National Assembly. However, this brief explanation is not to investigate the problem in its entirety, but only to indicate it. This way, the reader may notice the wider context for the parliament bodies exercising their competences as regards their own internal organisation and their own rules of procedure.

The second chapter concentrates on the historical origins of the principle of formal autonomy. It also presents the theoretical debate held in the European political doctrine in this respect over the years. The historical part contains general remarks on the formation of autonomous privileges of the British Parliament and the adoption of the solutions guaranteeing a formal autonomy to the French Parliament. I chose not to address the beginnings of formal autonomy in other countries in a wider perspective, as there is a vast amount of literature on these issues. Moreover, incorporating them in the book along with a sufficiently deep analysis would have been inappropriate for reasons of space. I assumed therefore that this topic does not contribute to the monograph to a significant extent in respect of the viewpoints put forward therein and so I decided not to address them in the studies. What the paper does encompass is a synthesis of views found in the European doctrine, including of course the Polish doctrine, on the importance of formal autonomy for the system of a state. The starting point for that endeavour were the first attempts to justify this legal construct, dating back to the nineteenth century. This was later complemented with deliberations of various European lawyers in the subsequent periods, up to contemporary reflections on that issue. At that point, I attempted to identify the perception differences as to the normativity of parliamentary regulations. This fragment is to emphasise that there was much controversy in Poland in the past over issues which are taken for granted nowadays.

The third chapter examines the normative limits within which the parliamentary bodies establish their internal regulations. It presents a summary of constitutional regulations which formed the legal basis for the formal autonomy principle in the past, as well as an analysis of Article 112 and 114 of the Constitution, i.e. the provisions which establish this principle today. It also highlights the problems which result from those rules and acts

and which are related with distinguishing between matters regulated by those two types of legislation.

The fourth chapter is an attempt to present the legal characteristics of the Polish parliamentary regulations in a comprehensive manner. It contains some general deliberations and expounds on the role of the rules of procedure in the sources of law under the Constitution of 1997. It describes their form and legal construct, their time frame, as well as the procedures for their creation and amendments, their interpretation and the presumption of constitutionality. Apart from characterising the legal regulations and the prevailing doctrine, however, it contains some critical remarks about the deficiencies of the legal solutions adopted in this respect and the established political practice of the parliamentary bodies. All that is supplemented with historical considerations, which provide the backdrop for current problems.

The fifth chapter of this book is of particular complexity. It describes the problem of interference of the existing legislation with the matters regulated by rules of procedure, both in compliance with the Consitution and violating constitutional limits. The considerations regard the interference of the Constitution, acts, acts of EU law and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1951. This chapter presents the normative restrictions which determine the degree of regulatory freedom of the parliamentary bodies in respect of establishing their internal rules. The two last acts indicate particularly clearly that this freedom is reduced due to non-constitutional reasons which result from external legislation. This is a sign of a certain disintegration of the formal autonomy principle of the parliament, constantly subjected to modification due to Polish participation in international structures and adoption of legal solutions put forward by external institutions. This chapter also emphasises the issue of system inconsistencies resulting from statutory or regulatory exceedance, i.e. situations where provisions construed exceed the permissible scope of regulation. The research analysis conducted therein covers a range of existing normative solutions which meet objections in this respect. It clearly demonstrates the extent and consequences of the problems related with distinguishing between matters regulated by the rules of procedure and statutory matters under Article 112 of the Constitution.

The subject of the last chapter is the case law of the Constitutional Tribunal as the only form of external interference with the process of construing provisions of rules of procedure which exists in our country. The analysis illustrates the jurisprudence

of the Constitutional Tribunal issued since 1989 regarding the control over rule-making or quasi-rule making parliamentary resolutions. It also entails a reflection on the use of parliamentary rules of procedure as a gauge of law constitutionality, which follows a comprehensive description of the compliance examination of rule-making parliamentary resolutions in selected European countries. It includes their determinants rooted in doctrine and history, and the inadmissibility of such examination during the period of Polish People's Republic.

**Research results**

One of the key findings in the book is that the adjustment of Article 112 of the Constitution failed to introduce clear criteria for distinguishing between statutory and rule-making internal matters of the Parliament. An analysis of the existing constitutional rule-making and statutory provisions which govern parliamentary matters shows that it was not possible to solve problems related to this distinction, despite the intention of the legislator. In respect of the parliamentary law standards, the coherence of the legal system is thus not maintained. The adjustment was used to eliminate the practice of imposing duties on other state bodies by means of rule-making resolutions, yet, as the study shows, these attempts proved ineffective. This practice may not be as common and blatant today as it was during the period of Polish People's Republic, but in some cases there is a unclear line between establishing a procedure and establishing an obligation; hence, occasional solutions of dubious constitutionality occur.

This led me to challenge the point of maintaining the formal autonomy principle in the Polish system. The findings of this study show clearly that the legal order is full of constitutionally illegitimate legislation on the internal organisation and operation of the parliamentary bodies. These are both statutory provisions extending into the internal parliamentary matters and rule-making provisions extending into external matters. Many of them are the only legal provisions to regulate of a particular matter. There are numerous provisions, however, which duplicate already existing regulations. It is reasonable to have strong reservations about both of these phenomena as both of them deserve criticism. This method of regulating internal affairs of the parliament bodies is unnecessarily confusing in certain situations, in particular when the provisions of the act and the rules of procedure are divergent. In such situations (which have already occurred), the persons to whom those regulations are pertinent may face a difficult choice.

The idea to make references within both regulations seems to be the most moderate

solution for these problems. It has already been employed, but only incidentally and inconsistently. Such reference provisions state clearly that a given matter is subject to either statutory or rule-making regulation. At the same time, the regulations cannot be declared unconstitutional. However, making a clear reference is not always possible. The problem pertains particularly to areas which not merely border on the matters regulated by rules of procedure, but overlap with them. This may give rise to a number of legislative dilemmas. Countering the above-mentioned problems in a radical manner would entail a total renunciation of the formal autonomy principle. Thus, the parliamentary bodies would be deprived of the right to enacting their own rules of procedure. It would also stipulate that such legislation has the form of acts. Should this concept be implemented, it would free the legal system of its encumbrances. In respect of parliamentary law standards, the system could become fully transparent. I am in favour of this direction as it is not unsound. Formal autonomy does not, in fact, have such a high value in modern democratic states, including Poland, as it used to have at the onset of the parliamentary system of government. Over the years, it has become rather relative due to a strong influence of the government on supposedly autonomous resolutions of the parliament. External legislation has also restrained legislative activity of the parliament to a certain extent. The relativity resulting from the political links between the government and a qualified majority is of particular importance. By means of such connections, the government dominates the parliament and is able to determine the content of its decisions. That includes resolutions regarding changes to the rules of procedure.

Furthermore, the studies clearly showed that the scope of formal autonomy has its limits. These must be taken into consideration by parliamentary bodies establishing their rules of procedure. Accordingly, it can be reasoned that the content of the existing rules of procedure is not resistant to external influence. This reduces the capacity of the legislation to regulate its internal matters autonomously. One type of restrictions imposed on the legislation results from the interference of external regulations with autonomous powers of parliamentary bodies. These regulations are provided for in the Constitution and particular acts or laid down in the EU treaties and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Their impact forces the parliamentary bodies to adapt their rules of procedure to an existing legal environment. Naturally, this should be met with approbation, even if it is a legal obligation of a parliamentary body to take such steps only in the case of constitutional provisions. It would be difficult to contest the claim that the autonomy in regulating its internal

organisation and rules of operation cannot (or at least should not) imply that any efforts to safeguard the compliance with other elements of the legal system abandoning should be abandoned. At this point, it is worth examining the particular case of the EU and international regulations. Unlike the regulations of the Constitution and legal acts, these may be considered as an unexpected consequence of Poland's accession to the Council of Europe and the European Union. By joining these two most important contemporary international organizations, Poland pledged to fulfil certain obligations. Another type of restriction is that the Constitutional Tribunal can challenge the compliance of the regulations with the Constitution. This is the only case provided for by the existing law in which an external entity imposes an obligation on a parliamentary body. Pursuant to Article 188 (3) of the Constitution, the scope of power of the Constitutional Tribunal encompasses the rules of procedures in a narrow sense. Apart from this evident fact, however, the studies show that it also includes the provisions stipulated by quasi-rule-making acts, on the condition they contain any normative content. In essence, the existing jurisprudence of the Tribunal should be therefore deemed correct. This interpretation was applied in relation to resolutions of the Sejm establishing parliamentary committees of inquiry into banking and lobbying. I find it proper that it has been declared inadmissible to subject acts invalidating existing Sejm resolutions to Tribunal examination. There are two reasons why this particular argumentation is sound. Firstly, such acts may not be examined for their constitutionality since they are not normative acts. Secondly, they are not encompassed by the Polish legal order. Moreover, they cannot be considered as quasi-rule-making resolutions. On the other hand, the fact that the Tribunal is not able to examine certain non-normative acts which define the operation of the parliament poses a certain problem. These acts regulate e.g. the election or appointing particular bodies, shortening of the term of the Parliament, or holding an in-camera debate. In view of their significant consequences as well as because of the potential breach of the Constitution that these acts involve, it appears to be particularly advantageous that the provisions stipulated therein do undergo an examination of the Constitutional Tribunal.

As to the jurisprudence of the Constitutional Tribunal, the study raised an important point. It has, under the existing law, the right to use the rules of procedure to gauge the constitutionality of the law. However, I would argue that the criteria for the infringements on the rules of procedure adopted by the Tribunal are not grounded in the existing law but merely in summaries of the Tribunal rulings. This pertains particularly to the criterion for the effects of infringements on the examined regulations.

If the legislator had wanted to enter such restrictions on the Tribunal examining the lawfulness of procedures, the provisions would be unambiguous in terms of terminology. They would include such phrases as an infringement or a gross breach. As no similar phrases can be found in the existing legislation, it may be argued that the actions of the Tribunal are rather exaggerated in this respect.

Another area of research was the functioning of currently existing rules of procedure in the legal system. In this regard, I made a number of conclusions with a view to improve the understanding of the existing normative solutions, but also to induce certain changes in the current legal order. The studies showed that the rules of procedure may not be distinctly categorised as to their role in the constitutional system of the sources of law. They contain both internal regulations and regulations which exhibit the properties of generally applicable law. Interestingly, adoption of such an interpretation is not merely of academic value. The conviction that a part of provisions set in the rules of procedure, as it turns out, has characteristics of generally applicable law leads to certain consequences. Should, for instance, a state authority infringe upon the provisions of the rules of procedure which delineate how constitutional or statutory obligations must be performed, this qualifies as a constitutional tort as referred to in Article 198 of the Constitution. Furthermore, the research scrutinised the legal regulations and parliamentary policy on establishing, amending, interpreting and applying the rules of procedure. The strongest claim which arose from the studies regarded a deeply-rooted concept whereby the rules of procedure of the National Assembly are established on the basis of single *ad hoc* acts. Originating in the dawn of the transformation, this practice seems not only impractical, but also not entirely legitimate. There are reasons to believe that the fundamental regulations for the functioning of the National Assembly should comprise a single normative act under Article 114 of the Constitution. The law as it exists only regulates certain aspects of its functioning, thus the National Assembly is the only institution of the supreme authority bodies without a comprehensive set of internal regulations. Another issue which came under criticism is the procedure of adopting changes to the rules of procedure. One of its faults is the lack of advances towards a compromise between parties in respect of the issues in question. This is particularly evident in the regulation on the simple majority required for adopting an effective act or in the regulation on the entities entitles to submit a motion. In the Sejm, this includes the Presidium of the Sejm, Committee on the Rules of Procedure and Parliamentary Affairs, and also a group of at least 15 members, whereas in the Senate, this list includes the Marshal

of the Senate, the Presidium of the Senate, Committee on the Rules of Procedure, Ethics and Senatorial Affairs, as well as a group of at least ten Senators. It would be reasonable to assign this task to the Council of Seniors exclusively. Moreover, conditioning an amendment on the qualified majority seems to be of advantage and a step towards pluralism as well, as it would involve the parliamentary opposition in the decision-making process. Other criticised issues included the admissibility of resolutions of the Sejm which allow it to deviate from certain provisions of the rules of procedure on an occasional basis. Although such resolutions have clear a legal basis provided for in the rules of the lower house, it is debatable whether they are in accordance with the (presumed) constitutional order requiring the rules of procedure to be compiled in a single body of text. It may not be excluded that the existing rules are, in fact, in conflict with the Constitution. Another questionable issue is the legal procedure for interpreting the provisions of the rules of procedure. In the light of the constitutional provisions, as the studies showed, it was an error to entrust the Presidium of the Sejm and the Senate with this competence. Furthermore, the regulation whereby it is the respective Marshals of the houses that initiate the interpretation procedure is rather controversial. The crux of the problem is that this deprives the parliamentary opposition of any influence on these matters whatsoever. Another view presented in this context is that the Sejm and the Senate do not have the right to repeal a regulation on the interpretation of the rules of procedure under the existing legislation. The arguments I present to support this view clearly show that it is not possible to concur with a contradictory opinion. This part of research was concluded with remarks on the presumption of constitutionality of parliamentary rules of procedure. They indicate that this presumption is generally regarded to be very strong in Poland, which is not exactly true. As it turns out, not all provisions of the rules of procedure call for restraint from the judges of the Constitutional Tribunal. Some of them do not exercise this presumption at all or use it only to a limited extent.

**5. Other scientific and research accomplishments**

My research interests span many areas of constitutional law. Although I focused primarily on contemporary constitutional system in Poland, several of my publications examine foreign systems or historical issues. In total, my accomplishments after obtaining a Ph. D. amount to 51 publications, including 2 monographs, 24 articles, 12 chapters in monographs (one in print), 9 course books chapters (7 in print), 1 co-authored commentary, 2 reviews and 1 conference paper.

**Functioning of parliament in democratic states**

Among my areas of interest, the functioning of the parliament is of major importance and the subject of a greater part of my scientific research. My studies cover several different topics. To begin with, the research on the legal status of the parliamentary opposition in Poland resulted in 1 monograph, 1 chapter in a monograph and 3 articles (*The impact of parliamentary opposition on the functioning of supreme state authorities under the Constitution of 1997 [Wpływ opozycji parlamentarnej na funkcjonowanie naczelnych organów władzy państwowej – analiza problemu w świetle Konstytucji RP z 1997 roku]*, Toruń 2018, p. 211; *Vote of no-confidence against an individual member of the government as an instrument of the parliamentary opposition in Poland [Individuelles Misstrauensvotum als Instrument der parlamentarischen Opposition in Polen]*, "Osteuropa. Recht - BWV", Vol. 57, December 2011 A 49647, p. 388-396; *The constitutional right to opposition and the provisions of the rules of Parliament [Konstytucyjne prawo do opozycji a postanowienia regulaminu Sejmu]* (in:) *Fundamental system values and principles. The constitutional model and the political practice in Poland [Fundamentalne wartości i zasady ustrojowe. Model konstytucyjny a praktyka ustrojowa w Polsce]*, Lublin 2016, p. 283-300.; *Commentary on the draft changes to the parliamentary rules of procedure regarding the parliamentary debate [Uwagi w sprawie projektów zmian regulaminu Sejmu dotyczących trybu przeprowadzania debaty parlamentarnej]*, „Studia Iuridica Lublinensia" 2016, Vol. XXV, No. 2, p. 177-191; *Procedure of setting the Sejm agenda [Procedura ustalania porządku dziennego posiedzeń Sejmu RP]*, „Przegląd Prawa Konstytucyjnego" 2018, No. 5, p. 123-145.). In these publications, I generally promote the idea of reinforcing the rights of parliamentary opposition in Poland. This could ensue if a change was introduced in regulations of the current Constitution, as well as the parliamentary rules of procedure and regulations providing for parliamentary matters. My analysis clearly shows that the current regulations do not protect the opposition groups to a sufficient degree. In many cases, they also provide the groups which support the government with disproportionate benefits. This problem is visible at the level of the Constitution itself. That is to say, it does not explicitly stipulate any type of an institutional guarantee for the functioning of the parliamentary opposition. This is also visible in the regulations of the rules of procedure. Although they are not completely devoid of provisions supporting the opposition, their number can hardly correspond to the standards of a modern democratic state. This is an unacceptable situation, which is

why it is necessary to propose changes to a number of existing provisions. By this, I mean in particular the regulations on the participation of the opposition in the work of the parliamentary bodies.

The publication which is of crucial importance in this regard is *The impact of parliamentary opposition on the functioning of supreme state authorities under the Constitution of 1997 [Wpływ opozycji parlamentarnej na funkcjonowanie naczelnych organów władzy państwowej – analiza problemu w świetle Konstytucji RP z 1997 roku]*. It is a particularly rigorous analysis of the functioning of the opposition under the current Constitution. The underlying research concept is aimed at illustrating the impact of opposition on the supreme state authorities, i.e. the Sejm, the Senate, the Council of Ministers, and the President. My main intention was to present a comprehensive view on the position and the role of the parliamentary opposition in the system of government established by the Constitution. This book consists of 4 sections. Their structure allows for a clear presentation of the research results.

The first section explains the basic issues related to the functioning of the parliamentary opposition in a parliamentary system. These considerations should be regarded as a starting point for further discussion on particular legal solutions. This part expounds on the following topics: parliamentary minority and majority in the parliamentary system, normative protection of the opposition, opposition typology, and types of opposition functions in the parliament.

The second chapter illustrates the legal regulations which are crucial for the opposition groups in the parliament. It elaborates on the legal forms of organization of opposition members in the Sejm and the Senate, relations between opposition groups and the internal organs of the Sejm and the Senate, and the possibilities of exerting influence on the legislative process by the oppostion in both houses. This part of the book concentrates on the following questions: 1) Are the rights of the opposition in the parliament properly secured under existing legislation? 2) To what extent do the solutions adopted influence the effective functioning of the opposition in both houses? 3) Do the current regulations require changes which would improve the situation of opposition parties?

The third chapter presents an analysis of the relationship between the parliamentary opposition and the government. The scope of relevant issues is limited to the functioning

of the opposition in the Sejm. This results from the fact that the Sejm has an exclusive control power vested in it by the legislator, which unavoidably entails key element of political confrontation. The Senate, of course, does not have such a function. This chapter deals extensively with the role of the parliamentary opposition in appointing the Council of Ministers. It also describes the following institutions in detail: investiture vote, motion of no-confidence levelled against an individual minister, vote of approval, interpellation, and investigation committee. The main objective of these studies was to demonstrate the obsolescence of analysing the relations between the parliament and the government in respect of the separation of powers stipulated by the Constitution. In fact, this sphere is largely determined by the actions of the parliamentary opposition.

Chapter four investigates the interaction between the parliamentary opposition and the President. It describes the theoretical models for relations of the President with the parliamentary majority and the opposition. Moreover, it presents the presidential prerogatives which, in certain conditions, may prove a particularly tempting opportunity to act as a speaker for one of the parliamentary groups. The President can become the driving force behind the mutual relations of the ruling majority and the opposition. It may be therefore argued that the political activity of the President is, at least to some extent, contingent upon the balance of power in the parliament.

I further expounded on the deliberations presented in the book in my scientific papers. Three of them, i.e. *Vote of no-confidence against an individual member of the government as an instrument of the parliamentary opposition in Poland [Individuelles Misstrauensvotum als Instrument der parlamentarischen Opposition in Polen]*, "Osteuropa. Recht - BWV", Vol. 57, December 2011 A 49647, *Commentary on the draft changes to the parliamentary rules of procedure regarding the parliamentary debate [Uwagi w sprawie projektów zmian regulaminu Sejmu dotyczących trybu przeprowadzania debaty parlamentarnej]*, „Studia Iuridica Lublinensia" 2016, Vol. XXV, No. 2 *Procedure of setting the Sejm agenda [Procedura ustalania porządku dziennego posiedzeń Sejmu RP]*, „Przegląd Prawa Konstytucyjnego" 2018, No. 5 regard the practicability of particular legal instruments in respect of the interest of the opposition. These instruments include the vote of no confidence against an individual member of the government, principles of participation of the opposition in the parliamentary debate and its influence on setting the debate agenda. The conclusion of my considerations presented in these articles is that all these matters call for changes. The article *The Constitutional right to opposition*

*and the provisions of the rules of Parliament [Konstytucyjne prawo do opozycji a postanowienia regulaminu Sejmu]* (in:) *Fundamental system values and principles. The constitutional model and the political practice in Poland [Fundamentalne wartości I zasady ustrojowe. Model konstytucyjny a praktyka ustrojowa w Polsce]*, Lublin 2016 supports the idea of a comprehensive system of rights granted to parliamentary opposition. The system would be grounded on a new constitutional basis, which I described in the article, and it would result in new regulations of the Sejm. However, the same direction of legislation reforms in relation to the Senate would be ill-advised as this house in my opinion should be closer to the idea of "house of reflexion" than the concept of noisy forum of political fights.

Another series of publications regarding the parliamentary system concerns the legal status and the functioning of the internal organs of the parliament. These include the following papers: *The status of the Marshal of the Sejm in the system of government and the rights of the parliamentary opposition [Stanowisko ustrojowe marszałka Sejmu a prawa opozycji parlamentarnej]*, „Przegląd Sejmowy" 2009, No. 2, p. 9-30; *Dismissal of the Marshal of the Sejm [Procedura odwoływania marszałka Sejmu RP]* (in:) *The issues of surveillance and control of public authorities in Poland*, Volume IV, (ed). M. Konarski, M. Woch, Warszawa 2014, p. 163-174; *Interpretation of the Standing Orders of the Sejm – a reflection [Wykładnia regulaminu Sejmu – garść refleksji]* (in:) *The issues of surveillance and control of public authorities in Poland [Z zagadnień nadzoru I kontroli organów władzy publicznej w Polsce]*, Volume IV, ed. M. Konarski, M. Woch, Warszawa 2015, p. 25-33; *Governing Bodies of the National Assembly in the French Fifth Republic [Organy kierownicze Zgromadzenia Narodowego w V Republice Francuskiej]*, "Studia Iuridica Lublinensia" 2015, vol. XXIV, Issue 4, p. 85-104; *Models of Internal Management in the First Chambers of Parliaments [Modele kierownictwa wewnętrznego w izbach pierwszych parlamentów]*, "Przegląd Sejmowy" 2017, No. 3, p. 45-69.). The latter (*Models of Internal Management in the First Chambers of Parliaments [Modele kierownictwa wewnętrznego w izbach pierwszych parlamentów]*, "Przegląd Sejmowy" 2017, No. 3 is of particular importance as it is a result of an extensive and meticulous comparative study covering over 100 countries. This paper distinguishes between the Anglo-Saxon and the continental model of internal management in the first chambers of parliaments in contemporary democratic countries on the basis of their cultural background and content of their typical legal provisions. This pioneering research output shows that there

are numerous common solutions despite the differences in the way the respective legislators tackled the matters in question. It allows for the abovementioned division and thus for establishing certain models. The remaining publications expound on other issues. For instance, the paper entitled *Dismissal of the Marshal of the Sejm [Procedura odwoływania marszałka Sejmu RP]* (in:) *The issues of surveillance and control of public authorities in Poland, [Z zagadnień nadzoru i kontroli organów władzy publicznej w Polsce]*, Volume IV, eds. M. Konarski, M. Woch, Warszawa 2014, deals with the provisions of the rules of procedure which govern the mode of dismissing the marshal of the Sejm. The considerations are in favour of their establishment (in contrast with the previous legal order) and for their normative form. In *Interpretation of the Standing Orders of the Sejm – a reflection [Wykładnia regulaminu Sejmu – garść refleksji]* (in:) *The issues of surveillance and control of public authorities in Poland, [Z zagadnień nadzoru i kontroli organów władzy publicznej w Polsce], Volume IV*, eds. M. Konarski, M. Woch, Warszawa 2015 I elaborate on some aspects of the interpretation of the Standing Orders of the Sejm. The last paper, *Governing Bodies of the National Assembly in the French Fifth* Republic *[Organy kierownicze Zgromadzenia Narodowego w V Republice Francuskiej]*, "Studia Iuridica Lublinensia" 2015, vol. XXIV, is not related with the Polish parliamentary law and focuses on French legislation instead. It analyses the constitutional reforms carried out in France in 2008 and the resulting changes in the rules of procedure in the years 2009 – 2014, focusing on their impact on the model of internal management in the first chamber of the French parliament, i.e. the National Assembly. The purpose of this paper was to show the scale of the normative transformations of the model in question and, consequently, to conclude whether a new model had already been established after the amendments or perhaps the old model, yet clearly modified, was still in use.

The studies related to the British parliamentary system is a separate area of research. The publications express my deep interest in the system functioning in the United Kingdom. Generally, these papers concern selected aspects of the legal status and the functioning of both parliament houses, both in contemporary and historical perspective (*Dismissal of the members of the House of Commons in the constitutional system of the United Kingdom [Mechanizm odwoływania posłów Izby Gmin w systemie konstytucyjnym Zjednoczonego Królestwa]*, "Studia Prawnicze PAN" 2015, No. 4 p. 123-140; The *formula of fixed-term parliament in Great Britain and its constitutional implications [Sztywna formuła kadencji brytyjskiego parlamentu i jej ustrojowe implikacje]*, "Przegląd Prawa

Konstytucyjnego" 2016, No. 2, p. 115-132; the *legal status of the the Speaker of the House of Commons [Status prawny spikera Izby Gmin]*, "Społeczeństwo i Polityka" 2016, No. 4, p. 94-113.; *The idea of establishing a Constitutional Court of the United Kingdom [Idea powołania sądu konstytucyjnego dla Zjednoczonego Królestwa]* (in:) *Freedom and independence in a democratic state – system issues [Idea wolności i niezależności w państwie demokratycznym – problemy ustrojowe]*, ed. G. Pastuszko, M. Grzesik-Kulesza, Rzeszów 2017, p. 330-342; *Salisbury's convention in the British constitutional order [Konwenans Salisbury'ego w brytyjskim porządku konstytucyjnym]*, "Studia Politologiczne. Instytut Nauk Politycznych Uniwersytetu Warszawskiego", 2015, vol. 38, p. 261-277; *The reform of the House of Lords of the 1911 [Reforma Izby Lordów z 1911 roku]*, "Prawo i Polityka" 2018, No. 4 p. 7-36; *The effects of the reforms of the legislative function of the House of Lords – twists in the political practice [Skutki reform dotyczących funkcji ustawodawczej Izby Lordów – meandry praktyki ustrojowej]*, "Ius et Administratio" 2018, No. 4, p. 1-17.). Both *Dismissal of the members of the House of Commons in the constitutional system of the United Kingdom [Mechanizm odwoływania posłów Izby Gmin w systemie konstytucyjnym Zjednoczonego Królestwa]*, "Studia Prawnicze PAN" 2015, No. 4 and *The formula of fixed-term parliament in Great Britain and its constitutional implications [Sztywna formuła kadencji brytyjskiego parlamentu i jej ustrojowe implikacje]*, "Przegląd Prawa Konstytucyjnego" 2016, No. 2 contain an analysis of the effects of the two major political reforms in the UK, i.e. the reform establishing a mechanism for cancelling the MP mandate, and the reform introducing the regime of the fixed-term parliament. The first paper shows that new solutions lead to a deformation of the parliamentary mandate, which remains unnoticed in the British doctrine. The second publication presents potential change directions in the functioning of the UK parliamentary system. *The legal status of the Speaker of the House of Commons [Status prawny spikera Izby Gmin]*, "Społeczeństwo i Polityka" 2016, No. 4 examines the legal rules (including recent ones) which determine the role of the presiding officer of the House of Commons. It focuses on his standing and importance in the system in the British system. The situation of the upper house is presented in *Salisbury's convention in the British constitutional order [Konwenans Salisbury'ego w brytyjskim porządku konstytucyjnym]*, "Studia Politologiczne. Instytut Nauk Politycznych Uniwersytetu Warszawskiego", 2015, vol. 38. It is devoted to the most important constitutional convention in the British system, which regulates the functioning of the House of Lords. The analysis explains the confusing role and the controversy of the practical application of this convention. I also published a paper entitled *The idea*

*of establishing a Constitutional Court of the United Kingdom [Idea powołania sądu konstytucyjnego dla Zjednoczonego Królestwa]* (in:) *Freedom and independence in a democratic state – system issues [Idea wolności i niezależności w państwie demokratycznym – problemy ustrojowe]*, ed. G. Pastuszko, M. Grzesik-Kulesza, Rzeszów 2017. It regards the proposals for establishing a Consitutional Court in the United Kingdom, which have been put forward over the last few years. On the basis of the doctrine and previous experience in respect of constitutionality examination of the British law, these proposals are assessed for their compliance with one of the key principles of the British constitution, i.e. the principle of parliamentary sovereignty. The last two papers: *The reform of the House of Lords of the 1911 [Reforma Izby Lordów z 1911 roku]*, "Prawo i Polityka" 2018, No. 4 p. 7-36; *The effects of the reforms of the legislative function of the House of Lords – twists in the political practice [Skutki reform dotyczących funkcji ustawodawczej Izby Lordów – meandry praktyki ustrojowej]*, "Ius et Administratio" 2018, No. 4 regard the issues of the past. It is namely a reflection on the content and system consequences of legislative reforms in respect of the function of the House of Lords. The two papers should be regarded as whole on account of their subject.

My publications concerning the parliament also include papers bordering on the principle of formal autonomy. These are: *On the need for enacting the new standing order of the National Assembly [O potrzebie uchwalenia nowego regulaminu Zgromadzenia Narodowego]* "Przegląd Prawa Konstytucyjnego", 2015, No. 4 as well as the *The boundaries of regulative autonomy in the standing orders of Polish parliament [Granice autonomii regulacyjnej w regulaminach polskiego parlamentu]*, "Przegląd Prawa Konstytucyjnego" 2016, no. 5. The issues outlined in these papers belong to the area of research undertaken for the purposes of the monograph declared as the main scientific accomplishment. The first publication evaluates the methods of internal regulation of the National Assembly. It presents the defective construction of its rules of procedure and the legislative procedures behind this defect. The second paper shows what is the extent of decisive power for establishing internal rules of procedure by both houses of parliament.

As to this area of interest, I would like to mention some research findings made in the educational publications. This regards in particular the book *Polish parliamentary law - an outline [Polskie prawo parlamentarne – zarys problematyki]*, Warszawa 2019. For the first time in the doctrine, I identified the premises for acknowledging parliamentary law as an autonomous discipline of law, despite its obvious link to the constitutional law.

**Functioning of organs of executive power – president and government in democratic states**

Publications on the functioning of the president and the government are an important part of my accomplishments and form a separate area of research. My primary considerations concern the Polish system, but I did analyse foreign systems as well. As in the case of the parliament, I conducted some historical studies, yet they only constitute a small part of all the publications. It should be stressed that some of my works which are explicitly devoted to the institution of the president and the government refer to some aspects of parliamentary law at the same time. This is, of course, due to the substantive proximity of these matters.

A substantial number of thesis publications concern the legal construct of substituting the President of Poland while he/she is unable to perform his/her functions. These publications are a result of in-depth studies on this institution (*The substitution of the President of Poland in the constitutional tradition of the inter-war and post-war Poland [Instytucja zastępstwa Prezydenta RP w tradycji konstytucyjnej Polski międzywojennej i powojennej]*, "Przegląd Sejmowy" 2012, No. 2, p. 253-266; *The legal construct of presidency during the operation of the State National Council [Konstrukcja prawna prezydentury w okresie działania Krajowej Rady Narodowej]*, "Czasopismo Historyczno-Prawne", Volume LXVI, Section 1, 2014, p. 393-405; *The Marschal of the Sejm as a person temporarily performing the duties of the President – constitutional dilemmas [Marszałek Sejmu jako osoba wykonująca tymczasowo obowiązki Prezydenta RP – dylematy konstytucyjne]*, "Przegląd Prawa Konstytucyjnego" 2011, No. 1 p. 83-107; *State of exception in a state – de lege lata and de lege ferenda commentaries with regard to the duration of the substitution of the President in office [Sytuacja nadzwyczajna w państwie – kilka uwag de lege lata i de lege ferenda odnośnie do okresu trwania zastępstwa Prezydenta w urzędzie]* (in:) *Role and importance of crisis management in a security system of a state [Rola i znaczenie zarządzania kryzysowego w systemie bezpieczeństwa państwa]*, ed. E. Ura, S. Pieprzny, J. Jedynak, Rzeszów 2013, p. 32-42.). There are two papers which show the origins and the content of solutions which regulate these matters in the inter-war and post-war periods: *The substitution of the President of Poland in the constitutional tradition of the inter-war and post-war Poland [Instytucja zastępstwa Prezydenta RP w tradycji konstytucyjnej Polski międzywojennej i powojennej]*, "Przegląd Sejmowy" 2012, and *The legal construct of presidency during the operation*

*of the State National Council [Konstrukcja prawna prezydentury w okresie działania Krajowej Rady Narodowej]*, "Czasopismo Historyczno-Prawne", Volume LXVI, Section 1, 2014. Both contain analyses of normative constructs adopted at that time, regarding the prevailing doctrine. (Interestingly, the other paper was recognized by historians, see A. Witkowski, *Review of the thesis of M. Szulc, Presidium of the State National Council in the Polish system in the years 1944-1947 [Prezydium Krajowej Rady Narodowej w systemie ustrojowym państwa polskiego (1944-1947)], Rzeszów 23.06.2016, p. 2).* Later articles concern contemporary times. Two of them regard the of legislative shortcomings and discrepancies in interpretation of provisions regulating the substitution under the current Constitution. These are: *Marshal of the Sejm as a person temporarily performing the duties of the President – constitutional dilemmas [Marszałek Sejmu jako osoba wykonująca tymczasowo obowiązki Prezydenta RP – dylematy konstytucyjne]*, "Przegląd Prawa Konstytucyjnego" 2011, No. 1 p. 83-107 and *State of exception in a state – de lege lata and de lege ferenda commentaries with regard to the duration of the substitution of the President in office [Sytuacja nadzwyczajna w państwie – kilka uwag de lege lata i de lege ferenda odnośnie do okresu trwania zastępstwa Prezydenta w urzędzie]* (in:) Role and importance of crisis management in a security system of a state *[Rola i znaczenie zarządzania kryzysowego w systemie bezpieczeństwa państwa]*, ed. E. Ura, S. Pieprzny, J. Jedynak, Rzeszów 2013. The paper *Functioning of the Mechanism of State Authority in the Period of Substitution of the President of the Republic of Poland (Some Remarks on the Main Principles of the System of Government) [Funkcjonowanie mechanizmu władzy państwowej w okresie wykonywania zastępstwa Prezydenta RP (uwagi na tle naczelnych zasad ustrojowych)]*, "Przegląd Sejmowy" 2015, No. 5 analyses the impact of the procedure stipulated by Article 113 of the Constitution on the functioning of the state. This procedure provides that assumption of the presidential office by a Marshal of any of the houses of parliament leads to disturbances in the mechanism of action of state authority, i.e. it restricts the scope of the separation of powers and incompatibility principle. At the same time, the cabinet-parliamentary system of governance is imbalanced. The issue of substitution is also discussed in the publication *The power of the Constitutional Tribunal in Poland to confirm president's incapacity for exercising of the office* (in:) *Law, Security and Public Administration in an International Perspective*, Berlin 2017. It presents the hypothetical problems that may arise in the jurisprudence of the Constitutional Tribunal regarding temporary obstacles which inhibit the President from exercising his office and temporarily entrust the Marshal of the Sejm with

the presidential duties. The deliberations regard the substitution of the President of Poland in vast majority of papers, with one example, and namely *The rule of the vacancy of the Head of State in the light of art. 57 of the Constitution of the Federal Republic of Germany [Formuła zastępstwa głowy państwa w świetle art. 57 niemieckiej ustawy zasadniczej]*, "Studia Prawnicze KUL" 2016, No. 3, which shows the legal and practical aspects this institution. It argues that the provisions regulating the issue of substituting the President are extremely concise, hence a number of doubts concerning their interpretation. This might become a larger issue in the future, in case it is necessary to actually use those provisions.

Two other papers concern the functioning of the President. These are: *Competences of the National Assembly [Kompetencje Zgromadzenia Narodowego]*, „Państwo i Prawo" 2015, No. 8 and *Functioning of the constitutional system of the Third Republic of Poland during the period of cohabitation (2007–2010) [Funkcjonowanie systemu ustrojowego III RP w okresie koabitacji 2007-2010]*, „Przegląd Prawa Konstytucyjnego", 2010, No. 1. The first paper concentrates on the legal relationship between the President and the National Assembly. These remarks are, in fact, a critical analysis of the constitutional powers, which demonstrates the weakness of the existing legal solutions in this respect. The second article is a case study devoted to the phenomenon of cohabitation which occurred in Poland in the years 2007 to 2010. It led to a variety of interesting situations in respect of the system. A description of the political situation from the perspective of the relations between the President, the government and the parliamentary majority prompted a reflection on certain regulations of the Constitution and their impact on the functioning of the Polish system within the constitutional practice.

Almost all my papers on the institution of the President concern Poland exclusively, whereas every publication on government institutions is about foreign states. Most of these regard the political responsibility of the government (*The Constructive Vote of no Confidence in the Political Systems of European Countries: A Comparative Legal Analysis [Instytucja konstruktywnego wotum nieufności w systemach ustrojowych państw europejskich]*, "Przegląd Sejmowy", 2014, No. 4, p. 29-42; *A casu ad casum – the origin and development of the mechanism of Government's political resposibility in the constitutional system of Great Britain [A casu ad casum - korzenie oraz ewolucja ustrojowa mechanizmu odpowiedzialności politycznej rządu w systemie konstytucyjnym*

*Wielkiej Brytanii]*, "Ius et Administratio" 2014, No. 3, p. 64-75; *Systemic model of the political responsibility of the government in the French Third Republic (legal regulations and political practice) [Ustrojowy model odpowiedzialności politycznej rządu w III Republice Francuskiej (regulacja prawna i praktyka ustrojowa)]*, "Zeszyty Naukowe Uniwersytetu Rzeszowskiego – Legal Series" 2014, No 84, p. 150-161.). The paper *The Constructive Vote of no Confidence in the Political Systems of European Countries: A Comparative Legal Analysis [Instytucja konstruktywnego wotum nieufności w systemach ustrojowych państw europejskich]*, "Przegląd Sejmowy", 2014, No. 4 is of particular value as a comparative review of legal solutions regulating the constructive vote of no-confidence in all the European countries that decided to implement this normative construct. The findings showed some very original solutions in certain cases. They comprise the particularities of the model found in a given system, but also the solutions which create a common standard. Interestingly enough, standard regulations also include elements which may be considered as legislative defects. Among the remaining papers, there is a group which presents the overwhelming impact of political practices on the formation of political responsibility in the governments of Great Britain and France. These include the following: *A casu ad casum - roots and the evolution of the systemic mechanism of political responsibility of the government in the constitutional order of the United Kingdom [A casu ad casum - korzenie oraz ewolucja ustrojowa mechanizmu odpowiedzialności politycznej rządu w systemie konstytucyjnym Wielkiej Brytanii]*, "Ius et Administratio" 2014, No 3; *Systemic model of the political responsibility of the government in the French Third Republic (legal regulations and political practice) [Ustrojowy model odpowiedzialności politycznej rządu w III Republice Francuskiej (regulacja prawna i praktyka ustrojowa)], "Zeszyty Naukowe Uniwersytetu Rzeszowskiego – Legal Series"* 2014. Both papers are historical in nature and concentrate on empirical analysis.

There is one publication which needs special attention, and namely *The executive power: the doctrine, the letter and the practice of constitutional law projects [Władza wykonawcza: projekty w doktrynie, literze i praktyce prawa konstytucyjnego]* (in:) *Independence – sovereignty – subjectivity. Polish system projects 1918-2018 [Polskie projekty ustrojowe 1918-2018]*, ed. W. Paruch, Warszawa 2019 – in print (about 3 printed sheets). This is a special anniversary paper to be published 100 years after Poland regained its independence. Unfortunately, the publication is already delayed. It is a synthetic compilation of legal regulations governing the functioning of the executive authorities (including bodies

that which replaced the executive bodies removed with the abolition of separation of power) in all versions of the Polish state. My intention was to highlight the solutions which can be considered an original and unique product of the Polish constitutional thought.

**Status of the individual in a state**

The last area of my interests regards the legal status of the individual in a state. In this field of study, my accomplishments result mostly from cooperation, i.e. joint research projects carried out with my colleagues from the Department of Legal Institutions and Human Rights at the Faculty of Law and Administration of the University of Rzeszów. In terms of numbers, these accomplishments may seem the least impressive, yet hopefully the diversity of issues studied compensates this fact. They include the following: *State liability for damage [Odpowiedzialność odszkodowawcza państwa]* (in:) *Constitutional measures for the protection of human rights [Konstytucyjne środki ochrony praw człowieka]*, red. H. Zięba - Załucka, Rzeszów 2015, p. 65-92; *Freedom of labour [Wolność pracy]* (in:) *Economic, social and cultural freedoms under t Władza wykonawcza: projektyhe Constitution of 1997 [Wolności i prawa ekonomiczne, socjalne i kulturalne w Konstytucji RP z 1997 roku]*, ed. H. Zięba-Załucka, Rzeszów 2017, p. 46-66; *Freedom of artistic expression, scientific and scholarly research, freedom to teach, and to enjoy cultural heritage. [Wolność twórczości artystycznej, badań naukowych, nauczania, korzystania z dóbr kultury]* (in:) *Economic, social and cultural freedoms under the Constitution of 1997 [Wolności i prawa ekonomiczne, socjalne i kulturalne w Konstytucji RP z 1997 roku]*, ed. H. Zięba-Załucka, Rzeszów 2017, p. 214-235; *The petition to the Parliament – preliminary regulation assessment [Petycja do parlamentu – wstępna ocena regulacji],* [in:] *Systems of Protection of Human Rights: European and Asian. Universal's Context – Regional's Specific – Implementations' Conditioning [Systemy ochrony praw człowieka: europejski I azjatyckie. Inspiracja uniwersalna – uwarunkowania kulturowe – bariery realizacyjn*e, J. Jaskiernia (ed),Warszawa 2016, p. 158-167; *Restrictions on the freedom and rights of the individual for reason of protection of state security and public order during the period of emergency states* (in:) *From human rights to essential rights*, ed. M. Sitek, L. Tafaro, M. Indellicato, Józefów 2018 (co-authored with A. Trubalski, p. 35-52).

In the paper entitled *State liability for damage [Odpowiedzialność odszkodowawcza państwa]* (in:) *Constitutional measures for the protection of human rights [Konstytucyjne*

*środki ochrony praw człowieka]*, red. H. Zięba - Załucka, Rzeszów 2015, I present, in a wide but synthetic manner, the liability of the State with regard to the existing regulations, doctrine and jurisprudence. I also studied the question of freedom in the following publications: *Freedom of labour [Wolność pracy]* (in:) *Economic, social and cultural freedoms under the Constitution of 1997 [Wolności i prawa ekonomiczne, socjalne i kulturalne w Konstytucji RP z 1997 roku]*, ed. *H. Zięba-Załucka, Rzeszów 2017, Freedom of artistic expression, scientific and scholarly research, freedom to teach, and to enjoy cultural heritage. [Wolność twórczości artystycznej, badań naukowych, nauczania, korzystania z dóbr kultury]* (in:) *[Wolności i prawa ekonomiczne, socjalne i kulturalne w Konstytucji RP z 1997 roku]*, H. Zięba-Załucka, Rzeszów 2017. Within those papers, I adopt a new perspective on the two freedoms: *the freedom of labour and the freedom of artistic expression, scientific and scholarly research, freedom to teach, and to enjoy cultural heritage.* I devoted one paper to an issue on the border of human rights and parliamentary laws, i.e. *The petition to the Parliament – preliminary assessment of the regulation* (in:) *Systems of Protection of Human Rights: European and Asian. Universal's Context –Regional's Specific – Implementations' Conditioning. [Systemy ochrony praw człowieka: europejski i azjatyckie. Inspiracja uniwersalna – uwarunkowania kulturowe – bariery realizacyjne]*, red. J. Jaskiernia, Warszawa 2016. Within this publication, I assess the legal regulations which govern the institution of the petition to the Parliament. They are stipulated by the Constitution, the act on petitions, and in the rules of procedure of both houses of the Polish Parliament. The scope of the analysis includes, inter alia, the following matters: 1) the mutual relations between the statutory and the rule-making mattes, 2) mechanism for initiating the petition procedure in the Sejm and the Senate, 3) operation mode of the committee of the Sejm and the Senate for reviewing petitions, 4) legislator's waiver of the principle of discontinuation of the Parliament in the case of petition proceedings. Ultimately, I took upon myself to study (together with A. Trubalski as an co-author) the issue of the constraints imposed by the introduction of a state of exception or emergency under the Polish Constitution in the context of the legal status of the individual. This problem is involved in the publication *Restrictions on the freedom and rights of the individual for reason of protection of state security and public order during the period of emergency states* (in:) *From human rights to essential rights*, ed. M. Sitek, L. Tafaro, M. Indellicato, Józefów 2018.

**Publications unrelated to the abovementioned research areas**

My studies extended beyond the research areas presented above in the commentary on the Law on the State Tribunal of 26 March 1986: M. Klejnowska, M. Grzesik-Kulesza, G. Pastuszko, the *Law on the State Tribunal Komentarz, LexisNexis 2013*; the commented articles: art. 1, art. 2 remarks 1-22, art. 4-5a, art. 6 remarks 1-21, art. 10 remarks 2, art. 13 remarks 1-6, art. 13a remarks 1,2,4, art. 13b, 19 remarks 1-4 i 10, art. 23 remark 8, art. 24, 26b, 29.

**Other aspects of my scholarly activities as well as information on educational accomplishments, scientific cooperation, participation and organisation of research projects and popularisation of science are provided in Annex No. 4.**

**6. Future research plans and interests**

In my future research, I am going to continue to address the issues of parliamentary law and systems of government in contemporary democratic countries, especially the issue of principles of functioning of parliament and their impact on the constitutional mechanism of state authorities. Works which are to be published in this area, aim to analyse problems of polish constitutional system but also constitutional systems of other states. The latter ones are to be comparative publications.

Additionally, I also intend to expand my studies into parliamentary systems in the Anglosphere. I would like to focus on the strategic transformations of the parliamentary system in the United Kingdom, with particular reference to the reforms (also drafts) which were adopted in recent years in the United Kingdom. Here, the problem that comes to the fore is the issue of internal organisation and internal proceedings of the House of Commons and House of Lords.

Besides, I am currently in the course of preparing a monograph referring to the issue of state authorities in Poland. In all likelihood, this project will be completed next year.