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FEATURES OF LEGISLATIVE TECHNIQUE IN POLAND

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The article discusses legal acts determining legislative drafting technique in Poland and analyses doctrinal approaches to its understanding. The focus lies on different approaches to determining the nature of legislative technique, in particular the definitions of the Government Legislation Centre, and its importance for the formation of an appropriate legal system. The legal positions of the Constitutional Court of Poland on the role of legislative technique in the legal system of Poland and its importance for the development of a democratic rule of law are presented. It is revealed that the Constitutional Court of Poland considers the principles of the legislative drafting technique as a praxeological canon, which lawmakers cannot ignore.

The acts that regulate the matters of the legislative technique in Poland are listed. A thorough analysis of the provisions of the Order of the Chairman of the Council of Ministers of 20 June 2002 in the case of "Principles of the Legislative Technique" is carried out. The main principles of the legislative technique are listed. The structure of the legislative act and the classification of types of regulatory provisions are described. The features of the legislative drafting technique in Poland are emphasized (episode provisions, introductory laws, the obligation to issue consolidated texts of legal acts), and a review of criticism regarding some instruments of the legislative technique is also carried out. Those features of the Polish legislative technique are identified, the reception of which in the Ukrainian legal system could be advisable.

Conclusions are made about the prospects of further research into the Polish drafting technique with the aim of reception of some approaches.

Keywords: legislative drafting, legislative drafting in EU, text of a legal act, lawmaking, legislation.

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Introduction and problem statement. In recent years, considerable attention has been paid in Ukraine to the issues of the legislative technique, particularly the technique of law drafting. This is evidenced by the adoption of the Law of Ukraine "On Lawmaking Activities," various conferences, seminars, roundtable discussions, schools, and relevant literature (first of all, the academic commentary of the aforementioned law). Ukrainian lawmakers strive to improve the methods of their work so that its result—i.e. legal acts, primarily laws (acts)—is of the highest possible quality and this allows to strengthen democracy and the rule of law in Ukraine.

While working on the draft law "On Lawmaking Activities," its initiators, as they noted in the explanatory note, took into account the experience of other states in the field of legislative technique, which indicates the interest of Ukrainian lawmakers in foreign practices and their desire to borrow the best foreign approaches to the lawmaking process in Ukraine. This substantiates the pertinence of research into foreign (for example, Polish) rules of lawmaking.

Analysis of recent research and publications. Ukrainian researchers often address the problems of legislative technique and its various aspects. However, the legislative technique of Poland has very rarely attracted the attention of Ukrainian jurists. One can only note a short article by N. Kolesnychenko that was devoted to the requirements of the legislative technique used for formulating legal acts in Poland [14], in which the author superficially analysed the main requirements of the Polish legislative technique. The Polish experience is sometimes mentioned in passing (but not analysed in detail) by authors of textbooks in the field of legislative technique, as in the textbook "Legislative Technique" by A. Tkachuk [16, p. 154], as well as by authors of articles and conference materials, such as, for example, N. Bondar's article [12, p. 16]. Noteworthy are also the study on the ways of improving the procedure for assessing the impact of a bill on budget indicators that was conducted by the Research Service of the Verkhovna Rada of Ukraine [15, pp. 9–10] and where certain requirements of the Polish legislative technique were mentioned as well as the information note on parliamentary offices for legislative drafting which was prepared within the framework of the "RADA: Next Generation" program and described the relevant organizations in Poland [13, pp. 2–5]. Some Polish researchers published articles in Ukrainian periodicals or participated in conferences with reports on the legislative technique in Poland, in particular, one can mention the publication of Jarosław Niesiołowski [4]. As the analysis of research and publications shows, this topic was barely covered by Ukrainian researchers, and therefore this publication is intended to fill this gap in Ukrainian legal studies.

The purpose of the article is to theoretically characterize the modern legislative technique in Poland and its place in the legal system.

Statement of the task. To achieve this purpose, the task was set to analyse the acts regulating legislative technique in Poland, the practice of the Constitutional Court of Poland, and Polish scientific doctrine, to identify and describe the basic principles and rules of the legislative technique in Poland.

Summary of the main material. In Polish doctrine, the term *technika prawodawcza* is used, which can be literally translated as "lawmaking technique." Since, firstly, the technique of norm drafting (*техніка нормопроєктування*) is regarded in Ukrainian legal studies as a component of the lawmaking technique (*законодавча техніка*), and, secondly, the Polish theory of law does not use any specific term for the technique of norm drafting, for this study, the concepts of *technika prawodawcza* and *norm drafting/legislative technique (техніка нормопроєктування/законодавча техніка)* were used as synonyms. It is also worth noting that such a term as the *legislative drafting technique* (or *technique of norm drafting*) does not exist in English-speaking legal systems; nevertheless, it is used here to render the meaning of the Ukrainian concept *техніка нормопроєктування*.

Polish lawyers approach the concept of legislative technique (*technika prawodawcza*) differently, and therefore we can talk about the broadest, narrowest, and intermediate understandings of the legislative technique. In the broadest sense, the legislative technique is understood as both the rules for formulating and systematizing legal provisions and the rules regarding the methodology for preparing drafts of legal acts and the lawmaking procedure [2, p. 1]. Instead, in the narrowest sense of Polish legal science, the legislative technique is a set of rules relating to the purely internal systematics of a legal act [2, p. 1]. Intermediate understandings of the legislative technique involve combining the narrowest understanding with some other aspects of the concept, depending on the views and goals of the researcher, but the present inquiry is based on the narrowest understanding of this term.

Nevertheless, it is possible, as noted by Jarosław Niesiołowski, Doctor of Law at the University of Gdańsk, to come across a position according to which the principles of the legislative technique can be understood in two ways: as the ability to draft correct legal acts and properly form a system of such acts and as a set of rules that determine how to construct legal acts correctly and include them in the legal system or remove them from it [4, p. 27]. Here, special attention should be drawn to the fact that the legislative technique is considered a factor playing a system-forming role in the legal system of the state, and it is also emphasized that while working the legislative drafter must also keep in mind how the drafted norms will enter the legal system.

The Government Legislation Centre (*Rządowe Centrum Legislacji*) regards the legislative technique from three positions: (1) as the ability to prepare legal acts in accordance with the constitution, the legal system, the principles of the legislative technique and language conventions; (2) as a way of expressing legal norms in the form of legal provisions and constructing legal acts; and (3) as a set of rules for the correct presentation of legal provisions and the construction of legal acts, their amendment, their inclusion in the legal system and their exclusion from it [1, p. 4]. In Polish jurisprudence, the term *principles/foundations of the legislative technique* (*zasady techniki prawodawczej*) is used separately, under which the Government Legislation Centre proposes to understand the set of rules (samples, instructions) adopted for use that regulate the method of creating law, relate to recurring, typical situations arising during the preparation of a legal act and its provisions, serve to unify (concord) the methods of their formulation and the clarity (communicability) of the texts of legal acts, and help the drafter of the legislative text when processing these texts in such a way that they best reflect the *mens legislatoris*, i.e. the intentions of the legislator [1, p. 5]. What attracts attention is primarily the tripartite approach to understanding the legislative technique: The Government Legislation Centre considers it not only *sensu stricto* as a set of rules but also as a form of materialization of legal norms and as a corresponding professional skill.

Grzegorz Wierczyński, professor of the University of Gdańsk, calls the principles of the legislative technique a set of rules addressed to the lawmaking services of bodies vested with lawmaking powers, and the task of these rules is to indicate how to correctly communicate the norms of law in legal provisions, how to group these provisions in legal acts and how to introduce changes in the legal system [9, p. 28]. The researcher emphasizes that they have a praxeological character since they indicate how the legislators should formulate law norms in the form of legal provisions so that they relatively best express their intentions [9, p. 28]. As G. Wierczyński notes, this was emphasized by the Constitutional Court of Poland, which, in particular, in the decision K 24/00 of 21 March 2001, indicated that the legislator while exercising lawmaking rights cannot ignore the rules outlined by the principles of the legislative technique and that they are a praxeological canon that the legislator of a democratic state governed by the rule of law must adhere to (paragraph 4 item 18) [10, p. 26]. This opinion was confirmed by the Constitutional Court in the decision K 33/00 of 30 November 2001, in which the Court added that regardless of the problem of the mandatory nature of the principles of the legislative technique and the range of subjects to which they apply, the lawmaking body cannot so unequivocally ignore the norms laid down in them, especially in a situation where, given the interdependence of the principles of amending the statutory text and the principles of its presentation, this may lead to serious problems with the application of the law (paragraph 3 item 3) [11, p. 9]. Therefore, as can be concluded from the positions of the Constitutional Court of Poland and the definitions of the legislative technique of the Government Legislation Centre, the view on the legislative technique as a practical activity that reflects the ability of

lawmaking bodies to design correct legal provisions and legal acts is firmly ingrained in Polish legal theory.

The legislative technique is regulated in Poland by the Order of the Chairman of the Council of Ministers of 20 June 2002 in the case of "Principles of the Legislative Technique" (hereinafter referred to as the PLT) [5]. However, this is not the first such act in Poland: previously, the legislative technique was regulated by acts of 1991 and 1961. The legal basis for the adoption of this order was the provision of paragraph 5 article 14 of the Law "On the Council of Ministers" of 8 August 1996, according to which the application of the principles of the legislative technique should ensure, first of all, the coherence and integrity of the legal system, as well as the clarity of the texts of legal acts, taking into account the attainments of academia and practical experience [8]. Promulgation of legal acts is regulated by the Law "On the Promulgation of Regulatory Acts and Certain Other Legal Acts" of 20 July 2000 [7]. Thus, it indicates a high level of regulation in the sphere of the legislative technique in Poland.

Chapter I of the PLT regulates the methods of formulating a draft law. In this chapter, the Polish legislator has provided rules for the preparation of an act both before writing the text of a draft law (when the law, or rather the rules of law, still exist only as a concept), and for its textual presentation. From the rules contained in Chapter I, it is also possible to formulate the principles of the legislative process in Poland, which are mandatory to observe in the process of issuing legal acts.

The provisions of § 1 of the PLT concern the preliminary stages of drafting a law (definition and description of current social relations, analysis of the existing legal situation, determination of the possibility of taking measures by state authorities, determination of the expected consequences, etc.), and the Chapter I itself contains general rules for formulating a draft law. From the point of view of the Polish legislator, the drafting of laws should be based on the following principles: completeness (§ 2 of the PLT), consistency with the subject matter and scope as defined in the law (§ 3 of the PLT), prohibition of duplication of legal norms from other laws or international agreements (§ 4 of the PLT), coherence, integrity and avoidance of excessive detail (§ 5 of the PLT), accuracy, clarity for the addressees and expression of the legislator's intention (§ 6 of the PLT), consistency with generally recognized rules of syntax of the Polish language (§ 7 of the PLT), use of appropriate language expressions (concepts, terms) in their basic and commonly known meaning (§ 8 of the PLT), systematic and consistent application of legal concepts (§§ 9–10 of the PLT), inclusion in the law only legal norms (§ 11 of the PLT) [5]. As we can see, these regulations have a universal nature and are designed to ensure the proper functioning of the legal system.

It is worth noting that the Polish legislator requires that the law be constructed in such a way that it is not necessary to introduce many exceptions to the regulatory principles adopted therein (section 11 § 3 of the PLT) [5]. Also, section 3 § 23 of the PLT stipulates that if exceptions are provided for any element of a general provision, the provision in which the exceptions are formulated is placed immediately after this general provision [5]. The PLT also allow references to regulatory acts of international organizations or international bodies (in particular the EU), which are subject to direct application in Poland (section 3 § 4) [5]. The introduction of a similar rule in Ukraine would be very useful in the context of Ukraine's integration with the European Union, as this would allow direct reference to EU legal acts.

Due to European integration, the Polish legislator also provided that in the case of the adoption of a law implementing the provisions of an act issued by the institutions of the European Union, or a law whose adoption is related to the adoption or binding nature of

an act subject to direct application, after indicating the subject of regulation in the title of the law, a note is added informing about the regulatory act for the implementation of which the law was adopted and the scope of such implementation (§ 19a of the PLT) [5]. The PLT also regulate the textual layout of references to European Union acts in the text of legal acts (§ 161a) [5]. This technique ensures that not only citizens are informed about the grounds for the introduction of such a regulatory legal act, but also EU bodies about the fulfilment of the obligations of the Member State to implement EU law.

According to § 15 of the PLT, a law must contain the following elements in the following order: title (*tytuł*); substantive general and specific provisions (*przepisy merytoryczne ogólne i szczegółowe*); provisions on amendments (*przepisy zmieniające*); episode provisions (*przepisy epizodyczne*); transitional (*przepisy przejściowe*) and adaptation provisions (*przepisy dostosowujące*); repealing provisions (*przepisy uchylające*), provisions on the expiration of the law (*przepisy o utracie mocy obowiązującej ustawy*), as well as provisions on the entry into force of the law (final provisions) (*przepisy o wejściu ustawy w życie (przepisy końcowe)*) [5]. The requirements for these elements are defined in the following chapters of the PLT.

The Polish legislator distinguishes between general provisions and special provisions. Section 1 § 24 of the PLT includes a classification of special provisions, which are put in the following sequence: provisions of substantive law (*przepisy prawa materialnego*); organizational provisions (*przepisy ustrojowe*); procedural provisions (*przepisy proceduralne*); provisions on fines and criminal liability (*przepisy o karach pieniężnych i przepisy karne*) [5]. It should be emphasized that the PLT contain a number of requirements for the formulation of provisions on fines and criminal liability (§§ 75–81 of the PLT), including how to correctly indicate liability for negligence and circumstances that mitigate/aggravate punishment or exclude the criminal responsibility for an act. In this context, it is worth noting that in Ukraine these rules are not formally set out in any document but are well developed in the doctrine, so the legislators instinctively adhere to them (for example, they list the penalties by degree of severity from the least severe to the most severe).

It is commonplace in almost all legal systems to define in the act the cases when the law is not in force or when its entry into force is postponed. In 2015, the Council of Ministers of Poland supplemented the PLT with rules on episode provisions. These provisions allow the legislator to introduce derogations from the norms of the law. Since improper application of such provisions may violate the legal order, the Polish legislator has defined the rules for the formulation of episode provisions. As a rule, the legislator must distinctly determine the validity period of derogations. If it is necessary to connect the entry of regulation into force or its repeal with the occurrence of an event in the future due to the subject matter of the law or its certain provisions, the fact of occurrence of this future event must be determined in such a way that it does not raise doubts and an official notification must be made about it (section 2 § 29b PLT) [5]. The law must also provide for the form of an official announcement of the occurrence time of a suspensive condition or the body that has the right to do so (section 3 § 29b of the PLT) [5]. Also, § 29c provides that such provisions may be placed in a separate law (episode law) [5]. However, some Polish lawyers criticize this innovation. Doctors of law Małgorzata Moras and Piotr Kroczek argued before the adoption of this novelty that the introduction of episode provisions would cause the depreciation of the fundamental principles of a democratic legal system and would lead to a violation of the principles of clarity of law, its stability and comprehensibility for citizens [3, p. 37]. Additionally, due to the possibility of resorting to such episode provisions, the legislator becomes lazy, plans his lawmaking strategies dishonestly, and does not strive to create high-quality acts [3, p. 39]. Episode

provisions may hinder the interpretation of the law, and the rules of the legislative technique, as established in Polish legal doctrine, should be guided by the rules of interpretation of regulatory texts and they all should "cooperate" [3, pp. 40–41]. This gives grounds to argue that any innovations in the legislative technique, firstly, should not lead to a situation where lawmakers can perform the functions assigned to them in bad faith, and, secondly, the expediency of their introduction should be dictated by the interests of all parties, and not only by the desire of lawmakers to simplify their work.

Adaptation provisions (*przepisy dostosowujące*) address adaptation to a new or amended act of its addressees, including bodies or institutions, and these provisions may provide for the establishment of bodies or institutions, their transformation, the dissolution of bodies or the liquidation of institutions, the procedure for their initial establishment, the method of their transformation, the rules for managing their property and the rights and obligations of their employees in the event of the dissolution of a body or the liquidation of an institution (§ 35 of the PLT) [5]. Similar provisions are also included in Ukrainian legislation.

Polish law, in comparison with Ukrainian law, provides for a special type of acts — introductory acts (*ustawy wprowadzające*). Such acts are used for particularly large legislative acts or when those acts fundamentally change existing laws. In such a case, one "main" act is determined, whereas provisions on the entry into force of the "main" act and provisions on amending or repealing other individual provisions or acts, as well as episode, transitional, and adaptive provisions are included in a separate act (§ 47 of the PLT) [5]. § 48 of the PLT provides that an introductory act must contain provisions on both the entry into force of the "main" act and the entry into force of the introductory act [5]. Since these provisions would further complicate the determination of the moment of entry into force for certain provisions of acts (both the "main" and introductory ones), section 1 § 49 of the LTC provides that the date of entry into force of the "main" act, as determined by the introductory act, is to be set on the same day as the date of entry into force of the introductory act [5]. In our opinion, such a change in the Ukrainian lawmaking process should not be introduced, since it is unlikely that this approach may solve any urgent problems in Ukrainian lawmaking.

The amendment of laws is somewhat less regulated in the Ukrainian legislative technique. In contrast, the amendment of laws is characterized in the Polish legislative technique by more elaborate regulation. A major problem of the Ukrainian legislative process is that the legislator often makes amendments to acts that have already been amended repeatedly and require a new edition (for example, the Code of Ukraine on Administrative Offenses). § 84 of the PLT requires that if the amendments made to an act are numerous or violate the structure or coherence of the act, or if the act has already been amended many times, a draft of a new act should be prepared [5]. In Ukraine, there is no such obligation for the legislator.

Amendments are made to the original text of the law, and if it has already been amended, to the amended text (§ 90 of the PLT) [5]. However, given that the Polish legislator must regularly issue a consolidated version of a legislative act, which takes into account all amendments made to the original act (*tekst jednolity*, which could be translated as *uniform text*), amendments are made to this consolidated version (§ 90 of the PLT) [5]. As it is in Ukrainian lawmaking, Polish lawmakers, as a general rule, cannot amend regulations that amend another act (section 1 § 91 of the PLT), but in particularly justified cases, if it is necessary to avoid a gap in the law, the provisions on amending the act may be exceptionally amended during their *vacatio legis* period (section 2 § 91 of the PLT), and such an amendment shall enter into force at the moment when the original provision on amending should have entered into force (section 3 § 91 of the PLT) [5]. Such an

approach may be useful in certain cases, but it may lead to abuse by lawmakers and chaos in the regulatory framework.

The PLT also contain rules on correcting errors in legislative acts (chapter IV), draft executive acts (orders) (chapter V), draft regulatory acts of an internal nature (resolutions and orders) (chapter VI), and draft acts of local law (chapter VII). So, the PLT is designated not only for the legislative bodies (the Sejm and the Senate in the case of Poland) but also for different bodies which are entitled to produce legal norms of different nature, such as local norms.

Chapter VIII of the PLT contains requirements for typical instruments of legislative technique. § 144 of the PLT determines how regulatory provisions should be formulated as to their addressees, and § 145 specifies the formulation of provisions with regard to when these provisions should be applied [5]. § 146 of the PLT establishes the following cases when a legal act should provide a definition of a legal term:

1) the term is ambiguous;

2) the term is vague, so it is desirable to eliminate its vagueness as much as possible;

3) the meaning of the term is not generally understood;

4) due to the specifics of the sphere of regulation, there is a need to give a new meaning to the term [5].

The PLT, namely section 2 § 146, contains an interesting and important caveat regarding the use of definitions: if a multiple-meaning term is used in only one legal provision, its definition should be provided only if its polysemy does not vanish as a result of placing it in the appropriate linguistic context [5]. §§ 147–148 of the PLT contain rules on derogation from the above-described rules for the use of legal terms in legislation, and § 149 of the PLT prohibits providing definitions of terms in acts of a lower order than a parliamentary act unless this is sanctioned by the relevant law [5]. § 150 of the PLT determines in which parts of the act the definitions of terms should be placed: If they concern the entire act, they are placed among the general provisions (if there are many of them, then in a separate article under the title "Definitions of the Terms of the Law"), and if they concern only a certain part, they are placed directly next to the relevant provisions [5]. §§ 151–153 of the PLT concern the linguistic formulation of definitions, and § 154 of the PLT concerns the conditions and rules for using abbreviations.

Polish scholars distinguish a characteristic of regulatory provisions referred to as "elasticity," in other words, flexibility. According to section 1 § 155 of the PLT, if it is necessary to ensure the flexibility of the text of a regulatory act, lawmakers can utilize vague definitions and general provisions as well as set a lower or upper limit for freedom of decision-making [5]. As Ye. Onishchuk notes, they are considered either as provisions referring to rules or assessments outside the legal system, or as provisions amending various fundamental provisions, so they require the interpreter to take into account the views existing in society [6, p. 46]. The legislator does not express his approval or disapproval but takes into account social values when developing regulatory acts since the legal system requires taking into account the social assessment of phenomena [6, p. 46]. And if there are no clear criteria, the legislator must resort to value judgments in order to achieve the purpose of legal regulation. Though the PLT do not contain recommendations on limiting the use of such tools, it is obvious that the legislator should use in acts as few value judgments as possible because their excessive number will hurt the clarity of the act for its addressees.

§§ 156–160 of the PLT regulate the methods of references to other acts. Polish legislators, when drafting the norms that include references, indicate not only the full title of the law, but also whether any amendments have been made to this act, whether its

consolidated text has been published, and whether any amendments have been made to the consolidated version. Polish law also distinguishes between dynamic and static references. Dynamic reference is a reference to a regulation in the version in which it exists at the time of reference to it (§ 159 of the PLT), and static reference is a reference to a regulation in the version in which it existed as of a certain date (§ 160 of the PLT) [5]. In our opinion, it is correct that the Polish legislator permits the use of static references only in exceptional cases, since an excessive number of such references, especially given an unstable legislative framework, can cause chaos in the legal system.

Conclusions. Polish legislative technique has been developing since the middle of the last century and is characterized by a high level of regulation, although Polish lawyers continue to argue whether the principles of the legislative technique are binding for the lawmaking bodies. The importance of the development of the legislative technique and compliance with its principles and rules in a democratic state governed by the rule of law has been repeatedly pointed out by the Constitutional Court of Poland. The approach of Polish researchers to the legislative technique is characterized by the fact that they consider it not as a purely set of rules, but as a relevant professional skill, i.e. they emphasize the practical nature of the legislative technique and its connection with other types of legal activities, primarily with the interpretation of law.

The analysis of the PLT demonstrates, on the one hand, the establishment in Poland of many universal principles of the legislative technique (such as, for example, completeness, coherence, integrity, clarity, etc.), on the other hand, one can note many specific rules and tools that are not used in the Ukrainian legislative technique (for example, episode provisions, introductory acts, the obligation to issue consolidated texts of legal acts). Also worthy of attention are those features of the Polish legislative technique that are related to the country's membership in the EU and its obligations to adapt national legislation to EU legislation.

Further research into the Polish experience of the legislative technique is promising since it may help to find and adopt those instruments (rules, approaches) that can help solve practical problems in Ukrainian lawmaking. In addition, those rules of the Polish legislative technique that are related to Poland's membership in the EU and whose introduction in Ukraine may be appropriate deserve discussion regarding their implementation in our country.

Список використаних джерел

1. ABC Zasad techniki prawodawczej: szkolenie dla początkujących. *Rządowe Centrum Legislacji*. Warszawa, 2024. URL: https://rcl.gov.pl/wp-content/uploads/2024/07/ABC-zasad-techniki-prawodawczej_warsztat-dla-poczatkujacych.pdf (дата доступу: 21.01.2025).
2. Błachut M., Gromski W., Kaczor J. Technika prawodawcza. Warszawa : C. H. Beck, 2008.
3. Moras M., Kroczek P. Nowelizacja «Zasad techniki prawodawczej»: przepisy epizodyczne. *Forum Prawnicze*. 2016. Nr 2 (34). S. 33–44.
4. Niesiołowski J. Wybrane problemy legislacji w Polsce. *Альманах права*. 2024. Вип. 15. С. 23–30. DOI: 10.33663/2524-017X-2024-15-23-30.
5. Obwieszczenie Prezesa Rady Ministrów z dnia 29 lutego 2016 r. w sprawie ogłoszenia jednolitego tekstu rozporządzenia Prezesa Rady Ministrów w sprawie «Zasad techniki prawodawczej». *Dziennik Ustaw Rzeczypospolitej Polskiej*. URL: https://isap.sejm.gov.-pl/isap.nsf/download.xsp/WDU20160000283/O/D20160283.pdf (дата доступу: 21.01.2025).
6. Oniszczuk J. Tworzenie aktów normatywnych jako instrument polityki publicznej. Technika budowy tekstu. *Studia z Polityki Publicznej*. 2014. Nr. 3 (3). S. 25–49.

7. Ustawa z dnia 20 lipca 2000 r. o ogłaszaniu aktów normatywnych i niektórych innych aktów prawnych (tekst ujednolicony). *Dziennik Ustaw Rzeczypospolitej Polskiej*. URL: https://isap.-sejm.gov.pl/isap.nsf/download.xsp/WDU20000620718/U/D20000718Lj.pdf (дата доступу: 21.01.2025).
8. Ustawa z dnia 8 sierpnia 1996 r. o Radzie Ministrów (tekst ujednolicony). *Dziennik Ustaw Rzeczypospolitej Polskiej*. URL: https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU1996-1060492/U/D19960492Lj.pdf (дата доступу: 21.01.2025).
9. Wierczyński G. Redagowanie i ogłaszanie aktów normatywnych: komentarz. Warszawa : Wolters Kluwer, 2016. 2. wydanie.
10. Wyrok Trybunału Konstytucyjnego z dnia 21 marca 2001 r. Sygn. K. 24/00. *Sejm Rzeczypospolitej Polskiej*. URL: https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20010-100160/T/M20010160TK.pdf (дата доступу: 21.01.2025).
11. Wyrok Trybunału Konstytucyjnego z dnia 30 października 2001 r. Sygn. K. 33/00. *Sejm Rzeczypospolitej Polskiej*. URL: https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU200-11291448/T/D20011448TK.pdf (дата доступу: 21.01.2025).
12. Бондар Н. А. Ідентифікація правової системи Польщі з романо-германським типом правової системи: теоретичне дослідження. *Науковий вісник Херсонського державного університету. Серія «Юридичні науки»*. 2014. Вип. 6-2. Т. 1. С. 12–17.
13. Інформаційна довідка: Парламентські офіси нормопроектування. *Програма USAID «РАДА: наступне покоління»*. 2022. URL: https://pdf.usaid.gov/pdf_docs/PA00ZKX6.pdf (дата доступу: 21.01.2025).
14. Колесніченко Н. О. Вимоги нормотворчої техніки при формуванні змісту правових актів: приклад Польщі. *Актуальні дослідження правової та історичної науки (Випуск 45)* : матеріали Міжн. наук. інтернет-конф. (Тернопіль–Переворськ, 17–18 листопада 2022 р.). Тернопіль, 2022. С. 5–8.
15. Парламентське дослідження щодо удосконалення порядку оцінювання впливу законо-проекту на показники бюджетів. *Дослідницька служба Верховної Ради України*. 2023. URL: https://research.rada.gov.ua/uploads/documents/32684.pdf (дата доступу: 21.01.2025).
16. Ткачук А. Законодавча техніка : навч. посіб. Київ : ІКЦ «Легальний статус», 2011. 268 с.

References

1. ABC Zasad techniki prawodawczej: szkolenie dla początkujących. *Rządowe Centrum Legislacji*. Warszawa, 2024. Retrieved from https://rcl.gov.pl/wp-content/uploads/2024/07/-ABC-zasad-techniki-prawodawczej_warsztat-dla-poczatkujacych.pdf.
2. Błachut, M., Gromski, W., Kaczor, J. (2008). Technika prawodawcza. C. H. Beck.
3. Moras, M., Kroczek, p. (2016). Nowelizacja «Zasad techniki prawodawczej»: przepisy epizodyczne. *Forum Prawnicze, 2 (34)*, 33–44.
4. Niesiołowski, J. (2024). Wybrane problemy legislacji w Polsce. *Almakh prava*. 15. 23–30. DOI: 10.33663/2524-017X-2024-15-23-30.
5. Obwieszczenie Prezesa Rady Ministrów z dnia 29 lutego 2016 r. w sprawie ogłoszenia jednolitego tekstu rozporządzenia Prezesa Rady Ministrów w sprawie «Zasad techniki prawodawczej». *Dziennik Ustaw Rzeczypospolitej Polskiej*. Retrieved from https://isap.sejm.-gov.pl/isap.nsf/download.xsp/WDU20160000283/O/D20160283.pdf.
6. Oniszczuk, J. (2014). Tworzenie aktów normatywnych jako instrument polityki publicznej. Technika budowy tekstu. *Studia z Polityki Publicznej, 3 (3)*, 25–49.
7. Ustawa z dnia 20 lipca 2000 r. o ogłaszaniu aktów normatywnych i niektórych innych aktów prawnych (tekst ujednolicony). *Dziennik Ustaw Rzeczypospolitej Polskiej*. Retrieved from https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20000620718/U/D20000718Lj.pdf.

8. Ustawa z dnia 8 sierpnia 1996 r. o Radzie Ministrów (tekst ujednolicony). *Dziennik Ustaw Rzeczypospolitej Polskiej*. Retrieved from https://isap.sejm.gov.pl/isap.nsf/download.xsp/-WDU19961060492/U/D19960492Lj.pdf.
9. Wierczyński, G. (2016). Redagowanie i ogłaszanie aktów normatywnych : komentarz. *Wolters Kluwer*. 2. wydanie.
10. Wyrok Trybunału Konstytucyjnego z dnia 21 marca 2001 r. Sygn. K. 24/00. *Sejm Rzeczypospolitej Polskiej*. Retrieved from https://isap.sejm.gov.pl/isap.nsf/download.xsp/-WMP20010100160/T/M20010160TK.pdf.
11. Wyrok Trybunału Konstytucyjnego z dnia 30 października 2001 r. Sygn. K. 33/00. *Sejm Rzeczypospolitej Polskiej*. Retrieved from https://isap.sejm.gov.pl/isap.nsf/download.xsp/-WDU20011291448/T/D20011448TK.pdf.
12. Bondar, N. A. (2014). Identyfikatsiia pravovoii systemy Polshchi z romano-hermanskym typom pravovoii systemy: teoretychne doslidzhennia. *Naukovyi visnyk Khersonskoho derzhavnoho universytetu. Seriia «Yurydychni nauky», 6-2, 1*, 12–17.
13. Informatsiina dovidka: Parlamentski ofisy normoproiektuvannia. (2022). *Prohrama USAID «RADA: nastupne pokolinnia»*. Retrieved from https://pdf.usaid.gov/pdf_docs/PA00ZKX6.pdf.
14. Kolesnichenko, N. O. (2022). Vymohy normotvorchoii tekhniky pry formuvanni zmistu pravovykh aktiv: pryklad Polshchi. *Aktualni doslidzhennia pravovoii ta istorychnoii nauky (Vypusk 45)*: materialy Mizhn. nauk. internet-konf. (Ternopil–Perevorsk, 17–18 lystopada 2022 r.), 5–8.
15. Parlamentske doslidzhennia schodo udoskonalennia poriadku otsiniuvannia vplyvu zakonoproektu na pokaznyky biudzhetiv. (2023). *Doslidnytska sluzhba Verkhovnoii Rady Ukraiiny*. Retrieved from https://research.rada.gov.ua/uploads/documents/32684.pdf.
16. Tkachuk, A. (2011). *Zakonodavcha tekhnika* : navch. posib. IKTs «Lehalnyi status».

ОСОБЛИВОСТІ ТЕХНІКИ НОРМОПРОЄКТУВАННЯ В ПОЛЬЩІ

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Досліджено нормативне закріплення техніки нормопроєктування в Польщі та проаналізовано доктринальні підходи до її розуміння. Визначено широкий і вузький підхід до розуміння цього правового явища: в найширшому значенні під правотворчою технікою розуміють і правила формулювання та систематизації правових приписів, і правила щодо методики приготування проєктів нормативно-правових актів і правотворчої процедури, а в найвужчому розумінні – сукупність правил, що стосуються суто внутрішньої систематики нормативно-правового акта. Акцентовано увагу на різних підходах до визначення природи законодавчої техніки, зокрема визначеннях Урядового центру законодавчої діяльности, та на її значенні для формування належної правової системи. Наведено правові позиції Конституційного суду Польщі щодо ролі законодавчої техніки в правовій системі Польщі та її важливости для розвитку демократичної правової держави. Виявлено, що Конституційний суд Польщі розглядає засади законодавчої техніки як праксеологічний канон, ігнорувати який суб'єкт правотворення не може.

Перелічено акти, які регулюють питання законодавчої техніки в Польщі. Здійснено ґрунтовний аналіз приписів Розпорядження Голови Ради Міністрів Польщі від 20 червня

2002 р. у справі «Засади законодавчої техніки». Перелічено головні принципи законодавчої техніки. Описано структуру законодавчого акта та класифікацію видів нормативних приписів відповідно до вимог «Засад законодавчої техніки». Наголошено на особливостях техніки нормопроєктування в Польщі (епізодичні положення, ввідні закони, обов'язок видавати консолідовані тексти нормативно-правових актів), а також здійснено огляд критики окремих інструментів законодавчої техніки. Описано ті особливості польської техніки нормопроєктування, які пов'язані з виконанням зобов'язань щодо адаптації національного законодавства до законодавства ЄС. Означено ті особливості польської законодавчої техніки, рецепція яких в українську правову систему могла би бути доцільною.

Зроблено висновки про перспективність подальших досліджень польської техніки нормопроєктування з метою рецепції її окремих підходів.

Ключові слова: техніка нормопроєктування, правила правотворення в ЄС, текст нормативно-правового акта, правотворча діяльність, законодавство.

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