

Project title:

**Decentralized constitutional review on the example of legal regulations and constitutional practice of Nordic countries and its potential impact on the Polish constitutional reality after 2015**

Project manager:

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The controversy which arose in Poland after 2015 due to the non-publication of the Constitutional Tribunal's judgements and the amendments of the statutory law, *de facto* resulting in the paralysis of proceedings before the Tribunal, as well as doubts about the correctness of the Constitutional Tribunal's personnel composition questioned the effectiveness of the constitutional review adopted in Poland, which is fully based on the centralized model of constitutional review developed by H. Kelsen at the beginning of the 20th century that assumes the existence of a single state body specialized in the constitutional review. The above constitutional crisis provoked discussion on the admissibility under the current constitutional provisions of the so-called decentralized (dispersed) constitutional review of law carried out by common and administrative courts in the process of law application.

The aim of the research is to provide a comprehensive analysis of the institution of dispersed constitutional review of the law on the example of the Nordic countries and to answer a number of questions, including: what are its measurable effects, if and how the dispersed constitutional review can effectively complement or replace the centralized constitutional review, what institutional solutions will guarantee its proper functioning. The research will include the analysis of genesis, legal regulations and the functioning of dispersed constitutional review in the constitutional practice of all Nordic countries (Sweden, Norway, Finland, Denmark and Iceland). In the context of the selected research problem, this region is particularly important because in all Nordic countries the centralized model of constitutional review of law (commonly implemented in European countries and even identified with Europe, as evidenced by calling it the "European model") was rejected, thus referring to the solutions developed in the nineteenth century in the United States.

A comprehensive comparative analysis of the institution of the dispersed constitutional review will be the starting point for assessing the admissibility of the that type of constitutional review in Poland in the light of current legal regulations (in particular constitutional), courts' and the Constitutional Tribunal's judgments, and formulation *de lege ferenda* conclusions.