**Streszczenie rozprawy doktorskiej mgr Anny Hlebickiej-Józefowicz /j. angielski/**

**pt. „The preliminary consideration of the constitutional complaint”**

The thesis aims to investigate the role and the procedural setting of the preliminary consideration of the constitutional complaint. It examines the relationship between the regulation of this stage of the proceedings before the Constitutional Tribunal and the effectiveness of the constitutional complaint – both as a measure of protection of constitutional rights and freedoms of the individual and as a mechanism of initiating review of the constitutionality of legal provisions. The thesis argues that this dual nature of the constitutional complaint strongly determines the interpretation of the conditions of its admissibility adopted by the Constitutional Tribunal. The Tribunal’s interpretation of these requirements directly impacts the scope and effectiveness of the right to lodge a constitutional complaint.

The dissertation explains what constitutes the preliminary consideration of the constitutional complaint, describes its course and the development of its regulatory framework. The thesis also investigates the relationship between the requirements for the admissibility of the constitutional complaint and the constitutional complaint model adopted in Poland. The analysis is grounded in the context of the functions of the constitutional complaint and the Constitutional Tribunal’s political position.

The dynamics of the preliminary consideration is a result of constant weighing of two apparently conflicting values: the accessibility of the constitutional complaint on the one hand, and the efficiency of the Tribunal’s work on the other. This conflict is only apparent, because without an efficiently working Tribunal the accessibility of the constitutional complaint would only be illusory. And vice versa – it would be fallacious to claim to have an efficiently working Tribunal, if the conditions of the admissibility of the constitutional complaint are too difficult to meet, making it effectively inaccessible to potential complainants.

The case law of the Constitutional Tribunal regarding admissibility of the constitutional complaint is not free from inconsistencies and excessive strictness. As a result, when lodging a complaint, it is often difficult to predict the outcome of the preliminary consideration. The number of complaints accepted for further consideration persists at a low level. This indicates that in practice the preliminary consideration serves primarily to reduce the number of cases that the Constitutional Tribunal has to handle, which negatively affects the actual availability of the constitutional complaint and its effectiveness. Therefore, the stringency of the preliminary consideration ought to be counterbalanced by a fair procedure and improved stability of Tribunal’s decisions regarding the admissibility of the constitutional complaint. It is necessary in order to truly guarantee individual rights and freedoms, as set down in the Constitution, and to ensure compliance with the rule of law and procedural fairness.