2024 CC&EEL 3(135), 75–89
ISSN 0070-7325
DOI 10.37232/cceel.2024.03

Contemporary Central & East European Law

# The Administrative Act: Yesterday and Today (Reflections on the Thoughts of Stanisław Kasznica)

prof. dr hab. Zbigniew Kmieciak
University of Łódź, Poland
ORCID: 0000-0002-1297-4940
email: zkmieciak@wpia.uni.lodz.pl

**Abstract**
The book of Stanisław Kasznica: *The Polish Administrative Law. Concepts and Basic Institutions,* Poznań 1947, may be treated as the synthesis of achievements related to the contemporary scientific thought but at the same time it can be a "lodestar" determining the tendencies of research. It was a serious challenge at least for the part of scientific society as regards the conditions of creating the basis of socialism. They faced a dilemma: whether and to what extend the concepts worked out in the legal systems respecting universal ideas of liberty and the Rule of Law are to be adapted in the different political and constitutional reality. Life provided a clear answer to that question. This what constitutes a product of legal culture of many countries and the truth about them have survived and they have even created solid foundations for the further development of the science of public law in Poland. The concept of the administrative act, presented by the author have undergone several modifications resulting from the transformation of administration itself, technological advancement and new tasks of the country. However, it is still a source of inspiration and reference for research conducted contemporary.

**Keywords**
administrative law; administrative act; physical and informal acts; codification of administrative procedure; judicial review of administrative action

The work by Stanisław Kasznica, published in 1946: *Polish Administrative Law: Basic Concepts and Institutions* (in Polish: *Polskie prawo administracyjne: pojęcia i instytucje zasadnicze*),[1] was for many, a bridge between the concepts proper to the legal order of the independent Second Polish Republic and the regime created under real socialism. The peculiar nature of this work, being a mere

1 The first edition of the book was published during the German occupation in 1943 and was printed in a secret printing house in Warsaw. The author of the work was forced to go into hiding under the pseudonym Dr. A Łużycki.

academic textbook, is expressed in the fact that it attempted to present a picture of the law that did not really fit the new political and systemic assumptions. It was at odds with the principles that were shaped and enacted later, under the influence of a legal doctrine alien to the European tradition and, in particular, impossible to reconcile with the ideas of the "Rule of Law". In this sense, Stanisław Kasznica's work could be regarded as a description and a delineation of the standards of continental Europe in the first half of the twentieth century. At the same time, it is a synthesis of the achievements in the science of administrative law from that period. In fact, in the introduction to the book, it was mentioned that both "in the layout of this book, and in analysing and explaining individual concepts and institutions, the author often followed the arguments of the Swiss scholar, Frederick Fleiner, the author of one of the best and most widespread textbooks on administrative law". This remark was supplemented by the statement that "The concept of self-government is given by the author in accordance with the theory of self-government developed by Prof. T. Bigo in his excellent monograph titled *Public Law Corporations*"[2].

The concept of administrative act is entirely devoted to Chapter IV of the book. The arguments contained in this part of the handbook open with the observation that "every action of any administrative body, irrespective of its type and character, can be described most generally with the term – administrative act. Among them, factual and legal actions are distinguished. The purpose of the latter is to 'directly produce a certain legal effect"[3]. The group of legal actions also nowadays includes issuing public-law acts, i.e. those that are intended to satisfy the public interest, in the course of performing a public service. The author distinguished two basic categories of acts: a) general – normative (containing general norms, rules of conduct), and b) individual – concerning strictly defined, also called specific, "individual situations and accidents". In addition to certificates, notices and announcements, Stanisław Kasznica considered administrative acts labelled as decisions in the regulations on general administrative proceedings as one of the types of individual acts.[4] This typology may raise objections nowadays, as certificates, notices and announcements are certainly not a variety of act qualified as a result of taking a legal action, after all aimed directly at producing legal effects, but are more a form of factual action, indirectly producing such an effect.[5]

2 S Kasznica, *Polskie prawo administracyjne: pojęcia i instytucje zasadnicze* [Polish Administrative Law: Basic Concepts and Institutions] (Wydawnictwo Prawnicze 1946) 5.

3 Ibid., 96.

4 Ibid., 96–97.

5 More extensively Z Kmieciak, 'Czynności faktyczne administracji państwowej' [Actual Activities of State Administration] (1987) Studia Prawno-Ekonomiczne vol. 39, 77 et seq. As to the differences between a certificate and a declaratory administrative act, see M Wierzbowski, 'Zasady i tryb wydawania zaświadczeń według kodeksu postępowania administracyjnego' [Rules and Procedure for Issuing Certificates According to the Code of Administrative Procedure] (1981) Państwo i Prawo vol. 1, 43, J Lang, 'Poglądy nauki na funkcje i charakter zaświadczeń' [Views of Science on the Functions and Nature of Certificates] (1988) Organizacja – Metody – Technika vol. 1, 28 et seq. and ZR Kmiecik, 'Charakter prawny zaświadczeń a możliwość ustalenia i weryfikacji jego treści' [The Legal Nature of Certificates and the Possibility of Determining and Verifying their Content] (2004) Państwo i Prawo vol. 10, 60. The quintessence of the findings on this subject is the statement that the Supreme Administrative Court jurisprudence unequivocally resolved the dilemmas arising from the interpretation of the provisions of the of Administrative Procedure Code of 14 June 1960 (ustawa z dnia 14 czerwca 1960 r. Kodeks postępowania administracyjnego [Act of 14 June 1960 Code of Administrative Procedure] [2021] JoL 735, as amended; hereinafter: the APC) and "clearly separated certificates issued pursuant to Article 217 from administrative decisions provided for in Article 104" – J Borkowski, B Adamiak in M Romańska, K Klonowski, A Golęba, J Firlus, A Cebera, H Knysiak-Sudyka (eds), *Kodeks postępowania administracyjnego. Komentarz* [Code of Administrative Procedure. Commentary] (Wolters Kluwer 2019), 1058.

In the approach presented by Stanislaw Kasznica, an administrative act appears as a settlement:

- being a manifestation of the will of a public administration body;
- exercising the authority "held by that public administration body";
- which are justified by an authorisation contained in a provision of a normative act: in a law or in a regulation (for this reason, "an administrative act should always begin by referring to the legal provision that has authorised the authority concerned to issue precisely this type of act");
- addressed to an individually specified person or a certain group of persons "whose personal composition can also be precisely determined" (e.g. dissolving a public meeting, addressed to "all its participants, gathered at a given moment in a hall or square");
- referring to "a specific case, an individually defined situation in which the addressee or addressees find themselves";
- preceded by at least a "summary investigation to determine whether, in this particular case, the conditions under which the norm authorises the act are indeed present" (e.g. would "the continuation of the meeting endanger public order?");
- always producing a certain legal effect, e.g. by granting or withdrawing an entitlement from someone, denying it or changing the scope of an entitlement.[6]

Understood in this way, an act is – as Kasznica has signalled – "a normal, ordinary, constantly recurring manifestation of administrative activity". Public duties and rights "sometimes flow directly from a statutory order, so that the authority's intervention is superfluous: and without it the individual knows, or should know, what he is obliged to do or what he is entitled to". Cases of this kind are, however, as Stanislaw Kasznica added, relatively rare. Therefore, usually "an authority slips between the law and the individual, and it is only by relying on the provision of the law that the authority decides what is due to the individual or what the individual should fulfil"[7]. At the same time, the author pointed out two main reasons for operating the discussed technique of legal regulation. The author acknowledged that "in most cases, it is not possible to decide a priori, without certain investigations, whether in a particular case the factual prerequisites provided for by the law for a claim or obligation to arise in relation to a certain individual are indeed present". It must therefore "be left to the authority to determine this factual condition and, on the basis thereof, to decide on the existence or non-existence of a legal relationship". Secondly, the intervention of the authority is necessary in those frequent situations "where an obligation directly imposed by law is not fulfilled by the obligor. Then the authority must intervene, set a deadline for the fulfilment of the obligation and possibly enforce the fulfilment by means of administrative enforcement"[8].

The author also provided a general, generic characterisation of administrative acts. Firstly, he distinguished between "formal acts, issued in writing in the form prescribed by law, and informal

6 S Kasznica (1946) 97–98.

7 S Kasznica (1946) 98. These findings were developed and concretised, among others, in the works of W Dawidowicz, who distinguished two models of administrative law norms: those affecting directly and those affecting indirectly the behaviour of addressees. In the first case, the competence to control the observance of a given norm is granted to the administrative bodies and takes the form of general competence, in the second case – the administrative bodies have a detailed (related to a specific type of cases) competence to apply a legal norm; see W Dawidowicz, 'Pojęcie norm prawa administracyjnego w *świetle* obowiązującego ustawodawstwa' [The Concept of Administrative Law Norms in the Light of Applicable Legislation] (1981) Państwo i Prawo vol. 4, 30 et seq; and W Dawidowski, *Prawo administracyjne* [Administrative Law] (Państwowe Wydawnictwo Naukowe 1987) 12–14.

8 S Kasznica (1946) 98.

acts, issued either orally or by certain commonly understood signs". Secondly, he distinguished between positive acts, which settle the matter in accordance with the application, and negative acts, which refuse the application. He also distinguished "unilateral" acts, where "only the manifestation of the will of the authority is sufficient", and "bilateral, for the creation of which the cooperation, manifestation of consent on the part of the addressee is necessary" (examples of which are the appointment of an official or the granting of citizenship, which comes into effect only with the consent of the interested party). However, the author considered the distinction between acts defined as orders and judgments to be the most important, corresponding to the division into constitutive and declaratory acts, though this is currently contested by some part of the doctrine. In the inter-war period and in the initial post-war years, the notion of "decree" was reserved for acts shaping a legal relation, "always introducing something new, hitherto non-existent into the legal sphere of the addressee" and for this reason affecting that sphere "from the moment of its issuance – *ex nunc*". Meanwhile, "judgements" were equated with a statement of the existence or non-existence of a legal relationship "in its entirety or only in a certain part of it." Stanislaw Kasznica pointed out that such an act operates "*ex tunc*, from the moment when the given relation came into existence, or was supposed to come into existence"[9].

It is not hard to see that the concept of an administrative act, the outline of which is laid out in Stanislaw Kasznica's work, is firmly rooted in the Germanic legal tradition. As Jean-Bernard Auby states, in the Austrian and many other European laws on administrative procedure, this type of act issued by administrative authorities is associated exclusively with decisions in individual cases. He regarded the narrow understanding of the concept of an administrative act as a "constant orientation" of this tradition. According to him this category of acts does not include general (regulatory) acts of bodies forming part of public administration structures. According to the author, "they are rather similar to legislative acts. This position is in contrast to the one adopted by other legal traditions, in which administrative regulations are a variety of administrative acts and are therefore included in the scope of application of codes of administrative procedure, even if it is to be there subject to rules partially different from those that apply to individual decisions: this is what can be found in French law, for example. Jean-Bernard Auby further stated that, although it is not centered on the notion of administrative act, the US APA is in the same vein, since it governs both the procedures for resolving particular problems – »adjudication« – and the procedures for issuing general administrative standards – »rulemaking«".[10] The concept of a general administrative act has appeared in the Polish literature relatively recently. Moreover, it gives rise to disputes as to the legitimacy of using it, as well as the very methodological basis of the analyses devoted to this phenomenon. Neither does the court jurisprudence provide material that would allow the creation of a coherent, sufficiently developed concept of this form of public administration action.[11] It is therefore difficult to reproach Stanisław Kasznica who, in his inquiries into the subject of the administrative act, took into account the legal state and experience (Polish and foreign) from the inter-war period. On the other hand, some objections can be raised against

9 Ibid., 99. Critical of this classification J Borkowski, B Adamiak (2019) 592–593.

10 J-B Auby, 'Foreword' in Z Kmieciak (ed), *Administrative Proceedings in the Habsburg Succession Countries* (Wydawnictwo Uniwersytetu Łódzkiego 2021) 8.

11 More extensively, M Szewczyk, E Szewczyk, *Generalny akt administracyjny* [General Administrative Act] (Wolters Kluwer 2014) 27 et seq, also M Szewczyk, E Szewczyk, 'Relations Between the Procedures for Issuing Individual and General Administrative Acts and Making "Administrative Regulations"' in Z Kmieciak (ed), *Contemporary Concepts of Administrative Procedure. Between Legalism and Pragmatism* (Wolters Kluwer 2023) 209 et seq.

contemporary theoretical studies, which either touch on this issue in a perfunctory manner or omit it altogether. Apart from the works of Ewa and Marek Szewczyk, few scientific publications contain more in-depth reflections on the indicated type of administrative act.[12]

In the conditions of post-war reality, however, the concept of an administrative act – in the sense in which Stanisław Kasznica used it – was considered too narrow for entirely different reasons. These were purely ideological in nature, as can be seen from a study published in 1954 by a team comprising eminent representatives of the science of administrative law, which perfectly reflects the spirit of the times. The intention of the authors was to create a new concept of administrative act, "corresponding to the construction of socialism in the peculiar conditions of people's democracy"[13]. An administrative act was, it was argued, a form of activity of administrative bodies that "granted rights to particular individuals, limited them, imposed obligations which concerned the subjective rights of an individual (concessions, permits, especially industrial permits, expropriations for reasons of higher utility, police orders and prohibitions, etc.). Thus, the concept of an administrative act referred almost exclusively to matters between the authority and the individual. The guarantees of the correctness of the act were set accordingly: administrative procedure and administrative judiciary. In the first phase of capitalism, the centre of gravity rested on ensuring free economic activity; in the second, as the rule of law and the bourgeois rule of law decayed, on giving the administration adequate means to pursue the imperialist aims of the state"[14]. Meanwhile, in the socialist state, the social content of the administrative act is, as has been stressed, "new, much broader and, above all, creative: it is the planned reconstruction of the whole of social life", which follows "from the essence of the socialist state"[15].

Stanisław Kasznica in his textbook (*Polish Administrative Law*) pointed out that an issue giving rise to "some difficulties" was the determination of the meaning of the term "special form of an act". The dilemmas arising in this regard were expressed by the authors as follows: since "the 1928 Ordinance is not sufficient for all acts, we cannot content ourselves with the fact that this special form is only the form of the decision" – defined by the Regulation of the President of the Republic of Poland of 22 March 1928 on administrative proceedings (hereinafter: r.p.a.).[16] This issue was further complicated by the circumstance that "bourgeois science, while counting – one way or another – the element of »special form« among the elements of definition, i.e. the necessary

12 One of them is undoubtedly the article by M Kulesza, "*Źródła prawa*" i przepisy administracyjne w świetle nowej Konstytucji' ["Sources of Law" and Administrative Provisions in the Light of the New Constitution] (1998) Państwo i Prawo vol. 2, 12 et seq. Describing the solutions in the field of administrative police, the author emphasised the need to fulfil public tasks with the help of a tool in the form of "regulations" – acts from the borderland of law creation and application. In the context of activities conducted in this sphere of administration, the issue is considered, among others, by Z Kmieciak, *Zarys teorii postępowania administracyjnego* [An Outline of the Theory of Administrative Proceedings] (Wolters Kluwer 2014) 236 et seq. and Z Kmieciak, J Wegner, 'Postępowanie w sprawach administracyjnych w czasach pandemii' [Proceedings in Administrative Matters During the Pandemic] (2020) Państwo i Prawo vol. 12, 119–120.

13 T Bigo, F Longchamps, A Chełmoński jr., B Graczyk, Z Janowicz, J Litwin, W Pawlak, J Sieklucki, M Zimmermann, 'Akt administracyjny w świetle Konstytucji Polskiej Rzeczypospolitej Ludowej' [Administrative Act in the Light of the Constitution of the Polish People's Republic] in *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej* [Legal Issues of the Constitution of the Polish People's Republic] vol. 2, (Państwowe Wydawnictwo Naukowe 1954) 68.

14 T Bigo, F Longchamps, A Chełmoński jr., B Graczyk, Z Janowicz, J Litwin, W Pawlak, J Sieklucki, M Zimmermann (1954) 72–73.

15 Ibid., 73–74.

16 Rozporządzenie Prezydenta Rzeczypospolitej z 22 marca 1928 r. o postępowaniu administracyjnym [Regulation of the President of the Republic of Poland of 22 March 1928 on administrative proceedings] [1928] JoL 341.

elements of any act, spoke at the same time of »informal« acts. This misunderstanding cannot be continued". Instead, it is necessary – as signalled – "to put forward the problem of written and unwritten acts as an issue of classification, not of primary importance anyway"[17]. The authors' doubts were further raised by the question of the relationship between the concepts of administrative act and service order, which emerged against the background of the "still insurmountable ballast of bourgeois science". In this doctrine, "the juxtaposition of administrative act and service order arose from the fundamental juxtaposition of the »legal sphere« and the »political sphere« in the action of administration, from the juxtaposition of »external officialdom«, normalized by law, and internal relations, left as *res interna to the* freedom of administration". This statement was supplemented by the observation that the very concept of free internal relations, so conceived "was taken over by the bourgeois state still from the absolute state, as convenient for bureaucratic centralism"[18]. The quoted parts of the deliberations, exposing the weaknesses of legal constructions that were the product of a bygone era and demonstrating the superiority of socialist science, closed with a conclusion that was as concise as it was uninspiring. The authors stated bluntly: "In order to distinguish an administrative act from the totality of the contemporary legal and state superstructure of the People's Republic of Poland, the following term suffices [...]: an administrative act is a legal action of administrative law, concerning an individual situation, authoritative, with a special form [...]. The scope of this concept includes acts addressed to non-hierarchically subordinate units, acts of economic management and acts within the administrative apparatus. The content of this concept and its class role are characterised above all by: the social content of the act and the wide range of authorities that issue the act"[19]. The broadening of the scope of the term "administrative act" was thus a simple consequence of referring it both to the sphere of external relations (i.e. that with which Stanislaw Kasznica, using the findings of the European science of administrative law, linked the term under analysis) and to the area of internal relations, which included the issuing of acts of economic management and all types of service orders. Ideological embellishments, which are not lacking in the cited work, by no means compensated for the inadequacy of the methodology, or perhaps of the imagination – factors without which defining a new class phenomenon was a rather breakneck task, not to say: unfeasible. I believe, moreover, that the authors of the work were fully aware of this.

The inclusion of service orders in administration in the group of administrative acts called "informal" ("without written form") in the cited study by the author's team would probably not raise a fundamental objection from the doctrine even today. However, the word "informal", which in the common law terminology is also used to refer to the informal administrative process,[20] brings to mind a different type of construction known to contemporary law and in the sphere of administrative jurisdiction, i.e. the one Stanislaw Kasznica wrote about.

Firstly, the concept of informal (de-formalised) acts or procedures is often used when decisions are taken that do not require the observance of generally applicable procedural rigours, in particular an oral order or prohibition. An example of this type of solution is the proceedings on site (*řízení na místě*) regulated by the provisions of the Czech Administrative Procedure Act of 2004.[21] According to Section

17 T Bigo , F Longchamps, A Chełmoński jr., B Graczyk, Z Janowicz, J Litwin, W Pawlak, J Sieklucki, M Zimmermann (1954) 93.

18 Ibid.

19 Ibid., 94.

20 See for example, E Gellhorn, RM Levin, *Administrative Law and Process in a Nutshell* (West Academic Publishing 2006) 166 et seq.

21 Czech Administrative Procedure Act č. 500/2004 Sb [2004].

143(2) of this act, a prerequisite for the imposition of an obligation under the distinguished procedure is the establishment of the facts of the case in the course of the ongoing activities of an authorised official person. The decision is announced orally, but will be delivered to the party in writing without undue delay. Unless otherwise provided by separate laws, an appeal against a decision does not have a suspensive effect. The decision issued must be confirmed by the authority, "on site" if requested by a participant in the proceedings (§ 67(3) of the Act)[22].

Secondly, the word "informal" is used to denote simplified modes of administrative proceedings or their outcome, which does not necessarily take the form of a decision of an administrative body. As a reaction to the numerous handicaps and inconveniences of the traditional institutions of administrative procedure, including its protractedness and overgrowth of procedural formalism, they have become the subject of many code-level regulations.[23] According to the Croatian Law of 2009 on General Administrative Procedure,[24] the simplified procedure is applied when the facts of the case can be reconstructed already at the stage of initiating the proceedings, without the need to undertake investigations and hear the party in the course of further proceedings. As simplified adjudication in administrative cases poses a potential threat to a party's procedural rights, its admissibility is subject to two conditions. The use of this procedure is limited only to: a) cases defined by law, b) that do not involve parties with disputed interests. In proceedings conducted ex officio, the handling of a case under this procedure takes place if a certain state of facts can be established on the basis of official information available to the authority, provided that it is not necessary to hear the party in order to ensure the protection of their legal rights or interests. Where the burden of duty is involved, the simplified procedure is also applicable in *urgent measures* cases, where the protection of human life or health or of property of significant value precludes the delay of a decision, there is an overriding public interest and the existence of a certain state of affairs is demonstrated or at least plausible. In the case of proceedings on application by a party, a summary judgment is possible when the application presents facts and evidence in support thereof to such an extent that the facts of the case can be reconstructed, or where the facts of the case can be reconstructed on the basis of facts that are generally known or known to the authority ex officio, or when the law provides for lighter standards of proof. This is understood as allowing the case to be decided on the basis of facts or circumstances that do not require full corroboration, or which are only indirectly established by evidence, or which have been made plausible if the assessment of all the circumstances indicates that the application deserves to be taken into consideration. Rules for the use of this procedure may also be set out in special provisions relating to particular areas of public administration. A natural supplement to this regulation is a regulation concerning the time limit for handling a case and the legal conse-

22 See M Szubiakowski, 'Postępowanie uproszczone – nowa instytucja polskiej procedury administracyjnej' [Simplified Procedure – A New Institution of the Polish Administrative Procedure] in Z Kmieciak, W Chróścielewski (ed), *Idea kodyfikacji w nauce prawa administracyjnego procesowego. Księga pamiątkowa Profesora Janusza Borkowskiego* [The Idea of Codification in the Science of Administrative Procedural Law. Commemorative Book of Professor Janusz Borkowski] (Wolters Kluwer 2018) 326–327 and Z Kmieciak, 'In the Circle of the Austrian Codification Ideas' in Z Kmieciak (ed), *Administrative Proceedings in the Habsburg Succession Countries* (Wydawnictwo Uniwersytetu Łódzkiego 2021) 33.

23 See Z Kmieciak, 'Koncepcja trybu uproszczonego w postępowaniu administracyjnym ogólnym' [The Concept of the Simplified Procedure in General Administrative Proceedings] (2014) Państwo i Prawo vol. 8, 98 et seq. and H Knysiak-Sudyka, L Klat-Wertelecka, 'Model administracyjnego postępowania uproszczonego' [Model of Simplified Administrative Procedure] (2016) Państwo i Prawo vol. 7, 97 et seq.

24 Zakon o općem upravnom postupku NN 47/2009 [2009].

quences of a failure to do so by an administrative authority. Unless specific provisions provide otherwise, issuing a decision under a simplified procedure and delivering it to the addressee should take place immediately, and not more than 30 days from the date of a correct submission of an application. A failure to comply with this time limit will be understood, where provided for in specific provisions, that the application was properly submitted by the party. A party can claim written confirmation of a "tacit" decision in accordance with its application.[25] Similar in content to the Croatian regulation, the provisions on the simplified procedure were incorporated into the APC relatively recently, by the Act amending the Code of Administrative Procedure and Certain Other Acts of 7 April 2017.[26] Previously, this procedure was regulated by special provisions, at least when it came to its essential components. These special provisions are now treated as *lex specialis* in relation to the framework code regulation.

Thirdly, the term "informal" is sometimes associated with automated decision-making procedures or a form of "algorithmic decision". However, this is misleading for the reason that the use of an algorithm in this variety of procedures, which determines the "path to the result", does not necessarily reduce the degree of procedural formalism of the activities in the initiative phase of the proceedings. It does, of course, change their regime and nature in the instruction phase, during which the collected evidence (data in the possession of the administration) is verified automatically, with the use of previously unknown information technology. This shortens and simplifies the path of proceedings, but at the same time raises problems that the administration did not have to deal with in Stanislaw Kasznica's time: the humanisation of administrative proceedings.[27] An automatic decision-making procedure, operating alongside the full and a summary procedure, was regulated, among other things, by the provisions of sections 39–43 of the Hungarian Act No CL of 2016 – the Code of General Administrative Procedure.[28] According to Section 50 of that code, if this procedure is triggered, the case is dealt with within 24 hours (in a "full" procedure within a maximum of 60 days, and in a summary procedure within 8 days).[29]

This part of the deliberations highlights the conventionality and fragility of the distinction once made between formal and informal administrative acts. This thesis is further strengthened by the emergence of a new category of acts, resolving individual cases with the participation of parties who do not have any legal interest (the concept of *Formalparteien,* originating from the Austrian tradition). The form of the decision is then "detached" from the material legal basis for the formation of the rights and obligations of the individual, which, by the way, contradicts one of the main assumptions of the

25 D Derda, 'Republic of Croatia' in J-B Auby (ed), *Codification of Administrative Procedure* (BRUYLANT 2014) 113 et seq.

26 Ustawa z dnia 7 kwietnia 2017 r. o zmianie ustawy – Kodeks postępowania administracyjnego oraz niektórych innych ustaw [Act of 7 April 2017 amending the Act – Code of Administrative Procedure and Certain Other Acts] [2017] JoL 935.

27 For a broader discussion of the problems emerging in this respect, see S Vernile, 'L'adozione delle decisioni amministrative tramite formule algoritmiche' in F Aperio Bella, A Carbone, E Zampetti (eds), *Dialoghi di diritto amministrativo* (RomaTrE-Press 2020) 107 et seq. and G della Cananea, A Ferrari-Zumbini, 'Thirty Years with the Administrative Procedure Act: a View from Italy' in Z Kmieciak (ed), *Contemporary Concepts of Administrative Procedure. Between Legalism and Pragmatism* (Wolters Kluwer 2023) 159–160. From the Polish literature on the subject, see F Geburczyk, 'Aspekty prawne w pełni zautomatyzowanego wydawania decyzji administracyjnych. Doświadczenia Francji i Niemiec' [Legal Aspects of Fully Automated Issuance of Administrative Decisions. Experiences of France and Germany] in M Szewczyk, L Staniszewska, M Kruś (eds), *Kierunki rozwoju jurysdykcji administracyjnej* [Directions of Development of Administrative Jurisdiction] (Wolters Kluwer 2022) 277 et seq.

28 2016. évi CL. törvény az általános közigazgatási rendtartásról, Magyar Közlöny No 200/2016.

29 Z Kmieciak (2021) 33.

law on administrative jurisdictional proceedings in European states.[30] A broad view of standing in individual cases decided by EU and Member State administrations was also advocated by the drafting of the ReNeual model rules. Apart from the addressee of the decision, these rules recognised as a party also others affected by "its negative effects", if they apply to participate in the proceedings. They also allowed the EU sector-specific rules to grant this status to "persons who are not affected by the negative effects of the decision" (Book III – Issuing administrative decisions in individual cases, principle III-1 and 2).[31] In the Polish legal system, the concepts of a decision and a party are still key elements of the codified administrative procedure.[32] However, they, too, are gradually beginning to take on a new meaning due to the rapidly evolving rules that are the source of the *locus standi*[33].

The handbook by Stanisław Kasznica did not devote more attention to the issue of silence by the administrative body as an alternative form of settling the case to a decision (the fiction of a positive or negative settlement for the party). The institution in question – established especially in the systems of Roman law,[34] became part of our legal order soon after Poland regained its independence. It became the subject of regulations concerning, among other things, building permits, the publishing of periodicals, the opening of printing plants, the registration of trade unions by labour inspectors and the approval by supervisory authorities of resolutions of local authorities concerning municipal taxes. At that time, the prevailing pattern was as follows: if the competent authority did not take a position within the period provided for by the substantive law (i.e. did not issue an administrative decision), the lapse of the period gave rise to a legal effect amounting to the party's request being deemed accepted. Given the content of the specific substantive law provisions, the silence of the administrative body was therefore tantamount to an implied (not expressed in written form) decision, and thus had a qualified, legally relevant character.[35]

This scheme was, in principle, maintained by the provisions of Chapter 8a, Section II of the APC. The only debatable issue is whether the legal effect of a qualified silence arises "spontaneously", as a result of the occurrence of the event that is the lapse of the time limit, or whether it is triggered by the application of the provision on administrative silence – the administrative authority deliberately waiting until a given time limit expires, after it has first made findings on the factual and legal state of the case. There are more arguments in favour of the first of these concepts, because, regardless of whether the administrative body makes the relevant findings (fulfils its duty to investigate the case), the expiry of the deadline automatically entails the legal effect specified in the provisions of law.[36] Significantly, the analysed construction of a tacit settlement

30 More extensively, Z Kmieciak, 'Koncepcja interesu prawnego w sprawach udzielania na wniosek banków zezwoleń na wykonywanie prawa głosu z akcji' [The Concept of Legal Interest in Matters of Granting, at the Request of Banks, Permission to Exercise Voting Rights Attached to Shares] (2006) Przegląd Prawa Handlowego vol. 6, 5–7; and Z Kmieciak, 'Węgierska ustawa o ogólnych zasadach postępowania w sprawach administracyjnych – koegzystencja dwóch wizji porządku prawnego?'[Hungarian Act on General Principles of Procedure in Administrative Matters – Coexistence of Two Visions of the Legal Order?] (2017) Państwo i Prawo vol. 4, 23–24.

31 See M Wierzbowski, A Kraczkowski (eds), *ReNeual. Model kodeksu postępowania administracyjnego Unii Europejskiej* [ReNeual. Model Code of Administrative Procedure of the European Union] (CH Beck 2015) 77.

32 Z Kmieciak, 'Poland' in J-B Auby (ed), *Codification of Administrative Procedure* (BRUYLANT 2014) 337.

33 See J Wegner, 'Locus standi in Administrative Procedure' in Z Kmieciak (ed), *Contemporary Concepts of Administrative Procedure. Between Legalism and Pragmatism* (Wolters Kluwer 2023) 95 et seq.

34 For more details J Wegner, *Instytucja milczącego załatwienia sprawy przez administrację publiczną* [The Institution of Tacit Settlement of a Matter by Public Administration] (Wolters Kluwer 2021) 24 et seq.

35 See B Wasiutyński, 'Milczenie władz administracyjnych' [The Silence of the Administrative Authorities] (1926) Ruch Prawniczy, Ekonomiczny i Socjologiczny vol. 4, 200 et seq.

36 More extensively Z Kmieciak, J Wegner, 'Evolution of the Tacit Consent in the Polish Administrative Law' in B Lewaszkiewicz-Petrykowska, D Skupień (eds), *Rapports Polonais. XXIe Congrés International de Droit Comparé/*

of a case was included – albeit only marginally – in the first Polish codification of administrative proceedings. This conclusion can be deduced from the wording of Article 70 § 1 r.p.a. There is a formulation therein: if a case has not been completely settled within the time limit set out either in this regulation or in special provisions, and if "individual legal provisions do not provide for special consequences in the event of the absence of a decision by the authority within a certain period of time, a party has the right to demand that the case be referred to a higher instance in order for it to be settled". In his considerations, Stanislaw Kasznica stopped at a general description of a party's right of devolution (a demand to transfer the examination of a case – in the case of a "backlog" – to a higher instance), making a brief mention of the solution adopted in French law. He recalled that "the failure of the authority to respond within the prescribed time is to be considered as equivalent to a refusal decision; the party is then entitled to bring an administrative court action"[37]. The failure to develop this thread is easily explained– in our circle of legal culture – by the lack of a tradition of tacitly handling cases by the administration and, understandably, the small scale of application of this institution in interwar Poland. In the present reality, when the legislator is more and more boldly introducing it into our legal system, the analysis of the issue of a qualified silence by the administrative body must be treated as an immanent part of the discourse devoted to the individual administrative act.

Research into the "circumvention" of the form of this act, which is an administrative decision, by other means of fulfilling administrative tasks, should also be considered an inherent element of scientific discourse today. The efforts made by the legislature in this respect are justified – one can assume – by utilitarian considerations, i.e. by striving to use the simplest possible means to achieve the set goals, and independently – by the desire to relax, in a selected group of cases, the procedural rigours proper for taking and judicial control of an administrative decision. Undoubtedly, the "purity" and methodological correctness of the created constructions suffers from this and, what is more, the standard of legal protection granted to an individual is weakened. Examples of provisions where the drafting would allow the decision (the position of the authority) to be qualified as a decision in a material sense, despite being a source of authorisation for actions taking a different, unnamed legal form, are, for example, Article 16 (1) of the Act on Supporting the Sustainable Development of the Fisheries Sector with the Participation of the European Maritime and Fisheries Fund of 10 July 2015,[38] Articles 10(4) and 11(1)–(5) of the Act on Local Development with the Participation of the Local Community of 20 February 2015[39] and Article 35(1) of the Act on Supporting Rural Development with the Participation of the European Agricultural Fund for Rural Development under the Rural Development Programme 2014–2020 of 20 February 2015.[40]

*XXIst International Congress of Comparative Law* (Wydawnictwo Uniwersytetu Łódzkiego 2022) 271 and 274 et seq. The difference between the silence of the administration in a strict or colloquial sense of the word and a qualified silence, i.e. one with which the legal provision binds the legal effect of settling the matter in the applicant's mind, was noted by B Wasiutyński. The former – passive behaviour of an authority – cannot be treated as a manifestation of a declaration of intent. Only specific circumstances accompanying the silence may – as he emphasised – give it a legal meaning, i.e. be considered as consent or refusal (B Wasiutyński (1926) 201–202).

37 S. Kasznica (1946) 108–109.

38 Ustawa z dnia 10 lipca 2015 r. o wspieraniu zrównoważonego rozwoju sektora rybackiego z udziałem Europejskiego Funduszu Morskiego i Rybackiego [Act of 10 July 2015 on Supporting the Sustainable Development of the Fishing Sector with the Participation of the European Maritime and Fisheries Fund] [2017] JoL 1267.

39 Ustawa z dnia 20 lutego 2015 r. o rozwoju lokalnym z udziałem lokalnej społeczności [Act of 20 February 2015 on Local Development with the Participation of the Local Community] [2018] JoL 140.

40 Ustawa z dnia 20 lutego 2015 r. o wspieraniu rozwoju obszarów wiejskich z udziałem środków Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich w ramach Programu Rozwoju Obszarów Wiejskich na lata 2014–2020 [Act of 20 February 2015 on Supporting the Development of Rural Areas with the Participation

According to the first of these regulations, if the conditions for granting aid are not met, or the limit of the funds allocated to it under the operational programme, as provided for in Article 9(1), (2) or (3), has been reached, "the body competent to grant the aid in question shall inform the applicant in writing of the refusal to grant the aid, stating the reasons for this refusal." The legislator seems to have avoided indicating in which legal form this refusal is expressed, confining itself to specifying the obligation to communicate it and to explain the reasons for the refusal. The provision of Article 16(2) of the Act on Supporting the Sustainable Development of the Fisheries Sector with the European Maritime and Fisheries Fund, on the other hand, provided the applicant with judicial protection through the exercise of the right to "file a complaint to the administrative court on the principles and in the procedure specified for acts or actions referred to in Article 3 § 2 item 4 of the Law on Proceedings Before Administrative Courts of 30 August 2002" (hereinafter: the p.p.s.a.).[41] This variant of protection was also introduced by the other two acts, at the same time limiting the scope of application of the provisions of the APC in the cases regulated by them to the necessary minimum. Therefore, provisions delineating the principles of a simplified administrative procedure, autonomous in relation to proceedings of a jurisdictional type, showing many features of third-generation administrative procedures,[42] were included in them. However, in the latter law, the dichotomy of procedural solutions has been preserved, distinguishing – in addition to the autonomous one – a more complex procedure regime, subject to a much higher degree of code regulation. A model of regulation corresponding to this regime was also adopted in the Act on Payments Under Direct Support Schemes of 5 February 2015,[43] inserting a clause in its Article 3(1): "Subject to the terms and conditions set out in the provisions referred to in Article 1(1), the provisions of the Code of Administrative Procedure shall apply to proceedings in individual cases resolved by decision, unless the provisions of the Act provide otherwise". The absence of that reference would not give rise to the claim that the APC does not apply at all to matters settled by decisions to which the provisions of this act apply. Thus, its use can only be explained by the intention to signal the fact that it is not fully applicable in them and, in the case of the Act on Support for Rural Development with the Participation of the European Agricultural Fund for Rural Development under the Rural Development Programme 2014–2020, also by the intention to highlight the distinction between the two separate procedural regimes and the forms of termination of proceedings appropriate to them.[44]

Drafting the provisions of these acts, shaping the right to "file a complaint with the administrative court on the principles and in the manner specified for the acts or actions referred to in Article 3 § 2 item 4 of the Law on Proceedings Before Administrative Courts of 30 August 2002, also leads to interesting conclusions". The reference to the principles and procedure of

of Funds from the European Agricultural Fund for Rural Development under the Rural Development Program for 2014–2020] [2018] JoL 627.

41 Ustawa z dnia 30 sierpnia 2002 r. Prawo o postępowaniu przed sądami administracyjnymi [Act of 30 August 2002, Law on Proceedings before Administrative Courts] [2019] JoL 2325.

42 A characterisation of this procedural model was provided by J Barnes, in works: J Barnes, 'Towards a Third Generation of Administrative Procedure' in S Rose-Ackerman, PL Lindseth (eds), *Comparative Administrative Law* (Edward Elgar Publishing 2010) 336 et seq. and J Barnes, 'Administrative Procedure' in P Cane, HCH Hofmann, EC Ip, PL Lindseth,*The Oxford Handbook of Comparative Administrative Law* (Oxford University Press 2020) 847 et seq.

43 Ustawa z dnia 5 lutego 2015 r. o płatnościach w ramach systemów wsparcia bezpośredniego [Act of 5 February 2015 on Payments under Direct Support Systems] [2018] JoL 1312.

44 Z Kmieciak in Z Kmieciak, W Chróścielewski (eds), *Kodeks postępowania administracyjnego. Komentarz* [Code of Administrative Procedure. Comment] (Wolters Kluwer 2019) 39–41.

appeal appropriate for this category of acts or actions indicates that the contested result of the proceedings is not a form of administrative action referred to in the cited provision (with a different legal qualification, the reference would be redundant). The legislator's intention was not to formally "assign" it to the group of administrative decisions. What was it then? Simplifying the matter a little, one can probably assume that a decision of a competent authority – materially constituting an administrative decision – has been subject to a hybrid regime of proceedings (including, in part, the provisions of the APC) and subject to the principles and procedure of judicial review binding in relation to acts and actions provided for in Article 3 § 4 of the APC. This type of procedural construction is a sign of our times and – in a sense – evidence of the pragmatism of the legislator, forced to solve problems that were previously unknown in practice.

Produced at the end of the first half of the last century, Stanisław Kasznica's work can be legitimately regarded as a concise synthesis of the achievements of scientific thought of his day, and at the same time as a "signpost" pointing out the directions of research. Under the conditions of the bygone era of socialism – which left a lasting trace in people's consciousness[45] – this was a serious challenge for at least part of the scientific community. It faced a dilemma: whether and to what extent the concepts developed in legal systems respecting the universal ideas of liberalism and *Rule of Law* could be adapted in a different political and systemic reality. Life has provided a fairly obvious answer to such a question. What we recognise as a product of the legal culture of many nations and the truth about it have survived, and even laid a strong foundation for the further development of the science of public law in Poland. The memory of our great predecessors, who underwent many hardships, exposed to the greatest inconveniences and trials, has also survived.

## References

### Literature

Auby J-B, 'Foreword' in Z Kmieciak (ed), *Administrative Proceedings in the Habsburg Succession Countries* (Wydawnictwo Uniwersytetu Łódzkiego 2021) 7–10.

Barnes J, 'Administrative Procedure' in P Cane, HCH Hofmann, EC Ip, PL Lindseth, *The Oxford Handbook of Comparative Administrative Law* (Oxford University Press 2020) 830–855.

Barnes J, 'Towards a Third Generation of Administrative Procedure' in S Rose-Ackerman, PL Lindseth (eds), *Comparative Administrative Law* (Edward Elgar Publishing 2010) 336–356.

Bigo T, Longchamps F, Chełmoński A jr., Graczyk B, Janowicz Z, Litwin J, Pawlak W, Sieklucki J, Zimmermann M, 'Akt administracyjny w świetle Konstytucji Polskiej Rzeczypospolitej Ludowej' [Administrative Act in the Light of the Constitution of the Polish People's Republic] in *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej* [Legal Issues of the Constitution of the Polish People's Republic] vol. 2, (Państwowe Wydawnictwo Naukowe 1954) 68–94.

45 Cf. in particular the comments on the phenomena of "hyperpositivism" and "lazy administrative spirit" made in reports on the Bulgarian and Croatian legal systems by V Paskalev, 'Implementation of the Pan-European General Principles of Good Administration in Bulgaria? It Would Be a Really Good Idea' in U Stelkens, A Andrijauskaitė (eds), *Good Administration and the Council of Europe. Law, Principles and Effectiveness* (Oxford University Press 2020) 504 et seq; and L Ofak, 'The Impact of the Pan-European General Principles of Good Administration on Croatian Administrative Law-Arising from the Case Law of the Croatian Constitutional Court' in U Stelkens, A Andrijauskaitė (eds), *Good Administration and the Council of Europe. Law, Principles and Effectiveness* (Oxford Univerity Press 2020) 688 et seq.

Cananea G della, Ferrari-Zumbini A, 'Thirty Years with the Administrative Procedure Act: a View from Italy' in Z Kmieciak (ed), *Contemporary Concepts of Administrative Procedure. Between Legalism and Pragmatism* (Wolters Kluwer 2023) 147–162.

Dawidowicz W, 'Pojęcie norm prawa administracyjnego w *świetle* obowiązującego ustawodawstwa' [The Concept of Administrative Law Norms in the Light of Applicable Legislation] (1981) Państwo i Prawo vol. 4, 30–37 et seq.

Dawidowski W, *Prawo administracyjne* [Administrative Law] (Państwowe Wydawnictwo Naukowe 1987).

Derda D, 'Republic of Croatia' in J-B Auby (ed), *Codification of Administrative Procedure* (BRUYLANT 2014) 107–122.

Geburczyk F, 'Aspekty prawne w pełni zautomatyzowanego wydawania decyzji administracyjnych. Doświadczenia Francji i Niemiec' [Legal Aspects of Fully Automated Issuance of Administrative Decisions. Experiences of France and Germany] in M Szewczyk, L Staniszewska, M Kruś (eds), *Kierunki rozwoju jurysdykcji administracyjnej* [Directions of Development of Administrative Jurisdiction] (Wolters Kluwer 2022) 277–288.

Gellhorn E, Levin RM, *Administrative Law and Process in a Nutshell* (West Academic Publishing 2006).

Kasznica S, *Polskie prawo administracyjne: pojęcia i instytucje zasadnicze* [Polish Administrative Law: Basic Concepts and Institutions] (Wydawnictwo Prawnicze 1946).

Kmieciak Z, 'Węgierska ustawa o ogólnych zasadach postępowania w sprawach administracyjnych – koegzystencja dwóch wizji porządku prawnego?' [Hungarian Act on General Principles of Procedure in Administrative Matters – Coexistence of Two Visions of the Legal Order?] (2017) Państwo i Prawo vol. 4, 18–33.

Kmieciak Z, 'Czynności faktyczne administracji państwowej' [Actual Activities of State Administration] (1987) Studia Prawno-Ekonomiczne vol. 39, 73–89.

Kmieciak Z, 'In the Circle of the Austrian Codification Ideas' in Z Kmieciak (ed), *Administrative Proceedings in the Habsburg Succession Countries* (Wydawnictwo Uniwersytetu Łódzkiego 2021) 23–36.

Kmieciak Z, 'Koncepcja interesu prawnego w sprawach udzielania na wniosek banków zezwoleń na wykonywanie prawa głosu z akcji' [The Concept of Legal Interest in Matters of Granting, at the Request of Banks, Permission to Exercise Voting Rights Attached to Shares] (2006) Przegląd Prawa Handlowego vol. 6, 4–7.

Kmieciak Z, 'Koncepcja trybu uproszczonego w postępowaniu administracyjnym ogólnym' [The Concept of the Simplified Procedure in General Administrative Proceedings] (2014) Państwo i Prawo vol. 8, 98–111.

Kmieciak Z, 'Poland' in J-B Auby (ed), *Codification of Administrative Procedure* (BRUYLANT 2014) 329–343.

Kmieciak Z, Chróścielewski W (eds), *Kodeks postępowania administracyjnego. Komentarz* [Code of Administrative Procedure. Comment] (Wolters Kluwer 2019).

Kmieciak Z, Wegner J, 'Evolution of the Tacit Consent in the Polish Administrative Law' in B Lewaszkiewicz-Petrykowska, D Skupień (eds), *Rapports Polonais. XXIe Congrés International de Droit Comparé/XXIst International Congress of Comparative Law* (Wydawnictwo Uniwersytetu Łódzkiego 2022) 269–282.

Kmieciak Z, Wegner J, 'Postępowanie w sprawach administracyjnych w czasach pandemii' [Proceedings in Administrative Matters During the Pandemic] (2020) Państwo i Prawo vol. 12, 107–122.

Kmieciak Z, *Zarys teorii postępowania administracyjnego* [An Outline of the Theory of Administrative Proceedings] (Wolters Kluwer 2014).

Kmiecik ZR, 'Charakter prawny zaświadczeń a możliwość ustalenia i weryfikacji jego treści' [The Legal Nature of Certificates and the Possibility of Determining and Verifying their Content] (2004) Państwo i Prawo vol. 10, 58–68.

Knysiak-Sudyka H, Klat-Wertelecka L, 'Model administracyjnego postępowania uproszczonego' [Model of Simplified Administrative Procedure] (2016) Państwo i Prawo vol. 7, 93–108.

Kulesza M, '"Źródła prawa" i przepisy administracyjne w świetle nowej Konstytucji' ["Sources of Law" and Administrative Provisions in the Light of the New Constitution] (1998) Państwo i Prawo vol. 2, 12–19.

Lang J, 'Poglądy nauki na funkcje i charakter zaświadczeń' [Views of Science on the Functions and Nature of Certificates'] (1988) Organizacja – Metody – Technika vol. 1, 5–46.

Ofak L, 'The Impact of the Pan-European General Principles of Good Administration on Croatian Administrative Law-Arising from the Case Law of the Croatian Constitutional Court' in U Stelkens, A Andrijauskaitė (eds), *Good Administration and the Council of Europe. Law, Principles and Effectiveness* (Oxford Univerity Press 2020) 688–706.

Paskalev V, 'Implementation of the Pan-European General Principles of Good Administration in Bulgaria? It Would Be a Really Good Idea' in U Stelkens, A Andrijauskaitė (eds), *Good Administration and the Council of Europe. Law, Principles and Effectiveness* (Oxford University Press 2020) 504–535.

Romańska M, Klonowski K, Golęba A, Firlus J, Cebera A, Knysiak-Sudyka H (eds), *Kodeks postępowania administracyjnego. Komentarz* [Code of Administrative Procedure. Commentary] (Wolters Kluwer 2019).

Szewczyk M, Szewczyk E, 'Relations Between the Procedures for Issuing Individual and General Administrative Acts and Making "Administrative Regulations"' in Z Kmieciak (ed), *Contemporary Concepts of Administrative Procedure. Between Legalism and Pragmatism* (Wolters Kluwer 2023) 209–228.

Szewczyk M, Szewczyk E, *Generalny akt administracyjny* [General Administrative Act] (Wolters Kluwer 2014).

Szubiakowski M, 'Postępowanie uproszczone – nowa instytucja polskiej procedury administracyjnej' [Simplified Procedure – A New Institution of the Polish Administrative Procedure] in Z Kmieciak, W Chróścielewski (ed), *Idea kodyfikacji w nauce prawa administracyjnego procesowego. Księga pamiątkowa Profesora Janusza Borkowskiego* [The Idea of Codification in the Science of Administrative Procedural Law. Commemorative Book of Professor Janusz Borkowski] (Wolters Kluwer 2018) 325–332.

Vernile S, 'L'adozione delle decisioni amministrative tramite formule algoritmiche' in F Aperio Bella, A Carbone, E Zampetti (eds), *Dialoghi di diritto amministrativo* (RomaTrE-Press 2020) 107–125.

Wasiutyński B, 'Milczenie władz administracyjnych' [The Silence of the Administrative Authorities] (1926) Ruch Prawniczy, Ekonomiczny i Socjologiczny vol. 4, 199–214.

Wegner J, 'Locus standi in Administrative Procedure' in Z Kmieciak (ed), *Contemporary Concepts of Administrative Procedure. Between Legalism and Pragmatism* (Wolters Kluwer 2023) 95–106.

Wegner J, *Instytucja milczącego załatwienia sprawy przez administrację publiczną* [The Institution of Tacit Settlement of a Matter by Public Administration] (Wolters Kluwer 2021).

Wierzbowski M, 'Zasady i tryb wydawania zaświadczeń według kodeksu postępowania administracyjnego' [Rules and Procedure for Issuing Certificates According to the Code of Administrative Procedure] (1981) Państwo i Prawo vol. 1, 43–51.

Wierzbowski M, Kraczkowski A (eds), *ReNeual. Model kodeksu postępowania administracyjnego Unii Europejskiej* [ReNeual. Model Code of Administrative Procedure of the European Union] (CH Beck 2015).

## List of legislative acts

Rozporządzenie Prezydenta Rzeczypospolitej z 22 marca 1928 r. o postępowaniu administracyjnym [Regulation of the President of the Republic of Poland of 22 March 1928 on administrative proceedings] [1928] JoL 341.

Ustawa z dnia 14 czerwca 1960 r. Kodeks postępowania administracyjnego [Act of 14 June 1960 Code of Administrative Procedure] [2021] JoL 735.

Ustawa z dnia 30 sierpnia 2002 r. Prawo o postępowaniu przed sądami administracyjnymi [Act of 30 August 2002, Law on Proceedings before Administrative Courts] [2019] JoL 2325.

Czech Administrative Procedure Act č. 500/2004 Sb [2004].

Zakon o općem upravnom postupku NN 47/2009 [2009].

Ustawa z dnia 5 lutego 2015 r. o płatnościach w ramach systemów wsparcia bezpośredniego [Act of 5 February 2015 on Payments under Direct Support Systems] [2018] JoL 1312.

Ustawa z dnia 20 lutego 2015 r. o rozwoju lokalnym z udziałem lokalnej społeczności [Act of 20 February 2015 on Local Development with the Participation of the Local Community] [2018] JoL 140.

Ustawa z dnia 20 lutego 2015 r. o wspieraniu rozwoju obszarów wiejskich z udziałem środków Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich w ramach Programu Rozwoju Obszarów Wiejskich na lata 2014–2020 [Act of 20 February 2015 on Supporting the Development of Rural Areas with the Participation of Funds from the European Agricultural Fund for Rural Development under the Rural Development Program for 2014–2020] [2018] JoL 627.

Ustawa z dnia 10 lipca 2015 r. o wspieraniu zrównoważonego rozwoju sektora rybackiego z udziałem Europejskiego Funduszu Morskiego i Rybackiego [Act of 10 July 2015 on Supporting the Sustainable Development of the Fishing Sector with the Participation of the European Maritime and Fisheries Fund] [2017] JoL 1267.

2016. évi CL. törvény az általános közigazgatási rendtartásról, Magyar Közlöny No 200/2016.

Ustawa z dnia 7 kwietnia 2017 r. o zmianie ustawy – Kodeks postępowania administracyjnego oraz niektórych innych ustaw [Act of 7 April 2017 amending the Act – Code of Administrative Procedure and Certain Other Acts] [2017] JoL 935.