



**WYDZIAŁ PRAWA  
i ADMINISTRACJI**  
Uniwersytet Łódzki

Monika Dudek

*The model of simplified administrative proceedings*  
*(Model administracyjnego postępowania uproszczonego)*

**SUMMARY**

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under the supervision of  
dr hab. Joanna Wegner, prof. UŁ

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## SUMMARY

This doctoral dissertation addresses the problem of the model of simplified administrative proceedings.

In Polish legal order simplified proceedings are observable in other branches of law: in civil, criminal and judicial-administrative proceedings. In administrative procedure, provisions of a simplified nature have appeared in numerous acts of substantive administrative law and since June 1, 2017, simplified proceedings exists within the framework of the Code regulation in Chapter 14, Division II of the Code of Administrative Procedure. It should be noted, however, that also beyond this chapter, the Code contains provisions of a simplified nature.

There is no doubt that the concept of 'simplification', applied in common usage, has also entered the legal system on a permanent basis. Thus, for example, in the Spanish system, the 'simplifications of administration' have been defined as initiatives aimed at improving the quality of regulations, simplification of regulations, digital transformation of the public sector, modernization and rationalization of administration, review, reorganization and streamlining of procedures and reduction of administrative burdens. In the domestic legal order the legislator has not introduced such a concept, though the observation of the legislative activity leads to the conclusion that actions similar to the mentioned Spanish concept are undertaken. In accordance with this idea, simplified proceedings would be only one of the manifestations of simplifications within the administration.

It should also be noted that the notion of simplifications was used in the title of the Hungarian Act of 1901 on Simplification of the Administrative Procedure, as well as in the title of the draft of the Austrian Act on Administrative Procedure, dated 1925.

Nowadays, in legal terminology, the concept of simplified proceedings refers to relatively new modes of procedure. It is noticeable that the concepts of simplified proceedings in the literature focus on the code regulation which, considering the dispersion of the provisions on simplified procedure, already implies that they may not reflect the core of this concept.

Therefore, in view of the existing legal regulations, the subject of research covers administrative simplified proceedings, in order to determine its actual importance and function in administrative procedure. It seems necessary to emphasize that the scope of this research is not limited solely to the domestic regulations. Foreign regulations are examined as well, especially regulations of the Habsburg succession countries, which were originally modelled on the Austrian codification of administrative procedure performed by the act of 1925.

Consequently, the main research question of this dissertation is as follows: is there a model of simplified administrative proceedings?

An equally important aim of the dissertation was to verify whether the currently observable activity of the legislator involving the simplification of administrative procedure is not a manifestation of the need to return to those values which lay at the basis of the first codifications of administrative procedure. Finally, the paper was aimed at verifying the thesis regarding the role of codification efforts in the field of simplified procedure in the context of numerous separate regulations. Doubts as to whether this attempt was necessary are raised by the lack of available adjudications of administrative courts concerning administrative decisions considered under the regime of the provisions of Chapter 14, Division II of the Code of Administrative Procedure.

Such a specification of the aim results from the conviction that effective use of simplified administrative procedure regulations requires answering the questions such as i.a. what the simplified procedure actually is; in what circumstances it was implemented into the administrative procedure; what the simplification of the jurisdictional type of procedure may involve.

In the first place, however, the question arises as to whether the administrative procedure in itself does not constitute a simplified mode of applying the law as compared to proceedings before the court. It should be noted that according to the taxonomy by J. Barnes, administrative judicial-style procedures were historically shaped as first generation procedures conducted in individual administrative cases and resulting in the issuance of an individual administrative decision. For this reason, administrative procedure are compared to a law-applying tool resembling a courtroom procedure.

There arises a hypothesis that the aspect of simplification has been inscribed in the model of administrative procedure nearly 'from the very beginning'. In order to investigate the veracity of this hypothesis, the paper verifies the claim that the simplified procedure are only a mode of administrative proceedings as defined in Chapter 14 Division II of the Code of Administrative Procedure. The paper interrogates the regularity in the development of simplified procedure and the functionality of proceedings covered by this appellation. Consequently, the question has also been asked about the relationship between the simplified proceedings and administrative proceedings conducted with the exclusion of the provisions of Chapter 14, Division II of the Code of Administrative Procedure. The procedure conducted with the exclusion

of the provisions of Chapter 14, Division II of the Code of Administrative Procedure are referred to in the paper as the basic type of procedure, classical or ordinary proceedings.

In the dissertation were applied comparative, formal-dogmatic and historical research methods. The paper is structured in five chapters, an introduction and a conclusion.

The first chapter deals with the model of the simplified proceedings as one of the variants of applying the law. It describes the idea of the simplified procedure, identifies its structural features and determinants which make the legislator allow for the consideration of specific categories of cases under simplified proceedings. The purpose of the simplified proceedings is to ensure speed and efficiency of the proceedings. The analysis covers the methods of realization of the mentioned principles of meeting the conditions for a model application of law. For this purpose, the simplified proceedings have been discussed in the context of the model application of law from the perspective of the concept developed by J. Wróblewski, which is still the core of the theoretical legal analysis. Special consideration has been given to one of the descriptive models of law application, i.e. the decision-making model. Another aim of the paper was to distinguish and characterize the functions of the simplified proceedings, which has been achieved by analyzing simplified modes successfully applied in other areas of the domestic legal order for years.

The second chapter, in which the comparative method was applied, aims at presenting selected legal solutions concerning simplified procedure throughout the world. The research focuses on state-of-the-art solutions of individual systems. The analysis includes, among others, Czech mass proceedings and proceedings on site or automatic administrative proceedings. Further discussion covers simplified

proceedings as a presumed mode of proceedings, which constitutes an important comparative legal issue.

Until recently in Polish administrative procedure, simplifications have been introduced solely in acts within the scope of substantive law. Therefore, in the third chapter, examples of non-code administrative proceedings simplifications are provided. The initiation of proceedings by submitting an application on an official form is one of the most popular and favorably assessed regulations in this respect. This solution is provided for, among others, in the Act of November 28, 2003 on supporting rural development co-financed by the European Agricultural Fund for Rural Development, the Act of May 20, 2010 on medical devices and other substantive acts. On the other hand, in other Special Acts are apparent the solutions related to simplifications of the explanatory or control procedures. An example of simplifications in the scope of technical procedural acts is the deformatization of the serve in some cases.

The fourth chapter addresses the research problem of codification of the simplified procedure. Apart from the expressly separate chapter on the simplified proceedings, the nature of some provisions of the Code of Administrative Procedure concerning, among others, the possibility to waive the justification of the decision makes apparent the simplifications existing within the administrative proceedings under the 'ordinary' mode. Taking into account the codification of the simplified proceedings in Chapter 14 Division II of the Code of Administrative Procedure, the paper discusses the scope of application of this regulation.

The last chapter of the dissertation refers to the prospects of evolution of the simplified administrative procedure. Normative material shows the concentration of simplification of the administrative procedure in substantive acts. In this light appears

the main research question regarding the actual nature of the model of simplified administrative proceedings and the role of the Code of Administrative Procedure with respect to the already existing simplified proceedings. This chapter provides a summary of previous considerations and demonstrates the functionality of the provisions of the Code of Administrative Procedure in the face of the phenomenon of decodification. The evaluation of the binding regulation and the conclusions provided concerning the prospects of simplified administrative procedure are intended to affect the analysis of the prospects of the further evolution of the administrative procedure, which was the objective pursued by the author.

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*Monika Ludek*