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KOMITET REDAKCYJNY  
Barbara Adamiak, Stefan Babiarczyk, Stanisław Biernat, Irena Chojnacka, Jan Filip,  
Andrzej Gomułowicz, Bogusław Gruszczyński, Roman Hauser, Małgorzata Sawicka-  
-Jezierczuk (sekretarz redakcji), Andrzej Skoczylas, Janusz Trzciniński (redaktor naczelny),  
Maria Wiśniewska, Andrzej Wróbel

Korekta: *Justyna Woldańska*

ADRES REDAKCJI  
Naczelny Sąd Administracyjny  
00-011 Warszawa, ul. G.P. Boduena 3/5  
tel. 22 826-74-88, fax 22 826-74-54, e-mail: msawicka@nsa.gov.pl

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## Summary

of the article: **Contemporary formula of protection of interests in the administrative law (procedural aspect)**

According to the traditional apprehension, created in the second half of the 19<sup>th</sup> century, the situation of an individual trying to receive protection in his/her relations with the administration used to be defined by the use of notions of the public subjective rights and the legitimate interest. These definitions became the basis for many legal systems, including Austria, in formulating the definition of the party of the administrative procedure. The notion of the legitimate interest is also used by the Polish Code of Administrative Procedure of 1960. In relation to what has been established by the Italian science of law, the article presents the complexity of the construction indicated in the title. It has been noted that difficulties appear in the course of examination if somebody has the legitimate interest. The author underlines that even an ordinary interest makes use of the procedural protection, as the act states, that is the one the party of the administrative procedure has. In that case there can only exist the formal subjective right. We deal with that kind of situation in case of procedures concerning financing projects in the scope of operative programmes obtained from the European funds.

Taking into account the tendencies appearing contemporarily in Europe, the author states that the process of finding mechanisms that enable the balance – in the course of administrative procedure – of all kinds of interests and ways of their protection has not been completed. It rather opens a new phase in which the principles of the rule of law should reconcile the demand for innovation in the public administration with the requirements of pragmatism and efficiency of its activities.

## Summary

### of the article: **Legal characteristics of the so-called hybrid proceedings**

The article discusses issues relating to the review of the decisions of particular public administration bodies which the legislature identifies as regulatory authorities, i.e. authorities active in the field of markets for the provision of services for general consumers. The functioning of economic operators in these areas entails the need to regulate various aspects of such operation which relate to access to the services provided as well as to numerous restrictions on economic freedom due to public interest. When operating in this field, regulatory authorities are obliged to ensure that entrepreneurs have equal and competitive access to the market for particular services and, at the same time, ensure economic safety for customers using the services offered by the entrepreneurs. All this is to take place in a monopoly situation, which relates to a privileged situation of one of the entrepreneurs having a dominant position due to its legal status, i.e. a State entity that is subject to multi-faceted restructuring in connection with privatization.

One of the ways in which the State may achieve this is by shaping, through its decisions, many important legal aspects of the competitive functioning of such markets. Under the applicable law, such objectives are achieved by means of administrative decisions. The legislature has envisaged a certain judicial procedure for the review of such decisions. In this case, the law provides for judicial review rather than for classic appeal proceedings, with civil courts, with their rules of procedure, being competent for such review. This situation raises a lot of theoretical and practical questions about the scope and essence of such review. Since in such proceedings administrative and civil elements overlap, they may be referred to as hybrid proceedings. Such proceedings are subject to modified rules of interpretation, which are derived from the Code of Administrative Procedure and the Code of Civil Procedure and which have been amended a number of times by particular special laws regulating issues relating to particular markets. Issues that relate to these problems determine the creative and multi-faceted area for scientific analyses. The article discusses one of the possible problems relating to the essence of such proceedings, i.e. the understanding of the principle of the right to appeal in the case of regulatory administrative proceedings and the scope of the review of the decisions of regulatory authorities from the point of view of the protection of the rights of entities that are subjected to such actions.

## Summary

of the article: **Model of proceedings on granting benefits from public funds by a contract**

Nowadays administrative acts are often replaced by civil law contracts. This is particularly important in the area of welfare administration, when the administration distributes different goods among citizens, eg. financial benefits. This problem occurs especially in a situation, when it is indicated to grant these benefits by a contract. This process usually results in reducing legal guarantees given to the citizens to defend their rights, because distributing goods by the administrative authorities by a contract does not involve administrative and judicial review of its content. In spite of such a regulation, it seems that when an administrative authority decides on the right of a citizen to enter into a contract, the proceedings on granting benefits from public funds is twofold. In this case, the conclusion of an agreement is preceded by an administrative act, which determines the right to enter into a contract. Thanks to this interpretation, it is possible to ensure a judicial review of acts granting citizens the right to enter into an agreement with the administration. This conclusion does not refer to a situation, when the bill directly indicates that the administrative authority is obliged to give to the citizen the specific benefit, entering with him into a contract. In such cases the entitled citizen can claim his/her rights before the civil court, suing a competent administrative authority. For this reason it is not necessary to issue an administrative act preceding the conclusion of an agreement.