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of the article: **Reflections on the admissibility of administrative proceedings**

The article presents a theoretical overview of the issue of the admissibility of administrative proceedings.

The discussion includes the following issues: the concept of administrative proceedings and the constitutional basis for their admissibility, the function of legislation governing the admissibility of administrative proceedings and the requirements as to the admissibility of administrative proceedings.

Summary

of the article: **Landscape and the values of landscape as subjects of legal conservation**

Landscape protection regulations are part of the environmental law system. Protecting landscape and preserving its values is not only the aim of conservation, but also the fulfilment of legal obligation. It is demonstrated in the present study that the term "landscape protection" is much broader than "protection of the values of landscape" and "preservation of the values of landscape," which are subject to legal conservation.

The subject of environmental law is systemically related to landscape protection and the protection of the values of landscape. Therefore, it is subject to legal control, which is exercised under legislation or legal relationships aimed to protect the elements of the natural environment.

International law is one of the most important instruments in landscape protection, which determines the scope of regulations under EU law and national laws of the Member States to a large extent. In particular, landscape protection is the subject of the European Landscape Convention, drawn up on 20 October 2000 in Florence. Landscape is principally protected under legal and administrative norms, most frequently due to aesthetic reasons or to maintain rational management of natural resources. Landscape protection and the protection and preservation of the values of landscape are very important from the investment and construction standpoint. It is worth remembering that the preservation of the values of landscape is part of environmental compensation activities as well.

When investigating what constitutes "values of landscape," one needs to point to a certain group of common goods within the environmental law, which according to the legislator are as follows: ecological, aesthetic and cultural values of the area and related terrain, formations and environmental elements. They can be either natural or man-made.

Individual objectives of environment protection are combined in the environmental law act and make up a systemic group of objectives, comprising landscape protection and the protection and preservation of the values of landscape. The main objective, nevertheless, is the obligation to protect the environment.

The protection of the values of landscape is a part of the legal obligation to protect the environment. Landscape protection includes maintaining the properties of a particular landscape. Therefore, the obligation to protect the values of the landscape may be considered as having both a subjective and an objective scope. The objective scope of the legal obligation principally refers to the activities conducted by public administrative bodies within the environmental protection, i.e. the effect and character of the aforementioned activities. In particular, it includes the preservation and protection of the values of landscape against external and internal threats and hazards.

The matters presented hereunder are of somewhat general nature and require more detailed and extensive further analysis. There is no doubt, however, that there needs to be more work done on the legal status of the landscape protection and the protection of the values of landscape. The legal status may change in relation to the newly undertaken legislative initiative, which aims at adopting the act on the amending some other acts so as to improve the means to protect the landscape.

Summary

of the article: **The forms of participation in administrative proceedings of a community organisation as a representative of public interest**

A community organisation participating in administrative proceedings as a public interest representative is a fairly new establishment, nowhere to be found in traditional administrative law theories. It entered Polish law with the Act of 14 June 1960 – the Code of Administrative Proceedings. Community organisations participated in administrative proceedings in other socialist countries as well, and it was considered one of the methods to democratise the administration. Nevertheless, it is worth noting that in some modern administrative procedures of Western European countries, collective entities are recognised as possible advocates of public interest. Furthermore, the participation of community organisations in environmental cases is fairly common in European Union countries.

The article analyses proceeding initiatives of community organisations in relation to their participation in administrative proceedings as a party, i.e. the power to request initiating administrative proceedings and participating in the already pending administrative proceedings. Additionally, it was scrutinised whether it is possible, under the relevant act, for a community organisation non-participating in the administrative proceedings, to express its view on the case, upon the relevant administrative body approval. The article also mentioned the institution of notifying the community organisation on the underlying proceedings that may be of their concern by the administrative bodies. It was recognised that through participating in administrative proceedings community organisations intend to exercise social control over public administration, which nowadays has become a significant component of a civic society and has laid constitutional grounds for the functioning of the democratic rule of law.

It was concluded that the concept of public administrative control, or social control exercised by community organisations participating in administrative proceedings, earned its true meaning only after the democratic transformations of 1989, and ironically, its function, underlying the assumptions that justified the introduction of this legal institution to Polish law in 1960, was fully carried out under the changed constitutional order. The conclusion is that the institution under scrutiny has a long history in Polish law and is worth retaining its function, even more so under civic society and the changed constitutional order of democratic Poland. Therefore, it should not be merely associated with the previous era, but on the contrary, it is a powerful and modern instrument of influencing the government by the society.

Summary

of the article: **Public participation in the process of obtaining an environmental decision**

When discussing the issues of environmental decisions, it is necessary to address the matter of public participation, which is understood as a rule, the purpose of which is to solve environmental problems with the help of the public. Ensuring that the public participates in environmental protection not only is a result of the obligation imposed on Poland due to joining the European Union, but also concerns shaping the definition of public administration, with regard to its organisation and function, as a body that is willing to cooperate, collaborate and contribute. This means that the public needs to participate in the decision-making process of the national authorities. The public means both individual citizens and groups organised under non-governmental organisations.

Summary

of the article: **Decisions concerning research grants**

The legal frame for individual decisions of the National Centre for Science (NCS), National Centre for Research and Development (NCRD) and the relevant minister for science, granting funding for a research or research and development project (a research grant), is rather disputable from the legal standpoint. Nevertheless, it lays down the procedures for granting funds.

The Supreme Administrative Court firmly opted for the abovementioned decisions to be considered as administrative decisions, made not only under the provisions of specific Acts, but also under the Code of Administrative Proceedings. The view of the Court was based on the outcome of the linguistic, systemic and historic interpretation.

The research presented herein confirms that the findings of the Supreme Administrative Court were accurate. Furthermore, the interpretation of the intent and function and the constitutional analysis suggest that the decisions of the NCS, the NCRD or the competent minister for science in the relevant cases are in fact administrative decisions under the Code of Administrative Proceedings. The thesis, therefore, confirms what the doctrine and case-law have identified with respect to the legal form of the administration activities. Yet, after comparing Polish, German and French solutions, it is clearly visible that despite all regulations being similar, the standards of Polish regulations, under the approval of the Code of Administrative Proceedings, are higher and guarantee appropriate resolution of cases, are beneficial to the society (as the best grant is funded) and respect the rights of the parties of the proceedings.

As a consequence, the demand for statutory exclusion of the Code of Administrative Proceedings from the above-mentioned proceedings or limiting the scope of review of judicial proceedings is strongly criticised. Such legislative procedure would be no less than incompetent and ineffective and would result in significant gaps in the proceedings or would deny individuals their constitutional rights.

It has been concluded in the article that sustaining and improving the activities of the above-mentioned administrative bodies requires *de lege ferenda* a clear, literal translation of the thesis, concerning utilising the Code of Administrative Proceedings in relevant cases, to the applicable specific Acts.