

## **Streszczenie rozprawy doktorskiej /j. angielski/ mgr. Dawida Ziółkowskiego pt. “The Principle of Instances of Administrative Court Proceedings in The Light of The Constitutional and European Standards”**

In the doctoral dissertation, the principle of instances of administrative court proceedings was analysed. The main research goal was to establish the essence of the instance procedure in force within the administrative judiciary and to reconstruct (decode) its normative model, using two conceptual tools, i.e. a constitutional standard and a European standard, and then to answer the question whether the current procedural regulation ensures the proper implementation of these standards. For the purposes of research and analysis the following methods were used: formal-dogmatic, critical analysis, historical, axiological and comparative legal analysis.

Consideration was given to the issues: theoretical and legal (Chapter I), historical (Chapter II), axiological (Chapter III), constitutional (Chapter IV) and comparative legal (Chapter V). Of particular importance for the reconstruction of the constitutional standard of instance-based administrative court proceedings was the finding that its direct and independent source in the Polish legal order is Article 176 (1) of the Constitution of the Republic of Poland. According to this provision, court proceedings have at least two instances. The correct interpretation of the above regulation leads to the conclusion that it is the obligation of the legislator to shape the procedure of judicial control of administration in such a way as to ensure that a party (citizen) has the right to appeal against a first-instance decision resolving the case to an administrative court of second instance. It is therefore a necessary element of the instance nature of administrative court proceedings that each time a legal remedy is lodged it has a devolutive effect.

The considerations carried out allowed the expression of a view that the principle of instances of administrative court proceedings is a procedural phenomenon and a general rule of administrative court proceedings, enabling the passage of an administrative court case that has not yet been finally (legally) settled, between hierarchically unequal courts in order to trigger an instance control of a higher court over a ruling of a lower court. Both analysed standards: constitutional and European assume the existence of a two-instance procedure within the administrative judiciary. The requirement reconstructed in this way is, in principle, satisfied by the current instance model of Polish administrative court proceedings. The binding regulation allows the party (citizen) to appeal relatively freely against the rulings of first instance administrative courts, which allows for the “right to second instance” to be implemented. The

weakness of the domestic system is the chronic lengthiness of administrative court appeal proceedings, which may result in a disturbance (restriction) of the right of a party (citizen) to have a case heard without undue delay.

The doctoral dissertation concludes with an outline of a proposal to reform the model of appealing administrative court decisions (postulate *de lege ferenda*).