

Summary of the doctoral dissertation

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"The Sanation Administrator"

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The subject of the dissertation is the institution of an administrator occurring in sanation proceedings (defined for the purposes of the dissertation by the doctrinal term “*sanation administrator*”, hereinafter as “SA”).

The main research objective of this dissertation is an in-depth analysis of the above institution, which aim is to answer the question of what the essence of this institution is. These considerations are at the same time a point of reference for a systemic analysis concerning the presentation of this institution against the background of "*related institutions*" in Polish and foreign legal systems. The above considerations are preceded by a presentation of what general functions the insolvency law should fulfil.

The main aim of the thesis thus defined determined the following specific research objectives, which are:

- a) to present the genesis of the SA;
- b) to define the essence of the SA (to indicate the *essentialia institutionis*, i.e. the features distinguishing it from other institutions of this type);
- c) to define the position of the SA at the level of substantive civil law ("*legal status*") and of procedural civil law ("*procedural status*");
- d) a comparative analysis of the SA with related institutions in domestic law (with the analysis of successive insolvency regulations in Poland from 1934-2003-2015);
- e) a comparative analysis of the SA with related institutions in selected foreign systems (American, British and French);
- f) presentation of general reflections based on the comparative considerations;
- g) presentation of postulates *de lege ferenda*.

The dissertation has the following structure:

The first Chapter ("*Introduction*") contains introductory remarks, defining the scientific problem and demonstrating the rationale for addressing it.

The second Chapter ("*Insolvency proceedings - nature and types*") analyses the nature of "*insolvency proceedings*". In the following part of this chapter, three regulations of the Polish insolvency law of 1934, 2003 and 2015 are presented according to the “*key issues*” (which are defined in the dissertation).

The third Chapter ("*The institution of a sanation administrator*") contains analysis (with use of a linguistic and comparative legal and historical method) of the institution of SA, preceded by a consideration of genesis of its two predecessors, i.e. the institution provided for in Article 34 § 2 of the 1934 law on composition proceedings and the administrator under the 2003 Bankruptcy and Rehabilitation Law.

In the fourth Chapter ("*Domestic institutions related to the institution of a sanation administrator*") a linguistic and logical analysis concerns of those institutions of Polish law, which show significant similarity in relation to the institution of SA (i.e., inter alia, trustee, forced administrator, curator of the estate). The selection of these institutions was made based on the criterion of "*related institution*" (which is defined in the dissertation).

In Chapter Five ("*Foreign institutions related to the sanation administrator*"), a linguistic and logical analysis concerns the foreign entities, which perform similar functions to the Polish SA in foreign insolvency proceedings (i.e. e.g. *trustee, insolvency practitioner, liquidateur judiciaire or administrateur judiciaire*).

The sixth Chapter ("*Concluding remarks and conclusions*") contains a summary of the entire argument carried out and final conclusions (including *de lege ferenda* remarks), which include inter alia: (1) genesis of the institution of the SA; (2) description of the essence of SA and its "legal status" and "procedural status", as well as an attempt to create its doctrinal definition; (3) presentation of *de lege ferenda* postulates, including, in particular, criticism of subrogation and a postulate to replace this institution with temporary empowerment of the estate.