

Summary

The subject of this dissertation is the issue of judicial control of the activities of regulatory authorities. The reason for taking up this topic is the lack of comprehensive elaboration and analysis in the doctrine of this issue, quite interesting due to the occurring dualism of the judicial control of the activities of regulatory authorities.

Exercising control over the activities of public administration is entrusted to the administrative courts in the Constitution. However, the legislator sometimes forwards to the common courts some administrative matters, which have their origin in the administrative proceedings and it is necessary to settle them with regard to the merits in the court proceedings. The aim of the dissertation is to answer the question about the necessity of providing the common courts with competence to substantiate adjudication in matters related to regulation as well as the legitimacy of dualism of judicial control adopted by the legislator.

In this dissertation, the following main thesis is made that it is unjustified to maintain a dichotomous model of judicial control of the activities of regulatory authorities by common courts and administrative courts. Also four secondary theses are made. First secondary thesis states that the analysis of the activities of regulatory authorities subject to judicial control indicates the legislator's inconsistencies in the division of competences between administrative courts and common courts. Sometimes the same type of activity is subject to the control of administrative courts and common courts, depending only on the regulatory authority that has taken the action. The next one is that by adopting the dualism of judicial control, the legislator should simultaneously establish a uniform criterion for the division of competences in this sphere between administrative courts and common courts, based on the character of the activity and the need to resolve the administrative matter to the merits in the court proceedings. The third thesis states that the currently adopted regulation in the Code of Civil Procedure enables the common court to quash the appealed decision issued by the regulatory authority. Therefore, the question arises whether it is reasonable to pass on to the common courts for the final settlement of regulatory matters, since these courts can limit themselves only to the quashing of the appealed decision, without substantively deciding on the matter, just as administrative courts do. The last one is that pursuant to the jurisprudence line adopted by the common courts, procedural errors committed by regulatory authorities when issuing administrative decisions do not constitute

the subject of proceedings before these courts, unless those errors cause that the decision is non-existent or invalid. This leads to the situation that in this sphere regulatory authorities are not subject to any control, and any procedural errors do not constitute grounds for quashing the decision.

The dissertation consists of five chapters. In the first chapter, it has been discussed: regulatory authorities, their functions in the economic sphere and the types of activities of regulatory authorities, which can be subjected to judicial control. The second chapter has been devoted to the presentation of the legal basis of judicial control of the activities of regulatory authorities and the means of this control: complaints to the voivodship administrative courts, appeals and complaints to Competition and Consumer Protection Court. In the third chapter, there has been made an analysis of the scope and the nature of the control exercised by the voivodship administrative courts and the Competition and Consumer Protection Court, as well as the explanatory proceedings before these courts, which makes it possible to indicate the characteristic features of both types of control and, above all, differences between them. Judgments issued as part of the judicial control of the activities of regulatory authorities have been discussed in the fourth chapter, with an indication of the differences between their nature and the jurisdictional competences of voivodship administrative courts and the Competition and Consumer Protection Court. The final, fifth chapter has been devoted to the appeal of judgments issued by these courts. All the considerations have been summarized in the conclusion.