INTERNSHIP REPORT AND SUMMARY

Identification of the participant

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First name: MIRA

Nationality: BULGARIAN

Country of exchange: POLAND

Identification of the exchange

Hosting jurisdiction/institution: SUPREME ADMINISTRATIVE COURT OF POLAND

City: WARSAW

Country: POLAND

Dates of the exchange: 08/09/2025- 12/09/2025

SUMMARY

The idea of administrative judiciary in Poland has a long tradition. The current regulation has functioned essentially unchanged for twenty years. The Polish adjudicatory model of administrative courts is characterized by the systemic separation of administrative courts, the cassation model of adjudication, the limited scope of investigation, and the two-tier organizational structure. My personal impressions- gained through my observations alongside with the conversations with the Polish colleagues, are that while the model of the current administrative court proceedings adopted in 2002 still fulfills its tasks, amendments are still needed with regard to structural and procedural issues. This need arises from the numerous challenges the administrative judiciary in Poland is facing nowadays.

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I. Programme of the exchange

Within the frame of the Exchange Program I was assigned for one week (5 working days) at the Supreme Administrative Court of Poland where – due to the organizational skills of my hosts- I could receive a really excellent overview not only of the judicial system in Poland but also of the functioning of some of its administrative bodies. The program was very well structured and the result was that I could visit some of the country's most important institutions.

The first day I was welcomed at the Supreme Administrative Court (SAC) by Mr Pr. Fl.-Bł. – chief specialist in the Cabinet of the Court's President - Presidential Department for External Relations who made me familiar with the organisation of the administration of justice and administrative courts in Poland, the constitutional position and jurisdiction of administrative courts, the model of administrative and administrative court proceedings and the organisational structure of the SAC and the Voivodship Administrative Courts in the country; the tasks of the judicial assistants (assistants of the judges) in the course of the proceedings in administrative courts and the judicial dialogue with the Court of Justice of European Union in the context of the preliminary ruling procedure and on the international contacts of the SAC. Mr Pr. Fl. -Bl. was accompanying me at all the meetings that I had.

The reception at the SAC was followed by Guided tour - exhibition organised on the occasion of the 100th anniversary of the establishment of the Supreme Administrative Tribunal (1922-2022), prepared by the court in cooperation with the Central Archives of Modern Records and the Institute of National Remembrance) - meeting with Mr dr K. Z. – chief specialist – judicial assistant in the Division for Judges, Court Assessors and Court Referendery of the Chancellery of the President of the SAC.

This first day, in the afternoon, I visited the Public Procurement Office where I met with Ms. dr J. P., General Adviser, Department of the European Union and International Cooperation and Ms I.K., chief of the legal department, who acquainted me in details with the structure and the powers of the office. In the late afternoon I had an on-line meeting with Prof. dr hab. M. K. – judge of the Supreme Administrative Court (Economic Chamber, Chair of Administrative Proceedings, Faculty of Law and Administration, Jagiellonian University, Krakow) who presented to me the way of functioning of the economic chamber and was particularly interested in some of the aspects of my experience as a lecturer which I was extremely happy to share.

On the second day, in the morning, I visited the National Appeal Chamber (KIO) where I had meeting with Mr. J. K. - President of the NAC and Ms. A. K.-K. – Vice-President, respectively. During our talk it became clear that the last two years in the public procurement market in Poland have been stormy; the Covid-19 pandemic and the war in Ukraine have caused a steady and dynamic increase in the prices of materials and services, and disrupted supply chains, translating into record inflation rates and unprecedented fee increases. With this tough economic situation directly affecting the market, contractors have faced the difficult task of indexing their fees in public contracts. The NAC, which hears challenges in public procurement matters in Poland, gave essential guidance on this issue in its ruling of 28 November 2023 (case no. KIO 3389/23) and I was made familiar with the above-mentioned

decision. Later in the afternoon I visited the Voivodship Administrative Court in Warsaw where I was welcomed by Ms. A. W. - presiding judge of the 4th Division of the court, Ms. A. W. and, Mr. T. W. I was deeply moved by the extremely friendly atmosphere in this court. I was fascinated by the tour that we made around the premises of the 4th Division of the VAC. I was present at a court session and finally all of us had a cup of tea together. During a warm conversation I could share some of my experiences as an ad hoc judge which seemed to be extremely interesting to the Polish colleagues.

On the early morning of the third day, accompanied again by Mr Pr. Fl.-Bł., I visited again the Supreme Administrative Court where I was welcomed by with Mr Z. K. – judge in the General Administrative Chamber, Disciplinary Commissioner of the SAC. We had a frank open conversation about the sensitivity of the disciplinary cases in the SAC and about the undeniable truth how difficult are they to be handled with but the positive nuance is that they are very few in number. Afterwards I met with the Deputy - Presiding judge of the Court Information Division- Judge dr. I. B. and judicial assistants working in the Division. It was interesting to know more about the public relations of the SAC and the maintaining the balance of the need of the society to be informed about the outcome of the cases with public interest and safeguarding the integrity of the SAC. I expressed my regret that there is not such a judge figure in my court and that it would be good to change that in the future.

On Wednesday afternoon I was happy to meet, albeit briefly, the president of the Supreme Administrative Court of Poland- professor J.H. who managed to reorganize his very busy program in order to greet me. We had a brief talk dedicated to our court institutions. It will be my honor, together with my colleagues and judge U.T. - contact point to the ACA from Bulgarian part, to greet him in Sofia next month.

The following day I met dr R. W. – judge of the SAC, Presiding Judge of the 1st Division of the Financial Chamber. Although, within the frames of the ACA exchanges the nomination of a tutor is not obligatory, dr R.W. was still my tutor and I am happy to have met such a colleague and professional. He has extensive experience in the application of tax law - prior to assuming his duties as a judge of the SAC, he has been a judge of the Voivodship in Poznań, and previously an employee of tax authorities, including the head of a tax office. I, myself, have been a taxation judge, so we had some similarities in our autobiographies to share. He was familiar with the history of my country as well that pleased me a lot. On Wednesday afternoon I visited the Bureau of the Polish Ombudsman where I met Ms. A. B., Director of the Department for Constitutional, International and European Law and Mr. Ł. K., Deputy Director of the Department for Administrative and Economic Law. We had a very fruitful conversation during which a deep and profound analysis of the institution was made by my hosts. I became aware of the following circumstances: the Commissioner for Human Rights is an official appointed for a five year term by the Sejm with an approval of the Senate (respectively lower and upper houses of Polish legislature); commissioner's responsibility is to protect civil and human rights implied by the Constitution of Poland and other legislative acts. The post was first established in 1987 by the act of parliament and since 1997 Constitution has been in force it has become a constitutional body. My third visit on Thursday was to the Office for

Foreigners. This meeting was with Ms A. W. - J. – Head of the International Cooperation Division, and some other colleagues from the office.

My last visit on Friday was in the Office of Competition and Consumer Protection (UOKiK). This meeting was with Ms M. M. - Deputy Director, International Cooperation Department; Ms A. D.-H. - Director, Legal Department; Ms I. R.-R. - Legal Adviser, Competition Protection Department; Ms H. K. - Expert, International Cooperation Department and Ms I. K. - Expert, International Cooperation Department. The four ladies made two presentations focusing on the structure of this administrative body but also on its mission which is to increase consumer welfare through effective protection of consumers' interests and to promote the development of competition while respecting the principles of openness and dialogue with market participants. We had a really lengthy, dynamic and enriching discussion.

In the early afternoon I was accompanied by Mr Pr. Fl.-Bł. to the airport. A transfer was organized by the host institution – one last gesture from their part which I value a lot as it helped for my stay to end smoothly.

II. The hosting institution

The instance structure of the Polish administrative judiciary comprises two instances. The courts of first instance are the voivodship administrative courts functioning in each voivodship and adjudicating all administrative court cases not reserved for the exclusive jurisdiction of the Supreme Administrative Court. My hosting institution was the court of second instance, the Supreme Administrative Court with its seat in Warsaw. Its cognition includes the recognition of ordinary and extraordinary means of appeal, but also caring for the uniformity of jurisprudence, exercising supervision over the speed of proceedings before administrative courts and resolving disputes over jurisdiction and competence disputes between public administration bodies. The SAC is headed by a president and three vice-presidents. Each one of these vice-presidents heads one of the court´s three chambers, namely the General Administrative Chamber, the Financial Chamber and the Commercial chamber. Each chamber is divided into divisions. There is also a Court Information Division, the task of which is to communicate to parties and interested persons the status of cases dealt with by the NSA and explain decisions by the court that attract wider public interest and the Judicial Decisions Bureau, which oversees the quality of jurisprudence and efficiency of proceedings in the administrative courts.

III. The law of the host country

As an administrative judge, I was particularly interested to learn more about the substantial and procedural administrative law in Poland.
When talking about the Polish model of administrative court proceedings, it is necessary to point out its main features. These include: the systemic separation of the administrative courts, the broad jurisdiction of administrative courts, a cassation model of adjudication, limited evidence procedure, and the two-tier structure of administrative courts. The first

characteristic feature of the Polish model is the systemic separation of the administrative courts from other national courts. Polish administrative courts function as specialized courts, separate from the ordinary courts. This model is one of two systemic constructions used in many European countries. The second characteristic feature is the broad jurisdiction of the Polish administrative courts. This is because they decide on complaints against various manifestations of public administration's activity such as: - decisions imposing obligations on individuals or granting them rights (e.g., a building permit or a decision imposing an administrative fine), - procedural decisions made in the course of administrative proceedings (e.g., to suspend proceedings), - acts or actions other than decisions concerning the rights or obligations of individuals (e.g., referral to a public sanatorium), - enforcement actions taken to enforce obligations imposed on an individual, - inaction of the administration or protraction of proceedings conducted by it. Incidentally, the administrative courts also perform other tasks, namely: issuing resolutions aimed at resolving doubts that have arisen in a specific case or that have caused discrepancies in case law, and indicating which of the authorities is competent to handle a given administrative case, if a dispute as to jurisdiction or competence has arisen between two or more authorities. These tasks are the competence of SAC as the only court in the state.

IV. The comparative law aspect in your exchange

There are many similarities, indeed, between the Bulgarian and the Polish system of administrative jurisdictions. The administrative courts in Poland and Bulgaria are organised in a two-tier system. The first instance are the voivodship courts (in Poland) and administrative courts (in Bulgaria). There are 16 of them in Poland where the Warsaw voivodship court is by far the largest. In Bulgaria the administrative courts are 28 with accordance to the number of the regions in my country. The second and final court level is the SAC for both countries. Another similarity is that the judicial review of public administration is based solely on the criterion of legality (the case law of the administrative courts essentially and exclusively concerns cassation). The dispute before the administrative court is, therefore, purely an annulment dispute. The purpose of this control is not to settle an administrative matter but only to remove the illegality caused by the activity of the public administration. This takes the form of: (1) annulment of an act or action that the court has declared unlawful, or (2) an order for the authority to deal with the case in the event of inaction on the part of the administration, understood as an unlawful state of not dealing with an administrative matter. This is due to the assumption that the handling of administrative matters is the competence of the public administration bodies and the administrative courts cannot replace these bodies in the performance of their tasks. This understanding of the cassation model of administrative court judgments is strongly rooted both in the Polish and the Bulgarian tradition with very few exceptions.
One big difference, however, is the limited evidence procedure in Poland, which is not characteristic for Bulgaria. The activity of the administrative courts in Poland is limited only to the analysis of administrative files submitted to the court by the authority. In Bulgaria,

administrative courts are able to conduct a full investigation, being able, for example, to hear witnesses, consult experts, or carry out visual inspections.
Another big difference concerns the electoral dispute resolution. In Poland, the Chamber of Extraordinary Control and Public Affairs, added to the Supreme Court under the Law and Justice party (PiS) government, is tasked with electoral disputes, validating elections and referendum results, and verifying the legality of political parties' funding. It also considers appeals against the decisions of the National Electoral Commission on these issues. In Bulgaria, the administrative courts and the SAC that deal with election issues (depending on the type of the case). Moreover, in Poland, judges were appointed to the above- mentioned chamber through a procedure that involved the politicized National Judicial Council and cannot be considered independent and impartial under EU law and the European Convention on Human Rights.

V. The European aspect of your exchange

Although it is true that Poland has lurched for years from one crisis to another over the rule of law and judicial independence my observation is that this has affected the system of the general courts and not the system of administrative jurisdictions.

VI. "Good Practice" within the host jurisdiction

I was impressed by the high level of understanding of the Polish administrative judges of the need to modify the judicial procedure in order to make it more efficient. The common understanding is that it is invariably the challenge of any court – including an administrative court – to guarantee a high degree of trust in its activities. Polish administrative judges understand that the level of trust in courts is undoubtedly a result of a high level of jurisprudential professionalism and particular judge's social sensitivity; in the case of administrative courts, the latter element takes on great importance as these courts adjudicate conflicts between the state and individuals.

VII. The benefits of the exchange

It goes without saying that exposure to a different legal system and working methods is always very beneficial. I am very happy that despite the turbulences in their country, in Europe and in the world nowadays, the Polish administrative judges and officials, as well as the Bulgarian ones, have a clear sense of belonging to the European Union.

VIII. Suggestions

I don't have any proposal for an improvement of the exchange because everything was really excellent. Special thanks to ACA-Europe for the opportunity to participate in this exchange program.