

THE POLISH MODEL OF IMPLEMENTING THE EUROPEAN UNION RURAL DEVELOPMENT POLICY

MODELO POLACO DE IMPLEMENTACIÓN DE LA POLÍTICA DE DESARROLLO RURAL DE LA UNIÓN EUROPEA

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Abstract

The study analyses Polish legal solutions aimed at the implementation of new ways of EU support in the agricultural sector and the development of rural areas, from which a specific concept was formed for the processing and execution of applications submitted by applicants, providing them with specific legal position in the course of the procedures. The author, analysing the subject, pointed out that the tasks and implementation of the main instruments of the Common Agricultural Policy were entrusted to specific administrative entities operating, *inter alia*, in the form of state legal entities (government agencies), associations and foundations; as well as that the parties to the procedure were deprived, by virtue of the provisions establishing the rules and mode of granting aid, of the rights resulting from the principles of the Administrative Procedure Act. The conclusions, accompanied by critical comments, were concluded with *de lege ferenda* proposals aimed at reforming the Polish institutional and procedural model of implementation of CAP instruments in the new financial perspectives for 2021-2027.

Keywords: Common Agricultural Policy of the European Union, Rural Development Programme, Government agencies, Administrative procedure

Resumen

El estudio analiza las soluciones jurídicas polacas destinadas a la implementación de las nuevas formas de ayuda de la Unión Europea en el sector agrícola y al desarrollo de las zonas rurales, a partir de las cuales se forma un concepto específico del tramitación y ejecución de las solicitudes presentadas por los candidatos, otorgándoles una posición jurídica atípica en el curso de los procedimientos. El autor, analizando el tema, señala que las tareas y la implementación de los principales instrumentos de la Política Agrícola Común fueron encomendadas a entidades administrativas específicas que operan, entre otras cosas, en forma de personas jurídicas estatales (agencias gubernamentales), asociaciones y fundaciones; así como que las partes en el procedimiento fueron privadas, en virtud de las disposiciones que establecen las normas y el modo de otorgamiento de las ayudas, de los derechos resultantes de los principios de la Ley de procedimiento administrativo. Las conclusiones, acompañadas de comentarios críticos, son terminadas con propuestas de *de lege ferenda* destinadas a reformar el modelo institucional y procesal polaco de implementación de los instrumentos de la PAC en las nuevas perspectivas financieras para 2021-2027.

Palabras clave: Política Agrícola Común de la Unión Europea, Programa de Desarrollo Rural, Agencias gubernamentales, Procedimiento administrativo

SUMMARY: I. Introduction; II. Institutional issues; III. Procedural issues, IV. Conclusions, V. Bibliography.

SUMARIO: I. Introducción; II. Aspectos institucionales; III. Aspectos procedimentales, IV. Conclusiones, V. Bibliografía.

I. INTRODUCTION

The moment of Poland's accession to the European Union on May 1, 2004 was preceded by significant pre-accession efforts, including in the scope harmonizing Polish agricultural law with specific regulations resulting from the conditions of the functioning of the Common Agricultural Policy of the EU (CAP). These processes also included the preparation of appropriate procedural and institutional instruments, ensuring the ability of a member state to efficiently implement EU aid funds, including direct payments and development subsidies, directed to Polish agricultural producers. The redefinition of the role and functions of the Agency for Restructuring and Modernization of Agriculture played a special role in this process.²

In the first years of Poland's membership in the European Union, the implementation of public intervention instruments in the agricultural sector and in other areas of social and economic activity covered by EU support in rural areas was carried out using classic legal solutions, established in the provisions of law and administrative procedure as well as civil law and procedure. However, over time, the Polish legislator, by amending and introducing new legal solutions aimed at implementing new forms of EU aid, shaped a specific concept of processing and implementing applications submitted by candidates for support beneficiaries, thus granting an unusual legal position in the course of the proceedings. In particular, this concerns entrusting the performance of tasks and implementation of the main CAP instruments to specific administrative entities³ functioning in the form of state legal persons (government agencies), associations and foundations, and also concerns deducting, under the provisions defining the principles and procedure for granting support, the rights of the parties resulting from the rules of administrative procedure defined in the Code of Administrative Procedure.

Arousing scientific interest in the issue of institutional and procedural peculiarities of the Polish procedure for granting EU aid in the scope of the CAP and their effects on applicants and beneficiaries may be a useful contribution to reflection on the shape of the legal regulations currently planned for the new EU program period for the years 2021–2027.

II. INSTITUTIONAL ISSUES

The management of EU support instruments under the instruments of both pillars of the CAP, as well as their implementation, was entrusted to a team of administrators, diverse in terms of legal form,⁴ with the division of individual tasks between them both vertical and horizontal. A specific example of the deconcentration and diversification of tasks and administrative functions may be the Rural Development Program (RDP), which is a key instrument for implementing the structural policy (Pillar II) of the CAP.⁵

The legal framework for the operation of agricultural administration in the process of implementing the rural development program in Poland is set out in the provisions of Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005,⁶ Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No. 352/78, (EC) No. 165 / 94, (EC) No. 2799/98, (EC) No. 814/2000, (EC) No. 1290/2005 and (EC) No. 485/2008⁷ and the Act of February 20, 2015 on supporting rural development with the participation of funds from the European Agricultural Fund for Rural Development under the Rural Development Program for 2014-2020,⁸ as well as numerous executive regulations issued mainly by the minister responsible for rural development.

The function of the *managing authority* for RDP 2014–2020, within the meaning of Art. 65 sec. 2 (a) of regulation 1305/2013, belongs to the minister responsible for rural development. This is determined by Art. 5 of e.s.f.r.d. The RDP itself includes among its tasks: managing the program and implementing it in an effective, efficient and correct manner, in particular by defining the criteria for selecting operations under individual measures, excluding the criteria whose determination was entrusted to local action, and by ensuring that operations are selected for financing according to these criteria, as well as monitoring program implementation, producing annual progress reports on its implementation, and ensuring that RDP evaluations are carried out.⁹ In addition, the Minister of Agriculture and Rural Development, acting as the managing authority, appoints the RDP Monitoring Committee referred to in Art. 47 of the Regulation 1305/2013. Selected tasks of the managing authority, on the basis of detailed provisions of the Act, are performed by other entities acting as intermediary institutions.¹⁰

On the other hand, the function of an *accredited paying agency*, within the meaning of Art. 7 of Regulation 1306/2013, belongs to the Agency for Restructuring and Modernization of Agriculture (ARMA) in Poland. It is a state legal person operating pursuant to the provisions of the Act of May 9, 2008 on the Agency for Restructuring and Modernization of Agriculture¹¹ and certain other acts.¹² It has the status of an executive agency within the meaning of Art. 18 et seq. the Act of August 27, 2009 on Public Finance.¹³ In accordance with the provisions of the RDP, the tasks of ARMA, as a paying agency, include the management of the public intervention operations for which it is responsible in accordance with the relevant legislation and ensuring that those operations are audited. The agency is responsible for making payments to beneficiaries, for drawing up annual financial statements on expenditures, for drawing up a management declaration regarding the completeness, accuracy and truthfulness of annual reports, correct functioning of internal control systems, the legality and regularity of transactions, and for the preparation of annual summaries of audit reports and audits carried out. The paying agency also prepares expenditure declarations.¹⁴

The tasks related to the granting and withdrawal of the paying agency's accreditation, as well as in the scope of its supervision, shall be performed by the minister competent for public finance pursuant to art. 2 and other provisions of the Act of September 22, 2006 on the release of funds from the budget of the European Union intended for the financing of the common agricultural policy.¹⁵

Pursuant to the provisions of the RDP, in order to ensure the efficient implementation of the program, the managing authority and the paying agency may delegate the activities assigned to them, retaining full responsibility for the effectiveness and correctness of management and implementation of these activities.¹⁶ Article 2 (7) of the GDPR defines "implementing body" as an entity to which the paying agency's tasks have been delegated. This is, of course, about delegating certain tasks, in particular, receiving applications for aid, applications for payment and carrying out administrative audits of these applications.

Among the RDP measures that have been delegated to implementing entities, the following should be mentioned: *Basic services and village renewal in rural areas* and *Support for local development under the LEADER initiative (community-led local development)* and *Land reparcelling* (voivodship self-governments),¹⁷ as well as *Quality systems for agricultural products and foodstuffs* (National Agricultural Support Centre). Other measures

are implemented by the Agency for Restructuring and Modernization of Agriculture, as a paying agency, while its tasks regarding ARMA applications for granting aid under the *Technical Assistance* measure are considered by the managing authority – the Minister of Agriculture and Rural Development.¹⁸

When characterizing the entities implementing the RDP, attention should also be paid to the legal position of the RDP established on 1 September 2017, after the abolition of¹⁹ the Agricultural Property Agency and the Agricultural Market Agency, the National Centre for Agricultural Support. This entity is a state legal person operating pursuant to the Act of February 10, 2017 on the National Centre for Agricultural Support²⁰ and the statute authorised by the ordinance of the Minister of Agriculture and Rural Development. Like ARMA, it has the status of an executive agency within the meaning of the Public Finance Act. The National Centre for Agricultural Support implements tasks resulting from the state policy, in particular in the field of implementation and application of agricultural support instruments, active agricultural policy and rural development, and may also perform tasks other than those listed in the Act on the National Centre for Agricultural Support, in particular delegated tasks, if separate the rules say so. As mentioned above, in accordance with Art. 6 sec. 3 point 2 of e.s.f.r.d. the National Centre for Agricultural Support is the entity implementing the RDP measure “*Quality systems for agricultural products and foodstuffs*” delegated from ARMA. Within this measure, two sub-measures are implemented – 3.1. “Support for joining quality systems” and 3.2. “Support for information and promotion activities carried out by producer groups on the internal market”.

Another specific administrative entity involved in RDP implementation is the local action group (LAG), referred to in Art. 32 sec. 2 (b) and Art. 34 of Regulation 1303/2013²¹ and Art. 42 of Regulation 1305/2013. According to the first of the above-mentioned regulations, LAGs are composed of representatives of public authorities, local social and economic partners and residents, where at the decision-making level neither the public authority – defined in accordance with national legislation – nor any interest group has more than 49% of the voting rights. On the other hand, Art. 34 of regulation 1303/2013 defines the tasks of local action groups, and above all sec. 1 states that LAGs design and implement community-led local development strategies. Pursuant to the regulation contained in the second sentence of the aforementioned provision, the Member States define the respective roles of the local action group and the institutions responsible for the implementation of the relevant programs in relation to all tasks related to the implementation of the community-led local development strategy. The Polish legislator in

the Act of February 20, 2015 on local development with the participation of the local community²² defined the rules of organization and operation of local action groups, in particular stating in Art. 4 of this act that the LAG operates as an association with a legal personality. However, the act introduces numerous special provisions which define the legal status of LAGs differently than the legal status of LAGs of 7 April 1989 – Law on Associations.²³ First of all, attention should be paid to entrusting the supervision over this type of associations not to the starosta, but to the voivodeship marshal, i.e. the chairman of the voivodeship board, which for LEADER type operations is the body representing the intermediary institution (voivodeship self-government) or the implementing entity competent to grant aid.²⁴

The main task of the LAG is to develop and present a draft local development strategy (LDS) in a tender,²⁵ and if selected – to implement the strategy.²⁶ This implementation takes place through the execution of the sub-measure *Support for the implementation of operations under the community-led local development strategy* (19.2). It consists in awarding bonuses and grants to beneficiaries²⁷ whose projects were selected as part of the implementation of the local development strategy. The selection of operations to be financed is in the form of a tender, and the criteria in this respect are determined precisely by local action groups in local development strategies, which are accepted by voivodship self-governments.²⁸

It is also worth noting that in the completed program periods of implementing RDP, entities of a different legal nature, such as a foundation whose sole founder was the State Treasury, also participated.²⁹ In the legal doctrine, these also belong to the group of administrative entities, albeit not public.³⁰

III. PROCEDURAL ISSUES

The Act of February 20, 2015 on supporting the development of rural areas with the participation of funds from the European Agricultural Fund for Rural Development under the Rural Development Program for 2014-2020 defines -as stipulated in Art. 1- firstly, "the tasks and competence of authorities and organizational units" under RDP for 2014-2020 and, secondly, "the conditions and procedure for granting, paying and returning financial aid" under measures and sub-measures covered by RDP, as well as on the implementation of so-called technical assistance – to the extent not specified in the provisions of European Union law or provided for therein to be determined by the Member State.

Pursuant to Art. 14 sec. 1 of e.s.f.r.d., the aid provided for in the RDP may be granted to a natural person, a legal person or an organizational unit without legal personality, provided that the conditions are met for granting aid specified in the provisions of EU law, indicated in art. 1 point 1 of the CIT Act, in the provisions of this Act and in the provisions of regulations issued pursuant to Art. 45 sec. 1 point 1 of e.s.f.r.d.³¹

Depending on the measure³² and sub-measure,³³ the aid is granted by way of an administrative decision³⁴ or on the basis of an aid agreement.³⁵ In both cases, the refusal to grant aid is subject to appeal to an administrative court, albeit on slightly different principles.³⁶ Dorota Łobos-Kotowska pointed out in the literature the scale of interpretative doubts that arise in the procedural issues of obtaining funds from the EAFRD.³⁷ Already during the implementation of the previous RDP, she suggested to strengthen the position of the party to proceedings pending in the scope of granting aid, in particular by providing the parties with due judicial protection, and indirectly by standardizing the procedure, simplifying and accelerating it, and reducing its costs.³⁸ These comments should be considered fully up to date at the time of implementing the current program.

De lege lata, it should be mentioned that Art. 4 of e.s.f.r.d. provides that "subject to the terms and conditions specified in the provisions referred to in Art. 1 point 1, the provisions of the Act of 14 June 1960 - Code of Administrative Procedure (...) shall apply to proceedings in individual cases resolved by way of an administrative decision, unless the law provides otherwise". Thus, the essence of the analyzed problem boils down to the exceptions (exceptions to the Code of Administrative Procedure) provided for in this act. It can be said that they are significant. At the outset, it is worth pointing to the specified in Art. 24 e.s.f.r.d. time limit for settling the case initiated by the application for aid. According to this provision, "the application for aid should be examined within a period not longer than necessary for the proper clarification of the case, including administrative and on-site inspections as well as other controls of the entity applying for aid carried out by the implementing entity on the basis of the Act". The time limit for settling the case specified in this way is of an open nature, not in line with the principles derived from the administrative procedure practices. However, under Art. 25 sec. 1 of e.s.f.r.d. the application of Art. 64 § 2 of the Code of Administrative Procedure has been excluded and the obligation on the authority to inform the entity applying for aid about the identified deficiencies and about the consequences of not remedying them on time has been significantly reduced. It seems that this exclusion could

have taken place as a result of the negation of previous practices applied by administrative bodies operating within ARMA structures in the jurisprudence of administrative courts.³⁹

Article 27 of e.s.f.r.d. includes a wide range of modifications to the rules for conducting administrative proceedings from the application for granting RDP aid, making them less favorable for the party as compared to the provisions of the Code of Administrative Procedure. We should mention here the regulation, according to which the authority provides the parties with the necessary instructions as to the factual and legal circumstances that may affect the determination of their rights and obligations under the proceedings, only upon their request. Likewise, only at the request of the party, its active participation in every stage of the proceedings is ensured, and in addition – only after the party submits a request, it is allowed to comment on the collected evidence and materials and the requests submitted before issuing an administrative decision. In Article 27 sec. 1 point 4 of the e.s.f.r.d., it was clearly decided that in cases conducted on the basis of this act, the provisions of Art. 79a (the obligation to indicate unfulfilled conditions for issuing a decision in accordance with the party's request; submission of additional evidence) and art. 81 (the party's right to comment on the evidence taken) of the Code of Administrative Procedure do not apply.

The provision of art. 27 sec. 2 of e.s.f.r.d. clearly burdened the party to the proceedings with the burden of evidence, stating that “the parties and other persons participating in the proceedings (...) are obliged to present evidence and provide truthful explanations as to the circumstances of the case and without concealing anything; the burden of proving the fact lies with the person who derives legal consequences from it. However, pursuant to Art. 27 sec. 3 of the Act, the deadline for examining an appeal against an administrative decision on granting aid was extended to two months, and it was decided that lodging an appeal against the decision did not suspend its execution. Paragraph 4 of the analyzed article contains a regulation according to which “[in] the case referred to in Art. 155 of the Code of Administrative Procedure, the authority which issued the final administrative decision on the granting of aid, pursuant to which the party acquired the right, may change it, also without the consent of the party, provided that this does not limit the rights it acquired”. Among other things, the indicated modifications determine the specificity of the administrative procedure in matters of granting aid under the rural development program.⁴⁰

It is also worth emphasizing that even in such a legal state, the administrative court should reverse the decision on the granting of aid, if it finds it illegal,

and refer the case to the administrative authority for reconsideration. As a rule, the competence of administrative courts in Poland is limited to reviewing the legality of the appealed decision.⁴¹ In the discussed case, the administrative court is therefore not empowered to replace the public administration body and to grant aid, issuing a decision "in lieu of" the administrative body.⁴² However, it should be borne in mind that in the above-described statutory modification, to the detriment of potential beneficiaries of the regulations on administrative proceedings regarding granting EAFRD aid, it becomes more difficult to obtain a court-administrative ruling favorable to the party.⁴³ This is one of the reasons why the organizational and legal model of enforcing the rights of applicants and beneficiaries, resulting from substantive law adopted in Poland is rightly criticized in the literature of agricultural law.⁴⁴

IV. CONCLUSIONS

The analysis of the institutional and procedural formula for the implementation of a socially and economically important rural development program established in Poland may justify some significant substantive reservations. Some doctrine representatives consider that government agencies create good legal, systemic and organizational instruments for the effective and efficient implementation of the state's tasks in the scope of agriculture, food and agricultural policies, and rural development,⁴⁵ attention should be paid to the progressive process of concentrating their tasks, e.g. as a result of the abolition of the Agricultural Property Agency and the Agricultural Market Agency and the establishment of the National Agricultural Support Centre on the basis of their competences, which makes their structures less efficient and effective. It is worth postulating in this area the regionalization of the program approach in the structural policy for agriculture and rural areas, the consequence of which may be the decentralization and deconcentration of tasks related to the implementation of individual measures and operations.

It should also be emphasized that the shortcomings in the effectiveness and efficiency of government agencies, both in terms of RDP implementation and payments under direct support systems, motivated the Polish legislator to gradually reduce the rights of applicants as part of administrative proceedings aimed at granting aid. However, it can be assumed that this limitation exceeded the scope of the material need, violating the basic procedural principles anchored in the legal tradition. As rightly stated in the doctrine, the basic function, and thus the basic value of procedural law, is the protective function, which is expressed in the introduction of procedural institutions in the regulation of procedural law, which are to serve the individual's right to

effective protection in a given course of proceedings and to protect the rule of law.⁴⁶

In the light of the functions of administrative proceedings understood in this way, far-reaching restrictions on the obligations of administrative bodies and transferring them to parties who often do not have professional legal preparation and an appropriate economic condition (mainly farmers) determine – in my opinion – the need to reform the current legal structure regulating the principles of and the mode of granting aid under the instruments of the EU Common Agricultural Policy. The beginning of the new program period seems to be the best moment for the competent authorities to consider the *de lege ferenda* postulates formulated in the literature.

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NOTES

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- 4 In describing the entities managing and implementing the rural development program as "administrating entities", I follow the thought of J. Jagielski, who noted that in doctrinal considerations the concept of "administrative entity" is often intertwined with the term "administration entity", which – in his opinion – is not appropriate. According to J. Jagielski, the term "administration entity" should be associated with an indication of who the administration belongs to as a component of public authority, and this belongs to the state, or granted by state to other entities. Therefore, when we refer to "administration entities", it should be interpreted that it is about the state and local government units or professional self-government units. However, according to J. Jagielski, the concept of "administrating entity" should be associated with the performance of the administration function assigned to certain administrators, i.e. the state or local government (JAGIELSKI, J. (2019), "Fundacja jako podmiot administrujący" ["Foundation as an Administrative Entity"], in LITWINIUK, P.,

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- 5 More on the issues of RDP management and implementation, see: LITWINIUK, P. (2018), *Program Rozwoju Obszarów Wiejskich jako dokument programowy i źródło prawa rolnego* [Rural Development Programme as a Programme Document and Source of Agricultural Law], Warsaw, pp. 35-43.
- 6 EU OFFICIAL JOURNAL 2013 L 347/487, hereinafter referred to as "Regulation 1305/2013".
- 7 EU OFFICIAL JOURNAL 2013 L 347/549, hereinafter referred to as "Regulation 1306/2013".
- 8 Consolidated text: Journal of Laws of 2021, item 182, hereinafter referred to as "e.s.f.r.d.".
- 9 See the Rural Development Program for 2014-2020, point 15.1.2.1, <https://www.gov.pl/web/rolnictwo>.
- 10 For example, pursuant to Art. 5 sec. 5 of e.s.f.r.d., some tasks of the managing authority in the scope of community-led local development are performed by the voivodeship self-government. The tasks of the managing institution are also entrusted by the legislator to a limited extent to the Agency for Restructuring and Modernization of Agriculture and the National Chemical and Agricultural Station.
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- 19 Art. 45 sec. 1 and 2 of the Act of February 10, 2017 – Regulations Introducing the Act on the National Center for Agricultural Support (Journal of Laws, item 624, as amended).
- 20 Act of February 10, 2017 on the National Centre for Agricultural Support (consolidated text: Journal of Laws of 2020, item 481).
- 21 Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No. 1083/2006 (EU Official Journal 2013 L 347/320).
- 22 Consolidated text: Journal of Laws of 2019, item 1167.
- 23 Consolidated text: Journal of Laws of 2017 item 210, as amended.
- 24 Art. 2 sec. 2 point 2 of the Act of February 20, 2015 on local development with the participation of the local community.
- 25 Pursuant to Art. 33 paragraph 1 of Regulation 1303/2013, the LDS includes at least the following elements: definition of the area and population covered by the strategy; an analysis of the area's development needs and potential, including an analysis of strengths, weaknesses, opportunities and threats; a description of the strategy and its objectives, a description of the integrated and innovative nature of the strategy, and a hierarchy of objectives, including target values for outputs or results. With regard to results, target values can be expressed quantitatively or

qualitatively. The strategy should be consistent with the relevant programs of all relevant ESI Funds involved. In addition, mandatory elements of the LDS are: a description of the community involvement process in the development of the strategy; an action plan showing how goals are translated into actions; a description of the management and monitoring arrangements for the strategy demonstrating the potential of the local action group to implement the strategy and a description of the detailed arrangements for the evaluation and the financial plan for the strategy, including the planned allocation of each of the relevant EFSI Funds.

26 RDP, point 8.2.14.3.4.1.

27 Beneficiaries of the support provided under this sub-measure may be natural persons, legal persons – including agricultural circles, local government units other than the voivodeship, associations of these units and their organizational units, non-governmental organizations, cooperatives, churches and religious associations – as well as organizational units without legal personality to which the laws grant legal capacity.

28 In accordance with item 8.2.14.3.1.7 RDP, preference should be given to operations which, in whole or in part, meet the following criteria: they are innovative, provide for the application of solutions favorable to environmental or climate protection, generate new jobs, are implemented by entities undertaking activities based on local agricultural products or are aimed at meeting the needs of groups disadvantaged in terms of access to the labour market specified in LDS. In addition, the provisions of RDP oblige local action groups to apply preferences for operations in the field of tourism, recreational, cultural or road infrastructure, guaranteeing territorial cohesion in terms of social inclusion, implemented in towns inhabited by less than 5,000 residents.

29 LITWINIUK, P. (2017), “Fundacja Skarbu Państwa jako podmiot wdrażający instrumenty Wspólnej Polityki Rolnej” [“State Treasury Foundation as an Entity Implementing the Instruments of the Common Agricultural Policy”], in LITWINIUK, P., *Integracja europejska jako determinanta polityki wiejskiej. Aspekty prawne* [European Integration as a Determining Factor of Rural Policy. Legal Aspects], Warsaw, pp. 9-35.

30 JAGIELSKI, (2019), pp. 98-99.

31 On the legal issues related to the status of RDP beneficiaries see BLAJER, P. (2010), “Beneficjenci ‘Programu Rozwoju Obszarów Wiejskich’” [“Beneficiaries of the ‘Rural Development Programme’”], *Przegląd Prawa Rolnego*, [Agricultural Law Review], no 1(6), pp. 13-34.

32 Pursuant to Art. 2 sec. 1, second paragraph, (c) of Regulation 1305/2013 in connection with art. 2 point 3 e.s.f.r.d., “measure” means a set of operations contributing to the implementation of one or more of the EU’s priorities for rural development.

33 The term “sub-measure” does not have a legal definition. It can be assumed that it is a precisely thematically oriented type of operation that serves the implementation of a specific RDP measure.

34 Art. 26 sec. 1 of e.s.f.r.d.

35 Art. 34 sec. 1 of e.s.f.r.d. For more information on the legal nature of the EAFRD aid grant agreement, see: ŁOBOS-KOTOWSKA, D. (2012), “Umowa przyznania pomocy z Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich a inne podobne umowy” [“European Agricultural Fund for Rural Development Grant Agreement and Other Similar Agreements”], *Studia Iuridica Agraria*, vol. X, pp. 265-280. Roman Budzinowski, on the other hand, pointed out that in modern agricultural law the importance of contracts as an instrument for achieving the goals set for the agricultural administration, describing this phenomenon as the “contractualization” of agricultural law. He also draws attention to the expansion of types of contracts applicable in agricultural relations; see: BUDZINOWSKI, R. (2009), “Współczesne tendencje rozwoju prawa rolnego” [“Contemporary trends in the development of agricultural law”], *Studia Iuridica Agraria*, vol. VII, p. 23; BUDZINOWSKI, R. (2008), *Problemy ogólne prawa rolnego. Przemiany podstaw legislacyjnych i koncepcji doktrynalnych* [General Issues of Agricultural Law. Changes in the Legislative Foundations and Doctrinal Concepts], Poznań, p. 153.

36 Art. 35 sec. 2 of e.s.f.r.d.

- 37 ŁOBOS-KOTOWSKA, D. (2013), *Umowa przyznawania pomocy z Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich* [European Agricultural Fund for Rural Development Grant Agreement and Other Similar Agreements], Warsaw.
- 38 ŁOBOS-KOTOWSKA, D. (2009), "Charakter prawny odmowy przyznania środków z Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich" ["The Legal Character of a Refusal to Grant Resources from the European Agricultural Fund for Rural Development"], *Studia Iuridica Agraria*, vol. VII, p. 189-190.
- 39 See: e.g. the judgment of the Supreme Administrative Court of 11 April 2017 in case file ref. II GSK 245/17, in which ARMA consistently denied the applicant the right to supplement the deficiencies in the application.
- 40 JANIĄK, P. (2017), "Reguły ustalania stanu faktycznego w sprawach przyznawania pomocy ze środków Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich" ["Rules for Establishing Facts in Cases of Granting Aid from the European Agricultural Fund for Rural Development"], *Casus*, no 84, pp. 36-41; WOJCIECHOWSKI, P. (2012), "Postępowanie dotyczące przyznania pomocy finansowej w ramach działań objętych Programem Rozwoju Obszarów Wiejskich" ["Proceedings for Granting Financial Aid Under the Measures Covered by the Rural Development Programme"], *Studia Iuridica Agraria*, vol. X, pp. 335-354; KREMER, E. (2008), "Szczególne zasady postępowania administracyjnego w sprawach prowadzonych przez Agencję Restrukturyzacji i Modernizacji Rolnictwa" ["Special Rules of Administrative Procedure in Cases Conducted by the Agency for Restructuring and Modernisation of Agriculture"], *Zeszyty Naukowe Sądownictwa Administracyjnego* [Scientific Journals of Administrative Justice], n° 5a, pp. 36-47.
- 41 Art. 184 of the Constitution and Art. 1 of the Act of 25 July 2002 – Law on the System of Administrative Courts (consolidated text Journal of Laws of 2021 item 137).
- 42 HAUSER, R. & KABAT, A. (2004), "Właściwość sądów administracyjnych" ["Competence of Administrative Courts"], *Ruch Prawniczy, Ekonomiczny i Socjologiczny* [Legal, Economic and Sociological Movement], n° 2, p. 26.
- 43 JAGIELSKA, M. (2016), "Pomoc finansowa dla rolników w orzecznictwie Naczelnego Sądu Administracyjnego – wybrane problem" ["Government Agencies as Instruments for the Implementation of State Tasks in the Field of Agriculture and Rural Areas (Some Reflections)"], in LITWINIUK, P. (Ed.), *The Agrarian Question. Legal and Economic Issues*, Warsaw, p. 171-179.
- 44 PRUTIS, S. (2010), "Skuteczność ochrony prawnej uprawnionych do korzystania ze środków Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich" ["Effectiveness of Legal Protection of Beneficiaries of the European Agricultural Fund for Rural Development"], *Studia Iuridica Agraria*, vol. VII, pp. 93-114. This author noticed the advantages of the introduced procedural modifications, however, in my opinion, this view turned out to be incorrect when confronted with the practice of the Agency for Restructuring and Modernization of Agriculture; PRUTIS, S. (2010), "Relacje pomiędzy cywilną a administracyjną metodą regulacji prawnej na przykładzie instytucji prawa rolnego" ["Relationships Between the Civil and Administrative Method of Legal Regulation Using the Example of the Institutions of Agricultural Law"], in GOŁACZYŃSKI, J. & MACHNIKOWSKI, P. (Eds.), *Współczesne problemy prawa prywatnego. Księga pamiątkowa ku czci Profesora Edwarda Gniewka* [Contemporary Issues of Private Law. A memorial book in honour of Professor Edward Gniewek], Warsaw, p. 502.
- 45 JAGIELSKI, J. (2016), "Government agencies as Instruments for the Implementation of State Tasks in the Field of Agriculture and Rural Areas (Some Reflections)", in LITWINIUK, P. (Ed.), *The Agrarian Question. Legal and Economic Issues*, Warsaw, p. 85.
- 46 ADAMIĄK, B. (2020), "Zagadnienia ogólne procesowego prawa administracyjnego" ["General Issues of Administrative Procedural Law"], in HAUSER, R., NIEWIADOMSKI, Z. & WRÓBEL, A. (Eds.), *Prawo procesowe administracyjne* [Administrative Procedural Law], Warsaw, p. 27.