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**Title of the study: "Public funds in the theory of administrators"**

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### **Summary**

The subject of the study is to show the evolution of public administration through the prism of broadly understood public funds, in particular European structural and investment funds, in the systemic context and in the scope of changes in the legal forms of administration.

From a doctrinal perspective, the paper provides answers to problematic questions concerning the impact of the fund management on public administration in terms of the system and functionality. The dissertation deals with the type of legal relations between public funds and public administration, and the characteristics of public funds from the perspective of positive law and doctrine in a democratic state of law. I present the issue of public funds in juxtaposition with the views of administrative law doctrine on the notion of Europeanization, showing that European funds are the main tool in the process of Europeanization of public administration and administrative law. The theoretical considerations have been enriched with practical aspects of spending EU funds, showing how fund management affects the legal forms of administration. In the thesis I present the ways of penetration of administrative and legal regulations and civil law regulations on the example of fund management.

The main aim of the paper is to assess, within the framework of learning administrative law, the significance of public funds for the structure of administrative entities, to determine their place in the field of systemic administrative law and to evaluate the links between public funds and the tasks performed by public administration and to examine the impact of fund management on legal forms of public administration.

The dissertation has four chapters. In the first chapter, I describe fund management throughout history, starting from ancient times and ending with contemporary models of public administration based on the processes of computerisation, Europeanization and globalisation. In the following subchapters I characterize models of public administration management, trying to demonstrate how the management of public funds affects the overall management of public administration. In this chapter, I take up the issue of Europeanization and globalization of

administrative law and public administration through the prism of transnational special purpose funds, which are the main instrument of the presented processes. In the section on the multientric system of law I discuss the influence of the jurisprudence of the Court of Justice of the EU on the shape of modern public administration and the rules of spending public funds.

In the second chapter I discuss the issue of the place of public funds in the theory of administrative entities. In this chapter, I also review the doctrine's achievements in terms of defining such concepts as: "public administration", "public administration body", "public administration entity", "administrative entity", "public law entity" on the example of entities involved in the process of spending structural and investment funds. At the same time, I am conducting considerations aimed at demonstrating the types of legal mechanisms of influence of fund management on contemporary public administration. I discuss the structure, tasks and competences of entities involved in the process of spending structural and investment funds in the previous financial perspectives and current programming period.

In the third chapter, which deals with the issue of "legal forms of administration" and "privatisation of public tasks", I present these issues from a different perspective. I try to show how fund management, especially structural and investment funds, influence the process of transferring public administration tasks to non-public entities. In this chapter I describe such notions as: "public task", "privatisation of public tasks". I also refer to the latest views of the doctrine on this issue, namely the relatively recently introduced issue of "republicization of public tasks". One of the subsections has been devoted to the contract for financing - the problem of qualifying the contract as a civil or public-law contract.

The fourth chapter was devoted to the problem of responsibility for improper use of funds from structural and investment funds. On the basis of regulations, literature and case law, I present the subject matter of prerequisites for the return of funds, sanctions for improper use of funds, and administrative proceedings conducted on the return of funds. In this chapter, I also put forward the *de lege ferenda* postulates concerning the necessity of legislative changes in the scope of the discussed topic.

In conclusion, I summarise my reflections, indicating that the basic instrument for the implementation of the cohesion policy and regional development policy are the structural and investment funds understood as financial resources from which aid is provided for restructuring and modernisation of the economies of individual member states, through intervention and impact in key sectors of the economy and strategic regions. The implementation of the cohesion

policy does not remain irrelevant to the structure of public administration and to the legal forms of public administration. It requires the establishment of the entire administrative apparatus responsible for the process of spending those funds, both in the systemic aspect, i.e. establishment of appropriate entities providing co-financing and responsible for proper implementation of projects, and in the functional aspect, i.e. establishment of appropriate legal mechanisms allowing for efficient and effective allocation of the acquired funds.

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