



Magdalena Dziedzic*

Selected Aspects of Electronicization of the Construction Process

[Wybrane aspekty elektronizacji procesu budowlanego]

Abstract

The trend towards the increasingly widespread use of new digital technologies is becoming clear in all areas of the economy. The ability to quickly adapt and respond to the dynamics of changes is the basis for gaining a competitive advantage. To a large extent, this trend has clearly accelerated during the global pandemic. A similar situation occurs in the investment and construction process. In February 2021, the first stage of digitization of the investment and construction process took place, allowing for the submission of certain applications, notifications and declarations in electronic form via the e-Construction portal run by the General Office of Building Supervision. From 1 August 2022, the regulations regarding the Central Register of Persons with Construction Licenses (e-CRUB system) have been in force, and from 1 and 27 January 2023, respectively, regulations introducing the Digital Construction Object Book (c-KOB system) and the Electronic Construction Journal system (EDB system) came into force, replacing these documents in paper form. The Ministry of Development and Technology is working intensively on another major amendment to the construction law, which, according to the draft published on November 16, 2022, provides for, among other things, acceleration of the current changes and complete digitization of the investment and construction process. For this purpose, the Construction Project Database and the System for Handling Administrative Proceedings in Construction will be created. The digitization of the construction process is a necessity, and the changes introduced are a response to the needs of both citizens and participants of the investment and construction sector. The paper presents and analyzes the most important digital platforms used in the investment and construction process.

Keywords: electronicization, digitalization, construction law, new technologies, construction process.

* **Magdalena Dziedzic** – PhD in Law, Assistant Professor, European University of Law and Administration in Warsaw (affiliation); <https://orcid.org/0000-0003-0649-1763>; mdziedzic@ewspa.edu.pl / dr nauk prawnych, adiunkt, Europejska Wyższa Szkoła Prawa i Administracji w Warszawie (afiliacja).

Introductory Notes

The trend towards the increasingly widespread use of new digital technologies is becoming visible in all areas of the economy. The ability to quickly adapt and respond to the dynamics of changes and investments in technological development are the foundations of gaining a competitive advantage. To a large extent, this trend has clearly accelerated during the global pandemic. A similar situation occurs in the investment and construction process. In recent years, a number of initiatives have been undertaken as part of the digitization of the investment and construction process, and in the near future we can expect a further use of new digital technologies in this field. As a result, we are currently dealing with the gradual digitization of the investment and construction process, which in practice comes down to, among other things, replacing paper forms of documentation with their electronic equivalent and introducing various types of electronic registers.

The digitization of the construction process is a necessity, and at the same time it creates many opportunities to streamline all stages of the investment and unify the interpretation of regulations. It allows, among other things, to reduce the costs and space required for maintaining documentation archives. Digitization affects the way of work and communication between designers, investors and contractors. The basic assumption of digitization is to streamline the management of the investment and construction process by its participants. The main postulates of digitization in construction are transparency, compliance with generally applicable legal regulations, as well as saving time and reducing the costs of handling matters. The changes introduced in construction regulations are a response to the needs of citizens and participants of the investor sector.¹

In order to discuss the electronicization of construction law, it is worth referring to the computerization and informatization process that took place earlier. Computerization, as indicated, consists in the introduction of computers and computer methods of information processing,² thus replacing manually completed forms with electronic forms, paper archives with databases and introducing e-mail or internet communicators as the proper communication system. Computerization, i.e. the use of computer tools instead of the previous paper methods of operation, aims to implement unrelated

¹ Full digitalization in construction is not a revolution, but a need and expectation of citizens and the industry | General Office of Building Supervision (gunb.gov.pl); according to the Chief Inspector of Building Supervision "A change in approach to the investment process, which introduces full digitalization of the construction process, is not only a pro-ecological alternative or a sudden revolution, but a solution awaited for years by many parties to the process. Elimination of dualisms and simplification of regulations is a natural evolution that organizes the already functioning tools and procedures", <https://e-budownictwo.gunb.gov.pl/> [accessed: 20.01.2025].

² Słownik języka polskiego PWN [accessed: 25.03.2025].

computer tools that improve the performance of employees' official duties or ensure their better quality. The basis for computerization of proceedings in the field of construction law is the assumption that the use of modern information technologies will increase efficiency and streamline the relevant procedures. This seems to be a correct assumption.

Informatization, on the other hand, as a process following computerization, consists in the rational use of previously entered data into computer systems to the greatest possible extent allowed by other computer systems. Informatization is an integral element of shaping the information society. The information society is characterized by the preparation and ability to use information systems, it is computerized and uses telecommunications services to transmit and remotely process information.³ The basic requirement that must be met for a society to be considered an information society is an extensive, modern telecommunications infrastructure, which covers all citizens and broad information resources available to everyone. The development of the information society inevitably requires state bodies to create effective access to appropriate information resources, as well as to propose an appropriate range of public services provided in the telecommunications system.⁴

Information technology is a natural tool for streamlining the activities of state bodies on a previously unimaginable scale – both in terms of the speed of proceedings and their quality. The only question is at what pace and with what technical, organizational and mental obstacles it will be possible to implement solutions using the enormous resources of possibilities inherent in the computerization process as widely as possible.⁵

Electronicization, on the other hand, means introducing electronic devices into law. The process of electronicization in law covers more and more areas and fields, the most important of which certainly seem to be the digitization of documents and handling official matters online. Electronic document circulation (e.g. within an office) offers many other benefits, such as increased data security. In many areas, we are observing further processes of electronicization (i.e. taking place exclusively or mainly digitally), this applies in particular to construction law, public procurement processes, insolvency law and civil procedure.

The electronicization of processes in various fields has intensified during the COVID-19 pandemic. Of course, the first solutions transferring traditional procedures to a digital framework appeared much earlier. However, the fact is that the situation at the beginning of 2020 required the quick and efficient

³ I Kongres Informatyki Polskiej, Poznań 1994, after: J. S. Nowak, *Spółeczeństwo informacyjne – geneza i definicje*, Katowice 2008, p. 1 [accessed: 20.03.2025].

⁴ K. Flaga-Gieruszyńska, *Nowe oblicze prawa i informacji o prawie w dobie informatyzacji* [in:] *Informatyzacja postępowania cywilnego. Teoria i praktyka*, K. Flaga-Gieruszyńska, J. Gołaczyński, D. Szostek (eds), Warszawa 2016, p. 1.

⁵ *Ibid.*, p. 2.

introduction of appropriate tools and measures. In practice, a number of benefits resulting from the electronicization of processes and the digitalisation of documentation are indicated, including the acceleration and facilitation of the work of offices, lower costs of running the office, including energy savings, easier access to information, pro-ecological action in the form of eliminating paper, and increased security of the organisation and data collection. Unfortunately, like any new technology, in addition to benefits, it also carries risks. The biggest challenge for the process of informatization of different proceedings is to build security measures that will protect the parties to the proceedings against the leakage of their personal data, case data to the wrong people, but also to integrate the systems already in operation to make the whole thing even faster and more transparent.

It is worth mentioning several legal acts that played an important role in the government project of digitizing the investment and construction process.⁶ On 10.08.2022, the Act of 7.07.2022 amending the Building Law Act and certain other acts, aimed at digitizing the investment and construction process, entered into force. Next, on 27.01.2023, the regulation of the Minister of Development and Technology of 22.12.2022 on the construction log and the Electronic Construction Log system⁷ came into force, while on 1.01.2023, the regulation of the Minister of Development and Technology of 15.12.2022 on the construction object book and the Digital Construction Object Book system came into force.⁸

The process of electronicization of the investment and construction process will continue, as the Ministry of Development and Technology has announced the creation and implementation of the Administrative Proceedings Service System in Construction, which is to become a comprehensive tool integrating access to all existing digital platforms that affect the efficient handling of cases by construction authorities.

The following digital tools will be analyzed in this study: the e-construction portal – as a gateway to the digital services of the General Office of Building Supervision; then EDB – electronic construction log and c-KOB – electronic book of a construction object; then e-CRUB – the central register of persons with construction licenses and punished for professional liability in construction, and SOPAB – the system for handling administrative proceedings in construction. The final part of the work will present the conclusions.

⁶ Ustawa z 7 lipca 2022 r. o zmianie ustawy – Prawo budowlane oraz niektórych innych ustaw (Dz.U 2022, poz. 1557).

⁷ Rozporządzenie Ministra Rozwoju i Technologii z 22 grudnia 2022 r. w sprawie dziennika budowy oraz systemu Elektroniczny Dziennik Budowy (Dz.U. 2023, poz. 45).

⁸ Rozporządzenie Ministra Rozwoju i Technologii z 15 grudnia 2022 r. w sprawie książki obiektu budowlanego oraz systemu Cyfrowa Książka Obiektu Budowlanego (Dz.U. 2022, poz. 2778);

E-Construction Portal: A gateway to the digital services of the General Office of Building Supervision

The General Office of Building Supervision began activities aimed at digitizing the investment and construction process in 2020. Previously, handling any official matters related to construction in general was impossible electronically. For designers and engineers, this involved many problems, which came down to the long-term issuance of building permits and authorizations.

On the one hand, the documents necessary at the construction site, for example the construction log, were in paper, not electronic, which often resulted in gaps in the documentation. On the other hand, most offices did not have the appropriate software to handle matters related to construction, and outdated equipment prevented them from working efficiently with electronic documentation. As a result, construction administration offices had a problem with an excess of documentation in paper form.

The most visible manifestation of the electronicization of the investment and construction process is the e-construction portal.⁹ This portal allows you to generate applications in the field of architectural and construction administration on digital forms, then sign them electronically and send them to the appropriate authorities using the ePUAP platform via the Internet. In this way, investors can safely and quickly carry out the investment and construction process in one place, including obtaining a building permit, submitting an application for demolition, submitting an application for a construction notification or for transferring a decision on a building permit.¹⁰

The digitalization of the process of submitting construction applications began in February 2021. The legal basis for the operation of the portal is the provisions contained in Chapter 7a of Building Law, in Articles 79a to 79k. Article 79a, paragraph 1 lists a closed catalogue of documents covering applications, notifications, declarations and notices, which can be generated via the e-construction portal. The detailed content of individual applications has been specified in implementing acts – regulations issued on the basis of individual provisions of the Building law. Currently, the e-Construction portal already contains 31 forms of construction applications, notifications and declarations, which are necessary to effectively initiate all administrative proceedings required before the commencement of the investment. Their templates are consistent with the regulations issued by the Minister responsible for construction, spatial devel-

⁹ <https://e-budownictwo.gunb.gov.pl/> [accessed: 22.01.2025].

¹⁰ E. Janiszewska-Kuropatwa, *Komentarz do art. 79a [in:] Prawo budowlane. Komentarz*, Z. Niewiadomski (ed.), Warszawa 2024.

opment and housing on the basis of statutory authorizations from the Building law¹¹ and the Act on special development plan.¹²

The portal, available on the website of the General Office of Building Supervision, contains complete sets of applicable forms, applications, notifications and building declarations in an editable version. These templates are to be helpful in creating paper versions of documents in order to send them in traditional form to the offices of the relevant building authorities. Creating such possibilities and collecting all the building form templates in one place is undoubtedly a great convenience for investors. The application can be filled in on the website, it is extensively commented on, so as to guide the investor through the given procedure.

As mentioned above, the e-Construction portal is intended to support the investor in the process of generating applications, notifications, reports and declarations required in investment procedures regulated by the provisions of Building Law, but also other acts – depending on the needs and decisions of the Chief Inspector of Building Supervision. An example is the application for issuing a decision on the conditions of development and land development, the template of which was established on the basis of the act on the spatial development plan, as an important element of the investment procedure it was placed on the e-Construction portal.

The ability to generate applications on the e-Construction portal requires the creation of an individual account, protected against access by third parties by a password or authentication using an electronic identification means issued in the electronic identification system connected to the national electronic identification node (e.g. using the ePUAP trusted profile). Individual user accounts on the e-Construction portal are used to generate and store all previously prepared construction applications. In accordance with Art. 79a sec. 3, generating a document consists of completing a form on the e-Construction portal and saving the completed form as a computer file outside the e-Construction portal or printing it out.¹³ The account user may delete the account on the e-Construction portal at any time. Regardless of this, the account is subject to automatic deletion by the portal after 2 years from the last logging in to this account, and the data collected on it will be automatically deleted.¹⁴

Ultimately, full integration of all available electronic platforms is planned, with e-Construction and ePUAP being the first priority, which will eliminate the need for additional logins and individual authorization in order to, for example, sign an electronic signature and send a document to the electronic mailbox of the relevant office.¹⁵

¹¹ Ustawa z 7 lipca 1994 r. Prawo budowlane (Dz.U. 1994 nr 89, poz. 414), hereinafter: pr. bud.

¹² Ustawa z 27 marca 2003 r. o planowaniu i zagospodarowaniu przestrzennym (Dz.U. 2003 nr 80, poz. 717).

¹³ E. Janiszewska-Kuropatwa, *ibid.*

¹⁴ E. Janiszewska-Kuropatwa, *Komentarz do art. 79h [in:] Prawo..., Z. Niewiadomski (ed.).*

¹⁵ D. Kafar, K. Szocik, *Elektronizacja procesu budowlanego [in:] Prawo budowlane 2021. Nowe zasady realizacji inwestycji*, D. Kafar, J. Kornecki (eds), Warszawa 2021, p. 196.

Electronic Construction Log (EDB)

On 10.08.2022, the Act of 7.07.2022 amending the Act – Building Law and certain other acts, aimed at digitizing the investment and construction process, entered into force.¹⁶ As part of the continuation of legislative procedures, on 27.01.2023, the Regulation of the Minister of Development and Technology of 22.12.2022 on the construction journal and the Electronic Construction Journal system came into force.¹⁷ The provisions regulating the principles of maintaining a construction journal, including an electronic construction journal, are included in Chapter 5a of the Building Law Act, in provisions from Art. 47a to 47v.

The construction journal is the most important official document in the investment and construction process, an element of construction documentation, in which the course of construction works and events and circumstances occurring during the performance of construction works, which are important for assessing the technical correctness of the performance of these works, are recorded using entries (manual or digital).¹⁸ Entries in the construction log should be made in a way that results from the order of construction works, events and circumstances indicated in the commented article (Art. 6 sec. 1).¹⁹ Entries are to be made in chronological order, in a way that prevents later additions (Art. 6 sec. 2). Entries are also to be made in a permanent and legible manner (Art. 8).²⁰ The legislator in the commented provision clearly indicates that the construction log is an official document, and therefore the entries recorded therein enjoy the presumption of truthfulness.²¹

The persons authorized to make entries in the construction log are all participants in the construction process, which, in accordance with Art. 17 of Building Law, means that these are the investor, investor's supervision inspector, designer, construction or construction works manager), as well as an authorized surveyor performing surveying activities on the construction site and authorized employees of construction supervision authorities and other authorities authorized to control compliance with the regulations on the construction site. The above-mentioned persons, in order to enable making entries in electronic form, should obtain individual, password-protected access to the EDB system.²²

¹⁶ Dz.U. 2022, poz. 1557.

¹⁷ Dz.U. 2023, poz. 45.

¹⁸ Art. 47a pr. bud.

¹⁹ Dz.U. 2023, poz. 45.

²⁰ T. Kucharski, Komentarz do art. 47a [in:] Prawo..., Z. Niewiadomski (ed.).

²¹ Art. 76 § 2 k.p.a.; K. Sieklicki, Komentarz do art. 47a [in:] Prawo budowlane. Komentarz, D. Okolski (ed.), Warszawa 2024.

²² Art. 47e pr. bud.; D. Kafar, K. Szocik, Elektronizacja..., p. 197.

In the event of the obligation to appoint a construction manager for a specific construction investment, keeping a construction log becomes mandatory.²³ Consequently, the construction works manager is responsible for the veracity of entries made in the construction log, its condition and proper storage on the construction site.²⁴ The responsibility of the construction manager for maintaining the construction log is a detailed description of the obligation provided for in Art. 22 section 2 of Building Law. According to this regulation, the construction manager is obliged to maintain construction documentation. The construction log is, in the light of Art. 3 section 13 Building Law, an element of such documentation. The construction manager is liable under criminal and professional law for irregularities related to maintaining the construction log. The construction manager may also suffer consequences under civil law in connection with maintaining the construction log, in particular in the scope of liability for damages.²⁵

The construction log is kept in electronic or paper form, and in accordance with Art. 47v, the final deadline for issuing construction logs in paper form is December 31, 2029, with the exception of the construction log for construction works in closed areas established by decision of the Minister of National Defense.²⁶ In the industry, certain concerns are expressed related to the complete withdrawal of the construction log in paper form and its replacement with an electronic version in a relatively short time. However, the high cybersecurity standards applied to the EDB system fully protect the interests of those interested and the data stored in this way regarding the construction investment.²⁷

According to the amended content of Art. 47c sec. 3 Building law, the construction journal in electronic form is kept in the Electronic Construction Journal (EDB) system. The EBD system requires one of the following trust services: 1) trusted profile, 2) e-ID, 3) bank account in a bank providing the trust service.²⁸ The investor decides on the form of keeping the construction journal, provided that in the case of choosing EDB, this is the final version of the document. The established legal regulations allow for the continuation in electronic form of a construction journal established and previously kept in paper form.²⁹ In practice, however, the legislator's intention is to ultimately rely on the electronic form of the document. In fact, in the case of construction started before the date of entry into force of the regulation of the Minister of Development and Technology of 22.12.2022 on the construction journal and

²³ Art. 45 pr. bud.

²⁴ Art. 47d pr. bud.; K. Sieklicki, *Komentarz do art. 47d [in:] Prawo..., D. Okolski (ed.)*.

²⁵ K. Kucharski, *Komentarz do art. 47d [in:] Prawo..., Z. Niewiadomski (ed.)*.

²⁶ Rozporządzenie Ministra Obrony Narodowej z 18.07.2003 r. w sprawie terenów zamkniętych niezbędnych dla obronności państwa (Dz.U. nr 141, poz. 1368).

²⁷ A. Sławińska, *Elektroniczny dziennik budowy oraz cyfrowa książka obiektu budowlanego, 'Nieruchomości' 2024, 1, p. 22*.

²⁸ A. Sławińska, *Elektroniczny..., p. 23*.

²⁹ Art. 47k pr. bud.; K. Sieklicki, *Komentarz do art. 47d [in:] Prawo..., D. Okolski (ed.)*.

the Electronic Journal system, i.e. before 27.01.2023, construction journals in the traditional form remain valid and kept on the previous principles.

The application for the issuance of a construction log in electronic form is made in the EDB system. This involves the relevant authority assigning an identification number and providing the investor with access to the EDB system. The remaining persons listed above who have the right to make entries in the construction log obtain access to the EDB from the investor, as a key participant in the construction process, after previously registering individual accounts in the system, protected against access by third parties. These persons, to whom the investor has entrusted tasks, introduce in the system the acceptance of these tasks within a specified time for execution by making an appropriate entry in the EDB. In practice, this means that it is the investor who decides on access to the construction log in the EDB electronic system or on depriving such access. The situation is different for architectural and construction administration bodies, construction supervision and other public administration bodies authorized to carry out inspections during construction. In the case of these bodies, access to the EDB is provided by the Chief Inspector of Construction Supervision or an entity authorized by him.³⁰

The construction manager, as the entity responsible for keeping the construction log, upon completion of construction works independently assigns the EDB the “closed” status using the EDB system, bypassing additional formalities.³¹

The digitalization of the investment and construction process in the discussed scope contributes to the increased availability of making entries without being present at the construction site and greater transparency of the progress of works. The EDB system forces participants of the construction process to self-discipline by making current entries for individual construction works, because failure to do so constitutes a serious deviation and requires an appropriate justification registered in the EDB.³²

The construction log in a digital version increases the possibilities of carrying out inspections by the bodies authorized to do so during the realization of the investment. A positive effect of maintaining a digital construction log is the prevention of retroactive additions to entries, which was unfortunately quite a common practice. The EDB system forces participants of the investment and construction process to make systematic and timely entries. As a result, all participants of the investment, who have active access to the EDB, have guaranteed access to the construction log with entries that are current at a given moment.

³⁰ D. Kafar, K. Szocik, *Elektronizacja...*, p. 197.

³¹ Art. 47l pr. bud.; K. Kucharski, *Komentarz do art. 47l [in:] Prawo...*, Z. Niewiadomski (ed.).

³² A. Sławińska, *ibid.*

Electronic Book of a Construction Object (c-KOB)

On 1.01.2023, the regulation of the Minister of Development and Technology of 15.12.2022 on the construction object book and the Digital Construction Object Book system came into force.³³ The provisions regulating the principles of maintaining the construction object book, including the electronic construction object book, are included in Chapter 5d of Building Law, in the provisions from Art. 60a to Art. 60r.

The c-KOB system is an ICT system within the meaning of Art. 3 point 3 of the Act on the computerization of the activities of entities performing public tasks³⁴. Within the meaning of the Telecommunications Law,³⁵ an ICT system is a set of cooperating IT devices and software ensuring the processing, storage, as well as sending and receiving data via telecommunications networks using a terminal device appropriate for a given type of network within the meaning of the regulations.

Establishing and maintaining a building object book is obligatory for buildings whose architectural and construction design is subject to verification in terms of compliance with the provisions of generally applicable law, including technical and construction conditions (multi-family buildings, industrial buildings, warehouses or factory buildings). Similarly, according to the indicated criterion, a building object book is not necessary for buildings of simple and uncomplicated construction (single-family buildings, farm or storage buildings, construction objects subject to notification).³⁶

The building book contains notes and information on periodic inspections of the technical condition of the building, installations and pipes, technical inspections and expert opinions, repairs or other construction works and any circumstances affecting the manner of use of the building by the owner or manager.³⁷

The c-KOB system allows for placing notes and information regarding the building in an electronic version and managing them in an efficient and mobile manner by owners or managers of building objects. The c-KOB system is also to guarantee that only entities authorized to do so may update data or correct the entered entries and only within the scope of the entries they have made. The system contains security measures that prevent the deletion and

³³ Rozporządzenie Ministra Rozwoju i Technologii z 15 grudnia 2022 r. w sprawie książki obiektu budowlanego oraz systemu Cyfrowa Książka Obiektu Budowlanego (Dz.U. 2022, poz. 2778);

³⁴ Ustawa o informatyzacji działalności podmiotów realizujących zadania publiczne z 17 lutego 2005 r. (Dz.U. nr 64, poz. 565).

³⁵ Ustawa z 16.07.2004 r. Prawo telekomunikacyjne (tekst jedn. Dz.U. 2024, poz. 34 ze zm.).

³⁶ K. Niekrasz-Gierejko, *Cyfrowa książka obiektu budowlanego – analiza przepisów i wskazówki praktyczne*, 'Nieruchomości' 2024, 9, p. 5.

³⁷ K. Kucharski, *Komentarz do art. 60a [in:] Prawo..., Z. Niewiadomski (ed.)*.

modification of the entered data.³⁸ Building supervision authorities and other bodies or services authorized to control compliance with regulations regarding the maintenance of building objects or to conduct rescue operations in order to obtain access to the c-KOB system from the Chief Building Inspector and other bodies are required to submit an application. The application should indicate at least: the time for which access is to be granted, the scope to which access is to be granted, the purpose justifying the granting of access. Refusal to grant access on request is made by means of a decision.³⁹

Each building book kept in electronic form is assigned an individual number in the c-KOB system. In addition, the system verifies whether there is a building book for the building with the indicated location, thus preventing data duplication. The digital form of the building book kept in the c-KOB system allows the owner or property manager to more effectively manage required technical inspections or other inspections of the building. Consequently, this increases the safety and comfort of people living in buildings covered by the c-KOB system, which serves the common good. Similarly to the EDB system platform, in the case of the digital KOB, mobile management is more effective and convenient than traditional verification of the paper building book.⁴⁰ Up-to-date technical inspections also eliminate the fear of paying administrative penalties for the improper technical condition of the building and out-of-date technical inspections.⁴¹

Central Register of Persons with Construction Licenses and Punished for Professional Liability in Construction (e-crub)

The package of amendments to the Building Law Act adopted on 7 July 2022 also included the principles of maintaining the central e-CRUB register, which is an IT system within the meaning of Art. 3 point 3 of the Act of 17 February 2005 on the computerization of the activities of entities performing public tasks. This register includes persons with construction licenses and those punished for professional liability in construction. These rules can be found in many places in the Act and partially replace the current principles of maintaining such a register. As in the case of other electronic systems implemented by the amendment to the Construction Law Act of 7 July 2022, the Chief Inspector of Building Supervision is responsible for creating and ensuring the efficient operation of e-CRUB.

³⁸ K. Sieklicki, *Komentarz do art. 60h [in:] Prawo..., D. Okolski (ed.)*.

³⁹ K. Sieklicki, *Komentarz do art. 60l [in:] Prawo..., D. Okolski (ed.)*.

⁴⁰ A. Sławińska, *Elektroniczny..., p. 24*.

⁴¹ A. Sławińska, *Elektroniczny..., p. 25*.

The Act of 7 July 2022 amending the Building Law Act added provisions to the content of the commented article, according to which copies of construction licenses and copies of decisions on penalties for professional liability in construction are documented in the e-CRUB system.⁴² These regulations state that the Chief Inspector of Building Supervision provides access to the e-CRUB system to: architectural and construction administration bodies and construction supervision bodies as well as professional self-government chambers.⁴³ Participants in the construction process, entered into the e-CRUB system, will not have to submit a paper copy of the authorisation to the architectural and construction administration bodies.

Paragraph 2 of Article 88a of Building Law specifies the scope of registration data. Information regarding the name and surname of the person holding the building permit; the province where the person holding the building permit resides; professional titles and academic degrees and titles held; the number of the decision concerning the granted building permits; the number, specialty and scope of the building permits; membership in the relevant regional chamber of professional self-government, including information on suspension of membership rights; correspondence address, telephone number, e-mail – with the consent of the person holding the building permit expressed in writing (electronically or in paper form) will be published on the webpages of the General Office of Building Supervision. This will allow all interested parties to access information on the status of a specific person executing a construction project or acting as a checking designer, construction manager or investor supervision inspector. It is not required to create a special individual account in this respect.

Applications for entry into the central register of persons punished for professional liability must include a final decision on the penalty under the professional liability procedure in construction, a completed personal form referred to in § 5 section 1 of the regulation,⁴⁴ and a completed penalty form, the template of which is specified in Annex No. 5 to the regulation on templates and the method of maintaining in electronic form central registers of persons with construction qualifications and punished for professional liability in construction. For persons subject to entry, registration files are collected, including documents constituting the basis for entry into the register. Third parties may not have access to the registration files.⁴⁵

⁴² R. Tymiec, A. Kornecka, *Komentarz do art. 88a [in:] Prawo..., D. Okolski (ed.)*.

⁴³ *Ibid.*

⁴⁴ Rozporządzenie Ministra Rozwoju i Transportu z 20.04.2023 r. w sprawie systemu Centralny Rejestr Osób Posiadających Uprawnienia Budowlane (Dz.U., poz. 746).

⁴⁵ T. Asman, E. Janiszewska-Kuropatwa, *Komentarz do art. 88a [in:] Prawo..., Z. Niewiadomski (ed.)*.

System for Handling Administrative Proceedings in Construction (SOPAB)

In December 2021, the Department of Digital Services of the General Office of Building Supervision presented the initial assumptions of the System for Handling Administrative Proceedings in Construction (SOPAB), the users of which will be administrative bodies issuing decisions necessary in investment processes, and above all: architectural and construction administration and construction supervision at all levels.⁴⁶ This is another important stage towards the full digitalization of construction procedures and this entire sector of the economy.

In mid-November 2023, testing of the basic version (MVP) of the SOPAB system began in twenty architectural and construction administration offices throughout the country. The intended changes specified in the government draft act amending the Building Law Act and certain other acts (Parliamentary Printing No. 3336)⁴⁷ include the introduction after Chapter 7a of a new Chapter 7b entitled: “System for Handling Administrative Proceedings in Construction”. This system is to enable a nationwide and integrated service and conduct of administrative proceedings in the field of the construction process. This system will be a connection of all construction administration services, ensuring the coherence of digital processes in this sector. Its operation is to be consistent with the principles of the electronic document management system implemented in the entire government administration. The architectural and construction administration and construction supervision bodies will be able to process data collected in the SOPAB system in order to conduct administrative proceedings as part of the investment and construction process.

It has been proposed to introduce regulations specifying entities to which incidental or permanent access to the system will be granted by the Chief Inspector of Building Supervision, who is the administrator of data processed in the SOPAB system and is responsible for its maintenance and development. The SOPAB system is ultimately planned to be integrated with other systems, in particular with: e-Construction, e-CRUB, Electronic Construction Journal and Electronic Book of a Construction Object, the Construction Products Market Surveillance System (e-SNRWB). It is proposed to create a Construction Project Database within the SOPAB system, in which construction projects will be collected, including plot or land development projects, architectural

⁴⁶ D. Kafar, K. Szocik, *Elektronizacja...*, p. 197.

⁴⁷ Rządowy projekt ustawy o zmianie ustawy – Prawo budowlane oraz niektórych innych ustaw z 1 czerwca 2023 r. (RPU IX, poz. 3336).

and construction projects and technical projects prepared in electronic form, as well as attachments to projects, applications, notifications and notices received as part of the construction process, posted by users of e-Construction accounts, as required by separate acts.⁴⁸

Conclusions

Legislative changes in the area of the investment and construction process should be considered in a dynamic and progressive aspect (not a completed one). The analyzed legal and electronic instruments have been introduced pretty recently. The phenomenon of digitization of the investment and construction process from the described perspective suggests certain conclusions and observations. Namely, the digitization of the construction sector in Poland is a natural course of events and a necessary derivative of the ubiquitous digitization in the construction area in Europe. The implementation of digital solutions and technologies has become a requirement (not a choice) in order to correspond to European standards and competition on the foreign market. The market demand for the introduction of digital technologies is dictated by the need to reduce costs and streamline the investment and construction process. The digitization of the construction process is also an opportunity to unify the interpretation of regulations and all documentation required during construction. The use of electronic tools and platforms has had a positive impact on the dynamics of construction project realization and has allowed for a reduction in the space required for maintaining documentation archives. Many activities can be completed electronically, bypassing bureaucracy and formalism, which also translates into an increase in the business initiative of entities operating in the construction segment.

The initiatives undertaken to digitize the construction process are a response to voices emerging from many sides, postulating that all procedures should be simplified decisively and as much as possible, because today the construction process and the entire construction industry constitute a great engine of the Polish economy. Finally, it should be noted that for the digitization of the construction process to work correctly, all entities involved in this process must be fully prepared for this.

The electronicization of procedures in the area of construction law brings with it not only the improvement of the proceedings and the work of the authority, but also the transparency of the case management and shortening its duration. Unfortunately, like any new technology, in addition to the expected benefits, it is exposed to threats. One of them is access to data by unauthorized

⁴⁸ E. Janiszewska-Kuropatwa, *Komentarz do art. 79k [in:] Prawo..., Z. Niewiadomski (ed.)*.

persons and the possibility of using this data, blocking the operation of systems, which may slow down the operation of the authority due to the fact that most authorities use electronic systems without using traditional methods. In addition, in integrated systems there may be a lack of current data updates, which is mainly associated for the interested party with the lack of access to current information about the case and the need to obtain it on site.

The biggest challenge for the entire computerization process is to build security measures that will protect the parties to proceedings from leaking their personal data, case data to the wrong people.

The vision of complete computerization of procedures in the area of construction law is real, but it depends on the coexistence of many factors, which were mentioned above. In addition, for the success of the entire process, it is necessary to apply appropriate technical, legal and financial measures. The last factor, which is equally important, is the time needed for the effective implementation of new solutions replacing the existing traditional methods.

Abstrakt

Tendencja do coraz szerszego stosowania nowych technologii cyfrowych staje się wyraźna we wszystkich obszarach gospodarki. Umiejętność szybkiego dostosowania się i reagowania na dynamikę dokonujących się zmian to podstawy uzyskania przewagi konkurencyjnej. W dużej mierze tendencja ta wyraźnie przyspieszyła w czasach ogólnoświatowej pandemii. Podobna sytuacja ma miejsce na gruncie procesu inwestycyjno-budowlanego. W lutym 2021 r. nastąpił pierwszy etap cyfryzacji procesu inwestycyjno-budowlanego pozwalający na składanie niektórych wniosków, zawiadomień i oświadczeń w postaci elektronicznej przez portal e-Budownictwo prowadzony przez Główny Urząd Nadzoru Budowlanego. Od 1 sierpnia 2022 r. obowiązują przepisy dotyczące Centralnego Rejestru Osób Posiadających Uprawnienia Budowlane (systemu e-CRUB), a odpowiednio 1 i 27 stycznia 2023 r. weszły w życie regulacje wprowadzające Cyfrową Książkę Obiektu Budowlanego (system c-KOB) oraz system Elektronicznego Dziennika Budowy (system EDB) – zastępujące te dokumenty w postaci papierowej. W Ministerstwie Rozwoju i Technologii trwają intensywne prace nad kolejną dużą nowelizacją prawa budowlanego, która zgodnie z projektem opublikowanym 16 listopada 2022 r. przewiduje m.in. przyspieszenie dotychczasowych zmian i całkowitą cyfryzację procesu inwestycyjno-budowlanego. W tym celu zostaną utworzone Baza Projektów Budowlanych oraz System do Obsługi Postępowań Administracyjnych w Budownictwie. Cyfryzacja procesu budowlanego jest koniecznością, a wprowadzane zmiany to odpowiedź na zapotrzebowanie zarówno obywateli, jak i uczestników sektora inwestorskiego. W pracy przedstawiono i przeanalizowano najważniejsze platformy cyfrowe wykorzystywane w procesie inwestycyjno-budowlanym.

Słowa kluczowe: elektronizacja, cyfryzacja, prawo budowlane, nowe technologie, proces inwestycyjno-budowlany.

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