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THE IMPACT OF ELECTRONIC DELIVERY ON THE COURSE OF GENERAL ADMINISTRATIVE PROCEEDINGS

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Abstract. The entry into force of the Act on electronic delivery of November 18, 2021 has exceeded the expectations of technology supporters. It has entailed several changes in the permissible methods of communication for participants in various legal procedures, with particular emphasis on electronic communication. The branch of law in which such changes have taken place is, inter alia, administrative proceedings. This includes regulations concerning the written form, formality, and submission of applications to public administrations. The purpose of this article is to ascertain the impact of electronic delivery regulations on contemporary administrative procedure by examining these regulations.

Keywords: electronic delivery; administrative procedure; administrative proceedings

INTRODUCTION

Computerization is a process with many facets that touches various areas of individual life. Originally interpreted as the rational use of previously entered data into information and communication systems to the fullest extent possible by other similar systems [Kotecka 2010, 3] it now takes on various forms and forms of implementation. It is subject to implementation by using a variety of methods, each of which is closely linked to new technologies, gradually transforming into a process of automation. In the simplest terms, the computerization of public administration boils down to the use of modern technologies by public entities in the process of performing tasks to protect the public interest, and one of the most recent manifestations of computerization of this kind of activity is electronic delivery, as provided for in the Act on Electronic Delivery of November 18, 2020[1] [Chałubińska-Jentkiewicz and Kurek 2021]. And although the work on their introduction into the Polish legal order stretched over time, they represent an innovative institution directed at raising the level of functioning

[1] Journal od Laws of 2023, item 285 [hereinafter: Act on Electronic Delivery or ED].

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of individuals in the state. The purpose of this type of delivery is to expand the possibility of dealing with matters remotely, without the need to leave home and pay a personal visit to the seat of the public administration body or the post office. As K. Chałubińska-Jentkiewicz and J. Kurek rightly point out, the so-called e-delivery is an efficient instrumentalization of public tasks by guaranteeing citizens a new path of communication seven days a week and twenty-four hours a day [ibid.]. They are also an effective tool for independence from the postal operator's working hours and from the office hours of the public administration itself.

The entry into force of the Act on Electronic Delivery led to the formation of new instruments for the implementation of electronic delivery and entailed several changes in the Polish legal system. The implementation of some of them has been staggered, which has been dictated, among other things, by the level of electronification of procedures that apply to certain entities, as well as by the actual possibilities of integrating the system implementing electronic delivery with the systems of individual entities [Pietrasz 2002].[2] Importantly, these changes affected, among others, the administrative procedure regulated by the Act of June 14, 1960, the Code of Administrative Procedure,[3] where a new understanding of the principle of the written form was established and a new methodology was shaped for the mutual communication of subjects in the procedure in question, i.e. the public administration body with a party to the proceedings or other participant, as well as the supplicant with the subject of sovereign influence (public subject).

The focus of the discussion is on the importance of the current regulations, which relate to the two fundamental principles governing administrative procedure (the principles of the written form and officiality). The issue of currently regulated methods of communication between a party (another participant in the proceedings) and a public administration body is also not without significance in this regard. Indeed, it is in these aspects that the changes dictated by the validity of the Act on Electronic Delivery are most apparent. Juxtaposing them with the regulations of the Code of Administrative Procedure in force before the entry into force of the Act on Electronic Delivery creates the basis for determining the extent of the impact of electronic delivery on modern administrative procedure.

[2] See justification of the draft act on electronic delivery, https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=239 [accessed: 21.04.2023].

[3] Journal of Laws of 2023, item 775 [hereinafter: Code of Administrative Procedure or CAP].

1. NEW UNDERSTANDING OF THE PRINCIPLE OF THE WRITTEN FORM

According to the content of Article 14(1a) CAP public administration bodies shall conduct and settle a case in writing prepared in paper or electronic form. These letters, depending on the method of fixation adopted, shall bear, respectively, the handwritten signature or one of the three electronic signatures accepted by the legislator (qualified, trusted, personal), or the electronic seal (qualified) of the authority, together with the indication of the employee who decided to use it in a particular case. A detailed analysis of the new wording of Article 14(1a) CAP shows the extension of the rule of written form also to the active actions of the procedure – i.e., to the specific actions of the public administration body taken in the course of the ongoing procedure – to the so-called conduct of the procedure, rather than being limited in the creation of the requirement to record actions in writing only to the stage that crowns the procedure – to the settlement of the case (actions made). B. Adamiak describes this action of the legislator as an extension of the meaning of the principle of the written form in the subjective aspect and at the same time refers to the accompanying subjective extension, related to the broad understanding of the rule of the writ also in the scope of letters coming from a party to the proceedings, an entity on the rights of a party or another participant in the proceedings [Adamiak and Borkowski 2022].

Despite the lack of explicit use of the term "form" in the content of the cited regulation (as was the case under the previously existing Code of Administrative Procedure,[4] where the written form and the form of an electronic document were mentioned), the legislator did not completely abandon this legal construction. However, the legislator in Article14(1a) CAP limited itself to one form of a document, namely the written form, although understood broadly as a result of the formation of two permissible forms of the letter – paper and electronic [Wołowski 2022]. Regardless of the adopted method of fixing the letter, they require appropriate signatures or seals for their validity. This is due to the established condition of signing documentation coming from a public administration body. As it has been emphasized by Z. Kmieciak, J. Wegner and M. Wojtuń, the legislator in Article 14(1a) CAP has given expression to the fact that the electronic document is only a binding of the letter, which implies the fact that the written form is not excluded even when it comes to recording and transmitting the letter electronically [Kmieciak, Wegner, and Wojtuń 2023].

[4] Journal of Laws of 2021, item 735.

Importantly, however, the abandonment of the explicit (linguistic) reference in the content of Article 14(1a) CAP to the construction of an electronic document may raise unnecessary doubts about the rejection of this legal category and the inhibition of computerization within the procedure in question. For it is through the prism of the use of the electronic document in various aspects of proceedings before public administration bodies, among others, that the process of computerization was considered [Gołaczyński and Tomaszewska 2021, 55-56]. However, the claim to reject the category of the electronic document does not merit consideration and must be rejected given the regulations of Regulation (EU) 910/2014 of the European Parliament and of the Council of July 23, 2014, on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/WE,[5] and more specifically given Article 3(35) determining the concept of an electronic document as any content stored in electronic form [Jaśkowska, Gotowicz-Wilbrandt, and Wróbel 2020]. What will be this electronic form of the letter, which is provided for by the legislator in the content of Article 14(1a) CAP for if not an electronic document within the meaning of EU regulations? Thus, despite the lack of explicit linguistic reference in the content of Article 14(1a) CAP to the electronic document, there is not a complete rejection of it, but a resignation to treat it as a separate from written – form of drafting a letter by a public administration body.[6] This allows us to conclude that this construction(electronic document) in the administrative procedures underway today has only a technical meaning [Kmieciak, Wegner, and Wojtuń 2023], and is not strictly legal, as it was before.

An additional argument that decisively contradicts the assumption that computerization will be halted as a result of the Act on Electronic Delivery is the further content of Article 14 CAP, namely (1b) and (1c), where the legislator allows for the possibility of settling a case using letters generated by an ICT system automatically, as well as using online services made available by a public administration body after prior authentication of the interested party (party or other participant in the proceedings). This significantly modifies the traditional methodology of submitting applications to the authority – applications signed with a handwritten or electronic signature. In the case of automatically generated letters, it is worth pointing out that as long as these letters are stamped, there is not only a legal but also a factual necessity to indicate the person of the employee involved in issuing them, which confirms the automation of the activities performed. As G.

[5] Official Journal of the European Union L 257 of 28.8.2014, pp. 73-114 [hereinafter: the eIDAS Regulation].

[6] In the content of the Act on Electronic Delivery itself, there is a reference to the EU definition of an electronic document (Article 2(2) ED).

Sibiga points out, the desirability of this solution boils down to the formation of conditions for the automatic handling of the case, through the use of a qualified electronic seal of the public administration body [Sibiga 2022]. This is because it is the system itself that selects a certain type of data that is available to it, reaching out to public collections, and creates writing without human activity or with only a little human involvement (including the applicant himself) [Wilbrandt-Gotowicz 2021, 440]. Through the prism of the above, the assumption is confirmed that just as the process of computerization is a consequence of computerization, so automation is its further stage and a harbinger of the use of artificial intelligence in Polish administrative procedure.

Importantly, despite the predominant principle of the written rule, set forth in Article 14(1a) CAP the legislature, in making the changes dictated by the entry into force of the Act on Electronic Delivery, did not abandon the permissibility of, among other things, oral settlement of the case. However, in this case, it does not create a separate form – separate from the written form – for the performance of actions by a public administration body. Thus, by deciding on one form and at the same time on two forms of recording a letter from a public administration body in the process of conducting and resolving administrative cases, it also allows them to be handled orally, by telephone, by electronic and other means of communication (Article 14(2) CAP). However, as was the case under prior legislation (the Code of Administrative Procedure), these possibilities form a group of exceptions to the rule, limited by prerequisites, only the combined fulfilment of which creates the legitimacy to depart from the principle of the written rule. Among other things, the interest of the party must be in favour of an oral settlement of the case, and the provision of the law cannot oppose it. And so then, however, the content and significant motives for such (non-written) settlement of the case should be recorded in the case file in the form of a record or annotation signed by the party (on paper or electronically).

The new understanding of the principle of the written form runs through several regulations of the Code of Administrative Procedure where reference is made to the delivery of administrative decisions, decisions, and summonses for hearings in writing and not, as was previously the case, in writing or the form of an electronic document (Article 109(1) CAP, Article 91(2) CAP, Article 125(1) CAP). The situation is similar to settlements drawn up by an employee of a public administration body in writing (Article 117(1) CAP) and concerning powers of attorney given in writing or reported orally to the record (Article 33(2) CAP). As M. Wierzbowski and J. Róg-Dyrda point out, the principle of the written nature is not absolute, but administrative proceedings, taking into account other general rules, are

focused on the quick and simple settlement of administrative matters [Wierzbowski and Róg-Dyrda 2020], in which they are largely assisted by new technologies.

2. NEW UNDERSTANDING OF THE PRINCIPLE OF OFFICIALITY

Pointing to the new understanding of the principle of officiality, it is necessary to refer to the newly shaped ways of serving letters from public administrations. Their application has been differentiated by the method of fixing the letter (on paper or in electronic form). Among these, one can distinguish between methods of essential nature (Article 39(1) CAP) and supplementary methods (Article 39(2) CAP). The second of the above, are in close connection with the so-called impossibility of serving a correspondence using traditional methodology.[7] P. Gacek, who remains in the minority, points out that service to an electronic delivery address is the only method that should be considered primary and mandatory, while the others specified in Article 39(2) CAP and Article 39(3) CAP have only a supplementary character [Gacek 2022]. Particularly noteworthy is also the modified approach concerning the methods of service of a letter, as defined by the content of Article 39(1) CAP. The previously existing and clearly subjectively defined methods of delivery (by a postal operator, through an employee of the authority or other authorized person or body) and, at the same time, the free choice of the public administration body as to which of these entities it will use to deliver the letter, have been replaced by methods that depict the place of delivery of the documentation. This includes an account in an ICT system, an electronic delivery address and the seat of the public administration. These methods have a subjective character. What is additionally noteworthy about them is that there can be no unfettered choice of the public administration body, for the order of their use has been clearly defined by the legislator.

It is worth noting at this point that those methods which under the previous legislation (the Code of Administrative Procedure) were regarded as dominant (delivery through a postal operator, by an employee of the authority or other authorized person or body) currently constitute only supplementary (optional) methods. As a rule, the public administration body electronically recorded letters are delivered to the address for electronic

[7] See also the decision of the Voivodship Administrative Court in Wrocław of 9 March 2023, ref. no. IV SA/Wr 708/22, https://orzeczenia.nsa.gov.pl/doc/AA17E60A70 [accessed: 21.04.2023], judgment of the Voivodship Administrative Court in Poznań of 9 February 2023, ref. no. IV SA/Po 803/22, https://orzeczenia.nsa.gov.pl/doc/7358AB26EF [accessed: 21.04.2022].

delivery,[8] unless they were delivered to an account in the body's ICT system.[9] This implies an additional statement that among all the ways of essential importance, it is delivery to an account in the body's ICT system that appears to be the priority (superior) way. Letters, on the other hand, fixed on paper are delivered at the seat of the public administration body to the addressee's own hands. The occurrence of "or" in the content of Article 39(1) sentence 1 CAP the conjunction "or" unquestionably confirms the existence of two forms of the letter (electronic and paper) and the differentiation of methods of service dictated by this fact. The juxtaposition of the content of Article 39(1) CAP and the content of the previously occurring (Article 39 CAP) allows us to conclude that the modern legislator has placed great emphasis on electronic letters and their delivery. This is determined, among other things, by the adopted order of use of the methods referred to in Article 39(1) CAP. It introduced the principle of priority of electronic correspondence over traditional or paper correspondence, moreover, remaining in complete independence from certain requirements, such as, inter alia, the consent of the applicant to electronic delivery, or the submission of an application electronically [Chałubińska-Jentkiewicz and Kurek 2021]. Under the previous legislation (the Code of Administrative Procedure), the regulation of the service of letters by public administration bodies indicated the primacy of the written form of documentation, although the form of electronic document was then considered equivalent and alternative to the written form. Moreover, according to the criticized position of the Supreme Administrative Court, it could be subject to simultaneous preparation as the written form of the letter taking then the same content and identical date of issue (otherwise it was treated not as an original, but only as a copy) [Przybysz 2022].[10]

Referring to the optional methods of service, it is necessary to go to the content of Article 39(2) CAP. In its content, there is no explicit assignment of a supplementary method to the type of letter (paper or electronic) and the impossibility of its service. This implies that, on the one hand, it is

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[8] An address for electronic delivery is the designation of an ICT system that allows communication by electronic communication means, in particular by e-mail.

[9] See also judgement of the Voivodship Administrative Court in Wrocław of 21 February 2023, ref. no. I SAB/Wr 1144/22, https://orzeczenia.nsa.gov.pl/doc/F4C8BCE3A7 [accessed: 20.04.2023].

[10] Judgment of the Supreme Administrative Court of 18 April 2018, ref. no. I OSK 2174/17, https://orzeczenia.nsa.gov.pl/doc/582AEF8418 [accessed: 21.04.2023]. The opposite was stated by the Voivodship Administrative Court in Gorzów Wielkopolski on 28 February 2013: "Service made in electronic form replaces «traditional» service, hence it is inadmissible to serve a document simultaneously in both paper and electronic form" – see the judgment of the Voivodship Administrative Court in Gorzów Wielkopolski of 28 February 2013, ref. no. II SA/Go 43/13 [accessed: 21.04.2023].

possible to take the position that the legislator has created a general catalogue of such methods that can be used when the basic methods of delivery (delivery to an electronic delivery address or at the seat of the authority) cannot take place. On the other hand, however, this explicit enumeration of supplementary methods may give rise to claims in light of which point 1 of Article 39(2) CAP details the impossibility of serving a letter fixed electronically, while point 2 of Article 39(2) CAP is closely related to the lack of grounds for serving a paper letter at the seat of a public administration body. After all, the interpretation of the regulation in question indicates that in the absence of the possibility to deliver a letter fixed electronically to an address for electronic delivery (e.g., in the case of not having an address for electronic delivery due to the lack of an obligatory possession of such an address[11]) the public administration body delivers the letter against receipt by a designated operator (Poczta Polska S.A. until 2029) using a public hybrid service [Pietrasz 2022],[12] where there is a transformation of data occurring in electronic form into "paper data", which are then subject to delivery [Jaśkowska, Wildbrandt-Gotowicz, and Wróbel 2020]. On the other hand, if the addressee of the letter does not receive the letter fixed on paper at the headquarters of the public administration body, the letter may be delivered against receipt by the employees of the body, or other authorized persons or bodies in the apartment or place of work of the addressee (Article 42(1) CAP) [ibid.].

The content of Article 39(3) CAP indicates a special way of service. This peculiarity is based on the permissibility of considering its nature in two ways. On the one hand, this method appears as a supplementary one – the application of which takes place when the authority cannot deliver the letter either to an electronic delivery address, at its registered office, or by hybrid mail. On the other hand, however, in the context of Section 4 of Article 39 CAP provides the only means that a public administration body may use in exceptional circumstances, i.e., when a decision has been given the order of immediate enforceability, which is subject to immediate execution by law, as well as in the case of the need to deliver a letter concerning the personal affairs of an officer and a professional soldier. This method is also applicable in a situation where there is an important public interest in its use, in particular state security, defence or public order. In terms of subject matter, it comes down to the delivery of the letter

[11] Obligatory possession, and strictly defining the list of entities obliged to have an address for electronic delivery, is outlined in Articles 8 and 9 ED.

[12] A public hybrid service is a service involving the transmission of postal items using electronic communication if they take the physical form of a letter mail at the stage of receipt, movement or delivery of the information message, provided by a designated operator if the sender of the letter mail is a public entity.

by registered mail[13], either by the employees of the authority or by other authorized persons or bodies.

3. NEW WAYS OF SUBMITTING APPLICATIONS TO PUBLIC ADMINISTRATION BODIES

The principle of complaint has been defined in Article 61a the issue of submitting applications to a public administration body in Article 63 CAP. As indicated in one of the judgments of the Supreme Administrative Court: An individual may become a party to a substantive legal relationship that is a consequence of an administrative decision in a proceeding initiated upon request when he or she reveals his or her will in the form of a request addressed to a public administration body – when he or she applies to it.[14] It should be emphasized that the entry into force of the Act on Electronic Delivery has significantly modified the way a petitioner (party, participant in the proceedings) communicates with a public administration body. Returning briefly to the regulations creating the principle of the written form, it is worth pointing out that it is in the content of Article 14(1d) CAP that the legislator created the possibility of submitting letters addressed to public administration bodies recorded in paper or electronic form. The choice in this regard was left to the applicant, for it is he who, acting within the limits of the law, decides on the external form of the document addressed to the public administration body [Gacek 2019]. Under the previous legislation, applications, i.e. requests, clarifications, appeals or complaints could be made in writing, by telegraph, by fax, or orally into the record, by electronic means of communication through the electronic inbox of a public administration body established under the Act of February 17, 2005 on computerization of the activities of entities performing public tasks. Referring, in turn, to the current content of Article 63 CAP one can point to a kind of doubt about the inconsistency of the legislator. The phrase appearing in sentence 1 of Article 63(1) CAP regarding acting in writing serves to highlight one of the legally guaranteed and superior forms [Adamiak and Borkowski 2022][15] of applying – the written form, which has been singled out in addition to the oral form and in addition to acting by telefax. Its expediency does not boil down to emphasizing once again in the text

[13] This refers to postal mail accepted against receipt and delivered against receipt (Article 3(23) of the Act of November 23, 2012, the Postal Law (Journal of Laws of 2022, item 896 as amended].

[14] See the judgment of the Supreme Administrative Court affiliate in Wrocław of 4 December 1987, ref. no. SA/Wr 829/87, https://orzeczenia.nsa.gov.pl/doc/4998B6DA88 [accessed: 20.04.2023].

[15] Such a term is used by B. Adamiak and J. Borkowski [Adamiak and Borkowski 2022].

of the Code of Administrative Procedure a broad understanding of the principle of the written form – this was not the intention of the legislator. The above statement finds its justification in connection with Article 14(1d) CAP where it provides for the admissibility of written form understood broadly (as related to the recording of information on paper or in electronic form). However, while in the field of applications fixed in electronic form, it was clearly emphasized that they must be submitted to the electronic delivery address of the authority (unless they were submitted to an account in the ICT system), in the field of paper applications, the legislator did not choose to explicitly refer to the manner of their submission, such as the permissibility of applying in person at the seat of the public administration, or through a postal operator.[16] This should also be seen as giving primacy to applications submitted electronically, but also as an effort to create a kind of counter-weight for sending applications to the e-mail of a public administration body. As it follows from the content of Article 63(1) sentence 2 CAP applications submitted to the e-mail address of a public administration body are left without consideration unless a special provision provides otherwise [Prasal 2023].[17]

Juxtaposing the regulations currently in force with those of the previous legislation and referring only to their linguistic wording may give rise to unnecessary conclusions about the rejection of the use of electronic means of communication, which was explicitly mentioned after the rule of the previous regulations of the Code of Administrative Procedure. However, it cannot be considered given the public service of registered electronic delivery and qualified electronic delivery service, the functionality of which is indisputably based on the use of electronic communications. The legal determination of the address for electronic service is also significant in this regard.

According to Article 2(8) ED in conjunction with Article 3(36) of the eIDAS – Electronic Identification, Authentication and Trust Services, the public service of registered electronic delivery, also referred to as a default service used by public entities [Chałubińska-Jentkiewicz and Kurek 2021][18]

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[16] Not without significance in this regard is the content of Article 147 section 2 ED concerning the so-called transition period.

[17] A typical example of an exception to this rule – submitting applications to an e-mail address – is a request for public information (Act of 6 September 2001 on access to public information, Journal of Laws of 2022, item 902); judgment of the Voivodship Administrative Court in Szczecin of 14 September 2017, ref. no. II SAB/Sz 74/17, https://orzeczenia.nsa.gov.pl/doc/4BDF7B977F [accessed: 20.04.2023], judgment of the Voivodship Administrative Court in Warszawa of 12 December 2022, ref. no. II SA/Wa 433/22, https://orzeczenia.nsa.gov.pl/doc/F3D62CFEE6 [accessed: 21.04.2022], decision of the Voivodship Administrative Court in Warszawa of 20 February 2023, ref. no. III SA/Wa 2390/22, https://orzeczenia.nsa.gov.pl/doc/C6BDCE3074 [accessed: 23.04.2023].

[18] Such a term is used by J. Kurek.

enables the transfer of data between third parties electronically and provides evidence related to the handling of transmitted data, including proof of sending and receiving data, and protects transmitted data from the risk of loss, theft, damage or other unauthorized alteration. A qualified registered electronic delivery service, on the other hand, is a registered electronic delivery service provided by one or more qualified trust service providers that guarantees the identification of the sender with a high degree of certainty; that ensures the identification of the addressee before the data is delivered; whereby the sending and receiving of the data is secured by an advanced electronic signature or advanced electronic seal of the qualified trust service provider in such a way as to exclude the possibility of undetectable alteration of the data; and any change in the data necessary for the purposes of sending or receiving the data is communicated to the sender and addressee of the data, and the date and time of sending, receiving, and entering any change in the data are identified by a qualified electronic time stamp (Article 2(2) ED in conjunction with Article 3(37) and 44 of the eIDAS).

An application filed in writing or submitted orally for the record should be signed by the applicant, and although the legislature does not explicitly determine this, the aspect of signing is determined by the way the letter is fixed. A paper application is stamped with a handwritten signature, while an application recorded in electronic form is stamped with an electronic signature (qualified, trusted or personal). An application submitted orally for the record is additionally stamped by an employee. An application from a person who is unable or incapable of affixing his signature shall be affixed by a person authorized by him, which shall be informed in the body of the application itself (Article 63(3) CAP). The signature on the application is one of the elements required for its submission to a public administration body. According to Article 63(2) CAP, an application should indicate the person from whom it comes, the request, and the applicant's residential address, including when the application is recorded in electronic form. It should also meet other requirements provided by the content of specific provisions, including in the area of electronic applications should contain data in the established format contained in the template specified in separate regulations. If the application does not specify the address of the applicant and the public administration body has no way of determining this address based on the data contained in the application – it is subject to being left unprocessed. The address of residence, regardless of the way the letter is fixed, is a necessary condition – essential in the process of determining the local jurisdiction of a public administration body [Przybysz 2022]. In this regard, the address for electronic delivery (possibly indicated by the applicant) is an additional element that may be placed on the application but does not condition its proper submission. A significant change that

has occurred under the influence of the Act on Electronic Delivery becomes apparent in the scope of the obligation to confirm the fact that an application has been filed by a public administration body. This is because regardless of the method of recording (on paper or electronically), this obligation has only a relative and not an absolute character. The public administration body is obliged to confirm the filing of an application, but only if the applicant himself requests it (Article 63(4) CAP).

CONCLUSION

The Polish legislator has long been introducing solutions that move towards full electronification of the administrative procedure [Łuczak 2014, 65-80]. These solutions are intended to move away from outdated methods of communication between public and private entities and vice versa, for it is these that prove unreliable in some circumstances. The COVID-19 pandemic period decisively confirmed this. The changes dictated by the entry into force of the Act on Electronic Delivery focused on establishing such constructions that will be alternative to the existing solutions, related to paper receipt of documentation and paper submission to the public administration body [ibid.]. It focused on three fundamental issues of administrative procedure. This makes it possible to claim that the impact of the Act on Electronic Delivery on the shape of Polish administrative procedure is momentous. The formation of a new understanding of the principle of the written form was intended to eliminate doubts about the permissibility of treating an electronic document as a separate form from the written form – a form of handling cases. On the other hand, the changes to the principle of officiality and, in a way, the principle of accusatorial procedure, provide an opportunity to de-localize the process of service of letters by creating conditions for sending and receiving correspondence from any place and at any time, without the obligation to inform about the change of location of the applicant and the recipient of the letter from the public administration body [Adamiak and Borkowski 2022].[19] And yet, the legal regulations of the Act on Electronic Delivery themselves, the full implementation of which has been spread out over time and which, in principle, do not create an obligation on the part of private entities to have and use an address for electronic service, are not able to guarantee a breakthrough in the communication of parties within the framework of administrative procedure. It is also important to make individuals aware of available IT solutions and their functionality and to constantly encourage the use of technological innovations for, among other things, handling official matters. It is necessary to make

[19] See https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=239 [accessed: 25.04.2023].

clearly visible the benefits that result from their use. This is because many individuals, despite the advancing process of computerization, are still sceptical of what is new, unfamiliar, and generally defined as electronic. However, the clear emphasis on the primacy of the electronic form in the process of conducting or settling administrative matters, as well as in the area of submitting applications to public administration bodies, which is evident in the text of the Code od Administrative Procedure is in this case insufficient.

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