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PRINCIPLE OF CONTINUITY OF ADMINISTRATIVE PROCEEDINGS

Dr. Robert Kędziora

Warsaw University of Technology, Poland
e-mail: robert.kedziora@pw.edu.pl; https://orcid.org/0000-0002-8837-4319

Abstract. The article discusses the essence, sources, content and meaning of the principle of continuity of administrative proceedings. The objective of administrative proceedings is to settle an individual case consisting in determining the legal situation of an individual in terms of rights and obligations in the public law sphere. This objective is achieved by the public administration authority by carrying out a series of orderly procedural actions consisting in the recognition and consideration of the case which is the subject of the proceedings. Continuity of proceedings is considered to be a universal principle inherent in any modern legal procedure. The principle of continuity is a directive that the proceedings should constitute a compact, uninterrupted course of procedural actions. The continuity of the proceedings is expressed by two features organising its course: uninterruptible character and integrity. The relevance of the continuity of administrative proceedings can also be determined through procedural facts and situations that interrupt the course of proceedings. Continuity of proceedings, expressed in the form of a procedural principle, can also be recognised as a procedural value.

Keywords: administrative proceedings; continuity of proceedings; process dynamics; suspension of proceedings.

INTRODUCTION

Administrative proceedings, like any legal process, are a structured sequence of activities aimed at achieving an objective defined by law [Adamiak 2003, 100]. The objective of administrative proceedings is to settle an individual case consisting in determining the legal situation of an individual in terms of rights and obligations in the public law sphere. This objective is achieved by the public administration authority by carrying out a series of orderly procedural activities consisting in the recognition and consideration of the case which is the subject of the proceedings. The result of these actions is an act of applying a norm of administrative law undertaken in the factual circumstances established by the authority. As a rule, this act takes the formalised form of an administrative decision, although the Code

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of Administrative Proceedings[1] also provides for the settlement of a case through the silence of the authority or the conclusion of an administrative settlement by the parties. The procedure results in the concretisation and individualisation of an abstract and general norm of substantive administrative law [Zimmermann 2017, 38].

Provisions of procedural law regulating the formal aspect of procedural activities and their legal effects are a factor organizing these activities into an orderly and uniform sequence. The form of procedural activities imposed by the law turns their sequence into a whole subordinated to a common objective. The function of organising procedures is also performed by procedural principles [Łaszczyca 2018, 543-44] On the one hand, they construct, in a static sense, a model of procedure and indicate the values to which the legislator refers when creating a certain type of procedure. On the other hand, procedural principles are realised in the course of proceedings through the actions performed by the subjects of these proceedings. By referring to the legal directives arising from procedural principles, the full content, meaning and legal effects of the actions taken in the course of the proceedings can be established. From the procedural principles it is also possible to derive criteria for assessing the correctness of the course of the procedure.

Continuity of proceedings is considered to be a universal principle, inherent in all modern judicial proceedings, and its universal character is reflected in the fact that it covers not only judicial proceedings, but all procedures of a jurisdictional nature conducted by the authorities appointed for that purpose, and thus also administrative proceedings. The principle of continuity, also known as the principle of concentration, is a directive according to which proceedings should constitute a compact course of action, free of interruptions and obstructions [Czarnik 2007, 38-39]. The continuity of administrative proceedings as a procedural principle has not, however, been articulated expressly in the provisions of the Code. In view of the significance of the legal consequences attributed to a violation of this directive, it is worth searching for its essence and sources, situating it in the systematics of procedural principles, as well as determining its content and meaning for the subjects of administrative proceedings.

1. THE DYNAMIC STRUCTURE OF ADMINISTRATIVE PROCEEDINGS

The principle of continuity of administrative proceedings is derived from the objective of those proceedings. “Due to the purposeful character

[1] Act of 14 June 1960, the Code of Administrative Proceedings, Journal of Laws of 2024, item 572 [hereinafter: the Code].

of administrative proceedings – their course should be based on certain rational assumptions, and, inter alia, they should be continuous, i.e. they should proceed without interruption from the moment of initiation until the moment of issuing a decision by the authority conducting the proceedings" [Dawidowicz 1983, 126]. The expediency and rationality of the legal process are therefore considered fundamental values underlying the continuity of proceedings.

It seems that in order to establish the essence of the continuity of the proceedings, it is first necessary to refer to the meta-concepts of "statics" and "dynamics", which serve as tools for describing the structure of the process. The statics of the process are formed by the institutions determining its 'architecture', i.e. its organisational (institutional) legal framework. Thus, the static elements of the administrative process are, in particular, the competence of the authority, the prerequisites for admissibility of the administrative proceedings, the legitimacy and procedural capacity of the parties to the proceedings. Whereas the broadly understood dynamics of proceedings should be understood as the legal mechanisms determining the course of those proceedings. "The dynamic structure of a process is determined by the temporal succession of its individual stages and sub-stages. Their distinction is based on the fact that they are characterised by their specificity and sub-objectives in relation to the fundamental objective of the process" [Wiśniewski 2013, 21].

Like any dynamic structure, the legal process can also be described in terms of certain parameters, which include movement, change, relationships and time.

A movement, which is identified with a course of proceedings, is a procedural mechanism resulting from a causal sequence of occurrences and legal actions, determined by the fundamental objective of the process, which is the settlement of the case [Gregorczyk 2021, 25-26]. The provisions of administrative procedural law determine precisely the initial and final moment of the course of proceedings, binding significant legal consequences to the occurrence and closure of the process. In the light of Article 61(3-3a) of the Code, proceedings are commenced on the date on which a party delivers the authority a request for initiation of proceedings, and in the case of a request filed electronically – on the date on which proof of its reception is issued, as referred to in the Act of 18 November 2020 on electronic deliveries.[2] The date of commencement of *ex officio* proceedings, unless otherwise specified in special provisions, shall be the date on which the notice of commencement of the proceedings is delivered to the party, pursuant to Article 61(4) of the Code. The moment of the ending of the proceedings

[2] Journal of Laws of 2024, item 1045 as amended.

is connected with the fact of externalisation towards the party of the act by which the authority settles the case being the subject of the proceedings, i.e. with delivery or announcement of the administrative decision in the manner specified in Article 109 of the Code, provided that the case may be, pursuant to Article 122a of the Code, settled in a silent manner – on the date specified in Article 122c of the Code. Precise determination of the date on which the proceedings are concluded is also important for the assessment of the authority's observance of the time limit for settling the case and is significant from the point of view of the time of admissibility of verification of the act ending the proceedings.

In considering the course of a process, it is necessary to have in mind procedural occurrences and activities as facts constructing the various stages of the process. Procedural activities are all deliberate, intentional actions taken by the participants in the proceedings with the intention of achieving procedural effects. The course of the process, i.e. the operation of the process mechanism itself, is based on procedural activities [Wiśniewski 2013, 22-23]. The functions and content of procedural activities are determined in particular by the stage of the process, the subject matter of the proceedings, i.e. the scope of the rights and obligations to be determined by the authority, as well as the level of recognition of the case and the involvement of the party in the course of the proceedings. Change as a parameter of the dynamics of the process appears both in its progression through the subsequent procedural stages and in the transformation of the findings made on the factual and legal state of the case into a decision concluding the proceedings.

The dynamics of the process are also determined by the relationships between its subjects and participants. These relations occur first of all between the authority conducting the proceedings and its party or parties, but also between the public administration authorities in the given configuration of the proceedings. In particular, public administration authorities, pursuant to Article 7b of the Code, have been obliged to cooperate with each other in the course of the proceedings to the extent necessary to clarify the factual and legal state of the case accurately, taking into account the public interest and the legitimate interest of citizens and the efficiency of the proceedings, by means of measures adequate to the nature, circumstances and complexity of the case. Interaction between authorities may consist, inter alia, in co-participation in the handling of a case in the opinion procedure (Article 106 of the Code), provision of legal aid (Article 52 of the Code), delegation of jurisdiction (Article 26(2) of the Code) or transmission of an application (Article 65 of the Code).

The process is conducted within a specific legal framework and in a manner dictated by the logic of the procedural activities. Thanks to this dimension of dynamics, the process acquires the feature of structural-functional

stability, which is extremely important for its participant. The subject (participant) of the process can take the actions prescribed by law and exercise procedural rights adequate to the state of the proceedings. Also the authority conducting the proceedings orders its course according to the logic imposed by normative criteria. In particular, when initiating administrative proceedings at the request of a party, the public administration authority to which the application has been submitted assesses in turn: its capacity to conduct the proceedings, as determined by the provisions on jurisdiction and exclusion from the case, the completeness and formal correctness of the application submitted, as well as the admissibility of the proceedings, after which, in the event of a positive result of the assessment made, it determines the subjective scope of the proceedings and notifies all parties of the commencement of the proceedings as a result of the request made. A negative outcome of the assessment in any of the above aspects implies the necessity for the authority to take appropriate actions, such as: to transmit the application to the competent authority and at the same time to notify the applicant of this action and its consequences (Article 65 of the Code), to return the application to the applicant (Article 66(3) of the Code), to leave the application unprocessed, after a possible earlier request to remove the defects (Article 64 of the Code), or to refuse to commence proceedings (Article 61a of the Code). At the same time, the applicant is provided by the procedural law with an adequate legal remedy (complaint, reminder, claim to the administrative court) enabling a reaction to an action taken by the authority or lack of appropriate action.

When describing the dynamics of a process, the parameter of time should also be taken into account. The objective "time of the process" is contained in the timeframe defined by the beginning and end of the proceedings, i.e. the date of its commencement and conclusion. Nevertheless, there is also "time in the process", captured according to the principles of procedural formalism in the form of procedural time limits, which integrate and concentrate procedural activities and, moreover, discipline the subjects and participants of the proceedings. It should be noted that in a specific legal context, determined by the norms and principles shaping the procedural model, time of proceedings is no longer merely a parameter of the dynamics of the process, but becomes a procedural value, protected and guaranteed by law. Such a value is above all the speed of action of the authority in the case, raised in Article 12 of the Code to the rank of a directive determining the content of the general principle of proceedings, in addition to the directives of acting thoroughly and taking into account the economic dimension of the process. Deconcentration of procedural activities leading to inaction of the authority or lengthiness of the proceedings entitles a party to these proceedings to use legal instruments counteracting procedural stagnation. On the other hand, the disintegration of the proceedings through the behaviour of the parties

and other participants violating the procedural time limits triggers the possibility of using legal sanctions by the authority, e.g. in the form of a fine, as well as leads to the loss of certain procedural rights and benefits by these subjects, causing, e.g. the inability to use a legal remedy after the time limit or leaving the application, the deficiencies of which were not completed within the time limit set by the authority, unprocessed [Wasilewski 1966, 61].

The source and essence of the principle of continuity of proceedings must be located in the dynamic dimension of the structure of administrative proceedings, decoding then its content by analysing the various procedural institutions through which the principle works.

2. CONTINUITY OF PROCEEDINGS AS A PROCEDURAL PRINCIPLE

The essence of the continuity of proceedings is reflected in two features that organise its course: non-interruption and integrity (indivisibility, concentration) [Łaszczyca 2018, 544]. The non-interruption of proceedings means that they run continuously from the moment they are commenced until they are concluded. The course of this procedure is closed within the timeframe set by the time limit for handling the case. Integrity of the proceedings is a qualitative feature of the course of the proceedings, which implies that procedural steps should be arranged in a logical, planned and orderly sequence, focused on achieving the objective of the proceedings. This excludes taking activities that are unnecessary for the outcome of the proceedings, such as proving facts that have already been proved or that are irrelevant to the case, repeating procedural activities or pretending to be exploratory. The procedural tools securing the integrity of the proceedings are provided to the authority in particular by the provisions of the Code regulating the course of evidence proceedings.

The doctrine of the administrative process, regarding continuity of proceedings as a principle, places it among the technical-procedural principles and puts it on a par with the principles of speed and simplicity of proceedings and procedural economy [Idem 2005, 17-18]. On the other hand, the guarantee and instrumental dimension of continuity of proceedings in relation to the directives of efficient action, mentioned expressly in the content of Article 12(1) of the Code, is indicated. In particular, continuity of proceedings is considered to be a guarantee of the implementation of the principle of speed of proceedings [Knysiak-Molczyk 2013, 279]. This is because any interruption of the proceedings postpones the achievement of their objective and may even lead to its prevention. Thanks to the principle of continuity, the proceedings become a compact, consistent series of procedural activities carried out without interruption [Łaszczyca 2005, 18].

Judicature also generally places the continuity of administrative proceedings in the context of the principle of speed. This is because only the continuous manner in which the proceedings are conducted allows for an efficient and quick recognition of the case.[3] Continuity of proceedings is treated as a factor on which the possibility of settling an administrative case within the required time limits depends. The special value of continuity of proceedings is precisely due to the fact that it is a procedural guarantee of the principle of speed.[4] As a result, any delay in settling the case must also be treated as a violation of the principle of continuity.

However, the reducing of the principle of continuity of proceedings to a guarantee of prompt action by the authority seems to be a simplification which does not take into account the essence of the continuity of the process and, at the same time, deprives continuity of the character of an independent procedural principle. Reflections of the principle of continuity can, after all, also be found in other Code provisions not directly related to the implementation of the directive of prompt action in a case. An example of this is the institution of reinstatement of a procedural time limit. It is intended to mitigate the legal consequences related to the expiry of a strict time limit, the violation of which renders a procedural activity ineffective [Wegner 2019, 365]. Pursuant to Article 58(2) of the Code, when applying for the restoration of such a time limit, the activity for which it was set must be performed at the same time. This requirement is related to the legal effect of restoring the time limit. This is because the public administration authority in this situation only recognises the application for restoration of the time limit, and if it is justified – restores the time limit. As a result of the reinstated time limit, the procedural activity for which the time limit was set is treated as if it had been performed within the time limit. The adoption of such a solution is justified by the logic of the course of proceedings, which justifies the expediency of simultaneous performance of two mutually dependent procedural activities. Failure to perform simultaneously the activity for which the time limit is to be restored constitutes a formal shortcoming of the application, which may be removed by way of a summons under pain of leaving the application for restoration of the time limit unexamined.[5] It is also accurate to state that if a party becomes aware of the failure to comply with the time-limit for submitting an appeal as a result of the authority's notification of an order in that case, the party is not obliged to submit a further appeal

[3] See judgment of the Voivodship Administrative Court in Cracow of 30 November 2022, ref. no. I SA/Kr 84/21, in: Central Database of Administrative Court Decisions [hereinafter: CDACD].

[4] See judgment of the Supreme Administrative Court of 11 December 2018, ref. no. II OSK 1311/17, in: CDACD.

[5] See resolution of the Supreme Administrative Court of 21 April 2009, ref. no. II FPS 9/08, in: CDACD.

together with an application for the reinstatement of the time-limit [Golęba 2019, 431]. The rationality, integrity and indivisibility of the process, in this case taking into account its inter-instance dimension founded in the principle of two-instance proceedings, oppose the duplication of procedural activities with identical content and objective. It is also worth noting that in the case of restoration of the time limit for submitting an appeal, the scope of the effect of this activity is even broader, as it causes the opening of the review procedure as a result of a kind of "restitution" of the non-finality of the decision which was not contested within the time limit. This is also an argument in favour of the continuation of a process that has not yet reached the optimal objective, which is a judgment accepted by its addressee.

The principle of continuity of administrative proceedings is also revealed in the institution of procedural succession. Pursuant to Article 30(4) of the Code, in cases involving transferable or heritable rights, in the event of the transfer of a right or death of a party during the course of proceedings, its legal successors enter in place of the previous party. The entry of a legal successor in place of an existing party into the pending proceedings is effected by operation of law as soon as the prerequisites for succession are met. It is therefore not permissible for the authority conducting the proceedings to rule on the matter. Instead, the task of the authority is to examine the existence of the prerequisites of procedural succession and to take steps to enable the legal successors of a party to participate in the pending proceedings, in accordance with the directives arising from the general principles laid down in Articles 9 and 10 of the Code.[6] The categorical formula of the norm of Article 30(4) of the Code determines the obligatory character of the entry of legal successors into the course of proceedings. In this way, a provision of procedural law, reflecting the continuity of proceedings in an identical case, directly concretises the procedural situation of a specific entity, without the need for this concretisation by a public administration authority [Matan 2005, 405].

A legal instrument provided for preventing the obstruction of the course of proceedings is the construction of a legal fiction of delivery of a procedural letter [Borkowski 2012, 256]. Pursuant to Article 44 of the Code, if a letter cannot be delivered to the addressee, it is deemed to have been delivered with legal effect and left in the case file upon expiry of the period for which it was deposited at a postal operator or at the office of the competent municipality (city). Similarly, pursuant to Article 47 of the Code, in a situation when the addressee refuses to accept a letter delivered by a postal operator or through another subject, the letter is deemed delivered on the day of its refusal by the addressee. The above solutions implement the directive of continuity of the

[6] See judgment of the Supreme Administrative Court of 11 July 2013, ref. no. II OSK 623/12, in: CDACD.

process, preventing the party from thwarting or delaying the activities undertaken by the authority in order to achieve the objective of the proceedings.

A reflex of the principle of continuity of the process can also be found in the provisions concerning the adjudication of the costs of administrative proceedings. Pursuant to Article 264(1) of the Code, at the same time as issuing a decision, the public administration authority is obliged to determine, by way of a decision, the amount of the costs of the proceedings, persons obliged to pay them and the date and manner of their payment. An order on the costs of proceedings is an administrative act separate from the decision concluding the proceedings in an individual case, nevertheless the moment of its issuance links it strictly with the course of these proceedings. It is permissible to issue an order for procedural costs prior to the issuance of a decision in a case when both of these administrative acts have been delivered to a party jointly and thus entered into legal force on the same day.[7] The order on the costs of the proceedings does not affect the existence, legality or enforceability of the administrative decision. Its existence is independent, as it relates to an incidental issue, related to the activities carried out in the course of the proceedings and not to the substance of the case settled by the decision. Nevertheless, the Code concentrates the decision on the merits and the order on the costs of the proceedings. "The time limits of this order are determined by objective considerations. The moment of its issuance is immediately after the decision is issued, never before, sometimes a few days later when they are public holidays" [Jaśkowska 2020, 1146]. However, jurisprudence allows for a loosening of the temporal correlation of the decision and the order on the costs of the proceedings.[8]

3. INTERRUPTION OF THE CONTINUITY OF ADMINISTRATIVE PROCEEDINGS

The essence of the continuity of administrative proceedings can also be expressed in terms of procedural facts and situations that interrupt the course of proceedings. Also, the characterisation of the continuity of the process as a principle is generally based on the identification of exceptions to it [Czarnik 2007, 37-38]. Interruptions in the course of proceedings may have different causes, nature and permanence. They may affect the continuity of the proceedings both in terms of their non-interruption and their integrity. It is the task of the legislator to determine the balance between the

[7] See judgment of the Supreme Administrative Court of 14 November 1995, ref. no. SA/Gd 2749/94, in: CDACD.

[8] See for example judgment of the Supreme Administrative Court of 25 September 2007, ref. no. II GSK 137/07, in: CDACD.

continuity of the proceedings and the procedural values in front of which it must give way [Łaszczyca 2018, 546].

The opposite of the continuity of proceedings is the resting of the process, included in the formal framework of the institution of suspension of proceedings. However, it is a simplification to interpret the essence of suspension of administrative proceedings as an exception to the principle of continuity of proceedings. Indeed, this institution has been constructed as a compromise between the continuity of the proceedings and the necessity of temporarily stopping the proceedings. "The continuity of administrative proceedings is an important factor ensuring that an administrative case can be resolved within the limitations of the applicable time limits. On the other hand, however, it cannot be disregarded that in certain circumstances the interruption of the course of administrative proceedings will prove unavoidable for factual or legal reasons. A compromise between these opposing reasons is achieved by the introduction of the institution of suspension of proceedings, which determines the principles and procedure of suspension of the course of administrative proceedings by the authority conducting the proceedings" [Dawidowicz 1983, 126]. This compromise is realised by the provisions of the procedural law on several levels.

Suspension of proceedings is admissible only if in the course of these proceedings there occur facts or circumstances which make the course of the proceedings impossible and, as a consequence, lead to the necessity to suspend procedural actions aimed at consideration and settlement of an individual case. A public administration authority, pursuant to Article 97(1) of the Code, is obliged to suspend proceedings *ex officio* for two reasons. Firstly, proceedings are suspended when their conduct is prevented by subjective deficiencies. The authority may not undertake procedural activities aimed at consideration and settlement of the case in a situation where there is either no party to the proceedings or the party is not properly represented. Secondly, an interruption of the proceedings is necessary if the examination of the case and the decision in the ongoing proceedings is subject to the prior settlement of a preliminary issue (prejudicial question) by another authority or court. Suspension of the proceedings *ex officio* on the basis of other causes by the authority is a gross violation of procedural law. It is also impermissible to suspend proceedings where the reason for suspension did not in fact exist because the authority misinterpreted the content of the premise for suspension in the circumstances. "If, therefore, the proceedings are to constitute, as assumed by the legislator, a compact and consistent sequence of procedural activities carried out without unnecessary interruptions, any action of the authority which excludes the directional character of the activities undertaken by taking into account in the handling of the case issues which are not related to it, or which show such

a connection, nevertheless having only an indirect character, not corresponding to the content of Article 97(1)(4) of the Code, is defective."[9]

The procedural law also allows the authority to suspend the proceedings at the request of the party at whose request the proceedings were commenced, if this is not opposed by other parties and the public interest is not threatened. In this case, the course of the proceedings becomes temporarily inexpedient from the point of view of the party's interest, nevertheless the principle of continuity of the proceedings speaks in favour of limiting the state of suspension in time. Therefore, pursuant to Article 98(2) of the Code, if within three years from the date of the suspension of the proceedings, none of the parties requests the resumption of the proceedings, the request for the commencement of the proceedings shall be deemed to be withdrawn. The provision here sets a time limit for the suspension of proceedings at the unanimous request of the parties, after which the possibility of obtaining a substantive decision as to the rights or obligations in these proceedings ceases to exist and thus the basis for continuing the proceedings expires. The purpose of this provision is to prevent the proceedings from being stayed beyond a reasonable time.[10]

The interruption of proceedings should be precisely delimited in time. The timelines of the state of suspension of proceedings are determined by the authority's orders on the suspension and resumption of the suspended proceedings. The date of the beginning of the suspension of proceedings, which is particularly important for the calculation of the time limit referred to in Article 98(2) of the Code, should be determined by issuing an order on the suspension of proceedings. Only the date determined in such a way is uniform, certain and indisputable for all parties to the proceedings. There are no justified grounds for assuming that the limit of three years from the date of the suspension of proceedings provided for in this provision may be shaped by the effectiveness of notifications to the parties to the proceedings or the institution of reinstatement of the time limit. The effect of the fiction of the withdrawal of the request for commence proceedings cannot be linked to a different date for each party to the proceedings.[11]

The suspension of proceedings does not relieve the authority and the party to the proceedings from the obligation to undertake actions aimed at removing this state as being contrary to the assumptions of the non-interruption of the process. The division and content of the obligations in this

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[9] See judgment of the Supreme Administrative Court of 21 March 2024, ref. no. II OSK 1654/21, in: CDACD.

[10] See judgment of the Supreme Administrative Court of 29 March 2022, ref. no. II GSK 1872/18, in: CDACD.

[11] See judgment of the Supreme Administrative Court of 25 May 2016, ref. no. II OSK 2024/14, in: CDACD.

scope are specified by the provisions of Articles 99 and 100 of the Code, taking into account, in particular, the fact that the continuation of the suspension of proceedings is unacceptable in view of the public interest present in the case, which argues for its settlement.

In the jurisprudence, the issue of contestability of decisions by virtue of which the authority formalises the state of suspension of proceedings has become the subject of dispute, to which the careless editing of the provision of Article 101(3) of the Code has undoubtedly contributed. According to the Supreme Administrative Court, the content of Article 101(3) of the Code should be read in such a way that a complaint may be lodged only against the order suspending proceedings and against the order refusing to resume suspended proceedings. The necessity of such an interpretation of this provision is also supported by its objective and systemic interpretation. An appeal should only be admissible against orders stopping administrative proceedings and, at the same time, should exclude the possibility of challenging orders which do not stop the course of the administrative proceedings, i.e. orders refusing to suspend the proceedings and orders resuming the suspended administrative proceedings. Justification for such an assumption should be sought first of all in the principle of speed of proceedings.[12]

It is also worth noting that as a result of the most recent amendment to the Code, made by a deregulatory act,[13] a temporary limitation of the state of suspension of proceedings was introduced also in a situation where it took place *ex officio* in circumstances of subjective deficiencies in the proceedings. Pursuant to Article 97(4) of the Code, if, within three years from the date of suspension of the proceedings, commenced at the request of a party, the subjective reasons justifying the suspension do not cease to exist, the public administration authority may issue a decision on discontinuation of the proceedings, provided that the other parties do not oppose it and it does not endanger the public interest. The adopted solution, implementing the directive of continuity of proceedings, is to prevent the situation of many years' suspension of administrative proceedings in the case, e.g. when the parties to the proceedings are no longer interested in issuing a given decision and do not undertake their own actions or do not cooperate with the public administration authority in order to remove the obstacle to further proceedings. "At the same time, it will not be possible to discontinue the proceedings for the above-mentioned reason in cases where the administrative proceedings have been commenced *ex officio*. It should be noted that in such a case the proceedings are usually commenced in connection with the imposition

[12] See judgment of the Supreme Administrative Court of 30 January 2014, ref. no. II OSK 1993/12, in: CDACD.

[13] Act of 21 May 2015 on amending certain acts in order to deregulate economic and administrative law and to improve the principles of economic law drafting, Journal of Laws of 2025, item 769.

of an administrative obligation on a party. Thus, the public administration authority should then seek to remove the obstacle to further conduct of the proceedings in order to enforce the obligations owed by the party."[14]

CONCLUSIONS

Every legal process contains dynamic elements, both in potential and in the real dimension. As such, the process is dynamic and diachronic by its very nature, it is a "becoming", in the sense that – as an assumption – it leads to a specific result, just like an administrative proceeding whose objective is the formation (creation, abolition, change) of a right or obligation in the sphere of administrative-legal regulation. The process cannot therefore be equated with its object and purpose, and continuity is its immanent feature, expressing the nature of the process. Hence, the continuity of the proceedings is, in a sense, the meta-principle on which the procedural mechanism is based. By framing the course of proceedings in terms of its non-interruption and integrity, it is at the same time possible to see a procedural value in the continuity of the process and to recognise it in the form of a procedural principle. As it is a principle that is not expressly named in the Code, it is all the more impossible to ascribe to it the rank and effect of a general procedural principle. Instead, the meaning of this principle should be derived from the objective of the administrative proceedings, and its manifestations can be decoded in the procedural institutions related to the dynamics of the course of the procedure, the rational organisation of its course by the authority, the activities aimed directly at settling the case. The content of the continuity of proceedings can be particularly clearly captured in those procedural states and situations in which there are interruptions and delays in the course of proceedings. At the same time, the inclusion of the continuity of proceedings as a procedural principle imposes a narrow interpretation of the normative prerequisites allowing the interruption of the course of procedural activities.

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[14] See Explanatory statement for the draft Act on amending certain acts in order to deregulate economic and administrative law and to improve the principles of economic law drafting, Sejm of the Republic of Poland, 10th Term, Sejm Paper No. 1108 of 14 March 2005, p. 7-8.

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