

THE EFFECTIVENESS OF AGRARIAN ADMINISTRATION AS THE BASIS FOR PROTECTING THE CONFIDENCE OF AGRICULTURAL PRODUCERS IN PUBLIC AUTHORITY

EFEKTÍVNOSŤ AGRÁRNEJ SPRÁVY AKO ZÁKLAD PRE OCHRANU DÔVERY POĽNOHOSPODÁRSKÝCH VÝROBCOV VO VEREJNÝ ORGÁN

Jarosław DOBKOWSKI* – Izabela LIPIŃSKA**

I Introduction

The subject of the article is issues related to the efficiency of agricultural administration as a basis for protecting the confidence of agricultural producers in public authority. Agricultural activity is characterized by peculiarities that distinguish it from economic activity. The freedom of its conduct involves decisions often taken at different levels of the supply chain. Many of them are determined by the norms of administrative law, which increasingly affect it. Indeed, its essence is to organize, manage and supervise agricultural activities. The agricultural administration has the authority to build a certain institutional environment that allows it to appoint the bodies necessary to implement

the instruments affecting it. Accordingly, agricultural administration should also be understood as a certain set of organizational and executive activities and actions carried out, among others, by competent public bodies⁽¹⁾.

The purpose of the article is to answer the question of what factor affects the level of confidence in public authority in agricultural producers in the course of their agricultural activities.

The framework of the study makes it impossible to consider the entire issue. Hence, attention will be focused only on a selected, particularly interesting

1 Mickiewicz and Mickiewicz (2016).

Abstract (EN)

The subject of the article is issues related to the efficiency of agricultural administration as a basis for protecting the confidence of agricultural producers in public authority. Agricultural activity is increasingly determined by the norms of administrative law. Specific in this case, the administration is entitled to build a certain institutional environment that allows it to appoint the bodies necessary for the implementation of the instruments that affect it, and thus to determine the activity of agricultural producers in the desired direction. The purpose of the article was to answer the question of what factor affects the level of confidence in public authority in agricultural producers in the course of their agricultural activities. The article concludes that the actual level of confidence in public authority depends on many factors, including, in particular, individual and collective confidence in the effective operation of the administrative apparatus.

Keywords (EN)

public authority, agrarian administration, agricultural producer, protection of the individual's confidence

Abstrakt (SK)

Predmetom príspevku sú otázky súvisiace s efektívnosťou poľnohospodárskej správy ako základom pre ochranu dôvery poľnohospodárskych výrobcov vo verejnú moc. Poľnohospodársku činnosť čoraz viac určujú normy správneho práva. V tomto prípade je špecifická administratíva oprávnená budovať určité inštitucionálne prostredie, ktoré jej umožňuje menovať orgány potrebné na implementáciu nástrojov, ktoré ju ovplyvňujú, a tak určovať činnosť poľnohospodárskych výrobcov želaným smerom. Cieľom príspevku bolo odpovedať na otázku, aký faktor ovplyvňuje mieru dôvery v orgány verejnej moci u poľnohospodárskych výrobcov pri ich poľnohospodárskych aktivitách. Analýza preukázala, že skutočná miera dôvery vo verejnú moc závisí od mnohých faktorov, medzi ktoré patrí najmä individuálna a kolektívna dôvera v efektívne fungovanie administratívneho aparátu.

Kľúčové slová (SK)

orgán verejnej moci, agrárna správa, poľnohospodársky výrobca, ochrana dôvery jednotlivca

* University of Warmia and Mazury in Olsztyn, Poland; ** Poznan University of Life Sciences, Poland

aspect, combining a fairly universal legal construct with the basic organizational category of administrative science and management theory, which is the efficiency of public administration, doing so with reference to the legal situation of agricultural producers.

II Material and Methods

The principle of protecting the individual's confidence in public authority in agricultural law in both the European and national contexts is of little academic interest to agrarian lawyers. Only German-language studies can be found in the literature relating directly to this issue⁽²⁾. However, they are encyclopedic or illustrative in nature. In the literature of other countries, on the other hand, the problem is only mentioned when discussing other legal matters⁽³⁾. Therefore, taking up this problem seems to fill a certain existing gap and justifies the need to address this topic.

Several research methods were used in the study. Dogmatic analysis of the legal text was adopted as the primary method. It was strengthened by the use of comparative analysis. This is because the issues addressed in the article, including in particular the need to refer to agricultural law through the prism of public law against the background of the principle of protection of individual confidence in public authority, required an analysis to some extent of EU law and legal norms contained in various European and non-European legal orders. At its core is a far-reaching publicization of the law in the area under study. In addition, in order to fully reflect the essence of the issues taken up in the article, the descriptive method was also used and a review of foreign and Polish literature on the subject was carried out.

III Results and Discussion

1 The Formation of Fundamental Approaches to the Protection of Individual Confidence in Public Authority

It should be noted that the legal principle of protecting the individual's confidence in public authority is a development of European legal culture⁽⁴⁾. In contrast, American law, for example, neither in theory nor in legislative and jurisdictional practice, contains legal solutions for protecting the individual's confidence in public authority, or for taking into account legally

legitimate expectations in the judicial review of administrative acts. This is the case even if the complaint will raise allegations against public authorities that first inspired confidence and then failed the expectation thus building up⁽⁵⁾. Nevertheless, in other countries of the common law system, such as the United Kingdom, such solutions exist.

Chronologically speaking, however, Germany should be mentioned first. Indeed, the principle of protection of individual confidence in public authority derives from the German concept of Vertrauensschutz. It stipulates that anyone who has confidence in the rule of law in the decisions of public authorities should be protected. The principle of protecting the individual's confidence in public authority, along with legalism and justice, makes up the broader principle of the rule of law (Rechtsstaatsprinzip), except that the rule of law clause is not the only source of this principle, because the principle of good faith (Grundsatz von Treu und Glauben), the principle of the social state (Sozialstaatsprinzip), as well as constitutional fundamental rights (Grundrechte), derived from private law, are also relevant here⁽⁶⁾. The principle of protection of confidence in public authority relates to confidence in the state and the laws made by it and borders on the principle of legal certainty (Rechtssicherheit). It is regulated by the rules of administrative procedure and applies primarily to the revocation of defective and revoking of correct administrative acts in cases of changes in legislation and against the background of the resulting intertemporal issues in situations where the addressees of these acts have carried out their decisions involving property and money and other intangible assets.

The principle of protection of the individual to public authority in French law evolved differently. *Confiance légitime* is not an indigenous principle of French law. Its validity is the result of the operation of European Union law within France. *Confiance légitime* is derived from the general principle of legal security (*sécurité juridique*) and, as a component of it, is related to the issue of the permanence of administrative acts over time⁽⁷⁾. The principle of legal security also consists of objective elements such as transparency, coherence and stability of the rule of law, by which individual cases are to be decided on the basis and within the limits of the law and with the minimization of the discretionary power of the public administration, all of which are to be taken into account first and foremost in the legislative process. *Confiance légitime* is therefore subjective in

2 Priebe (2013).

3 Jurcewicz (2018).

4 Chmielewski (2018).

5 Brown (2011).

6 Kamiński (2012).

7 Kmiecik (2012).

nature and does not refer to the stage of lawmaking, but to its application in a specific case. In France, too, the principle of the individual's confidence in public authority refers to the citizen's confidence in the state and the laws it makes, and is based on legal certainty, i.e. certain characteristics of the law that provide legal security for the individual. It is also based on a number of other principles, including the principle of good faith, the principle of consistency and the principle of justice. Although French law limits the possibility of revoking and revoking administrative acts granting the benefits of vested rights, at the same time the process of reviewing administrative acts is additionally influenced – as a general principle of law – by *confiance légitime*. Its use is to be made in order to maintain and strengthen confidence in the continuity and predictability of administrative actions. However, it should be made clear that in France – as in Sweden – the recognition of *confiance légitime* as a general principle of law applies only to the application of European Union law, and has no reference to the applicability of French legislation in practice.

In the legal order of the United Kingdom, in turn, there is the concept of legitimate expectations. It refers to the principle of protecting individual confidence in that its substrate is a legitimate expectation. The basis for triggering a review of the action of a public administration body must be the demonstration that the action has adversely affected the situation of the complainant, either by violating his rights or interests, or precisely by failing to take into account legitimate expectations and therefore depriving him of legal protection or imposing excessive burdens⁽⁸⁾. Legitimate expectations have the force of a general principle of law in the UK and consist of the protection of expectations created (aroused) as a result of broadly defined actions of public administration and its purpose is to protect confidence not only in administrative proceedings, but also in the legislative process⁽⁹⁾. Expectations regardless of the stage of lawmaking or application should be protected for the sake of realizing a broader principle – the principle of justice⁽¹⁰⁾.

These three basic concepts of capturing the principle of protecting individual confidence in public authority have further developments in other European countries. In most countries, the principle refers to the rule of law and the closely related imperative of legal certainty as its main foundation (e.g., the Netherlands, Cyprus, Hungary, Slovenia, Latvia, Estonia, Lithuania, Bulgaria, Montenegro, Spain, Luxembourg, Greece, the Czech

Republic and Belgium). In addition, as additional legal sources to which it is linked are other general principles of law, i.e., the principle of equity (e.g., Netherlands, Finland, Ireland), good faith (e.g., Slovenia, Luxembourg, Finland), prohibition of abuse of discretion (e.g., Cyprus), prohibition of retroactivity (e.g., Bulgaria, Montenegro, Finland), principle of consistency (e.g., Luxembourg), *res judicata* from the fact of final administrative decisions (e.g., Finland)⁽¹¹⁾.

In Poland, there is a specific approach to the principle of protection of individual confidence in public authority. It is based on the legislative plane linked to the principle of protection of confidence in the state and the laws made by it, and thus borders on the principle of legal certainty and security. On the other hand, at the level of law application, it has an extremely broad scope⁽¹²⁾. Not only includes the principle of protecting legitimate expectations in administrative proceedings⁽¹³⁾, but is related to raising the culture of administration⁽¹⁴⁾ in the performance of public tasks, the implementation of which is not carried out only by settling individual cases by means of administrative acts, including decisions, but also in other legal forms of action by the tails of public administration, albeit of a non-authoritative nature. Thus, it has not only a legal dimension, but reflects certain socio-political values, such as the predictability of actions with regard to particular categories of cases and the circle of subjects, the uniformity of the practice of applying the law and, in particular, making use of discretionary powers,

11 The Protection of Legitimate Expectations in Administrative Law and EU Law, Vilnius, 21–22 April 2016, General Report, Vilnius 2016, p. 2 et seq.

12 Potrzebacz (2013).

13 Lemańska (2016).

14 W. Dawidowicz, Ogólne postępowanie administracyjne. Zarys systemu, Warszawa 1962, p. 124; J. Łętowski, Zasada zaufania w stosunkach między obywatelem i administracją [in:] Państwo – Prawo – Obywatel. Zbiór studiów dla uczczenia 60-lecia urodzin i 40-lecia pracy naukowej profesora Adama Łopatki, Wrocław 1989, p. 555 et seq.; Z. Kmiecik, Ochrona zaufania w prawie administracyjnym. Ustalenia teoretyczne i doświadczenia praktyki, "Samorząd Terytorialny" 1997, no. 11, p. 32 et seq.; Z. Kmiecik, Ogólne zasady prawa i postępowania administracyjnego, Warszawa 2000, p. 69 et seq.; A. Błaś, Zasada zaufania obywatela do państwa [in:] Księga Jubileuszowa Profesora Marka Mazurkiewicza. Studia z dziedziny prawa finansowego, prawa konstytucyjnego i ochrony środowiska, R. Mastalski (ed.), Wrocław 2001, p. 203 et seq.; K. Celińska-Grzegorzczak, Zasada pogłębiania zaufania obywateli do organów państwa w orzecznictwie sądów administracyjnych [in:] Kodyfikacja postępowania administracyjnego na 50-lecie K.P.A., J. Nicyporuk (ed.) Lublin 2010, p. 59 et seq.; M. Sawczuk, O zasadzie pogłębiania zaufania obywateli do władzy publicznej, "Studia Prawnoustrojowe" 2012, no. 18, p. 155 et seq.

8 Kmiecik (2010).

9 Schill (2010).

10 Schønberg (2000).

a professional and ethical approach against the abuse of power, and due culture and politeness. It is supposed to generate a sense not only of loyalty of the state to the citizen, but also of reliance on public administration bodies.

2 Framing the Protection of Individual Confidence in the European Union and its Member States in EU Law

The Court of Justice of the European Union refers to EU law as “a structured network of rules, regulations, and interdependent legal relations binding the Union itself and its member states, as well as those states among themselves.” This framing is based on the fundamental assumption that each member state shares with all other member states – and recognizes that those states share with it – a set of common values on which the Union is based. This assumption implies and justifies the existence of mutual confidence between member states that these values will be recognized and that Union law implementing them will therefore be respected. European Union law is therefore intrinsically autonomous. This assumption also makes it possible to assume that there will be mutual confidence between the member states that these values will be recognized both in the legal relations within the structures of the Union and in the legal relations of the member states⁽¹⁵⁾.

The principle of protecting the individual’s confidence in public authority as arising from the canons of law-abiding and democratic states has the force of a general principle of law⁽¹⁶⁾. It mainly relates to administrative jurisdiction (rules of administrative justice) and refers in content to the concept of legitimate expectations⁽¹⁷⁾.

That is, unless there are overriding requirements of the public interest, the measures taken by the Union must not violate the legitimate expectations of the parties concerned. Legitimate expectations are those held on average by individuals on issues occurring in the course of their day-to-day affairs. They do not include, in particular, unexpected cash inflows or speculative profits⁽¹⁸⁾.

Legitimate expectations also arise from the action of the administration and function only in the context

of a specific relationship between a person or a specific group of persons and the public administration⁽¹⁹⁾.

It is worth noting that for the principle of protecting the individual’s confidence in public authority in the European Union legal system, the judgment of 28 April 1988, in the case of *J. Mulder v. Minister van Landbouw en Visserij*, had a significant impact. In it, the Court of Justice annulled one of the Council regulations on the grounds that it violated general principles of European law. In the case in question, a Dutch farmer, as a result of surpluses, stopped supplying the milk and dairy products he produced for a period of five years and began converting his dairy herd into a herd of meat cattle, receiving in return, under Council Regulation (EEC) No. 1078/77⁽²⁰⁾ – specified premium. After the expiration of the indicated period, he began to invest and applied for the allocation of the limit of milk produced with the fee set by Council Regulation (EEC) No. 856/84⁽²¹⁾. The provisions of this regulation introduced, along with Council Regulation (EEC) No. 857/84⁽²²⁾ an additional levy on the quantity of milk delivered in excess of the reference quantity determined for each purchaser within the limits of the guaranteed total quantity for each Member State. Mr. Mulder’s application was denied by the Minister of Agriculture and Fisheries on the grounds that the farmer failed to show proof of milk production in the reference year preceding the application that is taken into account when applying under the new system, and the lack of milk production was not due to force majeure. The Court of Justice, examining the compatibility of the contested regulations with Community law, found that a producer who, for reasons of public interest, has been encouraged by an EU measure to suspend his activities for a certain period of time, may have a legitimate expectation that, after the expiration of the commitment he has made, he will not be subject to the restrictions determining his legal interest simply because he has availed himself of the possibilities provided by EU law.

In addition, the Tribunal, referring explicitly to the concept of legitimate expectations, pointed out

15 Paragraphs 167–168 of Opinion No. 2/13 of the Court of Justice (Full Court) of December 18, 2014 on the Draft International Agreement on the Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms of December 18, 2014 (ECLI:EU:C:2014:2454).

16 Miąsik (2007).

17 Kmiecik (1998).

18 Woods and Watson (2012).

19 Thomas (2000).

20 Council Regulation (EEC) No. 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds, OJ L 131, 26. 5. 1977, pp. 1–5.

21 Council Regulation (EEC) No. 856/84 of 31 March 1984 amending Regulation (EEC) No. 804/68 on the common organization of the market in milk and milk products, OJ L 90, 1. 4. 1984, pp. 10–12.

22 Council Regulation (EEC) No. 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No. 804/68 in the milk and milk products sector, OJ L 90, 1. 4. 1984, pp. 13–16.

in paragraph 27 that “(...) the regulations introducing the additional fee were taken in violation of the principle of protection of legitimate expectations. Therefore, these regulations should be considered invalid, and there is no need to consider other arguments for their invalidity in the course of the proceedings.” the principle of protection of the individual’s confidence in public authority in European Union law should be combined with “... a kind of expletive concerning the behavior of the body making or applying EU law towards the individual, who cannot invoke acquired rights. In other words, this principle means a judicially protected state of expectation of a promised legal effect. More precisely, if the body making or applying EU law, through specific behavior, has created confidence and hopes of the subject of the law for an outcome in accordance with the assurance, then the individual can successfully claim legal protection of his expectations. Thus, a violation of a fixed administrative practice or other type of assurance, as a result of which an individual could reasonably expect a certain behavior of the authority, may be considered an abuse of power”⁽²³⁾.

It is also worth noting that the European Court of Justice, in its judgment of 14 March 2013 in case number C-545/11 (ECJ), answering the preliminary question whether Article 7(1) of Council Regulation (EC) No. 73/2009 of 19 January 2009, establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers⁽²⁴⁾, is valid insofar as it provides for a reduction in direct payments between 2009 and 2012 by a percentage exceeding 5%, held that the European Union may reduce payments to farmers and the reallocation of rural development funds does not violate the protection of legitimate expectations.

Building mutual confidence among member states, as well as protecting the individual’s confidence in public authority, is also served by European administrative cooperation, in which national public administrations provide assistance to authorities of other EU member states and EU administrations.

3 Framing the Protection of Individual Confidence in Public Authority in the Council of Europe Legal Space

Analyzing European administrative standards and following the indications of the textbook Administration and You⁽²⁵⁾ it can be said that the Council of Europe’s legal space has long emphasized the principle of administration by law. The need for the requirements

of good and effective public administration is also frequently touched upon. While the requirements of good administration can be referred to as the rules of administrative procedure, and in this regard the principle of protecting the individual’s confidence in public authority borders on the principle of equality before the law, the principle of legal certainty, the principle of protection of acquired rights, the principle of openness (transparency) and the principles of abrogation of administrative acts, the question of the requirements of effective public administration remains *prima facie* evaluative.

Nevertheless, it is worth noting that the scope of administrative functions is fundamentally determined by: (1) the goals, priorities and values of modern democracies and their legal framework; (2) the technical, human and economic resources available to administrative authorities; (3) the confidence that is placed in the effectiveness of the administrative apparatus⁽²⁶⁾.

4 Efficiency of Agrarian Administration as a Basis for Protecting the Confidence of Agricultural Producers in Public Authority

If in the system of the Council of Europe there is a close connection between the principle of protecting the individual’s confidence in public authority and the effectiveness of the administrative apparatus, and the parallel principle of administration by law applies, then the effectiveness of the administrative apparatus should be measured – mainly but not exclusively – in terms of the effectiveness of administrative law. The evaluation of the effectiveness of administrative law as an administrative law regulation should be carried out taking into account functional, organizational and environmental factors, and the latter are expressed in the behavior of the addressees of legal norms⁽²⁷⁾. The principle of protecting the individual’s confidence in public authority is related to the effectiveness of the administrative apparatus in the sense that it is about the effectiveness of the actions taken, and therefore, in particular, the effectiveness of legislative actions, decisions to apply the law and the effectiveness of their implementation. It is therefore about the context of “law in action.” Thus, the effectiveness of administrative law should be related to social effectiveness, in which it is about the degree of achievement of goals in the form of efficient satisfaction of social needs.

23 Prus (2012).

24 OJ L 30, 31.01.2009, p. 16–99.

25 Strasburg (1996); Strasbourg (2018).

26 Jasudowicz (1996).

27 Kmiecik (1994).

The effectiveness of the administrative apparatus can and should also be measured in praxeological terms. The public administration must be able to create a state of confidence in light of objective criteria for evaluating effectiveness, and not just fulfill the conditions for the effectiveness of administrative regulation in the state and society by depending on it to act and consummate regulations, sometimes legislated by itself. Confidence will also be inspired only by a servile, efficient and rational administration, which also conditions its effectiveness. Most important, however, remains its credibility⁽²⁸⁾, which cannot be measured by the same yardstick by which commercial achievements are measured. A credible administration is one that is predictable and reliable. Agriculture and rural development matters are also about matching the rhythm of work to fluctuations in agricultural production processes.

As practices incompatible with the principle of protecting the confidence of agricultural producers in the agrarian administration, the Polish control authorities considered the position presented by the competent minister that the inefficiency of the Agency for the Restructuring and Modernization of Agriculture may result from the late submission of applications by farmers, in a situation where the moment of submission of the application, if only within the period prescribed by the law, should not affect the time of processing the case, if the content of the decision on granting direct payments depends on its timely processing. For an entity acting in good faith, on the basis of the law in force, has the right to be convinced that it will not face negative consequences. It is unacceptable to shift responsibility for the inefficiency of the Agency's operations to those farmers who submit applications for direct payments shortly before the legal deadline.

Another example concerned the Agency's delay in the payment of direct payments. While it is the responsibility of the farmer applying for direct payments to ensure the accuracy of the data in the application, this cannot lead to the conclusion that the Agency is exempt from reliably informing applicants of the legal requirements in force and formal deficiencies noted during the verification of the application. Officials, as a rule, are more competent in terms of knowledge of the law and relevant procedures than farmers and should provide reliable assistance to farmers applying for subsidies.

The Ombudsman has intervened in the above cases, which has not always contributed to changing practices that violate the principle of protecting the confidence of agricultural producers in agrarian administration.

Certainly, external inspections are indispensable but will not solve all the problems that arise. On the one hand, agrarian administration is built on the principle of expertise and professional personnel with a high level of bureaucratic legitimacy, so there are limited opportunities for the participation of the social factor. The inclusion of representatives of "stakeholders" leads not only to participation in the processes of administration but a broader exchange of information. On the other hand, what is clearly lacking in modern national and supranational administrative apparatuses is the introduction of systems of diligence. Quality standards are no longer sufficient. There is a need to implement a due diligence policy (which is introduced by European Union law at the level of business operation) for public offices and other administrative units, especially risk analysis, description of procedures used, and involvement of external monitoring organizations, as well as due diligence processes adequate to the specifics of agricultural and rural development cases.

IV Conclusions

Notwithstanding the adoption of the principle of administration by law, as well as the continuous reduction of arbitrary actions, the mitigation of inequalities in the legal positions of the parties to legal-agricultural relations, the prohibition of abuse of discretionary powers by public administrations, the prevention of protracted or bureaucratic handling of cases by public officials, the assurance of good faith and predictability of public administration, the protection of pending cases and the consideration of legitimate legal expectations, the actual level of trust in public authority also depends on individual and collective faith in the effective operation of the administrative apparatus. Indeed, the effectiveness understood in this way creates the necessary and constitutive element of confidence, which is the credibility of public administration in the eyes of individuals.

Through the prism of the principle of protecting the individual's trust in public authority, it would be appropriate to adopt and implement certain changes in risk management, aimed at systematically identifying, assessing, and mitigating risks or uncertainties that may affect the correct operation of an agricultural administration entity. As has been suggested above, it seems reasonable to implement a broadly defined due diligence policy, the management of which is a basic, but not the only instrument. In addition, from the farmer's side, it would be important to offer him more advisory, support, and educational activities even if only in the examples analyzed for direct support.

28 Kim (2005).

Taking into account the peculiarities of the agricultural system, it can be said that only effective agrarian administration will inspire the confidence of agricultural producers in public authority, and this is regardless of whether agrarian administration in the functional sense is carried out by the agencies of the European Union or by the authorities of the member states. However, it is not about political confidence, which is an emotional or conscious attitude towards public authority, in which the European Union or the governments of the member states take actions in accordance with the expectations of the European community and individual nations and citizens, but, devoid of opportunistic context, an intrinsic component of the universal principle of protection of the individual's confidence in public authority, and, above all, a legal factor for reducing tensions on the basis of balancing interests and certain praxeological indications and axiological values⁽²⁹⁾.

The protection of the individual's confidence in public authority in agrarian matters means the obligation of the European Union and the Member States to act in such a way as not to disappoint the confidence placed in them and to maintain their credibility with agricultural producers. Contrary to appearances, this has not only an administrative dimension but also a legal one.

The issue under discussion irrefutably demonstrates that a legal state is also an efficient state, especially in the area of agrarian administration.

References

1. Bentkowski, S. 2022. Determinanty wiarygodności w prawie administracyjnym. In *Studia Prawnoustrojowe*, 2022, no. 58, 33 p.
2. Błaś, A. 2001. Zasada zaufania obywatela do państwa [in:] *Księga Jubileuszowa Profesora Marka Mazurkiewicza. Studia z dziedziny prawa finansowego, prawa konstytucyjnego i ochrony środowiska*, R. Mastalski (ed.), Wrocław 2001, 203 p.
3. Brown, A. 2011. Justifying Compensation for Frustrated Legitimate Expectations. In *Law and Philosophy*, 2011, no. 30, 701 p.
4. Celińska-Grzegorzczak, K. 2010. Zasada pogłębiania zaufania obywateli do organów państwa w orzecznictwie sądów administracyjnych. Kodyfikacja postępowania administracyjnego na 50-lecie K.P.A., J. Niczyporuk (ed.) Lublin, 2010, 59 p.
5. Chmielewski, J. 2018. Zasada budzenia zaufania w ogólnym postępowaniu administracyjnym. Warszawa, 2018, 393 p.
6. Choudchury, E. 2008. Trust in Administration: An Integrative Approach to Optimal Trust. *Administration and Society*, no. 6, 586 p.
7. Council Regulation (EEC) No. 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds, OJ L 131, 26. 5. 1977, pp. 1-5.
8. Council Regulation (EEC) No. 856/84 of 31 March 1984 amending Regulation (EEC) No. 804/68 on the common organization of the market in milk and milk products, OJ L 90, 1. 4. 1984, pp. 10-12.
9. Council Regulation (EEC) No. 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No. 804/68 in the milk and milk products sector, OJ L 90, 1. 4. 1984, pp. 13-16.
10. Dawidowicz, W. 1962. *Ogólne postępowanie administracyjne*. Warszawa : Zarys systemu, 1962, 124 p.
11. Eckhardt, G. 2013. Der Grundsatz des Vertrauensschutzes im Europäischen Agrarrecht. *Jahrbuch Agrarrecht*, 2013, 115 p.
12. Jasudowicz, T. 1996. Administracja i Ty. Zasady prawa administracyjnego dotyczące stosunków między władzami administracyjnymi a osobami prywatnymi. Podręcznik (tłum. z j. ang. Tadeusz Jasudowicz), Strasburg 1996. In *Wybrane problemy administracji w świetle standardów europejskich*, Toruń, 2019, 12 p.
13. Jurcewicz, A. 2018. Orzecznictwo TSUE w tworzeniu zasad prawnych funkcjonowania UE. In D. Łobos-Kotowska, P. Gała, M. Stańko (ed.). *Współczesne problemy prawa rolnego i cywilnego*. Warszawa : Księga jubileuszowa Profesor Teresy Kurowskiej, 2018, 175 p.
14. Kamiński, M. 2012. Zasada ochrony zaufania jednostki do obowiązywania i kontynuacji (ciągłości) treściowej norm ustawowych a hipertrofia zmian normatywnych w prawie administracyjnym. In *Kryzys prawa administracyjnego*, vol. II: *Inflacja prawa administracyjnego*, P. J. Suwaj (ed.), Warszawa, 2012, 51 p.
15. Kim, S. 2005. The role of trust in the modern administrative state: An integrative model. In *Administration & Society*, 2005, no. 5, 629 p.
16. Kmiecik, Z. 1994. Skuteczność regulacji administracyjnoprawnej. Łódź, 1994, 100 p.
17. Kmiecik, Z. 1997. Ochrona zaufania w prawie administracyjnym. Ustalenia teoretyczne i doświadczenia praktyki. In *Samorząd Terytorialny*, 1997, no. 11, 32 p.
18. Kmiecik, Z. 1998. The Legitimate Expectations Principle in the Activity of Public Administration (Polish Experiences). In *Rapports polonais. Présentés au*

29 Choudchury (2008).

- Quinzimème Congrès International de droit comparé, Łódź, 1998, 231 p.
19. Kmiecik, Z. 2000. Ogólne zasady prawa i postępowania administracyjnego. Warszawa, 2000, 69 p.
 20. Kmiecik, Z. 2010. Zjednoczone Królestwo. In Z Kmiecik (ed.), Postępowanie administracyjne w Europie, Warszawa, 2010, 420 p.
 21. Kmiecik, Z. 2012. Pisemne interpretacje prawa podatkowego jako instytucjonalna gwarancja ochrony zaufania do stanowionego prawa – na tle porównawczym. In Zeszyty Naukowe Sądownictwa Administracyjnego, 2012, no. 3, 51 p.
 22. Lemańska, L. 2016. Uzasadnione oczekiwania w perspektywie prawa krajowego i regulacji europejskich. Warszawa, 2016, 249 p.
 23. Łętowski, J. 1989. Zasada zaufania w stosunkach między obywatelem i administracją. In Państwo – Prawo – Obywatel. Zbiór studiów dla uczczenia 60-lecia urodzin i 40-lecia pracy naukowej profesora Adama Łopatki, Wrocław, 1989, 555 p.
 24. Miąsik, D. 2007. Zasada ochrony zaufania w prawie wspólnotowym. In Zasady ogólne prawa wspólnotowego, C. Mik (ed.), Toruń, 2007, 228 p.
 25. Mickiewicz, A. – Mickiewicz, B. 2016. Rola ministra rolnictwa i jego agend w rozwoju sektora rolnego i kształtowaniu obszarów wiejskich. In Europa Regionum, vol. 26, 2016, 111 p.
 26. Opinion No. 2/13 of the Court of Justice (Full Court) of December 18, 2014 on the Draft International Agreement on the Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms of December 18, 2014 (ECLI:EU:C:2014:2454).
 27. Potrzeszcz, J. 2013. Bezpieczeństwo prawne z perspektywy filozofii prawa. Lublin, 2013, 133 p.
 28. Priebe, R. 2013. Vertrauensschutz in Agrarrecht. In R. Schmidt (ed.). Öffentliches Wirtschaftsrecht. Enzyklopädie der Rechts- und Staatswissenschaft, Berlin : Springer Berlin Heidelberg, 2013, 155 p.
 29. Prus, Ł. 2012. W kwestii ochrony uzasadnionych oczekiwań w prawie administracyjnym UE – glosa do wyroku TS z 19.05.1992 r. w sprawach połączonych: C-104/89 i C-37/90 J. Mulder i inni v. Rada i Komisja. In Europejski Przegląd Sądowy, 2012, no. 3, 35 p.
 30. Prus, Ł. 2015. Zasada ogólna ochrony uzasadnionych oczekiwań jednostki w prawie administracyjnym Unii Europejskiej. In Sprawiedliwość i zaufanie do władz publicznych w prawie administracyjnym, M. Stahl, M. Kasiński, K. Włażlak (ed.), Warszawa, 2015, 247 p.
 31. Prus, Ł. 2018. Ochrona uzasadnionych oczekiwań jednostki jako zasada ogólna europejskiego prawa administracyjnego. Wrocław, 2018, 11 p.
 32. Sawczuk, M. 2012. O zasadzie pogłębiania zaufania obywateli do władzy publicznej. In Studia Prawnoustrojowe, 2012, no. 18, 155 p.
 33. Schill, S.W. 2010. International Investment Law and Comparative Public Law. In International Investment Law and Comparative Public Law, S.W. Schill (ed.), Oxford, 2010, 164 p.
 34. Schønberg, S. 2000. Legitimate Expectations in Administrative Law. Oxford, 2000, 237 p.
 35. The Protection of Legitimate Expectations in Administrative Law and EU Law, Vilnius, 21–22 April 2016, General Report, Vilnius, 2016, 2 p.
 36. Thomas, R. 2000. Legitimate Expectations and Proportionality in Administrative Law. Oxford–Portland, 2000, 45 p.
 37. Woods, L. – Watson, P. 2012. EU Law. Oxford, 2012, 150 p.

Contact address/Kontaktná adresa

prof. UWM dr hab. Jarosław Dobkowski

University of Warmia and Mazury in Olsztyn
Faculty of Law and Administration
Department of Administrative Law and Security Sciences
13 Dybowskiiego St., 10-723 Olsztyn, Poland
✉ j.dobkowski@uwm.edu.pl

prof. UPP dr hab. Izabela Lipińska

Poznań University of Life Sciences
Faculty of Economics
Department of Law and Enterprise Management in Agribusiness
28 Wojska Polskiego St., 60-637 Poznań, Poland
✉ izabela.lipinska@up.poznan.pl