

SUMMARY

The doctoral dissertation concerns the issue of resolving competence conflicts in the context of the instrument of legal protection of local government units competences. The context of the work is constitutional principles such as the independence of local government units, separation of powers, the principle of a democratic state ruled by law and the principle of two instances of proceedings.

The purpose of the doctoral dissertation is to answer the question whether there is a need in the Polish legal order to establish an institution resolving jurisdiction disputes between local government units and common courts or government administration, including determining its legal nature, legal force of rulings, rules and procedure. Is it possible to deduce a foundation to the above-mentioned institution.

The considerations were drawn on the level of the constitutionally guaranteed principle of the autonomy of local government units (in correlation with the competences granted to local government units) and based on the views of legal doctrine and judicial decisions in this matter.

The dissertation consists of an introduction, five chapters and conclusions. The adopted structure was determined by the scope of considerations and the synthetic relationship between the individual chapters. The paper presents the historical context of the origin of jurisdiction and conflicts of competence. Then, conflicts of competence in the broad sense were considered by defining the definition of a competence dispute, determining the exact boundaries between the competence dispute and the dispute over jurisdiction, the doctrinal and jurisdictional concept of the competence dispute. The premises for the appearance of conflicts of competence and their effects were also discussed. The subject matter of the analysis was also the issue of resolving conflicts of competence between local government units and government administration, where the Supreme Administrative Court has cognition. The considerations covered legal regulations referring to the issues of conflicts of competence between local government bodies and common courts, while paying attention to the residual regulations (so-called tie-breaker rules) concluded in Article 199¹ of the Code of Civil Procedure and Articles 66 § 4 of the Code of Administrative Procedure and 171 § 4 of the Tax Ordinance Act. It was raised that in the Polish legal order there is no definition of any rules and procedure to be followed in the event of a dispute over competence between local government units and common courts.

The conclusions of the doctoral dissertation focus on the need to establish a separate qualified institution to resolve conflicts of competence. The Court Committee of Competence or the Committee of Competence operating at the Supreme Court would guarantee compliance with the principles, including those expressed in the Constitution of the Republic of Poland, such as, in particular, the principles of the division and balance of authorities, as well as the principles of protecting the independence of local government units. One cannot ignore the fact that the current legal status in terms of competence is not satisfactory and requires legislative changes. For these reasons, I hope that this doctoral dissertation will contribute to an increased discussion of the environment on the raised issues and the development of a *de lege ferenda* proposal.